



**AGENDA
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, MARCH 01, 2022
6:30 PM
COUNCIL CHAMBERS**

Public Input: *Citizens may address the Council regarding any item of City business that is not on tonight's agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda. If a citizen would like to speak or comment regarding an item that is on tonight's agenda, 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.*

Be advised, if a discussion item has an upcoming public hearing, we would request members of the public to reserve your comments until the public hearing. At the public hearing, the City Council will establish an official record that will include all of your comments, testimony and written evidence. The City Council will base its decision on the record created during the public hearing. Any comments provided tonight will not be included in the record or considered by the City Council.

General Items

1. Appointment of Ken Olson to Cemetery Commission for the remainder of a two year term ending June 30, 2023.
2. Motion to allow Council Member Sparks to be absent from the City of Laurel for more than ten days. (LMC 2.12.060)

Executive Review

3. Resolution - State Land Use License #6202

Council Issues

4. Retention Pond Discussion
5. Judges Wages Discussion

Other Items

Review of Draft Council Agendas

6. Draft Council Agenda for March 8, 2022.

Attendance at Upcoming Council Meeting

Announcements

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

File Attachments for Item:

1. Appointment of Ken Olson to Cemetery Commission for the remainder of a two year term ending June 30, 2023.

Feb. 1, 2022

RE: Cemetery Board position

Mayor Waggoner;

I would like to continue my opportunity to serve on the Laurel Cemetery Board. Thank you for your consideration.

A handwritten signature in black ink, appearing to read "Ken Olson", with a long horizontal flourish extending to the right.

Ken Olson

File Attachments for Item:

3. Resolution - State Land Use License #6202

RESOLUTION NO. R22-_____

**A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE MAYOR TO
SIGN AN AMENDMENT TO REISSUE #2 FOR LAND USE LICENSE NO. 6202 BY
AND BETWEEN THE CITY OF LAUREL AND THE STATE OF MONTANA,
DEPARTMENT OF NATURAL RESOURCES & CONSERVATION.**

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

Section 1: Approval. The Land Use License No. 6202 Amendment to Reissue #2, a copy attached hereto and incorporated herein, is hereby approved.

Section 2: Execution. The Mayor is hereby given authority to execute the Land Use License No. 6202 Amendment to Reissue #2 on behalf of the City.

Introduced at a regular meeting of the City Council on _____, 2022,
by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this _____ day
of _____ 2022.

APPROVED by the Mayor this _____ day of _____ 2022.

CITY OF LAUREL

Dave Waggoner, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Michele L. Braukmann, Civil City Attorney



MONTANA DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION

LAND USE LICENSE NO. 6202
AMENDMENT TO REISSUE #2

The STATE OF MONTANA, DEPARTMENT OF NATURAL RESOURCES & CONSERVATION (hereinafter referred to as the "Department" or "Licensor"), whose address is **1371 Rimtop Drive, Billings, MT 59105**, herein grants **City of Laurel**, whose address is **PO Box 10, Laurel, MT 59044** (hereinafter referred to as the "Licensee"), a Land Use License Amendment (hereinafter referred to as "amendment").

1. **FILING FEE:** A fee of Fifty No/100 Dollars (\$50.00) has been paid to the Licensor prior to issuance of this Amendment.
2. **RENTAL:** Beginning upon acceptance of this amendment, the Licensee agrees to pay, in advance, a one-time fee of **\$150.00**. Payment of the first year's rental shall be due upon signature of this amendment.
3. **DURATION:** This amendment shall take effect upon signature of the Area Manager and will effectively reissue the above stated license for a term of 10 years, expiring on **February 28, 2032**, unless terminated in accordance with the terms provided in the above-described License.
4. **CERTIFICATION:** Licensee hereby agrees that there has been no change in use, activity, or location for which the original license was issued.
5. **TERMS:** Licensee hereby accepts the rights, duties, and obligations inherent in original Land Use License **No. 6202**, Amendment #1, and those provided under the terms of this amendment.

