

RESOLUTION NO. R21-109

A RESOLUTION APPROVING ZONE CHANGES FOR PROPERTY OWNED BY NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY LOCATED NEAR LINDY LANE WITHIN THE CITY OF LAUREL'S ZONING JURISDICTION.

WHEREAS, zone changes has been requested in the current zoning designation by Northwest Corporation d/b/a NorthWestern Energy, the owner of the herein described property ("Property") that is located within the City of Laurel's zoning jurisdiction; and

WHEREAS, the Property consists of two parcels both currently having partial zoning designations of Heavy Industrial ("HI") and Agricultural Open ("AP") which the owner seeks to have changed to a designation of Heavy Industrial ("HI") zoning for both parcels of the Property; and

WHEREAS, it is in the best interests of the residents of the City of Laurel to adopt this resolution thereby approving the proposed zone changes to provide for an expanded, uniform, and orderly growth and economic development within the City's zoning jurisdiction; and

WHEREAS, a duly noticed public hearing was held by the City's Zoning Commission on September 15, 2021. The Zoning Commission reviewed and considered the application pursuant to the criteria contained in the LMC. At the conclusion of the hearing, the Zoning Commission decided to recommend the approval of the requested zone changes to the City Council subject to the conditions contained in the Staff Report which is hereby attached hereto and incorporated herein as part of this resolution; and

WHEREAS, the City Council held a duly noticed public hearing on October 12, 2021. The City Council gathered testimony and public comment during the hearing from both proponents and opponents. Based on the evidence presented at the Public Hearings, the recommendation of the Zoning Commission, and documents submitted by Staff, the City Council has determined the requested zone changes are in the City's best interest as detailed in the Zoning Commission and City Council Records which are incorporated herein as part of this resolution; and

WHEREAS, the City Council hereby adopts the findings contained in the Zoning Commission Record as well as all items in the Council Record.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Laurel, Montana, that the zone changes requested by the owner are hereby approved for the Property described as follows:

Parcel 1, COS 1239, S15, T02S, R24E
Parcel 2, COS 1677, S15, T02S, R24E

BE IT FURTHER RESOLVED, the Property zoning designations are hereby changed to Heavy Industrial (“HI”) for both Parcels described above subject to the following conditions:

1. The above Parcels shall be fully included in the City’s Zoning Jurisdiction.
2. The above Parcels shall be classified as Heavy Industrial (“HI”) to be fully within the Heavy Industrial zoning district.
3. The above Parcels shall have no uses deemed not allowable within the Heavy Industrial (“HI”) District.
4. Any future changes to zoning for the Parcels shall follow the same process and procedure required to obtain the zone changes approved herein.

Introduced at a regular meeting of the City Council on October 12, 2021, by Council Member Herr.

PASSED and APPROVED by the City Council of the City of Laurel this 12th day of October 2021.

APPROVED by the Mayor this 12th day of October 2021.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney



LAUREL CITY-COUNTY PLANNING DEPARTMENT

STAFF REPORT

TO: Laurel City-County Planning Board
FROM: Nicholas Altonaga, Planning Director
RE: Zone Change Request – Northwestern Energy
DATE: September 29, 2021

DESCRIPTION OF REQUEST

A Zone Change application has been submitted by Sanderson-Stewart on behalf of their client, Northwestern Energy Corporation on August 16, 2021 for their two properties described as:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T02S, R24E

Parcel 1, COS 1239 currently has two zoning designations, half the parcel is Heavy Industrial (HI), and half is Agricultural Open (AO). Parcel 2, COS 1677 currently has two zoning designations, approximately a quarter of the parcel is zoned Heavy Industrial (HI), a quarter of the parcel is zoned Agricultural Open (AO), and half of the parcel lacks a zoning classification.

The Applicant seeks to amend the official Laurel Zoning Map to expand the zoning jurisdiction to include the entirety of the parcels and provide Heavy Industrial (HI) zoning to the entirety of the two parcels. Approval of this Zone Change request would amend the Laurel Zoning district to fully encompass the parcels in question, as well as apply Heavy Industrial (HI) zoning to the entirety of Parcel 2, COS 1677 and Parcel 1, COS 1239.

Owner: Northwestern Corporation
Legal Description: S15, T02 S, R24 E, C.O.S. 1677, PARCEL 2
Legal Description: S15, T2S, R24E, C.O.S. 1239, PARCEL 1 (CENTRALLY ASSESSED)
Address: Lindy lane (Approximate)
Parcel Size: 44.179 Acres (total)
Existing Land Use: Power Generation (Parcel 1), Agricultural (Parcel 2)
Existing Zoning: Heavy Industrial (HI), Agricultural Open (AO), unzoned
Proposed Land Use: Heavy Industrial (HI)

BACKGROUND AND PROCEDURAL HISTORY

- February 23, 2021 – Contractors for Northwestern Energy begin conversations with the Planning Department regarding amending the zoning of parcels.
- March 23, 2021 – City Staff provide data and details on the quality of water within the City water system as well as other utility data.
- May 17, 2021 – Sanderson Stewart staff contact City Planning Dept inquiring on the process for re-zoning the parcels in question.
- May 18, 2021 – City Staff provide all information on the Zone Change process to Sanderson Stewart and explain the process.
- August 16, 2021 – Zone Change Application packet submitted to the City Planning Department.
- September 15, 2021 – Public Hearing took place at the Laurel City-County Planning Board for review as per the criteria in the Laurel Municipal Code. The Planning Board voted to approve the Zone Change request with the conditions stated within this staff report.
- October 12, 2021 – Public Hearing scheduled in front of the Laurel City-Council.
- Subsequent governing Body Action to follow as necessary.

STAFF FINDINGS

1. August 16, 2021 - The Applicant submitted a physical and digital copy of the Zone Change application
2. The Application contains all necessary items to move forward in review process.
3. The applicant is requesting a zone change for the above identified parcels to Heavy Industrial (HI).
4. The applicant has stated their goal of installing a power generation station that will generate 175-megawatts from natural gas in order to reinforce current power system capacity.
5. The parcels in question are already partially zoned as Heavy Industrial (HI).
6. The surrounding area to the immediate west is zoned Heavy Industrial (HI) and is used for those purposes by CHS Inc. as a petroleum refinery and by the City of Laurel as a Sewer Treatment Facility.
7. The current use of Parcel 1 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.
8. The proposed use of Parcel 2 as a public utility service installation is allowable within the Heavy Industrial (HI) zoning classification.

PLANNING BOARD AND GOVERNING BODY REVIEW CRITERIA

17.72.060 - Zoning commission action.

- A. The zoning commission shall review and take action upon each application in accordance with the provisions of this chapter, and after a public hearing at which the application shall

be presented to the zoning commission by the planning director together with his findings and conclusions on the matter. A report of the commission's recommendation and the planning director's findings and conclusions shall be submitted to the city council.

- B. The zoning commission shall make a recommendation to the city council to:
1. Deny the application for amendment to the official map;
 2. Grant action on the application for a period not to exceed thirty days;
 3. Delay action on the application for a period not to exceed thirty days;
 4. Give reasons for the recommendation.
- C. The zoning commission shall adopt such rules and regulations for the conduct of public hearings and meetings, which shall be published and available to the public, as well as conflict of interest rules, to ensure that no member is entitled to vote on a matter in which he has an interest directly or indirectly.

RECOMMENDATIONS

The Planning Director recommends that the Planning Board and Zoning Commission approve the zone change request and grant action on the application not to exceed thirty days for:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T02S, R24E

The Zone Change approval specifically notes that:

1. The parcels in question shall be fully included within the Laurel Zoning Jurisdiction.
2. The parcels in question shall have their zoning classification changed to fully be within the Heavy Industrial (HI) zoning district.
3. The parcels in question shall have no use on them which are not deemed allowable within the Heavy Industrial (HI) zoning district.
4. Any future change of zoning for said parcels shall follow the same process as this approval.

ATTACHMENTS

1. Zone Change Request Letter and Justification
2. Zone Change Application Form
3. Aerial Parcel Maps for effected properties
4. Aerial Parcel Map with concept drawing of proposed use
5. Site Concept Plan for proposed use
6. Declaration of Covenants and Conditions
7. LMC 17.20 – Commercial-Industrial Use Regulations
8. LMC 17.72 – Amendments

July 23, 2021

Mr. Nick Altonaga, CFM
Planning Director
City of Laurel
PO Box 10
Laurel, MT 59044

**Reference: Zone Map Amendment Application
NorthWestern Energy Laurel Generating Station**

Dear Mr. Altonaga:

On behalf of NorthWestern Energy Corporation, please accept our application for a Zone Change Request for the following two properties:

- Parcel 2, COS 1677, S15, T02S, R24E
- Parcel 1, COS 1239, S15, T2S, R24E

The properties are currently zoned Heavy Industrial (HI) and Agricultural Open Space (A1). The requested zoning is **Heavy Industrial (HI)** for both properties. Please note that the Laurel Zoning Jurisdiction splits Parcel 2, and with this application we are requesting that the City of Laurel adjust the jurisdiction line so that it encompasses all of Parcel 2.

NorthWestern Energy has identified a need for a new energy generation station. Planned retirements of electric assets in the Pacific Northwest region exceed 3,600 MW and the Northwest Power and Conservation Council forecasts regional capacity shortfalls as early as 2021. NorthWestern's continued reliance on the market to purchase energy to fill the gap during peak customer demand will significantly increase price and reliability risk for NorthWestern's customers because of the reduced energy supply availability.

In order to close the gap between our electricity generation and our customers' demands, the Laurel Generating Station will be developed to generate 175-magawatt from natural gas.

Mr. Nick Altonaga
July 23, 2021
Page 2

The location offers access to adequate, uncongested electric transmission and adequate natural gas supply. This land use will be consistent with the adjacent heavy industrial uses represented by the CHS Refinery and Laurel Water Treatment.

