

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, JANUARY 04, 2022**

A Council Workshop was held in Council Chambers and called to order by Council President Eaton at 6:29 p.m. on January 4, 2022.

COUNCIL MEMBERS PRESENT:

☒ Emelie Eaton	☒ Heidi Sparks
☒ Michelle Mize	☒ Richard Herr
☒ Scot Stokes	☒ Irv Wilke
☒ Richard Klose	☒ Bill Mountsier

OTHERS PRESENT:

Public Input:

Steve Krum, 249 24th Street W., congratulated the new Mayor and City Council Members. He read the attached statement into the record.

Kris Vogeles, 306 E. 4th Street, read the attached statement into the record.

Aaron Felder, 1434 McMullen Lane, asked Council to consider putting the Laurel generator station back on their agenda.

Kasey Felder, 1434 McMullen Lane, read the attached statement into the record.

General Items

Council President Eaton handed the meeting over to the newly elected Mayor Waggoner.

Mayor Waggoner swore Council President Eaton in for the remainder of her term ending December 31, 2023.

Executive Review

1. Resolution - Resolution Authorizing Owner's Request To Seek Annexation Of A One Acre Lot Located West Of 8th Avenue Between 1st And 2nd Streets Pursuant To The City Of Laurel Annexation Policy.

See attached staff report from Planning Director Altonaga. Mr. Hull was present to answer any questions, and there were none.

2. Resolution - Resolution Of Annexation Of Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County, Montana.

See attached staff report from Planning Director Altonaga.

It was questioned if the annexed properties would be rezoned. It was clarified that an official answer would be brought forward at next week's meeting.

Council Issues

3. Committee Assignments

Council President Eaton submitted her committee recommendations to Mayor Waggoner; see attached.

Other Items

Review of Draft Council Agendas

4. Draft Council Agenda for January 11, 2022.

There were no suggested changes.

Attendance at Upcoming Council Meeting

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

Announcements

A Council Member noted that many people helped place wreaths at the National Cemetery a few weeks ago. This Friday at 10 a.m., they will be picking up those wreaths and hauling them to the landfill.

5. Employee Recognition.

Mayor Waggoner recognized employees for their years of service; see attached.

The council workshop adjourned at 6:58 p.m.

Respectfully submitted,


Brittney Mooriman
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.

Pipeline Easement that was denied by the City is now in works to be installed ~1000 feet to the South of the original location.

This new location design has the entry bore of the proposed pipeline and carrier line under the river in District 18, Dale Freys property (which NWE has easement), part of the Neighborhood on the South side of Yellowstone River that has been speaking against the proposed NWE plant and pipeline. The design of the new proposed location is much more dangerous than the original location.

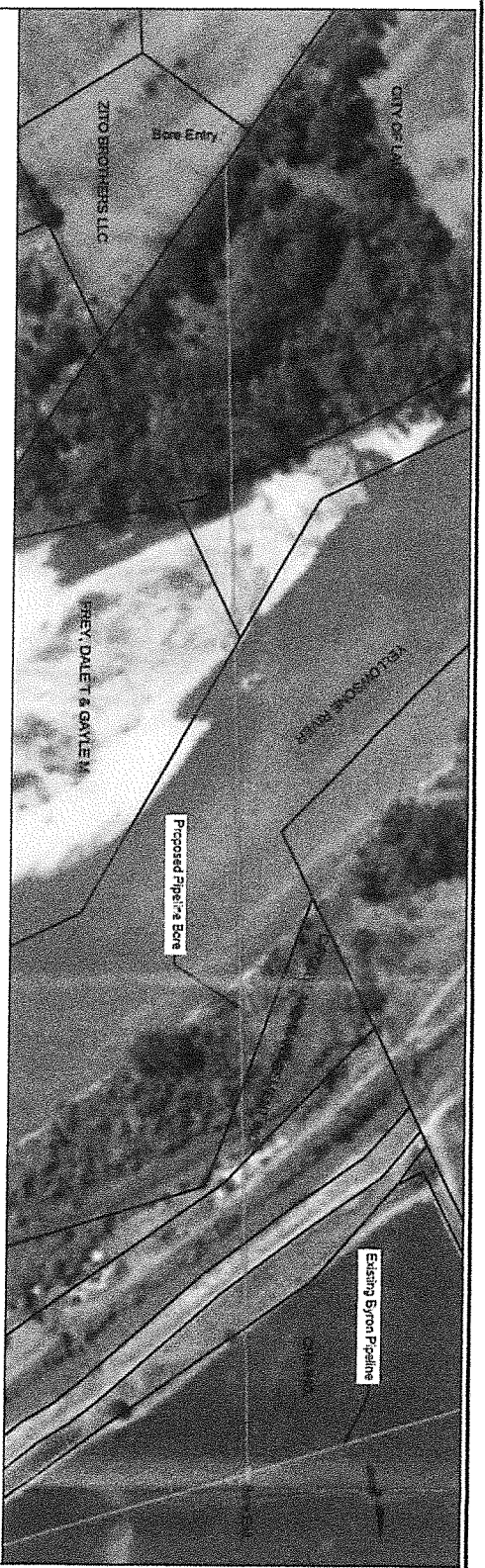
District 18 was formed by the county and neighborhood; the entry bore location would fall under their authority. The exit bore location is within the Laurel City/County Planning Board Authority it would fall under the City of Laurels Authority.

