

**MINUTES
COUNCIL WORKSHOP
DECEMBER 9, 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 December 9, 2014.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Emelie Eaton (7:04 p.m.)	<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 checked="" type="checkbox"/> Scot Stokes
<input type="checkbox"/> Tom Nelson	<input checked="" type="checkbox"/> Bill Mountsier

OTHERS PRESENT:

Heidi Jensen, CAO	Norm and Zada Stamper
Kurt Markegard, PWD	Irv Wilke
Chad Hanson, Great West Engineering	

Public Input (three-minute limit):

There was none.

General items

- Reappointments to the Laurel Urban Renewal Agency, Police Commission and Park Board
The appointments will be on the December 16th council agenda.

Executive Review:

- Resolution – Budget Amendment

Heidi stated that the budget amendment is for fiscal year 2013-2014. The clerk/treasurer has closed the books for this fiscal year and the auditors will be here in the middle of January. This is the only budget amendment needed. The amount that could be in the reserves for the health insurance plan was exceed so the clerk/treasurer had to move funds out of it, which left the fund underfunded, in order to make sure the city is within its reserve amount for the budget as a whole.

- Resolution – Contract with Great West Engineering

Heidi explained the resolution for a contract with Great West Engineering. The city went out for RFP for Engineering Services, interviewed two engineering firms, and found that the city was best served to continue with Great West Engineering. The 67-page contract has been reviewed by the city attorney, who negotiated changes regarding mediation and arbitration. The changes have been approved by both entities. The actual contract would be effective January 1, 2015, after Great West has finalized their fee schedule.

- Discussion – WWTP Update

Heidi asked Kurt and Chad to give an update on the WWTP project that is nearing completion.

Chad Hanson stated that the wastewater treatment plant project is nearing completion. The aeration basin is scheduled to go online next week. The seed sludge will be coming on Tuesday and the operators will receive training all week. When that is done, the old RBC basins will go offline. The main construction will continue for about a month or month and a half, followed by site restoration. The main treatment plant should be up within the next two months. As the project comes to a close, Chad explained some changes submitted via Change Order No. 4, which was added to tonight's council workshop agenda.

The change order included:

- Miscellaneous changes to mechanical plans to meet MDU requirements on gas service lines and to replumb water lines and manifold in Blower Building as requested by City;
- The City requested two additional, exterior plug valves on the RAS lines outside of the blower building;
- The City requested two additional, interior plug valves on the sludge suction lines from the secondary clarifiers;
- During construction, the conduit for power from the blower building to the secondary clarifiers was discovered to be severely corroded and a large section needs to be replaced; and
- Separate, additional circuits are required for the air dryer units on the new compressors in the blower building.

Change Order No. 4 is for \$33,445.29, for a total of \$74,619.21 in change orders for the project.

There was discussion regarding the needed electrical work and the conduit. The DEQ has received comments regarding the proposed septic receiving station and Chad will prepare a response. Since the contractor has a specific timeframe to complete the WWTP project, the septic receiving station will probably be completed in the spring of 2015.

- Update on 2011 Yellowstone River flooding event

Heidi asked Chad and Kurt to give the update on the flooding event.

Kurt explained that the council recently considered an emergency resolution for the city to get permits in place and to do additional contracting, dig a pit and install the pump that was delivered two weeks ago. Kurt spoke regarding the recent slush ice and ice jams on the river. He also distributed pictures of the river. The pictures are attached to the original council workshop minutes.

Chad mentioned that the engineers completed the survey work for the long-term solution. Work continues on the base map and the easements.

Heidi stated that, in today's conference call with FEMA, the city was informed that the project worksheet to pay for the engineering for the long-term solution should be to the city and to Great West by the end of next week. That is a big step in obtaining funding for the intake. When Great West Engineering asked FEMA if they should continue working on the long-term solution, FEMA said they saw absolutely no problem and encouraged the city to get the permitting done as quickly as possible.

- Resolution – Contract with Marstaeller Construction

Heidi explained the resolution and contract with Marstaeller Construction. About three months ago, the Chamber of Commerce approached her about the need for a new roof on the building. After

research was done, no signed lease between the Chamber and the City of Laurel was found. A lot of minutes talked about a lease and directed various staff to do something about it, but no signed lease was found. As the city owns the property and the roof replacement was not budgeted, Heidi asked the Chamber to get three quotes. The three quotes were presented to the Budget/Finance Committee. The committee denied the request the first time and asked for more information. Heidi requested the information from the Chamber Secretary, who attended the next Budget/Finance Committee meeting to explain the need for the roof and the type of material that needed to be used. The building currently has a cedar shake roof and the Chamber wants a steel roof. The Budget/Finance Committee approved the expense. This contract authorizes the mayor to sign a small service contract with Marstaeller Construction, since it is over the \$5,000 amount.

