



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, FEBRUARY 11, 2020
6:30 PM
CITY COUNCIL CHAMBERS**

NEXT RES. NO.
R20-05

NEXT ORD. NO.
O20-02

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 January 28, 2020.

Correspondence

2. Laurel Airport Authority Minutes of November 26, 2019.

Council Disclosure of Ex Parte Communications

Public Hearing

3. East Downtown Infrastructure Improvement Project 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.*

4. Claims for the month of January 2020.
5. Clerk/Treasurer Financial Statements for the month of December 2019.
6. Approval of Payroll Register for PPE 1/26/2020 totaling \$167,901.42.
7. Approval of Workshop Minutes of January 21, 2020.

Ceremonial Calendar

Reports of Boards and Commissions

8. Budget/Finance Committee minutes of January 28, 2020.
- Cemetery Commission minutes of December 18, 2020.
- Public Works Committee minutes of January 22, 2020.
- Safety Committee minutes of January 28, 2020.

Park Board minutes of January 2, 2020.

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

9. Appointment of Colton McCleary and Kently Kuntz to the Laurel Volunteer Fire Department.
10. Resolution No. R20-05: A Resolution Of The City Council Authorizing City Staff To Nominate Riverside Park For Inclusion On The National Registry Of Historic Places.
11. Resolution No. R20-06: Resolution Approving Certain Public Infrastructure Improvements In The Laurel Urban Renewal District As An Urban Renewal Project; Making Findings With Respect Thereto And Approving The Issuance Of Tax Increment Urban Renewal Bonds To Pay Costs Thereof; Preliminarily Authorizing The Issuance And Private Negotiated Sale Of Bonds And Authorizing The Process For Selecting A Purchaser Thereof
12. Resolution No. R20-07: A Resolution Authorizing The Mayor To Execute A Contract For The City's Prosecutor Duties Between The City Of Laurel And Lore Law Firm PLLC.

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 January 28, 2020.

Council Minutes of January 28, 2020

Mayor Nelson asked three times if there were any proponents. There were none.

Mayor Nelson asked three times if there were any opponents. There were none.

Mayor Nelson asked Staff to respond to any relevant questions. There were none.

Mayor Nelson closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of January 2020 in the amount of \$82,242.44.**
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 December 2019.**
- **Approval of Payroll Register for PPE 1/12/2020 totaling \$197,101.50.**

The Mayor asked if there was any separation of consent items. Council President Eaton stated there was a separation of the Consent Agenda. The Clerk/Treasurer Financial Statements for the month of December 2019 needed to be pulled from this agenda and would be on the February 11, 2020, Consent Agenda simply because they were not done.

Motion by Council Member Eaton to approve the consent items as separated, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee minutes of January 14, 2020, were presented.
- Public Works Committee minutes of December 16, 2020, were presented.
- Tree Board minutes of December 19, 2020, were presented.
- Emergency Services Committee minutes of October 28, 2019, were presented.
- Safety Committee minutes of November 26, 2019, were presented.
- Laurel Urban Renewal Agency minutes of December 16, 2019, were presented

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Karl Dan Koch to the City/County Planning Board for a two-year term ending June 30, 2021.**

Motion by Council Member Sparks to approve the Mayor's appointment of Karl Dan Koch to the City/County Planning Board for a two-year term ending June 30, 2021, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Mayor's Appointment Memo.**

Motion by Council Member Stokes to approve the Mayor's Appointment Memo, see attached, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R20-03: Resolution Calling A Public Hearing To Approve Certain Public Infrastructure Improvements In The Laurel Urban Renewal District As An Urban Renewal Project And To Finance The Project Through The Issuance Of Tax Increment Urban Renewal Bonds; And Making A Reimbursement Declaration In The Event That Tax-Exempt Bond Proceeds Reimburse Original Expenditures Of The City**

DRAFT

Motion by Council Member Herr to approve Resolution No. R20-03, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R20-04: A Resolution Of The City Council Accepting An Easement From George M. Fox For The Purpose Of Constructing, Operating, Maintaining, Replacing And Repairing A Sewer Line For Village Subdivision Within The Described Easement.**

Motion by Council Member Wilke to approve Resolution No. R20-04, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Ordinance No. O20-01: An Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building Codes For The City Of Laurel As Required By The State Of Montana. (Second Reading)**

Motion by Council Member Klose to adopt Ordinance No. O20-01, seconded by Council Member Sparks. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Sparks, Herr, Wilke, Nelson, Klose, Stokes, and Eaton voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA:

Clerk/Treasurer Financial Statements for the month of December 2019 have been moved to the February 11, 2020, Consent Agenda.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Public Works Committee has moved their February meeting to February 19, 2020, at 6:00 p.m. due to the holiday.

It was requested that the Council have a discussion about West Railroad on the next Workshop. Mayor Nelson stated that the discussion would be added to the next Workshop.

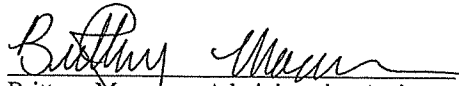
MAYOR UPDATES: None.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Nelson to adjourn the council meeting, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 6:50 p.m.


Brittny Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 11th day of February 2020.

Thomas C. Nelson, Mayor

Attest:

Bethany Langve, Clerk/Treasurer

Item Attachment Documents:

2. Laurel Airport Authority Minutes of November 26, 2019.

Laurel Airport **Authority**

P.O. Box 242
Laurel, MT 59044-0242

Laurel Airport Rd.

Nov. 26, 2019

PRELIMINARY

Meeting called to order @ 19:05 hours by Chairman Randy Hand. Board members present were: Shane Linse, Jim Swensgard, and Randy Hand. Guests present:, Jim Wise and Craig Canfield.

Claims approved. Normal and recurring for power and utilities.

Public Comments: Jim Wise had questions regarding the costs for utility extensions etc for new hangars. Was informed that Airport Authority pays for original extension, but then builders pay back those costs when development of site is started.

Reports: Craig Canfield, runway project is finalized with exception of some related documents, which included some amended items for AIP 18 and AIP 19. Also mentioned some grant applications changes due to FAA funding requirements, including the old taxiway grant of \$37,350.

New Business:

1. Shane made motion to approve the amendments to the grant application. This included the known items of the SRE Building and some changes for site work previously discussed.
2. Motion made and carried to continue with the current Consulting Engineering Firm of KLJ for the contract term of five years.

Old Business:

1. FBO progress, had requests for minor lease revisions. Investigation also revealed that a "performance bond" is not feasible for the FBO to provide. Other provisions for guarantee of fuel availability to be made, including, but not limited to, breaking out part of lease for the fuel system if necessary. Requirements to be legally inserted in new lease prior to signing.
2. Determined that our best interest would be to install a Schweiss door in SRE Building. Door will be ordered for installation this Spring/Summer, to be installed by a contractor to be determined. Motion made by Shane L. and seconded by Jim S. with no objections.

Meeting Adjourned @ 20:40 hours

Randy Hand

Chairman

Item Attachment Documents:

7. Approval of Workshop Minutes of January 21, 2020.

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, JANUARY 21, 2020**

A Council Workshop was held in the Council Chambers and called to order by Mayor Tom Nelson at 6:31 p.m. on January 21, 2020.

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 type="checkbox"/> Don Nelson

OTHERS PRESENT:

Stan Langve, Chief of Police
Nick Altonaga, Planning Director
Bethany Langve, Clerk/Treasurer
Kurt Markegard, Public Works Director
Julie Wotring, Montana Department of Transportation
Stan Brelin, Montana Department of Transportation

Public Input:

There were none.

General Items

1. Laurel Signals Presentation
Julie Wotring and Stan Brelin, with the Montana Department of Transportation, presented the attached PowerPoint in detail.

It was stated people turning left onto East Railroad are causing a back up of traffic. This Council Member had called Helena and asked that a no left turn sign be installed. They were told that if Laurel did not enforce it, it would not be put in. That ended it right there. They found out from the Chief at the time that they would not enforce it. There are times when two or three people are trying to turn left to go to Walmart. If it is slick, it can cause issues for people to get up the hill. It is causing a lot of traffic delays. They questioned if they had observed this during the traffic study. This Council Member stated that if there is traffic, he goes through to the light to get to Walmart. They stated they would take this back to their sign folks. It does hold true that there is a behavioral element. They work with their law enforcement partners; otherwise, it is just another sign. This Council Member stated that the current Chief is always about education. People have to learn that that is a no left-hand turn. They may not be writing tickets

right away. It was clarified that they could say no left turn during the peak hours of the day.

It was questioned if the State has any pull in regard to widening the underpass under the railroad. It was clarified that yes and no. It is a partnership with the railroad. The State has to work with them. They have their needs and restraints. It is something that can be done. Mr. Brelin stated in his career, they had only seen the replacement of bridges, but those were State-owned, not the railroad's bridge. He stated that he would differ to the district folks in Billings.

It was questioned if more traffic used the East Laurel exit would it eliminate issues off the main Laurel exit. It was further stated that the East Laurel exit is not user-friendly either. It was clarified that the main exit has all the desirables, such as gas and Walmart. When Walmart went in, there were not a lot of businesses on that road. It is a very different road now. The new interchange may affect traffic flow.

A Council Member stated that there is talk about another big hotel going in by Walmart. It was suggested that the Planner follow up with the systems impact folks.

A Council Member stated in Mandan North Dakota; they had an underpass similar to what we have. They were able to put in a five or six-lane underpass. When the railroad wants to rebuild the bridge, will that be discussed? It was stated that the bridge has exposed rebar and is in disrepair. That the City will ask for the underpass to be wider but may take work from all parties. As the City grows, it gets tougher. It is an expensive endeavor.

It was questioned if the West Laurel Interchange could have an overpass to get to West Railroad Street. It could help eliminate a lot of traffic problems. It was clarified that there were conversations about three years ago when they were planning on the west side connection, and they had not heard anything since. It was further stated that people have talked about building warehouses but don't have a place for their traffic to go.

It was stated that Emergency services cannot get to the Southside of town if a train is blocking. This is a safety issue. Mr. Brelin suggested we forward this to the Billings District Administrator as they are the ones who come up with the projects.

Council thanked Miss Wotring and Mr. Brelin for the time for gathering and putting together this information. They are excited for the new signal times.

Miss Wotring and Mr. Brelin wrapped up by letting Council know that they will come back and do follow-ups on any issues sent their way.

Mayor Nelson stated if it's not traffic its parking in this town. He thanked them for their time giving their presentation this evening.

2. Appointment of Karl Dan Koch to the City/County Planning Board for a two-year term ending June 30, 2021.
Karl Dan Koch, 320 Colorado Avenue, introduced himself to Council. He stated that he has served on this board before and would like to serve on this board again.
3. Mayor's Appointment Memo
Mayor Nelson stated this memo is to appoint Council Members to various boards. Council will be voting next week to approve these appointments.

Executive Review

4. Resolution - Resolution Calling A Public Hearing To Approve Certain Public Infrastructure Improvements In The Laurel Urban Renewal District As An Urban Renewal Project And To Finance The Project Through The Issuance Of Tax Increment Urban Renewal Bonds; And Making A Reimbursement Declaration In The Event That Tax-Exempt Bond Proceeds Reimburse Original Expenditures Of The City

Bethany Langve, Clerk/Treasurer, stated this is the first time the City is looking at selling a TIF bond. This bond is for the East Downtown Infrastructure Improvement (EDII) project. This resolution is to call a public hearing. If these resolutions pass, the public hearing will be scheduled for February 11, 2020. There will be a terms sheet that will list all the maximums. This term sheet will be given to the four local banks. The bid opening is scheduled for February 13, 2020. By the time the bids come back, the Clerk/Treasurer will know what the financing will look like. The TIF District will put in between 1 million and 1.5 million cash to this project. The bond will be approximately 3 million.

It was questioned if this process is similar to a SID where the Clerk/Treasurer comes and asks the Council's permission to do this. It was clarified that this is asking for permission, the term sheet will outline the maximums for the Clerk/Treasurer and Mayor to enter into an agreement up to a certain amount and accept the best quote. Traditionally the City has gone with the four local banks, Yellowstone, Altana, SEG, and Western Security Bank. The Clerk/Treasurer asked if Council would like to consider any other banks.

It was questioned if Council will get a report back of who was selected and at what terms. Council will see everything like always. The City is still waiting to hear back on the status of the \$750k grant. The grant awards should be out soon. The Clerk/Treasurer spoke with Bond Counsel about the best way to proceed. This process was recommended. The City has never issued a bond like this before. This public hearing would see what the public has to say about it before any money is spent.

A Council Member stated it is a good idea to always send out information to the public as it is always better in the end anyway.

It was clarified that these bonds should be desirable as they are large, but also tax-exempt. Which means the City should get a good interest rate. The Clerk/Treasurer needs to know if the Council would like to expand the banks listed to solicit quotes.

A Council Member questioned the banking institution by CVS. It was clarified that is First Interstate Bank. It was asked they be included in the quote process.

It was questioned if the City would want to go with a credit union. It was clarified that both Altana and SEG are credit unions.

It was clarified that the TIF would expire at the end of this year. This project will extend the TIF up to 25 years. The max term for the bond is 25 years. The district will be able to take care of the project and continue to save. Currently, the TIF district has 1.9 million and has a very healthy budget moving forward. At the next Workshop Council will see a sample amortization schedule. This bond will be similar to a SID except instead of reimbursing the contract, the TIF will be paying all feeds and the bond will reimburse the TIF.

5. Resolution - A Resolution Of The City Council Accepting An Easement From George M. Fox For The Purpose Of Constructing, Operating, Maintaining, Replacing And Repairing A Sewer Line For Village Subdivision Within The Described Easement.

Kurt Markegard, Public Works Director, stated he and the City Planner had been doing homework on a subdivision that wants to come into the City and started looking at existing easements in the area. They looked at the easement for a water line by the cabins and the sewer easement for the Village Lift Station. The easement for the Village Lift Station did not have a recording number on it. The note said to file in the vault, not file at the courthouse. He stated he reached out to the City Attorney and Clerk and Recorder both stated this document needed to be recorded and the Council needs to accept the easement. He stated he did try and find when this easement was discussed or accepted by Council and was unable to find anything. This resolution is permission to file this easement with the County.

It was questioned if the Village Subdivision is the trailer courts. It was clarified that was correct.

6. Ordinance No. O20-01: An Ordinance Amending Certain Chapters Of Title 14 Of The Laurel Municipal Code Relating To The Adoption And Enforcement Of Building Codes For The City Of Laurel As Required By The State Of Montana.

Mayor Nelson stated the Planning Director is present if there are any questions on this ordinance. The State requires an update to the building codes.

Council Issues

7. West Railroad Update

Kurt Markegard, Public Works Director, stated they have been working with KLJ Engineering to get a scope on a task order and what it will entail. He stated for the past five to six months; he has been trying to get an understanding of the task order. The \$85k is for them to come in and study how to get West Railroad Street built. They wanted to look at the right of way and ownership survey, a topographic map, utility mapping, prepare base drawings, water and sanitary sewer review, storm drainage analysis, bridge replacement analysis, neighborhood intersection analysis, railroad crossing analysis, and prepare a final report for the City. With that, the cost will be \$85k with that staff asked what does each part of that phase entail. So, they brought back a task order that broke it out by cost.

- Right of way survey \$17,500
- Topographic map \$6,500
- Utility mapping \$5,000
- Prepare base drawings \$5,500
- Water and sanitary sewer review \$5,500
- Storm drainage analysis \$15,000
- Bridge replacement analysis \$13,000
- Neighborhood intersection analysis \$11,000
- Railroad crossing analysis \$5,000
- Prepare final report \$1,000

There are no storm drains in the area over there, so it is a really difficult analysis trying to get storm drains over there. There is a small bridge over there. It is a concrete decking bridge. He stated from the records he found it is a City bridge that was put in in the '30s. Those bridges were originally for railroad cars for the railroad. Trying to figure out who actually owns those because if its not a State bridge usually most bridges revert over to County ownership and maintenance takes over that. Having a bridge that is not on the State list and not on the County list we are left with a bridge that is with the City and if we are not in bridge-building as a municipality as per State code. It is either the State or the County governments that have the authority to deal with the bridges in the Communities. Woodland comes up and intersects with a railroad crossing. Then there is Cedar, is another one, that is a block off right now with big concrete blocks right now because you are entering the railroad right of way. He stated he looked at that and helped KLJ come to some kind of understanding of what we are going to do there. The subdivisions on the Southside predated the City and were recorded in 1907. The City became a City in August of 1908. Those subdivisions down there predate the City. The streets actually go into railroad right of way. Typically, you don't allow streets to do that anymore; you can't just go into a railroad right of way and think you can travel that way. So there might be some discussions with MRL on how those intersections are going to work so they wanted \$11,000 for that. The railroad crossing analysis will be how to make the grades work and what we can do there. The Public Works Director stated he would love to have a quiet zone there, at those two crossings if we can make it happen. He stated he is not sure if anyone else in Laurel doesn't like that beep. KLJ wants \$5k for that. We got all that information back from KLJ; the next question is what if we do a project with the State Department of Transportation, how much of this stuff would we have to pay for is going to get

reduplicated. Is the State going to come in and do all this over again? So they brought it down and we just got the report back last Wednesday. They have not had a chance to... He stated himself, the Mayor and Nick have not had a chance to sit down and go over that report yet. They will be doing that next Tuesday when they have their bi-monthly meeting so they will be going over that detail of what would be duplicated and hope to bring this up to Public Works Committee tomorrow evening and discuss this a little bit under that committee as well and get more information out what the report states. When we were looking at additional funds for West Railroad Street we were looking at, the first five blocks from 1st Avenue to 5th Avenue are in the TIF District, but with this other project going forward with the bond you heard tonight until we get what it's going to cost and how much it's going to be, how much we are extending ourselves out and what's leftover in the TIF District. Once this is extended, you could get another bond project as long as it doesn't exceed passed the original bond that you may pass here shortly. So if there is funds to still be able to do the grants and other infrastructure projects that might free up some revenue to help with the West Railroad Street project and get that rebuilt as well. Its kind of a dynamic situation right now not knowing exactly what the annual payments will be for that bond. We should know more in the next few weeks. So that's what we are trying to get close too, once we get this finalized with KLJ would like to get another crack at the Department of Transportation and see what they think and get their feelings on what will have to be duplicated. To get a better understanding if they will bring this to Council for a task order for \$85k what you are getting your money for. And if it has to be duplicated and be done all over again, want to be upfront with you, to spend the money now and that the State will have to do this again. We know that's going to happen on some items, but sitting here waiting for the State to come up with extra money is really not an option if we want to move forward. Trying to do everything we can to keep moving this forward and engage the State and make a project where there might be local match funds through the TIF District or any other kind of bonds we would be able to do or Special Improvement District. If we do our water and sewer, if the project would go, we would have to put away money for water and sewer. If we need to extend the water and sewer, currently the Southside water is not great. It is pretty good up to 5th Avenue. It is coming along the tracks and hits the tracks, that is fairly new waterline its 1998. But from 5th over to 8th, that line is old and would need to be replaced. If we are going to rebuild the street, we would want to lay new water line out and potentially new sewer line out to Lion's Family Park or South Pond, so if there is any growth going on south of the railroad tracks and south of the interstate they can possibly tie into that sewer main. He stated he would hate to sit here and have this project done and then go oh we need to get to that sewer line and dig up that street. So would like to look at extending that out. Those funds would need to either come from the enterprise funds because a lot of that is outside the TIF District. That's the only funds we could look at is the water and sewer. Things are still progressing; he stated he knows it is not as fast as everyone would like but keep plugging away at it.

Mayor Nelson stated plus there is the truck traffic that chooses not to go under the underpass because of the 13 feet 3-inch height restriction. That hangs a left westbound on West Railroad and crosses the railroad tracks onto West Main. Trying to see since

that is a designated truck route gets funding from the State as well, of course, that usually comes in the form a long time before we need it as they move very slow. There is a possibility of getting a commitment even would be helpful if we had something we knew would pay something back. Investigating that as well.

Council President Eaton stated that she is a little bit confused. This started out with \$85k that KLJ was requesting for a 10 step process. This 10 step ... it was requested of KLJ that they itemize that 10 step process. They itemized the 10 step process, and now instead of KLJ working on it, the City Planner is working on some of it and there are all of these objections that are coming up to moving forward with it. She stated she would like to know is there a definite date with regard to when this project is to go forward and come out of the researching stage.

Mayor Nelson stated that as we currently identified the project with the Urban Route Funds with the State. The State and the way they take a look at the project and estimate its cost. The State estimated that we were...Mayor Nelson asked the Public Works Director how much short. The Public Works Director clarified that we were anywhere from 2mil-3mil short. Mayor Nelson clarified that we would have to come up with. So we are struggling to find a way to come up with that shortfall. Doing that and what can we do and is there any way we can modify what we are looking at. The KLJ's survey to identify costs, or what they believe the costs are going to be in this project, some of those would also be repeated again by the State if we went forward with them and the Urban Route Funds. They would repeat some of that because they have to do that. I guess the concern was that we scrape together \$85k, up to \$85k. It's up to it is not an \$85k. They don't see it being more than \$85k. To scrape that money together and spend it and then, in the case of the Gateway Plan, not do anything because you can't afford to do anything. So we are trying to make sure that we can get to where we know we can afford the project before we spend the funds that we need to with KLJ to get that groundwork done and then move forward with it.

Council Member Klose questioned the 2mil-3mil shortfall within, do we expect any money from the County to help us out with that?

Mayor Nelson stated that one would like to think so, but that is probably not going to happen that discussion has been raised in many meetings we have had on this every other week. One of that was that we have a tremendous amount of pressure on that street as well from the refinery and the refinery is in the County and the County gets money from the refinery we don't get that money directly from the refinery. It is much that the County should bear some responsibility but obviously, they have a budget and I think they have their funds allocated where they think they have to have them. There is no guarantee that we can get money from them; it would be a struggle. To answer your question, we probably should, but are we, can we, can we force them to, no we can't force them to. But we can sweet talk them and try to get them to pitch something in or can we leverage something else to try to convince them that would be a good idea, maybe. We are looking at everything we can.

Council President Eaton asked is there a timeframe for the 10-step plan that KLJ came up with, what is the status of that?

Kurt Markegard, Public Works Director, clarified that they just got it Wednesday. Mayor Nelson continued by stating not so much that that expires but more important if we go through that process, and we determine we have to wait another year and a half or maybe two years to get the funding in place. We may be required to go through this again and spend another up to \$85k or \$90k because the State will say this is outdated; you need to provide us with new engineering again. We have discussed that at one of our meetings. If we wait too long, we may have to go through the process again.

Council President Eaton stated she is experiencing some frustration with this because she was the first on Council in January of 2007. She stated she started bringing this issue up somewhere in 2008. A resident of her ward asked her a year ago and a half ago to please summarize why it was that nothing was being done with West Railroad. So she went back through her records that she keeps at home and in 2013, she stated she had written up a rather lengthy document then of every time she had brought up at Public Works Committee or the Council as a whole discussion about West Railroad Street. She stated that she ended up giving that particular constituent a document that was 3 inches thick of all of the times and all of the ways that this had been brought up and dropped. She stated it seems to her know that there are more objections and problems that are being dug up that have never been considered before because this project had never been considered. She stated that she is very worried that this balls going to get dropped again. Given the fact that the east end project, which was scheduled to take two years suddenly got combined into a one year project and we are now looking at the funding for it. That went through very very easily and very very quickly and there are no more constraints to that. I would think an engineering firm could come up within a 10-step program. She stated she would like to see something a little bit more precise and concise rather than an engineering firm coming up with a project and everyone taking potshots at it and saying they are charging too much. She stated that she understands that we are trying to save money and that she understands that it is a fight be the City trying to save their dollars and the State seeming to think we have endless funds. This is a project that needs to be done. She stated that she doesn't know how many times all of us around here have said that. She stated that she is amazed at how many times a 10-step program supposedly can be finished and brought to the Council and then it doesn't get brought to the Council. Then the Public Works Director is working on phases of it to try and save the City money, etc. etc. It looks already as if it its infancy stage that we are just treading water already again on this project. She stated that she wants to express the fact that this is not going to go away. And if she has to haul her wheelchair in here at age 105, she is going to make life difficult for all concerned. She stated that is her two cents and they can put that towards the funding to improve West Railroad Street.

Mayor Nelson stated that they have talked about; there are other options too. There is Gas Tax; there is the Street Maintenance levy. He stated he thinks if they through everything they can find and pick up at that project it can probably be accomplished.

But it would be at the expense of not doing other things because of the finite amount of funding. And there again the State may have grossly overestimated it as well. Our engineering firm does seem to think that the State does overestimate because obviously, that would be to their benefit to overestimate vs. underestimate a project's costs. When we meet next week can take a look at that and bring that proposal on the engineering task order to the Council and let you decide.

Council Member Wilke stated that he is curious, we spend this \$85k to have this report done, then we got all this information and then the State comes in and says we need to redo this. At some point in time in the future are we going to have to spend more money to help pay for some of these things we have already paid for? Or will they except some of this information, it is coming from an engineering firm for crying out loud. Does it all have to come from their dudes up there in Helena? He stated it is his fear that we pay \$85k and they come back that we need to pay \$45k more because you didn't do this right or you didn't get enough information. We pay \$85k for the future to hear, oh you got to pay for this too. He stated this is what he is worried about.

Mayor Nelson stated that the state will do their own topo; we will do a topo with a drone, a drone is the least expensive way to do a topo survey. But we need the topo survey for our stormwater and other considerations. So we have to have that. That is something the State's going to do anyway but we are better off having our own done. Is what we determined. There are a few things that they have to do. The other thing is if we go and spend the money on this task order, we want to continue with the project because if we stall and think we have to wait a year or two, then we will have to spend that money again on a new task order. The State won't accept some of those things that the State will accept from the engineering firm that they won't duplicate.

Council Member Herr stated he fully agrees with Council President. Railroad Street is definitely a shot in the arm to get going on. On the same sort of token, but we are going to need money again if the City chooses to put water and sewer out to the West Exchange. That is going to be a big chunk of money. He stated he would rather see it on West Railroad Street because right now, that's a big point. But how do we get money for the west end and the new interchange the businesses and whatever is going in out there. Maybe the business places will kick in, but it is still going to be quite a large expense to get water and sewer out to the West exchange. Will, that interfere with this or is that water and sewer money and this is road money?

