



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, APRIL 02, 2019
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R18-XX

NEXT ORD. NO.
O18-XX

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified times for citizen comments on its agenda -- once following the Consent Agenda, at which time citizens may address the Council concerning any brief community announcement not to exceed one minute in duration for any speaker; and again following Items Removed from the Consent Agenda, at which time citizens may address the Council on any matter of City business that is not on tonight's agenda. Each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. Citizens may also comment on any item removed from the consent agenda prior to council action, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. If a citizen would like to comment on an agenda item, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor. Once again, each speaker is limited to three minutes.

Any person who has any question concerning any agenda item may call the City Clerk-Treasurer's office to make an inquiry concerning the nature of the item described on the agenda. Your City government welcomes your interest and hopes you will attend the Laurel City Council meetings often.

Pledge of Allegiance

Roll Call of the Council

Approval of Minutes

1. Approval of Minutes of March 19, 2019.

Correspondence

Council Disclosure of Ex Parte Communications

Public Hearing

Consent Items

NOTICE TO THE PUBLIC

*The Consent Calendar adopting the printed Recommended Council Action will be enacted with one vote. **The Mayor will first ask the Council members if any Council member wishes to remove any item from the Consent Calendar for discussion and consideration.** The matters removed from the Consent Calendar will be considered individually at the end of this Agenda under "Items Removed from the Consent Calendar." (See Section 12.) The entire Consent Calendar, with the exception of items removed to be discussed under "Items Removed from the Consent Calendar," is then voted upon by roll call under one motion.*

2. Claims for the month of March 2019.
3. Clerk/Treasurer Financial Statements for the month of February 2019.
4. Approval of Payroll Register for PPE 3/24/2019 totaling \$\$196,204.03.
5. Receiving the Committee/Board Minutes into the Record.
 - Budget/Finance Minutes of March 19, 2019.
 - Council Workshop Minutes of March 26, 2019.
 - Laurel Renewal Agency Minutes of December 17, 2018.
 - Public Works Committee Minutes of March 18, 2019.
 - City/County Planning Board Minutes of March 7, 2019.
 - Laurel Renewal Agency Minutes of March 18, 2019.

Ceremonial Calendar

Reports of Boards and Commissions

Audience Participation (Three-Minute Limit)

Citizens may address the Council regarding any item of City business that is not on tonight's agenda. Comments regarding tonight's agenda items will be accepted under Scheduled Matters. The duration for an individual speaking under Audience Participation is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda.

Scheduled Matters

6. Laurel Police Department: Ryan Sedgwick
 - o Swearing-in Ceremony
- [7.](#) Resolution No. R19-07:
- [8.](#) Resolution No. R19-10: A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With The Billings Family YMCA For The Operation And Management Of The City Of Laurel Municipal Pool.
- [9.](#) Resolution No. R19-11: A Resolution Of The City Council Authorizing The Property Owner At 519 5th Avenue To Utilize The Boulevard Adjacent To The Property For Storage Of Materials Until The Weather Allows The Owner's Project To Proceed.

Items Removed From the Consent Agenda**Community Announcements (One-Minute Limit)**

This portion of the meeting is to provide an opportunity for citizens to address the Council regarding community announcements. The duration for an individual speaking under Community Announcements is limited to one minute. While all comments are welcome, the Council will not take action on any item not on the agenda.

Council Discussion

Council members may give the City Council a brief report regarding committees or groups in which they are involved.

Mayor Updates**Unscheduled Matters****Adjournment**

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER

Item Attachment Documents:

1. Approval of Minutes of March 19, 2019.

MINUTES OF THE CITY COUNCIL OF LAUREL

MARCH 19, 2019

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Council President Eaton at 6:32 p.m. on March 19, 2019.

COUNCIL MEMBERS PRESENT: Emelie Eaton
 Bruce McGee Richard Herr
 Irv Wilke
 Richard Klose Bill Mountsier

COUNCIL MEMBERS ABSENT: Heidi Sparks
 Scot Stokes

OTHER STAFF PRESENT: Jessica McCartney, 303 Union President/Dispatcher

Council President Eaton led the Pledge of Allegiance to the American flag.

Council President Eaton asked the council to observe a moment of silence.

MINUTES:

Motion by Council Member McGee to approve the minutes of the regular meeting of March 5, 2019, as presented, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

CORRESPONDENCE:

- Yellowstone County CodeRED Press Release.
- Chamber of Commerce minutes of February 14, 2019; Laurel Chamber of Commerce agenda of March 14, 2019.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims for the month of March 2019 in the amount of \$ 107,355.64.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Clerk/Treasurer Financial Statements for the month of February 2019.**
- **Approval of Payroll Register for PPE 3/10/2019 totaling \$174,361.79.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
 - Budget/Finance Committee minutes of March 5, 2019, were presented.
 - Council Workshop minutes of March 12, 2019, were presented.
 - Library Board minutes of February 12, 2019, were presented.

The Council President asked if there was any separation of consent items. The Clerk/Treasurer Financial Statements for the month of February 2019 were removed from the Consent Agenda. The Mayor has not had a chance to review these reports.

Motion by Council Member McGee to approve the consent items as amended, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**
 - **Reappointment of Evan Bruce to the Yellowstone Historic Preservation Board for a term ending December 31, 2020.**

Motion by Council Member Klose to approve the reappointment of Evan Bruce to the Yellowstone Historic Preservation Board for a term ending December 31, 2020, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R19-07: A Resolution Of The City Council Authorizing The Developer Of Iron Horse Station Subdivision To Install A Stormwater Pond Within Dedicated Parkland Within The Subdivision Pursuant To LMC 16.40.040.**

Motion by Council Member McGee to table Resolution No. R19-07, seconded by Council Member Wilke. There was no public comment.

It was expressed that the Council needs additional information prior to voting on this item. It was requested this item be tabled until the next Council meeting.

A vote was taken on the motion to table this item until the next Council meeting. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R19-08: Resolution Selecting Hardrives Construction, Inc. For The City Of Laurel's 2019 Pavement Maintenance Project And Authorizing The Mayor To Sign A Contract For Completion Of The Project.**

Motion by Council Member Mountsier to approve Resolution No. R19-08, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R19-09: A Resolution Of The City Council Approving A Three-Year Agreement Between The City Of Laurel And Local Union Local 303, American Federation Of State, County And Municipal Employees, AFSCME.**

Motion by Council Member Wilke to approve Resolution No. R19-09, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Ordinance No. O19-01: An Ordinance Amending Title 2, Chapters 2.08, 2.12, And 2.60 Of The Laurel Municipal Code For The Purpose Of Clarifying That Current City Employees Are Not Eligible To Serve As Members Of City Committees And Commissions Or To Serve As Elected City Officers In Accordance With Montana Law. (First Reading)**

Motion by Council Member McGee to table Ordinance No. O19-01, seconded by Council Member Wilke. There was no public comment.

It was stated that there needs to be further clarification prior to voting on this matter.

A roll call vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

ITEMS REMOVED FROM THE CONSENT AGENDA:

As stated above. The Clerk/Treasurers Financial Statements for February 2019 will be brought to the next Consent Agenda. The Mayor was unable to review prior to tonight's meeting.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

House Bill 285 has a hearing this Thursday at 3 p.m. in Helena. House Bill 285 is proposing between mile markers 1 and 2 on Buffalo Trail be renamed to Pearl Harbor Veterans Memorial Highway. Call 444-4800 to express your support for this bill. It was noted that you could call the same number if you are opposed as well.

Council was reminded of the benefit for Dispatcher Brenda Sell. The Spaghetti Dinner is scheduled for March 30 from 3 p.m. to 6 p.m.

Public Works Committee has moved their next meeting to April 11th at 6 p.m. in Council Conference Room.

Council was reminded that April is a five Tuesday month and Council will not meet the fourth week.

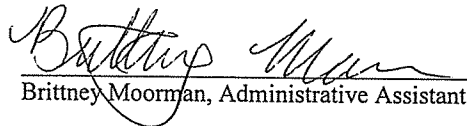
Mayor Nelson had planned to attend this meeting but was unable to attend.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Bruce to adjourn the council meeting, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

There being no further business to come before the council at this time, the meeting was adjourned at 6:48 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2nd day of April 2019.

Thomas C. Nelson, Mayor

Attest:

Bethany Langve, Clerk/Treasurer

Item Attachment Documents:

5. Receiving the Committee/Board Minutes into the Record.
 - Budget/Finance Minutes of March 19, 2019.
 - Council Workshop Minutes of March 26, 2019.
 - Laurel Renewal Agency Minutes of December 17, 2018.
 - Public Works Committee Minutes of March 18, 2019.
 - City/County Planning Board Minutes of March 7, 2019.
 - Laurel Renewal Agency Minutes of March 18, 2019.

**MINUTES
CITY OF LAUREL
BUDGET/FINANCE COMMITTEE
TUESDAY, MARCH 19, 2019**

Members Present: Emelie Eaton
 Bruce McGee Richard Klose

Others Present: Bethany Langve

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

General Items

- Review and approve the minutes from the March 05, 2019 Budget and Finance Committee meeting – Richard Klose made a motion to approve the minutes of the March 05, 2019 Budget and Finance Committee meeting, Bruce McGee seconded the motion, all in favor, motion passed.
- Review and approve the February 2019 journal vouchers - The Committee was informed by the Clerk/Treasurer that the February 2019 journal vouchers had not been presented to the Mayor for approval prior the Budget and Finance Committee meeting, so they were not ready for approval. The Committee decided to move this item to the April 02, 2019 meeting.
- Review and approve the February 2019 utility billing adjustments - The Committee reviewed the February 2019 utility billing adjustments. Bruce McGee made a motion to approve the February 2019 utility billing adjustments, seconded by Richard Klose, all in favor, motion passed.
- Review and approve the February 2019 financial statements – The Clerk/Treasurer stated that since the February 2019 journal vouchers were not approved by the Mayor the February 2019 Financial Statements are ready for review and approval. She further explained that without the Mayor's approval no transfers of funds can take place. Until the transfers are completed the financial statements are not accurate. Richard Klose made a motion to remove the February 2019 Financial Statements from the agenda and move them to the April 02, 2019 agenda, seconded by Bruce McGee, all in favor, motion passed.
- Review claims entered through 03/15/2019 and recommend approval to Council – Emelie Eaton had previously reviewed the claims detail report and the check register for accuracy. There was a question regarding what the asterisk meant beside some of the claims. The Clerk/Treasurer stated that it meant that line item was over budget. Emelie Eaton made a motion to recommend approval to Council all claims entered through 03/15/2019, seconded by Bruce McGee, all in favor, motion passed.
- Review the Comp/Overtime report for Pay Period Ending 03/10/2019 - The Committee reviewed the Comp/Overtime hours for pay period ending 03/10/2019 and had no questions or comments regarding the comp/overtime reports.
- Review and approve the payroll register for pay period ending 03/10/2019 totaling \$174,361.79 – The Committee reviewed the payroll register for pay period ending 03/10/2019. Emelie Eaton made a motion to approve the payroll register for pay period ending 03/10/2019 totaling \$174,361.79, seconded by Bruce McGee, all in favor, motion passed.

New Business

Old Business

Other Items

The Clerk/Treasurer stated that the Fiscal Year 2018 audit was complete. She gave a brief update and will provide the Committee with the final audit when it is completed by the auditors.

Update from the Mayor – The Mayor stated that the Fiscal Year 2020 budget process has begun. The CIP meeting was held and individual meetings with department heads will begin next week. The City Attorney, Sam Painter, will be at next weeks City Council Workshop meeting to answer questions the Council may have.

Announcements

The next Budget and Finance Committee meeting will be held on April 02, 2019 at 5:30pm

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bethany Langve', with a long horizontal flourish extending to the right.

Bethany Langve
Clerk/Treasurer

NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, MARCH 26, 2019**

A Council Workshop was held in the Council Chambers and called to order by Mayor Tom Nelson at 6:32 p.m. on March 26, 2019.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Bruce McGee	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Scot Stokes	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Bill Mountsier

OTHERS PRESENT:

Kurt Markegard, Public Works Superintendent
Nick Altonaga, City Planner

Public Input:

Karen Scovell, 706 Mullberry Avenue, spoke to the Mayor and Council regarding issues on her street. She asked to have the circle around Mullberry paved. This area has large ruts during the winter and caused \$500 damage to her vehicle. Cars also get stuck in this area due to the mud. Asking the City to blacktop the area. Previously gravel and millings neither of which worked. She stated that drainage is an issue in this area and asked that be addressed as well. She also stated the neighbor is building a shop and the road needs to be widened as the road is too narrow. Across from her, there have been issues with containers and trees. This neighbor recently passed away without a will. She was unsure of how this issue would be resolved. She thanked the Council for their consideration.