Attached are both plan drawings and it is very easy to see that the new proposal is much more dangerous than the original plan just based on depth of bore, with additional environmental issues that have not been addressed. The Original plan kept the line ~ 50 under the entire width of the river channel high water mark. The new plan is not even 10 feet under portions of a Side channel of the river and at best may be at 25 to 30' under the main channel of the river. The new location is an accident waiting to happen as the river historically is migrating to the south and could expose and break this line in the new proposed location possibly in one flood season.

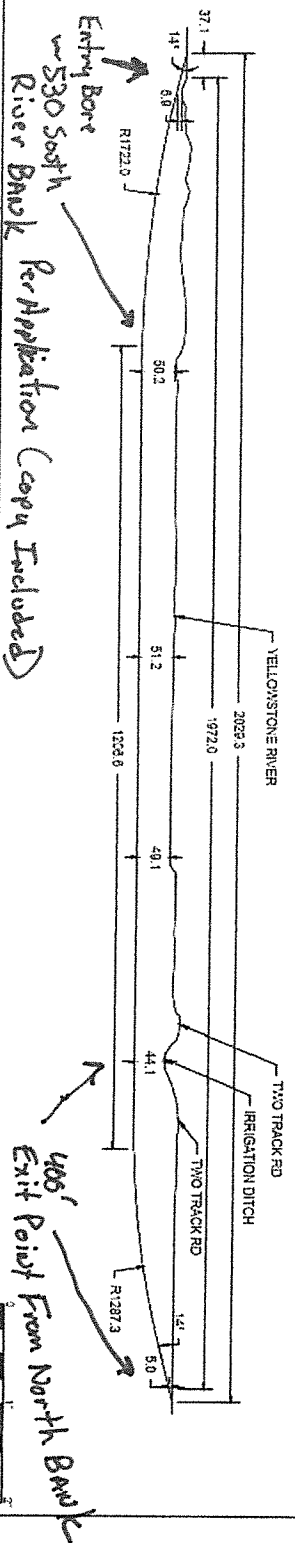
Because jurisdiction resides in two different areas, I am asking that the Laurel City Council work with the County Commissioners to deny installation of the pipeline in this location.

This location is dangerous, and its purpose has been misrepresented as direly needed for the NWE gas customers in Laurel and Eastern Montana when NWE plainly states in its application; new line is for a power plant that has not been approved. NWE also has a restriction in using Natural gas from the existing line in the original contract with CHS.

Doesn't the line they are proposing teeing off of South of the river by highway 212 already cross the river? Why are they boring under the river again? Line could be torn out before any plant was ever built.