Kurt Markegard stated that any time so the last time we did anything with Urban Funds and the State was 8th Avenue. The previous Clerk/Treasurer had put away 1 million in the water and sewer funds to do that project. To redo the water and sewer mains for 7 blocks. So we had the money in the bank when the American Recovery and Reinvestment Act came through. And all of a sudden our project that was still in the design phase; they were still doing it. But it was close enough design, the final design, that we were eligible to be a shovel ready project. That project going forward, the City had our match from the water and sewer funds that we had to pay the State to install the water and sewer lines. Then we had to deal with the stormwater. That plan took 10

years for the plans to be drawn up and the environmental assessments to go on. They looked at wetlands; they looked at stormwater. They even bought land next to the church to deal with stormwater then gifted that over to the City of Laurel that now we have to maintain to retain Cherry Hill stormwater so that the stormwater coming down 8th Avenue didn't have to be such a large size so that we would save cost. The same thing is happening on West Railroad Street; the problem is the State's not moving forward towards plans. This is different because they looked at it and did their numbers, the rough estimate and said we are not even going to move forward with plans until the gap funding is closed. So they are doing nothing, that is what they came and told the Council, they are not going to do nothing. So the State Department of Transportation is doing nothing, absolutely nothing. So the only ones working on this project is the City. We are trying to get you guys a number where your comfortable, then understand all the things that are going to happen. We don't have stormwater, so right now, that street is just shedding water off onto the railroad and into the neighborhood properties. It's running across the berm; sometimes, it's not even doing that because the dirt has built up so high along railroad street that water is just sitting out on the street creating puddles which creates the potholes which deteriorates the street even more. So they are looking at bringing a storm drain all the way from the underpass to the railroad spur at Fox Lumber, hooking onto that and coming under 1st Avenue and going underneath two railroad crossings and extending it all the way out to 8th Avenue. We have the other option of dumping stormwater maybe into the pond. Do we really want stormwater going into a pond where their fishery? We don't want that to happen either. So this project is not simple. With the railroad and railroad property, if we went through and did a Special Improvement District, we are probably not going to get the railroad to participate in that because they have no beneficial frontage. It's not going to benefit them to have curb, gutter, and sidewalks. So a Special Improvement District probably isn't going to fly and if it did it would go on all property owners that would benefit it can't be shared in the whole community on that whole Southside so your just looking at property owners along Railroad Street to raise funds for a Special Improvement District. Well, that's not going to work. It is just too much. So back to the gap funding. The States is not working on it. The City Council and this Mayor and previous administration want us to keep working on it. What we are trying is to get you a number that we can. And that you understand if it goes forward our Urban Funds that are sitting at the State are not just the City's it's the Counties too. So when we talk about it, that district encompasses County properties and City properties. The County has already said, the County Commissioners have said yes, you get to use that money just for the street. They agreed to that. He stated that he went and asked the Public Works Director for Yellowstone County if they have any money to contribute. The answer was no. He stated he has already done the asking. What he is trying to do is to the best that he can to make sure if they spend \$85k, that is \$85k that we don't get to go pothole patch or crack seal any other project. It is going to go to this and then it might sit and we may have a plan and the State comes in and says not sufficient. So we got to have the funding and we got to have an understanding of what the costs are going to be, how much it is going to cost to put in a storm drain per lineal foot, water line per lineal foot, sewer line per lineal foot. Get all that done; how much curb is going to be required. Are we going to do a three-lane or a two lane? We are trying to convince the

State that we only need two-lane until we get to the residential neighborhood and then we can possibly go to three-lane. So you turn left to go in the South Side and keep traffic flowing into the county. Urban standards is a three lane; we don't feel between 1st and Woodland that you need a three-lane. That is KLJ's and his opinion. The urban design requires that they are three-lane. So we have to convince the Department of Transportation by data that we don't need three lanes to go over railroad crossings. Why would you need it, if you turn North and nothing that turns South, we don't need three lanes there? We are trying to get it all put together as one scope and have an understanding that all the things that would go into design so we can get the cost estimates. If we do everything and research everything, then we cant come to a realistic cost estimate number to present to the State. That is what we are trying to get down to. Yes, it is taking some time to get it all done; that is why he is asking all the questions. So we are prepared to go forward and it doesn't take 10 years to do a design and have 10 years of looking at something. If we can compress that down to be able to do it in a two-year design, that means the project can go forward faster. Know that every year we are getting about \$260k added to that account. When we did 8th Avenue, 8th Avenue wasn't even projected to start construction until 2023 at the earliest. He stated when he started here 2023 was the earliest it would ever go, then along came the shovel ready project. So now West Railroad Street because that got done we had a balance left and now that's where we are at. He stated he is hoping to have something in the next couple of weeks to the Council so they have something to consider. Then it would be up to you [Council] if you want to spend the \$85k or not. He stated they have a meeting next Tuesday and then he thinks if the Mayor feels comfortable putting it on the agenda, we will bring a task order soon.

Mayor Nelson stated he doesn't know how much work is ever gone on with this project in the past, but he does know in the last year, in the last 8 months have really focused on this trying to get to where we can make this a reality and move the project forward. It needs to be done obviously, that a major arterial into Southside. It's a major arterial for transportation in and out of the refinery, especially during the turnaround. And at some point in time, it's going to be a major arterial into a more development south of the highway where eventually he would assume we will have the State putting something over those railroad tracks and with a loop connector that connects into West Railroad because it's going to be traffic that's coming in over there and eventually probably something with the widening of 4th and getting traffic back out onto the highway south from there. Then onto 90 again from there. We will continue to work on that so in the next couple of weeks; we can bring that to the Council, and then you can make that decision and give you the best... what we think can do if we go ahead with that — exploring other options with some variables. We talk about it every two weeks. We have been moving forward on it as well on identifying things on it that question or funding avenues or different options. We have moved through the identification of the streets that Kurt had mentioned to you. We have streets terminating into railroad right of way; they have to be terminated and have to interconnect, brought down then come over. He stated they are all very committed in making this thing work and getting it off the ground this time. We give you that commitment here in a couple of weeks and get you.

8. Discussion on National Historic Places Registry Designation.

Nick Altonaga, Planning Director, read the attached recommendation letter to Council. He stated that Park Board met last spring with a member of the Yellowstone Historic Preservation Board and discussed what it would like to be on the registry. Historic designation opens the City to more funding and exemptions from certain regulations.

It was questioned if the Care Takers building would be torn down. It was clarified that the City could demo buildings if documented properly.

Mayor Nelson stated a few years ago, this topic was brought to Council and he had come to the same conclusion that the Planning Director had. This will open grant funding opportunities to maintain and improve those buildings.

It was questioned how the Council moves forward with this item. It was clarified that this item would be brought back as a resolution at the next Workshop.

Other Items

There were none.

Review of Draft Council Agendas

9. Draft City Council Agenda of January 28, 2020.
There were none.

Attendance at Upcoming Council Meeting

All in attendance will be at next week's meeting.

Announcements

Public Works Committee's next meeting is tomorrow, January 22, 2020, at 6:00 P.M. in the Council Conference Room.

Emergency Service's next meeting is January 27, 2020, at 6:00 P.M. in Council Chambers.

Mayor Nelson reminded citizens that ice is jamming up on the river. Areas near the river may have flooding and to be safe.

The council workshop adjourned at 8:26 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.

1ST AVENUE SIGNALS - LAUREL CMDP-G 4-2(47)54; UPN 9264



OVERVIEW

- Existing Conditions Summary
- Identified Issues
- Intersection Analysis
- Crash Analysis
- Clearance and Pedestrian Times
- Proposed Timing Plans
- Next Steps

EXISTING CONDITIONS

- 3 State Owned Signals
 - No coordination
 - No detection at Main/1st (pre-timed)
 - Nighttime flash at Main only
- Hardware
 - Traconex Controllers
 - Controllers upgrades included with this project

IDENTIFIED ISSUES

- 2010 complaint about lack of pedestrian crosswalks at Main & 1st
- 2013 complaint regarding the time for the NB LT arrow at Main
 - Added 5s of green time to the NB LT noting that the lane configuration may limit the benefit
- 2016 complaint regarding back up onto the interstate at the WB ramp (≈1 600' ramp)
 - Added to the HSIP 2016 review site list
 - During field review, no back-ups noted
 - No trains noted either
 - Site dropped – no further info
- June 2018 complaint letter
 - NB backup from Main to I90 - problem for businesses access

NOTED FIELD ISSUES - MAY 2019

- Backup from Main to the 190 WB ramp in the NB direction during the PM peak
- Intermittent cycle failures for following movements
 - Main
 - NB primarily during PM peak, WB LT all peaks, infrequent SB AM/PM peak
 - 4th
 - SB LT during midday, WB LT midday and PM peak
 - 190WB Ramp
 - EB only after train preempt
- Two trains observed at the 190WB Ramp
 - Long and slow trains, but no risk of backing onto interstate even though one occurred at 5:20pm
 - Clearing EB traffic after preempt can be challenging due to heavy WB right from the ramp, and the NB lane drop at 4th

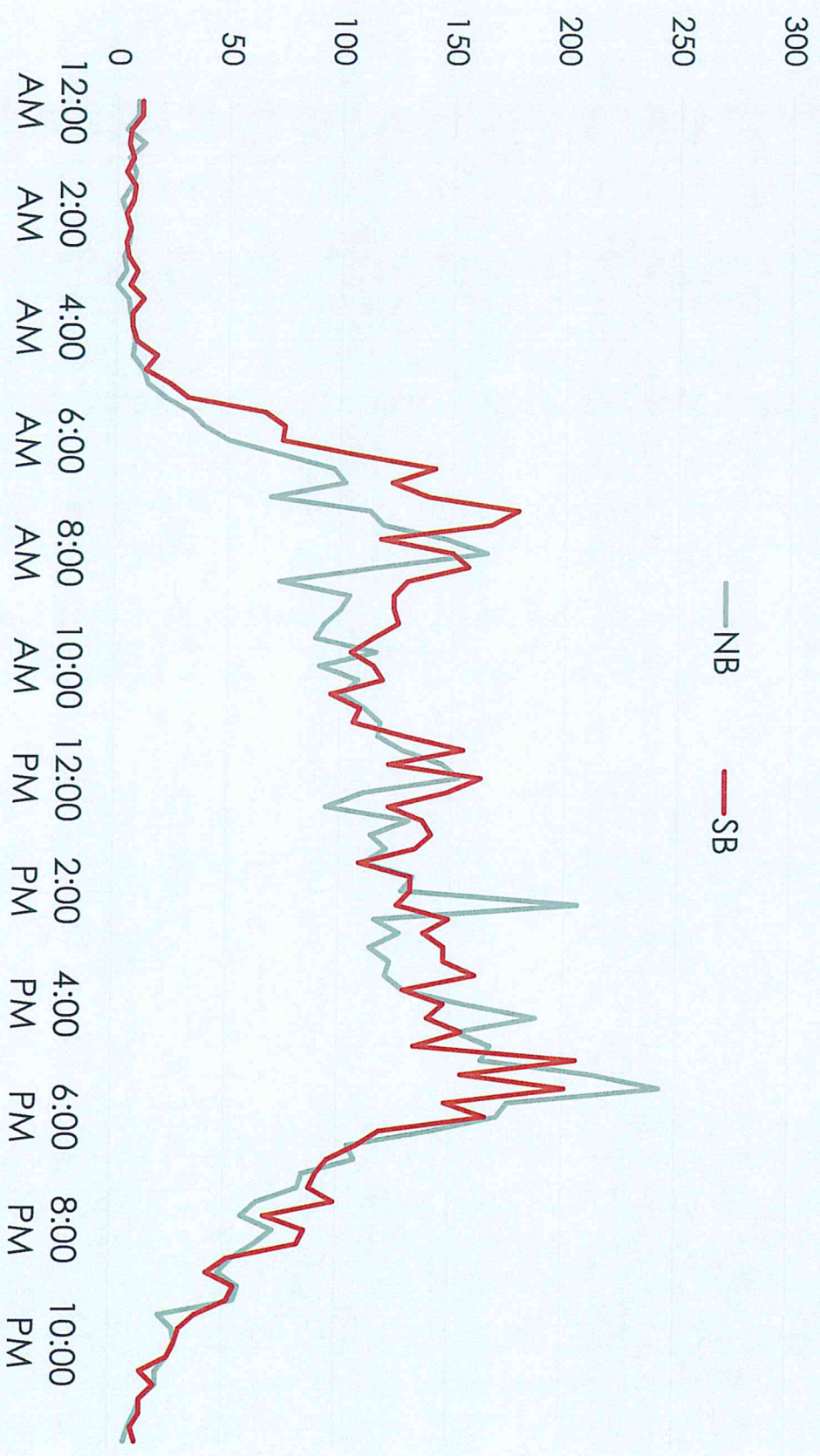


WEEKDAY TOTAL VOLUME

APRIL 2017 DATA



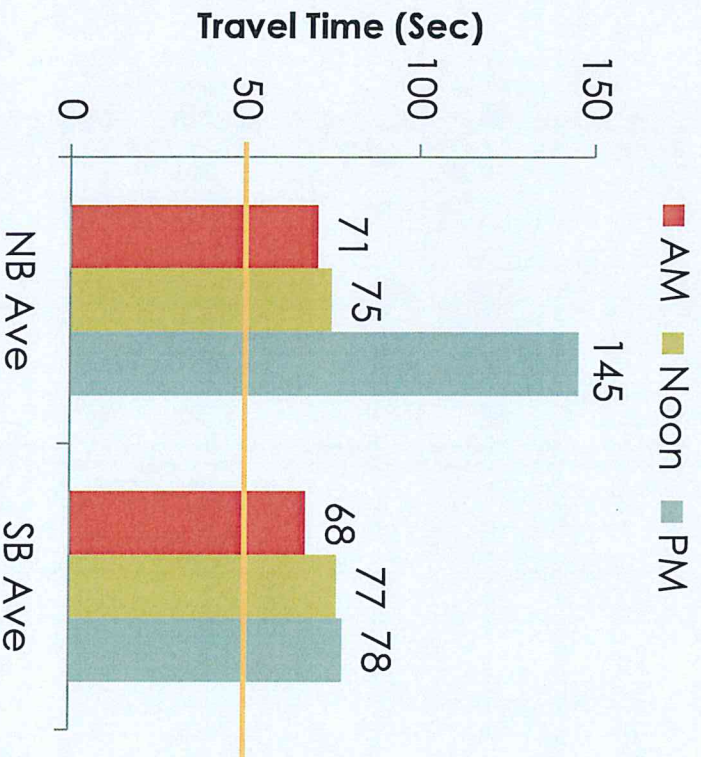
DIRECTIONAL DISTRIBUTION ON 1ST BETWEEN I-90 AND 4TH



TRAVEL TIME RUNS

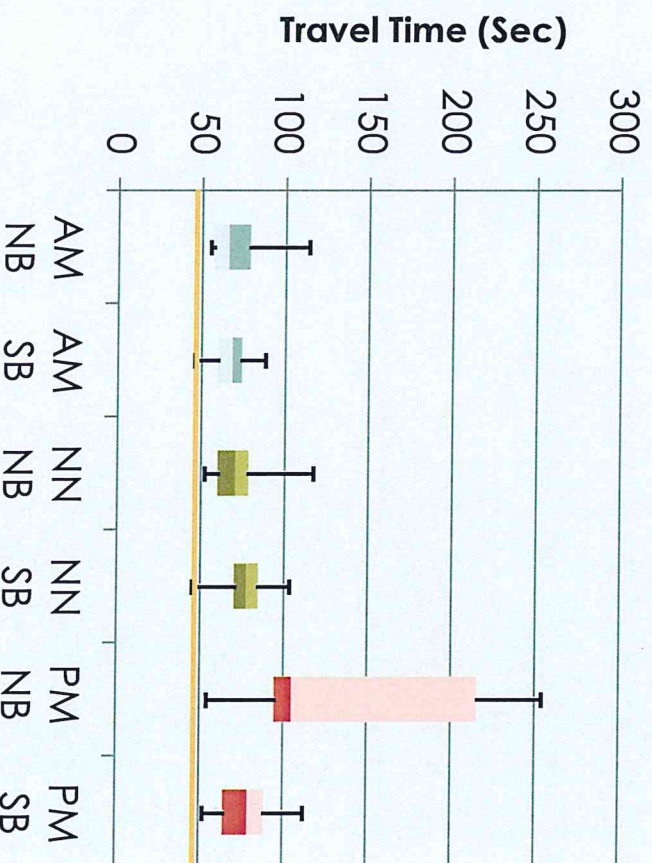
APRIL 2017

Average Travel Time (sec)

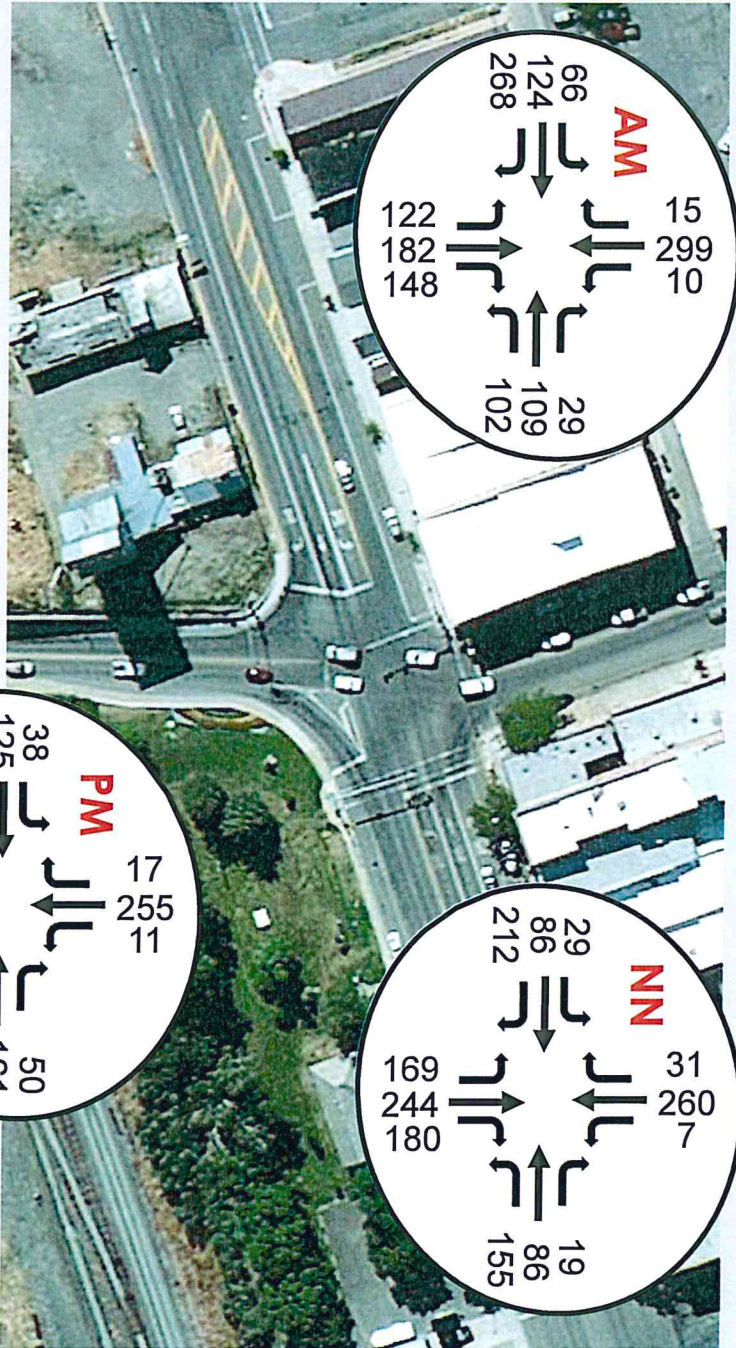


- Zero delay travel time = 50 sec
- Max TT in the PM peak in 2019 was 354s headed NB

Travel Time Variability (Min, Max, Median, 1st & 3rd Quartiles)



1ST & MAIN

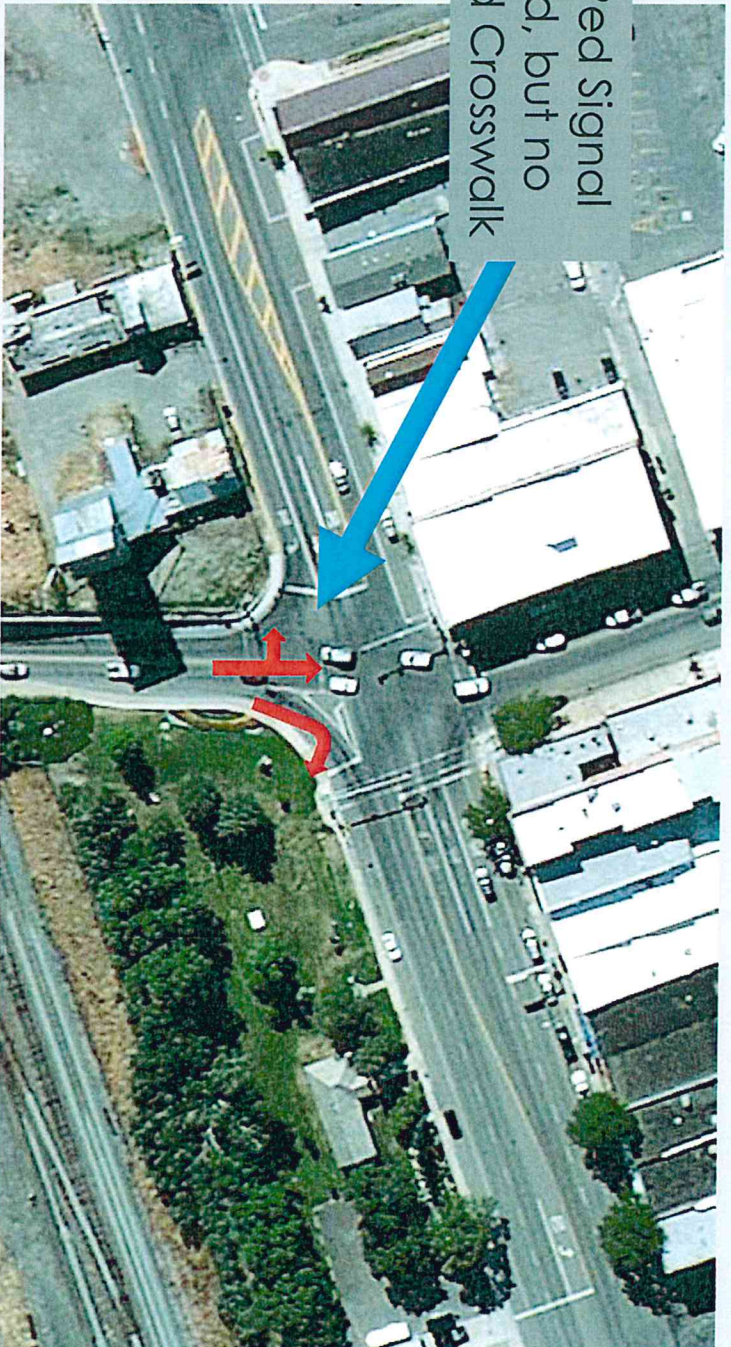


700+ veh NB in PM peak
in essentially a single lane

1ST & MAIN

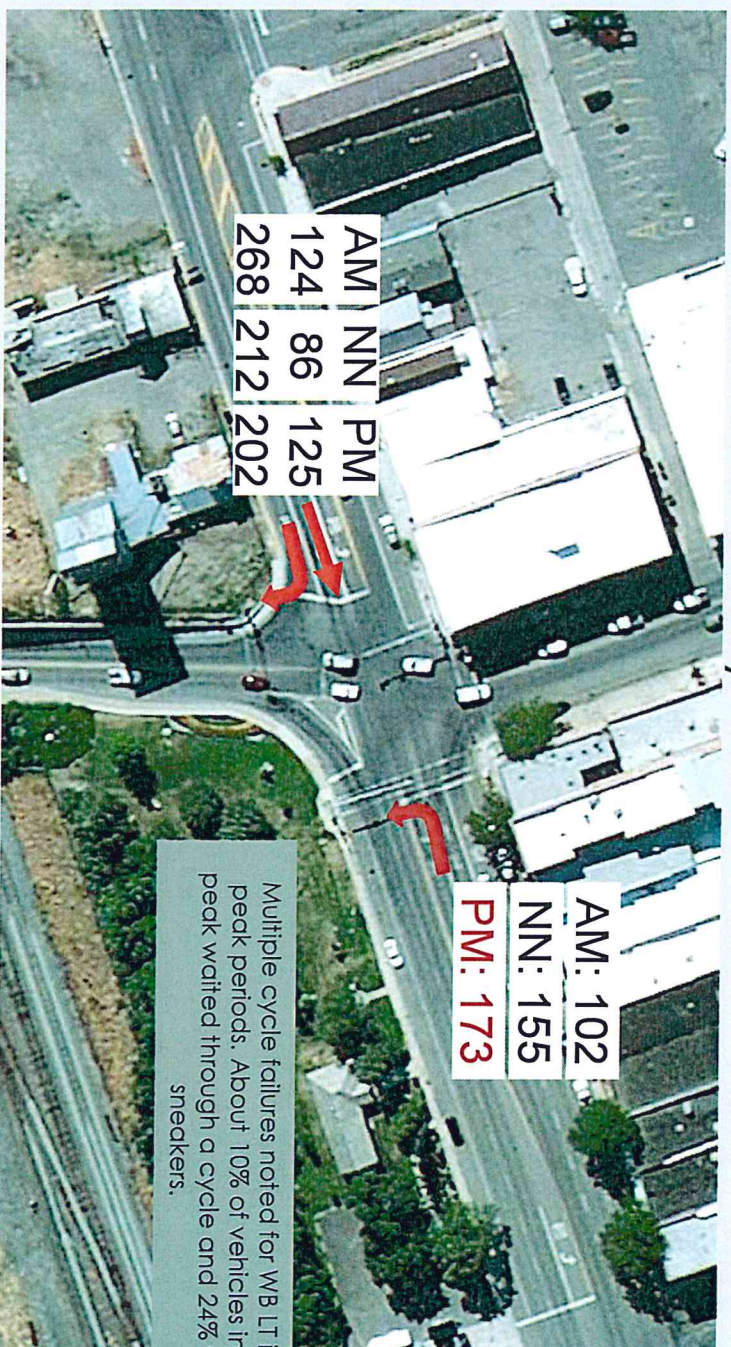
- Prot/Perm NBL (shared thru-left lane)
- Pre-timed Operations (Overnight flash 11pm-7am)
- 75 sec cycle in AM, 80 sec in Noon/PM

Has Ped Signal
Head, but no
Striped Crosswalk



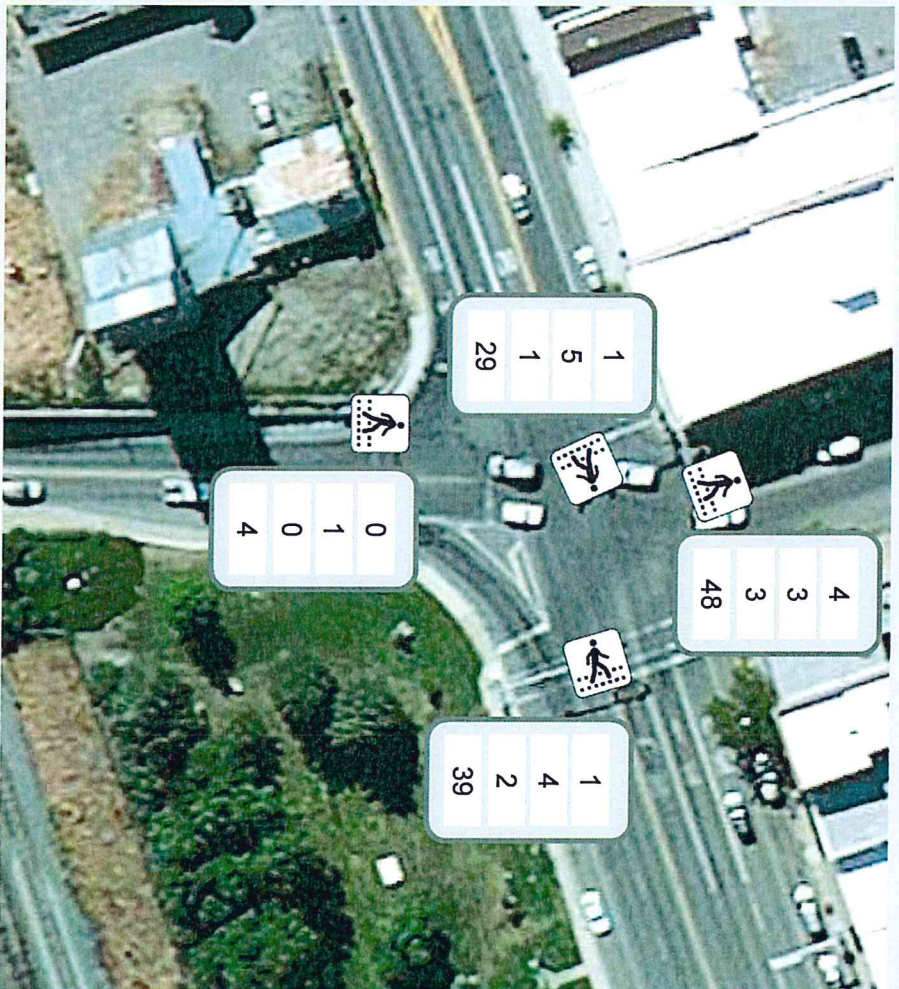
1ST & MAIN

- WBLT vs EB TH/RT volume meets recommendations for a left turn phase in the PM peak
- No WBLT crashes in 5 years



Multiple cycle failures noted for WB LT in all peak periods. About 10% of vehicles in PM peak waited through a cycle and 24% were sneekers.