General Items

1. Appointment - Laurel Police Officer (Ryan Sedgwick)
Both the Police Chief and Captain were unable to be present to introduce Mr. Sedgwick. Mayor Nelson read the attached letter from Police Chief Langve.

A Council Member stated that Mr. Sedgwick has been a member of the Reserves and also served as the President for the Reserves.

Mr. Sedgwick thanked the Council for this Opportunity.

Executive Review

2. Resolution - A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With The Billings Family YMCA For The Operation And Management Of The City Of Laurel Municipal Pool.

The contract for the YMCA to operate the pool.

Kurt Markegard, Public Works Director, stated this contract is for the YMCA to provide management and lifeguards for the pool. The City has had this agreement for about the last 10 years. This contract is the same as last year with no increase. The total cost of the contract is \$45,600.

It was questioned if this had gone to Parks Board. It was clarified that this contract had not as it was time-sensitive.

It was questioned if there is any work needed on the pool this year. It was clarified that the City would need to look at the ladders. The YMCA will come in approximately a week before opening and clean up the pool and building. The pool will be filled approximately a week prior to opening. It will take a while to get the temperature up and the chemicals to the correct levels. Three staff members (Public Works Director, Public Works Superintendent, and Utilities Superintendent) are certified pool operators as the water has to be fit for human consumption.

3. Resolution No. R19-07: A Resolution Of The City Council Authorizing The Developer Of Iron Horse Station Subdivision To Install A Stormwater Pond Within Dedicated Parkland Within The Subdivision Pursuant To LMC 16.40.040.

Kurt Markegard, Public Works Director, stated that this resolution was tabled due to Council questions. He took pictures of the area to be able to show Council what is currently in this location. See attached photos. The resolution was written to allow the building of the drainage ponds. The intent was to allow design work to occur, then get further approval. This area may be a wetland, and the developer will need to investigate further. Examples of how Billings has used drainage ponds what shown to Council, see attached. The Public Works Director gave a brief overview of the existing drains within the City and why tying into the existing network is not an option.

The Iron Horse Station Subdivision was originally platted in 2005. Phase 1's stormwater runs into the area along E. Maryland. Phase 2's stormwater was not addressed at that time. The plat was approved without design for stormwater in Phase 2 of this project.

It was questioned if there could be clarification on the process. It was further questioned if Phase 2 is not in existence. It was clarified that no public infrastructure, except a waterline that connects Phase 1 and Phase 2.

It was questioned if there are one or two ponds being considered by Council. It was clarified that the pond on the western part of the subdivision will be placed on a private lot, lot 10, and will have an easement. This pond is not before the Council. The pond on the eastern half is before Council.

It was questioned if this resolution before Council is correct. It was further questioned what the pond will look like and if there will be any public safety risks and require a fence.

The City Attorney stated the resolution could be edited. The council can place conditions such as to authorize the design and allow permits to be obtained and then have it come back for final approval.

It was stated that this matter did go before Park Board. At Park Board, there was a discussion on raising this area and removing the wetlands. It is stated that they wanted to see some plans prior to moving forward.

It was questioned why this matter went to Park Board and not Planning Board. It was clarified that this matter went before the Planning Board in 2005. The land in question is a City Park and therefore sent to Park Board. It was reiterated that the question Council needs to answer is will the City allow stormwater to be placed on City parkland. It was further reiterated that if this area is a wetland area, then the federal government will have a say. There is another area that could also hold stormwater. It currently has Russian Olive trees. However, this area could be turned into a picknick area. The most logical place for stormwater is the area proposed by the developer.

It was clarified that there had been changes in laws between 2005 when this Platt was accepted and today when Phase 2 is going to be developed. The changed occurred after the Elena subdivision. Stormwater ponds can no longer be part of the park dedication. Prior to Elena, the stormwater pond could be part of the park dedication. The pond in Elena drains into the Big Ditch, because of this the Big Ditch also has a share in the Elena drainage pond. For Iron Horse Station this land has already been dedicated.

Colton from Territorial Landworks stated this subdivision was platted in 2005. At the time Engineering Inc. was the design firm for this project. The plan was to build enough room in the drainage ponds that when Phase 2 was built stormwater would have already been addressed. Since then the rules have changed. The stormwater drainage ponds from Phase 1 does not have enough capacity to deal with all stormwater from Phase 2. The stormwater for Phase 2 needs to be addressed. There is a ridge in the middle of the property. It does not allow for water to be moved from one side of the property to the other. He reiterated the pond on the west half of the property would be located on private property with an easement. The original plan for the eastern half drainage pond was to build it next to the park and use the fill to raise the level of the wetlands area to make it a more usable space. After meeting with Park Board, the issues of maintaining the wetland was brought forward. The goal is to disrupt the area as minimal as possible. The pond will only be full a few days out of the year. He reiterated that it is an expensive process to design the pond and go through the permitting process. Needs reassurance that Council will entertain the idea of place stormwater on parkland. The expected total depth of the pond is three feet. They do not expect to have issues with permitting as they are not removing wetlands, just deepening the existing area.

It was questioned if the Council has the wrong diagram. It was clarified the map included in the packet was the initial proposal that was brought to Park Board. There is an updated version

Colton has to pass around if needed. It was further clarified that no additional parkland is being proposed. There is still the parkland to the south that has the Russian Olive trees.

It was stated that there is a spring that feeds that area. It was questioned if that spring will still be able to flow. It was clarified that that spring will still be able to flow.

It was reiterated that Council could conditionally approve this resolution. It was further clarified that this request would go through an engineering review, both internally with City Staff and externally with KLJ. All permits would need to be approved as well. The request must meet the Montana Public Works Standards as adopted by the City. The last major subdivision was Elena. Currently working on Regal, but it is significantly smaller than the one being discussed.

The staff does not have the ability to approve the stormwater in a park. When in question the local governing body makes the decision. Council was reminded that this project would have to obtain DEQ approval as well. Currently, Public Works cannot sign off on the streets until stormwater is addressed.

It was questioned if there are any obvious drawbacks to having this pond. It was stated that if rocks are present, they can get dirty like those in the Walmart drainage pond. Outfall structures can have cattails. It was reiterated that there would be some maintenance associated with stormwater.

A Council Member stated that they are not opposed to retention areas. However, they do not want to sign off on what we don't know is going to be done.

It was clarified that stormwater regulations require drainage ponds to hold up to a 100-year storm event. There cannot be more stormwater than when the area was native ground. Colton with Territorial Landworks asked for clarification if Council wants rocks or a native design. To go through the entire process and receive permitting is costly. He stated he does not want to go through the entire process and find the Council is not satisfied with the final product and need to go through the process again.

A Council Member read LMC 16.48.040. It was questioned how this drainage pond is an amenity to the park. The Council does not have a clear picture of how this park is supposed to look let alone determine that the drainage pond is an amenity to the park. It was further questioned how the Council is to make a decision on this matter since one entity wants assurances; this will proceed while the other wants designs that are palatable.

In 2005 parkland dedication rules were different. This was accepted prior to the current Public Works Director's time. The park was accepted as is. Because the parkland was approved prior to the change, this is not a black and white decision. The question is does Council want to allow stormwater on parkland.

It was clarified that Park Board does not have an issue with the ponds.

It was clarified that the engineering firm would like parameters on the aesthetics of the design. It is very clear the storm event these ponds would need to handle. What is not clear is what the Council would want to see in that location to address stormwater needs.

Public Works and Planning are focused on what to do with the water if it leaves the subdivision. The goal is to keep stormwater off City Streets.

The City Attorney questioned how long it would take to put a design together. It was clarified that it takes approximately 90 days to go through DEQ's process. There would not be bulldozers and equipment out there tomorrow there is a process that would need to take place prior to the installation of the drainage pond. However, establishing a design and submitting for permitting would be tomorrow. The question before Council is to grant permission to put a water collection area in this park.

The Public Works Director did have City crews work to clear an area. If Council Members would like to go view this area they can. This is City property they are able to walk in there and see what has been discussed this evening.

It was stated that there are quite a few jurisdictional entities that will need to review these plans. The resolution will be written to give the developer the clarity they need while also protecting the Council. Council was reminded that these issues would not be present on future subdivisions as the rules have changed.

It was clarified that the parkland just South of this area that is currently Russian Olive trees could be a dog park or a picnic area. The area to the north will never be developed as a park area; it is a wetlands area. There are a lot of federal regulations regarding wetlands. Wetlands are great in helping filter water. Billings has placed a wetlands area out on Shiloh for that very reason. It was clarified that if wetlands are removed, they will need to be moved to another area around the State.

The Nutting Drain is located in this area. It does have water in it year-round. There are no fences around this ditch. The Public Works Director has been a big proponent of keeping the pool open to assist in teaching kids how to swim.

It was questioned if Council will be voting on the resolution as it is or will it be amended. It was clarified that this resolution would be amended.

4. Resolution No. R18-84: A Resolution Of The City Council Granting Permission For A Property Owner to Utilized Decorative Gravel And Rock Along A Portion Of The Boulevard Adjacent To The Owner's Property Located In The City Of Laurel.

George Eastman, 519 5th Avenue, planned to have this done all done last fall. He had a stroke, then it snowed. He has been waiting for the yard to dry out so he can get move the rock into his backyard where it belongs. The request is for 30 to 45 more days to move the rocks.

It was questioned if Mr. Eastman is withdrawing this request. Correct, the boulevard will remain grass.

It was questioned if 45 days will be sufficient. It was questioned if May 15th would be sufficient.

It was stated that the May 15th deadline is a hard deadline. The applicant agreed that it would be no problem.

It was questioned what will happen with the rest of the folks in town added rock to their boulevard.

Mayor Nelson stated many do not know they cannot place dry scaping in the boulevard. Some gravel may not be a bad thing as it is better than dry grass.

A Council Member recently went for a walk. He noticed at least four residents that had rocks in the boulevard within six blocks of his home. It was questioned what will be done in the future.

Mayor Nelson stated that he would direct Staff to work on an ordinance and bring it forward to the Public Works Committee.

Resolution No. R18-84 will be removed from next weeks Council agenda.

5. Resolution - A Resolution Of The City Council Authorizing The Property Owner At 519 5th Avenue To Utilize The Boulevard Adjacent To The Property For Storage Of Materials Until The Weather Allows The Owner's Project To Proceed.

Discussed with the previous agenda item. The resolution will be modified for next weeks Council meeting.

Council Issues

6. Ordinance No. O19-01: An Ordinance Amending Title 2, Chapters 2.08, 2.12, And 2.60 Of The Laurel Municipal Code For The Purpose Of Clarifying That Current City Employees Are Not Eligible To Serve As Members Of City Committees And Commissions Or To Serve As Elected City Officers In Accordance With Montana Law.

The City Attorney gave some background on this topic. The last election cycle Council was faced with the question if an employee can serve in an elected position. In this case that elected position was Mayor. Sam read portions of the attached letter. By stating that no employee can serve as an elected official is the clearest to defend in a Court of law. Council can exempt certain positions, but the more exceptions make it more difficult to defend. Suggestions for changes to this ordinance can be sent to the Mayor for review. A few examples were given. Such as an employee running for Mayor, not defendable, or the Fire Chief running for Mayor, not defendable, or a Police Reserves Officer running for Council, could go either way, etc. Flat prohibition is the easiest to defend in court.

It was questioned if someone wanted to be a Police Reserve Officer they would answer to Police Chief and not the Mayor. It was clarified that the Police Chief answers to the Mayor. Where the grey area it is as you move towards Council and Boards/Commissions. Mayor Nelson stated he

could not remember a time when the Reserves had an item before Council. It was clarified that the Reserves are required to volunteer at least 8 hours a month. They receive a stipend twice a year for \$60 for uniforms.

A Council Member stated they agreed that an employee should not be allowed to serve as Mayor as they would supervise themselves. However, this is a volunteer community that has run for years on the backs of its volunteers. To say those volunteers cannot run for Council, making sure this is what the Council wants prior to voting on this matter.

Multiple Council Members agree that Council does not have oversight over a volunteer body.

The City Attorney read page two third paragraph from the bottom for the Missoula City Attorney letter, attached. The one problem is what is a volunteer if the volunteer is receiving a stipend for their service. The conflict of interest comes when money is taken. If a Council Member is also associated with volunteering in one of the emergency services branches, then they should not vote on items such as the budget.

