



Mayor Johnson introduced Kevin Oliver, of Northern Industrial Hygiene, Inc.

Kevin Oliver presented information regarding the industrial indoor air quality survey of the court portion of the building after representatives of the State examined the facility for some health and safety-related items. Kevin asked if the council had seen the report. Because of the report, Northern Industrial Hygiene was asked to take some air samples and bulk samples of products that may contain mold and then write a report of their findings. Generally, they found the conditions to be similar to the State of Montana report. Some elevated mold spore counts were found, primarily in the basement and in the ceiling cavity above the judge's office from some past water intrusions due to some roof leaks that have occurred. The building has moved and has some structural deficiencies. The result of their findings is that the indoor air quality in this portion of the building is very good. A couple of small air filtration systems are currently being used in the building, and that helps to reduce the mold spore counts. The mold spore counts in the court portion were at excellent levels. From a day-to-day perspective, there are no problems with occupying this portion of the building. There has been water intrusion on the wood framing in the boiler room, causing mold to grow. One of their recommendations was to have a restoration contractor thoroughly clean that portion of the building and properly remediate the mold that has grown there.

The second recommendation was to seal all the cracks from the occupied portion of the building and the roof area because there is a considerable amount of mold in that portion of the building. That will separate the airspace, the air being breathed, from any potential mold spores coming from that part of the building downward. A long-term recommendation is to remove the ceiling and clean that entire space. Another recommendation was that the carpet be thoroughly cleaned. Samples taken found some elevated mold counts in the carpeting and the area underneath the carpeting, probably from past water intrusions. All mold needs to grow is a little bit of dust and debris and water. The short-term fixes would be the boiler room and cleaning the carpet. They also recommended an additional air scrubber to ensure that the air quality remains at the current level. Some periodic monitoring was recommended in order to show the employees that the air quality remains at the current level.

Mayor Johnson thanked Kevin Oliver for his presentation.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**
  - Current Board/Committee vacancies
    - Board of Appeals: three positions – two-year terms to begin immediately
    - Board of Adjustments – two positions to fill terms expiring 06/30/04 and 06/30/05

Yellowstone City-County Health Department

Motion by Alderman Mace to approve the appointment of Mayor John E. Johnson, Jr., to the Yellowstone City-County Health Department for a three-year term ending December 31, 2006, seconded by Alderman Poehls. Motion carried 7-0.

Designation of the Environmental Certifying Official for the FY 2004 CDBG Grant

Motion by Alderman Dart to approve the designation of Mayor John E. Johnson, Jr., as the Environmental Certifying Official responsible for all activities associated with the environmental review process to be completed in conjunction with the FY 2004 CDBG Grant awarded to the City of Laurel, seconded by Alderman Oakes. Motion carried 7-0.

- **Eighth Avenue Project: Part I – City/State Relationship and Funding, Montana Department of Transportation.**

Mayor Johnson introduced Bruce Barrett, the Billings District Administrator for the Montana Department of Transportation. Information about the Eighth Avenue Project will be presented in three phases, and the topics of discussion had been previously outlined in a memorandum written by the Public Works Director.

Bruce distributed information to the mayor and council. The information included maps of the Laurel Urban Highway System and the Laurel Functional Classification that were prepared by the State of Montana Department of Transportation. Bruce also distributed information regarding the Urban Highway System and the Laurel Functional Class Mileage, Urban Highway Program Funding, Urban Project Eligibilities, Advancing an Urban Project, and the Urban Highway Construction Program Summary.

Bruce addressed an interest in roadways in the City of Laurel under the State's responsibility. One of the handouts showed the urban limits around the community of Laurel, the routes that are on the state maintenance system and the responsibility of the Montana Department of Transportation. The other routes have U-numbers associated with them and are urban routes that are eligible for federal aid funding and are the responsibility of the city in regards to maintenance.

The next topic was the varying roadway classification of streets under the State's responsibility. The Functional Classification map shows the Laurel urban limits, I-90, and the state and urban routes. The Urban Highway System map shows the urban routes.

Interstate mileage within the Laurel Urban Area is 3.243 miles, principal arterial is 3.966 miles, minor arterial is 3.579 miles, and 1.511 miles of that is maintained by the state. The collector roads are 10.973 miles, all of which is maintained by the city, and the local roads are 50.891 miles, with zero miles maintained by the State.