Heidi stated the need to acquire a lease with the Chamber of Commerce. As a member of the Chamber board, she will work with them to obtain a lease in the near future.

Bruce asked if there were any other options than metal.

Heidi explained that the Chamber presented two different types of roofing material, an asphalt roof or the metal roof. The Chamber preferred the metal roof, which was also preferred by the two quotes received from the roofers.

- Resolution – Lease Agreement with American Legion Baseball

Heidi stated that this should be a discussion item and not a resolution, as it was voted down last council meeting with the suggested \$1,200 lease amount.

Doug stated that he is not opposed to a tiered lease agreement, as proposed by the American Legion. His concern is that the American Legion's proposal never reached the \$1,200 fee for four months or \$300/month for four months. He asked for some justification of the city's costs involved in maintaining the area and for clarification if the lease includes the Little League fields.

Heidi explained that she discussed the maintenance of the fields with the Public Works Director, who stated that the \$300/month covers the wages to mow and weedeat the fields. The \$300/month does not include trash, electricity, water or any other type of maintenance.

Doug asked if the fields included the American Legion and Little League fields.

Heidi stated it includes the fields and the concession stand, according to the map. The \$300/month only covers mowing and weedeating. Staff understood that it was expensive to go from \$1.00 to \$1,200 but felt that council's direction had been to provide a more realistic cost based on the use of the city's facilities.

Doug asked if the lease included both the Legion field and the Little League fields.

Heidi thought that the lease included all of the fields.

Doug questioned if it would only be a Legion field and if there is a separate lease with the Little League.

Heidi said there is a separate lease with the Little League that would be entered into as soon as the Legion lease is completed.

Doug stated concern that the American Legion would pay for the maintenance of the Little League fields and questioned if a lease with the Little League would also include the maintenance costs.

Heidi was glad that the Stampers attended the meeting because the language in the lease was brought to her as the American Legion proposed. If the Little League information needs to be removed, she would like the American Legion to suggest that.

Norm Stamper, 523 Date Avenue, represented the Laurel Dodgers. He stated that the Dodgers met recently and the Little League had a board meeting on Monday night. These same questions have come up in the respective board meetings. Little League and the Dodgers are two separate entities, and the Little League has made it clear that they do not want to be considered part of the American Legion's lease. Norm stated that the Dodgers have nothing to do with the two small fields and do not want to be the leaseholder on the two small fields. Norm suggested that the issues should be discussed by a committee and the Dodgers.

Chuck stated that, if the Little League does not want to be a part of the American Legion's lease, a lease with the Little League could cover the maintenance costs for its own fields. If the two entities pay amounts that equal \$1,200/season, the maintenance costs would be covered without the American Legion having to foot that whole bill.

Bruce McGee spoke regarding a recent memo from legal counsel that suggested that staff and lessees discuss and agree upon the terms of the leases prior to presenting them for council approval.

Heidi stated that the staff did work on this together before it was brought to the council.

Bruce stated that it was not hammered out with the resolution that came before the council last week. He asked that everyone take a step backwards, and that staff and the lessees get together and then present the council with resolutions rather than involving the council in the discussion. He sees it as a tremendous waste of time for council in something that eight people are never going to agree upon. Bruce stated that he appreciated Norm's desire for discussion with a committee, but stated that committees are the worst way in the world to kill things because people cannot agree. He would rather that the entities and staff get together, as Sam suggested in his memo, and then bring the council a resolution to approve or disapprove.

Heidi stated that, unfortunately, the amount will probably never be agreed upon and the council will still need to vote on the lease amount.

Bruce stated that, the way this shook out, the council had a proposal and the Legion had a counter proposal. The counter proposal never had an opportunity to be seriously entertained before it was presented as a resolution before council, and that was not what legal counsel's memo dictated. The memo dictated that there be some kind of consensus. If that's the point where staff tells a leaseholder that they heard their request but staff's recommendation is different, then the council can say yes or no. But it does not involve the council in the discussion, which is what he wants to get away from for two reasons. One, because it was suggested by legal counsel and two, because he sees the council wasting time and energy on something that it cannot come to terms with anyway.

Mayor Mace stated that, either way, it would be a completely different resolution.