A Council Member agreed that no employee should serve as Mayor or Council as there are checks and balances. There is a grey area when it comes to volunteers. It questioned if mandatory recusals are written into this ordinance. It was clarified that MCA addresses conflicts of interest. Council Members are required to announce their conflict of interest and not be involved in the discussion nor subsequent vote on the item. It was requested the definition of who is an employee and who is a volunteer would help clarify this ordinance.

It was questioned if this is why Council Members are unable to serve on the Police Commission. It was clarified that Montana law does not prohibit a Council Member from serving on Police Commission. However, the intention of the law is that they be community members, not Council Members.

It was questioned what the difference between a stipend and a salary are. It was clarified that they are taxed differently and stipends typically cover expenses such as uniform or equipment whereas a salary is a payment for a service. When stipends are hourly, this creates an issue. The Fire Department stipend was to cover wear and tear on the equipment. The ambulance has different stipends based on being available for a call, going out on a call, and transporting.

Other Items

Mayor Nelson read the attached statement.

Review of Draft Council Agendas

7. Review Draft Council Agenda for April 2, 2019.
All changes as previously discussed.

Attendance at Upcoming Council Meeting

All in attendance will be at next weeks meeting.

Announcements

House Bill 285 which was presented to the House by Representative Vince Ricci passed the House 98-2. It passed the Senate last Thursday and will be presented to the Governor. House Bill 285 is to name Buffalo Trail Road from mile marker 1 to 2 as Pearl Harbor Veterans Memorial Highway.

The council workshop adjourned at 8:59 p.m.

Respectfully submitted,



Brittney Moorman
Administrative Assistant

NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.



Laurel Police Department

215 W. 1st Street Laurel, Mt. 59044 ▪ Phone 406-628-8737 ▪ Fax 406-628-4641

Chief of Police Stanley J Langve

March 19, 2019

Mayor Nelson
City of Laurel

RE: Police Officer Appointment

Dear Mayor Nelson,

It is my pleasure to write this recommendation letter for you to appoint Ryan Sedgwick as a Police Officer for the City of Laurel.

Ryan has successfully completed all of his requirements that were set forth in his conditional job offer. Ryan was required to complete a comprehensive back ground investigation, psychological exam, medical exam and a drug screen.

Before Ryan was given a conditional job offer, he had to pass the Montana Testing Consortium testing. Ryan then passed the B-Pad exam and then was interviewed by the Laurel Police Commission.

I am looking forward to having Ryan Sedgwick be a member of this fine police department.

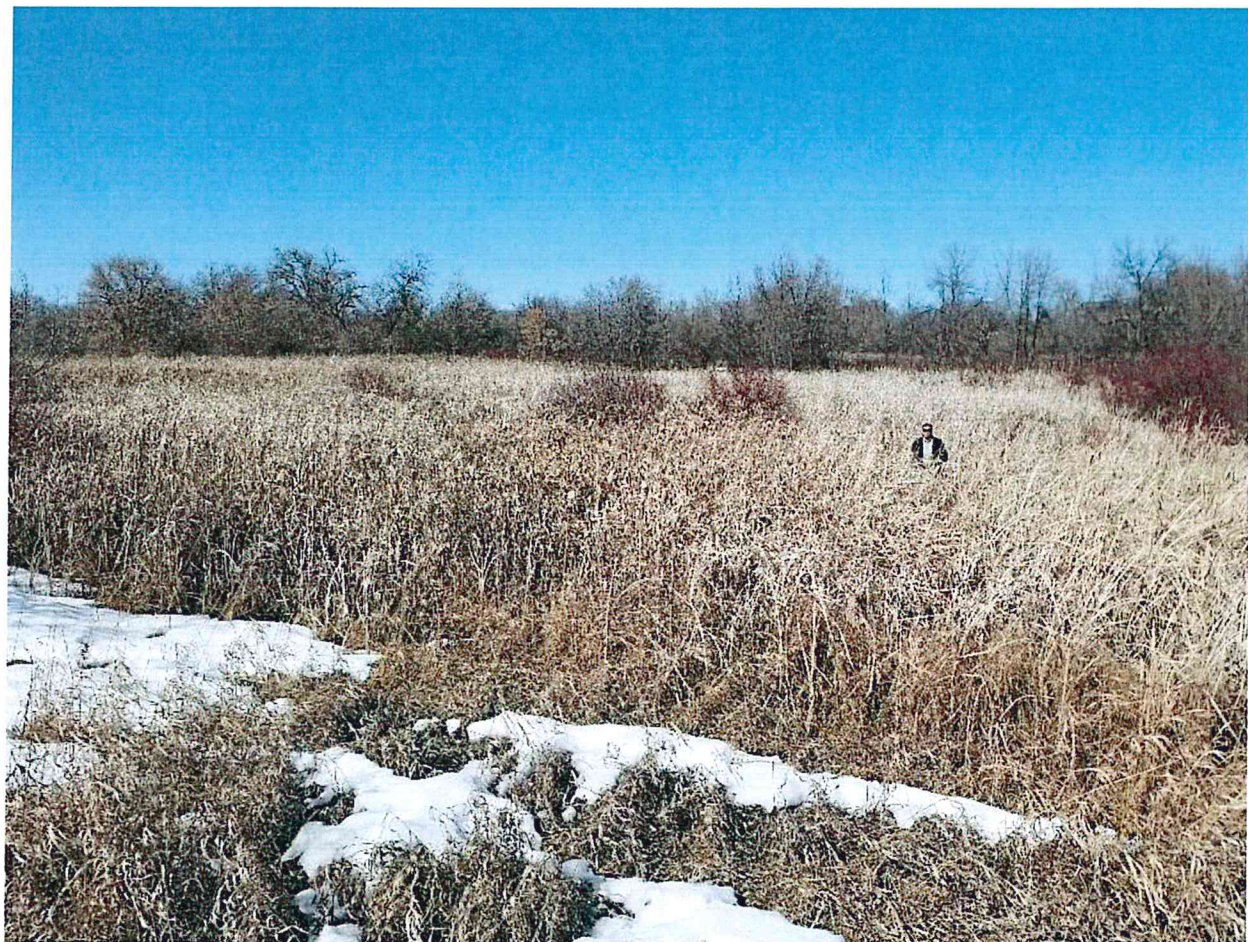
I am asking that Ryan Sedgwick be appointed by you on April 2nd, 2019.

Respectfully,

A handwritten signature in black ink, appearing to read "Stanley J Langve".

Chief of Police
Stanley J Langve















Off Grand Ave in Billing MT

Write a description for your map.



ATTORNEY GENERAL
STATE OF MONTANA

Tim Fox
Attorney General



Department of Justice
Joseph P. Mazurek Justice Bldg.
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401



May 4, 2018

Brian J. West
City Attorney
Town of Stevensville
P.O. Box 30
Stevensville, MT 59870

Re: Request for guidance – doctrine of incompatible offices

Dear Mr. West:

On behalf of the Town of Stevensville, you have requested “legal guidance” under facts which indicate the “doctrine of incompatible offices.” Because your question is answered in cases and Attorney General Opinions that your research revealed, as well as others, we provide a letter of advice. This is not a formal Attorney General Opinion and should not be presented as such.

As explained in *Klick v. Wittmer*, 50 Mont. 22, 24-25, 144 P. 648, 649-50 (Mont. 1914) (which you cite), offices are incompatible when one has power of removal of the other, when one is in any way subordinate to the other, when one has power of supervision over the other, or when the nature of the duties of the two offices are such as to render it improper, from considerations of public policy, for one person to retain both.

In this situation, the recently elected Mayor of Stevensville was at the time of election also a fireman in the town’s volunteer fire department. Under Title 7 of the Montana Code Annotated – Local Government – the mayor exercises appointment authority for the fire chief, assistant chief and all firefighters. Mont. Code Ann. §7-33-4106, cited in your request. The mayor may also suspend the chief, assistant chief or any firefighter for neglect of duty. *Id.* at § 4122. The hearing procedure after suspension is detailed in Mont. Code Ann. §7-33-4124. After hearing, the firefighter may be removed. *Id.* at § 4124(4).

The request points out that the mayor has no statutory authority to *remove* a firefighter, but the mayor may certainly suspend a firefighter and initiate the removal process. Under *Klick* and the statutes, the mayor arguably has “power of removal” over firefighters by initiating the process with a suspension. As such, firefighters are subordinate to the mayor. The doctrine explained in

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MONTANA DEPARTMENT OF JUSTICE

Legal Services Division * Division of Criminal Investigation * Highway Patrol Division * Forensic Science Division
Gambling Control Division * Motor Vehicle Division * Information Technology Services Division * Central Services Division

Brian West
May 4, 2018
Page 2

Klick is still recognized. See *Zunski v. Frenchtown Rural Fire Dep't Bd. of Trs.*, 2013 MT 258 ¶¶ 20-21.

As stated in 43 Op. Att'y Gen. No. 47 (1989), "the operation of the doctrine of incompatible offices is quite simple. Acceptance of a second public office incompatible with a current public position operates as an implied resignation from the latter position." *Id.* at 165, citing *Klick*. The facts of that AGO involved one person being a board member of both a volunteer fire department and a fire service area board. The two entities were separate government entities, and one was not dependent upon the other for creation or continued existence. In 27 Op. Att'y Gen. No. 81 (1958), one person being both a deputy school superintendent and a deputy probation officer did not violate the doctrine, since one did not control the other. "Plainly the deputy probation officer has no authority or power to supervise the deputy superintendent of schools or appoint or remove her from office or vice versa." *Id.* at 177.

However, 46 Op. Att'y Gen. No. 26 (1996) determined that one person cannot be both a county commissioner and the county coordinator of disaster and emergency services, since "the commissioners have the power of supervision, revision, and removal over the position of DES coordinator." *Id.* at 2. The Missoula City Attorney also relies on *Klick* in this regard. See Legal Opinion 2011-001, attached, which determined that a city employee may not also serve as a city council member. These last two opinions are most analogous to the situation that you have described in Stevensville.

Under these authorities, because the mayor has appointment and suspension control over firefighters, the doctrine of incompatible offices as explained in *Klick* applies, preventing the recently elected mayor from maintaining his position as a firefighter in Stevensville's volunteer fire department.

Again, this letter is in response to your request for a letter of advice, is not a formal Opinion of the Attorney General and should not be presented as an Attorney General Opinion.

Very truly yours,



PATRICK M. RISKEN

encl.

OFFICE OF THE CITY ATTORNEY

435 Ryman • Missoula MT 59802
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attorney@ci.missoula.mt.us

Legal Opinion 2011-001

TO: John Engen, Mayor; City Council; Bruce Bender, Chief Administrative Officer;
Brentt Ramharter, Finance Director; Dept. City Clerk; Dept. Human Resources

CC: Legal Staff

FROM: Jim Nugent, City Attorney

DATE: January 7, 2011

RE: A city employee may not simultaneously serve as a city council member
pursuant to the legal doctrine of incompatible offices

FACTS:

Ward 2 currently has a vacant city council position after the resignation of Roy Houseman. Reportedly, a city employee has expressed interest in appointment to fill the vacant position.

ISSUE:

May a city employee simultaneously serve as a city council member?

CONCLUSION:

No, pursuant to the legal doctrine of incompatible offices, a city employee may not simultaneously serve as a city council member.

LEGAL DISCUSSION:

The Montana Attorney General held a city public works employee or director cannot be a member of the city council. 47 Op. Att'y Gen. 19 (1998). Pursuant to Mont. Code Ann. § 2-15-501(7) "the attorney general's opinion is controlling unless overruled by a state district court or the supreme court."

In his 1998 opinion, Attorney General Joe Mazurek stated in pertinent part:

As noted in Mr. Burns' letter, the question of whether a city employee sitting on the city council presents a conflict of interest was previously addressed in 41 Op. Att'y Gen. No. 81 (1986). In that opinion, former Attorney General Mike Greely held that there is no inherent conflict of interest when an employee of the City of Glendive is also an elected member of the city council. That opinion provides the controlling answer to Mr. Burns' initial question regarding a possible conflict of interest.

However, adoption of a conflict-of-interest statute in no way abrogates the common law rule against the holding of incompatible positions. Tarpo v. Bowman Pub. Sch. Dist. No. 1, 232 N.W.2d 67, 71 (N.D. 1975). Because I conclude that the doctrine of incompatible offices prevents a public works employee or director from serving as a city council member, as well as a hospital employee from serving as a trustee of the hospital district, it is not necessary to further analyze the conflict of interest issue.

