

**MINUTES  
COUNCIL WORKSHOP  
JULY 29, 2014 6:30 P.M.  
COUNCIL CHAMBERS**

A Council Workshop was held in the Council Chambers and called to order by Mayor Mark Mace at 6:30 p.m. on July 29, 2014.

**COUNCIL MEMBERS PRESENT:**

<input checked="" type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Doug Poehls
<input checked="" type="checkbox"/> Bruce McGee	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Chuck Dickerson	<input type="checkbox"/> Scot Stokes
<input checked="" type="checkbox"/> Tom Nelson	<input type="checkbox"/> Bill Mountsier

**OTHERS PRESENT:**

Heidi Jensen	Chad Hanson
Monica Plecker	Jean Kerr
Kurt Markegard	Irv Wilke

**Public Input (three-minute limit):**

There was no public input.

**General items:**

- Appointments:
  - Laurel Ambulance Service: Sherry Sauskojus and Keenan Makin
  - Laurel Library: Clair Killebrew to fill a term ending June 30, 2019
  - Laurel Airport Authority: Rob Eng to fill a term ending June 30, 2019

The appointments will be on the August 5<sup>th</sup> council agenda.

**Executive Review:**

- Laurel Rod & Gun Club – Request to hold trap shooting event for the Brotherhood of Locomotive Engineers

Irv Wilke explained that the Brotherhood of Locomotive Engineers asked the Laurel Rod & Gun Club to put on a trap event for them during their annual family party on Tuesday, August 19<sup>th</sup>, from 10:00 a.m. to 5:00 p.m. (7:00 p.m. was requested in the letter). The shooting event will end when the participants get tired of shooting, run out of shells, or decide to start drinking beer. Irv stated that the rule is there is no liquor anywhere near the shooting line, so when they start getting thirsty and start heading that way, the shooting event is shut off. The Club will follow the protocol that is in the lease and Irv has a crew put together for the event.

- Resolution – Amend conditions of approval for Community Hope

Monica mentioned that the council had a discussion about the Community Hope property at a previous council workshop. No formal direction came out of the discussion, so a resolution was prepared for the council's consideration, as the decision is up to the council. The resolution specifically refers to the original resolution (Resolution No. R13-95) that was approved and would just remove conditions 6, 7 and 8, which is what Community Hope requested.

Conditions 6, 7 and 8 relate to the fencing issues, as follows:

6. A six foot, solid cedar fence shall be provided from both sides of the back building line to the alley and along the alley.
7. The alley fencing must allow for dumpster access from the alley.
8. A drive through gate shall be provided on the north end of the alley fence; this gate shall remain closed and locked when Community Hope is not open.

There was no further discussion.

- Discussion – Cell phone tower – temporary use (Tom Nelson)

Tom spoke regarding the council's recent vote on the temporary use permit for a temporary cell phone tower and his concern that the issue was not on the agenda and properly noticed to the public. He hopes that the issue for temporary cell phone towers would be addressed in the zoning ordinance so future requests would be handled through the planning department, not at the 11<sup>th</sup> hour asking the council to vote on it.

Monica agreed and explained that, after talking with legal counsel, it was determined that the city's ordinances did not address temporary cell phone towers. They tried to make the best of a bad situation in order to make sure some consideration was given to the item, which was brought forward at the 11<sup>th</sup> hour by Verizon. With it being related to a special event and only having one council meeting in place, legal counsel felt that it was the better option to move forward in the manner that was done, recognizing that there were flaws with it.

Monica and the city attorney have discussed the need to address the city's telecommunications chapter and add a new section related to temporary structures, which is on her list of projects.

Regarding Bruce McGee's concern that the FAA be informed about the temporary cell phone tower, Monica stated that the applicant provided that information the next day.

- Resolution of Intent for SID No. 114 Maintenance Assessment

Monica stated that a memo regarding the process for the maintenance assessment for SID No. 114 was distributed to the council. The process will be needed on an annual basis.

Monica explained that the SID in Elena Subdivision has a special maintenance assessment with it. Based on MCA, the statute says that the city must pass a resolution for the special maintenance assessment by the first Monday in September each year.

Since the issue was brought to staff's attention this afternoon, Monica did not have a lot of particulars to present to the council tonight. Staff started the discussion today of what the balance is in the current fund and the anticipated need for next year. The final information should be available in a day or two in order to meet the deadline.

Monica explained the steps required to reach the first Monday of September deadline. The issue was introduced at tonight's council workshop and a resolution of intent to levy the special assessment will be considered by the council on August 5<sup>th</sup>. That triggers a notice period for the residents in the Elena Subdivision. The city is required to advertise twice in the newspaper and to mail a notice to the property owners in Elena Subdivision. The resolution to levy the special assessment will be presented at

the August 12<sup>th</sup> workshop, followed by a public hearing and council consideration of the resolution on August 19<sup>th</sup>.

If the council had questions or concerns about the resolution of intent to levy the assessment next Tuesday, the schedule would be pushed back and would result in a September 2<sup>nd</sup> date for a public hearing and passage of the resolution. After talking with Dorsey & Whitney today, Monica stated that would not be an ideal situation because it puts the city in jeopardy for losing the assessment. It is confusing because the public hearing for the other SID related levies is scheduled on September 2<sup>nd</sup>. This particular special assessment has a different set of rules to play by.

Regarding the notice period and the public hearing, the property owners can voice their opinion, but there is no such thing as a protest to get out of the assessment like there is a district. They can speak but it does not change the fact that the council is still able to assess, as there is no threshold that they meet that would take the assessment away. More information will be given to the council as it becomes available.

Monica stated that there was not a maintenance assessment for Elena Subdivision last year. The money was not spent the first year it came in, so the property owners were not assessed last year. The city has since purchased the lawnmower and city staff is maintaining the park. Last year there was no assessment, but this year based on the idea of creating the maintenance assessment, it would be appropriate to move forward that way.

- Resolution – Task Order No. 32, 2014 Street Maintenance Project

Kurt explained that the Management Budget that the council approved includes about \$200,000 for pavement maintenance for chip sealing, crack sealing and patching. The task order is for Great West Engineering to prepare plans and specifications and perform services for the 2014 project. Great West has assisted with this project four times every other year.

There was discussion regarding the use of the MicroPaver Program to determine which streets need pavement maintenance, the priorities for this project, the small utility repair projects that are done in the odd years, the plan to go to bid in August and complete the chip sealing in September, and the fact that pavement management is an ongoing project for the city. The cost of the change order is included in the \$200,000 budget for street maintenance. The change order includes extra inspection time, which may or may not be needed for the project.

There was further discussion regarding the issues with the quality of the chip seal projects in 2012, issues with the motion of the sharp turning in and out movements by vehicles on certain streets, and the possibility of getting good price quotes from contractors for work in August and September before they close down.

- Resolution – Amendment to Task Order No. 26, Survey and design for new intake

Kurt stated that this is the culmination of about three years' work and dealing with FEMA and the regulatory agencies. The design criteria has identified that it would probably be best to look at a new intake on the Yellowstone River, since the river keeps moving by the bridges and the city has been fighting that for 100 years. Kurt stated that council records indicate that it has never been an ideal location behind the bridges. As of last week, the river has moved again. It is putting gravel deposits in on the north side and the river actually got wider by the intake again. The city never knows what to expect from the bridges and the sediment load coming down. Great West has recommended that the

city look at a more stable location that is three miles upstream against the White Horse Bench formation, where there is a higher elevation. This task order would authorize Great West Engineering to start doing some additional services for the proposed new intake.

Chad stated that a lot of work has been done on the Environmental Assessment (EA) that FEMA required as part of this process. He estimated that \$125,000 of the task order amendment is work that has already been done and for which Great West has already invoiced the city, and FEMA has or will reimburse the city. It has all been FEMA driven in their environmental process. Great West is expecting approval from FEMA any day to publish the public notice for the EA and hopes to have it published by August 1<sup>st</sup>. The 30-day publication would go through the end of August. Then FEMA would finalize their approval of the Environmental Assessment and issue their Finding of No Significant Impact by the end of September. At that point, FEMA would start developing the Project Worksheet (PW), which is the actual funding mechanism.

Chad explained that a lot of time-consuming work has to happen before construction, including the survey of the river. If the city got the go ahead to survey the river and the corridor in December or January, that could not be done because of the ice. The land acquisition for the easement also needs to be done. The proposal is to get everything in place so that, when FEMA approves it, the city can give Great West direction to start work on the survey, prepare all the permitting for the design, and prepare the Conditional Letter of Map Revision for the floodplain (CLOMR), which is a six-month process through FEMA. This work needs to be done in order to go to construction next October. If the survey and easement acquisition are not done until next spring or summer, there is no way that things will be in place in time for fall construction in 2015. It would then be in 2016, but staff, Great West and the council would like to see this project closed. The survey would probably be done in September or October, once FEMA approves the EA.

Chad stated that, as long as they can go back (1960's), the river channel at the White Horse Bench has never moved. It is similar to the situation the City of Billings has where the river is up against the rims and cannot go anywhere. The city's current channel changes every year. White Horse Bench is the closest spot found that was stable and in the same spot in aerial pictures going back.

Emelie asked if the work that has been done has been paid for by FEMA.

Heidi stated that FEMA has not paid for all of it, as the city absorbed the costs of removing the sediment underneath the bridges and putting in the temporary dike and the temporary rock weir. Great West has been telling FEMA why they should pay for the additional rock that the city put on the bank this spring and tying it to the 2011 event. As of now, FEMA is not reimbursing the city for that amount, but everything else has been reimbursed to this date. Engineering costs have not been reimbursed on the items mentioned. All other engineering costs have been reimbursed or will be reimbursed when the invoices are submitted to FEMA.

Emelie asked if FEMA would pay for the construction of the new intake and if the city would have to budget for incidentals.

Heidi stated that FEMA will pay for it just like reimbursement is received now. The money is held at the State DES Office, the city submits the bills, and the electronic reimbursement is sent to the city for the invoices. There could be some incidental costs, as there always seems to be something for which FEMA will not pay.

Chad stated that the biggest incidental is Kurt and Heidi's time, for which FEMA will not reimburse the city.

Great West Engineering will provide copies of the Environmental Assessment as soon as approval is received from FEMAQ.

- Resolution – Judge's salary increase

Heidi stated that, at the last council workshop, she understood that the council wished to pursue the same \$.80/hour increase that the non-union staff received this year. At \$.80/hour, that is an increase of \$1,664 for the judge's salary in the 2014-2015 budget. The increase will be retroactive to July 1, 2014.

Doug asked if the judge's salary could be reviewed yearly when the other employees' salaries are reviewed.

Heidi will try to place a resolution on an agenda in February or March for the council's consideration, or as soon as staff figures out the new budgets with the department heads.

- Discussion – Fines for dog waste offenses in parks

Heidi stated that the judge attended tonight's meeting and knows the council is looking for some direction regarding fines.

The minutes of the Park Board meetings from April 3, 2014, and June 5, 2014, were distributed to the council. Heidi read from the April 3<sup>rd</sup> minutes: "Chuck moved that we suggest minimum guideline fine for dog waste of \$100 and fines to increase with subsequent violations." From the June 5<sup>th</sup> minutes, Heidi read: "Gretchen motioned dog waste fines to be \$100, \$250, and \$500 as previously discussed at the April 3, 2014 Park Board meeting."

Judge Kerr and the council had a lengthy discussion regarding fines for dog waste offenses in parks, on public property, and on private property. Discussion included the process for a citizen to submit a written complaint, the possibility of retaliation toward the complainant, the need to set guidelines so people know the fines, whether the fines pertain to only public property or include private property, the suggestion to put bag stations in the parks, and whether the ordinance addresses animal waste on public and/or private property.

Legal counsel will be contacted and there will be further discussion at the August 12<sup>th</sup> council workshop.

- Council Issues:

- Lease Task Force update

Heidi had two contractors look at the roofs on the buildings in Riverside Park recently, but no bids have been received. They had keys to go inside the American Legion building so they could see the exposed rafters. Both contractors said that the entire roof on the American Legion building would have to be replaced as it has T-lock shingles, which are no longer available. With the Rifle Club's building where the leak is in the bathrooms, the contractors said if there was not too much damage too far up from the flat roof, they could tie into the roof with those shingles that are still in production. The entire roof would not have to be replaced on the huge building.

Tom stated that the clubs that lease the buildings might be interested in doing some work themselves. If they are interested, they should contact Heidi or Mayor Mace.

Tom encouraged the city council to pay attention to the Park Board, as the board is discussing Riverside Park.

Chuck stated that the Park Board will meet on Thursday, July 31<sup>st</sup>, at 5:30 p.m. at the FAP Community Room to discuss Riverside Park and some issues on that.

- Update on 2011 Yellowstone River flooding event

Heidi stated that Chad covered what is going on now with the EA being completed and hopefully being advertised and released by the end of this week. The survey and design for the new intake are the big things that will be pushed forward. In last week's conference call, FEMA said they are working on it but are responding to a lot of other disasters, too. Hopefully, the EA will be done by the end of the week and then staff can start working on the permitting process and the CLOMR and moving forward with the design.

Other items

There were none.

Review of draft council agenda for August 5, 2014

- Public Hearing:
  - Ordinance No. O14-03: An ordinance amending Section 17.20.010 of the Laurel Municipal Code to update the City's Zoning Ordinance regulating commercial-industrial use within the City of Laurel.

Attendance at the August 5, 2014 council meeting

Doug will not attend the next two meetings.

Announcements

Chuck asked regarding the tall weeds and grass on the property on the northwest corner of Sixth Avenue and Seventh Street. Heidi will ask Code Enforcement to check into it and contact Chuck regarding the issue.

Mayor Mace stated that the RFP for engineering services is out and will close on August 8, 2014.

The council workshop adjourned at 7:38 p.m.

Respectfully submitted,



Cindy Allen  
Council Secretary

**NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.**