Notes:



PROJECT NO. 26217051		PROJECT MANAGER: JLR	
SCALE: AS SHOWN		DRAWN BY: JLR	
SOURCE: NorthWestern Energy		CHECKED BY: JH	
DATE: 6/21/2021		APPROVED BY: JH	

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Original Plan
3-24-21

6. PROVIDE A BRIEF DESCRIPTION of the proposed project.

NWE is proposing to construct the new pipeline crossing using HDD technology to cross under Yellowstone River. The proposed horizontal distance of the HDD is approximately 2,029 feet. The proposed entry point will be located on the south side of the river on private land. The proposed exit point will be located on the north side of Yellowstone River and north of the Billings Bench Water Association Canal, also on private land. The new pipe will be placed approximately 51 feet below the thalweg elevation, well below potential scour depth (Exhibit 4). *Entire Width of the River.*

This HDD entry point will be approximately 530 feet south of the south bank and the exit point will be approximately 400 feet north of the north bank. With HDD, there will be no disturbance to the bed and banks of the river. The entry point is located within the designated 1% Annual Chance Flood Hazard Zone (Zone AE), but outside of the Regulatory Floodway (Zone AE). The exit point is located in the Area of Minimal Flood Hazard (Zone X) (Exhibits 7 and 8). The pipe lay-down area will be located to the north of the exit point. No jurisdictional wetlands are present within either project work area (Exhibit 9)

The HDD is performed using a specialized drill rig that allows control of the drill hole angles and azimuth. The drill entry will disturb an approximately 100'X200' area with an exit area of approximately 100'X100'. These are approximate, but may be reduced to lesser amounts if safe operation of equipment is ensured. The new section of pipe will be laid out and welded on NWE ROW on the drill exit side. The drill will bore horizontally from south to north under Yellowstone River as shown on the HDD plans. The HDD will be accomplished by first drilling a small diameter pilot hole. When the pilot drill head emerges on the north side, a reaming bit will be pulled back through the pilot hole, expanding the pilot hole to approximately 1.5 times the diameter of the carrier pipe (in this case as the carrier pipe is 12 inches in diameter, the HDD bore will be reamed to at least 12 inches in diameter). Once the HDD bore is reamed, the new section of pipe will be attached to the drill stem and will be pulled back through the hole in one continuous section. When pipe is in place, disturbed areas will be temporarily stabilized for later tie-in to the other new sections of pipeline.

It is expected that there will be no impact to the bed and banks of Yellowstone River during the construction process. There is a low potential for the leakage of drilling fluid to the surface. The stability of the hole is maintained using a thick drilling mud. Typically, an inert bentonite drilling mud is used to provide hole stability, as well as reduce the potential for migration of drilling fluid away from the hole. Drilling fluid loss will be continually monitored during the drilling process. The driller will be able to quickly determine if significant fluid loss is occurring and adjust the viscosity of the drilling mud to limit any fluid loss. Should any drilling fluid migrate to the surface, the fluid will be immediately cleaned up and properly disposed.

Water for the HDD process and for hydrostatic testing of the pipeline will be obtained by purchase from the City of Laurel. In addition, if groundwater is encountered in the pipeline excavations that inhibits construction operations, dewatering will be performed in accordance with State of Montana regulations. The turbid water will be pumped to a filter bag in an upland area and allowed to infiltrate.