In support of this application, the following documents are included:

1. Application Form
2. Area Exhibit
3. Existing Zoning Exhibit
4. Proposed Zoning Exhibit
5. Site Plan of Generating Station
6. Adjacent Property Owner List and Mailing Labels
7. Property Covenants
8. Application Fee

Should you require any additional information, please do not hesitate to contact me. I can be reached at (406) 922-4313 or lwaterton@sandersonstewart.com.

Sincerely,



Lauren Waterton, AICP
Associate/Senior Planner

Enc.

cc: Roy Ishkanian, NorthWestern Energy

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

Zone Change Request

The Undersigned as owner or agent of the following described property requests a Zone Change as outlined in the City of Laurel Zoning Ordinance.

Current Zoning District (if zoned): A-1 (Agricultural Open Space)

Proposed Zoning District: H-1 (Heavy Industrial)

Legal Description of the Property: S15, T02 S, R24 E, C.O.S. 1677, PARCEL 2

S15, T2S, R24E, C.O.S. 1239, PARCEL 1

Address or General Location: Lindy Lane

Owner(s)/Applicant(s):

Name: NorthWestern Energy Corporation

Address: Attn: Roy Ishkanian, PO Box 80330, Billings, MT 59108

Phone: 406-655-6415

Email: roy.ishkanian@northwestern.com

Name: _____

Address: _____

Phone: _____

Email: _____

Agent(s)/Representative(s):

Name: Sanderson Stewart, Attn: Lauren Waterton

Address: 1300 N. Transtech Way, Billings, MT 59102

Phone: 406-922-4313

Email: lwaterton@sandersonstewart.com

Purpose/Reason for Zone change:

In order to meet the needs of customer's energy needs, NorthWestern Energy
will construct an energy generating station using natural gas supply.

The land use is consistent with adjacent heavy industrial uses (CHS Refinery, Laurel
Water Treatment Plant)

I understand that the application fee accompanying this application is non-refundable, that it pays the cost of processing, and that the fee does not constitute a payment for a zoning change approval. I further certify that all the information presented on this application and its supporting documentation is true and correct.

Owner/Applicant Signature: 

Date: 2/26/21 *ROY M. ISMIKAWATID*

Agent and/or Representative Signature: _____

Date: _____



HIGHWAY 212 S

BERNHARDT RD

BERNHARDT RD

8

SEWER PLANT RD

7

6

1-90 E

1-90 N

E RAILROAD ST

LINDY LN

1

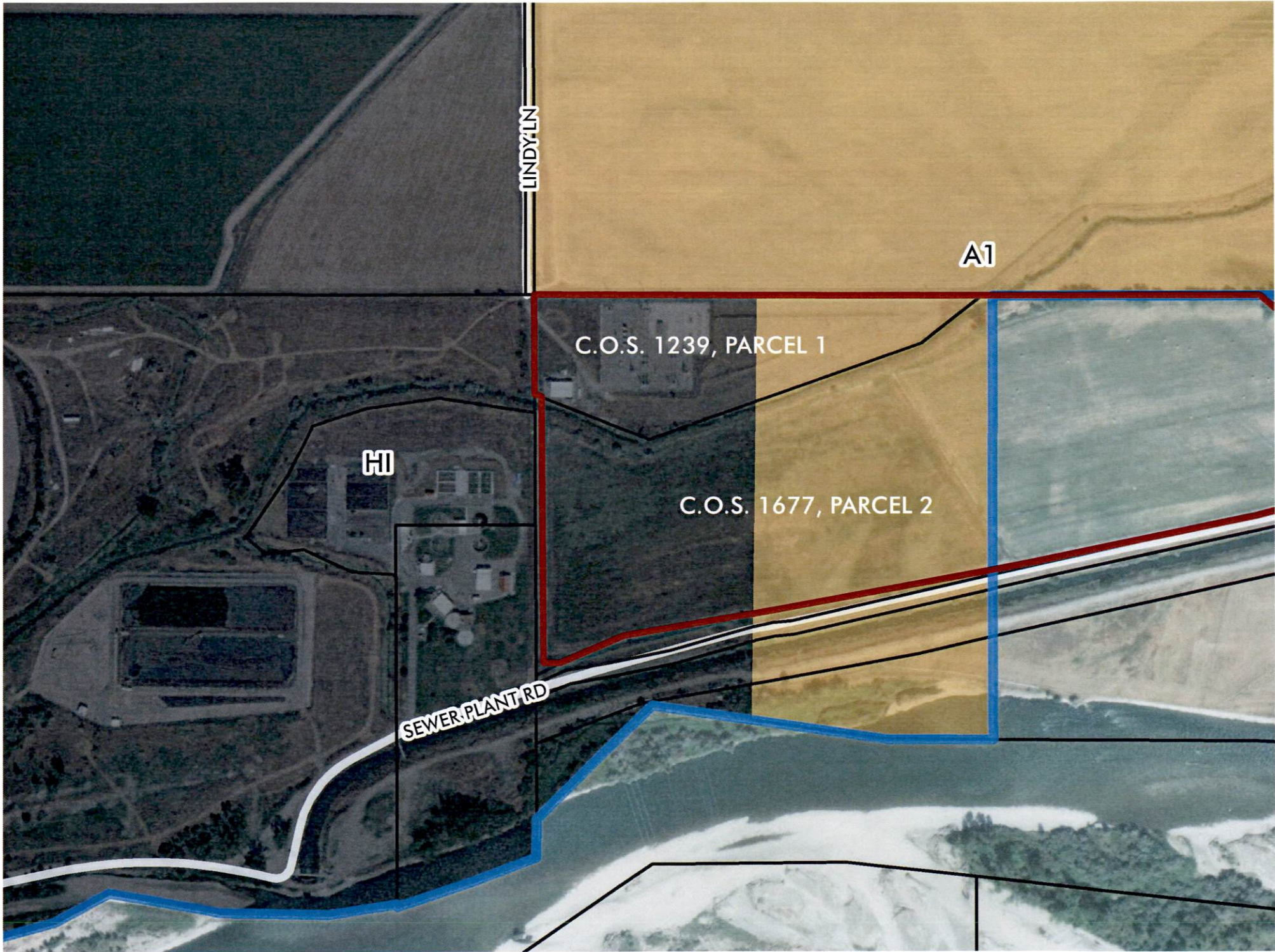
5

2

S STRAUCH RD

S LAUREL RD

4



LINDY LN

A1

C.O.S. 1239, PARCEL 1

C.O.S. 1677, PARCEL 2

SEWER PLANT RD

GO

LINDY LN

A1

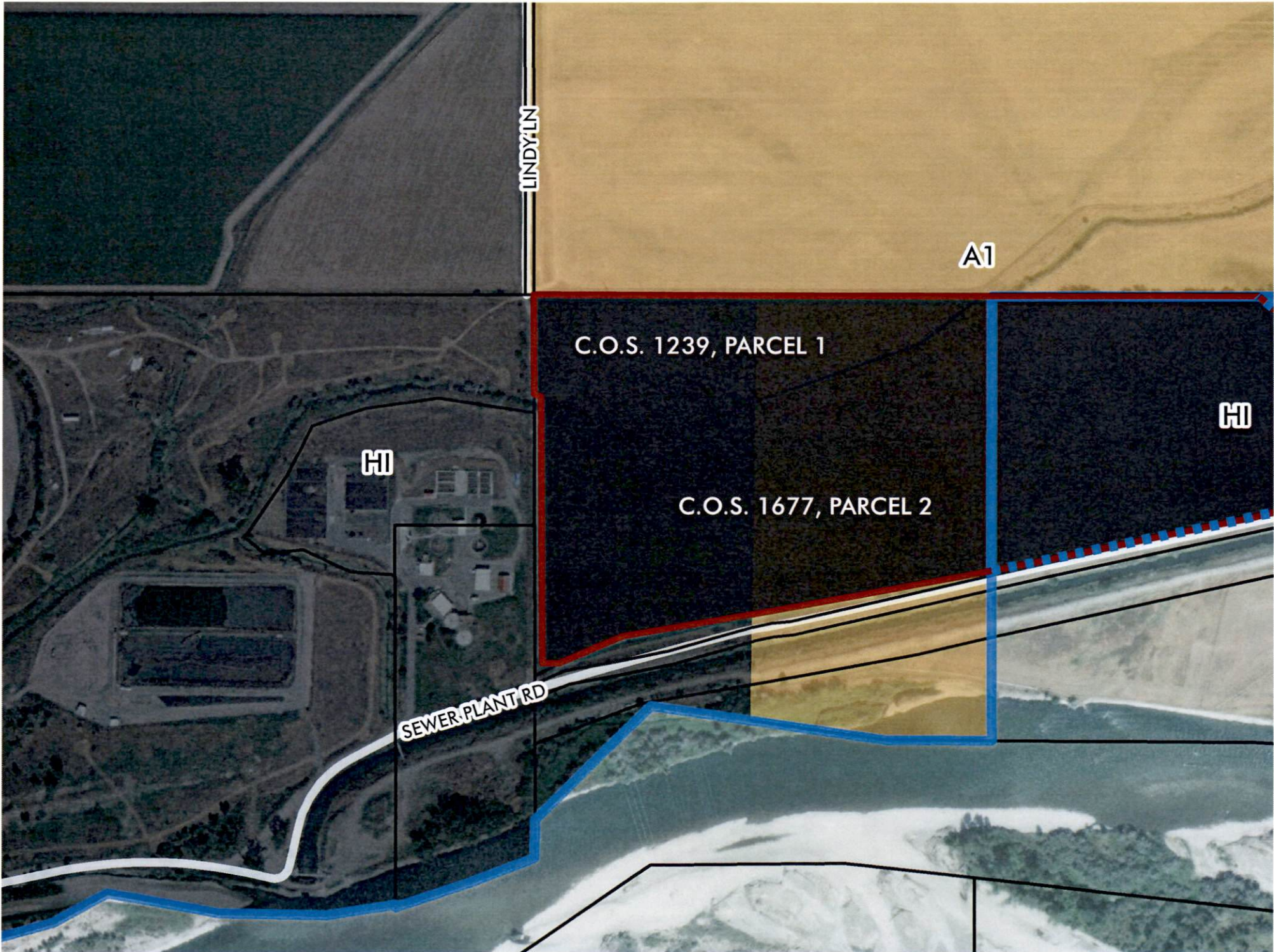
C.O.S. 1239, PARCEL 1

CO

CO

C.O.S. 1677, PARCEL 2

SEWER PLANT RD



4

3

2

1





CHS Inc. Laurel Refinery

City of Laurel Public Works Department
Sewage Facility

NorthWestern Energy Auto Substation

Proposed site for Laurel Generating Station



Return recorded document to:

CHS Inc.
P.O. Box 909
Laurel, MT 59044

ST1098221

DECLARATION OF COVENANTS AND CONDITIONS

This **DECLARATION OF COVENANTS AND CONDITIONS** (this "Declaration") is made effective as of the 11th day of May, 2021, by **CHS INC.**, a Minnesota cooperative corporation, whose post office address is P.O. Box 64089, Saint Paul, Minnesota 55164-0089 (hereinafter "CHS"); and **NORTHWESTERN CORPORATION**, a Delaware corporation, d/b/a **NORTHWESTERN ENERGY** with an address of 11 East Park Street, Butte, MT 59701-1711 (hereinafter "NorthWestern").

WITNESSETH

WHEREAS, CHS is the owner of those certain tracts or parcels of land situated in Yellowstone County, Montana, identified collectively as the "Benefitted Parcels" on the attached Exhibit A, and as legally described on the attached Exhibit B; and

WHEREAS, NorthWestern is the owner of that certain tract or parcel of land situated in Yellowstone County, Montana, identified as the "Burdened Parcel" (and together with the Benefitted Parcels, the "Parcels") on the attached Exhibit A, and as legally described on the attached Exhibit C.

NOW, THEREFORE, in consideration of the agreements, easements, covenants, conditions and restrictions contained in this Declaration, CHS and NorthWestern do hereby establish and declare that the Parcels shall be owned, held, and conveyed, subject to the agreements, easements, covenants, conditions and restrictions set forth in this Declaration. Upon recordation of this Declaration, any conveyance, transfer, sale, hypothecation, assignment, lease or sublease made by NorthWestern or CHS, or by any owner of any portion of the Parcels shall be and is deemed to incorporate by reference the provisions of this Declaration, as the same may from time to time be amended, and each owner, by acceptance of the conveyance of any portion of the Parcels, and each occupant by its use and occupancy of any portion of the Parcels shall be bound by the provisions of this Declaration.

1. Plant Construction and Operation.

(a) The Burdened Parcel may be used for the construction and operation of a nominal 175 MW gas-fired, electric-generating plant (the "Plant") consisting of eighteen, 9.7 MW class Caterpillar G20CM34 natural gas reciprocating internal combustion engines (RICE)

and associated balance of Plant equipment in full compliance with all applicable laws and regulations.

(b) Prior to making any submission to the Montana Department of Environmental Quality (the "MDEQ") pursuant to Title 17, Chapter 8, Subchapters 7, 8 or 12 of the Administrative Rules of Montana relating to the construction, operation or maintenance of the Plant (including any revision, modification or supplement thereto, each, an "MDEQ Submission"), NorthWestern shall provide to CHS a copy of the MDEQ Submission and CHS shall determine whether the operation of the Plant pursuant to the provisions in the MDEQ Submission will adversely affect the Benefitted Parcels or CHS's activities conducted or to be conducted upon the Benefitted Parcels. CHS shall have 10 business days following the receipt of the MDEQ Submission to either provide written consent or objection thereto. If CHS objects, the parties shall work collectively to discuss changes to the MDEQ Submission that would address CHS's objection and result in CHS's consent. NorthWestern shall not submit the MDEQ Submission to the MDEQ without the prior written consent of CHS, which consent shall not be unreasonably withheld or delayed. If CHS shall fail to respond to NorthWestern within such 10-business day period, then CHS shall be deemed to have consented to the MDEQ Submission.

(c) Any development or construction on the Burdened Parcel that deviates from the layout of the Plant set forth on Exhibit D shall require the prior written consent of CHS.

(d) Following the construction and commissioning of the Plant and in accord with the Montana Air Quality Permit issued to construct the Plant, NorthWestern shall submit an application to MDEQ for a Title V Operating Permit in accordance with the terms and procedures set forth in Section 1(b), and NorthWestern shall operate the Plant in compliance with any Title V Operating Permit issued by MDEQ.

(e) Following the construction and commissioning of the Plant, the Plant shall be supplied with natural gas through the repurposed Byron Pipeline. Any proposed change to the natural gas supply to the Plant from any source other than the repurposed Byron Pipeline shall require the prior written approval of CHS.

2. Public Grant. Nothing contained herein shall be used or construed as a grant of any rights to any public or governmental authority or agency.

3. Notices. Any notice or other communication required or permitted to be given hereunder shall be in writing and shall be mailed to the applicable party by certified or registered mail, postage prepaid, or nationally recognized overnight courier, and shall be considered given upon receipt, addressed as follows:

CHS Inc.
5500 Cenex Drive
Inner Grove Heights, MN 55077
Attn: General Counsel;

CHS Inc. Laurel Refinery
P.O. Box 909
Laurel, MT 59044
Attn: VP Refining; and EH&S Manager

NorthWestern Corporation
d/b/a NorthWestern Energy
11 East Park Street
Butte, MT 59701-1711
Attn: General Counsel; and
Vice-President Supply

Addresses may be changed by giving notice of such change to the other party in the manner provided herein. Unless and until such written notice is received, the last address given shall be deemed to continue in effect for all purposes.

4. Successors, Duration. The agreements and restrictions contained herein and the rights granted hereby shall run with the title to the respective Parcels and shall bind and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns. Unless otherwise canceled or terminated, this Declaration and all of the easements, rights and obligations hereof shall be perpetual unless prohibited by applicable law, in which case this Declaration shall remain in effect for the maximum amount of time allowed by law but in no event fewer than one hundred (100) years.

5. Amendment. This Declaration may only be amended, modified or supplemented by a writing signed by each party hereto; provided that CHS may unilaterally amend Exhibits A and B hereto solely to remove any tract or parcel of land from the Benefitted Parcels hereunder, and shall thereafter deliver to NorthWestern such amended Exhibits A and B, which amended Exhibits A and B may be unilaterally recorded by CHS. NorthWestern shall, if requested by CHS, execute and deliver an instrument in recordable form effecting an amendment to Exhibits A and B solely to remove any tract or parcel of land from the Benefitted Parcels.

6. Headings. The headings of the paragraphs contained herein are intended for reference purposes only and shall not be used to interpret the agreements contained herein or the rights granted hereby.

7. Counterparts. This Declaration may be executed in one or more counterparts, including by facsimile or other electronic means, all parties need not be signatories to the same documents, and all counterpart signed documents shall be deemed to be an original and one and the same instrument.

[Signature pages follow.]

IN WITNESS WHEREOF, NorthWestern has executed this Declaration this 7th day of May, 2021.

NORTHWESTERN CORPORATION,
a Delaware corporation
d/b/a NorthWestern Energy

By: 

Name: Brian B. Bird

Title: President & CEO

ACKNOWLEDGEMENT

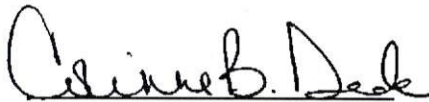
STATE OF South Dakota)

) SS

COUNTY OF Minnehaha)

This instrument was acknowledged before me this 7th day of May, 2021, by Brian B. Bird, as President & CEO of NorthWestern Corporation, a Delaware corporation, d/b/a NorthWestern Energy, for and on behalf of said Delaware corporation.

WITNESS MY HAND and notarial seal subscribed and affixed in said County and State, the day and year in this certificate above written.

By: 
Notary Public

My Commission Expires: March 16, 2027



EXHIBIT A

Site Plan Showing the Parcels

See attached.

EXHIBIT B

Legal description of the Benefitted Parcels

See attached.