The Montana Supreme Court has recognized that two offices are incompatible when one has the power of removal over the other, when one is in any way subordinate to the other, when one has the power of supervision over the other, or when the nature and duties of the two offices are such as to render it improper, from considerations of public policy, for one person to retain both. State ex rel. Klick v. Wittmer, 50 Mont. 22, 144 P. 648 (1914).

The doctrine of incompatible public offices eliminates the public policy concerns inherent in the simultaneous holding of multiple public offices or positions by:

(1) preventing multiple position-holding, so that offices and positions of public trust do not accumulate in a single person; (2) preventing individuals from deriving, directly or indirectly, any pecuniary benefit by virtue of their dual position-holding; (3) avoiding the inherent conflict which occurs when an employee's elected position has revisory power over the employee's superior in another position; and (4) ensuring, generally, that public officeholders and public employees discharge their duties with undivided loyalty.

46 Op. Att'y Gen. No. 26 (1996), citing 43 Op. Att'y Gen. No. 47 at 165 (1989), which cites Acevedo v. City of North Pole, 672 P.2d 130, 134 (Alaska 1983).

In 46 Op. Att'y Gen. No. 26, I also concluded that the common law doctrine of incompatible public offices applies to public employees, as well as to public office holders, and that a county employee appointed by a board of county commissioners and paid by the county cannot serve on the board of commissioners for the same county.

The common-law doctrine of incompatibility extends to positions of public employment as well as public offices. See, e.g., Otradovec v. City of Green Bay, 347 N.W.2d 614 (Wis. Ct. App. 1984). As the Wyoming Supreme Court has stated, it is "inimical to the public interest for one in public employment to be both the employer and the employee or the supervisor and the supervised." Thomas v. Dremmel, 868 P.2d 263, 264 (Wyo. 1994), quoting Haskins v. State ex rel. Harrington, 516 P.2d 1171 (Wyo. 1973).

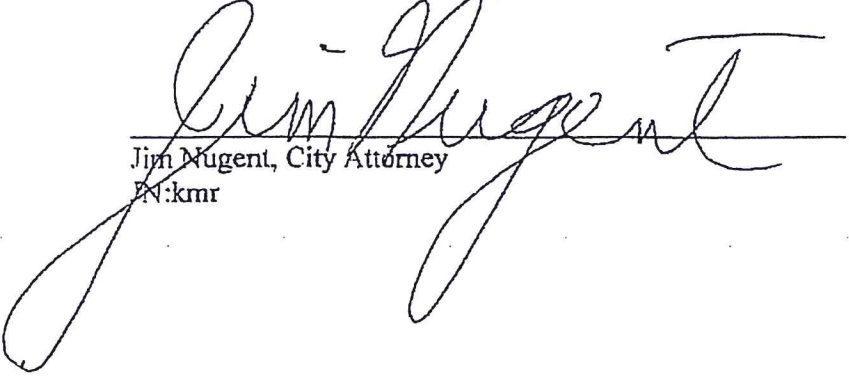
46 Op. Att'y Gen. No. 26.

47 Op. Att'y Gen. 19 (1998) (copy attached).

CONCLUSION:

No, pursuant to the legal doctrine of incompatible offices, a city employee may not simultaneously serve as a city council member.

OFFICE OF THE CITY ATTORNEY


Jim Nugent, City Attorney
JN:kmr

CITY HALL

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WTR FAX: 628-2289

MAYOR: 628-8456

City of Laurel

P.O. Box 10
Laurel, Montana 59044



MAYOR

DEPARTMENT

Mayor of Laurel

March 26, 2019

To whom it may concern:

The City CAO, Mathew Lurker, worked for the City of Laurel for nearly a year. During that time Mr. Lurker did his best to fulfill his responsibilities. It had come to a point where both the CAO and I had different expectations of each other which led to the hard decision for us to dissolve our professional relationship. As of today, Mr. Lurker is no longer an employee of the City of Laurel. We wish best for Mr. Lurker.

Regards,

Tom Nelson
Laurel City Mayor
City Hall
PO Box 10
Laurel, MT 59044-0010
406.633.3809
citymayor@laurel.mt.gov



**MINUTES
CITY OF LAUREL
LAUREL RENEWAL AGENCY
MONDAY, DECEMBER 17, 2018**

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

General Items

Judy Goldsby	Kurt Markegard
Dean Rankin	Matt Lurker
Don Smarsh	Ron Seder
Janice Lehman	
Dianne Lehm	
Sue Taylor	

General Items

1. Review and Approve minutes from November 19th, 2018.
The minutes were reviewed and approved as written.
2. Report from Big Sky EDA
Dianne spoke about what is coming up with Big Sky EDA.

New Business

3. King Koin Facade Grant Application
King Koin Façade and Sign Grant was discussed and Ron Ceder clarified that the façade improvements were for the two store fronts glass replacement. The King Koin sign was repaired by an electrician for \$1,000.00. A motion was made by Don and seconded by Dean to recommend to the City Council to approve \$7500.00 for the Façade Grant. The motion passed all in favor. It was moved by Don and seconded by Dean to recommend to City Council to approve \$500.00 for King Koin sign grant. The motion passed all in favor.

Old Business

4. Planner Vacancy Update- Interviews have been scheduled
Matt Lurker informed the group that interviews are scheduled and he is hopeful to have a planner hired by February.
5. Draft Grant Applications Review
The draft grant application was handed out and the committee discussed some changes that needed to be made.
6. S. E. 4th Street lighting project
Kurt informed the group that the City Clerk had emailed Northwestern Energy and they will have new lighting options next spring.

Other Items

7. Dean asked if anymore thought was given to refund the \$300.00 dollars from the large grant unsuccessful applicants. The application fee is something that needs to be decided by this group.

Announcements

8. Next meeting January 21, 2019 which is a holiday. City Hall offices will be closed.

Judy indicated that she would call a meeting if one was warranted. So far there is not any application to consider but if some are turned in then Judy will call a meeting on a different date.

9. Adjournment

Dean moved to adjourn the meeting and Don seconded it. The meeting completed at 12:30pm.

Respectfully submitted,

Kurt Markegard

Minutes
Public Works Committee
March 18, 2019 6:00 P.M.
Council Conference Room

Those present:

Kurt Markegard, Staff Advisor

Emelie Eaton, Chair

Karl Dan Koch

Marvin Carter

Richard Herr

The meeting started at 6:03. There was no public in attendance.

General items

1. Review and approve minutes of January 22, 2019 meeting. The minutes were reviewed. Richard Herr moved the minutes be approved as written. K. Dan Koch seconded.

New Business

2. Boulevard Code

This item was on the agenda because a councilman not on this committee wanted to know the status of an issue the Council had tabled many weeks earlier. Public Works Director Markegard stated nothing was being done by the Public Works Department, Code Enforcement or the Police because the matter had been tabled by the Council. Committee Chair Eaton asked whether Code Enforcement was at least acknowledging and/or addressing the public safety issue created by storage of pallets of over two foot square rocks stored all winter on the boulevard. Public Works Director Markegard stated that the City Attorney had advised staff that the entire matter must sit in limbo because the Council did not address a resident's request to put rock on the boulevard. The Director further stated that "Code states that individuals can ask Council for a variance from what is specified in Code". A copy of Billings Code of Ordinances Section 22-404 through 22-409 had been provided. He also pointed out that it is the Mayor's decision to put the matter in front of Council. The Public Works Director then continued on with a video of xeriscaping and a statement that he had contacted the Bozeman and Billings Public Works Departments and neither of those communities had specific wording allowing or denying xeriscaping. Both K. Dan Koch and Richard Herr inquired as to whether residents who already have a form of xeriscaping on their boulevards would be grandfathered in. Richard Herr also stated

that the specific resident who was responsible for the large rocks stored on pallets on the boulevard had many more of them in his back yard and as Councilman Herr understood the resident's intentions, he planned to place them throughout his back yard and boulevard eliminating any vegetation from growing in those areas. It was further stated that doing so would not provide the proper % of drainage area on that residential lot. Richard Herr inquired how this matter should proceed. Public Works Director Markegard stated the Mayor had asked the Committee to research options and directed attention to the Billings Codes provided. Since it was obvious that what was occurring at the residence in question was clearly in violation of several existing Laurel safety and drainage codes, and did not come close to what the average resident would consider xeriscaping; Committee Chair Eaton said she would bring the matter up with the Mayor and request it be put on the first available workshop for discussion.

3. Iron Horse Station Stormwater

This item was on the agenda because a councilman not on this committee was concerned that what had been presented at the Council workshop was not a full discussion of the issue. He had further been concerned because what was a Planning Board issue was presented at a Parks Board meeting and passed off as being approved by the proper decision making body. Public Works Director Markegard showed both over head views and street level views of a Google map of the area in question. It is a three acre undeveloped piece of land which contains many trees and has deer migrating through it. The developer is proposing this be park land and wants to have a pond fed with stormwater. Public Works Committee Chair Eaton stated the Park Board Chair had stated after the workshop when this was presented that the idea had been to put fish in the pond and have another fishing pond similar to South Pond already in existence in Laurel. Councilmember Herr said that was ridiculous because the pond that was proposed was only going to be a few feet deep and any fish would freeze in the winter. There was an inquiry as to whether there wasn't a spring that could feed a pond. Public Works Director Markegard said there was a ditch that ran through the property. Councilmember Herr relayed a story about his experience trying to drain non-ditch water into a ditch and stated the ditch companies do not want anything but ditch water in their ditches. K. Dan Koch inquired about the need to mitigate mosquitoes mating and breeding in the pond water. Councilmember Herr stated the expectation is that the pond will dry out in warm and or dry weather. The Public Works Director stated this was a proposal similar to the drainage pit Wal Mart has. Marvin Carter inquired as to whether it shouldn't be fenced off then. The Public Works Director stated that "stormwater in the area needs to be controlled".

4. Emergency Call-outs

Kurt had supplied all attendees with a list of all Emergency Call-outs since January 22, 2019. On January 22, 2019 crews were called out to plow snow and sand streets. On February 5, 2019 crews were sent to shut off water at 2506 Atchison because of frozen lines. On February 12, 2019 water was shut off at 1030 -13th Avenue because of freezing lines. That same day there was a reported water break at the Best Western Hotel. This turned out to be a ruptured water line going to the ice machine inside the building. On February 19th there was a power outage at the Sewer Plant. On February 28 two employees were called out to plow snow and sand streets. On March 5, 2019 water was shut off at 2414 Lackawanna because of frozen lines. On Tuesday, March 12, 2019 two employees were called out to address flooding issues in culverts and a drainage ditch. Marvin Carter stated that "the South Side is still a wet mess". He stated "every street is a mess". The Public Works Director stated everything is supposed to drain to Russel Park where there is an irrigation ditch that goes under the Interstate, through the refinery and dumps into an open ditch that flows to the Sewer Plant. Chair Eaton stated it would help if the city plowed the streets. The Public Works Director stated the streets are too narrow to plow. It was noted that the streets were plowed when an emergency situation was declared by the Senior Center. The Public Works Director stated that the problem with plowing is that the plows compact the snow into ice. The ice becomes water and the melting ice floods the culverts or the ice clogs the culverts. Marvin Carter stated there are too many abandoned vehicles on the South Side. The Public Works Director stated that Code Enforcement does not do anything about abandoned vehicles. Richard Herr stated that in Bismarck, North Dakota in the 1960's all residents were notified in advance when City crews were going to plow or clean streets. It was stated that advance planning and communication would be helpful for all concerned.

Old Business

5. Riverside Park Bathrooms

This item was on the agenda because a councilman on this committee was concerned that because of EPA regulations the bathrooms may never be installed. The Public Works Director stated that at the flood plain hearing there were no comments. The deadline for comments was 5:00 that day. The prebuilt building that will house the bathrooms is supposed to be delivered at the same time as one that will be installed in Billings. The top of the floor has to be above the flood plain. There is no Task Order written regarding installation of the bathrooms and nothing has been presented to the Council. The Public Works Director stated he had never heard anyone

state they were concerned about EPA regulations and he didn't even know what that comment was in reference to. Richard Herr spoke up stating it was at his request this item appear on the agenda. He stated that he was concerned because the project is moving so slowly and he fears that if the bathroom is not installed quickly someone will find an environmental reason to stop the project. The Public Works Director replied that the delivery date is uncertain because it has been paired with another project but that they plan to call in locates and thinks a mid-April date would be possible for delivery of the building. The only restrictions that are being dealt with at this time are regarding fill material.

6. West Railroad Update

Public Works Director Markegard stated that the state had met with the City and there was a shortfall in reserves in the amount of \$7 million. He stated that presently the City is looking at doing the project by itself. When Chair Eaton inquired how that would be allowed when this is an Urban Route the Director replied that it is acceptable as long as the City notifies the state of its plans. He stated that the City may ask the county for help. He further stated that communities can ask to borrow up to five years' funds from the Urban Route reserves. This would amount to \$1 million in Laurel's situation. The State had said they do not advise asking for all the money up front because then there is no contingency plan. K. Dan Koch inquired whether this plan was to repair from First Avenue to Eighth Avenue and how much was needed. The response was yes, that was the planned area to be improved and \$7 million was the shortfall. Marvin Carter stated that the more Schessler builds up their land they use the more the water just drains out onto West Railroad Street.

7. Engineering Reports

Kurt had supplied copies of KLJ's March 15, 2019 City of Laurel Project Status Update

WWTP Screw Press/Digester Rehabilitation

The primary digester has been cleaned out. One sludge transfer pump has been removed and the committee was told they are waiting until spring to install the new one.

H2S Remediation

Crews will be forcing O2 into the system at the point where the sewer line is flat. This is roughly in the area of Locust Lane. When questioned about the high H2S readings coming from the BNSF lines the Public Works Director stated that if this continues to be a problem BNSF will be asked to install a bubbler in their line.

Richard Herr asked if the building of Iron Horse Subdivision would put more material in the lines and therefore reduce the buildup of H2S. The Public Works Director stated Iron Horse will not help this problem area.

2018 Pavement Maintenance Project.

This matter is scheduled to be voted on at the March 19 Council meeting. Richard Herr asked when the company will begin work. The answer was the conditions need to be dry but relatively cold so the cracks are still open.

East 6th Street

There will be a final meeting and the project is scheduled to go to bid in April.

K. Dan Koch inquired as to whether there would be a parking lot in Thompson Park. The answer is that there will be a driveway approach but no parking lot will be built.

LURA Infrastructure

KLJ is looking at designs.

Pavement Management Plan

KLJ is working on Internal Quality Assurance before submitting the report.

2019 Pavement Maintenance

The bid opening was March 8th and the Council will vote on accepting the bid March 19, 2019. Work is expected to run from April through June, 2019.

On-Call Professional Services

"KLJ was asked to evaluate costs of the potential future West Railroad Street reconstruction project. This will be ready by April 1, 2019".

Laurel Planning Services

Nick Altonga, from New Hampshire, has been hired as the City Planner. Nick has a degree in Planning. He is currently familiarizing himself with the 32 acre subdivision that was pulled from Council consideration a few weeks back due to boundary questions and incorrect records involving access to the area. K. Dan Koch was familiar with this development proposal from his time on the City County Planning Board and inquired about the status of the project. The answer was that annexation would require bringing the involved streets up to code and they would need curb and gutter. The issue is being worked on with the County. It was also mentioned that Brett from Red Rock LLC, who presently owns the old Rapid Mart and associated houses and cabins; has expressed an interest in annexing.

The last page of KLJ's report was expressly not reviewed by the committee. Kurt had supplied copies of the March 17, 2018 Project Progress Update from Great West.

Task Order No 26. New Water Intake

This issue now continues with wetlands restoration. The Public Works Director stated that it takes three years for the growth on the lands to be considered restored. Specifically, cattails have grown back in the area.

K. Dan Koch asked whether there would be any re-seeding. The Public Works Director stated that there has been mention that monitoring would continue in perpetuity. No work has been done on the area other than to return the top soil and if any work is done it will be bid out.

Task Order No. 29 Water System Improvements

Crews are taking down scaffolding at the new sed basins. It was clarified that the new water tank would be used for backwashing the filters. The tank itself is in pieces at the site and will be assembled then lettering will be applied.

Task Order 38 Phase 4 Water System Improvements

It was stated that no work is being done on this and work will likely not be done by Great West.

Other Items

8. Announcements

Kurt will be at a Public Works convention on April 15, 2019, when the next PW Committee meeting is scheduled. His preference would be to meet on the Thursday before the regularly scheduled meeting. The committee asked Marvin Carter if his second Monday of the month was now free and he stated it was. Since the assembled committee members were unaware of prior commitments of the two missing members, Heidi Sparks and Bill Mountsier, the group agreed to meet on Thursday, April 11, 2019 at 6 p.m.

The March 18, 2019 Public Works meeting was adjourned at 7:33 p.m.

Respectfully submitted,
Emelie Eaton
Public Works Chair

Minutes
Public Works Committee
January 22, 2019 6:00 P.M.
Council Conference Room

Those present:

Kurt Markegard, Staff Advisor

Emelie Eaton, Chair

Karl Dan Koch

Marvin Carter

Richard Herr

Heidi Sparks

Bill Mountsier at 6:18

1. The meeting started at 6:00. There was no public in attendance.

2. General items

Review and approve minutes of November 19, 2018 meeting.

The minutes were reviewed. Richard Herr moved the minutes be approved as written. Heidi Sparks seconded. The motion was approved. Heidi Sparks questioned whether the minutes be corrected to state that Bill Mountsier was in attendance.

Everyone agree Bill was not in attendance at the December, 2018 meeting.

3. New Business

a. Emergency Call-outs

Kurt had supplied all attendees with a list of all Emergency Call-outs since July 1, 2018. The July items had been reviewed at the July Public Works meeting. The August items had been reviewed at the August Public Works meeting. The September items had been reviewed at the September 17th meeting. The October items had been reviewed at the October 15th meeting. The November items had been reviewed at the November 19 meeting. The December items had been reviewed at the December Public Works meeting. Kurt asked the committee if he should provide only the callouts since the last meeting. It was unanimously agreed that the committee only wished to see call outs since the last meeting. For the January 22, 2019 meeting the following

call outs were listed. December 25, 2018 Crews were sent out to sand the streets due to a winter storm. December 26, 2018 the Village Lift Station floats were activated due to grease buildup. On January 19, 2019 there were water leaks at 1710 Duval in Elena Subdivision and 714 Second Avenue. Both leaks were service lines leaking at the curb box shut off valves. It became necessary to call in two City employees and the container site was closed for this reason. The Second Avenue leak became involved because of unusually thick cement in the sidewalk around the shut off valve. A sprinkler head next to the sidewalk was also damaged when crews attempted to cut the sidewalk to access the shut off. On January 21, 2019 three City employees were called in to do plowing, sanding and shoveling at City buildings due to a winter storm.

b. February, 2019 Meeting Time

Emelie Eaton stated that because the Public Works Committee is scheduled to meet on February 18, 2019; and because the Public Works Director had stated at last month's meeting that he no longer wished to meet on holidays; and because he had further stated to Chairwoman Eaton that he had plans to be gone for a large portion of the week of February 18, 2019; she was making a motion to cancel the February 18, 2019 Public Works meeting. That motion was seconded by Richard Herr. Discussion followed regarding whether there would be anything new to report to the committee that could not wait until the March 18th meeting. It was unanimously agreed that the February 18, 2019 meeting was cancelled and the committee would next meet March 18, 2019. Bill Mountsier joined the meeting and was brought up on what had been discussed.

4. Old Business

a. KLJ and Great West Engineering Reports

Kurt had supplied copies of the January 18, 2018 Project Progress Update from Great West.

Task Order No 26. New Water Intake

As was stated previously, the leak was fixed. The report states Great West is covering costs for this repair.

Task Order No. 29 Water System Improvements

Regarding putting lettering on the new water storage tank by Riverside Park south of Laurel, Kurt stated that the Mayor had agreed to add the cost of putting "Laurel" in 4' white lettering on the cobalt blue tank.

Kurt confirmed that the final cost on this addition will be an additional \$2,300 and was well within the budget.

Great West's plans for the covered sedimentation buildings called for the gas pipes running parallel to Highway 212 be rerouted to heat the new buildings. MDU had surveyed the situation and stated they did not wish to dig their lines out of what is apparently a collection of pipelines in that area. They informed the City that if the City wished to reroute the line it would be their responsibility. The City is now assessing who would be willing to do this work and what the cost would be.

KLJ's January 15, 2019 City of Laurel Project Status Update was next reviewed. The Screw Press/Digester Rehabilitation project is underway. Crews are pumping down the water so the area can be cleaned and repairs made. They are leaving solids in the sedimentation beds to dry. Kurt showed pictures of the beds filled 3"-4" full of the materials taken out to dry. It is presently too cold to haul the materials, since the moisture has only frozen and not evaporated or run off. This is creating something of a backup in the process as the beds are filling and there is still more to be taken away. K. Dan Koch inquired if the material couldn't be used as fertilizer. Kurt explained that while *Glacier Gold*, a gardening fertilizer that can be found in a local hard ware store, does come from the Kalispell sedimentation basins, there are extensive DEQ requirements that have to be met to make the product safe to be distributed to the public. Currently Laurel has pumped out roughly 300,000 gallons and Billings uses the dried product as cover over the trash at the County landfill.

Kurt did state that he felt there would be a problem when crews start to drain the digesters. He stated that millions of dead snails from a build up elsewhere were likely collected at the bottom of the first digester. He also stated that the second digester leaks. No one would know the extent of the damage or be able to estimate the cost until it was drained. He stated that crews expected to need 7 to 10 days to finish this part of the project. They had started on Saturday, January 19th so it was expected there would be answers soon.

The H2S Remediation issue. Nothing discussed

Archimedes Screw Rehabilitation. Nothing discussed.

East 6th Street improvements.

The scope of this project changed with the City requesting off-street parking within Thompson Park; and installing a new water main within East 6th Street to provide looping for side street connections. KLJ had completed looking at the water main on December 3rd and had determined that the water pressure was sufficient and there was no need to loop. This was paid for out of Water Enterprise Funds.

The issue of off street parking had been reviewed and KLJ had provided some estimates for cost. The issue of putting a parking lot where the tennis courts now sit was eliminated because of fear of foul balls hitting cars. If the City were to put in parking east of the shelter, where the ice skating rink was many years ago, it would cost approximately \$150,000 or \$7,500 for the roughly 20 parking spots that could be built. This money would have to come out of the General Fund because creating a parking lot in the park does not fall into the guidelines of uses for street improvement monies or Gas Tax dollars. KLJ has stated that changing to diagonal parking along East 6th Street would provide 16 parking spots and save the City a considerable amount. Kurt stated that the consensus now is to change East 6th Street to diagonal parking.

Pavement Maintenance. Nothing discussed.

LURA Infrastructure Improvements

Kurt explained that the mayor had proposed LURA fund improvements to Washington Avenue; Idaho Avenue and Ohio Avenue between East Main Street and East First Street. The Mayor is now considering delaying this issue for three years. Emelie Eaton inquired what reaction the Railside Diner had to this change of direction. Kurt responded that the Railside Diner wishes to expand their building and the plan is to build to the sidewalk so they are anxious to have improved streets and possibly diagonal parking for their patrons. Emelie Eaton inquired whether the brewery was still going to pay for their own curb, gutter and sidewalk improvements. Kurt stated that once the brewery's owners heard that the City was planning to make improvements to the sidewalks, street, curb and gutters, they withdrew their plans to finance the project for their business and the area will remain with the gravel scraped away.

Pavement Management Plan

It is expected that a draft form of this report will be available in February and the committee can review it in March. Public Works Director Markegard stated that all streets on the south side are earmarked for complete rebuild. KLJ is still gathering information as it learned that those streets designated as Urban Routes have to have information gathered beyond the City limits. Kurt stated that the report that KLJ provides will give cost estimates which are expected to be between \$60 and \$70 million to complete all improvements. Heidi asked where the money comes from to make these improvements. Kurt stated that it comes from the Gas Tax Fund and Pavement Maintenance Fund. He stated that TIGER grants are available but he felt that it was impossible to get any federal grant money when Laurel was so close to Billings and we would be competing with them for funding because the grants were based on how much traffic used any given street. Heidi disagreed with his, stating that if the City applied for a TIGER grant for SW 4th Street and included the 2,000 additional employees every three years during a turn around the numbers would look good. Kurt brought the web site up on his computer and showed the committee two small Montana towns that had received TIGER grants. The web site <https://www.transportation.gov/BUILDgrants> gives the specs needed to apply for the BUILD-TIGER Discretionary Grants.

Marvin Carter left the meeting at 6:55 stating he had another meeting to attend in five minutes.