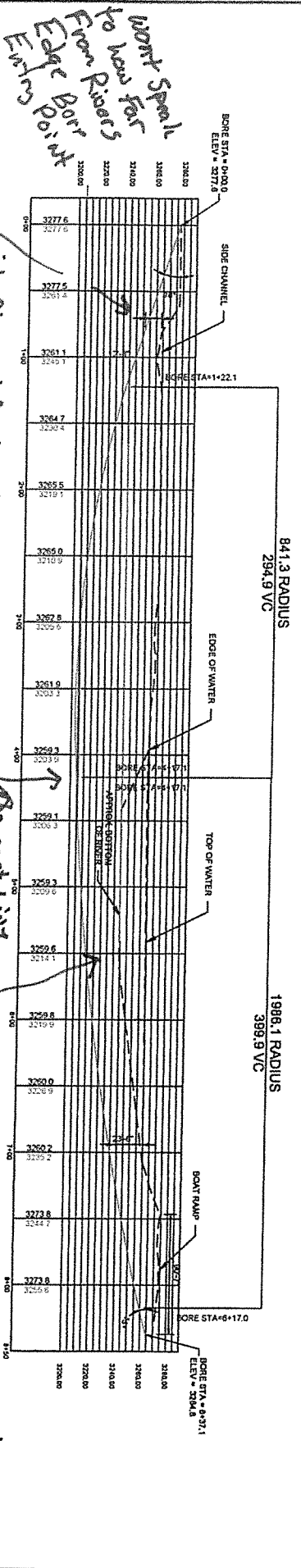
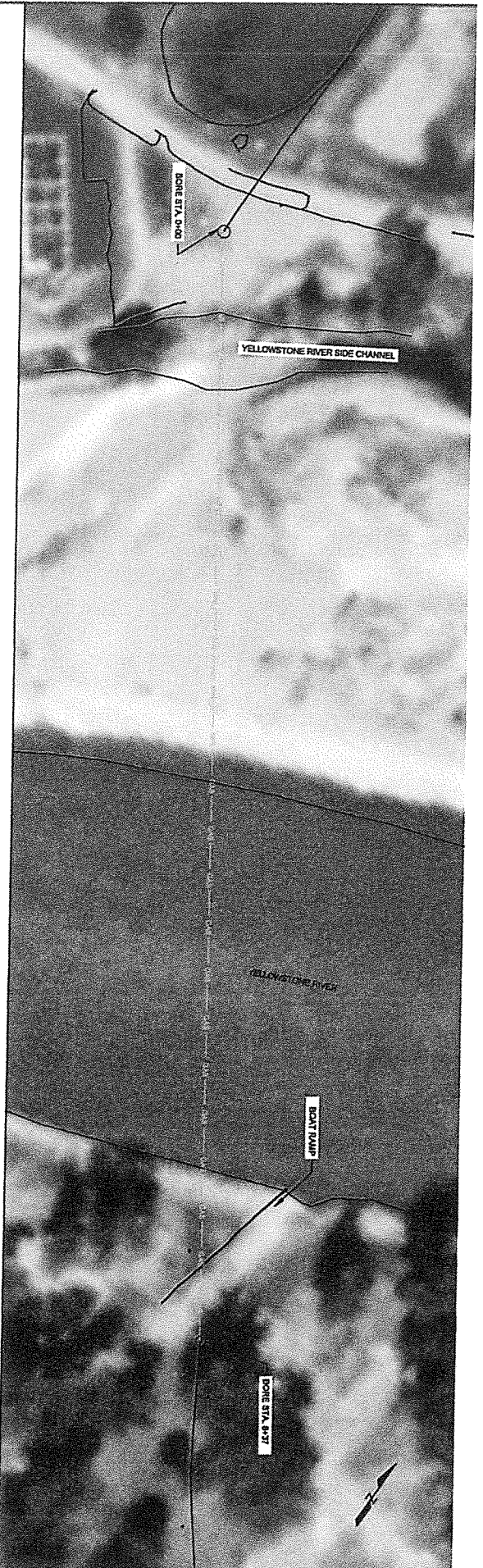
Following completion of the HDD and prior to tie-in to the other sections of new pipeline, the disturbed areas will be temporarily stabilized. The areas will be re-contoured to approximate pre-construction conditions and re-seeded using an approved seed mix in coordination with the landowners. Tie-in to the other new sections of pipe will involve daylighting the HDD pipe extents and connecting the new pipeline with existing pipeline already in place. Final reclamation will be performed by re-seeding areas that are vegetated and monitoring for regrowth and noxious weeds.

7. WHAT IS THE CURRENT CONDITION of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.

At this location the Yellowstone River exhibits an irregular meander pattern with one main channel and some braiding downstream from the Highway 212 bridge. The river is confined by the bridge and by urban development, an irrigation canal and riprap. The active channel between the banks is about 1,080 feet wide. Based on historical aerial photography, the configuration and width of the channel at this location has changed very little over time.