Bruce addressed the topic of different levels of State's responsibility by road classification by talking about the Urban Highway System. In the Urban Highway System, there is a designation process guided by Montana statutes, which is MCA 60-2-125 and 126. MCA 60-2-125 says that "federal-aid highway funds" means those funds made available for expenditure by the department pursuant to Title 23, U.S.C. "Urban highway system" means the highways and streets that are in and near incorporated cities with populations of over 5,000 and within urban boundaries established by the department, that have been functionally classified as either urban arterials or collectors, and that have been selected by the commission, in cooperation with local government authorities, to be placed on the urban highway system." MCA 60-2-126 Designation of public highways – allocation of funds. (1) For the purpose of allocating state and federal-aid highway funds, the commission shall designate the public highways and streets to be placed on the following systems: (d) the urban highway system.

Designation of the urban highway system comes from State statute relating to the authority of the Montana Transportation Commission and MDT guidelines. Routes must be functionally classified as urban arterials or collectors. Requests to revise the system are typically initiated through the joint city-county effort. The Transportation Commission approves route designations. That is how routes get on the Urban System and how they are modified or changed.

Regarding Urban Highway Program Funding, sub-allocation of the Federal Surface Transportation Program (STP) is done through State statute MCA 60-2-126. The Commission allocates the funds. MCA 60-3-211 addresses apportionment of state funds to urban highway system: (1) Each fiscal year, the department shall apportion the federal-aid highway funds allocated for the urban highway system to the cities in the state with populations of over 5,000 in the ratio of urban population in each city to the total urban population in all cities in the state with populations of over 5,000. For the purpose of this section, "urban population" is defined as population within the incorporated limits of cities with populations of over 5,000 and that population within unincorporated urban fringe areas delineated and reported in the latest federal census."

The Laurel urban limits were shown on the Functional Classification map. MDT's planning representatives met with City of Laurel representatives and walked through the old urban limits and growth that had occurred. Certain criteria establish what constitutes growth, and the line on the urban limits was changed based on the growth that Laurel has experienced. The map represents the most current urban limits for the City of Laurel based on the most recent census.

Bruce read from MCA 60-3-211: "To the extent necessary to permit orderly programming and construction of projects, obligations in any city may exceed the amount apportioned to that city. The amount of any excess obligations must be deducted from future apportionments to that city."

Based on the statutory formula, the City of Laurel is apportioned annual urban funds. If the city decides to build a project and there are insufficient funds for that project, the commission has a policy to allow communities to borrow up to five years of their apportionment in order to let the

project to contract. The city would then pay that amount back with the annual apportionment until they get back out of the red, as shown in a chart in the handout. Urban Highway Program funding is based on Decennial Census Populations and the Total Urban Population as compared to the Total Urban Population in the State. These funds are matched with State funds, not with local funds. An annual statewide apportionment of \$8,200,000 has been apportioned for the Statewide Urban System through TEA-21. TEA-21 has expired and MDT is presently in a five-month reauthorization bill while a six-year bill is going through Congress and should be passed next year.

Urban Project Eligibilities include use of funds for construction of new transportation facilities; reconstruction, resurfacing, restoration and rehabilitation of existing facilities; operational improvements; bicycle facilities, pedestrian walkways, and carpool projects and programs. The 8<sup>th</sup> Avenue Project would be reconstruction of an existing facility and meets the criteria of the funding.

Bruce addressed the process to advancing an urban project. Project selection is determined as follows: priorities are determined jointly by the Mayor and County Chairperson; letter from local officials to MDT indicating priority and signed jointly by the Mayor and County Chairperson; MDT reviews project to assure it is affordable and eligible for STPU (Surface Transportation Program – Urban); final decision of committing funds for prioritized project is made by the Transportation Commission in accordance with the STIP (State Transportation Improvement Plan) process, which is required by Title 23. In order to be eligible to receive Federal Aid Funding, a State Transportation Improvement Plan is required and all the projects have to be listed and approved in that plan. The 8<sup>th</sup> Avenue Project has met all of these conditions.

Bruce addressed the issue of urban funding for Laurel. Laurel's annual allocation has been about \$154,100 in urban funds. The project priorities include Main Street (anticipated letting in Federal Fiscal Year 2004). There will be \$60,000 out of urban funds and \$154,900 from Urban Pilot Program funds. The 8<sup>th</sup> Avenue Project is currently estimated at \$2,068,000. With the two projects, MDT anticipates the Laurel's balance would be back in the black in 2008. These projects fall within the commission's policy for five years advancement on funding at these funding levels.

Bruce stated that the only agreement that MDT presently has with the City of Laurel is the street sweeping agreement where the city is reimbursed for street sweeping on State routes.