On-Call Professional Services-Nothing was discussed

Laurel Planning Services

Kurt stated that on January 19th the Laurel Planner job had been offered to a planner by the name of Nick now located in New Hampshire.

Other Notes and Information-nothing was discussed

b. Update on West Railroad Street

Kurt stated that the state had reviewed the joint County/City of Laurel request to place West Railroad Street on the list of state projects.

Consequently, the state reviewed the materials submitted to it and had met with City staff earlier in the day. The state had said it could not proceed with the project until the City proved it had the match funding for the project as it was submitted. The City stated it had reserved approximately \$4 million and that \$200,000 was added to it annually which would bring the total to roughly \$4.7 million in five years when construction is expected to begin. The state said the match needed to

be between \$4-\$7 million in today's dollars and costs would go up and time passed. The state recommended changing the scope of the project and either replacing Railroad Street from 1st Avenue to 5th Avenue or from 5th Avenue to 8th Avenue. In the earlier meeting the CAO and Treasurer had urged the Mayor to hold off on the project. Committee members were hugely disappointed in this report and will be inquiring at the next workshop what steps the City plans to take to proceed and re-evaluate and not let this project die once again. Kurt stated that the state was looking at improving West Railroad to "Urban Standards" which meant dealing with underground utilities, which were more extensive than the Public Works Director was aware of, and making it a three lane road.

5. Other Items

No one had any other items.

6. Announcements

There were no announcements.

The January 22, 2019 Public Works meeting was adjourned at 7:07 p.m.

Respectfully submitted,
Emelie Eaton
Public Works Chair

Sec. 22-404. - Obstructions on boulevards.

- (a) Any and all poles, shafts of wood, iron or other material, billboards, signs, buildings, structures, fences, wires or any other things now in place or hereafter set, placed, built or erected on any of the boulevards of the city are hereby declared to be nuisances.
- (b) The planting, growing and cultivation of trees and grass or the building of walks and driveways over the boulevards in the city under the provisions of this Code and other ordinances of the city, or the placing or maintaining of encroachments by the permission of the city council and for which an encroachment fee is paid or the erecting or maintaining of poles by telephone, telegraph or electric light companies are excepted from the provisions of this section and shall not constitute a nuisance and there is also excepted herefrom light poles and bus benches placed by the authority of the city.

(Code 1967, §§ 13.16.120, 13.16.130)

Sec. 22-407. - Encroachment permit required.

- (a) No encroachment on any public right-of-way or public property shall be allowed except by authority of an encroachment permit issued by the city administrator or his designee. Application for an encroachment permit shall be made on the forms and in accordance with the procedure prescribed by the city administrator. A fee for the permit application shall be charged to cover the administrative costs of processing as prescribed by council resolution. If the issuance of the permit is approved, the city administrator or his designee shall issue the permit. If the permit is denied, the applicant shall be provided with a statement of the reasons therefore, which reasons shall be entered in writing on the application. The applicant shall be entitled to appeal the denial of the permit to the city council as provided in subsection (b) below.
- (b) From the date of denial of the permit, the applicant shall have ten (10) days in which to submit a written notice appealing such denial to the city council. The notice of appeal shall be filed with the city clerk and shall state reasons supporting the grant of the encroachment permit, the applicant's correct mailing address and telephone number, shall be signed by the applicant and shall be accompanied by the processing fee as prescribed by council resolution. The appeal shall be placed on a city council agenda not more than twenty-one (21) days after receipt of notice. The applicant shall be notified in writing by certified mail, return receipt requested, of the date and time the

matter will be considered on the agenda. In addition, notice of the hearing shall be published once in the official city legal newspaper prior to the hearing. The notice shall include the proposed encroachment encroaches, the extent of the encroachment and the duration. The applicant and all other interested persons may appear at the time and place and be heard either for or against.

(Code 1967, §§ 3.20.001, 3.20.050; Ord. No. 85-4671, § 3, 10-21-85)

Sec. 22-408. - Failure to remove obstructions.

Any person who shall willfully and unnecessarily obstruct any sidewalk, street or alley without first obtaining permission of the city or who shall fail to remove any obstruction placed in or upon any street, sidewalk or alley whenever any permission previously granted shall have been withdrawn, or when notified to do so by the city, shall be subject to civil penalties as specified in section 18-1304.

(Code 1967, § 13.16.110; Ord. No. 10-5501, § 1, 1-11-10)

Sec. 22-409. - Penalties.

Violations of this article, division 1 are designated as municipal infractions, and punishable by civil penalties as specified in section 18-1304.

(Ord. No. 10-5501, § 1, 1-11-10)

March 18, 2019

Public Works Emergency Call-outs since last meeting in January

1-22-19	Snow Plow and sanding
2-5-19	Water shutoff 2506 Atchison
2-12-19	water shutoff 1030 13 th Ave
2-12-19	water break Best Western Hotel
2-19-19	Power outage Sewer Plant
2-28-19	Plow and sand two employees
3-5-19	Water shutoff 2414 Lackawanna
3-12-19	Flooding issues south side culverts and drain ditch. 4 th Avenue and West 5 th street. Two employees.



City of Laurel Project Status Update
March 15, 2019



WWTP Screw Press (KLJ #1804-00120)

Project Manager: Travis Jones/Doug Whitney

Reason for Project: The City's WWTP does not currently have adequate sludge handling equipment, which has led to overfilling and backup of the drying beds, digesters, and various other WWTP components. Completion of this project will allow for improved operations and allow for maintenance of the digesters, which cannot be taken offline until this project is completed.

Project Scope: Design and construction of a new screw press to process WWTP sludge.

Milestones:

- Preconstruction meeting was held December 13th
- Notice to Proceed will be January 7, 2019 (150-day contract)

Current Status:

- Submittal process is underway.
 - Submittals are up to date
 - PWTech submittal received 2/11/19
- RFIs are up to date.
- Sludge dewatering is completed, and dewatering subcontractor has moved off site.
- Primary digester (A) has been drawn down to the "seed" level needed for the project.
- Secondary digester (B) is down to top of cone and thick sludge removal continues.
 - Contractor has requested a 4-day delay
 - Contractor has indicated his intent to make a claim for changed conditions.
- February 21st is the existing deadline to complete the dewatering/digester cleaning phase.
- One sludge transfer pump has been removed.

WWTP Digester Rehabilitation (included in the Screw Press project)

Project Manager: Travis Jones/Doug Whitney

Reason for Project: The City has not taken down the digesters for routine cleaning, inspection, and repairs for several years. This is due to inadequacy in the sludge handling equipment.

Project Scope: Complete the design and construction administration for the cleaning, inspection, and repairs of the existing digesters.

Milestones: (see WWTP Screw Press project)

Current Status:

- Once the interior of the digester is cleaned and can be evaluated for needed restoration, a construction change order and engineering amendment may be required.



City of Laurel Project Status Update
March 15, 2019



Sanitary Sewer H₂S Remediation (KLJ #1804-00122)

Project Manager: Doug Whitney

Reason for Project: Buildup of H₂S within the WW collection system has led to deterioration of manholes and other system components.

Project Scope: Complete the design and construction administration for the proposed air injection/diffuser system to address H₂S build-up within the system.

Milestones:

- Sewer sampling plan submitted to the City.
- Sewer samples collected on July 19th.
- Results of sewer sampling received on July 30th.
- Analyses of sampling and recommendations for a second round of sewer sampling submitted to the City on August 3rd.
- Second round of samples collected on August 14th.
- Second round of sampling results received on August 27th.
- Results of second round of sewer sampling received on Sept 25th.
- Design of recommended improvements is anticipated for May 2019.

Current Status:

- City has requested that KLJ proceeds with improvement design independent of future sampling.

2018 Pavement Maintenance (KLJ #1804-00123)

Project Manager: Carl Jackson

Reason for Project: This continues the City's annual pavement maintenance. As a result of significant freeze-thaw during the 2017-18 winter, several City streets have significant pavement damage.

Project Scope: The 2018 scope is hot mix asphalt for repaving West 4th Street (6th Ave. - 8th Ave.) and pothole repairs on West Railroad Street.

Milestones: Construction is substantially complete. Striping will need to wait until Spring 2019.

Current Status: (no progress to report until spring re-start)



City of Laurel Project Status Update
March 15, 2019



East 6th Street Improvements (KLJ #1804-00121)

Project Manager: Carl Jackson

Reason for Project: Street reconstruction between 1st Ave. and Wyoming Ave. to address failed pavement, saturated subgrade conditions and surface runoff improvements. UPDATE: the scope recently changed to include new water main from Pennsylvania to Wyoming.

Project Scope:

- Grading, paving, parking, and drainage enhancements (minor water main in Wyoming)
- Special Improvement District (sidewalks, driveways), pending approval
- Safety improvements
- Water main from Pennsylvania to Wyoming, including the Wyoming intersection valves.

Milestones:

- Bidding – April/May 2019
- SID creation – April/May 2019
- Construction – completed before August 2019 start of school year

Current Status: Design in full-swing. Off-street parking (Thompson Park) is no longer in the scope.

LURA Infrastructure Improvements (KLJ #1804-01309)

Project Manager: Carl Jackson

Reason for Project: Reconstruction and rehabilitation of streets, utilities and various other infrastructure improvements including Washington Ave., Idaho Ave. and Ohio Ave. generally bound between E. Main Street and E. 1st Street, as well as E. 1st Street generally bound between Washington Ave. and Alder Ave.

Project Scope: Preliminary engineering, SID creation, design, bidding and construction.

Milestones:

- Survey & Geotechnical field work – complete
- SID creation – Spring 2019
- Design & Bidding – pending results and completion of Preliminary Engineering
- Construction – will occur during 2019 construction season

Current Status: Preliminary engineering report was submitted February 28th for City review and comment, and then reviewed on March 4th. The scope and available budget need to be confirmed by the City, and KLJ will provide a schedule update to assist with these decisions. It is possible the project will be built in phases (TBD).



City of Laurel Project Status Update

March 15, 2019



Pavement Management Plan Update (KLJ #1804-01970)

Project Manager: Bryan Vanderloos

Reason for Project: Develop an updated pavement management plan (PMP) including MDT and City streets within the Laurel corporate limits. This will be used for prioritizing the City's annual pavement maintenance projects, along with satisfying MDT's requirement that the City update its PMP on a regular basis to be eligible for certain future State funding.

Project Scope: Conduct a field inventory by assessing paved streets utilizing the Pavement Surface Evaluation and Rating (PASER) methodology. A rating of 1-10 will be given to each road segment based on distresses such as cracks, ruts, potholes, etc. Known roads that have failed pavement sections and are in disrepair will not be evaluated, and simply given a poor rating.

Milestones:

- Final edits are complete.
- We are working through internal Quality Assurance review before submitting the report to the City.

Current Status: KLJ is in the process of providing the final deliverable to Kurt and then closing out the project.

2019 Pavement Maintenance (KLJ #1904-00230)

Project Manager: Bryan Vanderloos

Reason for Project: This continues the City's annual pavement maintenance.

Project Scope: This year's project entails crack seal, chip seal, pavement markings, and other miscellaneous items on the following streets: South Washington Avenue; 5th Avenue from West Main Street to West 2nd Street; Cottonwood Avenue from East Main Street to the Ditch Crossing; East 8th Street from 1st Avenue to Pennsylvania Avenue; and Pennsylvania Avenue from East 8th Street to East Maryland Lane.

Milestones:

- Bidding – complete
- Construction – April-June 2019

Current Status: The bid opening was March 8th and Council Award is anticipated on March 12th.



City of Laurel Project Status Update
March 15, 2019



On-Call Professional Services (KLJ #1804-00347)

Project Manager: Carl Jackson

Reason for Project: This contract would enable KLJ to provide consulting services that are not part of an approved task order. Generally, this would apply to situations where KLJ's fees are small enough that a separate task order is not necessary, or for time-sensitive matters.

Project Scope: Services may include engineering, surveying, planning or government relations.

Milestones: (as needed)

Current Status:

- KLJ was asked to evaluate costs of the potential future West Railroad Street reconstruction project, which will be provided to Kurt by April 1.

Laurel Planning Services (KLJ #1804-00554)

Project Manager: Forrest Sanderson

Reason for Project: KLJ has been retained to provide City of Laurel planning services during the interim period, while the search for the new City Planner is ongoing.

Project Scope: Planning services may include: subdivision, zoning, development, floodplain hazard management, miscellaneous reviews and other related work. KLJ will prepare staff reports, recommendations, and attend meetings upon request.