EXHIBIT B

Parcel ID	Property ID	Owner	County	Legal Description	Property Address	Property C/S/Z	Owner Address	Owner City	Owner State	Owner Zip Co
03082116305160000	252077	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 9 BLK 2, AMD	403 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082115201010000	252000	CHS INC	Yellowstone	S15, T02 S, R24 E, S2NW (LESS HWY) 78.91 AC	607 BERNHARDT RD	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116309010000	252089	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 4 BLK 3, AMD	404 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407050000	252099	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 1 BLK 3, AMD	502 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116309050000	252090	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 2 BLK 3, AMD	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407060000	227373	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 3A, AMND	410 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407100000	227371	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 1, AMND	1111 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407050000	229499	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 1, AMND	1043 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116305200000	252088	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 19 BLK 2, AMD	535 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116305200000	252099	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 19 BLK 2, AMD	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116305200000	252098	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 19 BLK 2, AMD	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116305200000	252027	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 19 BLK 2, AMD	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082115201010000	251998	CHS INC	Yellowstone	S15, T02 S, R24 E, C.O.S. 989, PARCEL 1, AMND	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252017	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 989, PARCEL 1, & TR 2	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116312010000	252036	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1604, PARCEL 1, AMND	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116317050000	252044	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 952, PARCEL 2	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116409010000	252029	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 3225, PARCEL A, FRAC 561 (LESS .04 AC HWY) & TR A COS 3225 102.217	809 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116303010000	252170	CHS INC	Yellowstone	S20, T02 S, R24 E, SERW NSW EZNE SWNE & LOTS 1 TO 3 293.78 ACRES	1843 STRECK LN	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116317050000	252050	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1222, PARCEL A2, AMND	S 8TH AVE	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252030	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244	605 S 9TH ST	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116307080000	227372	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 2	1303 NUTTING RD	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082115101150000	252014	CHS INC	Yellowstone	S15, T02 S, R24 E, NZNE (S OF HWY)	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252014	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 999, PARCEL 1	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252035	CHS INC	Yellowstone	S16, T02 S, R24 E, NZSENE SWA & FRAC NENESWA LESS HWY	PO BOX 909	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116307100000	252049	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1676, PARCEL 1, NWSWA	830 YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116307020000	227378	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 6	US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
030821152010150000	251999	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1142, PARCEL 1, AMND	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116101020000	263125	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 188	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116206010000	229502	CHS INC	Yellowstone	RUSSELL SUBD, S16, T02 S, R24 E, BLOCK 3, FRAC OF BLK 3 RUSSEL SUB S OF I-90, .450 AC (B8)	S 6TH ST	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252043	CHS INC	Yellowstone	S16, T02 S, R24 E, NZNWSWSWA	1017 YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252051	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1222, PARCEL A1, AMD TR 1	S 9TH ST	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252040	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 430	801 YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116309030000	251997	CHS INC	Yellowstone	S15, T02 S, R24 E, S2NE EXC 14243305.09' ALONG N LINE	CHS US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252018	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 999, 1.01 ACRES	951 YELLOWSTONE AVE	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252041	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1856, PARCEL A, SW4	833 YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116310100000	252042	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1856, PARCEL B, SW4	1127 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407090000	227376	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 5	1123 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407040000	227375	CHS INC	Yellowstone	S16, T02 S, R24 E, COS 244, PARCEL 4, & 3C 2ND AMD, 11035 SQ. FT. (05)	1123 US HIGHWAY 212 S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082112010100000	252172	CHS INC	Yellowstone	S21, T02 S, R24 E, LOTS 1 TO 3 NZNW 185.2 AC	1308 NUTTING RD	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116305240000	252087	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 19 BLK 2, AMD	527 BADGER SQ	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116306010000	252038	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 2087, PARCEL 1, SESW	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116309030000	252095	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 6 BLK 3, AMD	1104 YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
0308211631019010000	229520	CHS INC	Yellowstone	SHEETS SUBD, S16, T02 S, R24 E, BLOCK 3, Lot 1 - 3, (LESS HWY1 LT 9-16 (LESS HWY))	YELLOWSTONE AVE S	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082115307020000	252006	CHS INC	Yellowstone	S15, T02 S, R24 E, NWSW, FRAC LITS 3 & 4 (LESS 2.5 AC CITY OF LAUREL & COS 1998) 94.51 AC	627 BERNHARDT RD	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116303010000	252033	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 952, PARCEL 1	S 8TH AVE	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116305020000	252069	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 1254, PARCEL 2 BLK 2, AMD	S 8TH AVE	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116404010000	252031	CHS INC	Yellowstone	S16, T02 S, R24 E, FRAC 52525E	1118 BOB CAT DR	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909
03082116407010000	227379	CHS INC	Yellowstone	S16, T02 S, R24 E, C.O.S. 244, PARCEL 7	1205 US HIGHWAY 310	LAUREL, MT 59044	PO BOX 909	LAUREL	MT	59044-0909

EXHIBIT C

Legal description of the Burdened Parcel

See attached.

Exhibit C

That part of the Southeast quarter of Section 15, Township 2 South, Range 24 East, of the Principal Montana Meridian, described as Tract 2, of Certificate of Survey No. 1677 on file in the office of the Clerk and Recorder of Yellowstone County, Montana, under Document No. 1056543.

16398463_v3

EXHIBIT D

Plant Layout

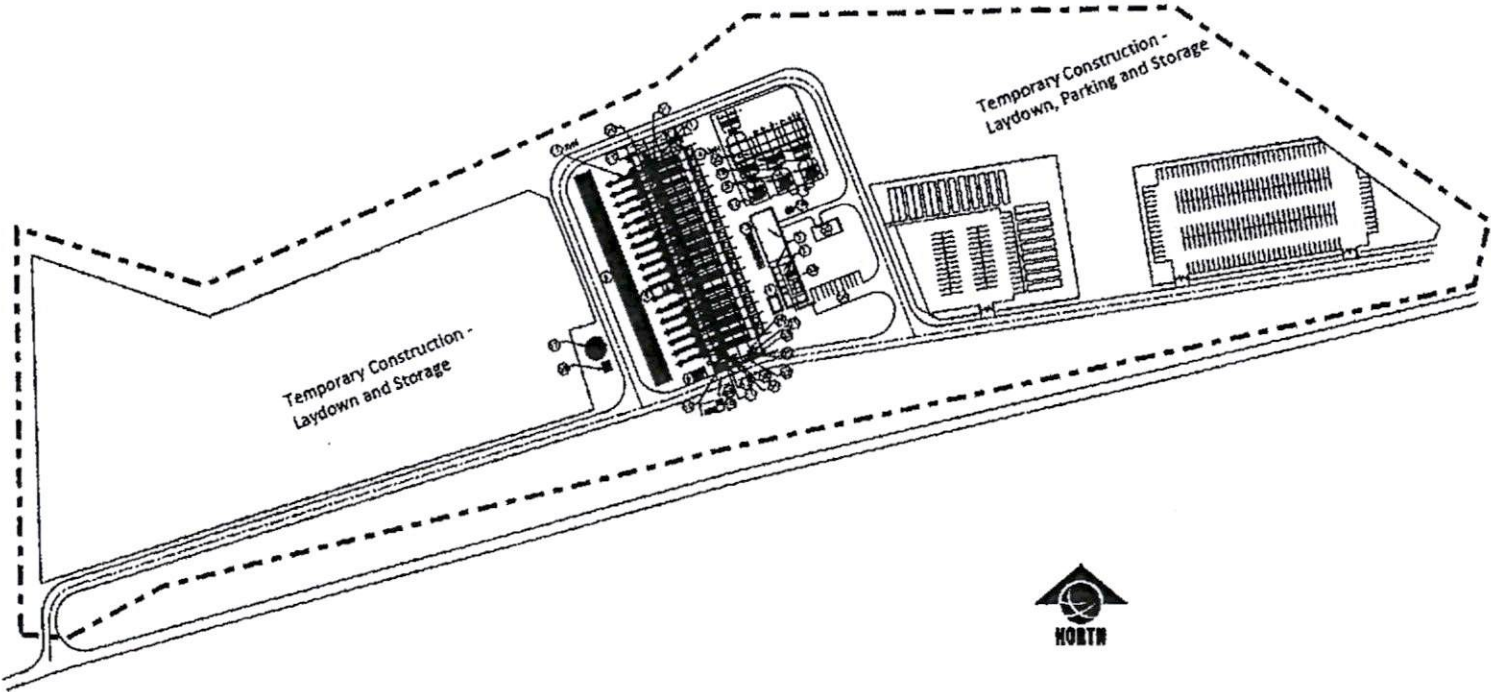
See attached.

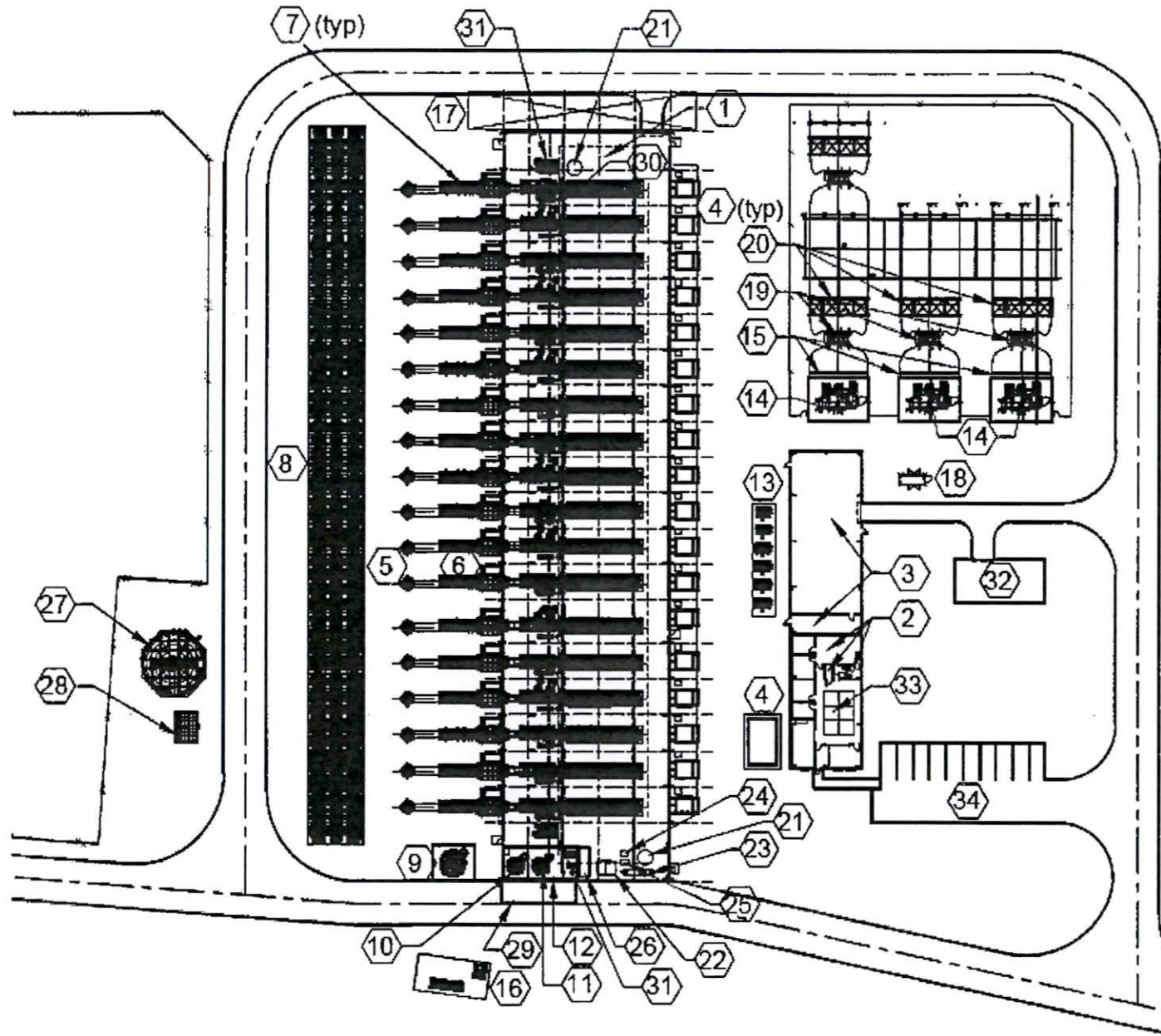
16384356_v8

Exhibit D – Page 1 of 2

Note: Plant layout and property boundary are shown in approximate locations. Plant layout will be added to the property survey at a later date and an updated drawing will be provided.