This amendment is to be attached to and made part of the Land Use License. All other terms and conditions remain in full effect.

Dated this 19th day of January 2022.

(Licensee/Authorized Agent)

(Printed Name and Title)

(Department of Natural Resources & Conservation Use Only)

APPROVAL OF LICENSE

Date Approved

LAND USE LICENSE NO. 6202

The STATE OF MONTANA, DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (hereinafter referred to as the "Department" or "Licensor"), whose address is **1371 Rimtop Drive, Billings, MT 59105**, herein grants the **City of Laurel, PO Box 10, Laurel, MT 59044** (hereinafter referred to as "Licensee"), a LAND USE LICENSE (hereinafter referred to as "LUL" or "License") to obtain the following-described rights for a limited term in the following-described lands, subject to all of the terms and conditions hereof.

1. **LEGAL DESCRIPTION**

A Tract of land described as follows: a portion of land in the riverbed of the **Yellowstone River located in the N $\frac{1}{2}$ N $\frac{1}{2}$ of Section 22 and the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 15, Township 2 South, Range 24 East in Yellowstone County (see Exhibit C) and an island in the Yellowstone River located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 16, NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22 Township 2 South, Range 24 East in Yellowstone County (see Exhibit B).**

2. **FILING FEE**

A fee of Twenty-five and No/100 Dollars (\$25.00) has been paid to the Licensor prior to issuance of this Land Use License.

3. **RENTAL**

Beginning upon acceptance of this License, and for the term of this License, the Licensee agrees to pay, in advance, an annual fee of **One Hundred Fifty and No/100 Dollars (\$150.00).**

4. **DURATION**

This License shall take effect upon signature of the Southern Land Office Area Manager and remain in full force and effect up to and including **28 February 2022**, unless terminated in accordance with Section 13 of this License.

5. **LICENSED ACTIVITY**

The purpose of this Land Use License is to authorize:

- a) **the construction of an 8' wide by $\pm$ 700' long temporary diversion ditch on a state-owned island on the north side of the Yellowstone River. (see Exhibit B)**
- b) **the one-time removal of up to 5,500 cubic yards of river sediment, gravel and cobble material from a state-owned island that is generally located below the Highway 212 and BNSF railroad bridges and then west of the railroad bridge approximately 100'. In the sediment removal area, Licensee shall leave at least 18-24" of material above the water surface. (see Exhibit C)**
- c) **placement of fill on approximately 700 square feet of the bed of the Yellowstone River in conjunction with the reconstruction and stabilization of approximately 715 lineal feet of bank along the south side of the Yellowstone River, including the placement of riprap along the bank. (see Exhibit C)**

6. RECLAMATION OF THE LAND

The Licensee shall take all reasonable precautions to prevent or minimize damage to natural (i.e., vegetation, soil, water, wildlife), and cultural resources within the areas of the Land Use License. Upon cancellation of this License by either party to this agreement, or upon final expiration of agreement, the Licensee shall reclaim the area to the specifications of the Licensor. Such reclamation shall include, but not be limited to the elimination of all trace of disturbances, compaction, and movement of construction equipment. Licensee shall be required to reseed all disturbed areas with native species of grasses, unless other arrangements are agreed upon between the Licensor and the Licensee in writing. When any action requires disturbance, all soil materials shall be salvaged, safeguarded from loss due to wind or water erosion or machinery activity, and shall be replaced on all disturbed areas.

7. MAINTENANCE, REPAIRS, AND UTILITIES. The Licensee shall, when applicable:

- Pay all permits and inspection fees imposed by governmental authorities.
- Quit and surrender the Premises in the same order and condition as it was prior to acceptance of this license.
- The Licensee will maintain the area within the License in a neat and orderly manner and will allow no waste or debris to accumulate thereon.

8. WEATHER CONDITIONS

The Licensor reserves the right to restrict or preclude any surface activity during periods of adverse weather and other conditions which may contribute to accelerated erosion, fire hazard, disruption of seasonal wildlife, or any other condition which in the opinion of the Department may have an adverse effect on Trust land. Prior to commencing permitted activities, the Licensee will contact the Southern Land Office at (406) 247-4400.