1ST & MAIN PEDESTRIANS



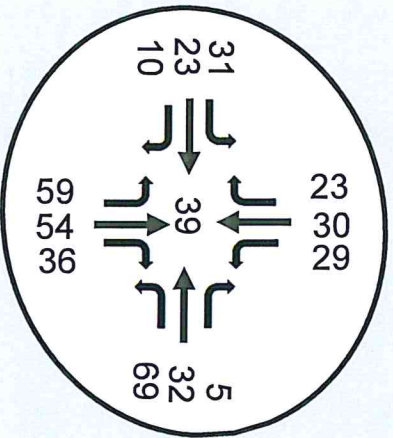
AM
NN
PM
7a-7p

120 total peds counted with about 1/2 of them counted between 2p-4p

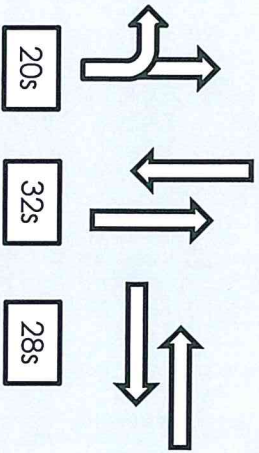
1ST & MAIN

- This project
 - Optimize signal within the existing geometric and signal hardware constraints
 - Unlikely to “fix” queuing issues that exist
- Future recommendations
 - Possible interim project – MACI potentially?
 - Add detection and upgrade signal (FYA, backplates, APS)
 - Detection will be most useful outside of peak hours, may help limit congested periods but will likely have little effect in peaks
 - Add WB left turn phase
 - Will need to be short to limit further exacerbating NB queues within the existing NB lane configuration
 - Major reconstruction of the intersection
 - Possible roundabout? October meeting - NO
 - Reconstruction of the NB leg to include LT/TH/RT lanes?
 - Long term project and long term plans for Laurel?

1ST & MAIN - PM DELAYS 2017 VOLUMES

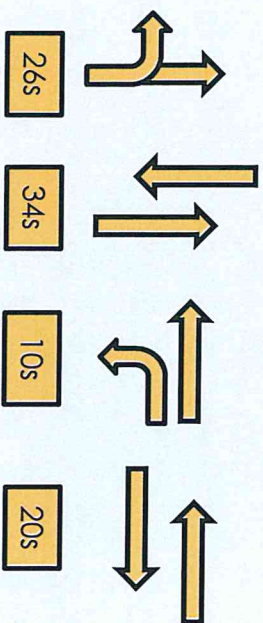
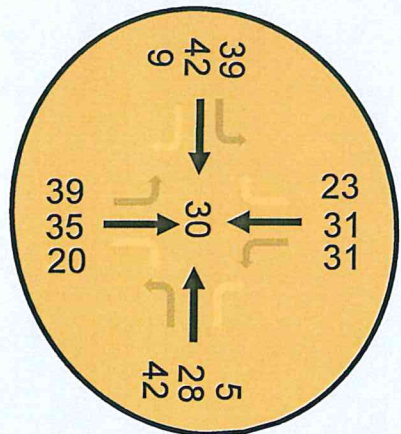
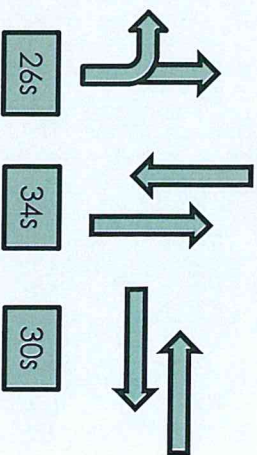
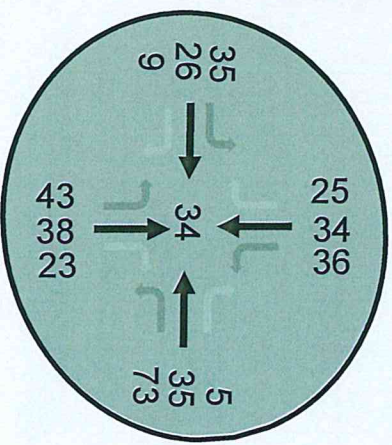


Existing
80s Cycle

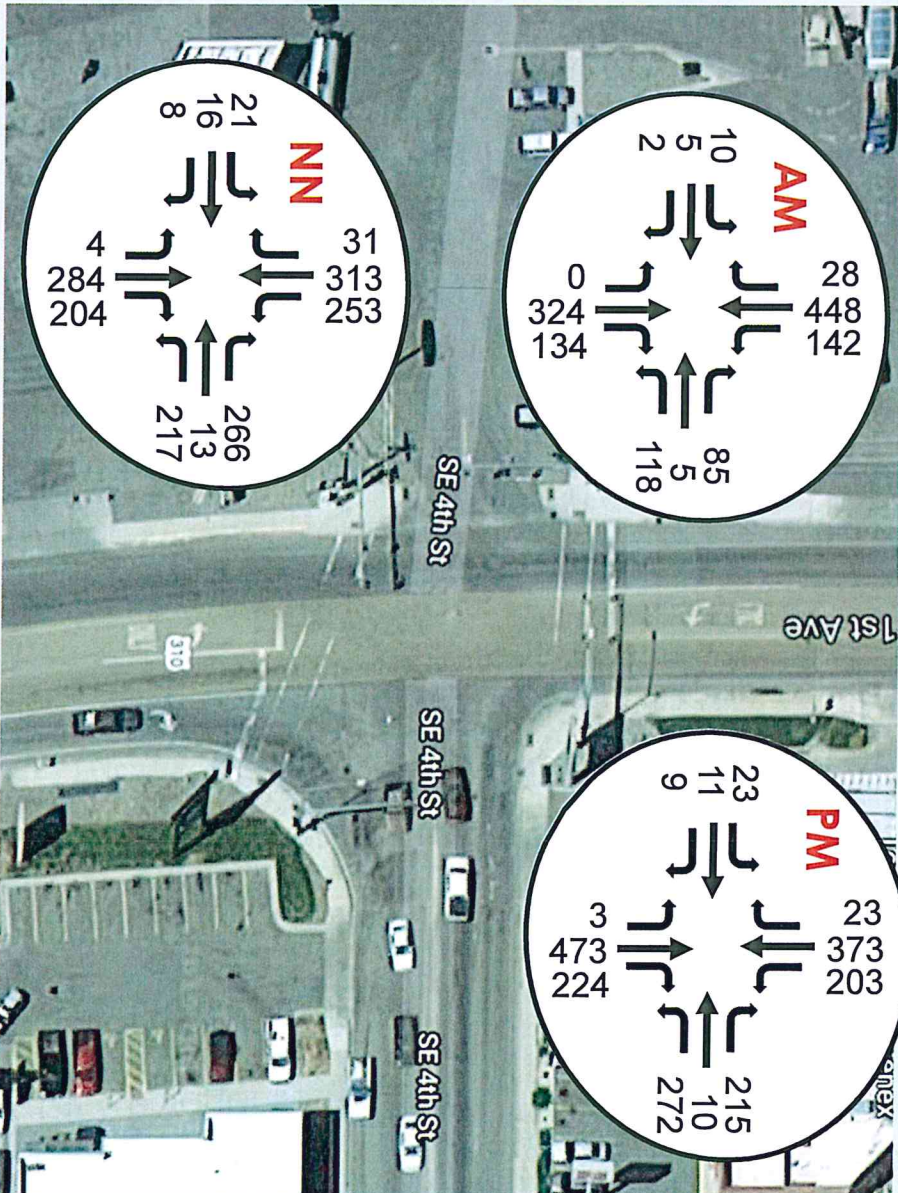


Add Detection and
WB Left Turn Phase
90s Max Cycle

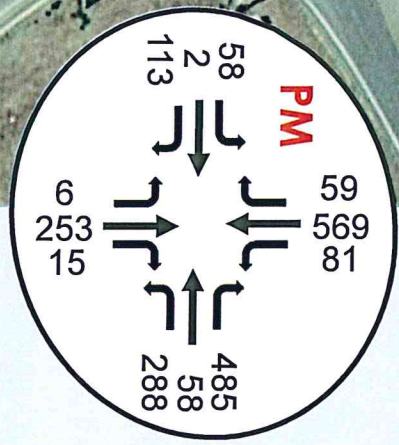
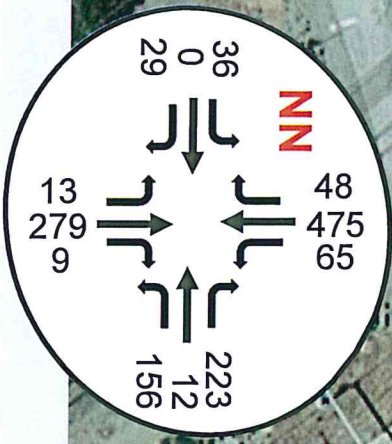
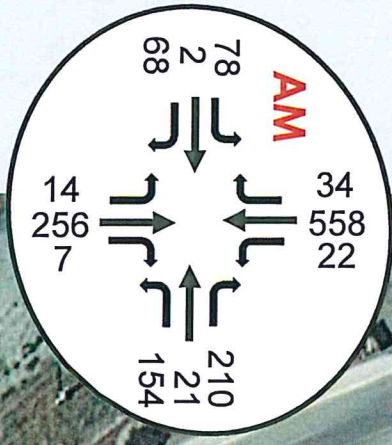
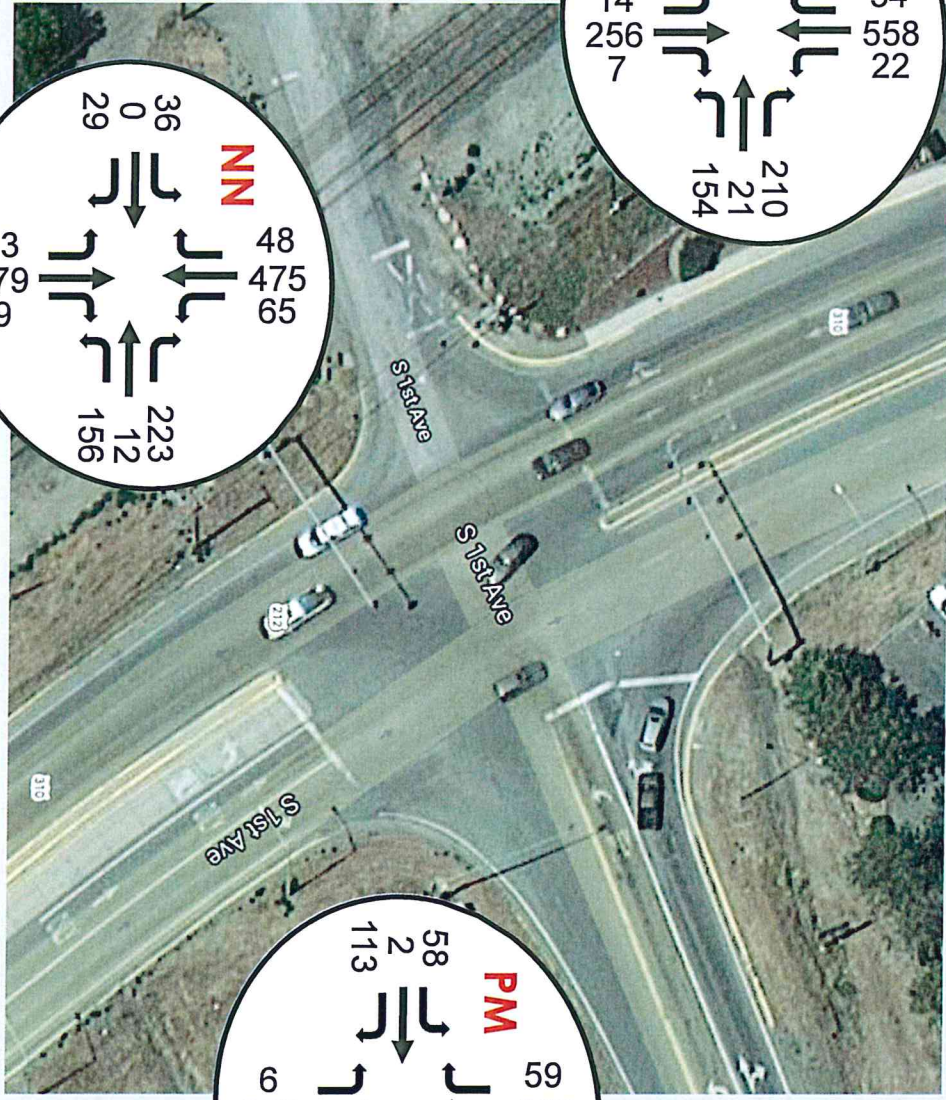
Proposed Timings
90s Cycle



1ST & 4TH

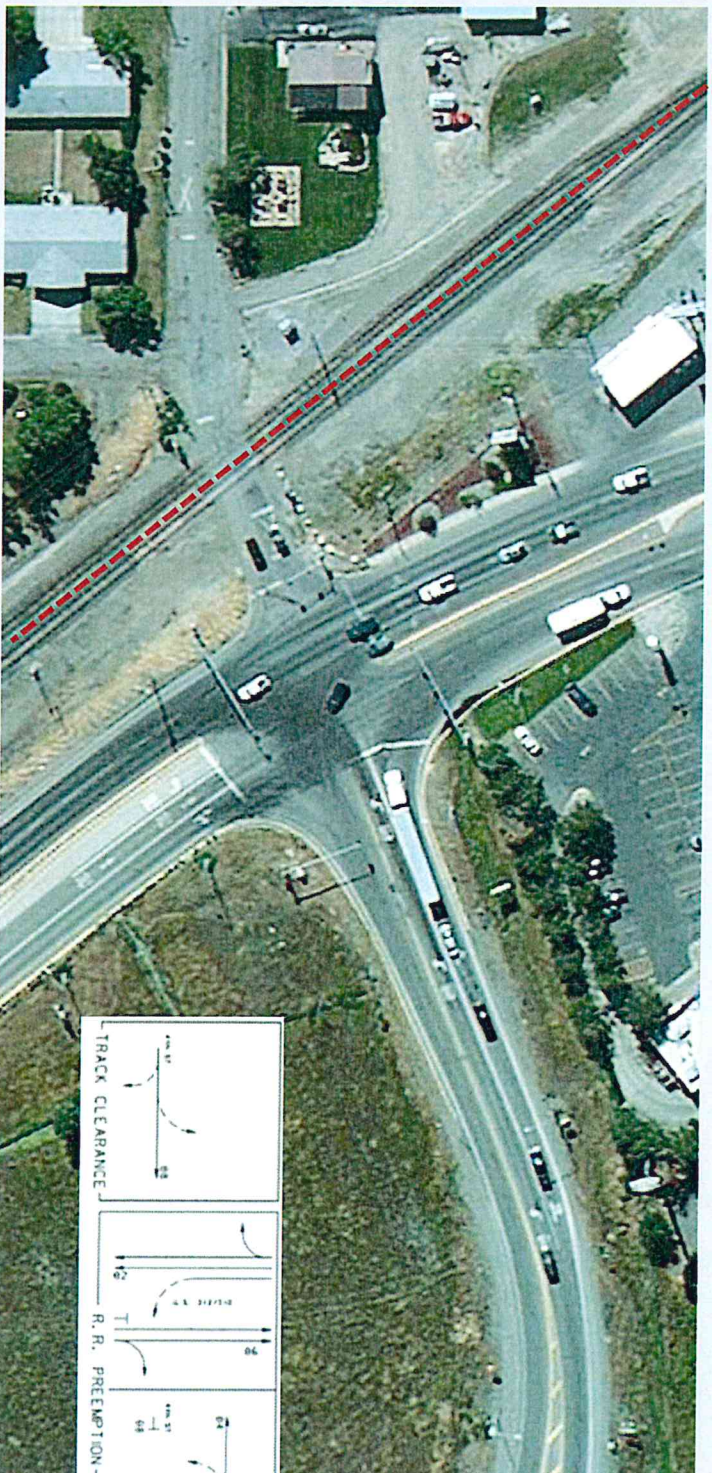


1ST & I90 WB



RAILROAD PREEMPTION (1ST & I-90)

- Tracks 70 feet west of stop bar
- Railroad advanced preemption
- 20 Preemption activations per 24 hour period
 - Will interfere regularly with any proposed coordination



190 WB RAMMP

- Back up onto interstate reported
 - Possibly related to train operations and preemption?
 - Train schedule – 20 preempts a day
- Lane configuration
 - Heavy right turn volumes in all periods
 - Interim – possibly look at changing lane configuration - NO
- Long term – possibly consider
 - Adding a lane for exclusive lanes for all movements to prevent through vehicles from blocking heavy movement turning vehicles during preemption
 - Adding a dual right turn lane
 - Possible queue detector on ramp – won't override a train though and if through vehicles are waiting for a train causing back up, it may not help
 - Effects of West Laurel Interchange opening on traffic patterns

CRASH ANALYSIS

- 5 Year Crash Analysis (2014-2018)
- Crash Severity:

Intersection	Fatal	Injury	PDO	Total
I-90 / 1 st	0	4	13	17
4 th / 1 st	0	2	18	20
Main / 1 st	0	9	21	30
Total	0%	22%	78%	100%

CRASH TYPES - 5 YEAR HISTORY

Intx	Rear End				Left-turning/Thru			Side Swipe	Right Angle	Ped Bike	Fixed Obj	Roll-over	Tot	
	NB	EB	SB	WB	NBL	EBL	SBL							WBL
1-90	0	0	0	4	1	0	5*	0	2	4	0	0	1	17
4 th	5	0	4	5	0	0	2	0	3	1	0	0	0	20
Main	11	0	2	3	4 ⁱ	0	0	0	3	3 ^{**}	3 [^]	1	0	30
Total	51%				18%			12%	12%	4%	1%	1%	-	

*Does not exceed FHWA crash threshold (4 crashes in 1 year) for P/P phasing

!Does not exceed FHWA crash threshold (6 crashes in 1 year) for protected only phasing

**One right angle crash during nighttime flash

[^]Ped/bike at Main

NB LT vs ped in west xwalk

SB bike FTY to WB vehicle

NB RT vs bike in east xwalk

YELLOW + ALL RED TIMES

Intx	Speed mph	φ	DIR	Exist Y	Prop Y	Exist Red	Prop Red	Change Y+AR
1-90	35	2/6	NB/SB	3.6	3.6	2	2.2	0.2
	25/35	4/8	EB/WB	3	3.6	3	3	0.6
4th	25	1	SBL	3	3	1	1	-
	35	2	NB/SB	3.6	3.6	2.4	2.7	0.3
	25	4	EB/WB	3	3	2	2.6	0.6
Main	25	1	NBL	3	3	1	1	-
	25	2	NB/SB	3	3	2	3	1.0
	25	4	EB/WB	3	3	2	2.6	0.6

$$\text{All Red} = \frac{w+20ft}{v}$$

PEAK HOUR PED VOLUMES



PEDESTRIAN TIMES

Intx	φ	DIR	Exist W	Prop W	Exist FDW	Prop FDW	Change W+FDW
I-90	-	-	-	-	-	-	-
	2	NB/SB	7	7	18	15	-3
4th	4	EB/WB	7	7	20	17	-3
	2	NB/SB	7	7	20	21	1
Main	4	WB	10	7	13	12	-4



Flash Don't Walk =
 (Distance/3.5)-(Y+AR)

PM ANALYSIS

SIM TRAFFIC

Network	Existing	90s All Coord	90s Main Only
Total Delay (hr)	46.9	59.5	44.7
Total Stops	4277	4559	4144
190 Total Delay (hr)	12.0	22.1	12.9
4 th Total Delay (hr)	14.7	16.6	13.9
Main Total Delay (hr)	19.0	19.5	16.7
NB Arterial Travel Time (s)	144	141	124
SB Arterial Travel Time (s)	77	74	77
95 th % Queue NB @ Main (ft)	983	971	697

PM PEAK HOUR DELAYS

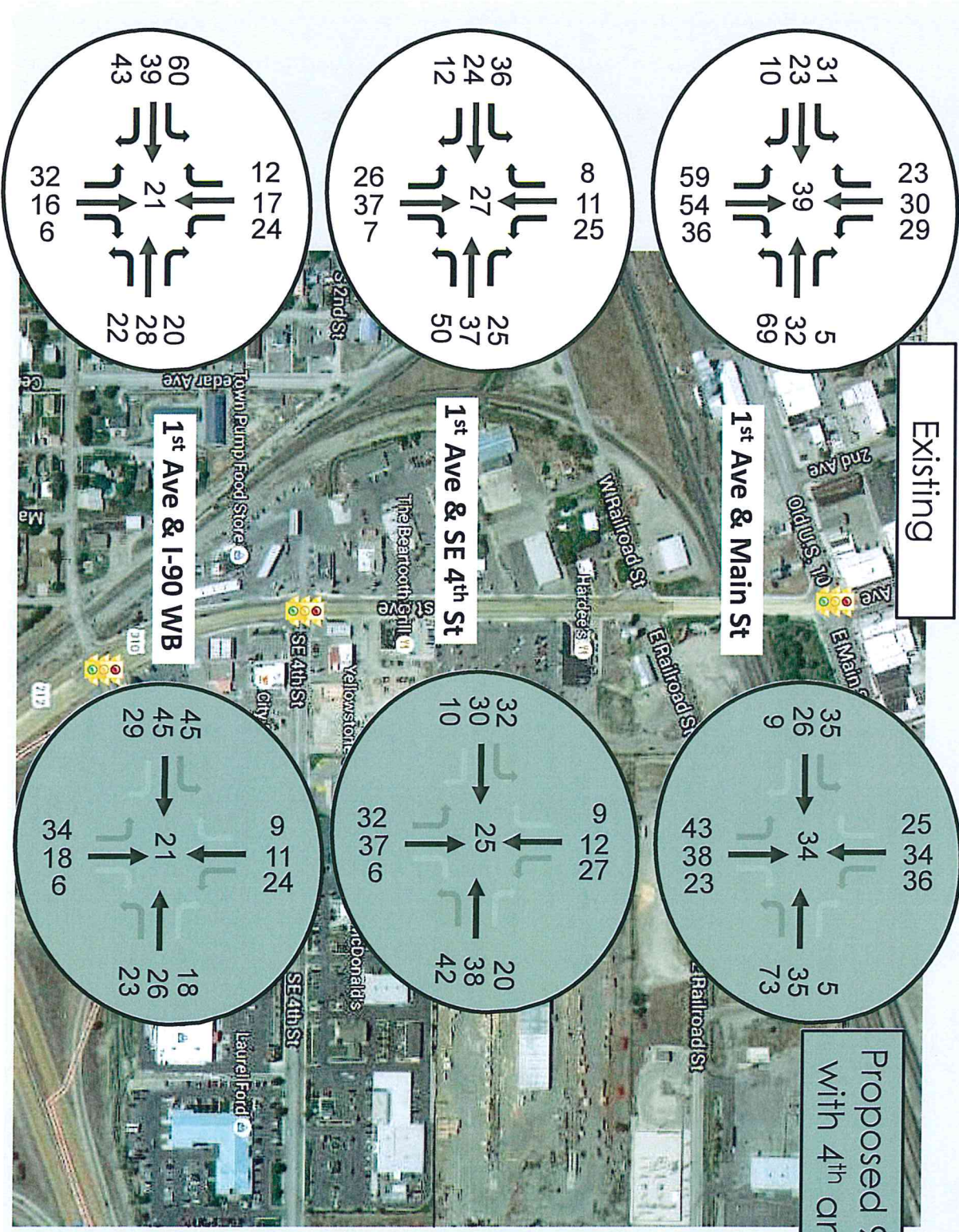
Existing

1st Ave & Main St

1st Ave & SE 4th St

1st Ave & I-90 WB

Proposed 90s at Main with 4th and I90 Free



NOON ANALYSIS

Mainline	Existing	90s All Coord	90s Main Only
Total Delay (hr)	11	11	11
Total Stops	1422	1391	1433
Performance Index	15.2	14.6	15.2

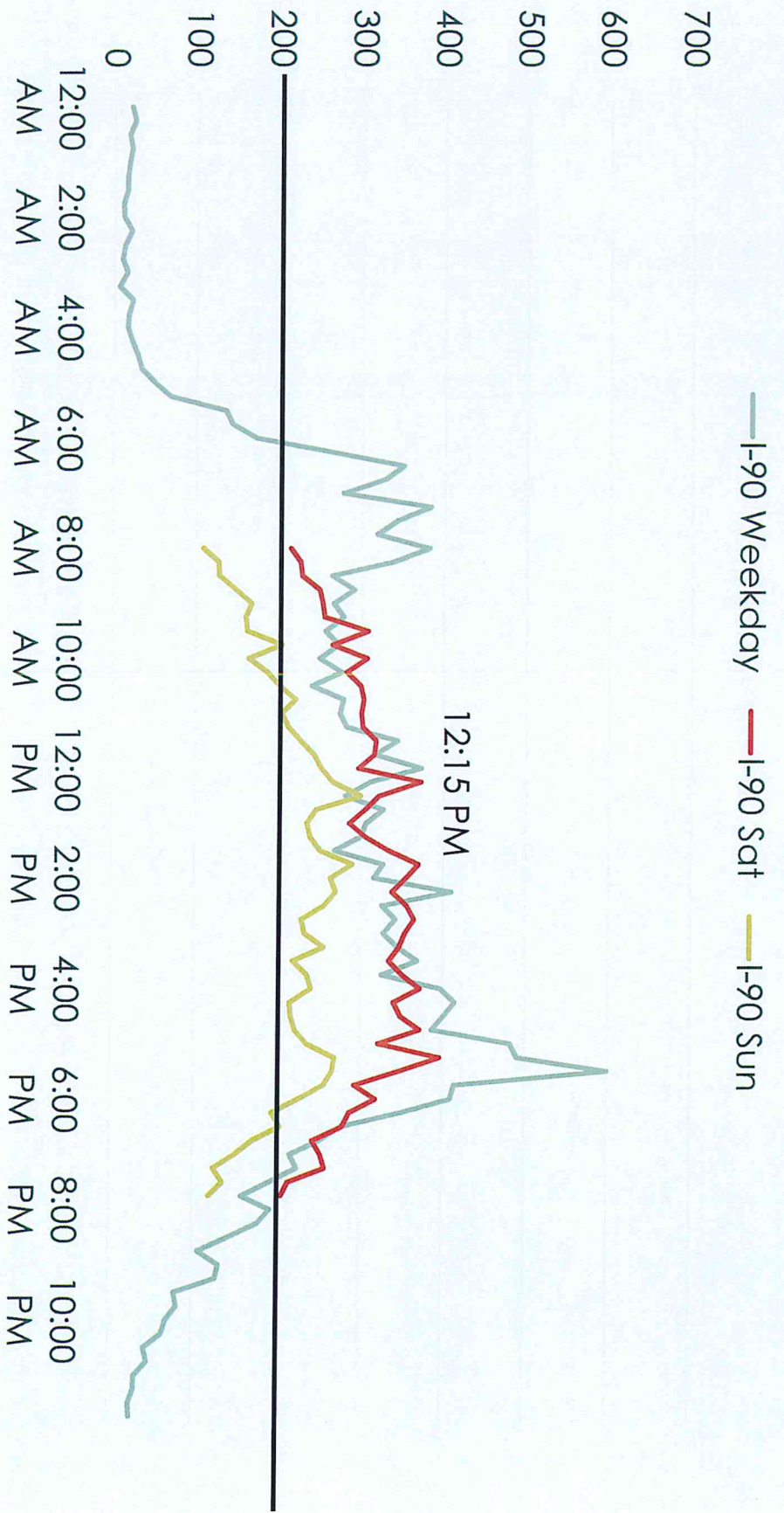
Network	Existing	90s All Coord	90s Main Only
Total Delay (hr)	21	21	21
Total Stops	2192	2165	2200
Performance Index	27.2	27.0	27.2