--- Approximate Property Boundary





SITE KEY	
1	ENGINE HALL
2	CONTROL RM, TOILET RM AND JANITORS CLOSET
3	ELECTRICAL & BATTERY ROOM
4	HVAC UNITS
5	SILENCERS - STACKS
6	SELECTIVE CATALYTIC REDUCER
7	CHARGE AIR FILTERS
8	RADIATORS
9	AMMONIA TANK W/ CONTAINMENT
10	NEW LUBE OIL TANK
11	USED LUBE OIL TANK
12	TANK CONTAINMENT
13	STATION TRANSFORMER
14	GSU TRANSFORMER
15	DEADEND STRUCTURE
16	FUEL GAS COALESCER & DEWPOINT HEATER
17	HEAVY HAIL ROAD
18	AUX GENERATOR
19	CIRCUIT BREAKER
20	DISCONNECT SWITCH
21	STARTING AIR RECEIVER
22	STARTING AIR COMPRESSOR
23	INSTRUMENT AIR RECEIVER
24	INSTRUMENT AIR COMPRESSOR
25	INSTRUMENT AIR DRYER
26	CHEMICAL TOTE STORAGE AREA
27	FIRE WATER TANK
28	FIRE PUMPHOUSE
29	UNLOADING STATION
30	FUEL GAS PRESSURE REGULATOR
31	MAINTENANCE WATER TANK
32	WAREHOUSE
33	ADMINISTRATION AREA
34	10 PARKING SPACES

MINUTES OF THE CITY COUNCIL OF LAUREL

November 23, 2021

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Mayor Emelie Eaton at 6:31 p.m. on November 2021.

COUNCIL MEMBERS PRESENT: Emelie Eaton Heidi Sparks
 Bruce McGee Richard Herr
 Scot Stokes Irv Wilke
 Richard Klose

COUNCIL MEMBERS ABSENT: Don Nelson

OTHER STAFF PRESENT: Bethany Langve, Clerk/Treasurer
 Sam Painter, City Attorney
 Brent Peters, Fire Chief

Mayor Eaton led the Pledge of Allegiance to the American flag.

Mayor Eaton asked the Council to observe a moment of silence.

MINUTES:

- **Approval of Minutes of November 9, 2021.**

Motion by Council Member McGee to approve the minutes of the regular meeting of November 9, 2021, as presented, 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.

- **Approval of Minutes of November 10, 2021, Special Meeting.**

Motion by Council Member Stokes to approve the minutes of the special meeting of November 10, 2021, as presented, seconded by Council Member McGee. 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.

CORRESPONDENCE:

- Beartooth RC&D November 2021 Correspondence.
- Ambulance Monthly Report – October 2021.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- Public Hearing: A Resolution Approving Zone Changes For Property Owned By Northwestern Corporation D/B/A Northwestern Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.

Mayor Eaton stated before we advance to the next item on the agenda, I have been requested that for matters of moving this along. Please do not, whether you are a member of the public or a member of the Council. Please refrain from improper expressions of sentiment; courtesy is required at all times in our Council meetings. So whether you seriously agree or seriously disagree with something that has been said, please just nod quietly but do not hiss, hooray, agree verbally, let's just please just let the next person move on. Also, before we advance to the public hearing, I would like to clarify what has gone on since the Workshop last week. And that is that I announced that I am, as Mayor, capable of forming a special committee. That is true; however, in this instance, we were talking about a matter that there is already a committee formed for. We were talking about the issue for NorthWestern Energy zoning, and I said that I would be willing to form a committee. Which is within my power as Mayor; however, the Zoning Board already exists. And the Zoning Board would be the proper body to take that back to. So we will not be advancing with creating that Board.

However, it still remains a possibility that the Council can remand an issue back to the Zoning Committee to get more answers if they feel that they need that. And also, as we progress on this issue, I will remind the Council that that very matter, the resolution with regard to NorthWestern Energy Zoning has been tabled. So before we even discuss it, we are going to entertain a motion to take it off the table that has to be seconded. We discuss it, we vote on it. Then if it is approved to be removed from the table, then we make a motion on that item, and I don't remember what it's numbered, but we make our motion then. Should the Council wish at that time, if they feel that they don't have enough information and they wish to remand it to the Zoning Committee, then they can substitute another motion and should that one pass, the first motion with regard to whether or not to approve the resolution will automatically die with the substitute motion. So just to clarify that for everybody.

Mayor Eaton stated this is the time and place set for the public hearing on the City of Laurel's resolution approving a zone change for property owned by NorthWestern Corporation D/B/A NorthWestern Energy located near Lindy Lane within the City of Laurel's zoning Jurisdiction.

Mayor Eaton opened the public hearing and asked Staff to present the item.

Please see attached Staff report from Planning Director Altonaga.

Mayor Eaton opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Eaton asked three (3) times if there were any proponents. There were none.

Mayor Eaton asked if there were any opponents.

Carol Blades, 1809 DeNittis Lane, read the attached statement into the record.

Steve Krum, 249 24th Avenue West, read the attached statement into the record.

Kasey Felder, 1434 McMullen Lane, I'm not going to take very much time. My dad, I thank my dad for going to bat for all of us who live south of the river. He is honestly my hero. I just wanted to read to you in case it's not fresh in your mind what questions were asked at City/County Planning Board meeting; see attached minutes. The fact that the plant could potentially put out 700,000 tons of greenhouse gases, I would say, is a very major environmental concern. And the City Planner may notify property owners within radius more than 300 feet if he determines that the proposed use of the property would have a substantial environmental impact on the surrounding land uses. I would say 700,000 tons is pretty significant. I just wanted to refresh your mind in case you hadn't read it in a while. Again, thank you for your time; happy Thanksgiving. Thank you for your consideration.

Greg Childs, Theil Road, I don't know how many of you had a chance to read the Gazette today. But on the front page was an article about methane. I am kind of pleased to announce or say that the Associated Press contributor, Mr. Matthew Daly agreed to put this on the paper today because of this meeting. Thank you, Matthew. Mr. Childs read a portion of the attached article. Methane is 86 times more damaging to the environment than carbon dioxide. That fee is going to be collected by NorthWestern Energy consumers.

Michael Cantrell, 1950 Saddleback Drive, I live approximately three miles from the refinery. On a clear night, winter or summer, when the refinery chooses to superflare their gases anywhere between 1:00-4:00 in the morning, sometimes it wakes me up, and I can hear it. I've gotten used to it. It doesn't happen all the time, but every so often, and it doesn't matter which way the wind is blowing, I can hear the refinery flare at night. I just realized that 65 decibels, this plant is going to create approximately the same amount of sound 24/7, and I think you all know what I mean because when I lived three other places in Laurel and I can hear the refinery from all the places I've lived. And I think that that would be a constant source of noise pollution and irritation to all of us all the time except perhaps in 40 mph winds going directly that way, which we have had more than our share lately. And I wanted to point that out. I agree with Mr. Childs; I was going to do the very same thing, methane is extremely dangerous. But I thought I would bring the noise pollution issue to the forefront. We all know what that sounds like when the refinery is doing that, and I think it would be a very difficult thing to deal with. Thank you.

Joan Marrin Smith, Billings, read the attached statement into the record.

Cara Ronan, 1721 Nicholas Lane, as many of you already know, I have spoken before this Council a few times. As you can see being the Council in front of us, each time we show up, we are coming more and more in force, and the reason behind that is the more and more that the word gets out about what is planned and what is happening without our knowledge beneath the City with this proposed site being put in is drawing more and more members of your community out to speak with you to beg with you to plead with you all the way from Billings Montana even. About putting a stop to the building of this plant. Kasey already went over what I was going to do, which was go over with you guys the questions that were asked to the actual Planning and Zoning Committee. Nine questions were all that was worth being asked for the environmental implications of building this plant, for the physical implications of building this plant. Nine questions. I want each of you to ask yourself nine questions. Many of you I know have raised teenagers at home; nine questions doesn't even get the truth out of a teenager's mouth. I would like to go over one specific question, the question on staffing levels. And Mayor if you could let me know if this is possible or not. Would you mind if I took a silent hand pole of the audience? Is that permissible?

Mayor Eaton stated I believe you can voice your questions, but I don't believe we need to poll the group.