9. NOXIOUS WEEDS

The Licensee shall be responsible for controlling any noxious weeds introduced by Licensee's activity on state-owned land. The Licensee's methods of control must be reviewed and approved by the Department of Natural Resources and Conservation Southern Land Office. The Licensee shall comply with the Montana County Noxious Weed Management Act, Section 7-22-2101, MCA et. seq., as follows:

The Licensee shall notify the local weed board that is responsible for that geographical area in which the project is located. If the Licensee disturbs vegetation for any reason, Licensee shall be required to revegetate the disturbed area. The Licensee shall submit to the local weed board a written plan specifying the methods to be used to accomplish revegetation. The plan must describe the time and method of seeding; fertilization, recommended plant species, use of weed-free seed, and the weed management procedures to be used. This plan is subject to approval by the local weed board, and therefore must be signed by the chairman of the board.

Failure to abide by these provisions may result in the cancellation of the License.

10. LIABILITIES

The Licensee agrees to assume responsibility for all claims and lawsuits that may result from any and all damages, injury or death to persons and/or property that occur upon or about said land caused by or arising out of Licensee's use of the subject area hereunder. The Licensee further agrees that they will be responsible for any damage caused when entering, crossing or leaving state-owned subject land.

11. LIMITATION OF AUTHORITY

Other than for the purposes specifically described in this agreement, the Licensee agrees that it does not, and shall not claim at any time any interests or estate of any kind or extent whatsoever in the premise by virtue of this License or their occupancy or use hereunder.

12. SPECIAL STIPULATIONS

- a) Licensee shall contact the DNRC Southern Land Office at least 48 hours prior to commencement of work on the project at any time during the term of the License. The contact at the SLO is: Jeff Bollman, Area Planner, jbollman@mt.gov or 406-247-4404 (office) or 406-670-4642 (cell).
- b) Licensee is required to obtain written permission from Licensor prior to commencing any work associated with temporary diversion ditch listed in Section 5 Licensed Activity. Licensor is not obligated to allow construction of diversion ditch in subsequent year(s) if Licensor determines the action is not in the best interest of the State. Licensee must obtain written permission from Licensor each year the temporary diversion ditch activity is proposed.
- c) All in-river work shall be completed in an expeditious manner to avoid unnecessary impacts to the river.
- d) All activities performed in the river and immediate vicinity shall be conducted in a manner to reduce turbidity along with minimizing disturbances to the riverbed and riverbank.
- e) To prevent leaks of petroleum products into the river, no defective equipment shall be operated in the river or adjacent areas.
- f) All necessary permits shall be secured before any activities begin.
- g) In the sediment removal area shown on Exhibit C, the Licensee shall leave at least 18-24" of material above the water surface.
- h) Licensee recognizes that the Licensor's allowance to place fill encroaching on the navigable riverbed for bank stabilization does not waive or subordinate any of the Licensors property rights or mineral rights to the stream bed.
- i) Licensee is responsible for any additional permits or requirements from any other affected regulatory agency.

- j) The cobble/gravel removed from the island for the diversion ditch and sediment removal may not be sold or used outside of the river. It shall be disposed of at the "Sediment Disposal Site" identified on attached Exhibit A.
- k) The Licensee shall comply with all public laws, statutes, ordinances, and administrative rules which are applicable to its operations upon the above-described lands. In no event shall the Licensee conduct any activity, or allow any activity to be conducted, upon the above-described lands or within the Project which is: a nuisance; violative of public health, safety, welfare; or is offensive to prevailing community standards concerning morality or obscenity. The Licensee shall be fully and completely liable to, and indemnify, defend, and hold harmless, the Licensor for any and all damages and clean up costs and penalties imposed by any governmental authority with respect to Licensee's use, disposal, transportation, generation, or sale of Hazardous Substances, in or about the above-described lands.