The Billings Bench Water Association Canal intake is approximately 915 feet upstream from the crossing location.

Based on the USFWS National Wetlands Inventory and MT National Heritage Program (MTNHP) wetland survey information, there are no wetlands in the project work areas.



841.3 RADIUS
 294.9 VC
 1986.1 RADIUS
 399.9 VC

NO. 1 REVISION DATE BY CK ENGR PE APP				REFERENCE DRAWING DWG. NO.				NORTHWESTERN ENERGY BYRON LINE YELLOWSTONE RIVER CROSSING BORE PLAN/PROFILE SEC. 15 T02N R24W DRAWING NUMBER A-21010-1 SHEET 1 OF 1			
11/17/2021 JB 3/24/2021 JB				DRAWN JOE BUSH CHECKED RYAN EDAN DATE MARCH 24, 2021 SCALE 1:12				APPROVED			

W:\GAS TRANSMISSION\GIS\GAS\PROJECTS\BYRON\FOLD\DERAZ1010-1.DWG 11/18/2021 10:51 AM 00081460

New Plan
 11-17-21

Four year's ago, the mayor who will be taking his seat tonight was elected as Mayor of Laurel but he was refused that seat due to a conflict in that he was a city employee. The council at that time (most of whom remain on the council today) rightly argued that a city employee may not also serve as the executive creating a conflict when deciding matters of employment and bargaining with unions.

However, this council entered into it's own conflict when Mayor Nelson passed away in October. This council created a conflict which places in jeopardy all matters of city business from November 9, 2021 through today by allowing a legislative council member to serve in a dual office holding capacity as a legislator serving as Ward 1 Member and City Council President in addition to serving as the City Executive in the role as council elected Mayor.

1. Laurel's Mayor passed away in Oct 2021 leaving the mayor's seat vacant as defined in Montana Code Annotated and the Laurel City Charter.
2. A new mayor was elected in a general election on Nov 2 to take office on Jan 4th.
3. The council then nominated and filled the vacancy of the deceased Mayor Nelson on Nov 9 with Ward 1 council member/president Eaton - not any discussion at the meeting surrounding nomination of the duly elected Mayor who was elected 2 days prior and had almost four times the vote as the incumbent. At the meeting (Nov 9th) when she was appointed and elected by the council, Mayor Eaton stated that she would not be voting as a council member, would only decide as a tie breaker and that council member McGee would take over the role of council president. This is documented in meeting minutes.
4. This was not a situation of an "absent Mayor" as defined in the City Charter or Montana Code where a mayor is absent from his or her post.
5. Instead of filling the Ward 1 vacancy, city attorney Painter announced at the next meeting on November 23rd that Mayor Eaton would continue to serve as Ward 1 Council Person, Council President, and would be voting on city matters as a legislator. This act and announcement set forth in motion a significant conflict and created actual conflicts in at least two

council meetings where Mayor Eaton was permitted to vote and be the 5th member of the council to constitute a quorum. Mayor Eaton voted on matters which then gave her powers to act upon as Mayor.

6. The Montana Constitution prohibits a Governor from serving as a legislator, we would all question a school superintendent serving as a school board member, and we should rightly question how a city council member can be elected to the position of City Mayor and continue to hold a voting legislative city council position.

7. The very day the council voted for Ms Eaton to become Mayor, an immediate vacancy occurred in Ward 1. Montana Code Annotated states that a council SHALL fill that vacancy within 30 days. The council did not.

So the issue that raised the conflict remains, was Ms Eaton Mayor or was Ms Eaton Council President.

If she is a council member, then the vacancy of Mayor was never filled as required by Montana Law and the City Charter.

If she is duly elected Mayor, then the vacancy of Ward 1 council member was not filled within the prescribed time under Montana Law.