Ms. Ronan stated, well, then I'll ask this then. Then silently of the group, if it does whatever it does, it will do it. So the question asked on staffing levels for the plant is that there will only be 15 to 20 staff members. By possible so of hands, without looking behind me, how many people in this room do not agree with putting this plant in Laurel, Montana. I don't even have to look behind me because I can already tell you that there is about 25 to 35 hands raised. As the Council, I ask you to please consider this. This is today, you know last week there were less of us here. And the week before that. Each week we will grow in numbers. And we will hold you accountable and call into account that nine questions is hardly worth making a decision moving forward for the City of Laurel. I myself, I have told you guys, am 4th generation here in Montana on my mom's side. I'm fifth generation on my father's side. My great grandmother Frank, Mary Frank, for those of you who may or may not know her who worked diligently with the Laurel Garden Club here, wrote in her memoirs to us about going down and harvesting ice on the Yellowstone River to keep their cold houses cold. What will be the implications for the next four generations of Montanans if you put this plant into place. If that's too big for you to consider, what will be the implications for the next three generations of the Montanan's. How about the next two. How about your grandchildren, your children. How about yourself. I thank you guys for what you have done up until this point in listening to us and taking time to consider these facts. And I ask you to continue to do so. Thank you.

Priscilla Bell, 1310 Wildhorse Drive, which is north of the golf course. I grew up in Billings, Montana, and went to West High. And while I was there, a gentleman came to our class, and I remember him talking about poor air quality in Billings at that time. That was many, many, many years ago, and as students, we just thought, well, this won't go on. People will not put up with this. How wrong I was. My mother died of emphysema in Billings, Montana. You cannot build this plant; I am begging you not to build it. I just couldn't believe when I heard about it. This is the first Council meeting I have ever been to in my life. But this matters to me. We are in the middle of a global crisis with our environment. We are, as American Citizens, pledged to try and make a difference to stop the pollution. To stop it now, not next year, not two years from now. Now. And when I heard you were going to build this plant, I was like, what? What are you thinking? Are you thinking? Please make a consideration; money is not everything.

Simon Cecil, 923 Yale Ave Billings Montana, I rise tonight to ask all of you to oppose the development of this plant. As my wife and I contemplate the possibility of having children of our own as we see our friends begin to raise young children of their own. We think a lot about the state of the world that we are giving those kids. The quality of the air and the water that the children will grow up breathing and drinking. It's no secret, and it's not controversial to say burning methane is a key driver in producing ozone. And that when we elevate ozone levels, that in turn causes more cases of respiratory distress, particularly asthma and COPD. You've already heard folks tonight rise to talk about how much that weighs on them. I don't think I need to tell anyone here after the last two years about how serious respiratory illnesses are. We've all seen it and experienced it with our own eyes and experienced living through just how terrible the weight of respiratory illnesses can fall on us. And the impact of methane doesn't stop there, right; methane also has a very serious impact on plants, particularly livestock forage. I spent this summer watching ranchers who I work with talk about how hard they are finding hay because of the drought. And what has survived the drought has been burned up in fires. Livestock ranch is a key part of the livelihood of our communities and of this valley. And pushing additional methane into the air will damage the ability of ranchers, people I consider close friends, to make ends meet. NorthWestern Energy tells us that this plant is not only



necessary but urgent. That it needs to be built right of way. But it wasn't so important that they were willing to go out and consult members of the community that's going to be most impacted by this plant. Heck, it wasn't so important that they even send a representative tonight, a night when you can see dozens of citizens who are not here because they are being paid, but simply because they care about the issue rise to speak. Our communities do not exist to serve NorthWestern Energy; it is the other way around. If this plant is built, all of us will bear the cost. Costs we will feel in terms of harms to people we love who will deal with respiratory distress. Ranchers, we know who will struggle to make ends meet. And we will feel that for years and then decades to come. All of you have the opportunity to prevent that. And I'm here tonight asking each of you and all of you to take a stand and do so. Because it's the right thing to do for Laurel, and it's the right thing to do for our valley. And I hope that you will take that into consideration. Thank you so much.

Grey Ahrens, Billings, If I understand correctly, all the question that we are trying to answer here is just about the Zoning, not about water pollution, not about air pollution, not about noise, and not about aesthetics. None of those. And that, I guess as it may be. I think that you need to remember the history of air pollution in Yellowstone valley. Yellowstone valley is just like a hallway. The pollution that is created here in Laurel goes right down to Billings, past Billings into Huntley, and I don't know how much further it goes than that, but it's a corridor. I was one of the people my family has; we have two asthmatics in the family. We fought for years in the 80s and the 90s to try and get a control on specifically sulfur dioxide, SO₂. It was very difficult to do. We did; there was finally, if you remember, in the 90s... mid-90s, the problem was so bad that Yellowstone County, Montana, had the worst SO₂ pollution in the nation. Worst than Pittsburgh, worse than any other industrial center you can name. Right here in Yellowstone County. It was so bad that EPA finally stepped in after man folks pushed. And insisted that the valley and the pollution be studied. It was found that through computer models, yes indeed, there was an exceedance of SO₂ standards. And the EPA, through DEQ, forced the State to come up with a plan to control SO₂. That required, they came up with a total cumulative total of how many tons of SO₂ could be put into the atmosphere in Yellowstone County, and then each one of the seven, I think it was at the time, polluters were assigned a [inaudible] maximum of SO₂ that they could emit in any one year. I have the good luck, the good fortune; I'm retired from the federal government, but I still teach once and a while at Montana State University in Billings. And boy, the students up there, when you turn them loose on a project, they are wonderful. And they found something, even given my background in SO₂ emissions, I was surprised that they looked up on the EPA website, and they found that Laurel is still not and has never obtained the SO₂ limit that was dictated from that State implementation plan. There is, you look in the thing, here it is, you look in their EPA website Yellowstone County sulfur dioxide. And if you look at the nonattainment, you find out that Laurel, that means CHS over here has never obtained the limit in the for SO₂. I'm not sure why that is, I think when we had our visitor from DEQ come and talk to the class, he wouldn't specify, but it looks like DEQ is negotiating constantly with CHS. DEQ had rather not fine CHS; they'd rather CHS use the money that was going to the fines to build equipment that controls the emissions, which makes sense. But what is hard to believe is that DEQ is going to permit, under the Clean Air Act, another source of SO₂, and I'm just talking about SO₂, not the other contaminants that will come along with it. But permit another SO₂ source within spitting distance of CHS. I'm kind of surprised that there isn't a representative from CHS here. I wouldn't think that makes them too happy. But its...I can't imagine that that project would ever be approved just simply because Laurel and the area is currently in nonattainment for SO₂. And another source of SO₂ is certainly not going to help that. I thank you for listening to me. Thank you.

Aaron Felder, 1434 McMullen Lane, good evening Council, and good evening Mayor. And before I forget, I wish you all a Happy Thanksgiving at the end of this week, and hopefully, you have some great plans. Just real quick, you don't have... this evening or this week sometime, if you take a minute and Google the gas plant that was put in in Great Falls. It's being dismantled; it's being sold off because it couldn't meet the zoning regulations that were placed upon it. So before something gets built over here and becomes a big eyesore, or it's thrown down the big legal chains. Let's send it back to Planning if we can, please. Take that into consideration. There been a lot raised here about the nine questions, and I feel that there is a lot more questions to be had. So with that said, appreciate if you can push this on back over to Planning. And I'd like to say this too, thank you for your fidelity. I do appreciate that. Last week you showed us that, and I hope tonight you give us that again and that support. Thank you.

Melissa Nootz, Campaigns and Advocacy Director for the Montana Environmental Information Center of Helena, I wanted to ask first Mayor Eaton did you get the letter from our legal counsel, Earth Justice, and would we be able to read that into the record tonight.

Mayor Eaton stated, yes, I have quite a stack of items; I won't be reading them in, but they will be part of the record, and I will be acknowledging them.

Ms. Nootz stated, thank you so much, thank you. I first wanted to thank you all, Mayor Eaton, and your esteemed Council for the meeting last week, and I'm here on behalf of all of our members here in Laurel and the surrounding area as well. We appreciate your wanting to support your communities interest in wanting to get to the bottom of some of these questions that they've been bringing up—and learning the actual impacts of NorthWestern Energy's zoning request prior to voting on it. We also appreciate your attention to process as it's a critical part of a high functioning local government, which includes allowing and encouraging the public to engage. So thank you for that. I also want to respectfully request tonight that the information NorthWestern Energy has shared both verbally and in writing with the Mayor and the Council about the proposed methane gas plant and the impacts on air, noise, light, water, wildlife, nearby residents, Riverside Park, taxes, and any financial gifts offers be official submitted into the public record for the benefit of the public. Not only would we like to see that in the minutes, but we would like to see that on a landing page on your City website, so the public has access to that information as well. And if your not able to share that information with the public, could you please state your reasoning to keep that information off the records. Thank you.

Oli Tripp, 1519 McMullen Lane, I guess I just got a few things, maybe some questions and some statements. I'll just ask to people here so. You know, some of the things people keep saying are, it's going to bring tax dollars here. And that's awesome because Laurel could use some tax dollars. We do have bad streets. We have a refinery that I think pays taxes, but we still have bad streets. Is there an estimate of tax dollars that are coming from this power plant? Is it a dollar, is it a thousand dollars?

It was clarified the City will receive zero dollars.

Mr. Tripp stated that there is no tax dollars, so maybe there is not a tax benefit to having the power plant here. I just want to know. If I don't ask, I'll never know, and I don't know who to ask. So I'm asking your guys because I figure you guys are in the know because your up there, and I'm back here. But I don't know who knows that answer. So if it's zero dollars, great, if it's a million dollars great, but know body seems to know, and maybe it is just zero dollars. I'll just move on here to something I was just thinking of. I have a two-year-old granddaughter she just had surgery today. She got yesterday she got out of the hospital today. I'm looking forward on the parking and going down and walking down the river with her. To show her the Yellowstone River as she grows up. Someday I hope to do that with her soon. I mean that days coming, she walks she's a good little girl. I was just wondering here, has anybody here not walked along the riverbanks? I am guess everyone here has, at some time in their life, walked somewhere near the river, found out a way to get to the riverbank, and then started walking along the river. I guess my question to you is, did you ever do that? Did you ever do it with your grandkids or your children, or your wife? Or did you do it with your grandfather or your grandmother? I mean, I remember being little and walking around with my dad and my grandpa. Going down to the river, the cricks. I'm just trying to save another section of the river to not have a big industrial building put alongside of it and yet will if we are trying to walk down beside the river and enjoy it. That we get to maybe enjoy the noise it makes or just enjoy the site that it is. So I guess that's where I'm at here. Those of you who are thinking of moving forward with this maybe think back to if you ever got the chance to walk around with your grandpa and enjoy the river and the nature where you were at, and I am hoping to do that here. And that's what I hope to see this thing; if this thing gets built, it's not going anywhere. And we are going to see it for more than my generation. It's going to outlive me, you guys; it will probably be here for another 100 years, 200 years, who knows. And we will all get to sarcastically enjoy it if that's something that's out there. So anyway, that's all I have to say. Thank you.