13. TERMINATION OF LAND USE LICENSE

The Licensor reserves the right to terminate the permission hereby granted at any time by giving the Licensee no less than ten (10) days written notice of such termination, except that the Licensor may terminate the permission forthwith at any time, if Licensee fails to comply with, or abide by, each and all of the provisions hereof, or ceases to use the permission hereby granted.

Dated this 13th day of December, 2012

Receipt Number

BK1313039
\$175.00 12/17/12

BY: Heidi Jensen
City of Laurel

Heidi Jensen, Chief Administrative Officer
Printed Name and Title

(Department of Natural Resources and Conservation Use Only)

APPROVAL OF LICENSE

BY: Matthew Wolcott
Matthew Wolcott, Area Manager
Southern Land Office

Dec 17, 2012
Date Approved

Exhibit B – Proposed Water Intake Diversion Ditch

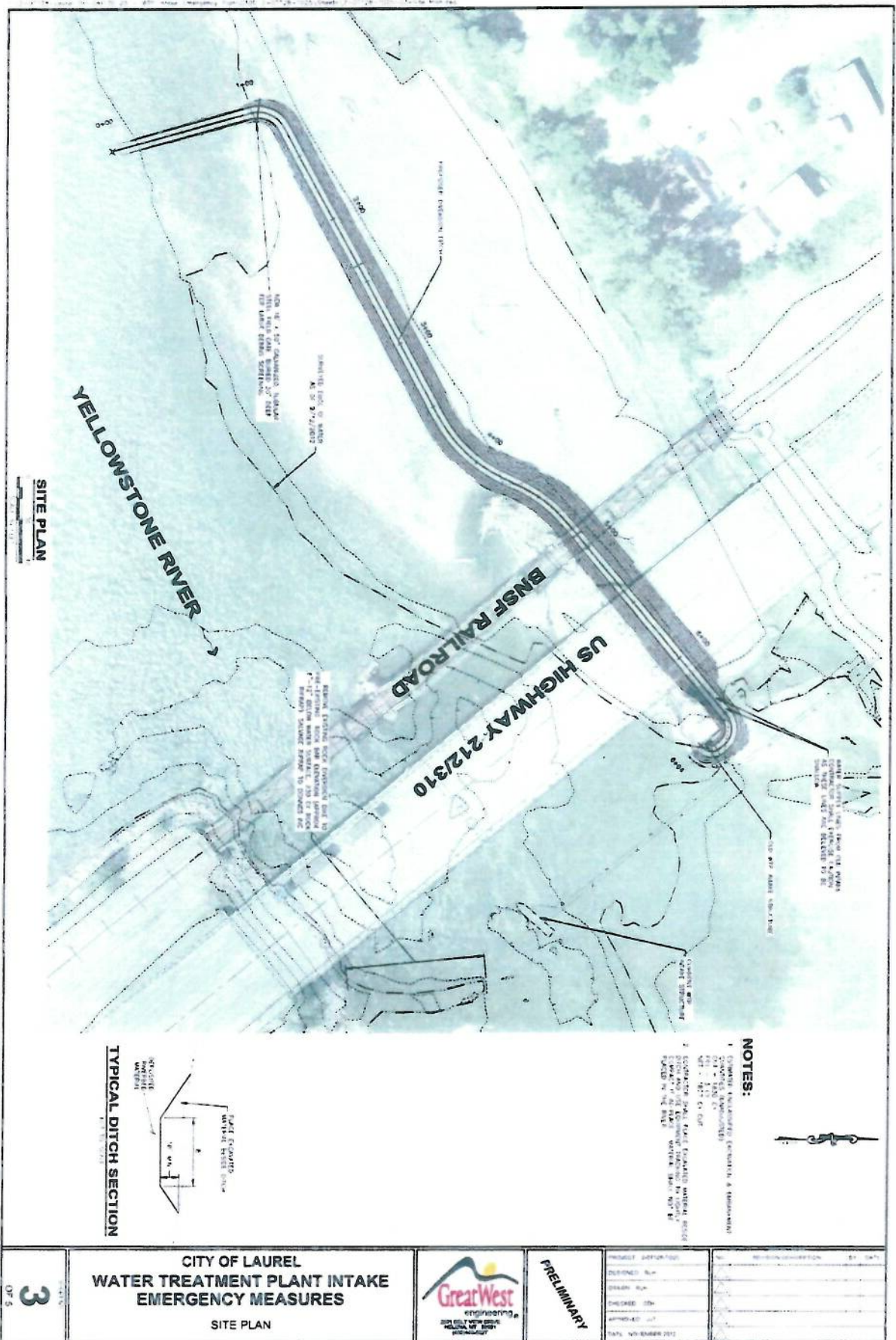
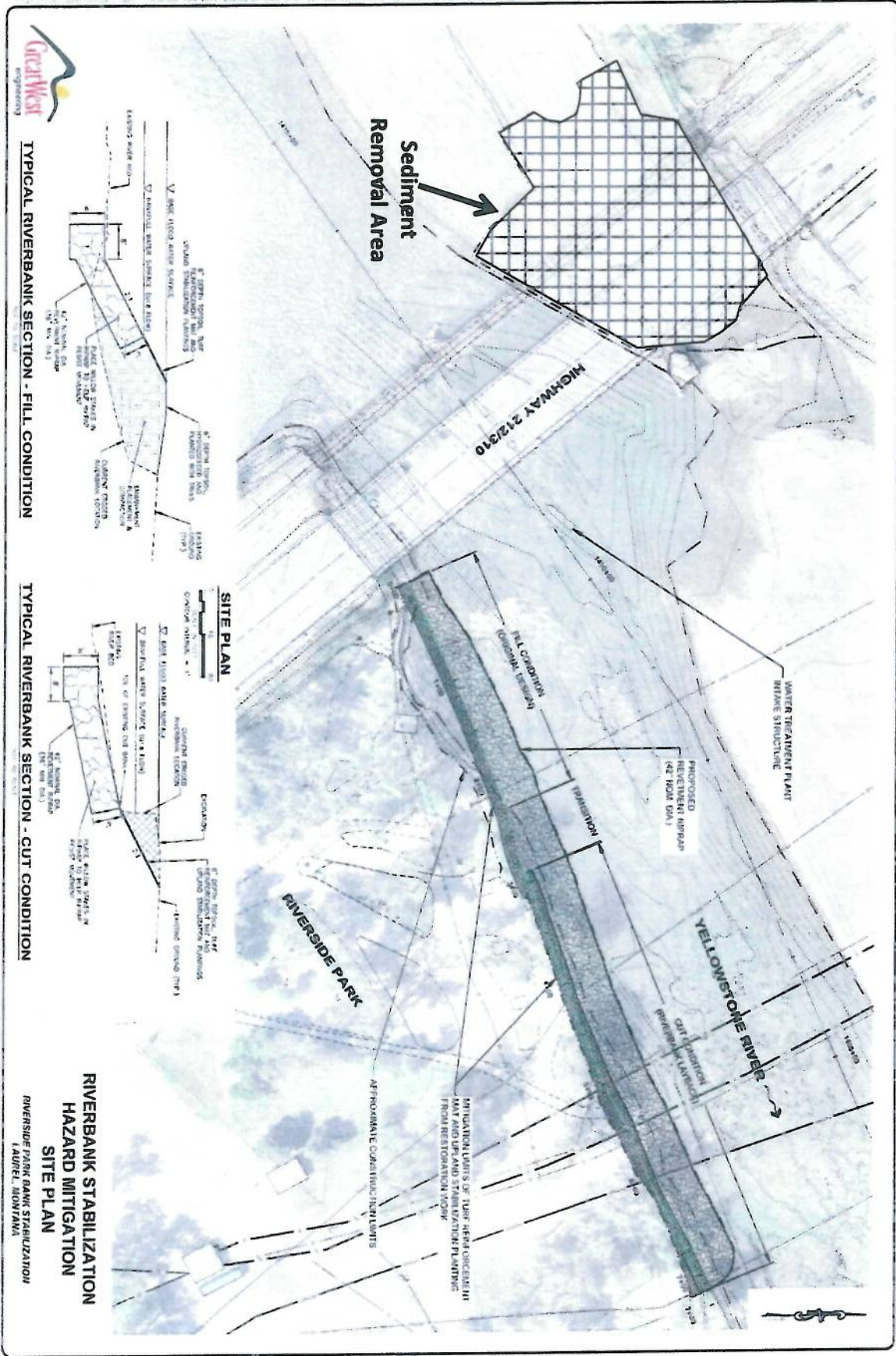