AM ANALYSIS

Mainline	Existing	90s All Coord	90s Main Only
Total Delay (hr)	10	9	9
Total Stops	1385	1150	1341
Performance Index	14.3	11.7	12.8

Network	Existing	90s All Coord	90s Main Only
Total Delay (hr)	18	19	18
Total Stops	2110	1912	2084
Performance Index	24.1	24.0	23.7

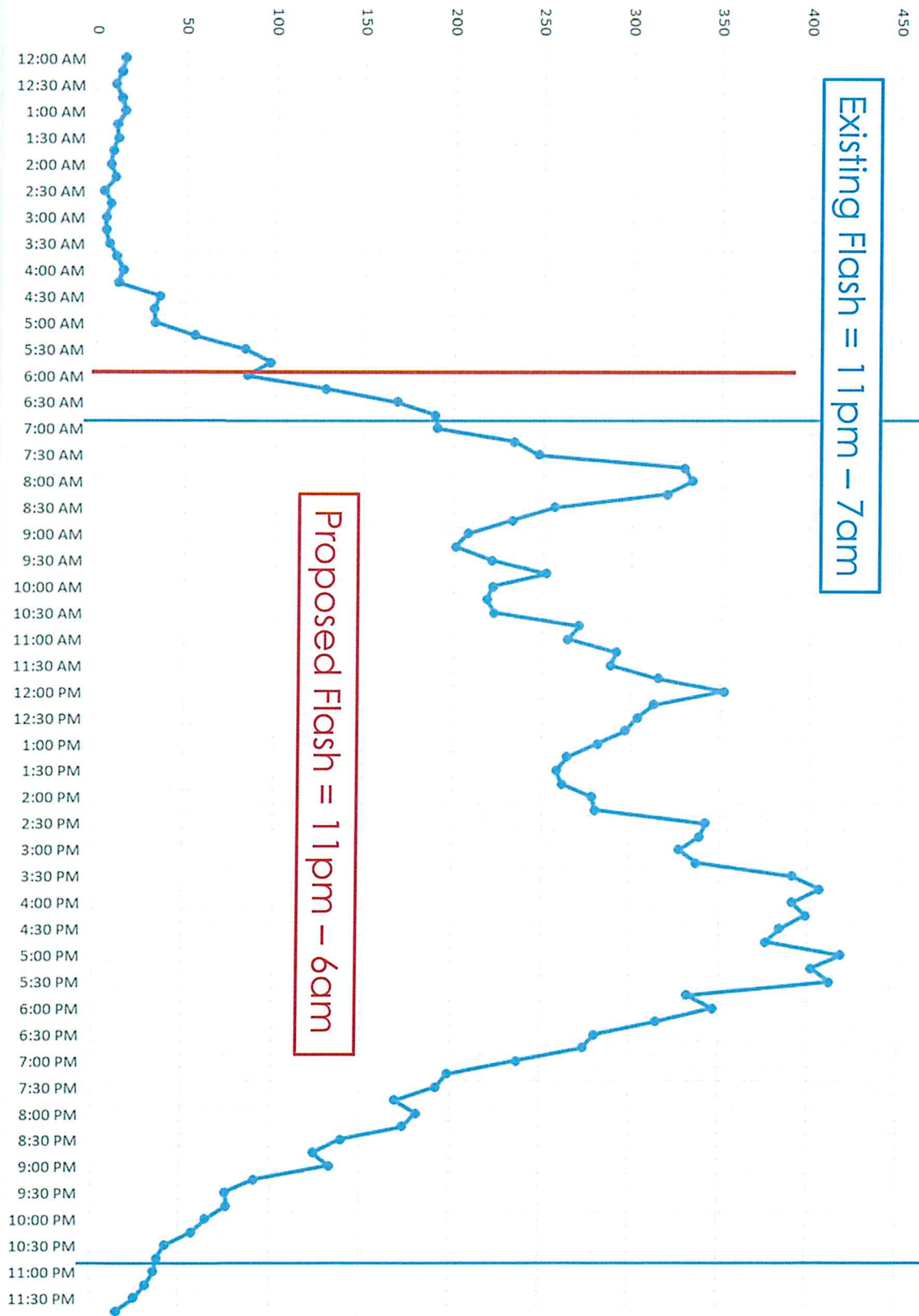
WEEKDAY VS. WEEKEND



NIGHTTIME FLASH

- One right angle PDO crash during nighttime flash in 5 years
- No detection at 1st & Main
 - Minimum overnight cycle that can be run is 59s if we omit NB LT
- Moving away from nighttime flash due to safety concerns including pedestrians
- No nighttime flash at other two signals – consistency?
- Keep flash until possible signal upgrade with detection
 - Recommend changing hours

Main & 1st TEV - May 2014



NEXT STEPS

- Implement Timings in January 2020 with new controllers
- Signal upgrades in Laurel to be evaluated as a potential MACI project
 - Timeline dependent on prioritization and funding

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Office of the City Planner

January 17, 2020

Regarding the Recommendation of Riverside Park for Inclusion on the National Registry of Historic Places

Mr. Mayor,

After reviewing the federal guidelines, resources, and information available regarding inclusion on the National Registry of Historic Places I am in support of placing Riverside Park on the National Registry of Historic Places (NRHP). There have been many concerns about the NRHP designation previously raised regarding:

- Floodplain regulations,
- Design and improvement constraints, and
- Federal oversight of local efforts.

The National Floodplain Insurance Program (NFIP) has specific regulations for structures regarding substantial improvement for both upgrades and repairing damage. Historic structures do not have to meet floodplain management requirements so long as they maintain their historic structure designation (44 CFR 49.1). The NFIP provides exemptions and variances for historic structures that localities can implement for their jurisdictions. The NFIP recommends considering improved construction and mitigation measures during rehabilitation despite their exemption from floodplain management requirements. The Laurel Floodplain Hazard Management Regulations updated in 2018 presents a basic variance process for historically designated structures which matches the NFIP program. This is described in Section 12.4.2.2.

Inclusion on the National Register of Historic Places does not overlay restrictions on a property owner nor does it mandate the preservation of that property in the future. Activities such as demolition, structural upgrades, replacement of features, and rehabilitation are all allowable by the building or site owner.

Communities have the option of choosing to adopt provisions for addressing the unique needs of "historic structures" and their improvement and alternation. Unless Federal funding is secured to improve/upgrade the site, direct oversight of activities will remain low. Inclusion of a site in the NHRP does not place undue burdens upon the owner in regards to color, removal and replacement of features, and site improvements unless federal licenses, funding, and permits are involved which would elicit review and compliance through Section 106 of the National Historic Preservation Act.

I support the inclusion of Riverside Park on the National Register of Historic Places. I have provided some documentation that supports my position on the matter. Please review the attached and annotated FEMA and Code of Federal Regulations documents for further information. Please let me know if you have any questions or comments on this item. Thank you for your time and consideration.

Respectfully,

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

Nick Altonaga
Planning Director



National Flood Insurance Program (NFIP)

Floodplain Management Bulletin Historic Structures

FEMA P-467-2

May 2008



FEMA

Floodplain Management Bulletin

Historic Structures

This Floodplain Management Bulletin addresses how the National Flood Insurance Program (NFIP) treats historic structures. This bulletin also identifies mitigation measures that can be taken to protect historic structures from floods. The bulletin addresses the following topics:

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Introduction

The National Flood Insurance Program (NFIP) gives special consideration to the unique value of one of our Nation's most significant resources – its historic buildings, landmarks, and sites. It does so in two ways.

First, the NFIP floodplain management regulations provide significant relief to historic structures. Historic structures do not have to meet the floodplain management requirements of the program as long as they maintain their historic structure designation. They do not have to meet the new construction, substantial improvement, or substantial damage requirements of the program. This exclusion from these requirements serves as an incentive for property owners to maintain the historic character of the designated structure (44 CFR §60.3). It may also serve as an incentive for an owner to obtain historic designation of a structure.

Secondly, a designated historic structure can obtain the benefit of subsidized flood insurance through the NFIP even if it has been substantially improved or substantially damaged so long as the building maintains its historic designation. The amount of insurance premium charged the historic structure may be considerably less than what the NFIP would charge a new non-elevated structure built at the same level. Congress requires that the NFIP charge actuarial rates for all new construction and substantially improved structures (National Flood Insurance Act of 1968, 42 U.S.C. 4015).

Although the NFIP provides relief to historic structures from having to comply with NFIP floodplain management requirements for new construction, communities and owners of historic structures should give consideration to mitigation measures that can reduce the impacts of flooding on historic structures located in Special Flood Hazard Areas (44 CFR §60.3). Mitigation measures to minimize future flood damages should be considered when historic structures are rehabilitated or are repaired following a flood or other hazard event. Qualified professionals such as architects, historic architects, and engineers who have experience in flood mitigation techniques can help identify measures that can be taken to minimize the impacts of flooding on a historic structure while maintaining the structure's historic designation.

The purpose of this floodplain management bulletin is to explain how the NFIP defines historic structure and how it gives relief to historic structures from NFIP floodplain management requirements (44 CFR §60.3). This bulletin also provides guidance on mitigation measures that can be taken to minimize the devastating effects of flooding to historic structures.

Background on the NFIP

Congress created the NFIP in 1968 to provide federally supported flood insurance coverage, which generally was not available from private companies. The NFIP is based on a mutual agreement with communities that have been identified as having Special Flood Hazard Areas. The Federal Emergency Management Agency (FEMA) will make flood insurance coverage available in a

community provided that it adopts and enforces floodplain management regulations that meet or exceed the minimum requirements of the NFIP (44 CFR §60.3). This is accomplished through local floodplain management regulations.

The NFIP minimum building and development regulations that communities must adopt require that new and substantially improved and substantially damaged residential buildings be elevated so that the lowest floor is at or above the Base Flood Elevation (BFE) determined for the site. Non-residential buildings have the option of elevation or dry floodproofing to the BFE [44 CFR §60.3(c)(2), (c)(3), and (e)(4)]. Dry floodproofing means making a building watertight, substantially impermeable to floodwaters to the BFE.

Substantial improvement means “any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed.”

Substantial improvement also includes the repair of buildings that have been substantially damaged. *Substantial damage means “damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”*

In summary, structures that are “substantially improved” and “substantially damaged” must be brought into compliance with the community’s floodplain management requirements [44 CFR §60.3(c)(2), (c)(3), and (e)(4)].

The NFIP and Historic Structures

This section provides information on the NFIP definition of “historic structure” and the floodplain management requirements that will be included in community floodplain management ordinances.

Definition of “Historic Structures”

The definition section of the NFIP [Code of Federal Regulations (CFR) 44 Part 59], defines “historic structure” as *“any structure that is:*

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (This includes structures that are determined to be eligible for listing by the Secretary of the Interior as a historic structure. A determination of “eligibility” is a decision by the Department of the Interior that a district, site, building, structure or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register.)*

- (2) *Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- (3) *Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or*
- (4) *Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:*
 - (a) *By an approved state program as determined by the Secretary of the Interior or*
 - (b) *Directly by the Secretary of the Interior in States without approved programs."*

This definition was coordinated with the Department of Interior when it was added to the NFIP Regulations in 1989.

The purpose of this definition is to provide NFIP communities with criteria to distinguish between "historic structures" and the other existing buildings which remain subject to NFIP floodplain management requirements (44 CFR §60.3). While it is important to preserve historic structures and other cultural resources, it is also critical to ensure that other existing flood-prone structures are protected from flood damage when they are substantially improved or substantially damaged.

Floodplain Management Requirements that Provide Relief for Historic Structures

The NFIP floodplain management requirements contain two provisions that are intended to provide relief for "historic structures" located in Special Flood Hazard Areas:

- (1) The definition of "substantial improvement" at 44 CFR 59.1 includes the following exclusion for historic structures,
 - "Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".*
 - The same exemption also applies to "historic structures" that have been "substantially damaged".

This provision exempts historic structures from the substantial improvement and substantial damage requirements of the NFIP.

- (2) The other provision of the NFIP floodplain management regulations that provides relief for "historic structures" is the variance criteria at 44 CFR 60.6(a). This provision states:
 - "Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure."*

Under the variance criteria, communities can place conditions to make the building more flood resistant and minimize flood damages, but such conditions should not affect the historic

character and design of the building. *See* the section on Minimizing the Impacts of Flooding on Historic Structures for ideas on conditions that could be established to make the building more flood resistant and to minimize flood damages.

Communities have the option of using either provision for addressing the unique needs of “historic structures”. Communities should adopt only one option to address “historic structures.” Some communities have chosen to adopt an ordinance that requires variances for improvements or repairs to “historic structures” and do not exclude such improvements from the substantial improvement definition in their ordinance. Other communities include the “historic structures” exemption as part of their “substantial improvement” definition. In either case, “historic structures” can be excluded from the NFIP elevation and floodproofing requirements. Whether a community exempts a “historic structure” under the substantial improvement definition or through the variance process, the exemption of the “historic structure” from the NFIP floodplain management requirements should be documented and maintained in the community permit files.

However, if plans to substantially improve a “historic structure” or repair a substantially damaged “historic structure” would result in loss of its designation as an “historic structure”, the structure no longer qualifies for the exemption and would be required to meet the NFIP floodplain management regulations (44 CFR §60.3). This determination needs to be made in advance of issuing a permit. This provides an incentive to the property owner to maintain the structure’s historic designation rather than altering the structure in such a way that it loses its designation as a “historic structure”.

Even if a “historic structure” is exempted from the substantial improvement and substantial damage requirements, consideration should be given to mitigation measures that can reduce the impacts of future flooding. There are mitigation measures that can reduce flood damages to historic structures without affecting the structure’s historic designation. *See* the section on Minimizing the Impacts of Flooding on Historic Structures.

Historic buildings may also be subject to the local building codes. Many States and communities use the International Codes as the basis for their buildings codes. The International Codes contain provisions for addressing historic buildings in a manner consistent with the NFIP.

Historic Structures in the Floodway

The NFIP floodplain management requirements could apply to an addition to a “historic structure”, if the structure or addition is located in a floodway. The floodway includes the channel of the river and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood without increasing flood levels by more than one foot (44 CFR § 59.1, “regulatory floodway”). All structures and improvements to structures, including additions to “historic structures”, must comply with the floodway encroachment provisions of 44 CFR § 60.3(c)(10) and (d)(3) of the NFIP Regulations.

44 CFR § 60.3(c)(10) applies to rivers and streams where FEMA has established BFEs, but has not provided the community with the data necessary to designate a floodway:

Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM [Flood Insurance Rate Map], unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

§ 60.3(d)(3) applies to rivers and streams where FEMA has provided both established BFEs and provided the community with the data necessary to designate a floodway:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

As an example, an addition, or any portion thereof, to a “historic structure” that expands the square footage of the structure beyond its footprint into the floodway must comply with the regulatory floodway criteria [44 CFR §60.3(c)(10) and (d)(3)]. These additions can obstruct flood flows and increase flood stages. Under 44 CFR § 60.3(d)(3), such an addition would be prohibited if any rise in the flood level would result from the addition. FEMA defines “any” as meaning a zero increase.

New Construction and Non-contributing Structures in Historic Districts

Generally, registered historic districts contain a mix of buildings. In addition to structures that contribute to the historic significance of the district, there will generally be structures in historic districts that have no historical significance and which do not contribute to the historic significance of a registered historic district (called “non-contributing” structures). In addition, there may be sites in these districts that are undeveloped or vacant land. Whole districts cannot be exempt from floodplain management regulations and a blanket variance cannot be issued for all land within these districts. The non-contributing structures and vacant lots in historic districts remain subject to all of the floodplain management requirements that apply to new construction and substantial improvements (44 CFR §60.3).

Some communities have argued that they should be allowed to grant variances for new buildings or for substantial improvements to non-contributing buildings in historic districts. They claim that requiring that the new structures or substantially improved structures be elevated to BFE could be harmful to the historic significance of the district. FEMA maintains that this would be contrary to the purposes of the NFIP and could result in greatly increased flood damages and, in some instance,

even result in loss of life. There are ways to elevate or floodproof new structures and substantially improve non-contributing structures so that they comply with the NFIP regulations, but that are still in harmony with the historic nature of the district. While the NFIP requires protection to the BFE, it does not specify the means (44 CFR §60.3). An architect should be able to design a new building that is both compliant with NFIP floodplain management requirements and compatible with the historic nature of the district. For example, the protection does not have to be achieved by unsightly mounds of dirt or bare pilings or other elevated foundations. The structure could be elevated on pilings or other foundation elements and the lower area then covered by an architecturally pleasing façade that will not impair the aesthetics of a historic district. The foundation could be camouflaged with landscaping, porches, or staircases (*See* the examples in latter sections of this bulletin).

The NFIP was specifically established by Congress to reduce threats to lives and the potential for damages to new construction in flood hazard areas in exchange for providing flood insurance. Exempting new construction from the NFIP elevation requirements in historic districts would be contrary to the National Flood Insurance Act of 1968, as amended, and it would create a significant flood risk to structures and to the health and safety of the population. Potentially thousands of buildings would be placed in harms way, if new or non-contributing structures are not protected.

Substantial Improvements to Existing Structures in Historic Districts

Some property owners have wanted to substantially improve a non-contributing structure in a historic district, so that it can become a contributing structure to the historical significance of the registered historic district. For example, this type of improvement could involve removal of modern additions to the building, replacement of modern siding or roofing materials with historic materials, and other actions to restore the historic nature of the structure. If the improvement is a substantial improvement to a non-contributing structure, the structure still could qualify for relief from the NFIP floodplain management requirements in the following ways (44 CFR §60.3):

- The property owner could apply through their State Historic Preservation Officer or Tribal Historic Preservation Officer for contributing status for the structure as is, prior to any improvements. If the building qualifies as “contributing to the historical significance of a registered historic district”, the community can grant a variance or exclude the improvements from the NFIP substantial improvement requirement depending on which provision the community has adopted [44 CFR §60.3(c)(2), (c)(3), and (e)(4)].
- The property owner could undertake the minimum work necessary to make the building a contributing structure, as long as the work is less than a substantial improvement. Once the structure is designated as “contributing”, any additional improvements including a substantial improvement could qualify for relief from the NFIP floodplain management requirements, so long as those improvements do not interfere with the designation as “contributing to the historical significance of a registered historic district” (44 CFR §60.3).
- If the property owner chooses to undertake a substantial improvement of the building all at once or the owner needs to undertake the substantial improvement in order for the building

to qualify as “contributing to the historical significance of a registered historic district”, the owner should contact the community for guidance on how they might qualify for relief from the NFIP substantial improvement requirement [44 CFR §60.3(c)(2), (c)(3), and (e)(4)]. In this situation, the community would have to issue a variance from the floodplain management ordinance. The community should obtain documentation for assurance that the improvements being proposed would qualify the building for “contributing” status before signing off on permits that would grant them relief under the NFIP. The owner should seek guidance from their State Historic Preservation Officer or Tribal Historic Preservation Officer on proposed improvements and on what documentation is needed to obtain preliminary approval. This information should be shared with the community.

In all cases, the property owner should discuss their proposed plans with the community and seek guidance from the State Historic Preservation Officer or Tribal Historic Preservation Officer before undertaking any improvements to make sure the proposed work would qualify the building for the designation as a contributing structure. For any of the options described above, the community should also encourage the property owner to undertake flood damage reduction measures as part of the improvement, as long as measures do not interfere with its designation as a “historic structure”.

Flood Insurance for Historic Structures

In addition to the relief from the NFIP floodplain management requirements described above, owners of “historic structures” can obtain and maintain flood insurance at subsidized rates. Flood insurance coverage is required for most mortgage loans and for obtaining Federal grants and other financial assistance. The ability to obtain flood insurance coverage is also important to ensuring that historic structures can be repaired and restored after a flood event.

The National Flood Insurance Act of 1968, as amended, requires that FEMA charge actuarial rates reflecting the flood risk to buildings built or substantially improved on or after the effective date of the initial Flood Insurance Rate Map (FIRM) for the community or after December 31, 1974, whichever is later. Actuarial rating assures that the risks associated with buildings in flood prone areas are borne by those located in such areas and not by the taxpayers at large. These buildings are referred to as Post-FIRM. The NFIP flood insurance rates are based on the degree of the flood risk. The flood insurance premium calculations take into account a number of factors including the flood risk zone shown on the FIRM, elevation of the lowest floor above or below the BFE, the type of building, the number of floors, and the existence of a basement or an enclosure. The NFIP floodplain management requirements not only are designed to protect buildings constructed in floodplains from flood damages; they also help keep flood insurance premiums affordable (44 CFR §60.3). Buildings not properly elevated will be charged a much higher flood insurance premium due to the increased flood risk. If substantially improved historic structures were not elevated and made subject to these rates, the annual insurance premiums could be many thousands of dollars a year. Allowing historic structures to continue to be insured at subsidized rates, even when they are substantially improved or substantially damaged, represents a significant financial benefit to these building owners.

Flood insurance at subsidized rates is available whether the “historic structure” is exempt from the NFIP substantial improvement requirement or is granted a variance under the variance provision. “Historic structures” are considered Pre-FIRM under the NFIP and are charged subsidized rates similar to existing structures. As long as a historic structure meets the definition of “historic structure” under the NFIP, it will not be actuarially rated (44 CFR §59.1).

If a “historic structure” is substantially improved such that it loses its historic designation without meeting the elevation requirements of the NFIP, it will be actuarially rated as a Post-FIRM structure. This can be significantly higher than the subsidized rate on a “historic structure.” Thus, the subsidized flood insurance rate on “historic structures” also serves as an incentive to maintain the historic designation of the structure.

Property owners of historic structures are encouraged to purchase NFIP flood insurance. Flood losses are not covered by homeowner’s insurance. Disaster assistance will not take care of all the financial needs, if the historic structure is damaged by flood. Even if disaster assistance is available, it is often in the form of a low-interest loan which has to be repaid, and it is only available if the President formally declares a disaster. Flood insurance compensates for all covered losses and is the best form of financial protection against the devastating effects of floods. Flood insurance policies purchased by individual property owners help them recover from flooding more quickly.

Increased Cost of Compliance (ICC) coverage is not available to a historic structure that is exempt from the floodplain management requirements if a historic structure is substantially damaged (44 CFR §60.3). ICC coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by floods. When a building covered by a State or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or relocate the building. However, if an exemption is granted administratively through the community’s variance process, and conditions are placed in the variance requiring one of the mitigation measures that meet the local floodplain management criteria, ICC will be available if the structure is declared substantially damaged or repetitively damaged.

Minimizing the Impacts of Flooding on Historic Structures

Protection Measures for Historic Structures

The primary damage to historic buildings in a flood disaster is from immersion of building materials in floodwaters and the moving force of floodwaters that can cause structural collapse. Storm and sanitary sewer backup during flooding is also a major cause of flood damage to buildings. In addition, floods may cause a fire due to ruptured utility lines; result in the growth of mold and mildew; and lead to swelling, warping, and disintegration of materials due to prolonged presence of moisture.

- 12.4.1.4 Any enclosure including a crawl space must meet the requirements of Section 10.2.14, Wet Flood Proofing if the enclosure interior grade is at or below the Base Flood Elevation;
- 12.4.1.5 Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances;
- 12.4.1.6 The proposed use is adequately flood proofed;
- 12.4.1.7 The variance is the minimum necessary, considering the flood hazard, to afford relief;
- 12.4.1.8 Reasonable alternative locations are not available;
- 12.4.1.9 An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and
- 12.4.1.10 All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.

12.4.2 An exception to the variance criteria may be allowed as follows:

- 12.4.2.1 For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation; or
- 12.4.2.2 For Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program.

12.5 DECISION

12.5.1 The City Council shall:

- 12.5.1.1 Evaluate the Floodplain permit application and Variance application using the criteria in Section 12.4, and the application requirements and minimum development standards in Section 9 and 10;

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be made payable to: *National Park Services*. A certification decision will not be issued on an application until the appropriate remittance is received. Fees are nonrefundable.

(c) The fee for review of proposed or ongoing rehabilitation projects for projects over \$20,000 is \$250. The fees for review of completed rehabilitation projects are based on the dollar amount of the costs attributed solely to the rehabilitation of the certified historic structure as provided by the owner in the Historic Preservation Certification Application, Request for Certification of Completed Work (NPS Form 10-168c), as follows:

Fee	Size of rehabilitation
\$500	\$20,000 to \$99,999
\$800	\$100,000 to \$499,999
\$1,500	\$500,000 to \$999,999
\$2,500	\$1,000,000 or more

If review of a proposed or ongoing rehabilitation project had been undertaken by the Secretary prior to submission of Request for Certification of Completed Work, the initial fee of \$250 will be deducted from these fees. No fee will be charged for rehabilitations under \$20,000.

(d) In general, each rehabilitation of a separate certified historic structure will be considered a separate project for purposes of computing the size of the fee.

(1) In the case of a rehabilitation project which includes more than one certified historic structure where the structures are judged by the Secretary to have been functionally related historically to serve an overall purpose, the fee for preliminary review is \$250 and the fee for final review is computed on the basis of the total rehabilitation costs.

(2) In the case of multiple building projects where there is no historic functional relationship among the structures and which are under the same ownership; are located in the same historic district; are adjacent or contiguous; are of the same architectural type (e.g., rowhouses, loft buildings, commercial buildings); and are submitted by the owner for review at the same time, the fee for preliminary review is \$250 per structure to a maximum of \$2,500 and the fee for final re-

view is computed on the basis of the total rehabilitation costs of the entire multiple building project to a maximum of \$2,500. If the \$2,500 maximum fee was paid at the time of review of the proposed or ongoing rehabilitation project, no further fee will be charged for review of a Request for Certification of Completed Work.

PART 68—THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Sec.

68.1 Intent.

68.2 Definitions.

68.3 Standards.

AUTHORITY: The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); sec. 2124 of the Tax Reform Act of 1976, 90 Stat. 1918; EO 11593, 3 CFR part 75 (1971); sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

SOURCE: 60 FR 35843, July 12, 1995, unless otherwise noted.

§ 68.1 Intent.

The intent of this part is to set forth standards for the treatment of historic properties containing standards for preservation, rehabilitation, restoration and reconstruction. These standards apply to all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund. 36 CFR part 67 focuses on "certified historic structures" as defined by the IRS Code of 1986. Those regulations are used in the Preservation Tax Incentives Program. 36 CFR part 67 should continue to be used when property owners are seeking certification for Federal tax benefits.

§ 68.2 Definitions.

The standards for the treatment of historic properties will be used by the National Park Service and State historic preservation officers and their staff members in planning, undertaking and supervising grant-assisted projects for preservation, rehabilitation, restoration and reconstruction. For the purposes of this part:

(a) *Preservation* means the act or process of applying measures necessary to sustain the existing form, integrity

and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

(b) *Rehabilitation* means the act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values.