Milestones: (as needed)

Current Status:

Floodplain Management – Completed the Joint Application for the Riverside Park Latrine Project. Legal notice for floodplain permit as required by regulations. Project Engineer review of proposed latrine fill and permitting.

Subdivision Review – The primary efforts during the past month include; Regal Park, Russel Minor and Pre-Application meetings on the subdivision of the Yard Office property. These meetings are an attempt to accelerate the public review process should the annexation be approved.

Zoning – Answered several questions on Zoning compliance. Prepared a staff report and attended the City Council Work Session meeting on the Annexation and Initial Zoning Request



City of Laurel Project Status Update

March 15, 2019



for Goldberg LLP prepared by Performance Engineering. Day to day zoning issues have been transitioned to the new City Planner

Planning – primary overall activity included meeting attendance and office work related to consideration of the Goldberg LLP Annexation and Initial Zoning, along with bi-weekly meeting with City and KLJ staff. Attended Planning Board meeting as part of Transition. Once the Yard Office (Goldberg) matter is completed future long term planning will be fully transitioned to the new planner.

Other Notes and Information

Other potential projects have been identified during recent conversations between City staff and KLJ. City Public Works staff and KLJ task leaders meet bi-weekly to discuss current and future projects. As these are tentative, the timing and extent of KLJ's services are TBD, unless noted otherwise.

Anticipated FY19 Projects

1. Booster station rehabilitation or replacement (task order forthcoming)
2. Capital Improvement Plan (CIP) assistance – pending further direction from the City.
3. Planning (task order amendments forthcoming)
 - a. Review of development rules and regulations (related to public works and planning)
 - b. Growth Policy update
4. West Railroad Street coordination
5. Water storage tank evaluation
 - a. Tim is coordinating inspections of the tanks in Spring 2019, which will help determine the scope of work, which may include external and internal coating.
6. Updating City utility maps and GIS
 - a. City would like updated maps and to explore better uses of GIS information. The task order is pending clearer understanding of the scope by both KLJ and the City, which will come from future discussions.

Other Potential Future Projects

1. WWTP Archimedes Screw Rehabilitation
2. Examining engineer review of 3rd Party submittals to City
3. Lion's park grant application assistance
4. On-call government relations
5. Riverside Park improvements
6. West side groundwater remediation

MEMORANDUM

Date: March 17, 2019

To: Kurt Markegard, Public Works Director – City of Laurel

From: Chad E. Hanson, PE

Subject: Project Progress Update

The following sections summarize the current status and recent progress on active task orders under our "on-call" engineering contract with the City. Please let me know if you have any questions and/or would like more information.

Task Order No. 26 – New Water Intake

We submitted the additional documentation for the wetland restoration along the transmission main route requested by Robert Cole with the Army Corps of Engineers on the City's behalf. We have reviewed the Corps' response to the additional documentation but are waiting on direction from the City before preparing a response. We scheduled a meeting with the Corps in our Helena office on March 28th to discuss their concerns at the City's request.

Task Order No. 29 – Phase 3 Water System Improvements

COP Construction continues making progress on the project, and we have been providing on-site observation as applicable, holding weekly update meetings with the City, and conducting weekly construction progress meetings with the City and COP Construction. We have also continued to respond to requests for information (RFIs) from the Contractor and to review submittals as they are received.

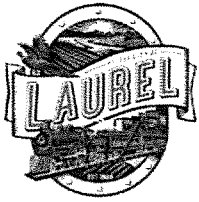
Task Order No. 38 – Phase 4 Water System Improvements

No work has been performed since the Progress Update Memo dated July 10, 2018, which stated:

The Phase 4 Improvements include lowering the 2003 intake, adding an additional raw water

pump at the WTP, and installing VFDs on all of the large raw water pumps. TSEP and DNRC grant applications for the project were submitted in the spring of 2016 but fell below the funding line. The City needs to complete the lowering of the 2003 intake to comply with the Army Corps permit for the new intake but is undecided on a schedule for the work.

We have done no work on the project and will not until so directed by the City.



**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
TUESDAY, MARCH 7, 2019**

City/County Planning Board was held in the Council Chambers and called to order by Chair Judy Goldsby at 10:00 a.m. on March 7, 2019.

Committee Members Present:

Judy Goldsby, Chair	Jerry Williams
Evan Bruce	John Klasna
Roger Giese	

Others Present:

Forrest Sanderson (KLJ)
Nick Altonaga (City of Laurel)

Public Input: *There were none*

General Items

1. Approve the City/County Planning Board minutes of January 3, 2019.

Members were asked to review the meeting minutes from 1/3/19 and make comments if updates are needed. Evan remarked that the roll call as not listed at the top of the document. Members noted that the roll call is included in the section after the public hearing is closed.

Jon Klasna motioned to approve minutes from 1/3/19.

Jerry Williams Seconded.

Motion carried: Approval of Minutes from 1/3/19

New Business

2. Introduce Nick Altonaga, the new City Planner.

Nick Altonaga introduced himself and provided a brief history of his previous life and work experience and noted he is excited to be working with the Planning Board.

Old Business

Judy provided a general summary of old business including the ongoing Goldberg/Yard Office Subdivision project. Forrest discusses why the Goldberg annexation has not yet been accepted:

- “Public Park,” which lacks dedication,
- Lack of road right of ways,
- Unclaimed 30ft strip of land adjacent to Yard Office rd.

These issues will need to be handled, along with a previously identified pre-existing structure on a parcel [Lot 18]. The city is waiting on an acceptable annexation agreement from the developer that speaks to the issues identified by City Staff.

City staff work to answer two main questions during the annexation process:

- Is the annexation in the best interests of the City of Laurel?
- Does this annexation benefit the City of Laurel

Members asked questions regarding the structure, utility connections, the Right of way, and possible ownership concerns.

Forrest reported that the existing structure would need to be brought to city standards, formal agreements will need to be met regarding the upgrades between the developer and the city, and that the area is fully controlled by the developer and will need to comply with Resolution 08-22.

No further questions were asked on the state of Goldberg/Yard Office subdivision. Judy asks about the state of subdivision changes, which Forrest notes that he will cover later in the meeting.

Other Items

No other items to be discussed.

Announcements

Forrest: The April meeting is statutorily required by State law.

Items previously worked on:

Growth MGMT Policy – Currently dated 2013. GB has been notified that it will need to be updated.

- Members will need to decide whether a partial or complete update is necessary.

Subdivision regulations will need to be updated to follow Growth MGMT plan updates. County Commissioners noted that Laurel will need to conform to State and County subdivision laws. Recent changes to the subdivision regulations deal with Agricultural exemptions.

Members asked questions regarding how to best handle recent regulations changes, how the exemptions will function, and how will the land changes effect lots?

Forrest reported that it is best to wait until after the legislative session to see the full changes, agricultural use will require a revocation of covenant, and land changes will affect the full lot.

Staff will need to take an in depth look at Zoning regulations. The Planning Board should review different zoning models and update local codes to suit the needs of the city growth plans. Important questions to consider during this process:

- How can we best develop a code that is easy to access, navigate, and understand?
- How can we develop a quick reference guide containing all the necessary information for developers and residents?
- This type of code has already been achieved in Red Lodge and Sidney

Forrest provided over a summary of guidance changes in floodplain management regulations.

- Staff will now be required to certify that portions of endangered species act have been approved in regards to floodplain applications.

- Further contact with regulators is needed to get further information on compliance and regulations regarding the changes (NEPA and MEPA related) and how it will effect past and current projects.

Capital Improvements Plan:

- It will possibly come before the Planning Board.
- Documents will require a lot of time, effort, and funding.
- Recommended to seek grant funding to support these efforts

The Growth Management Plan is the foundation; Many other projects are guided through the updates to the GMP including:

- Subdivision changes
- Zoning Changes
- CIP Items

The chair will accept a motion to adjourn, as there are no further questions.

John motions to adjourn the meeting

Roger seconds

Motion carries - The meeting adjourned at 10:45 a.m.

3. Next Meeting: April 4, 2019.

Respectfully submitted,

Nicholas Altonaga
City Planner

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER

MINUTES
Laurel Urban Renewal Agency (LURA)
MARCH 18TH 2019, 11:00 AM CITY HALL CHAMBERS

General Items

Judy Goldsby	Matt Lurker
Mardie Spalinger	Rick Herr
Don Smarsh	Thom MacLean
Daniel Klein	Steve Simonson
Janice Lehman	
Steve Solberg	
Nick Altonaga	

General Items

1. Review and Approve minutes from December 17th, 2018.
The minutes were reviewed and approved as written.
2. Report from Big Sky EDA
Thom MacLean spoke about what is coming up with Big Sky EDA.
3. Steve Simonson will replace Sue Taylor from Beartooth RC & D.

New Business

4. Matt Lurker went over Title 20, the Grant Programs specifics and the new Grant Application.
5. Adding a Small Project Grant Program.

Old Business

6. Deleting the Grant Application fee of \$300.00 was discussed.
7. Raising the Large Grant Program Reserve.

Other Items

8. A motion was made by Dan and seconded by Mardie to have a work meeting to edit the new Grant Programs and Grant Application to be held March 25th, 2019 at 11:00 in the City Council Chambers.

Announcements

9. The next meeting is April 15th, 2019.

Adjournment

10. Dan moved to adjourn the meeting and Mardie seconded it. The meeting completed at 12:00pm.

Respectfully submitted,

Mardie Spalinger
Board Secretary

NOTE: This meeting is open to the public. This meeting is for information and discussion of listed agenda items.

Item Attachment Documents:

7. Resolution No. R19-07:

RESOLUTION NO. R19-07

A RESOLUTION OF THE CITY COUNCIL PROVIDING CONDITIONAL AUTHORIZATION TO THE DEVELOPER OF IRON HORSE STATION SUBDIVISION FOR THE INSTALLATION OF A STORM WATER POND ON DEDICATED PARKLAND WITHIN THE SUBDIVISION PURSUANT TO LMC 16.40.040.

WHEREAS, pursuant to LMC 16.40.040 the City Council may authorize the construction or installation of storm water ponds within public park land if the storm water pond constitutes an amenity to the park; and

WHEREAS, the developer of Iron Horse Subdivision requested permission to install a storm water pond to handle storm water runoff within the subdivision to protect the health, safety, and welfare of the homeowners in the development; and

WHEREAS, the parkland identified for the location of the proposed storm water pond is currently a natural and undeveloped nature area and the City Council desires the area to remain substantially unchanged after the installation is complete; and

WHEREAS, the parkland identified by the developer appears to include a portion that may constitute a wetland which would require the approval of federal agencies in addition to city and state departments and agencies; and

WHEREAS, the City Council's authorization granted herein is subject to the reasonable conditions imposed by this resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the City Council hereby approves the installation of a storm water pond, on the parkland located in Iron Horse Station Subdivision which is identified on the attached map and such map is incorporated herein as part of this resolution, subject to the following conditions:

1. The Developer shall obtain all required permits and authorizations from all state and/or federal agencies or departments having jurisdiction over the area and proposed project;
2. The City's Public Works Department and on-call engineering firm (KLJ) must approve the design prior to commencing work on the installation;
3. The City's Public Works Department and on-call engineering firm (KLJ) shall ensure the design and installation complies with the intent of the City Council expressed within this resolution prior to approving the project on the City's behalf; and
4. The design and installation must comply with all applicable Montana Public Works Standards which have been adopted by the City.

Introduced at a regular meeting of the City Council on _____, 2019, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this ____ day of _____, 2019.

APPROVED by the Mayor this ____ day of _____, 2019.