Exhibit C – Bank Stabilization Plan with Sediment Removal Area



MONTANA DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

AMENDMENT
TO
LAND USE LICENSE NO. 6202

AMENDMENT NO.: 01

LAND USE LICENSE NO. 6202 issued to the **City of Laurel**, PO Box 10, Laurel, MT 59044 for the purpose of **authorizing the construction of an 8' wide by ±700' long temporary diversion ditch on a state-owned island on the north side of the Yellowstone River (see Exhibit B); the one-time removal of up to 5,500 cubic yards of river sediment, gravel and cobble material from a state-owned island that is generally located below the Highway 212 and BNSF railroad bridges and then west of the railroad bridge approximately 100'. In the sediment removal area, Licensee shall leave at least 18-24" of material above the water surface (see Exhibit C); placement of fill on approximately 700 square feet of the bed of the Yellowstone River in conjunction with the reconstruction and stabilization of approximately 715 lineal feet of bank along the south side of the Yellowstone River, including the placement of riprap along the bank (see Exhibit C).** This Land Use License is hereby amended as follows:

Section 5. LICENSED ACTIVITY

The purpose of this Land Use License is amended to authorize:

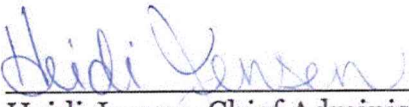
- a) **the construction of an 8' wide by ±700' long temporary diversion ditch on a state-owned island on the north side of the Yellowstone River (see Exhibit B);**
- b) **the removal of river sediment, gravel and cobble material from a state-owned island that is generally located below the Highway 212 and BNSF railroad bridges and then west of the railroad bridge approximately 100'. In the sediment removal area, Licensee shall leave at least 18-24" of material above the water surface (see Exhibit C);**
- c) **placement of fill on approximately 700 square feet of the bed of the Yellowstone River in conjunction with the reconstruction and stabilization of approximately 715 lineal feet of bank along the south side of the Yellowstone River, including the placement of riprap along the bank (see new Exhibit D).**
- d) **the installation during the bank stabilization project of a boat ramp that will be owned by the Montana Department of Fish, Wildlife & Parks (see new Exhibit D).**
- e) **the installation and maintenance of the existing rock weir and diversion dike that were installed as temporary emergency measures to increase surface water levels until a permanent solution to water intake issues are constructed.**

Section 12. SPECIAL STIPULATIONS

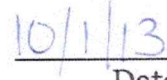
1. Licensee shall contact the DNRC Southern Land Office at least 48 hours prior to commencement of work on the project at any time during the term of the License. The contact at the SLO is: Jeff Bollman, Area Planner, jbollman@mt.gov or 406-247-4404 (office) or 406-670-4642 (cell).
2. Licensee is required to obtain written permission from Licensor prior to commencing any work associated with temporary diversion ditch or removal of gravel and cobble listed in Section 5 Licensed Activity. Licensor is not obligated to allow construction of diversion ditch or additional gravel/cobble removal in subsequent year(s) if Licensor determines the action is not in the best interest of the State.