(c) *Restoration* means the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(d) *Reconstruction* means the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

§ 68.3 Standards.

One set of standards—preservation, rehabilitation, restoration or reconstruction—will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available and interpretive goals, when applicable. The standards will be applied taking into consideration the economic and technical feasibility of each project.

(a) *Preservation*. (1) A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features,

spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

(2) The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(b) *Rehabilitation*. (1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

(2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false

sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(9) New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) *Restoration.* (1) A property will be used as it was historically or be given a new use that interprets the property and its restoration period.

(2) Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

(4) Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

(6) Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.

(7) Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

(8) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(9) Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(10) Designs that were never executed historically will not be constructed.

(d) *Reconstruction.* (1) Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture and such reconstruction is essential to the public understanding of the property.

(2) Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation

to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

(3) Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

(4) Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.

(5) A reconstruction will be clearly identified as a contemporary re-creation.

(6) Designs that were never executed historically will not be constructed.

PART 71—RECREATION FEES

- Sec.
- 71.1 Application.
 - 71.2 Types of Federal recreation fees.
 - 71.3 Designation.
 - 71.4 Posting.
 - 71.5 Golden Eagle Passport.
 - 71.6 Golden Age Passport.
 - 71.7 Entrance fees for single-visit permits.
 - 71.8 Validation and display of entrance permits.
 - 71.9 Establishment of recreation use fees.
 - 71.10 Special recreation permits and special recreation permit fees.
 - 71.11 Collection of Federal recreation fees.
 - 71.12 Enforcement.
 - 71.13 Exceptions, exclusions, and exemptions.
 - 71.14 Public notification.
 - 71.15 The Golden Eagle Insignia.

AUTHORITY: Sec. 4, Land and Water Conservation Fund Act of 1965 (16 U.S.C.A. 4601-6a (Supp., 1974)), as amended by Pub. L. 93-303; and sec. 3, Act of July 11, 1972, 86 Stat. 461; sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

SOURCE: 39 FR 33217, Sept. 16, 1974. Redesignated at 44 FR 7143, Feb. 6, 1979, and 46 FR 34329, July 1, 1981; correctly redesignated at 46 FR 43045, Aug. 26, 1981, unless otherwise noted.

§ 71.1 Application.

This part is promulgated pursuant to section 4, Land and Water Conservation Fund Act of 1965, 16 U.S.C.A. 4601-6a (Supp., 1974), and section 3, Act of July 11, 1972, 86 Stat. 461. Any Federal recreation fee charged by any bureau of the Department of the Interior shall be charged according to criteria set forth in this part.

§ 71.2 Types of Federal recreation fees.

There shall be three types of Federal recreation fees:

(a) Entrance fees, charged either on an annual or single-visit basis, for admission to any Designated Entrance Fee Area;

(b) Daily recreation use fees for the use of specialized sites, facilities, equipment or services furnished at Federal expense; and

(c) Special recreation permit fees for specialized recreation uses, such as, but not limited to, group activities, recreation events, and the use of motorized recreation vehicles.

§ 71.3 Designation.

(a) An area or closely related group of areas shall be designated as an area at which entrance fees shall be charged (hereinafter "Designated Entrance Fee Area") if the following conditions are found to exist concurrently:

(1) The area is a unit of the National Park System administered by the Department of the Interior;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreation purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that entrance fee collection is administratively and economically practical.

(b) Any specialized site, facility, equipment or service related to outdoor recreation (hereinafter "facility") shall be designated as a facility for which a recreation use fee shall be charged (hereinafter "Designated Recreation Use Facility") if:

(1) For each Designated Recreation Use Facility, at least one of the following criteria is satisfied:

(i) A substantial Federal investment has been made in the facility,

FAQs about the National Register of Historic Places

If the following questions and answers leave you still wondering, please feel free to call us at the Montana State Historic Preservation Office. We are always glad to talk with you on the phone or in person about the National Register if there is something you'd like clarified. Please write us or give us a call: 1301 E Lockety, P.O. Box 201202, Helena, MT 59620-1202, (406) 444-7715.

1. What is the National Register of Historic Places?

The National Register is the official list of the Nation's historic buildings and archaeological sites that are considered to be worthy of preservation. The Register was established in 1966 to help property owners, communities and neighborhoods recognize their important historic properties, to offer realistic incentives for preservation, and to insure that Federal actions do not harm these properties without alternatives being considered. The National Register was not designed as a major regulatory program nor as just an honor roll. The Register was intended to be broad rather than exclusive and includes many different kinds of properties important to the Nation, the State, a region or a local community.

2. If I list my home or business in the National Register, what restrictions will be placed on my rights to modify or sell the property?

Listing in the National Register in of itself does not interfere with an owner's right to manage their property as they see fit. You may paint, remodel, administer, sell, or even demolish your property. You may alter your building at any time, unless you use Federal funds or the Federal tax incentives to rehabilitate it, in which case the alterations are reviewed by the agency in consultation with the State Historic Preservation Office (this is true not only for National Register properties but also for those eligible for listing—see Section 106 of the National Historic Preservation Act). Placing a property in the Register also does not obligate an owner to make any repairs or improvements. Moreover, the State or Federal government will not attach restrictive covenants to properties or seek to acquire them as a result of National Register-listing. Local governments may adopt, design, or review zoning ordinances affecting properties listed in the National Register of Historic Places. Please check with your local preservation office or planning office to see if your community has adopted such provisions.

3. Does Register listing mean that my property must be opened to the public on a regular basis?

As the owner of a property listed in the Register, you will not be required to open your house, place of business, or historic site for public visitation. Your private property rights are in no way changed by Register listing, unless, again, you have accepted Federal funds for rehabilitation, in which case the public must be allowed to visit the property for a few days each year.

4. Can I get money to fix up my historic building if it is listed in the Register?

National Register property owners may apply for Federal grants for buildings rehabilitation when Congress appropriates such funds. However, these funds are extremely limited and most property owners will not receive such funding. If you are a Community Cultural Organization, we encourage you to check with the Montana Arts Council (444-6430) to determine whether the project you are considering would qualify for Cultural and Aesthetic Grant monies appropriated biennially by the Montana Legislature.

5. Is there some kind of tax credit I can get if I plan to repair my historic building?

Yes. If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 allows you to credit 20 per cent of the rehabilitation costs against your federal tax liability for the substantial rehabilitation of income-product properties such as commercial, farm, industrial, and residential rental buildings. Work must meet certain standards and be reviewed and approved by the State Historic Preservation Office and the National Park Service. Because tax provisions are complicated, individuals should consult their accountants for assistance in determining the tax consequences of the above provisions.

6. So what are the results of listing my property in the Register? Why should I consider doing so?

Recognition

Most of all, Register listing provided your property **recognition** for its historic value and rewards you for your efforts in preserving it. Listing of a building, site or district also afford it prestige that can enhance its value and raise community awareness and pride. While National Register properties do not have to be preserved, listing does insure that preservation is taken to be an important consideration whenever a building's or site' future is in question

Technical Assistance

Owners of Register properties are also able to seek advice from the Montana Historic Preservation Office on appropriate methods to maintain and rehabilitate older buildings or sites.

Signs

Owners of listed properties may apply for funds to obtain Montana's official National Register interpretive plaque to mount on a stand or hang on an outside wall of their building. The applicant pays only a \$35.00 shipping and handling fee or \$55.00, depending upon the type of sign, the balance coming from the Montana Historical Society.

Government Agency Compliance Review

The National Historic Preservation Act and the Montana State Antiquities Act require federal and state agencies to consider the impacts of all projects occurring on public lands, or with federal funding, that affect historic properties eligible for or listed in the National Register. In addition, the Surface Mining and Control Act of 1977 requires consideration of historic values in the decision to issue surface coal mining permits.

7. How do you decide whether something is significant enough to be listed in the National Register?

The National Register carefully evaluates the quality of significance of each property being considered for listing. To be eligible for the Register designation, a property must meet one of more of the following criteria:

- A. Be associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Be associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may likely to yield, information important in prehistory or history.

In addition, properties must possess a high degree of integrity to qualify for listing in the Register – in other words, they must be relatively unchanged in appearance from the historic period.

Generally speaking, a property must be at least 50 years old to be considered for the Register, unless it is of exceptional significance, or if it is an integral part of a historic district. Non-historic properties that are located within the boundaries of historic districts are also listed in the Register as “non-contributing” components of those historic districts.

Who can nominate properties to the Register?

Anyone can prepare a nomination for listing a historic property on the National Register -- from private owners to local historians to public lands manager to historic preservation professionals. Important properties worthy of listing are identified by people across Montana, who frequently are most familiar with their local history and properties deserving recognition. Eligible properties may also be identified by federal and state lands agencies, which must routinely consider historic resources as a part of their permitting and project activities. The owner of a private property must concur in the nomination of a private property to be listed in the National Register of Historic Places. In the case of multiple owners and historic districts, the majority of private owners must object for an approved property not to be listed.

Item Attachment Documents:

8. Budget/Finance Committee minutes of January 28, 2020.
Cemetery Commission minutes of December 18, 2020.
Public Works Committee minutes of January 22, 2020.
Safety Committee minutes of January 28, 2020.
Park Board minutes of January 2, 2020.

**Minutes of City of Laurel
Budget/Finance Committee
Tuesday, January 28, 2020**

Members Present: Emelie Eaton

**Scot Stokes
Richard Klose**

Others Present: Mayor Nelson

Bethany Langve

The Meeting was called to order by Chair Eaton at 5:33 pm.

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 of the January 14, 2019 meeting. Richard Klose made a motion to approve the minutes of the January 14, 2019 Budget and Finance Committee meeting. Emelie Eaton seconded the motion to approve the January 14, 2019 Budget and Finance Committee meeting minutes, all in favor, motion passed.
- Review and approve purchase requisition from the Solid Waste Department for the addition of shipping to a previously approved purchase requisition. The Clerk/Treasurer explained that the Committee had previously approved the purchase of an arm valve, for the G-10 Garbage Truck, on December 23, 2019. When the invoice arrived, there was a shipping charge of \$213.18. This shipping charge was not previously approved on the original purchase requisition. Richard Klose made a motion to approve the purchase requisition from the Solid Waste Department for the addition of shipping charges for the arm valve delivery. Scot Stokes seconded the purchase requisition from the Solid Waste Department for the addition of shipping charges for the arm valve delivery, all in favor, motion passed.
- Review and approve the December 2019 Journal Vouchers. The December 2019 Journal Vouchers were moved to the February 11th Budget and Finance Committee meeting as December has not been closed out yet.
- Review and approve the December 2019 Financial Statements. The December 2019 Financial Statements were moved to the February 11th Budget and Finance Committee meeting as December has not been closed out yet.
- Review and approve the December 2019 Month End Balancing Sheet. The December 2019 Month End Balancing Sheet was moved to the February 11th Budget and Finance Committee meeting as December has not been closed out yet.
- Review and recommend approval to Council Claims entered through 01/24/2020. Scot Stokes had previously reviewed the Claims Detail report and the Check Register for accuracy. There was a question regarding gaming chairs purchased by the Fire Department. The Clerk/Treasurer explained that they were an office style chair and not a video gaming chair. She printed out a picture for the Committee to review. The Committee again asked about the meal pay/drill pay payments to the Fire Association. The Clerk/Treasurer stated that this has been discussed on the past, however the Fire Chief can explain this better than she can. She stated she didn't want to mess up the explanation or get it wrong, and the Fire Chief knows far better than she does. The Mayor stated that if the Committee wants he can ask the Fire Chief to attend the February 11th meeting. The Committee stated they would like

the Fire Chief to attend the February 11th meeting to explain the meal pay/drill pay to them. The Mayor stated he would ask the Fire Chief or one of his representatives to attend the February 11th meeting. There were no further questions or comments regarding the claims. Scot Stokes made a motion to recommend approval to Council the claims entered through 01/24/2020, Richard Klose seconded the motion, all in favor, motion passed.

- Review and approve Payroll Register for pay period ending 01/12/2020 totaling \$197,101.50. The two-page summary was reviewed, signed and dated. Scot Stokes made a motion to approve the payroll register for pay period ending 01/12/2020 totaling \$197,101.50. Richard Klose seconded the motion, all in favor, motion passed.

New Business - None

Old Business – none

Other Items

- Review the Comp/Overtime Report for pay period ending 01/12/2020. The Committee reviewed the report and had no questions or comments.
- The Clerk/Treasurer stated that the SEG CD will mature in February. It will gain \$2,504.99 in interest, and rollover for another 12 months. She also stated that the VOIP switches will be installed on the 17th of February. That is a holiday, however the Clerk/Treasurer will be onsite to assist with anything the vendor or IT provider may need.
- The Mayor stated that he had nothing to discuss at this time.
- The Committee stated that Laurel Ford had bought out Rimrock Chevrolet. There was a question regarding have two signs at the location. The Mayor stated that question should go to the City Planning Director.

Announcements –

- The next Budget and Finance Meeting will be held on Tuesday February 11, 2020 at 5:30pm
- Bruce McGee will be reviewing claims for the next meeting

Respectfully submitted,

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
CEMETERY COMMISSION
WEDNESDAY, DECEMBER 18, 2019**

Cemetery Commission was held in the Council Conference Room and called to order by the Chair, Richard Klose, at 5:30 p.m. on December 18, 2019.

COMITTEE MEMBERS PRESENT:

<input checked="" type="checkbox"/> Richard Klose	<input type="checkbox"/> Thomas C. Nelson, Mayor
<input checked="" type="checkbox"/> David Gauslow	
<input checked="" type="checkbox"/> Kenneth E. Olson, Jr.	
<input checked="" type="checkbox"/> Wallace Hall	

OTHERS PRESENT:

Public Input: None.

General Items

1. Approve Minutes of July 9, 2019.

Motion by Richard Herr to approve the minutes of July 9, 2019, seconded by David Gauslow.
Motion passed 4-0.

New Business

2. Review 2020 Cemetery Projects

Section Markers – Most of them have been placed and look great. See attached photos.

Kiosk – Kenny to draw up a design, Richard Klose to ask Laurel High School Shop if they can or will cut out lettering of sign on kiosk. Will update at the next meeting.

Other

3. Meeting Date Discussion

Old Business: None.

Other Items: None.

Announcements: None.

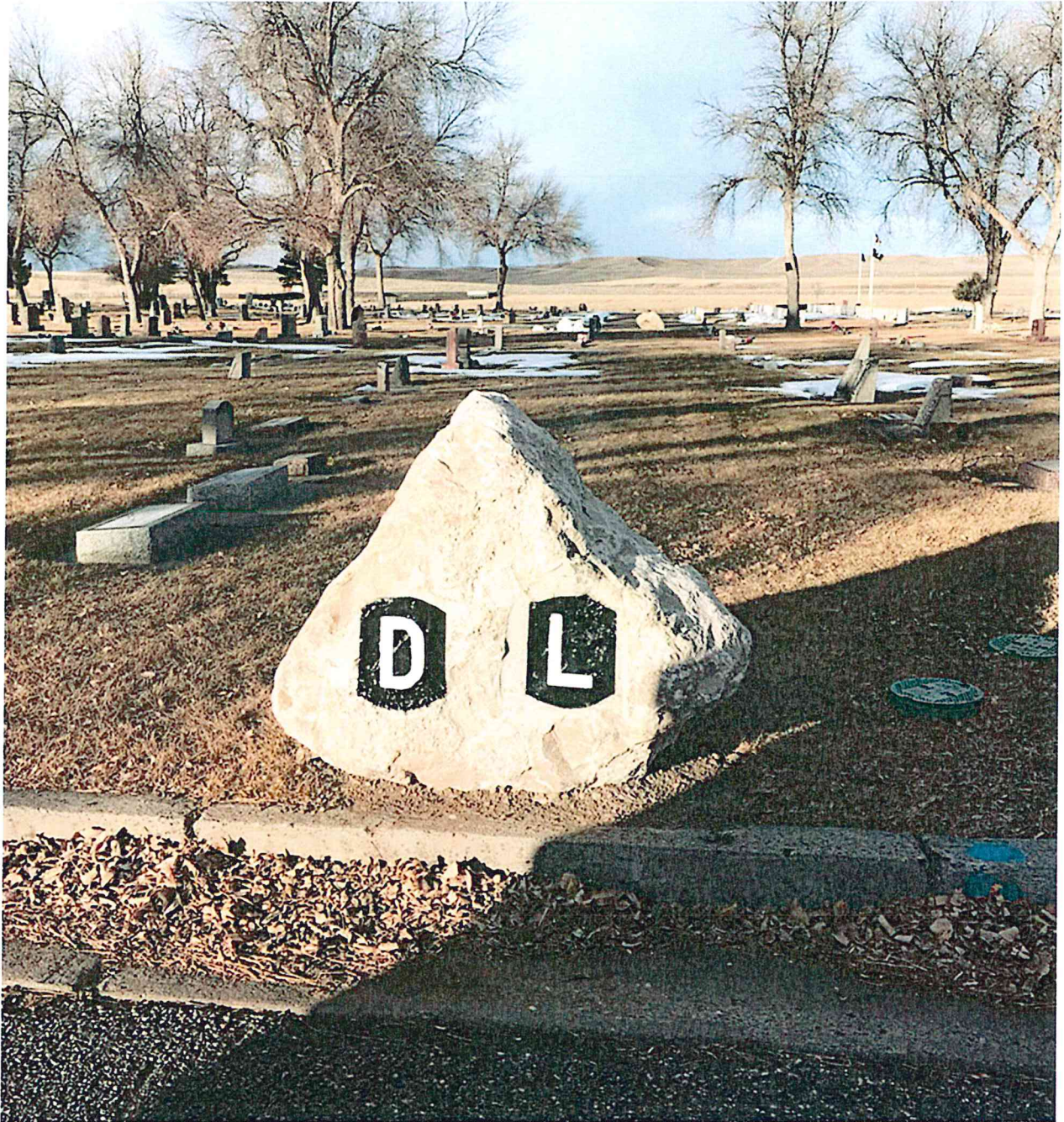
The Cemetery Commission adjourned at 6:00 p.m.

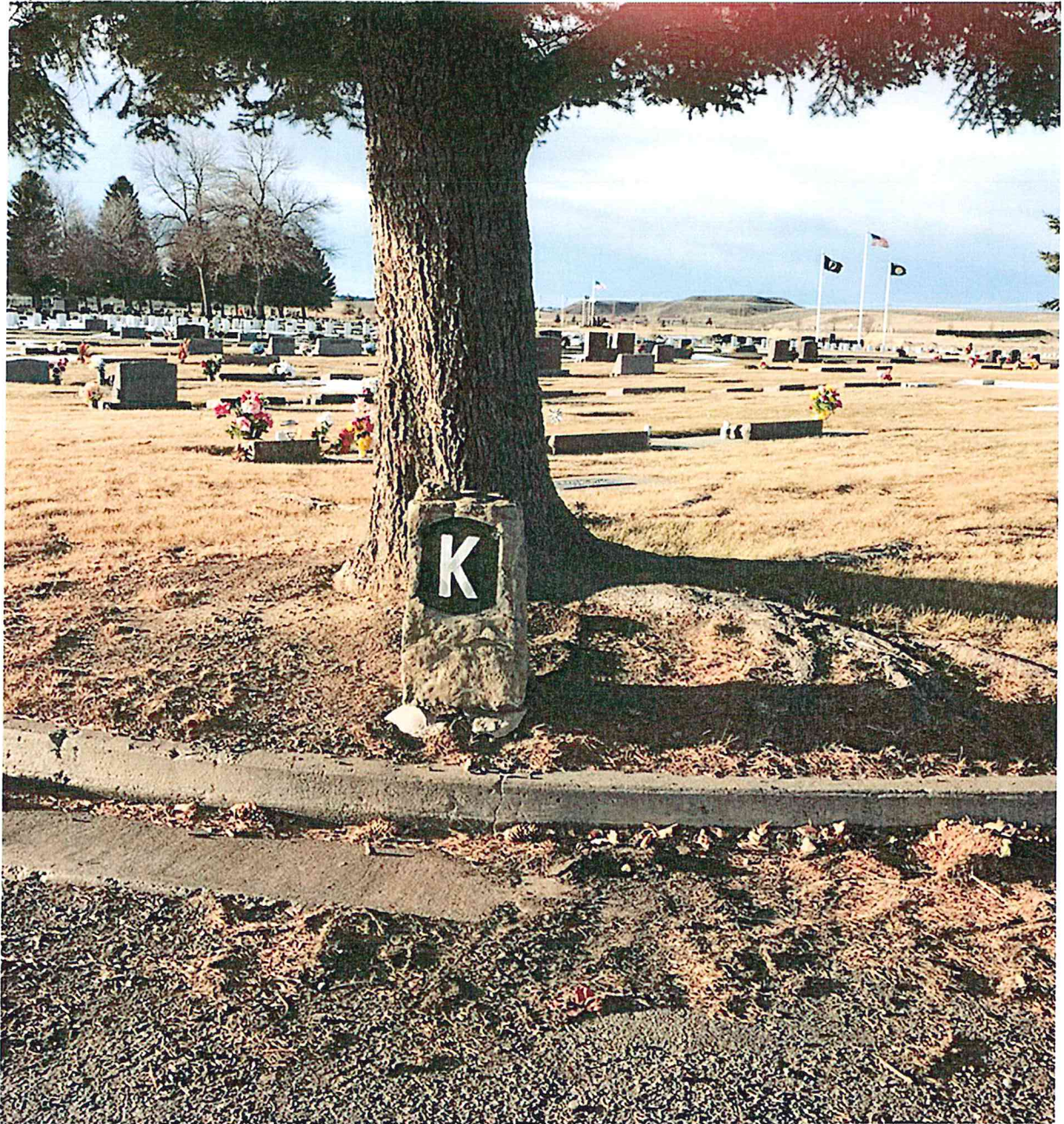
Respectfully submitted,



Richard Klose
Chair











Minutes
Public Works committee
Wednesday, January 22, 2020
Council conference room

Present:

Marvin Carter
K Dan Koch
Richard Herr
Heidi Sparks, Committee Chair
Kurt Markegard, Public Works Director

Meeting was called to order at 6:05pm.

There was no public input.

General Items:

Review and approved the December 16, 2019 minutes. Richard Herr made a motion to approve minutes, this was seconded by K Dan Koch. Motion carried.

New Business:

A review of the Emergency Call Outs since December 16, 2019 took place. The Emergency Call Out report is attached.

Old Business:

The committee reviewed the Engineering Report from KLJ (attached). Things of note include:

- WWTP Screw Pump- pump is not in use yet. Grouting will take place in March, weather pending.
- Sanitary Sewer H2S Remediation- received report from Hawkins on January 22, 2020, KLJ will review to make recommendations going forward but product appears to be working.
- East Downtown Infrastructure Project- council has funding hearing on January 28, 2020 and project tentatively planned start in April 2020.
- Laurel Planning Services- subdivision review for Goldberg Sporting Estates, review of proposed sewer system
- Riverside Park Campground- design will be presented at Park Board on February 6, 2020 meeting.
- Review of West Railroad Street Preliminary Engineering Study (attached)

Other Items:

Ice is in river, the intake is still working great

Announcements:

Next meeting is scheduled for Wednesday, February 19, 2020 due to the Monday holiday.

Meeting adjourned at 7:30pm

Respectfully submitted,
Heidi Sparks, Public Works Chair

January 22, 2020

**Public Works Emergency Call-outs since last meeting in
December**

12-18-2019 Sewer backup 805 Pennsylvania

1-8-2020 Sanding Streets

1-13-2020 Emergency locate

1-13-2020 Lift Station alarm for cold



WWTP Screw Press (KLJ #1804-00120)

Current Status:

- Warranty Inspection NLT August 2, 2020

WWTP Screw Pump "A" Replacement (KLJ #1804-0347, Task 6)

Reason for Project: This key component of the WWTP has failed and needs to be replaced asap

Project Scope: Replace screw press "A".

Current Status:

- Installing drive unit and grouting (January 21, 2019)

Sanitary Sewer H₂S Remediation (KLJ #1804-00122)

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.

Current Status:

- Pilot Bioaugmentation has been completed
- Success of pilot study is being evaluated

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

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

Current Status:

- None

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

- Warranty Inspection NLT August 15, 2020

Data and Asset Management (KLJ # 1804-00461)

Reason for Project: Consolidate infrastructure information

Project Scope: Assemble city infrastructure data into a single source, which can be used to track and manage assets



City of Laurel Project Status Update
January 15, 2020



Current Status:

- KLJ is progressing

East Downtown Infrastructure Improvements (KLJ #1804-01309)

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, design, bidding and construction.

Current Status:

- Work in progress

Tentative Schedule: January 23 – Advertise for Bids
February 13- Bid Opening
Mar 3- City Council Work Shop
Mar 10- City Council Awards Bid

Design Standards & Rules Update (KLJ # 1804-02569)

Reason for Project: Update old standards

Project Scope: Develop a set of cohesive and concise design standards for public improvements to help facilitate reviews of new developments and ensure the public improvements are designed in the City of Laurel's best interest.

Current Status:

- Drafts of the all sections of the manual are complete
- Final sections of streets are complete

2019 Pavement Maintenance (KLJ #1904-00230)

- Warranty Inspection NLT August 21, 2020



Laurel Planning Services (KLJ #1804-00554)

Reason for Project: KLJ has been retained to provide City of Laurel planning services as needed.

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.

Current Status:

- Floodplain Management – Joint Application for improvements at Riverside Park will need to be completed and a Floodplain Development Permit issued.
- Subdivision Review – Goldberg Sporting Estates
- Growth Policy Update – This project has just begun with coordination between the Laurel City Planner and KLJ.

Riverside Park Campground (KLJ # 1904-00634)

Reason for Project: New campground in Riverside Park

Project Scope: Work consists of surveying and designing a new campground within Riverside Park.

Current Status:

- Comments have been received from Park Board. KLJ is addressing those comments

2020 Pavement Maintenance (KLJ #1904-01874)

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

Project Scope: This year's scope entails crack seal and chip seal on streets identified as having a passer rating of 6. This excludes the MDT designated Urban Routes.

Milestones:

- Bidding- February
- Construction- April – July
- Substantial Completion-June
- Final Completion- July

Current Status: Design is on going



*City of Laurel Project Status Update
January 15, 2020*



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 FY20 Projects

1. West Railroad Street Reconstruction- Proposal submitted
2. Water Storage Tank Recoat
3. Water System Planning
 - a. Master Plan Update (potentially update PER concurrently)
 - b. Booster station rehabilitation or replacement (task order forthcoming)
 - c. Water storage tank
4. Capital Improvement Plan (CIP) assistance – pending further direction from the City.

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. West side groundwater remediation
6. West Side TIFF
7. School Lot



City of Laurel

West Railroad Street Preliminary Engineering Study

PROJECT UNDERSTANDING

The purpose of this Preliminary Engineering Study is to identify the roles and responsibilities for the improvements to West Railroad Street. MDT has estimated the cost to upgrade West Railroad Street to the proposed two lanes with a center turn lane and add sidewalk, curb and gutter at \$ 9 Million. The total amount of funds available through MDT for the urban route designation is \$ 6 Million, leaving a significant shortfall to be picked up by the City of Laurel. This project will provide a preliminary engineering study to develop probable utility improvements that may have to be included and provide more detailed cost estimates for the improvements. If the costs exceed the money available from MDT, KLJ will provide a set of alternatives for completing the entire project.

We have tried to exclude engineering services that will have to be duplicated by MDT during their design. Unfortunately, the topographic survey is one task that will be redone by MDT when they take over the project however, it is necessary to answer several key questions about the project. The topographic survey will be completed as quickly and as efficiently as possible with only the minimum amount of survey required to answer the technical challenges described below.