There is a significant lack of business ethics in addition to the necessary checks and balances when a city council chooses knowingly to allow a member of it's body to serve in a dual office holding capacity as council president and city mayor. The evidence of this violation is noted in city council minutes, meeting video documentation and even tonight as the council witnesses the "re swearing in" of Mayor Eaton as a Ward 1 Council Member. Why would there need to be a "swearing in" if Mayor Eaton was voting and acting as council president for the past two months in addition to acting as Mayor?

It is my hope that the new Mayor and this council choose to review the actions that have taken place over course of the past few months and put procedures in place to ensure that a conflict like this doesn't happen again.

Kris Vogelee

Happy New Year to everyone! Congratulations to the New Mayor and Council Members, Welcome and Thank You for your willingness to serve and represent the Local community and surrounding area.

As stated before, our group is opposed to the Proposed NWE Power Generating Station and the Pipeline currently being proposed, even more so at its new proposed entry location. We continue as a group to try to stay informed as what is NWE's next step in the process and have found that to be difficult at best.

We thought we would be working with Laurel City/County Planning Board, two meetings scheduled, Public Hearings notices published in the Huntley paper (not Laurels'), meetings were canceled by the City Planner and at the next City Council meeting we were notified that NWE submitted a letter to the city planner withdrawing their zone change request.

We were then told at the last Laurel Council meeting that Laurel did not or may not have the authority to zone outside the city limits, it was the counties. I have spoken with multiple county people in the County Planning department, subdivision and zoning departments, all of which told me that Laurel had the Authority to do the zoning outside their city limits anywhere from 1.5 miles to 4.5 miles, Not them. I even spoke with 2 county commissioners at different times; one thought Laurel did not have the authority but the other commissioner said Laurel did.

It appears this is becoming a legal issue as to who has authority in this situation. Our goal is to stay aware of what is happening with this process and to make sure we are speaking to the right Entity.

MCA, Title 76. Land Resources and Use. Chapter 2. Planning and Zoning. Part 3 Municipal Zoning. 76-2-310 and 76-2-311 both state that if Laurel has a growth policy for the affected area and the county does not, by the regulations may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to 7-1-411 in this case, second class (pop 5000-10000) which allows up to 2 miles beyond its limits, unless the area already has county adopted zoning or subdivision regulations.

Laurel does have a growth policy for this area and has already done some zoning in this general area so it appears Laurel would be the responsible Authority for this area per Montana Law. We would ask that that the Mayor and Council work with the City Attorney to verify who has the authority in this location so we know we are speaking to the same people that NWE is and are able to keep informed as to what is taking place.

We are asking that this item be put back on the Council Agenda for the City of Laurel to discuss Exercising their authority on Zoning in the area in question and the rest of the surrounding community to ensure that Laurel has control over what is being built within their Legal Zoning Authority.

We would also ask, if this issue comes before the Laurel City/County Planning Board or the Laurel City Council to please return to where we left off with the LCCPB Work Shop and Meeting to address all concerns prior to coming to a vote at the City Council. Thank You...

Montana Code Annotated 2021

TITLE 76. LAND RESOURCES AND USE
CHAPTER 2. PLANNING AND ZONING
Part 3. Municipal Zoning

Extension Of Municipal Zoning And Subdivision Regulations Beyond Municipal Boundaries

76-2-310. Extension of municipal zoning and subdivision regulations beyond municipal boundaries. (1) Except as provided in **76-2-312** and except in locations where a county has adopted zoning or subdivision regulations, a city or town council or other legislative body that has adopted a growth policy pursuant to chapter 1 for the area to be affected by the regulations may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to the following limits:

- (a) up to 3 miles beyond the limits of a city of the first class as defined in 7-1-4111;
- (b) up to 2 miles beyond the limits of a city of the second class; and
- (c) up to 1 mile beyond the limits of a city or town of the third class.

(2) When two or more noncontiguous cities have boundaries so near to one another as to create an area of potential conflict in the event that all cities concerned should exercise the full powers conferred by **76-2-302**, **76-2-311**, and this section, then the extension of zoning or subdivision regulations, or both, by these cities must terminate at a boundary line agreed upon by the cities.