3. All in-river work shall be completed in an expeditious manner to avoid unnecessary impacts to the river.
4. All activities performed in the river and immediate vicinity shall be conducted in a manner to reduce turbidity along with minimizing disturbances to the riverbed and riverbank.
5. To prevent leaks of petroleum products into the river, no defective equipment shall be operated in the river or adjacent areas.
6. All necessary permits shall be secured before any activities begin.
7. In the sediment removal area shown on Exhibit C, the Licensee shall leave at least 18-24" of material above the water surface.
8. Licensee recognizes that the Licensor's allowance to place fill encroaching on the navigable riverbed for bank stabilization does not waive or subordinate any of the Licensor's property rights or mineral rights to the stream bed.
9. Licensee is responsible for any additional permits or requirements from any other affected regulatory agency.
10. The cobble/gravel removed from the island for the diversion ditch and sediment removal may not be sold or used outside of the river. It shall be disposed of at the "Sediment Disposal Site" identified on attached Exhibit A.
11. The Licensee shall comply with all public laws, statutes, ordinances, and administrative rules which are applicable to its operations upon the above-described lands. In no event shall the Licensee conduct any activity, or allow any activity to be conducted, upon the above-described lands or within the Project which is: a nuisance; violative of public health, safety, welfare; or is offensive to prevailing community standards concerning morality or obscenity. The Licensee shall be fully and completely liable to, and indemnify, defend, and hold harmless, the Licensor for any and all damages and clean up costs and penalties imposed by any governmental authority with respect to Licensee's use, disposal, transportation, generation, or sale of Hazardous Substances, in or about the above-described lands.

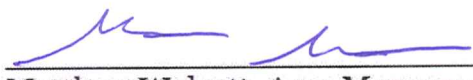
The addendum is to be attached to and made part of the Land Use License. All other terms and conditions remain in full effect.



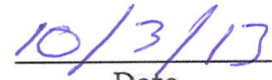
Heidi Jensen, Chief Administrative Officer
City of Laurel