The following are the tasks and costs associated with each task.:

Task	Estimated Cost
1. Right of Way and Ownership Survey	\$ 17,500
2. Topographic Map With	\$ 6,500
3. Utility Mapping	\$ 5,000
4. Prepare Base Drawing	\$ 5,500
5. Water Main and Sanitary Sewer	\$ 5,500
6. Storm Drainage Analysis	\$ 15,000
7. Bridge Replacement Analysis	\$ 6,000
8. Neighborhood Intersection Analysis	\$ 11,000
9. Railroad Crossing Analysis	\$ 5,000
10. Prepare Final Report	\$ 8,000
Total Cost	\$ 85,000

A more detailed description of the project and each individual task follows.

EXISTING CONDITIONS

The City of Laurel has designated West Railroad Street as an Urban Route between South 8th Avenue and South 1st Avenue with the Montana Department of Transportation (MDT). This designation makes funds eventually available from the MDT for improvements to West Railroad Street. MDT assumed the street section consists of two lanes, a center turn lane, curb, gutter and sidewalk along the length of the road. MDT estimates the proposed improvements will cost approximately 9 million dollars, for the construction of only the surface and storm drain improvements. Any stormwater improvements outside



of the right of way and any water main or sewer main improvements will not be included in the MDT project. Currently the City of Laurel only qualifies for 6 million dollars in urban funds. This leaves a significant budget shortfall.

It is anticipated that upon completion of the new interstate interchange, West Railroad Street with its connection to Main Street by S. 5th Ave. will be used to avoid the underpass. Furthermore, West Railroad Street is the truck accesses into the CHS Refinery; Schlessler concrete ready-mix plant and is by several farms to truck beets.

The asphalt along West Railroad Street varies in width from 20 to 24 feet. There is very little existing curb along the length of this project. At the intersection of West Railroad and 1st Avenue there is curb and gutter on the south side of the road, but no sidewalk. The curb and gutter along the southside of the street extends west the length of the Taco John's parking lot. There is no curb and gutter along the north side of the road, but there is a small irrigation ditch that flows water from west to east in front of Rapid Tire.

Overhead power has been installed within the road easement along the north side of the road. Overhead telephone and overhead cable are located along the south side of the West Railroad Street. There are two railroad crossings between S. 1st Ave. and Woodland Ave., with Woodland Ave terminating at one of the crossings.

There is a small irrigation ditch along north side of the road. In addition, the Laurel Drain crosses under a bridge constructed between the two railroad crossings. This bridge is very narrow, without pedestrian facilities and has a substandard guard rail on either side. We have checked with MDT and Yellowstone County, neither has this bridge in their systems. This means that the existing bridge is not inspected for structural integrity and as built drawings for the bridge will be difficult to find. The load carrying capacity of the bridge is unknown.

Between Woodland Ave and S. 8th Ave, there are 6 intersections along the south side of the street. Woodland Ave ends inside the MRL Right of Way, along West Railroad Street. To the north, the only intersecting street is S. 5th Ave, which has a railroad crossing and connects to Main Street. Once the highway interchange is completed, this road may experience a significant increase in traffic as travelers try to avoid the underpass.

West of S. 5th Ave is the Schessler concrete ready-mix plant. Currently there is no controlled access along West Railroad Street in front of this plant and it appears the access into the ready-mix plant from West Railroad Street is approximately 700 feet wide.

The routing of the storm water in this area is based primarily surface drainage. It appears that there are some ditches within the project area and the Laurel Drain may collect some of the stormwater along the railroad tracks and from 8th Avenue. The Laurel Drain floods during significant precipitation events. It is not recommended to put any more stormwater into the Laurel Drain. The west drain can accept additional stormwater; however, this drain is east of South 1st Ave. Presently it is unclear how to deal with the stormwater drainage in this area. Without some careful planning, the addition of a new street may cause more problems.



The recently completed PASER asphalt condition study, the condition of the existing asphalt in West Railroad Street is rated as a 1, the worst rating. According to the study, West Railroad Street should be reconstructed.

SCOPE OF WORK

The following is the scope of work for this project, with associated costs for each task.

Task 1: Right of Way and Parcel Ownership Survey\$ 17,500

This task will be used to determine the existing right of way throughout the length of the street. The information that is obtained from this will be used to determine if right of way will need to be acquired prior to constructing the new street. In order to make this determination KLJ will research property boundaries based on plats and certificates of survey obtained from public records. The right-of-way survey is limited to ties only to readily identifiable property corners along the project corridor. This is anticipated to be sufficiently accurate to identify any needed right-of-way acquisitions. If acquisition is necessary, subject properties will likely require individual surveys, which is not included in this scope of work.

Some of this work will need to be redone by MDT, but not all. This task will ensure there is adequate right-of-way throughout the length of the project and identify any potential issues. Areas that may have inadequate right-of-way will be identified early in the process so there is ample time for the City to acquire additional Right-of-Way, if required.

Task 2: Topographic Map with Drone \$ 6,000

The aerial photographs from a drone flight will be used to complete a contour map of the corridor. This map will be used for several other tasks to include storm drainage. This will also show where the existing street is located within the existing street right of way. Prior to flying the drone, targets will be established with horizontal and vertical control. From the drone flight, ground contours and, existing surface features will be shown on a base map. Topographic survey will generally be bounded within right-of-way limits, and occasionally beyond as needed to verify grades, adjacent features, and structures.

MDT will do a more thorough mapping for their project. However, this will be the basis of providing opinions of construction cost to the city. This will also assist with ensuring adequate right-of-way. Furthermore, this map will be used for any utility relocations that need to be completed prior to the construction of the street.

Tack 3 Utility Mapping \$ 5,500

Utility Mapping will determine if any of the utilities will be in the way and if they should be moved prior to beginning the street improvements. The topographic map will be supplemented with a conventional survey of the above and below ground utilities. These utilities will be shown on the base drawing. The utility mapping will generally be bounded within right-of-way limits, and occasionally beyond as needed to verify grades, adjacent features, and structures.

MDT may redo this portion of the mapping. But most of the map will be used to determine if any of the water or sewer needs to be relocated prior to the construction of the new street. In the event these



utilities need to be moved, this mapping along with the topo map and right of way mapping will end up being the base for the design.

Task 4 Prepare Base Drawing..... \$ 5,500

Create a base drawing that incorporates all of right of way, topo and utility mapping. This drawing will include depicting calculated property boundary, topographic data from drone flight, and existing underground utilities as located on the ground.

MDT may redo most of the map, however this map will be required for any work that needs to be completed prior to the Street Reconstruction as well as providing a base to complete almost all the following tasks.

Task 5 Water Main and Sanitary Sewer..... \$ 5,500

This task is important as the MDT will not pay to move/remove/extend or basically do anything with the water main and sewer main in the area. It will be however critical to ensure that all the water and sewer mains will be adequate for the future and either the water or the sewer should be moved prior to the MDT project. In order to do this KLJ will review the existing information provided by Owner to determine areas that recommend extents of water main and sanitary sewer replacement/extension requirements. System modeling by Engineer is not required.

This will not be redone by MDT but should be completed prior to beginning any new street reconstruction. In the event the water or sewer will need to be rerouted or extended along West Railroad street, this work will have to be completed before the new street is constructed or costs will greatly increase.

Task 6 Storm Drainage Analysis\$ 15,000

The storm drainage analysis is perhaps the most difficult yet important part of this study. West Railroad Street has several railroad crossings and the Laurel Drain located within the proposed project limits. These facilities create a boundary condition for storm drainage. The desired stormwater outfall for The West Railroad area that currently exists is on the east side of South 1st Ave. The topographic map will be used to determine if it is even possible to drain stormwater to this point. If stormwater cannot get to the east side of South 1st Ave., the stormwater may have to be routed to the south of West Railroad Street through the existing neighborhood and then routed to an outfall. This routing is complicated due to the Interstate, railroad and refinery all block the flow of stormwater to its natural outfall, the Yellowstone River. In order to evaluate the stormwater a topo map of at least West Railroad Street will have to be completed.

Part of this task will be to evaluate opportunities and constraints related to utilizing existing storm water conveyances, including curbs, gutters, pipes and storm drains. Provide a preliminary delineation of drainage patterns within the right-of-way (existing and proposed), assess any known deficiencies, and advise Owner accordingly. A preliminary hydrologic and hydraulic analysis is included in this phase. Other alternative storm water management or treatment facilities is not included in the Study and Report Phase but may be needed with subsequent project phases.



MDT will not take the storm drainage to this extent. Although a small portion of this will be redone by MDT, most of this work will have to be completed by the City of Laurel. There will be several decisions that will need to be made based on the impacts the storm drainage will have on adjacent lands.

Task 7 Bridge Replacement Analysis \$ 6,000

Currently there is a very narrow bridge across the Laurel Drain. This bridge is not in the Yellowstone County system, nor is it in the MDT System. We have assumed in order to make this bridge meet current standards and to accommodate pedestrians, this bridge will need to be removed and replaced. For this task, KLJ will develop alternatives for the Laurel Drain crossing. Cost estimates for each alternative which will be presented for review and the total project cost can be developed.

MDT will not repeat most of this effort. This effort is required in order to better refine the potential costs of the project and to ensure there are adequate funds for the project.

Task 8 Neighborhood Intersection Analysis..... \$ 11,000

Currently, MDT is recommending a two-lane street with a center turn lane. This may be an overly simplification of the street cross section. Certainly, the most that could be anticipated is a center turn lane, however this may not be necessary and could result in a significant savings to the project if it not necessary. In order to determine if this is necessary, a warrant analysis should be completed. If a center turn lane could be avoided, the cost of the project would decrease by almost 1/3. In order to come up with a recommendation for the number of lanes, KLJ will evaluate the traffic patterns at each of Railroad Streets intersections within the project area to provide preliminary improvement options for each intersection. This analysis will include preparing turning movement counts at peak hours of traffic and truck counts along Railroad Street. Pedestrian and bike counts would also be collected to ensure adequate facilities are included in the design.

MDT will not repeat this analysis. This effort is required in order to better refine the potential costs of the project. Each intersection and the West Railroad Street will be evaluated to determine the total width and the level of improvements are appropriate for the traffic utilizing the street.

Task 9 Railroad Crossing Analysis \$ 5,000

Evaluate each railroad crossing for traffic, geometry, compliance with ADA and safety of pedestrians. This includes one meeting with MRL and City staff to establish performance standards and any MRL required improvements. Although we believe the railroad crossing will need to be improved at significant costs this should be verified.

MDT will not evaluate the alternatives and associated costs. Providing an accurate cost opinion for the proposed improvements will assist with refining what needs to be completed prior to the MDT project and what can wait for the MDT project or what can wait even later.

Task 10 Prepare Final Report \$ 8,000

This task will, as appropriate, contain schematic layouts, sketches, and conceptual design criteria with appropriate exhibits to indicate the agreed-to requirements, considerations involved, and Engineer’s recommended solution(s). For each recommended solution, Engineer will provide the following, which will be separately itemized: Opinion of probable Construction Cost; proposed allowances for contingencies; the estimated total costs of design, professional and related services to be provided by



Engineer and its Consultants; and on the basis of information furnished by the owner, a tabulation of other items and services included within the definition of Total Project Costs. For the purposes of this Task Order, the report will consist of a memorandum summarizing the results of the Engineer's services identified above.

This report will provide data that can be used in the future to make decisions regarding how to divide the project into more affordable phases, if required. This report will be a consolidation of all the information gathered from the previous tasks and will serve as a reference for future projects along the West Railroad corridor.

Please let us know if you have any additional questions or concerns with regards to this proposal.

KLJ

Matthew S. Smith, P.E.
Project Manager

1 Safety Committee Meeting – January 28, 2020 11:00 AM
2 Council Conference Room

3
4
5 **In Attendance:** Justin Baker, Karen Courtney, Stan Langve, Brent Peters, Matt Wheeler, Nancy Schmidt,
6 Fran Schweigert, Mandi Crable

7
8 **Absent:** Thomas Henry, Kurt Markegard, HP Nuerberger, Nathan Herman, Nick Altonaga, Tim Reiter,
9 Meeting called to order @ 11:07 AM

- 10
11 • Approval of minutes – November 26, 2019 meeting minutes
12 ○ Motion to approve made by Fran Schweigert, seconded by Nancy Schmidt, Committee
13 voted unanimously to approve – motion passes.
14 • Old Business
15 ○ City Shop items that are placed on top of lockers. It was brought to their attention that
16 the items that are up there must be removed. No items are to be stored on top of
17 lockers. If they wish to store items up there, they would need to install shelves to store
18 materials.
19 • Review of Injury and Liability Claims
20 ○ 1 incident report that was filed due to backboard falling out of truck and striking an
21 EMT. No first aid or medical was necessary. It was due to being in a hurry.
22 ■ Mandi stated that it was discussed and that it was caused due to being in a
23 hurry and that they need to slow down and work safe.
24 ○ 2 liability claims – Justin had brought to Karen’s attention and she had just received
25 them yesterday. 1 involved a city driver backing a roll off into the city shop and
26 damaging the door and side of building. Other was a utility box being left open on the
27 side of a water truck and damaging the door when it was being backed out of shop.
28 ■ Karen had not had time to review these 2 claims. Justin stated that proper
29 procedure of using a spotter could have prevented the building damage. Further
30 review and discussion will be done on these two items.
31 ○ 1 claim has been turned into Bethany concerning an accident involving a firefighter.
32 ■ Brent reported that the firefighter was working on lights and after he was off a
33 ladder, he went to move it and the ladder fell over and hit him in the head.
34 Injury required staples to be put in his head.
35 • New Business
36 ○ With the new Safety Policy now being in effect, we will need to update who is the
37 appointed person for each of the stated members per the Safety Policy. Kare will update
38 the Roster and send out for information on who the representative is.
39 ■ Brent suggested that would be good idea to have an alternative person as well
40 listed.
41 ○ Karen has installed 2 new first aid kits in City Hall – one on 2nd floor and other in
42 breakroom on 1st floor. She will be inspecting them when she does the fire extinguisher
43 inspections and refill as needed. City Shop has a service doing their first aid kits.
44 • Other Concerns or comments
45 ○ Stan stated that there was a training that has been done for the schools pertaining to
46 active shooters. May be a good idea for city training and could possibly be adjusted for
47 City employees.

- 48 ○ Panic Alarms – Discussion on monthly testing of panic alarms. During a building walk
49 through it was discovered that the City Court button was not working due to a dead
50 battery. Monthly checks would be a good idea to ensure safety. Stan will check list to
51 find out where all the panic buttons are located so that we can ensure they are working
52 properly.
53 ○ Committee discussed evacuation plans. Karen will email the link to the online evac plan
54 that she found. Safety Committee can come up with a recommended plan and then
55 submit the plans to the Mayor for approval and implementation. Brent sent Karen a link
56 for an evacuation ladder that could be ordered for the 2nd floor as currently there is no
57 means of egress from the roof by Planning Director’s Office and anyone on 2nd floor
58 would have to jump off building.
59 ○ Karen will send out electronic versions of the accident and liability forms so that they
60 can be printed on an as needed basis by the departments.
61
62 • Next Meeting
63 ○ Karen will select a few dates and send to everyone for their availability in order to
64 schedule in January.
65 • Adjournment – Justin Baker motioned to adjourn, Fran Schweigert 2nd the motion. Motion
66 passes.
67

68 Meeting Adjourned at 11:54 AM
69
70
71
72

73 _____
74 Karen Courtney, Safety Officer
75

**MINUTES
CITY OF LAUREL
PARK BOARD
THURSDAY, JANUARY 2, 2020**

BOARD MEMBERS PRESENT:

Irv Wilke, Richard Herr, Phyllis Bromgard,
Jon Rutt, Evan Bruce
*Matt Wheeler

Other Presents

KLJ Rep (Matt Corcoran)

Public Input:

Klose, from the American Legion, wanted to know about the rifle club building if it was going to be usable. The American Legion has youth shooting sports players and they were wanting to use the building as it was used in the past as a shooting range. It was not known at this time.

General Items

1. Approve Park Board minutes of December 5, 2019.

Jon motioned with Richard seconded. Voted 4-0 approval.

New Business

2. Tennis Courts.

The park board wanted to remove the tennis courts next to the public pools. Kurt brought up that it is more than just removing the concrete. The grass will need to be planted and a sprinkler system will need to be installed. It would need to be budgeted and allowed by the mayor. Kurt brought up that some people use it during the 4th of July fireworks to set up their chairs.

3. Discuss levy for Parks.

It was thought that the public would not support a Levy for Park Maintenance. They ended up talking about doing a Park Master Plan for the whole city, including all the parks.

Old Business

4. Riverside Park

KLJ brought in a preliminary drawing for the new campground. the board requested adding in drive-thru RV parking and enlarging the area for development to include east of the horseshoe pits and increase the number of campground spots. It was also discussed what we can spend money on for the city matching funds.

5. Quotes for American Legion and Caretakers buildings.

We received two quoted for taking down the caretaker's building. The board wanted to put in a request for this to be budgeted. The quotes were 18,850 and 32,800.

6. Budgets for Parks.

Matt went over how the budget works in general to the board.

Other Items Announcements

7. The next Park Board meeting will be February 6, 2020.

Item Attachment Documents:

10. Resolution No. R20-05: A Resolution Of The City Council Authorizing City Staff To Nominate Riverside Park For Inclusion On The National Registry Of Historic Places.

RESOLUTION NO. R20-05

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING CITY STAFF TO
NOMINATE RIVERSIDE PARK FOR INCLUSION ON THE
NATIONAL REGISTRY OF HISTORIC PLACES.**

WHEREAS, the City of Laurel, Montana has the vested power, authority and jurisdiction over the City Park known as Riverside Park which has been annexed into the City and is located adjacent to the Yellowstone River in Laurel Montana; and

WHEREAS, the City, by and through its staff, would like to develop and submit a National Register Nomination to the State Historic Preservation Office and the National Park Service, keeper of the National Register of Historic Places, to include all of Riverside Park on the national registry to include the land, site, structures and cultural resources of the Park; and,

WHEREAS, nomination to the National Register of Historic Places is widely regarded as an honor that contributes to community pride, establishes a sense of place among residents, owners and visitors, and will assist the City in its goal of sharing the legacy of Riverside Park with the broader community.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes City Staff to prepare and submit a National Register Nomination for Riverside Park; and

BE IT FURTHER RESOLVED, the Mayor is authorized to execute any and all documents and applications required for submission of the nomination on the City's behalf.

Introduced at a regular meeting of the City Council on February 11, 2020, by Council Member

_____.

PASSED and APPROVED by the City Council of the City of Laurel, Montana,
this 11th day of February 2020.

APPROVED by the Mayor this 11th day of February 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, City Clerk/Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

January 17, 2020

Regarding the Recommendation of Riverside Park for Inclusion on the National Registry of Historic Places

Mr. Mayor,

After reviewing the federal guidelines, resources, and information available regarding inclusion on the National Registry of Historic Places I am in support of placing Riverside Park on the National Registry of Historic Places (NRHP). There have been many concerns about the NRHP designation previously raised regarding:

- Floodplain regulations,
- Design and improvement constraints, and
- Federal oversight of local efforts.

The National Floodplain Insurance Program (NFIP) has specific regulations for structures regarding substantial improvement for both upgrades and repairing damage. Historic structures do not have to meet floodplain management requirements so long as they maintain their historic structure designation (44 CFR 49.1). The NFIP provides exemptions and variances for historic structures that localities can implement for their jurisdictions. The NFIP recommends considering improved construction and mitigation measures during rehabilitation despite their exemption from floodplain management requirements. The Laurel Floodplain Hazard Management Regulations updated in 2018 presents a basic variance process for historically designated structures which matches the NFIP program. This is described in Section 12.4.2.2.

Inclusion on the National Register of Historic Places does not overlay restrictions on a property owner nor does it mandate the preservation of that property in the future. Activities such as demolition, structural upgrades, replacement of features, and rehabilitation are all allowable by the building or site owner.

Communities have the option of choosing to adopt provisions for addressing the unique needs of “historic structures” and their improvement and alternation. Unless Federal funding is secured to improve/upgrade the site, direct oversight of activities will remain low. Inclusion of a site in the NHRP does not place undue burdens upon the owner in regards to color, removal and replacement of features, and site improvements unless federal licenses, funding, and permits are involved which would elicit review and compliance through Section 106 of the National Historic Preservation Act.

I support the inclusion of Riverside Park on the National Register of Historic Places. I have provided some documentation that supports my position on the matter. Please review the attached and annotated FEMA and Code of Federal Regulations documents for further information. Please let me know if you have any questions or comments on this item. Thank you for your time and consideration.

Respectfully,

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

Nick Altonaga
Planning Director



National Flood Insurance Program (NFIP)

Floodplain Management Bulletin
Historic Structures

FEMA P-467-2

May 2008



FEMA

Floodplain Management Bulletin

Historic Structures

This Floodplain Management Bulletin addresses how the National Flood Insurance Program (NFIP) treats historic structures. This bulletin also identifies mitigation measures that can be taken to protect historic structures from floods. The bulletin addresses the following topics:

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Introduction

The National Flood Insurance Program (NFIP) gives special consideration to the unique value of one of our Nation's most significant resources – its historic buildings, landmarks, and sites. It does so in two ways.

First, the NFIP floodplain management regulations provide significant relief to historic structures. Historic structures do not have to meet the floodplain management requirements of the program as long as they maintain their historic structure designation. They do not have to meet the new construction, substantial improvement, or substantial damage requirements of the program. This exclusion from these requirements serves as an incentive for property owners to maintain the historic character of the designated structure (44 CFR §60.3). It may also serve as an incentive for an owner to obtain historic designation of a structure.

Secondly, a designated historic structure can obtain the benefit of subsidized flood insurance through the NFIP even if it has been substantially improved or substantially damaged so long as the building maintains its historic designation. The amount of insurance premium charged the historic structure may be considerably less than what the NFIP would charge a new non-elevated structure built at the same level. Congress requires that the NFIP charge actuarial rates for all new construction and substantially improved structures (National Flood Insurance Act of 1968, 42 U.S.C. 4015).

Although the NFIP provides relief to historic structures from having to comply with NFIP floodplain management requirements for new construction, communities and owners of historic structures should give consideration to mitigation measures that can reduce the impacts of flooding on historic structures located in Special Flood Hazard Areas (44 CFR §60.3). Mitigation measures to minimize future flood damages should be considered when historic structures are rehabilitated or are repaired following a flood or other hazard event. Qualified professionals such as architects, historic architects, and engineers who have experience in flood mitigation techniques can help identify measures that can be taken to minimize the impacts of flooding on a historic structure while maintaining the structure's historic designation.

The purpose of this floodplain management bulletin is to explain how the NFIP defines historic structure and how it gives relief to historic structures from NFIP floodplain management requirements (44 CFR §60.3). This bulletin also provides guidance on mitigation measures that can be taken to minimize the devastating effects of flooding to historic structures.

Background on the NFIP

Congress created the NFIP in 1968 to provide federally supported flood insurance coverage, which generally was not available from private companies. The NFIP is based on a mutual agreement with communities that have been identified as having Special Flood Hazard Areas. The Federal Emergency Management Agency (FEMA) will make flood insurance coverage available in a

community provided that it adopts and enforces floodplain management regulations that meet or exceed the minimum requirements of the NFIP (44 CFR §60.3). This is accomplished through local floodplain management regulations.

The NFIP minimum building and development regulations that communities must adopt require that new and substantially improved and substantially damaged residential buildings be elevated so that the lowest floor is at or above the Base Flood Elevation (BFE) determined for the site. Non-residential buildings have the option of elevation or dry floodproofing to the BFE [44 CFR §60.3(c)(2), (c)(3), and (e)(4)]. Dry floodproofing means making a building watertight, substantially impermeable to floodwaters to the BFE.

Substantial improvement means “any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred substantial damage regardless of the actual repair work performed.”

Substantial improvement also includes the repair of buildings that have been substantially damaged. *Substantial damage means “damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.”*

In summary, structures that are “substantially improved” and “substantially damaged” must be brought into compliance with the community’s floodplain management requirements [44 CFR §60.3(c)(2), (c)(3), and (e)(4)].

The NFIP and Historic Structures

This section provides information on the NFIP definition of “historic structure” and the floodplain management requirements that will be included in community floodplain management ordinances.

Definition of “Historic Structures”

The definition section of the NFIP [Code of Federal Regulations (CFR) 44 Part 59], defines “historic structure” as “any structure that is:

- (1) *Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (This includes structures that are determined to be eligible for listing by the Secretary of the Interior as a historic structure. A determination of “eligibility” is a decision by the Department of the Interior that a district, site, building, structure or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register.)*

- (2) *Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;*
- (3) *Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or*
- (4) *Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:*
 - (a) *By an approved state program as determined by the Secretary of the Interior or*
 - (b) *Directly by the Secretary of the Interior in States without approved programs.”*

This definition was coordinated with the Department of Interior when it was added to the NFIP Regulations in 1989.

The purpose of this definition is to provide NFIP communities with criteria to distinguish between “historic structures” and the other existing buildings which remain subject to NFIP floodplain management requirements (44 CFR §60.3). While it is important to preserve historic structures and other cultural resources, it is also critical to ensure that other existing flood-prone structures are protected from flood damage when they are substantially improved or substantially damaged.

Floodplain Management Requirements that Provide Relief for Historic Structures

The NFIP floodplain management requirements contain two provisions that are intended to provide relief for “historic structures” located in Special Flood Hazard Areas:

- (1) The definition of “substantial improvement” at 44 CFR 59.1 includes the following exclusion for historic structures,

“Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as an “historic structure”.

The same exemption also applies to “historic structures” that have been “substantially damaged”.

This provision exempts historic structures from the substantial improvement and substantial damage requirements of the NFIP.

- (2) The other provision of the NFIP floodplain management regulations that provides relief for “historic structures” is the variance criteria at 44 CFR 60.6(a). This provision states:

“Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.”

Under the variance criteria, communities can place conditions to make the building more flood resistant and minimize flood damages, but such conditions should not affect the historic

character and design of the building. *See* the section on Minimizing the Impacts of Flooding on Historic Structures for ideas on conditions that could be established to make the building more flood resistant and to minimize flood damages.

Communities have the option of using either provision for addressing the unique needs of “historic structures”. Communities should adopt only one option to address “historic structures.” Some communities have chosen to adopt an ordinance that requires variances for improvements or repairs to “historic structures” and do not exclude such improvements from the substantial improvement definition in their ordinance. Other communities include the “historic structures” exemption as part of their “substantial improvement” definition. In either case, “historic structures” can be excluded from the NFIP elevation and floodproofing requirements. Whether a community exempts a “historic structure” under the substantial improvement definition or through the variance process, the exemption of the “historic structure” from the NFIP floodplain management requirements should be documented and maintained in the community permit files.

However, if plans to substantially improve a “historic structure” or repair a substantially damaged “historic structure” would result in loss of its designation as an “historic structure”, the structure no longer qualifies for the exemption and would be required to meet the NFIP floodplain management regulations (44 CFR §60.3). This determination needs to be made in advance of issuing a permit. This provides an incentive to the property owner to maintain the structure’s historic designation rather than altering the structure in such a way that it loses its designation as a “historic structure”.

Even if a “historic structure” is exempted from the substantial improvement and substantial damage requirements, consideration should be given to mitigation measures that can reduce the impacts of future flooding. There are mitigation measures that can reduce flood damages to historic structures without affecting the structure’s historic designation. *See* the section on Minimizing the Impacts of Flooding on Historic Structures.

Historic buildings may also be subject to the local building codes. Many States and communities use the International Codes as the basis for their buildings codes. The International Codes contain provisions for addressing historic buildings in a manner consistent with the NFIP.