Robert Lance, 316 Forrest Ave; my family has lived at the end of Lance Lane since my grandpa purchased the property in the 40s. I was recently told this was going to be built, and I had no idea this was coming. This was new news to me in regards to Laurel. I've always thought of Laurel as just the refinery, and I hope nothing else ever comes here besides just the refinery. The stink that it caused when I was growing up was enough to stay in my mind; I'll never forget it. I can't believe this is even a thought being consider to put here this property is in a floodplain. I remember seeing that area flooded. If it gets flooded while that factory's there, the pollution that that alone would create. I can't think about... please don't allow this.

Melanie Tripp, 1519 McMullen Lane, Sorgen Leischner, she lives with her aunt just down the road. Ava Tripp is my daughter. Council, thank you so much for your time. I know that this is mostly a volunteer position. I have friends on Billings City Council, and I know all the stress and heartache

they go through to provide that service to Billings, and I know that I that your job is not easy. So my job here tonight... Last meeting, I told you I am not a scientist. I don't have numbers or anything like that for you. My job is just to get you in the feels. And why is that important because? That's why we love to live in the City of Laurel. That's why people move here, that's why they stay here, that's why buy houses. Whether they spend more money or less money, which directly affects our tax dollars. So, my house is directly across from where the power plant will be. And I don't think there is any question to whether the power plant will affect its value. And I brought Sorgen and Ava here tonight, and I did not prompt them or tell them what to say. Did I tell you what to say?

Sorgen/Ava: No.

Melanie: No. Ok, so I'm just going to ask them a few questions. They came directly from their Laurel Locomotives basketball game in Shepard; this was their last game. And girls, come here, tell me which school do you go to?

Sorgen/Ava: Laurel Middle School

Melanie: And What Grade are you in?

Sorgen/Ava: 7th Grade.

Melanie: How old are you?

Sorgen/Ava: 12 almost 13

Melanie: 12 almost 13. Ok, you made a smoothie at my house last night. What did you put in the smoothie?

Sorgen/Ava: Fruit. We put an avocado in there, yogurt, milk.

Melanie: Did you put ice in it?

Sorgen/Ava: No.

Melanie: No ice in a smoothie. Do you normally put ice in a smoothie?

Sorgen/Ava: Yeah.

Melanie: How come you didn't put ice in it last night?

Sorgen/Ava: Because we had frozen strawberries.

Melanie: Frozen strawberries. So if they were to put ice in that smoothie, it would come from our well. I think we have talked about the risk of pollution in the water. Because we do have a well and I think a lot of people in the audience do as well. And what's the river like where we live?

Sorgen/Ava: It's nice; we usually go down there. We like to hang out there in the summer. We like to swim, but if the power plant gets built, we won't be able to do that because the air will be so toxic and polluted. I think.

Melanie: So we're going to swim in the river. We do that quite often. What do we down there? We build a fire and do what?

Sorgen/Ava: And roast marshmallows.

Melanie: We roast marshmallows. Do you come to our house a lot?

Sorgen/Ava: Yeah.

Melanie: Do you like it down there?

Sorgen/Ava: Yes.

Melanie: What's cool about it?



Sorgen/Ava: The river is very fun to swim in. And it's just a beautiful place to be at.

Melanie: Beautiful place. Do you see animals?

Sorgen/Ava: Yeah.

Melanie: What kind of animals and birds and things do you see?

Sorgen/Ava: We have three horses.

Melanie: Well, our horses.

Sorgen/Ava: Yeah. Two, yeah, three. We have chickens and goats, and they go down there a lot because they need to get a drink or something.

Melanie: They do. That's where they get their water from too. And do you see like wildlife?

Sorgen/Ava: Yeah, there's a lot of deers, and there's wild turkeys out there.

Melanie: Wild turkeys, yep. How do you think a power plant on the other side of the river, so if you're sitting down at the river and you see it on the other side, how do you think that's going to affect where we live?

Sorgen/Ava: There's a beautiful view where we live, and it's just gonna cover it up.

Melanie: Do you know what that's going to look like?

Sorgen/Ava: It's not going to be relaxing. It's going to be stressful, and it's probably going to give me anxiety.

Melanie: Did anybody tell you what it would look like if there was a power plant on the river?

Sorgen/Ava: No.

Melanie: So, ok, I think we have already discussed this. There's going to be 18 77-foot towers on the other side of the river. Do you think it is a good idea to put a power plant on a river?

Sorgen/Ava: No. Because it can affect animals and other people, and young children.

Melanie: So again, I am not a scientist, and I'm not in 7th Grade. But even a 7th grader knows that may be a power plant on a river, not a good idea. Is there anything else you want to say about this?

Sorgen/Ava: My grandpa did build a house down there, where they live. He said he really loved it. My dad, he especially he does not want anything there, because he use to like swim down there and he had memories down there. And if there's a power plant down there, then it's just not going to be there anymore. Also, I have a niece and a nephew. It's just not going to be very healthy for them. My niece just turned two, and my nephew is eight months old, a year old. There's numerous places where you could put it that nobody lives.

Melanie: So Sorgen's grandfather built our house. Who knew, and Ava and Sorgen are friends. They just became friends. So it's a small world. But and also the City of Laurel is a small town. And that's how we want to keep it, right? We don't mind new people coming in. We love that. Montana's an open place, and we have a lot of room for everyone, but maybe the idea of having a beautiful landscape is what people think about when coming to Montana and moving here. And maybe Laurel is a place they want to be. Especially when we live on an amazing spot like the Yellowstone River like we do. So I guess what we are asking today, Council, and I know you've heard a lot tonight, and you're so patient. We, please ask that you send this back to the Zoning Board and have them discuss whether or not this going to affect those of us who live south of the river. And whether they've looked at that. Because as far as I know, nobody has asked me. And I'm so very thankful that we have had a chance and an opportunity to say something tonight. Thank you.

Terry Krum, 1310 E. Railroad, read the attached statement into the record.

Mayor Eaton asked two additional times if there were any more opponents. There were none.

Mayor Eaton stated that he would not have Staff respond to questions as there were none.

Mayor Eaton closed the public hearing.

CONSENT ITEMS:

- **Claims entered through November 19, 2021.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 11/14/2021 totaling \$202,062.33.**
- **Council Workshop Minutes of October 5, 2021.**
- **Council Workshop Minutes of October 19, 2021.**
- **Council Workshop Minutes of November 2, 2021.**
- **Council Workshop Minutes of November 16, 2021.**

The Mayor asked if there was any separation of consent items. There was none.

Motion by Council Member McGee to approve the consent items as presented, 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of November 9, 2021.
- Public Works Committee Minutes of October 18, 2021.
- Tree Board Minutes of October 21, 2021.
- Park Board Minutes of November 4, 2021.
- Public Works Committee Minutes of November 15, 2021.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Appointment of Jacob Vannoy to the Laurel Volunteer Fire Department.**

Brent Peters, Fire Chief, briefly introduced Mr. Vannoy to Council.

Motion by Council Member Sparks to approve the Mayor's appointment of Jacob Vannoy to the Laurel Volunteer Fire Department, seconded by Council Member McGee. 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. R21-122: Resolution Of Intent To Annex Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County.**

Motion by Council Member Klose to approve Resolution No. R21-122, 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. R21-123: A Resolution Of The City Council To Adopt Criteria For Awarding And/Or Approving Grants For The Laurel Urban Renewal Agency (LURA) Board And City Council.**

Motion by Council Member Sparks to approve Resolution No. R21-123 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.

- **Motion To Allow Council Member Klose To Be Absent From The City Of Laurel For More Than Ten Days (LMC 2.12.060)**

Motion by Council Member McGee to approve the motion to allow Council Member Klose to be absent from the City of Laurel for more than ten days (LMC 2.12.060), seconded by Council Member Wilke.

Kris Vogel, 306 E. 4th Street, I reside in Ward 4, and I wanted to speak to this. I think Councilmen Klose should be able to be absent from the Council when he needs to be, but there's two vacant seats of the Council, which is 25% of the Council. And I think the Council needs to fill those seats before they seriously think about allowing Council Members to be absent. Right now, one or two members of the Council can basically run the City or strong-arm any motions that are made. And I think the Council really needs to fill vacant seats. Ward 1 seat, which the Mayor vacated, should be filled by December 8th according to Montana Code or City rules. And Ward 4 has been vacant for 98 days. Technically not vacant, but on three months that Council should be meeting to fill that seat. I haven't seen anything through Council motions to fill that seat that has not been representing me for the last three months, 98 days to be exact. That's really it. I think Laurel would be in a much better position if they would have had a City Administrator, but that doesn't have to do with the vacancies. I don't have a problem with Council Member Klose's absence from the Council, but I really have a problem with vacant seats. That don't represent probably 2500 people in Laurel. Thanks.

Mayor Eaton stated I am going to break a little bit with tradition simply because this has been a confusing topic to me as well as to members of the public. So I am going to have our City Attorney address the issue of my Ward 1 seat.