History: En. Sec. 2, Ch. 136, L. 1929; re-en. Sec. 5305.2, R.C.M. 1935; amd. Sec. 1, Ch. 273, L. 1971; amd. Sec. 1, Ch. 354, L. 1973; R.C.M. 1947, 11-2702(part); amd. Sec. 18, Ch. 582, L. 1999; amd. Sec. 9, Ch. 599, L. 2003.

Montana Code Annotated 2021

TITLE 7. LOCAL GOVERNMENT

CHAPTER 1. GENERAL PROVISIONS

Part 41. Municipalities

Classification Of Municipalities

7-1-4111. Classification of municipalities. (1) Every city having a population of 10,000 or more is a city of the first class.

(2) Every city having a population of less than 10,000 and more than 5,000 is a city of the second class.

(3) Every city having a population of less than 5,000 and more than 1,000 is a city of the third class.

(4) Every municipal corporation having a population of less than 1,000 and more than 300 is a town.

History: En. Sec. 4710, Pol. C. 1895; re-en. Sec. 3206, Rev. C. 1907; re-en. Sec. 4959, R.C.M. 1921; re-en. Sec. 4959, R.C.M. 1935; amd. Sec. 1, Ch. 202, L. 1947; amd. Sec. 1, Ch. 126, L. 1969; R.C.M. 1947, 11-201(part); amd. Sec. 1, Ch. 250, L. 1979.

Montana Code Annotated 2021

TITLE 76. LAND RESOURCES AND USE
CHAPTER 2. PLANNING AND ZONING
Part 3. Municipal Zoning

Administration Of Regulations In Extended Area

76-2-311. Administration of regulations in extended area. (1) A city or town council or other legislative body may enforce regulations adopted pursuant to **76-2-310**, as if the property were situated within its corporate limits, until the county board adopts a growth policy pursuant to chapter 1 and accompanying zoning or subdivision resolutions that include the area.

(2) As a prerequisite to the exercise of this power, a city-county planning board whose jurisdictional area includes the area to be regulated must be formed or an existing city planning board must be increased to include two representatives from the unincorporated area that is to be affected. These representatives must be appointed by the board of county commissioners. Representation must cease when the county board adopts a growth policy pursuant to chapter 1 and accompanying zoning or subdivision resolutions that include the area.

History: En. Sec. 2, Ch. 136, L. 1929; re-en. Sec. 5305.2, R.C.M. 1935; amd. Sec. 1, Ch. 273, L. 1971; amd. Sec. 1, Ch. 354, L. 1973; R.C.M. 1947, 11-2702(part); amd. Sec. 19, Ch. 582, L. 1999.

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 4, 2022

Regarding the Resolution of Intent for the Annexation of Contiguous Government Land

Mr. Mayor and City Council,

I am unable to attend the meeting this evening due to illness, but this letter will provide some detail on the accompanying legal descriptions that were provided with the resolution detailing the annexation of government land contiguous to the Municipal City Limits of Laurel.

The attached list of legal descriptions includes the city-owned property contiguous with, and immediately adjacent to the city limits of Laurel. The Annexation of these properties not only clears up the jurisdiction in which city property falls under, but also allows for the City to expand its zoning jurisdiction outwards. Extra-territorial zoning extends 1-mile outside the municipal city limits. This is important for long range planning activities as well as planned provision of public services and basic land-use management.

Please let me know if there are any questions or comments about the properties in question or the process that this will take. Thank you for your consideration of this matter.

Regards,

Nicholas Altonaga, CFM

Planning Director

CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
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City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

January 4, 2022

Regarding the Request by Lance Hull to Submit an Annexation Application for Property West of 8th Avenue between 1st and 2nd Streets.

Mr. Mayor and City Council,

Mr. Lance Hull has submitted a request letter to allow him to submit an annexation application for a property located off of 8th Avenue, accessible by currently unbuilt portions of W 1st Street and W. 2nd St. Lance Hull met with me in October of 2021 to discuss his plans to develop the lot. He plans to develop four four-plex residential buildings, install landscaping, and add parking, as well as improve portions of W. 1st St and W 2nd St. to access the site. He hopes to annex the property into the city to access municipal water and sewer services.