Historic Structures in the Floodway

The NFIP floodplain management requirements could apply to an addition to a “historic structure”, if the structure or addition is located in a floodway. The floodway includes the channel of the river and the adjacent floodplain that must be reserved in an unobstructed condition in order to discharge the base flood without increasing flood levels by more than one foot (44 CFR § 59.1, “regulatory floodway”). All structures and improvements to structures, including additions to “historic structures”, must comply with the floodway encroachment provisions of 44 CFR § 60.3(c)(10) and (d)(3) of the NFIP Regulations.

44 CFR § 60.3(c)(10) applies to rivers and streams where FEMA has established BFEs, but has not provided the community with the data necessary to designate a floodway:

Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM [Flood Insurance Rate Map], unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

§ 60.3(d)(3) applies to rivers and streams where FEMA has provided both established BFEs and provided the community with the data necessary to designate a floodway:

Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

As an example, an addition, or any portion thereof, to a “historic structure” that expands the square footage of the structure beyond its footprint into the floodway must comply with the regulatory floodway criteria [44 CFR §60.3(c)(10) and (d)(3)]. These additions can obstruct flood flows and increase flood stages. Under 44 CFR § 60.3(d)(3), such an addition would be prohibited if any rise in the flood level would result from the addition. FEMA defines “any” as meaning a zero increase.

New Construction and Non-contributing Structures in Historic Districts

Generally, registered historic districts contain a mix of buildings. In addition to structures that contribute to the historic significance of the district, there will generally be structures in historic districts that have no historical significance and which do not contribute to the historic significance of a registered historic district (called “non-contributing” structures). In addition, there may be sites in these districts that are undeveloped or vacant land. Whole districts cannot be exempt from floodplain management regulations and a blanket variance cannot be issued for all land within these districts. The non-contributing structures and vacant lots in historic districts remain subject to all of the floodplain management requirements that apply to new construction and substantial improvements (44 CFR §60.3).

Some communities have argued that they should be allowed to grant variances for new buildings or for substantial improvements to non-contributing buildings in historic districts. They claim that requiring that the new structures or substantially improved structures be elevated to BFE could be harmful to the historic significance of the district. FEMA maintains that this would be contrary to the purposes of the NFIP and could result in greatly increased flood damages and, in some instance,

even result in loss of life. There are ways to elevate or floodproof new structures and substantially improve non-contributing structures so that they comply with the NFIP regulations, but that are still in harmony with the historic nature of the district. While the NFIP requires protection to the BFE, it does not specify the means (44 CFR §60.3). An architect should be able to design a new building that is both compliant with NFIP floodplain management requirements and compatible with the historic nature of the district. For example, the protection does not have to be achieved by unsightly mounds of dirt or bare pilings or other elevated foundations. The structure could be elevated on pilings or other foundation elements and the lower area then covered by an architecturally pleasing façade that will not impair the aesthetics of a historic district. The foundation could be camouflaged with landscaping, porches, or staircases (*See* the examples in latter sections of this bulletin).

The NFIP was specifically established by Congress to reduce threats to lives and the potential for damages to new construction in flood hazard areas in exchange for providing flood insurance. Exempting new construction from the NFIP elevation requirements in historic districts would be contrary to the National Flood Insurance Act of 1968, as amended, and it would create a significant flood risk to structures and to the health and safety of the population. Potentially thousands of buildings would be placed in harms way, if new or non-contributing structures are not protected.

Substantial Improvements to Existing Structures in Historic Districts

Some property owners have wanted to substantially improve a non-contributing structure in a historic district, so that it can become a contributing structure to the historical significance of the registered historic district. For example, this type of improvement could involve removal of modern additions to the building, replacement of modern siding or roofing materials with historic materials, and other actions to restore the historic nature of the structure. If the improvement is a substantial improvement to a non-contributing structure, the structure still could qualify for relief from the NFIP floodplain management requirements in the following ways (44 CFR §60.3):

- The property owner could apply through their State Historic Preservation Officer or Tribal Historic Preservation Officer for contributing status for the structure as is, prior to any improvements. If the building qualifies as “contributing to the historical significance of a registered historic district”, the community can grant a variance or exclude the improvements from the NFIP substantial improvement requirement depending on which provision the community has adopted [44 CFR §60.3(c)(2), (c)(3), and (e)(4)].
- The property owner could undertake the minimum work necessary to make the building a contributing structure, as long as the work is less than a substantial improvement. Once the structure is designated as “contributing”, any additional improvements including a substantial improvement could qualify for relief from the NFIP floodplain management requirements, so long as those improvements do not interfere with the designation as “contributing to the historical significance of a registered historic district” (44 CFR §60.3).
- If the property owner chooses to undertake a substantial improvement of the building all at once or the owner needs to undertake the substantial improvement in order for the building

to qualify as “contributing to the historical significance of a registered historic district”, the owner should contact the community for guidance on how they might qualify for relief from the NFIP substantial improvement requirement [44 CFR §60.3(c)(2), (c)(3), and (e)(4)]. In this situation, the community would have to issue a variance from the floodplain management ordinance. The community should obtain documentation for assurance that the improvements being proposed would qualify the building for “contributing” status before signing off on permits that would grant them relief under the NFIP. The owner should seek guidance from their State Historic Preservation Officer or Tribal Historic Preservation Officer on proposed improvements and on what documentation is needed to obtain preliminary approval. This information should be shared with the community.

In all cases, the property owner should discuss their proposed plans with the community and seek guidance from the State Historic Preservation Officer or Tribal Historic Preservation Officer before undertaking any improvements to make sure the proposed work would qualify the building for the designation as a contributing structure. For any of the options described above, the community should also encourage the property owner to undertake flood damage reduction measures as part of the improvement, as long as measures do not interfere with its designation as a “historic structure”.

Flood Insurance for Historic Structures

In addition to the relief from the NFIP floodplain management requirements described above, owners of “historic structures” can obtain and maintain flood insurance at subsidized rates. Flood insurance coverage is required for most mortgage loans and for obtaining Federal grants and other financial assistance. The ability to obtain flood insurance coverage is also important to ensuring that historic structures can be repaired and restored after a flood event.

The National Flood Insurance Act of 1968, as amended, requires that FEMA charge actuarial rates reflecting the flood risk to buildings built or substantially improved on or after the effective date of the initial Flood Insurance Rate Map (FIRM) for the community or after December 31, 1974, whichever is later. Actuarial rating assures that the risks associated with buildings in flood prone areas are borne by those located in such areas and not by the taxpayers at large. These buildings are referred to as Post-FIRM. The NFIP flood insurance rates are based on the degree of the flood risk. The flood insurance premium calculations take into account a number of factors including the flood risk zone shown on the FIRM, elevation of the lowest floor above or below the BFE, the type of building, the number of floors, and the existence of a basement or an enclosure. The NFIP floodplain management requirements not only are designed to protect buildings constructed in floodplains from flood damages; they also help keep flood insurance premiums affordable (44 CFR §60.3). Buildings not properly elevated will be charged a much higher flood insurance premium due to the increased flood risk. If substantially improved historic structures were not elevated and made subject to these rates, the annual insurance premiums could be many thousands of dollars a year. Allowing historic structures to continue to be insured at subsidized rates, even when they are substantially improved or substantially damaged, represents a significant financial benefit to these building owners.

Flood insurance at subsidized rates is available whether the “historic structure” is exempt from the NFIP substantial improvement requirement or is granted a variance under the variance provision. “Historic structures” are considered Pre-FIRM under the NFIP and are charged subsidized rates similar to existing structures. As long as a historic structure meets the definition of “historic structure” under the NFIP, it will not be actuarially rated (44 CFR §59.1).

If a “historic structure” is substantially improved such that it loses its historic designation without meeting the elevation requirements of the NFIP, it will be actuarially rated as a Post-FIRM structure. This can be significantly higher than the subsidized rate on a “historic structure.” Thus, the subsidized flood insurance rate on “historic structures” also serves as an incentive to maintain the historic designation of the structure.

Property owners of historic structures are encouraged to purchase NFIP flood insurance. Flood losses are not covered by homeowner’s insurance. Disaster assistance will not take care of all the financial needs, if the historic structure is damaged by flood. Even if disaster assistance is available, it is often in the form of a low-interest loan which has to be repaid, and it is only available if the President formally declares a disaster. Flood insurance compensates for all covered losses and is the best form of financial protection against the devastating effects of floods. Flood insurance policies purchased by individual property owners help them recover from flooding more quickly.

Increased Cost of Compliance (ICC) coverage is not available to a historic structure that is exempt from the floodplain management requirements if a historic structure is substantially damaged (44 CFR §60.3). ICC coverage provides for the payment of a claim for the cost to comply with State or community floodplain management laws or ordinances after a direct physical loss by floods. When a building covered by a State or community declares the building to be substantially or repetitively damaged, ICC will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or relocate the building. However, if an exemption is granted administratively through the community’s variance process, and conditions are placed in the variance requiring one of the mitigation measures that meet the local floodplain management criteria, ICC will be available if the structure is declared substantially damaged or repetitively damaged.

Minimizing the Impacts of Flooding on Historic Structures

Protection Measures for Historic Structures

The primary damage to historic buildings in a flood disaster is from immersion of building materials in floodwaters and the moving force of floodwaters that can cause structural collapse. Storm and sanitary sewer backup during flooding is also a major cause of flood damage to buildings. In addition, floods may cause a fire due to ruptured utility lines; result in the growth of mold and mildew; and lead to swelling, warping, and disintegration of materials due to prolonged presence of moisture.

- 12.4.1.4 Any enclosure including a crawl space must meet the requirements of Section 10.2.14, Wet Flood Proofing if the enclosure interior grade is at or below the Base Flood Elevation;
- 12.4.1.5 Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances;
- 12.4.1.6 The proposed use is adequately flood proofed;
- 12.4.1.7 The variance is the minimum necessary, considering the flood hazard, to afford relief;
- 12.4.1.8 Reasonable alternative locations are not available;
- 12.4.1.9 An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and
- 12.4.1.10 All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.

12.4.2 An exception to the variance criteria may be allowed as follows:

- 12.4.2.1 For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation; or
- 12.4.2.2 For Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program.

12.5 DECISION

- 12.5.1 The City Council shall:
 - 12.5.1.1 Evaluate the Floodplain permit application and Variance application using the criteria in Section 12.4, and the application requirements and minimum development standards in Section 9 and 10;

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be made payable to: *National Park Services*. A certification decision will not be issued on an application until the appropriate remittance is received. Fees are nonrefundable.

(c) The fee for review of proposed or ongoing rehabilitation projects for projects over \$20,000 is \$250. The fees for review of completed rehabilitation projects are based on the dollar amount of the costs attributed solely to the rehabilitation of the certified historic structure as provided by the owner in the Historic Preservation Certification Application, Request for Certification of Completed Work (NPS Form 10-168c), as follows:

Fee	Size of rehabilitation
\$500	\$20,000 to \$99,999
\$800	\$100,000 to \$499,999
\$1,500	\$500,000 to \$999,999
\$2,500	\$1,000,000 or more

If review of a proposed or ongoing rehabilitation project had been undertaken by the Secretary prior to submission of Request for Certification of Completed Work, the initial fee of \$250 will be deducted from these fees. No fee will be charged for rehabilitations under \$20,000.

(d) In general, each rehabilitation of a separate certified historic structure will be considered a separate project for purposes of computing the size of the fee.

(1) In the case of a rehabilitation project which includes more than one certified historic structure where the structures are judged by the Secretary to have been functionally related historically to serve an overall purpose, the fee for preliminary review is \$250 and the fee for final review is computed on the basis of the total rehabilitation costs.

(2) In the case of multiple building projects where there is no historic functional relationship among the structures and which are under the same ownership; are located in the same historic district; are adjacent or contiguous; are of the same architectural type (e.g., rowhouses, loft buildings, commercial buildings); and are submitted by the owner for review at the same time, the fee for preliminary review is \$250 per structure to a maximum of \$2,500 and the fee for final re-

view is computed on the basis of the total rehabilitation costs of the entire multiple building project to a maximum of \$2,500. If the \$2,500 maximum fee was paid at the time of review of the proposed or ongoing rehabilitation project, no further fee will be charged for review of a Request for Certification of Completed Work.

PART 68—THE SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES

Sec.

68.1 Intent.

68.2 Definitions.

68.3 Standards.

AUTHORITY: The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 *et seq.*); sec. 2124 of the Tax Reform Act of 1976, 90 Stat. 1918; EO 11593, 3 CFR part 75 (1971); sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

SOURCE: 60 FR 35843, July 12, 1995, unless otherwise noted.

§ 68.1 Intent.

The intent of this part is to set forth standards for the treatment of historic properties containing standards for preservation, rehabilitation, restoration and reconstruction. These standards apply to all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund. 36 CFR part 67 focuses on "certified historic structures" as defined by the IRS Code of 1986. Those regulations are used in the Preservation Tax Incentives Program. 36 CFR part 67 should continue to be used when property owners are seeking certification for Federal tax benefits.

§ 68.2 Definitions.

The standards for the treatment of historic properties will be used by the National Park Service and State historic preservation officers and their staff members in planning, undertaking and supervising grant-assisted projects for preservation, rehabilitation, restoration and reconstruction. For the purposes of this part:

(a) *Preservation* means the act or process of applying measures necessary to sustain the existing form, integrity

and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

(b) *Rehabilitation* means the act or process of making possible an efficient compatible use for a property through repair, alterations and additions while preserving those portions or features that convey its historical, cultural or architectural values.

(c) *Restoration* means the act or process of accurately depicting the form, features and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

(d) *Reconstruction* means the act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

§ 68.3 Standards.

One set of standards—preservation, rehabilitation, restoration or reconstruction—will apply to a property undergoing treatment, depending upon the property's significance, existing physical condition, the extent of documentation available and interpretive goals, when applicable. The standards will be applied taking into consideration the economic and technical feasibility of each project.

(a) *Preservation*. (1) A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features,

spaces and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

(2) The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color and texture.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(b) *Rehabilitation*. (1) A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

(2) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and spatial relationships that characterize a property will be avoided.

(3) Each property will be recognized as a physical record of its time, place and use. Changes that create a false

sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.

(4) Changes to a property that have acquired historic significance in their own right will be retained and preserved.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property will be preserved.

(6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

(7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(9) New additions, exterior alterations or related new construction will not destroy historic materials, features and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

(10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(c) *Restoration.* (1) A property will be used as it was historically or be given a new use that interprets the property and its restoration period.

(2) Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.

(3) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.

(4) Materials, features, spaces and finishes that characterize other historical periods will be documented prior to their alteration or removal.

(5) Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.

(6) Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.

(7) Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

(8) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

(9) Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

(10) Designs that were never executed historically will not be constructed.

(d) *Reconstruction.* (1) Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture and such reconstruction is essential to the public understanding of the property.

(2) Reconstruction of a landscape, building, structure or object in its historic location will be preceded by a thorough archeological investigation

to identify and evaluate those features and artifacts that are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.

(3) Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.

(4) Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color and texture.

(5) A reconstruction will be clearly identified as a contemporary re-creation.

(6) Designs that were never executed historically will not be constructed.

PART 71—RECREATION FEES

- Sec.
- 71.1 Application.
 - 71.2 Types of Federal recreation fees.
 - 71.3 Designation.
 - 71.4 Posting.
 - 71.5 Golden Eagle Passport.
 - 71.6 Golden Age Passport.
 - 71.7 Entrance fees for single-visit permits.
 - 71.8 Validation and display of entrance permits.
 - 71.9 Establishment of recreation use fees.
 - 71.10 Special recreation permits and special recreation permit fees.
 - 71.11 Collection of Federal recreation fees.
 - 71.12 Enforcement.
 - 71.13 Exceptions, exclusions, and exemptions.
 - 71.14 Public notification.
 - 71.15 The Golden Eagle Insignia.

AUTHORITY: Sec. 4, Land and Water Conservation Fund Act of 1965 (16 U.S.C.A. 4601-6a (Supp., 1974)), as amended by Pub. L. 93-303; and sec. 3, Act of July 11, 1972, 86 Stat. 461; sec. 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

SOURCE: 39 FR 33217, Sept. 16, 1974. Redesignated at 44 FR 7143, Feb. 6, 1979, and 46 FR 34329, July 1, 1981; correctly redesignated at 46 FR 43045, Aug. 26, 1981, unless otherwise noted.

§ 71.1 Application.

This part is promulgated pursuant to section 4, Land and Water Conservation Fund Act of 1965, 16 U.S.C.A. 4601-6a (Supp., 1974), and section 3, Act of July 11, 1972, 86 Stat. 461. Any Federal recreation fee charged by any bureau of the Department of the Interior shall be charged according to criteria set forth in this part.

§ 71.2 Types of Federal recreation fees.

There shall be three types of Federal recreation fees:

(a) Entrance fees, charged either on an annual or single-visit basis, for admission to any Designated Entrance Fee Area;

(b) Daily recreation use fees for the use of specialized sites, facilities, equipment or services furnished at Federal expense; and

(c) Special recreation permit fees for specialized recreation uses, such as, but not limited to, group activities, recreation events, and the use of motorized recreation vehicles.

§ 71.3 Designation.

(a) An area or closely related group of areas shall be designated as an area at which entrance fees shall be charged (hereinafter "Designated Entrance Fee Area") if the following conditions are found to exist concurrently:

(1) The area is a unit of the National Park System administered by the Department of the Interior;

(2) The area is administered primarily for scenic, scientific, historical, cultural, or recreation purposes;

(3) The area has recreation facilities or services provided at Federal expense; and

(4) The nature of the area is such that entrance fee collection is administratively and economically practical.

(b) Any specialized site, facility, equipment or service related to outdoor recreation (hereinafter "facility") shall be designated as a facility for which a recreation use fee shall be charged (hereinafter "Designated Recreation Use Facility") if:

(1) For each Designated Recreation Use Facility, at least one of the following criteria is satisfied:

(i) A substantial Federal investment has been made in the facility,

FAQs about the National Register of Historic Places

If the following questions and answers leave you still wondering, please feel free to call us at the Montana State Historic Preservation Office. We are always glad to talk with you on the phone or in person about the National Register if there is something you'd like clarified. Please write us or give us a call: 1301 E Lockey, P.O. Box 201202, Helena, MT 59620-1202, (406) 444-7715.

1. What is the National Register of Historic Places?

The National Register is the official list of the Nation's historic buildings and archaeological sites that are considered to be worthy of preservation. The Register was established in 1966 to help property owners, communities and neighborhoods recognize their important historic properties, to offer realistic incentives for preservation, and to insure that Federal actions do not harm these properties without alternatives being considered. The National Register was not designed as a major regulatory program nor as just an honor roll. The Register was intended to be broad rather than exclusive and includes many different kinds of properties important to the Nation, the State, a region or a local community.

2. If I list my home or business in the National Register, what restrictions will be placed on my rights to modify or sell the property?

Listing in the National Register in of itself does not interfere with an owner's right to manage their property as they see fit. You may paint, remodel, administer, sell, or even demolish your property. You may alter your building at any time, unless you use Federal funds or the Federal tax incentives to rehabilitate it, in which case the alterations are reviewed by the agency in consultation with the State Historic Preservation Office (this is true not only for National Register properties but also for those eligible for listing—see Section 106 of the National Historic Preservation Act). Placing a property in the Register also does not obligate an owner to make any repairs or improvements. Moreover, the State or Federal government will not attach restrictive covenants to properties or seek to acquire them as a result of National Register-listing. Local governments may adopt, design, or review zoning ordinances affecting properties listed in the National Register of Historic Places. Please check with your local preservation office or planning office to see if your community has adopted such provisions.

3. Does Register listing mean that my property must be opened to the public on a regular basis?

As the owner of a property listed in the Register, you will not be required to open your house, place of business, or historic site for public visitation. Your private property rights are in no way changed by Register listing, unless, again, you have accepted Federal funds for rehabilitation, in which case the public must be allowed to visit the property for a few days each year.

4. Can I get money to fix up my historic building if it is listed in the Register?

National Register property owners may apply for Federal grants for buildings rehabilitation when Congress appropriates such funds. However, these funds are extremely limited and most property owners will not receive such funding. If you are a Community Cultural Organization, we encourage you to check with the Montana Arts Council (444-6430) to determine whether the project you are considering would qualify for Cultural and Aesthetic Grant monies appropriated biennially by the Montana Legislature.

5. Is there some kind of tax credit I can get if I plan to repair my historic building?

Yes. If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 allows you to credit 20 per cent of the rehabilitation costs against your federal tax liability for the substantial rehabilitation of income-product properties such as commercial, farm, industrial, and residential rental buildings. Work must meet certain standards and be reviewed and approved by the State Historic Preservation Office and the National Park Service. Because tax provisions are complicated, individuals should consult their accountants for assistance in determining the tax consequences of the above provisions.

6. So what are the results of listing my property in the Register? Why should I consider doing so?

Recognition

Most of all, Register listing provided your property **recognition** for its historic value and rewards you for your efforts in preserving it. Listing of a building, site or district also afford it prestige that can enhance its value and raise community awareness and pride. While National Register properties do not have to be preserved, listing does insure that preservation is taken to be an important consideration whenever a building's or site' future is in question

Technical Assistance

Owners of Register properties are also able to seek advice from the Montana Historic Preservation Office on appropriate methods to maintain and rehabilitate older buildings or sites.

Signs

Owners of listed properties may apply for funds to obtain Montana's official National Register interpretive plaque to mount on a stand or hang on an outside wall of their building. The applicant pays only a \$35.00 shipping and handling fee or \$55.00, depending upon the type of sign, the balance coming from the Montana Historical Society.

Government Agency Compliance Review

The National Historic Preservation Act and the Montana State Antiquities Act require federal and state agencies to consider the impacts of all projects occurring on public lands, or with federal funding, that affect historic properties eligible for or listed in the National Register. In addition, the Surface Mining and Control Act of 1977 requires consideration of historic values in the decision to issue surface coal mining permits.

7. How do you decide whether something is significant enough to be listed in the National Register?

The National Register carefully evaluates the quality of significance of each property being considered for listing. To be eligible for the Register designation, a property must meet one of more of the following criteria:

- A. Be associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Be associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may likely to yield, information important in prehistory or history.

In addition, properties must possess a high degree of integrity to qualify for listing in the Register – in other words, they must be relatively unchanged in appearance from the historic period.

Generally speaking, a property must be at least 50 years old to be considered for the Register, unless it is of exceptional significance, or if it is an integral part of a historic district. Non-historic properties that are located within the boundaries of historic districts are also listed in the Register as “non-contributing” components of those historic districts.

Who can nominate properties to the Register?

Anyone can prepare a nomination for listing a historic property on the National Register -- from private owners to local historians to public lands manager to historic preservation professionals. Important properties worthy of listing are identified by people across Montana, who frequently are most familiar with their local history and properties deserving recognition. Eligible properties may also be identified by federal and state lands agencies, which must routinely consider historic resources as a part of their permitting and project activities. The owner of a private property must concur in the nomination of a private property to be listed in the National Register of Historic Places. In the case of multiple owners and historic districts, the majority of private owners must object for an approved property not to be listed.

Item Attachment Documents:

11. Resolution No. R20-06: Resolution Approving Certain Public Infrastructure Improvements In The Laurel Urban Renewal District As An Urban Renewal Project; Making Findings With Respect Thereto And Approving The Issuance Of Tax Increment Urban Renewal Bonds To Pay Costs Thereof; Preliminarily Authorizing The Issuance And Private Negotiated Sale Of Bonds And Authorizing The Process For Selecting A Purchaser Thereof

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Laurel, Montana (the "City"), hereby certify that the attached resolution is a true copy of Resolution No. R20-06, entitled: "RESOLUTION APPROVING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS IN THE LAUREL URBAN RENEWAL DISTRICT AS AN URBAN RENEWAL PROJECT; MAKING FINDINGS WITH RESPECT THERETO AND APPROVING THE ISSUANCE OF TAX INCREMENT URBAN RENEWAL BONDS TO PAY COSTS THEREOF; PRELIMINARILY AUTHORIZING THE ISSUANCE AND PRIVATE NEGOTIATED SALE OF BONDS AND AUTHORIZING THE PROCESS FOR SELECTING A PURCHASER THEREOF" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Council of the City at a meeting on February 11, 2020, and that the meeting was duly held by the City Council and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Council Members voted in favor thereof: _____; voted against the same: _____; abstained from voting thereon: _____; or were absent: _____.

WITNESS my hand officially this 11th day of February, 2020.

City Clerk-Treasurer

RESOLUTION NO. R20-06

RESOLUTION APPROVING CERTAIN PUBLIC
INFRASTRUCTURE IMPROVEMENTS IN THE LAUREL
URBAN RENEWAL DISTRICT AS AN URBAN RENEWAL
PROJECT; MAKING FINDINGS WITH RESPECT THERETO
AND APPROVING THE ISSUANCE OF TAX INCREMENT
URBAN RENEWAL BONDS TO PAY COSTS THEREOF;
PRELIMINARILY AUTHORIZING THE ISSUANCE AND
PRIVATE NEGOTIATED SALE OF BONDS AND
AUTHORIZING THE PROCESS FOR SELECTING A
PURCHASER THEREOF

BE IT RESOLVED by the City Council (the “Council”) of the City of Laurel, Montana (the “City”), as follows:

Section 1. Recitals.

1.01. Under the provisions of Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended (the “Act”), the City is authorized to create urban renewal areas, prepare and adopt an urban renewal plan therefor and amendments thereto, undertake urban renewal projects therein, provide for the segregation and collection of tax increment with respect to property taxes collected in such areas, and apply tax increment revenues derived from projects undertaken within the urban renewal area to pay eligible costs.

1.02. Pursuant to the Act and Ordinance No. 007-11, adopted by the Council on November 20, 2007, as amended by Ordinance Nos. 008-09, 09-04 and 012-01, adopted by the Council on October 21, 2008, April 21, 2009 and March 6, 2012 (collectively, the “Ordinance”), the City has created the Laurel Urban Renewal District (the “District”) as an urban renewal district and has approved the Laurel Urban Renewal Plan (the “Plan”) as an urban renewal plan in accordance with the Act, which Plan provides for the segregation and collection of tax increment revenues with respect to the District.

1.03. As set forth in the Plan, tax increment financing is to be used to further the goals and objectives in the Plan, which include improving the pedestrian environment by adding well-designed streetscape and sidewalks and having state of the art, updated utilities and infrastructure.

1.04. On January 28, 2020, the Council adopted Resolution No. R20-03, calling a public hearing to approve the design, engineering and construction of various public infrastructure improvements within the District, generally consisting of reconstruction of Washington, Idaho and Ohio Avenues, East First and East Fourth Streets, generally bound by Wyoming and Alder Avenues, Main and East Fourth Streets, including sidewalks, curb and gutter, pedestrian ramps, driveway approaches and new asphalt pavement; replacement of existing water mains, including valves, fittings, fire hydrants and other appurtenances; replacement of existing sanitary sewer main; installation of a new storm drain system, including inlets, manholes and appurtenances; and related improvements (such public infrastructure improvements, collectively, the “Project”).

On February 11, 2020, a duly noticed public hearing was held on the approval of the Project and the use of tax increment revenues to pay or finance all or a portion of the costs of the Project. All persons appearing were given an opportunity to speak at the public hearing.

Section 2. Approval of the Project as an Urban Renewal Project. The Council hereby approves the Project as an urban renewal project under the Act. The Project is contemplated by and is within the scope of the Plan, and is eligible for tax increment financing under the Act.