Sam Painter, City Attorney, stated, thank you for the question. I think it's an interesting one. When we have the death of the Mayor occur, we had to obviously had a vacant position. The Council appointed the Councilperson from Ward 1 to perform the duties as Mayor until the next elected candidate took office, which is in January. You've got less than 30 some days left. You have a Council President who's now acting as the Mayor. She did not give up or vacate her seat. That seat was never declared vacant; it remains filled. The question is can she vote? The law is very clear. If a Councilperson is serving and performing the duties of the Mayor, she has not given up her seat. That hasn't been declared vacant. If she had to give up her seat to temporarily serve as the Mayor, who would have done that.

Mr. Vogel stated the elected Mayor, who was elected to the seat.

Sam Painter, City Attorney, stated nobody. Now the elected Mayor takes his position January 2nd. I believe. [January 3rd] The first Monday. So right now we have a Council, we have one vacancy, that is not a vacancy. We have one position that is in question for attendance. Ok. That question is ongoing. It will resolve itself. The Council may have to take some action to deal with that, but we don't know at this moment. In regards to who is serving as Mayor, who is serving the position that Emelie currently holds, if there's a vote by the Council. I've directed her to go ahead and vote as a Council Member. She still represents that district. Ok. What happens if there is a tie 4 to 4. I've also directed her to vote once as a Council Member and once as the Mayor to break the tie. It's a logical way to do business—you're going to have a new Mayor in less than 30 days...35 days. I don't believe it serves the public to declare Emelie's seat vacant, appoint someone for 35 days. Then kick them out when your new Mayor gets sworn in and put Emelie back. That makes no sense. I disagree with you. That's my legal position for the City. If the City disagrees or if the folks in the public disagree, my opinion can be challenged. But that's the way the City has been operating, and we are going to continue to operate that way. Thank you.

Council Member Klose clarified that the circumstance surrounding this request had changed, and he will no longer need permission to be absent from the City.

There was no council discussion. A vote was taken on the motion. All seven council members present voted nay. Motion failed 0-7.



- **Resolution No. R21-109: A Resolution Approving Zone Changes For Property Owned By Northwest Corporation D/B/A Northwest Energy Located Near Lindy Lane Within The City Of Laurel's Zoning Jurisdiction.**

Mayor Eaton reminded Council that this matter had been tabled, and a motion to untable the item would need to be made first.

Motion by Council Member Klose to untable Resolution No. R21-109, seconded by Council Member Wilke.

Forrest Sanderson, Contract Planner with KLJ, stated he is the Senior Land Use Planner with 32 years of experience certified by the American Institute of Certified Planners. I am also a certified floodplain manager. I have no affiliation with, no relationship to, or with the engineering firm Sanderson Stewart. By coincidence, of name Sanderson. My last name is Sanderson the engineering firm Sanderson Stewart. They are competition if we put the appropriate term on it. But I am not related to and I have no affiliation with that firm. I put that out so everyone is comfortable with the fact that I understand that that firm has submitted a portion of the application for NorthWestern Energy and their petition to change Zoning within the City of Laurel's jurisdiction. Next, I want to thank everyone who has taken the time to speak to this matter and issue tonight and at the several previous iterations of hearings and meetings conducted by the City of Laurel on this quite difficult topic. We have a substantial record. That record continues to grow. And unfortunately, it is my opinion as your Planner and as a certified Planner that your record City Council is incomplete. Montana law requires that an analysis as found in Title 76-2-304 be completed. Those documents, those findings, those conclusions are notably absent. My recommendation to the Council now that you are going to entertain taking it off the table. Is that you remand the matter back to the Planning Board and Zoning Commission. To complete that record. Specifically, that tasking is, if Bethany would hand this out for the Council, so you have it, see attached. As part of the hearing this evening, I heard several items that could potentially would warrant or rise to the level of findings and potentially as conclusions. But that is not my role this evening. That role rests with your Zoning Commission. Mr. Sanderson read the eleven questions listed in the attached handout. Montana law requires we address these questions. I implore to you; please remand to your Zoning Commission with the tasking in my recommendation. Thank you, Madam Mayor.

Mayor Eaton stated I would like to take this time, I did not do this during the public hearing, and that was my bad, but since he is sitting next to me, I am also going to give all of the public comment that was received via email to that public record that he is building.

Forrest Sanderson, KLJ, we will read it into the record at the Zoning Commission. Sincerely I appreciate everyone who took the time to speak this evening and to submit their comments in writing. It matters. We cannot answer those questions without having the spirited public debate that went on here this evening. It's all about the process; I heard that several times as well. I guarantee you. You're going to get process.

Mayor Eaton asked if there was anyone else who would like to make public comment.

Sorgen Leischner and Ava Tripp, so we already spoke, but I think I have a lot more to say. What kind of really affecting me is that my grandpa, he passed away a couple of weeks ago. And he specifically said before he passed is that he does not want his house polluted by any type of air because he knew what was going to happen. And he just feels like there's going to be a lot of memories that are going to be like ruined and just like it's just not really healthy. Again, we have a well, and that flows through the river. Our water's going to be disgusting; I can tell you that. Also, it's not affecting kids, but it is affecting adults. Kids that live close near probably won't be able to go outside and play especially young children. They can't have really a childhood, which really doesn't seem fair to them. And it's not just affecting younger kids; it's affecting elders too because their immune systems are not as good as they were. But it's not going to be healthy to breathe in that air. And I have neighbors that I might not get along with all the time, but like we might be out of the City limits, but we still matter too. We are part of this community. Also, the airflow will also blow polluted air towards schools, and it can go through there, and it will affect sports like soccer, softball, football, and other things to where kids won't be able to play. And the airflow changes too, so it's not just affecting people on the south side of the river. It's also going to blow into the schools or the City, and it's just not going to be good. And I like my small town, and I like how it is, and I don't want anything to change. And I think that's all we have. Thank you.

Mayor Eaton asked if there was any more public comment.

Kasey Felder, I just want to say thank you for giving us the process. Thank you, Mr. Sanderson, for bringing those issues up and giving us this opportunity to really visit this correctly. That's all. Thank you.

Mayor Eaton asked if there was any additional public comment.

Aaron Felder, thank you, Forrest Sanderson, for bring that forward. I really appreciate that. Mr. Klose, I appreciate you too. About a month or so ago, you kind of spoke to us; you kind of reamed us good. And I appreciate that you really spoke to me. I think what we've heard tonight is a lot of people stand up for their quality and quality of life. And I appreciate that from all these people. Those neighbors and the neighbors to the east of us as well to the north of us. Very appreciative of that. And I thank you guys for your service. I thank you for your willingness to be here tonight; and I know it's late, and I know it's a holiday week, but I thank you again. I thank you, Sam, for being here tonight to look over things. It's important that you're here. I appreciate the Council being here as well. The Clerk, the City Clerk, for being here as well. And I know it's a lot of work putting things together, and I'm not a person to type things into the record, but I know it takes much, much hours, especially on a night like tonight. So much appreciated. Happy Thanksgiving to you all and to all a good night. Thank you.

Mayor Eaton asked if there was any additional public comment.

Kris Vogel, 306 E. 4th Steet, first, I appreciate your work, Mr. Sanderson. I think one thing that would be important for the Council to do and the City to do is to find out how this could happen. How could something move forward to you without all of the things that Mr. Sanderson brought forward that are required under State law? That would be important because right now, this has been a waste of your time. This shouldn't have gotten to you if the Council would have looked at all these things and found out if they actually followed what Montana law would provide. Maybe it does, and then it would it would come to you, but there's been a lot of time spent on this matter. That may be the Zoning Commission did not do their job. But there's a reason that somebody needs to bring those up to the citizens who serve on that committee or that Board. And I think that's something that the Council should look into.

There was no council discussion.

It was clarified that the item would need to be untabled prior to making a motion to send this matter back to the Zoning Commission.

A roll call vote was taken on the motion to untable Resolution No. R21-109. Council Members Sparks, Herr, Wilke, Klose, Stokes, and Eaton voted aye. Council Member McGee voted nay. Motion carried 6-1.

Motion by Council Member Klose to remand this matter back to the Zoning Commission, seconded by Council Member Sparks.

Forrest Sanderson, KLJ, asked for a clarification from the gentleman making the motion. Councilmen Klose did that instruction include the remand and the instructions per my recommendation.

Council Member Klose clarifies that yes, it did.

There was no public comment.

Council Member McGee questioned why, since the easement that Northwest Energy requested last time we had a special meeting did not pass, Council is bothering to waste time with a zoning request if they cannot get gas to the land. It was further questioned if the City of Laurel is the appropriate governing body to be making this decision. It was clarified that some of those questions would be answered through this process, such as whether the City of Laurel is the appropriate governing body to make the final decision. If that answer is yes, it comes back; if our answer is no, our record will be forwarded to the Board of County Commissioners, and they will then make the decision. It was further clarified that it is not the City of Laurel's problem how they intend to get gas to the proposed power plant. That is NorthWestern Energy's problem. The question before Council is only Zoning. The landowner has a due process right to land use.

A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Have a great Thanksgiving.

Council thanked both the City Attorney and Forrest Sanderson for attending tonight's meeting.

Next Tuesday is the 5th Tuesday of the month there will be no Council meeting.

December 7th is Pearl Harbor Day; there will be a ceremony at the City Cemetery at 10 a.m. and the National Cemetery at noon.

City Hall will be closed for Thanksgiving.

Mayor Eaton thanked Staff for their hard work.

MAYOR UPDATES:

There was a letter sent out in regards to Ward 4.

The issue with W. Railroad street is progressing thanks to Staff.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Klose to adjourn the council meeting, seconded by Council Member Wilke. There was no public comment or council discussion. A vote was taken on the motion. All 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 8:42 p.m.


Britney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 14th day of December 2021.


Emelie Eaton, Mayor

Attest:


Bethany Langve, Clerk/Treasurer