His design concept is in-keeping with the strategic goals of the Laurel Growth Management Policy of 2020, by adding a diverse array of housing to the city, as well as locating high growth developments along high-volume roadways. This annexation would also expand the municipal utility system.

I support the approval of Mr. Hull's request to submit an application for annexation. His proposed development would be a positive addition to the city by creating more housing options and improving the road network as well as expand the city utility system. Thank you for your consideration of this request. Please let me know if you have any questions or concerns about this request.

Regards,

Nicholas Altonaga, CFM

Planning Director

Heidi Sparks

Emergency Services

Beartooth R C & D

Budget and Finance

NOTE: Off Public Works, Health and Insurance and Human Relations

Richard Herr

Cemetery

Public Works

NOTE: Off Parks and requested to be off Tree Board

Irv Wilke

Parks

Emergency Services

Public Works

NOTE: Same as last time because of work schedule

Bill Mountsier

Parks

Emergency Services

Public Works

NOTE: Moved from citizen to Council member on Public Works and Emergency Services

Richard Klose

Budget and Finance

Cemetery

Emergency Services

NOTE: Same as before

Scot Stokes

Parks

Health and Insurance

Human Relations

NOTE: Off Budget and Finance

Michelle Mize

Health and Insurance

Tree Board

Budget and Finance

NOTE: All new assignments

Emelie Eaton

Budget and Finance

Public Works

NOTE: Back on Public Works

Employee/Volunteer Recognition 2022 (January to June)

Name	Years of Service	Department
Stan Langve	22	Police
Kurt Markegard	17	Public Works
Kyle Bryant	17	Police
Kelly Strecker	17	City Clerk
Brenda Sell	17	Police
Brian Kline	17	City Shop
William Brew III	16	Police
Christopher Erb	13	Library
Jarred Anglin	7	Police
Cynthia Caswell	7	WWTP
Zach Cortese	5	Police
Jodi Kinn	5	Police
Andrew Arneson	5	Public Works
Karen Courtney	5	Public Works
Wade Spalinger	3	City Shop
Daniel Nauman	3	WTP
Ryan Sedgwick	3	Police
Wendy Wong	2	Ambulance
Thomas White	2	Ambulance
Haley Swan	2	Police
Joshua McFarland	2	Police
Sydney Arneson	1	City Shop
Michelle Foley	1	City Clerk

Name	Years of Service	Department
Doug Fox	26	Fire
Kent Kulesa	25	Fire
Corey McIlvain	18	Fire
Brent Peters	15	Fire
Tammy Harpster	14	Reserves
Sean McCleary	13	Fire
Travis Nagel	13	Fire
Bruce McGee	12	Reserves
Tom Becker	11	Reserves
Henry Fox	11	Fire
Paul Bickel	9	Reserves
Darcy Sauter	8	Reserves
Dustin Riveland	8	Reserves
Shane Willis	6	Fire
Levi Vandersloot	6	Ambulance
Jennifer Winchell	5	Fire

Employee/Volunteer Recognition 2022 (January to June)

Jacob Haan	5	Ambulance
John Beck	4	Fire
Jayson Nicholson	4	Fire
Armondo Hernandez	3	Fire
Levi Klamert	3	Fire
Steven Hiller	3	Fire
Bridger Fournier	3	Fire
Ryan Robertus	3	Fire
Boady Harper	3	Ambulance
Kently Kuntz	2	Fire
Colton McCleary	2	Fire
Amber Beck	2	Ambulance
Thomas Scott	2	Reserves
Kaity Butler	2	Reserves
Sonja Jones	2	Reserves
Brenton Dorsey	2	Reserves
Dylan Benton	2	Reserves
Dixie Childers	2	Reserves
Jacob Worden	1	Fire
Tyrel Mraz	1	Ambulance
Kathy Brown	1	Ambulance
Amanda Hemmen	1	Ambulance
Mariel Riley	1	Ambulance
Andrew Zimmermann	1	Ambulance
Joshua Anderson	1	Reserves