Section 3. Findings. The Council hereby finds with respect to the Project as follows:

- a. no persons will be displaced from their housing by the Project;
- b. the Plan and the Project conform to the Laurel Growth Plan or parts thereof for the City as a whole;
- c. the Plan and the Project will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the District by private enterprise;
- d. there is expected to be a sound and adequate financial program for the financing of the Project; and
- e. the Project constitutes an urban renewal project within the meaning of the Act and the Plan.

Section 4. Authorization, Sale of Bonds.

4.01. The Bonds. Pursuant to the approval and findings in Sections 2 and 3 hereof, it is hereby determined that it is in the best interests of the City to offer for sale and issue its Tax Increment Urban Renewal Revenue Bonds (Laurel Urban Renewal District), Series 2020 (the “Bonds”), in the maximum aggregate principal amount of \$5,000,000, for the purpose of paying costs of the Project and, if necessary or desirable, funding a deposit to a debt service reserve account and paying costs associated with the sale and issuance of the Bonds.

4.02. Negotiated Sale. Pursuant to Montana Code Annotated, Section 7-15-4322, the City may sell the Bonds at a public or a private negotiated sale as the governing body shall determine. The Council determines it is in the best interest of the City to sell the Bonds at a private negotiated sale and desires to undertake a solicitation process described herein to select a suitable purchaser of the Bonds willing to purchase the Bonds at the lowest interest rate under the terms and conditions attached hereto as Exhibit A. The Mayor and City Clerk-Treasurer or their designees are authorized to select a purchaser for the Bonds and negotiate the sale of the Bonds and to select a purchaser of the Bonds pursuant and subject to Section 4.03.

4.03. Pricing and Terms. The Bonds are authorized to be sold to the purchaser of the Bonds (the “Purchaser”) that provides the City the most favorable interest rate and other terms and conditions, as determined in the sole discretion of the City. The Mayor and City Clerk-Treasurer are hereby authorized to provide or make available the terms and conditions relating to the sale of the Bonds substantially in the form similar to the attached Exhibit A, with such

revisions as are deemed appropriate, to banks and other financial institutions and solicit proposals to purchase the Bonds. The City may, in its sole discretion, accept a proposal to purchase the Bonds, negotiate further with any proposer, or reject any and all such proposals.

All costs of issuing the Bonds (including, without limitation, the fees and expenses of Bond Counsel) shall be paid by the City as part of the financing, from proceeds of the Bonds or other available sources.

4.04. Bond Purchase Agreement. The Mayor and City Clerk-Treasurer or their designees are hereby authorized and directed to approve the final principal amount of the Bonds, dated date, term, whether all principal of the Bonds is advanced at closing or in increments over time, payment dates and installment amounts, interest rates, and redemption provisions of the Bonds, subject to the limitations contained in the preceding paragraphs and the Act. Upon approving such terms, the Mayor and City Clerk-Treasurer are hereby authorized and directed to negotiate, approve, execute and deliver to the Purchaser a bond purchase agreement substantially in the form attached as Schedule 3 to the attached Exhibit A and which may be revised prior to execution (the “Bond Purchase Agreement”), containing the agreement of the City to sell, and the agreement of the Purchaser to purchase, the Bonds on the terms so approved, and containing such other provisions as the Mayor and City Clerk-Treasurer shall deem necessary and appropriate. In the event of the absence or inability of either the Mayor or the City Clerk-Treasurer, a member of this Council is authorized to execute the Bond Purchase Agreement. The execution and delivery of the Bond Purchase Agreement by two appropriate officers of the City shall be conclusive as to the approval of the terms of the Bonds and the agreement of the City to sell the Bonds on such terms in accordance with the provisions thereof.

The form of the Bonds and the final terms and conditions thereof shall be prescribed by a subsequent resolution to be adopted by this Council.

ADOPTED by the City Council of the City of Laurel, Montana, this 11th day of February, 2020.

Mayor

Attest:

City Clerk-Treasurer

EXHIBIT A

**Tax Increment Urban Renewal Revenue Bonds
(Laurel Urban Renewal District), Series 2020
City of Laurel, Montana**

BASIC TERM SHEET

[_____]

[Bank]

[Address]

Dear _____:

This letter sets forth the general terms and conditions relating to Tax Increment Urban Renewal Revenue Bonds (Laurel Urban Renewal District), Series 2020 (the “Bonds”) of the City of Laurel, Montana (the “City”).

The purpose of this letter is to summarize the basic terms and conditions regarding the proposed purchase and sale of the Bonds so that you can submit a proposal to the City regarding the interest rate at which you propose to purchase the Bonds and other relevant terms.

1. Summary of Terms and Conditions:

Issuer of Bonds:	City of Laurel, Montana
Estimated Principal Amount:	Up to [\$5,000,000]
Closing Date:	On or about [_____], 2020, on a date to be selected by the City
Par Purchase:	The purchase price of the Bonds will be 100% of the principal amount thereof.
Semiannual Installments:	For purposes of your proposal, principal and interest will be paid semiannually on January 1 and July 1, commencing [July 1, 2020 and ending January 1, 2045], absent prepayment or redemption. [Note that if the Bonds are issued as draw-down bonds at the election of the City in accordance with Paragraph 6 below, the initial installment payment date may be after July 1, 2020.]
Amortization Bonds:	The Bonds will bear interest at a single, uniform interest rate throughout the term of the Bonds and semiannual principal and interest installments (the sum of principal and interest) will be equal or substantially equal on each payment date. [As described in Paragraph 6 below, the Bonds, at the election of the City, may be issued as draw-down bonds, which could affect the preceding sentence, but not your proposal.]

Interest Rates:	Fixed interest rate throughout the term of the Bonds assuming the full principal amount of the Bonds is advanced on the Closing Date. As described in Paragraph 6 below, in addition to the interest rate submitted as part of your proposal, the City will, at its election, negotiate with the successful proposer an interest rate or rates on the basis of advances being made to the City periodically over all or a portion of the estimated period of construction of the financed project.
Term of Bonds:	Approximately 25 years (approximately 50 semi-annual payment installments), absent prepayment or redemption.
[No Debt Service Reserve:	The Bonds are not secured by a debt service reserve.]
Redemption:	The Bonds are subject to redemption and prepayment without premium or penalty in whole or in part at the option of the City on 30 days' prior written notice.
No Bank Fees:	There shall be no fee of any kind (other than interest) charged by the bank or other financial institution in connection with the Bonds.
Bank Qualification:	The Bonds will be designated by the City as "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.
Deadline for Submitting Proposals:	[] at 5:00 p.m. See Paragraph 12 below for details regarding content of proposal submissions and where to submit proposals.
Additional Terms and Conditions:	As set forth below in this letter.

2. **Purpose and Security:** The Bonds will be issued for the purpose of financing the cost of construction of certain infrastructure improvements to be undertaken within the Laurel Urban Renewal District (the "District"). The Bonds are payable solely from and secured by a first lien upon and pledge of the Tax Increment to be received from the District in accordance with the Act. See Schedule 1 for related definitions.
3. **Date and Type:** The Bonds will be dated, as originally issued, on the date of issuance and delivery thereof by the City, and will be issued in registered form as to both principal and interest.
4. **Maturities and Form:** The Bonds are expected to be sold as amortization bonds, meaning, upon amortization of principal and interest, they will bear a fixed rate of interest with equal or substantially equal installments of principal and interest on each semiannual payment date. Principal and interest shall be paid on each January 1 and July 1, commencing [July 1, 2020 (provided that if the Bonds are issued as draw-down Bonds under Paragraph 6 below, the initial installment payment date may be after July 1, 2020) through and including January 1, 2045], absent prepayment.

5. **Interest Payment Dates, Rate:** Interest will be payable each January 1 and July 1, commencing [July 1, 2020 (provided that if the Bonds are issued as draw-down Bonds under Paragraph 6 below, the initial installment payment date may be after July 1, 2020)], to the registered owners of the Bonds as such appear in the bond register as of the close of business on the 20th day (whether or not a business day) of the immediately preceding month. All Bonds for purposes of the proposal would be expected to bear interest from date of original issue until paid at a single, uniform rate.
6. **[Draw-Down Bonds at Election of City:** The City, at its election, may determine that the Bonds are to be issued as draw-down bonds. The successful proposer based on the interest rate submitted on the Bonds on the basis of all proceeds of Bonds being advanced on the Closing Date shall, prior to entering into the Bond Purchase Agreement, negotiate with the City any effect on the interest rate or rates on the Bonds assuming the principal amount of the Bonds is advanced in amounts over time during construction of the financed Project. *If those negotiations fail to result in terms that are acceptable to the City, the City, in its sole and absolute discretion, may reject the proposal of the initial successful proposer and proceed to negotiate the terms of draw-down bonds with other proposers or others.* The City expects to notify the successful proposer approximately 10 days before the Closing Date whether the Bonds will be issued as bonds as to which the full principal amount is advanced on the Closing Date or whether the Bonds are issued as draw-down bonds.]
7. **No Book Entry:** The Bonds will be issued in certificated form and delivered to the successful purchaser at closing.
8. **Bond Registrar, Transfer Agent and Paying Agent:** The City Clerk-Treasurer will act as bond registrar, transfer agent and paying agent (the “Registrar”) in connection with the Bonds, provided that the City may subsequently appoint and pay a fee to another qualified Registrar. The bond register will be kept, transfers of ownership will be effected and principal of and interest on the Bonds will be paid by the Registrar. The City reserves the right to remove any Registrar and to appoint a successor.
9. **Delivery:** The City will deliver to the Registrar the Bonds ready for completion and authentication. The Bonds will be registered in the name of the original purchaser thereof. On the day of closing and delivery of the Bonds and following payment of the purchase price thereof, the City will furnish to the purchaser a copy of the Bond Resolution, the opinion of Bond Counsel hereinafter described, a tax certificate in respect of the Bonds and a certificate stating that no litigation questioning the validity of the Bonds is then pending or, to the knowledge of the applicable officers of the City, threatened. The purchaser shall submit to the City Clerk-Treasurer not later than the day of closing a certificate, in form satisfactory to Bond Counsel, as to the intention of the purchaser to purchase the Bonds with intent to hold and various certifications as to its financial sophistication and net worth. Such certificate shall be in the form of the attached hereto as Schedule 2.
10. **Qualified Tax-Exempt Obligations:** The Bonds will be designated by the City as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

11. **Legal Opinion:** An opinion as to the validity of the Bonds and the exclusion of the interest on the Bonds from gross income for federal income tax and State of Montana individual income tax purposes will be furnished by Dorsey & Whitney LLP, of Missoula, Montana, as Bond Counsel, subject to customary limitations. The legal opinion will state that the Bonds are valid and binding special, limited obligations of the City enforceable in accordance with their terms, except to the extent to which enforceability thereof may be limited by customary matters, such as the exercise of judicial discretion or by state or federal laws relating to bankruptcy, reorganization, moratorium or creditors' rights.

12. **Submission of Proposal:**

(A) You are encouraged to submit a proposal to purchase the Bonds. Any proposal must be for the purchase of all of the Bonds. Proposers may participate the loan to other qualified financial institutions at their discretion; however, the financial institution submitting the winning proposal will be the only contact and will speak for the other participating financial institutions.

(B) At a minimum, you must submit an amortization schedule for the Bonds that clearly shows the single, uniform interest rate in respect of the Bonds and the substantially level dollar amounts of the semiannual installments of principal and interest due on [July 1, 2020 through and including January 1, 2045]. You must also specify the total dollar interest cost over the term of the Bonds. For purposes of the amortization schedule, please use [_____, 2020] as the date on which interest will commence on all principal advanced, recognizing the City, in its discretion, may elect to close on a date other than [_____, 2020]. For purposes of submitting the amortization schedule, you must assume the entire principal amount of the Bonds will be advanced on the Closing Date.

(C) [As provided under Paragraph 6 above, the initial successful proposer based primarily on the interest rate set forth in the amortization schedule submitted under the foregoing subparagraph (B) will, at the City's election, negotiate with the City terms that govern the Bonds issued as draw-down bonds. If those negotiations fail to result in terms that are acceptable to the City, the City may reject the proposal of the initial successful proposer and proceed to negotiate the terms of draw-down bonds with other proposers or others.]

(D) Proposals must be delivered to the City Clerk-Treasurer, 115 West 1st Street, P.O. Box 10, Laurel, Montana 59044, so that the proposal is received by no later than 5:00 p.m. MT on [_____, 2020], in order to be considered. You are instructed to mark the outside of the envelope containing the proposal with the words "Proposal for Purchase of Tax Increment Bonds."

(E) The City reserves the right to reject any and all proposals, to accept any proposal, or to negotiate further in respect of any proposal or proposals. The interest rate provided by the proposers will be the primary basis for determining whether to proceed with a proposal.

[The successful proposer must, in addition to the terms governing the Bonds with all the principal advanced on the Closing Date, negotiate with the City terms of the Bonds as draw-down bonds, and, provided that there is mutual agreement regarding terms of the Bonds if issued as draw-down bonds, must enter into a bond purchase agreement on or before 5:00 p.m. MT on [_____], 2020, substantially in the form of the attached hereto as Schedule 3.]

Very truly yours,

CITY OF LAUREL, MONTANA

By _____
Title: _____

SCHEDULE 1

Definitions

The Bonds are payable solely from and secured by a first lien upon and pledge of the Tax Increment.

“**Act**” means Montana Code Annotated, Title 7, Chapter 15, Parts 42 and 43, as amended or supplemented.

“**Actual Taxable Value**” means the taxable value of the Taxable Property as shown on or calculated from the assessment roll last equalized before the date of reference.

“**Base Taxable Value**” means the Actual Taxable Value of the Taxable Property within the original boundaries of the District as of January 1, 2007, as such value is adjusted as part of the “base taxable value” of the District from time to time in accordance with the Act.

“**City**” means the City of Laurel, Montana.

“**District**” means the Laurel Urban Renewal District, created and established pursuant to the Act and the Ordinance, as such area may be enlarged or reduced in accordance with the Act.

“**Fiscal Year**” means, in respect of the City, its fiscal year, which currently begins on July 1 and ends on June 30 of the next succeeding calendar year; provided that, for purposes of calculating debt service on the Bonds or any additional bonds, the July 1 payment will be part of the previous Fiscal Year ending on the June 30 immediately preceding the July 1 payment date.

“**Incremental Taxable Value**” means the amount, if any, by which the Actual Taxable Value of all Taxable Property, as of the date of reference, exceeds the Base Taxable Value.

“**State**” means the State of Montana.

“**Tax Increment**” means the amount received by the City pursuant to the Act from the extension of levies of Taxes against the Incremental Taxable Value of the Taxable Property and shall include all payments in lieu of Taxes or beneficial use taxes attributable to the Incremental Taxable Value and all payments received by the City designated as replacement revenues for lost Tax Increment.

“**Taxable Property**” means all real and personal property located in the District and subject to Taxes, including land, improvements and equipment.

“**Taxes**” means all taxes levied on an ad valorem basis by any Taxing Jurisdiction against the Taxable Property (exclusive of the six mill levy for university purposes levied by the State), and shall include all payments in lieu of taxes received by the City with respect to Taxable Property.

“**Taxing Jurisdiction**” means the State, the City, any school district, local government, municipal corporation, political subdivision or other government entity that levies, during any Fiscal Year during which the tax increment provision of the District is effective under the Act, ad valorem taxes against real or personal property in the District.

SCHEDULE 2

**Tax Increment Urban Renewal Revenue Bonds
(Laurel Urban Renewal District), Series 2020
City of Laurel, Montana**

CERTIFICATE OF PURCHASER

I, the undersigned, being a duly qualified and acting representative of _____, the original purchaser (the "Purchaser") of the \$[_____] Tax Increment Urban Renewal Revenue Bonds (Laurel Urban Renewal District), Series 2020 (the "Bonds"), issued by the City of Laurel, Montana (the "City"), dated, as originally issued, as of [____], 2020, hereby acknowledge receipt of the Bonds, fully executed and authenticated, in the aggregate principal amount of \$[____], payable on the dates, bearing interest at the rate and otherwise conforming with the provisions of Resolution No. _____, adopted by the City Commissioners of the City on or about [____], 2020 (the "Bond Resolution"), and on behalf of the Purchaser certify that:

1. The Purchaser is a bank duly organized, validly existing and in good standing under the laws of the state of Montana and has full power and authority to purchase the Bonds and make the loan evidenced thereby.
2. The Purchaser has sufficient knowledge and experience in financial and business matters, including purchase and ownership of municipal and other tax-exempt obligations, to be able to evaluate the risks and merits represented by the purchase of the Bonds and the making of the loan evidenced thereby.
3. The Purchaser has authority to purchase the Bonds and to execute the Bonds Purchase Agreement and any other instruments and documents required to be executed by the Purchaser in connection with the purchase of the Bonds.
4. The Purchaser understands that an official statement, prospectus, offering circular, or other offering statement has not been provided with respect to the Bonds. The Purchaser has made its own inquiry and analysis with respect to the City, the Bonds and the security therefor, and other material factors affecting the security for and payment of the Bonds. The Purchaser received and has reviewed a copy of the Bond Resolution.
5. The Purchaser acknowledges that it has reviewed information, including financial statements and other financial information, regarding the City and the District and has had the opportunity to ask questions and receive answers from knowledgeable individuals concerning the City, the District, the Bonds and the security therefor, so that it has been able to make an informed decision to purchase the Bonds and to make the loan evidenced thereby and acknowledges that it has not relied on the City with respect to any information with respect to the advisability of purchasing the Bonds or the security for the Bonds.

6. The Purchaser understands that the Bonds: (i) are not registered under the Securities Act of 1933, as amended, and are not registered or otherwise qualified for sale under the “Blue Sky” laws and regulations of any state, (ii) are not listed on any stock or other securities exchange, and (iii) have not been rated by any credit rating agency.

7. The Purchaser is not acting as an Underwriter with respect to the Bonds. The Purchaser has no present intention to sell, reoffer, or otherwise dispose of the Bonds (or any portion of the Bonds or any interest in the Bonds). The Purchaser has not contracted with any person pursuant to a written agreement to have such person participate in an initial sale of the Bonds to the Public, and the Purchaser has not agreed with the City pursuant to a written agreement to sell the Bonds to persons other than the Purchaser or a related party to the Purchaser. For purposes of this paragraph:

(a) Public means any person (i.e., an individual, trust, estate, partnership, association, company, or corporation) other than an Underwriter or a related party. Persons generally are “related parties” for purposes of this certificate if they have more than 50 percent common ownership or control, directly or indirectly.

(b) Underwriter means (i) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Bonds to the Public, and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) of this paragraph to participate in the initial sale of the Bonds to the Public (including member of a selling group or a party to a retail distribution agreement participating in the initial sale of the Bonds to the Public).

8. As described under paragraph 7, above, the Bonds are being acquired by the Purchaser for its own account and not with a present view toward resale or distribution; provided, however, that the Purchaser reserves the right to sell, transfer or redistribute the Bonds, but agrees that any such sale, transfer or distribution by the Purchaser shall be to (i) an affiliate of the Purchaser; (ii) a trust or other custodial arrangement established by the Purchaser or one of its affiliates, the owners of any beneficial interest in which are limited to qualified institutional buyers or accredited investors; or (iii) a person or entity that the Purchaser reasonably believes is qualified to purchase the Bonds or that makes representations substantially similar to the representations the Purchaser makes in this certificate. The Purchaser currently intends to hold the Bonds to evidence the loan it has made to the City for the term of the Bonds.

9. (i) The Bonds will be evidenced by a physical certificate delivered to the Purchaser by the City, (ii) the Bonds will not have a CUSIP number, (iii) the Bonds are not, and will not be, rated by an independent rating agency, (iv) the Purchaser shall not transfer the Bonds except in accordance with Paragraph 8 above, (v) the principal amount of the Bonds purchased by the Purchaser, and the principal amount of the loan evidenced thereby, is \$[_____], (vi) payments on the Bonds shall be made directly by the City to the Purchaser, (vii) payments under the Bonds conform to the loan amortization schedule provided by the Purchaser to the City, (viii) the Bonds and the loan evidenced thereby bear interest from the date of amortization of principal and interest at a fixed rate throughout the term of the Bonds, (ix) the Purchaser intends to record

the Bonds as a loan on its books and records, and (x) the Bonds are a special, limited debt of the City.

10. The Purchaser acknowledges and agrees that: (i) the transactions contemplated by the Bonds documents are arm's length, commercial transactions between the Purchaser and the City and that the Purchaser is acting solely as a principal and not acting as a municipal advisor, financial advisor or fiduciary to the City; (ii) the Purchaser has not performed advisory or fiduciary services to the City with respect to the transactions contemplated by the Bond documents and the discussions, undertakings and procedures leading thereto (irrespective of whether the Purchaser has provided other services or is currently providing other services to the City on other matters); (iii) the Purchaser has financial and other interests that differ from those of the City; and (iv) the Purchaser has consulted its own legal, accounting, tax, financial and other advisors, as applicable, to the extent it has deemed appropriate.

IN WITNESS WHEREOF, I have hereunto set my hand as Purchaser as of this _____
day of _____, 2020.

[_____]

By: _____

Printed Name: _____

Title: _____

SCHEDULE 3

BOND PURCHASE AGREEMENT

[_____, 2020]

City of Laurel
115 West 1st Street
Laurel, MT 59044

[Bank Name and address]

Tax Increment Urban Renewal Revenue Bonds
(Laurel Urban Renewal District), Series 2020
City of Laurel, Montana

Ladies and Gentlemen:

The undersigned, [_____], as purchaser (the “Purchaser”), hereby offers to enter into this Bond Purchase Agreement (this “Agreement”) with the City of Laurel, Montana (the “City”), for the sale by the City and purchase by the Purchaser of the above-referenced bonds (the “Bonds”). This offer is made subject to the written acceptance hereof by the City and delivery of such acceptance to the Purchaser (in the form of one or more executed counterparts hereof) at or prior to 5:00 P.M., Laurel, Montana time, on [_____], 2020. Upon such acceptance, this Agreement will be in full force and effect in accordance with its terms and will be binding upon the City and the Purchaser.

The Bonds are being issued pursuant to a resolution (the “Bond Resolution”) to be adopted by the City on or about [_____], 2020, authorizing and fixing the terms and conditions of the Bonds. Capitalized terms not otherwise defined herein shall have the meanings given them in the Bond Resolution.

1. Upon the terms and conditions and based on the representations, warranties and covenants hereinafter set forth, the Purchaser hereby agrees to purchase from the City and the City hereby agrees to sell to the Purchaser, all (but not less than all) of the Bonds upon the terms set forth in the Bond Resolution, including the following terms:

Principal Amount:	\$_[_____]
Closing Date:	On or about [_____], 2020 [date selected by City]
Term:	Approximately 25-year term (approximately 50 semi-annual payments), absent prepayment or redemption. Final installment payment date of [January 1, 2045]
Amortization Schedule:	[Substantially as attached hereto as <u>Exhibit A</u>]
Interest Rate:	_____% , fixed for the entire term.
Bank Qualification:	The Bonds will be designated by the City as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.
No Fees:	No fees charged by Purchaser.
Redemption Terms:	The Bonds are subject to redemption and prepayment without premium or penalty in whole or in part at the option of the City on 30 days’ prior written notice.

2. The Bonds will be special, limited obligations of the City, payable solely from and secured by Tax Increment received from the Laurel Urban Renewal District, as described in the Bond Resolution.

3. This Agreement will be governed by and construed in accordance with the laws of the State of Montana.

4. This Agreement may be executed in multiple counterparts, each of which will be deemed an original but all of which together will constitute but one and the same instrument. This Agreement may be delivered by the exchange of signed signature pages by facsimile transmission or by e-mail with a pdf copy or other replicating image attached, and any printed or copied version of any signature pages so delivered shall have the same force and effect as an originally signed version of such signature page.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the date first above written.

CITY OF LAUREL, MONTANA

By _____
Mayor

By _____
City Clerk-Treasurer

[BANK]

By _____
Name: _____
Title: _____

Item Attachment Documents:

12. Resolution No. R20-07: A Resolution Authorizing The Mayor To Execute A Contract For The City's Prosecutor Duties Between The City Of Laurel And Lore Law Firm PLLC.

RESOLUTION NO. R20-07

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A
CONTRACT FOR THE CITY'S PROSECUTOR DUTIES BETWEEN THE
CITY OF LAUREL AND LORE LAW FIRM PLLC.**

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

Section 1: Approval. The contract negotiated between the City of Laurel and Lore Law Firm, P.L.L.C. for the City Prosecutor duties is accepted and hereby approved. A copy is attached hereto for convenience.

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

Section 3: Effective date. The effective date for the attached contract is hereby approved effective February 1, 2020.

Introduced at a regular meeting of the City Council on February 11, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel, Montana, this 11th day of February 2020.

APPROVED by the Mayor this 11th day of February 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, City Clerk/Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

PROSECUTOR
ATTORNEY CONTRACT

THIS AGREEMENT, made and entered into by and between the City of Laurel, hereinafter referred to as Client, and Lore Law Firm, P.L.L.C. hereinafter referred to as “Attorney.”

ATTORNEY CLIENT RELATIONSHIP: Client hereby employs Attorney to exercise and perform the criminal prosecutorial duties of the City Attorney for Client, which includes the provision of prosecution services for Client for matters assigned and directed by Client. Client’s Mayor shall be the primary contact for Attorney and shall assign and direct the Attorneys’ provision of criminal prosecution services in city court as well as all subsequent appeals. Attorney agrees to provide his/her own office, staff and equipment at no additional charge to Client. Client agrees to provide on-site workspace for Attorney immediately prior to and during any required court appearances. Client also agrees to provide copy paper upon request for services under this contract. Attorney agrees to spend a minimum of two (2) hours per week at Laurel City Hall in order to meet with pro se criminal defendants living in the Laurel area.

FEES AND BILLING: For services performed for Client by Attorney, Client agrees to pay Attorney as follows:

- For the time period February 1, 2020 through February 29, 2020 City shall pay Client \$2800.00;
- Commencing March 1, 2020 and each subsequent month thereafter, City shall pay client \$5600.00 per month.

In addition to the fees provided above, Client agrees to reimburse Attorneys for costs incurred during the course of representation. Attorney agrees to provide Client an invoice each and every month itemizing services rendered and costs incurred each and every month. Client agrees to pay Attorney each and every month for services rendered and costs incurred. Client understands that Attorney billing schedule is monthly.

COSTS: Costs are defined as all filing fees, court costs, subpoena costs, certified driving records for defendants, mail costs, copies of video-taped or DVD evidence, depositions, court report charges, expert witness fees, expert reports, witness statements, and travel expenses except as set forth herein, and any other disbursements or expenses incurred by Attorneys while representing Client. Photocopies shall be reimbursed at \$.05 per page. These costs may be billed monthly by Attorneys and, if unpaid, shall bear interest at the rate of one percent (1%) per month.

Travel costs beyond local travel shall be undertaken only upon Client’s request. Client shall reimburse Attorney his/her actual costs of travel (other than local) and pay per diem at rates established by the State of Montana.

DURATION: This contract shall immediately commence on February 1, 2020 and continue until June 30, 2022. Attorney agrees to assist with the transition if a new Prosecutor is contracted.

EXTENSION OR RENEWAL: The Parties may extend or renew this contract upon written agreement. Furthermore, if a party intends or desires to negotiate a new contract, he/she shall provide notice of his/her intent to negotiate no earlier than sixty days prior to expiration date.

MODIFICATION AND TERMINATION: This contract or any provision thereof may be modified at any time upon mutual consent expressed in a mutually signed writing. The contract may be terminated at any time by either party without cause.

DATED this _____ day of _____, 2020.

CITY OF LAUREL

Thomas Nelson, Mayor

ATTEST.

Bethany Langve, Clerk/Treasurer

ATTORNEY:

Juliane E. Lore, Lore Law Firm P.L.L.C.