Bruce agreed that every lease agreement would be a completely different resolution. On the list of leases included with the memo, there were some properties that the Park Board has identified that are not even on here and no lease exists. Bruce stated that, to be real honest, the city is a horrible landlord. He wants to see that improve, but it is not going to improve if the council gets involved in every lease discussion. Council needs to say yes or no to the lease discussions that staff hammers out with the lessees. The Park Board is involved in pursuing a lease right now, and the Park Board has no business being involved in that lease. This is something that needs to be hammered out between staff and the lessees per the directions of legal counsel and then brought to the council, whatever the staff and they can decide together or whatever the staff can decide, and then the council can approve or not approve.

Doug stated agreement with Bruce but knows that staff needs direction. He stated that Chuck's statement was accurate and he agrees that the costs should be divided between the American Legion and the Little League.

Emelie stated that staff did draw up a lease with regard to what had been discussed previously. The council had been discussing that the city had been taken advantage of by only charging \$1.00 for leases. The city needs to start charging for the fact that it is a city park and there are costs involved in that. If an entity wants exclusive use of an area of the city's land, they need to realize that there is a cost to it. She realizes that there is sticker shock all over the place, but it needs to be understood that the city cannot always be giving to the community.

Norm clarified that the American Legion wants to pay its fair share. However, they think the thousands of dollars that the Dodgers have put into the field for years and the fact that the organization is run by donations and fundraising by the youth that benefit should be taken into consideration when discussing the costs. The board did not feel that \$1,200 was an equitable and fair amount. Norm stated his appreciation for the opportunity to have further discussion with staff.

Bruce pointed out that legal counsel's directive had four parts. Staff identifies the property owners. Once they were identified, the Mayor, the CAO, the Public Works Director and legal counsel would meet with those groups and discuss costs, terms, maintenance, and repairs to the facilities. If alternative terms are requested, the renter, club or group could meet and negotiate with staff. A final agreement, after approval by the renter, the club or the group, would be placed on the council agenda for the council's approval or disapproval.

Bruce stated that he would like to see this footprint followed since he was under the impression that it would be done since it came out October 14th. He understands that there could be an impasse and the group may not be fully satisfied and the council may get directed by the Mayor, the CAO, the Public Works Director and legal counsel that the lease amount needs to be set at a specific amount, with which the group does not agree. The council would then take that into consideration. Bruce stated that the city is wasting time if the established guidelines are not followed, and he would like to see that done.

There was further discussion regarding whether or not the guidelines were followed, the issue that the American Legion's counter offer showed up the night the resolution was on the council agenda, the

need to have staff, not the council, deal with the counter offers from the entities, the American Legion's surprise regarding the \$1,200 lease fee, the need for staff to prepare and propose a separate lease agreement with the Little League at the same time as the American Legion's lease, and staff's desire to follow legal counsel's procedure more closely.

- Request from Laurel Rod and Gun Club

Irv Wilke requested that the council grant permission for the Laurel Rod and Gun Club to hold three turkey shoots as per their current lease with the city. The proposed dates are January 4, February 8, and March 15, 2015. Shooting would start at 10:00 a.m. and the events will be done prior to 6:00 p.m. Per Irv, the protocols set in the lease agreement will be followed to the letter.

- Council Issues:

- Timeframe for board, commission and committee minutes (Chuck Dickerson)

Chuck stated that it would be nice for the council to receive board, commission and committee minutes in a timely manner, as some minutes have been submitted months after the meetings were held.

Mayor Mace stated that he intends to send a directive out to every board, commission and committee by next week.

- Update on 2011 Yellowstone River flooding event

This discussion was held earlier in the meeting.

Other items

There were none.

Review of draft council agenda for December 16, 2014

- Arbor Day Proclamation

The Emergency Services Committee will not meet in December.

Starting on January 8, 2015, the Park Board meetings will be held in the council chambers.

Attendance at the December 16, 2014 council meeting

All council members present will attend.

Announcements

Bruce recently received an email in his junk mail from the Laurel Little League.

Emelie stated that yesterday's Public Works Committee meeting was cancelled. In January, the committee will be closer to resolving the recycling issue. Public Works Director Markegard had some very interesting information that he discovered. Emelie asked if the Public Works Committee had a full roster. The council secretary will check on this.

Recognition of Employees

- Les Riddle – Water Treatment Plant 24 years of service on December 6th
- Dave Saylor – City Shop 24 years of service on December 17th
- Guy Rolison – City Shop 15 years of service on December 6th

Council Workshop Minutes of December 9, 2014

- Kevin Budge – City Shop 7 years of service on December 18th
- Dave Waggoner – City Shop 7 years of service on December 26th

Mayor Mace acknowledged the service of the employees.

The council workshop adjourned at 7:28 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.