CITY OF LAUREL

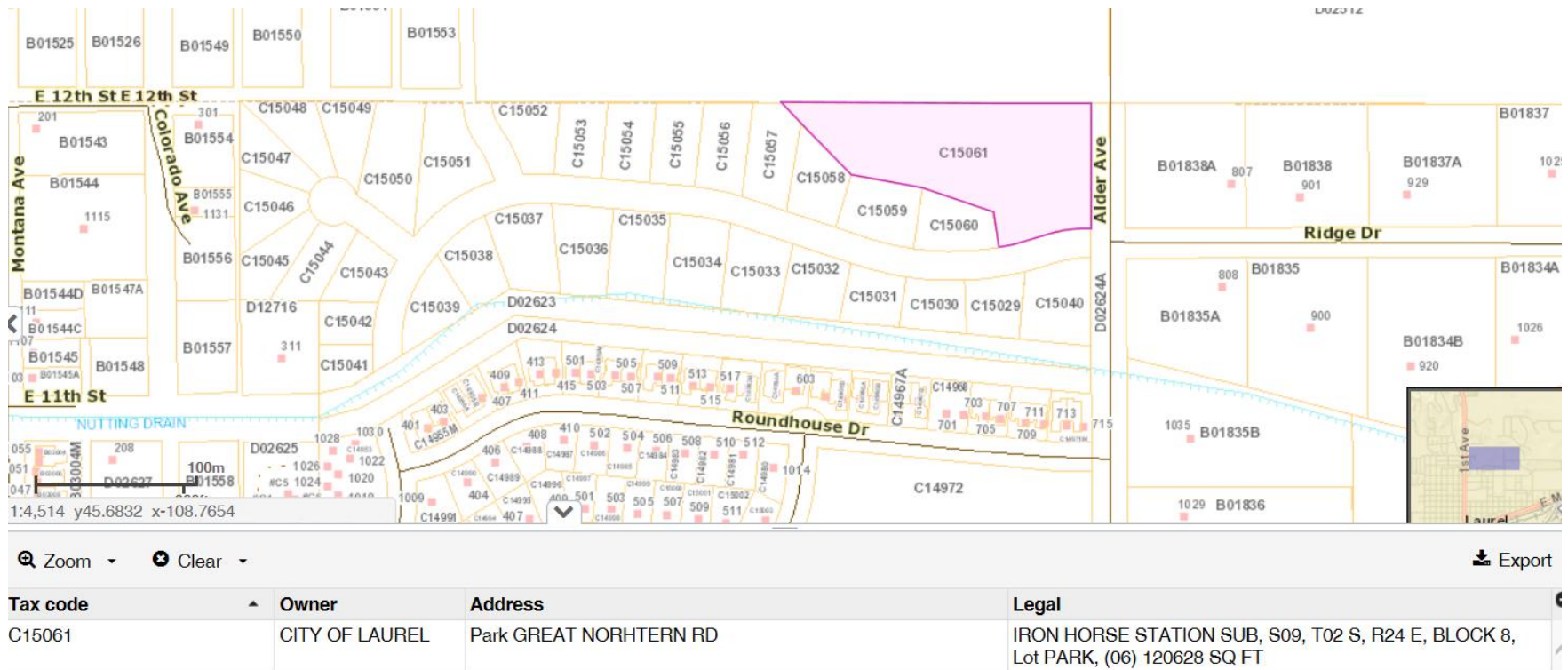
Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney



Park outlined in above map is the requested land sought for Stormwater Purposes.

Item Attachment Documents:

8. Resolution No. R19-10: A Resolution Of The City Council Authorizing The Mayor To Sign A Contract With The Billings Family YMCA For The Operation And Management Of The City Of Laurel Municipal Pool.

RESOLUTION NO. R19-10

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO
SIGN A CONTRACT WITH THE BILLINGS FAMILY YMCA FOR THE OPERATION
AND MANAGEMENT OF THE CITY OF LAUREL MUNICIPAL POOL.**

BE IT RESOLVED by the City Council of the City of Laurel, Montana:

Section 1: Approval. The Contract between the City of Laurel and the YMCA for the operation and management of the Laurel City Pool, a copy attached hereto, is hereby approved.

Section 2: Execution. The Mayor and City Clerk of the City of Laurel are hereby given authority to execute said contract on behalf of the City.

Introduced at a regular meeting of the City Council on April 2, 2019, by Council Member

PASSED and ADOPTED by the City Council of the City of Laurel, Montana, this 2nd day of April.

APPROVED by the Mayor this 2nd day of April, 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter Civil City Attorney



March 8, 2019

TO: City of Laurel

RE: Proposal for Operation and Management of City of Laurel Municipal Pool

The Billings Family YMCA is proposing to provide operational management for the City of Laurel's municipal pool for the 2019 summer season, beginning June 3, 2019 and ending on August 16, 2019. The YMCA has the ability to offer a variety of aquatic programming to the community of Laurel as well as provide the staff necessary to manage day to day recreational swim opportunities.

YMCA Responsibilities:

The YMCA would develop, publish and implement a schedule of instructional opportunities, and recreational swimming activities that will be available to the community of Laurel. The YMCA is proposing to keep separate and remit all income from recreational, open, swimming to the City of Laurel at a daily rate established by the city. The YMCA would agree to deliver all monies collected to an established drop box at the close of business on a daily basis. The YMCA is also proposing to offer a variety of YMCA programming (see Appendix A) to the community in which any fees collected through a standard reduced rate Off-Site Membership practice, would remain with the YMCA. YMCA programming would be conducted either before or after the established open recreational swimming times.

Open recreational times in general would be conducted, but not limited to, Monday through Friday, 12:00pm to 5:00pm, Saturday and Sunday 1:00pm to 5:00pm. YMCA programming in general will be conducted, but not limited to, before and/or after open recreational swim times. The YMCA reserves the right to conduct programming during the open recreation times as bather load levels and traffic patterns permit.

The YMCA would use the pool during open recreational swim times for YMCA camp activities; however, participants would pay the established daily entrance fee. The YMCA would also agree to schedule these kinds of activities on a limited number of swimmers basis during lower load level and traffic patterns.

The YMCA would provide liability insurance of at least \$2,000,000.00 per occurrence during the term of this agreement. Such insurance would extend to both YMCA Officers and Directors and employees while they are operating and managing the swimming pool. The YMCA would also name the City of Laurel as an Additional Insured on said policy.

The YMCA would provide Workman's Compensation Insurance for all employees involved in the operation of the swimming pool in accordance with the laws of the State of Montana.

All personnel employed by the YMCA to supervise aquatic activities would have the following certifications:

Lifeguards: Current YMCA lifeguard or American Red Cross Lifeguard and BLS (Basic Life Support), First Aid, Oxygen administration, and AED Certified.

Instructors: Currently hold a minimum of one of the following: YMCA Swim Instructor, Principles of YMCA Aquatic Leadership, American Red Cross Water Safety Instructor.

All personnel required for the operation of the swimming pool would be employed by the YMCA.

All YMCA personnel will adhere to established aquatic code of conduct, workplace activity requirements.

YMCA staff would be responsible for conducting and recording water chemistry readings at least 3 times per day, or as necessary to comply with state regulation.

YMCA staff would be responsible for general janitorial maintenance of the deck areas and pool buildings, as well as vacuuming the pool.

YMCA staff would make the decision to operate, or not operate, the swimming pool during periods of inclement weather or during other conditions, which may present a hazard to the swimmers and/or employees. If weather or other conditions dictate closure of the pool, the YMCA would re-open the pool if at least 1 hour remains in the scheduled time.

The YMCA would establish policies regarding safety, security, employee and patron conduct on the premises of the pool, including current YMCA swim testing and age requirement protocol.

City of Laurel Responsibilities:

The City of Laurel would be responsible for managing water chemistry, chemical additions to pool, mechanical systems and maintenance of the swimming pool, structure and associated buildings and equipment.

The City of Laurel through the local law enforcement would be responsible for the security and protection of the swimming pool, including YMCA employees and patrons.

The City of Laurel would provide all necessary maintenance, water chemistry and janitorial supplies as well as provide a pool vacuum for Y staff use, for the operation of the pool.

The City of Laurel would provide and maintain necessary ADA Lift equipment.

Management

As compensation for managing and operating the swimming pool, the City would agree to pay the YMCA a seasonal management fee for pool operations beginning June 3, 2019 through August 16, 2019. YMCA staff would need access to the facility several days before and after these dates for preparation, cleaning and equipment logistics. The YMCA proposes a total cost of \$45,600 for the 2019 summer season. The City would agree to remit 2 installments of \$16,200 on or before the 1st day of July, the 1st day of August and \$13,200 on the 1st day of September. Under this proposal, the pool would be open to the community for recreational, open swim, a maximum of 33 hours per week. The YMCA will offer aquatic programming including, but not limited to, swim lessons and lap swimming depending on community interest, either before or after the established recreational hours of 12 to 5pm Monday-Friday and 1-5pm Saturday and Sunday. The YMCA will exclude the July 4th Holiday from operation.

The YMCA and the City of Laurel would agree to meet on a regular basis, at least monthly, and additionally as the need arises, to discuss operational needs and patron feedback.

The YMCA Pool Manager, Aquatic Director, COO, CEO, in succession, will field patron feedback issues as necessary for resolution. The YMCA and the City of Laurel would agree to communicate any feedback either receives.

The YMCA's area of responsibility would be limited to the fenced pool area. The scope of general liability responsibility of the YMCA will begin when patrons enter the fenced pool area and ceases upon leaving the fenced pool area.

Billings Family YMCA


Date 3/8/19

City of Laurel

Date _____

Appendix A Program Description

Swim Lessons

The YMCA Swim Lessons program helps participants develop a solid foundation of basic aquatic skills, helping them develop a lifelong appreciation for aquatic activities, including swimming and introducing them to a variety of aquatic sports, as well as water safety and lifeguarding.

The Swim Lessons Program begins at 3 years of age and is divided into several levels per age group:

- Level 1. Water Acclimation
- Level 2. Water Movement
- Level 3. Water Stamina
- Level 4. Stroke Introduction

Private lessons available

At each level, participants are involved in activities relating to six components:

1. Personal safety
2. Personal growth
3. Forward Motion
4. Water games and sports
5. Rescue
6. Core Values (Honesty, Caring, Respect, Responsibility)

Lap Swim

Lap swimming remains one the most beneficial fitness activities that can be enjoyed at any age, or as part of any physical fitness routine.

Appendix B YMCA Pricing

The YMCA employs a pricing structure for programs that rewards membership to the YMCA by means of financial savings. The YMCA has a scholarship process available to anyone so that no one is turned away due to inability to pay. The YMCA has 3 categories of program registration based on membership type.

YMCA Member- Being a YMCA member offers many benefits for the entire family including access to all the services and amenities at the YMCA facility in Billings. It also offers the most economical pricing on all fee based programs. There are many non-fee based services and activities that go with membership, including free child watch, unlimited access to **over100** group exercise classes per week, both land and water, and access to open gym time and swimming activities.

Off-Site Member- Becoming a YMCA Off-Site member is an option for people who live outside the city of Billings to realize a financial savings on various programming offered throughout Yellowstone County. This type of membership does not allow access to the YMCA facility in Billings. This type of membership requires an annual \$55 fee, which then allows registration for any YMCA programs under the Off-Site member category where applicable.

Non-member - We encourage everyone, regardless of membership, to take advantage of the many opportunities and activities available through YMCA programming.

Laurel Aquatics Program Pricing

Swim Lessons are 2 weeks per session, M-Th)

Member	\$50
Off-Site Member	\$60
Non-Member	\$80

Lap Swimming, available on daily fee, punch card basis.

YMCA programming is subject to minimum participation number system.

Item Attachment Documents:

9. Resolution No. R19-11: A Resolution Of The City Council Authorizing The Property Owner At 519 5th Avenue To Utilize The Boulevard Adjacent To The Property For Storage Of Materials Until The Weather Allows The Owner's Project To Proceed.

RESOLUTION NO. R19-11

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE PROPERTY OWNER AT 519 5TH AVENUE TO UTILIZE THE BOULEVARD ADJACENT TO THE PROPERTY FOR STORAGE OF MATERIALS UNTIL THE WEATHER ALLOWS THE OWNER'S PROJECT TO PROCEED.

WHEREAS, the owner of the property located at 519 5th Avenue, in the City of Laurel, desires to change a portion of the boulevard located along the 6th Street portion of his property from grass to gravel and rock; and

WHEREAS, Chapter 12.32.010 of the Laurel Municipal Code Laurel currently requires all boulevard's to be kept in grass and trees unless specific permission is granted for other purposes; and

WHEREAS, the property owner has filed a written request seeking the City Council's permission to install decorative gravel and rock instead of the existing grass in the boulevard along the 6th Street portion of his property; and

WHEREAS, the property owner requests authority to continue to store the rock upon the boulevard until the weather improves to enable the owner's project to proceed.

NOW THEREFORE BE IT RESOLVED the City Council of Laurel hereby grants permission to the property owner at 519 5th Avenue, Laurel Montana, to store the rock that is currently located on the boulevard from April 1, 2019 until May 15, 2019. If the rocks are not completely removed from the boulevard, the City shall commence enforcement and removal action beginning May 16, 2019.

Introduced at a meeting of the City Council on April 2, 2019, by Council Member _____.

PASSED and ADOPTED by the City Council of the City of Laurel, Montana, this 2nd day of April 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter Civil City Attorney