Date

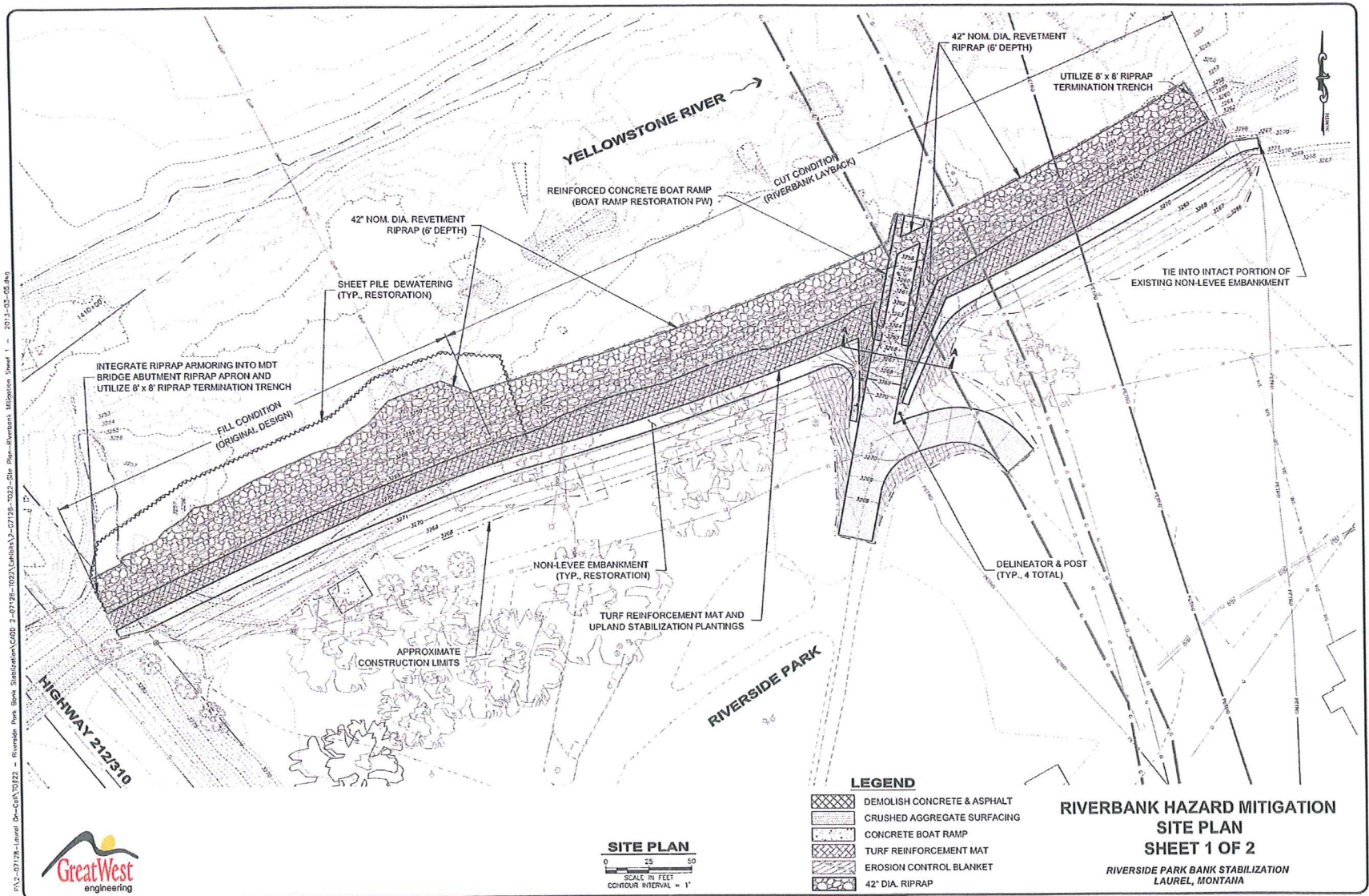


Matthew Wolcott, Area Manager
Southern Land Office



Date

Exhibit D – Revised Bank Stabilization Plan with New Boat Ramp





MONTANA DEPARTMENT OF NATURAL
RESOURCES AND CONSERVATION

LAND USE LICENSE APPLICATION

For Navigable Water Ways

Application Fee \$50 (Non-refundable)

NAME OF APPLICANT _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

HOME PHONE _____ SECONDARY PHONE _____

EMAIL ADDRESS _____

LICENSE PURPOSE

Application is hereby made to access and/or utilize trust land for the following purpose(s):

LOCATION

Describe the location of the requested activity. Include a map or additional page if appropriate.

Tracts of land situated in _____ County, Montana, and being further described as follows:

Acres	Section	Township	Range	Part of Section

REQUESTED DURATION

Starting Date _____

Ending Date _____

APPLICANT SIGNATURE _____ DATE _____

-Submit completed form and \$50.00 application fee to the local DNRC Office based on the location of the activity. The Area or Unit Manager will determine if a license shall be issued for the proposed use, and will calculate the Land Use License fee. Estimated processing time is 60-90 days.

-For DNRC Office locations, see the DNRC website at www.dnrc.mt.gov, or call the DNRC Headquarters at 406-444-2074.

File Attachments for Item:

6. Draft Council Agenda for March 8, 2022.



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, MARCH 08, 2022
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R18-XX

NEXT ORD. NO.
O18-XX

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

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

Pledge of Allegiance

Roll Call of the Council

Approval of Minutes

1. Approval of Minutes of February 8, 2022.

Correspondence

2. Fire Monthly Report - February 2022.
3. Police Monthly Report - February 2022.
4. Building Monthly Report - February 2022.

Council Disclosure of Ex Parte Communications

Public Hearing

Consent Items

NOTICE TO THE PUBLIC

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

5. Claims entered through March 4, 2022.
6. Approval of Payroll Register for PPE _____ totaling \$_____.

Ceremonial Calendar

7. Sargent Pinning Ceremony

Reports of Boards and Commissions

Audience Participation (Three-Minute Limit)

Citizens may address the Council regarding any item of City business that is not on tonight's agenda. Comments regarding tonight's agenda items will be accepted under Scheduled Matters. The duration for an individual speaking under Audience

Participation is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda.

Scheduled Matters

8. Resolution - State Land Use License #6202

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