Alderman Oakes stated some complaints regarding East Main (US Highway 12), which he understood is maintained entirely by the State. On the north side of the road, there are trees and other shrubbery growing right down the middle of the ditch all the way from the East Laurel exit up to the city limits. On the south side of the road, the railroad is steadily encroaching onto the right of way from the shoulder and they are operating on top of the highway right of way. The bar ditch is not really a bar ditch and is not even a good ditch. It was torn up several years ago when the utility company took down the overhead utility lines and laid cable. It was never leveled off, and then the railroad threw gravel and large rocks down to get their vehicles from the highway onto their property. Alderman Oakes stated that it has deteriorated and does not even look like a state highway anymore.

Bruce stated that he would check on it. He questioned whether or not the highway was there with the railroad's permission and is on railroad right of way. Generally, when the road is that close to the rail, it is by an easement from the railroad. Bruce stated that vegetation is only removed when it is causing a sight distance problem, a snow-drifting problem, or it starts getting within the clear zone.

Mayor Johnson asked regarding some type of federal funds that come into Yellowstone County that are allocated by a Transportation Committee. Bruce explained that the last legislature enacted a bill whereby a community can appoint a transportation group, and the community can give the group some of the funds for a project. The group receiving the funds would have to have the endorsement of the community because the community would essentially transfer those funds to the group. He was not sure that too many mayors or county commissioners would give a blank check to a group.

Title 23 Federal codes state that any urban area with a population that exceeds 50,000 people is required to create a Metropolitan Planning Organization (MPO). Billings, Great Falls, and Missoula, each have a MPO, because all three communities exceed 50,000. The Metropolitan Planning Organization, which in Billings is the City-County Planning Board, is the board of directors for that board. They are free, as an MPO, to apply for federal funds and receive federal funds directly because of the MPO status. They develop their own transportation plan, and MDT cannot do a project in the City of Billings without it being in the local transportation plan and approved by the

MPO. MDT works very closely with the MPO for all projects that are developed with federal aid funds within the Billings urban limits. The Billings MPO applied for the original \$150,000 for the feasibility study for the northwest bypass.

There was further discussion regarding future growth of Laurel's urban limit, an addition to the exit at the west end of Laurel, the need and possibility for a pedestrian crossing on South 1<sup>st</sup> Avenue, the Rockvale-Laurel Project, the truck route on Railroad, and the need for a pedestrian crossing at Main Street and 5<sup>th</sup> Avenue.

Bruce encouraged the City of Laurel to write a letter to MDT regarding the possibility of a pedestrian underpass on South 1<sup>st</sup> Avenue. He mentioned that CTEP funds could be used for this type of project.

Mayor Johnson thanked Bruce for his presentation.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

Mayor Johnson mentioned that the council had recently discussed the possibility of scheduling two workshops with the Local Government Center in January. The Local Government Center responded with available dates of January 17<sup>th</sup>, 24<sup>th</sup>, and 31<sup>st</sup>. The first meeting would involve the Local Government Center, the mayor, and the council, and the department heads would be included in the second meeting. Definite dates need to be set soon in order to inform the department heads.

- Review of Committee Minutes: None.

**UNSCHEDULED MATTERS:**

Motion by Alderman Olson to remove Ordinance No. O03-05 from the table, seconded by Alderman Dart. Motion carried 7-0.

Mayor Johnson contacted the Local Government Center regarding the process of adopting ordinances. At the November 4<sup>th</sup> council meeting, the council decided that some things needed to be changed in the ordinance and the ordinance was tabled. However, the council could have completed the first reading on the ordinance. After the first reading, the council holds a public hearing on the ordinance in order to receive input for consideration of the council. Any changes could be incorporated into the final document for approval at second reading without an amendment process.

Alderman Poehls noted some of the changes made to the ordinance for the record. The first change is regarding Storage of Trailers and Recreational Vehicles. "Snowmobiles, boats, motorized vehicles that are incapable of being legally operated on a public street, or other recreational vehicles and campers, camper trailers or motor homes, and utility/sport trailers whose manufacturer's specifications do not exceed ten (10) (was previously eight) feet in width and twenty seven (27) feet in length shall be parked or stored as follows: (etc.). The other change was the addition of a statement regarding Storage of Salvage: "Exception: Lumber may be stored in the rear yard covering no more than 1% of the lot area."

The normal lot is 8,400 square feet, which would allow a 7x12 foot area to be used for storage of lumber. A larger lot would allow for a larger area.

There was a brief discussion regarding storage of firewood. Steve stated that the ordinance does not address firewood. The community decay ordinance could be used to address some issues.

Motion by Alderman Poehls to adopt Ordinance No. O03-05, seconded by Alderman Dart. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

The public hearing of Ordinance No. O03-05 will be on the December 2, 2003 council agenda.

There being no further business to come before the council at this time, the meeting was adjourned at 7:37 p.m.

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Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2nd day of December, 2003.

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John E. Johnson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer