

MINUTES OF THE CITY COUNCIL OF LAUREL

February 5, 2002

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 Bud Johnson at 7:00 p.m. on February 5, 2002.

COUNCIL MEMBERS PRESENT: Lauren Van Roekel Doug Poehls
 Ken Olson Mark Mace
 Gay Easton Daniel Dart
 Dan Mears

COUNCIL MEMBERS ABSENT: None

Mayor Johnson asked the council to observe a moment of silence in behalf of the family of Miranda Fenner.

Mayor Johnson introduced Ron Yost, the President of the Laurel Jaycees. The Laurel Jaycees were recently voted as the number one Jaycee chapter in the State of Montana. Howard Rickard, who was voted as the outstanding Jaycee in the state, is the state president this year. Jim Eastman, the immediate past president, attended the council meeting with Mr. Yost.

Ron Yost led the Pledge of Allegiance to the American flag.

Mayor Johnson stated that a Laurel Olympic Torch Committee was organized to bring the Olympic Torch through Laurel recently. Alderman Olson, the chairman of the committee, presented one of the Olympic torches used in the City of Laurel. He mentioned that Dan Dart, Mark Mace, Lauren Van Roekel, and Dan Mears served on the Torch Committee.

Mayor Johnson thanked Alderman Olson and the committee members for their work.

MINUTES:

Motion by Alderman Olson to approve the minutes of the regular meeting of January 15, 2002, as presented, seconded by Alderman Poehls. Motion carried 7-0.

CORRESPONDENCE:

- a. Cal Cumin: Letter of January 23, 2002 to Dion and Tacy DesJarlais regarding six-month review of day care center at the council meeting on February 5, 2002.
- b. Montana Department of Transportation: Letter of January 22, 2002 regarding Speed Limit Recommendations – U-6901 – Laurel North.
- c. Yellowstone County Air Pollution Control: Letter of January 2, 2002 regarding public hearing for regulation revisions.
- d. Yellowstone Historic Preservation Board: Memo of January 4, 2002 regarding appointment of board members.
- e. Jim Kraft, Yellowstone County DES Coordinator: E-mail regarding appointment to Fireworks Committee.

PUBLIC HEARINGS:

- a. **Yellowstone County Air Pollution Control Board.**

Mayor Johnson opened the public hearing.

Mayor Johnson asked if there were any proponents.

Steve Duganz, the Director of the Yellowstone County Air Pollution Control office, presented the minor changes in the program. The State of Montana requires that public hearings be held before

each political entity within the county before the regulations will be approved by the State Board of Environmental Review. The changes include the repeal of the Emergency Episode Plan, which refers to sources regulated by the State, updating the definition of "public nuisance", and a minor clerical error in the Open Burning Regulation.

Mayor Johnson asked if there were any other proponents. There were none.

Mayor Johnson asked twice if there were any opponents. There were none.

Mayor Johnson closed the public hearing.

b. Proposed zone change from Suburban Residential to Residential Tracts for Little Dude Ranchettes.

Mayor Johnson opened the public hearing.

Mayor Johnson asked if there were any proponents.

Tom Lewellyn represented Grizzly Enterprise, the owner of the property. The property is currently divided into ten tracts, and the zoning change would divide it into twenty-nine one and one-half acre tracts. The issue has always been the water issue. Tests were done last summer and again in January 2002. Mr. Lewellyn said that the results were the same for both tests and that there would not be a negative effect on the surrounding property owners. The drawdowns were not expanding out to the degree that was expected by some people. According to Mr. Lewellyn, the underground stream of water that feeds Little Dudes runs northwest to southeast, bypassing most of Montana Meadows.

Mayor Johnson asked twice if there were any other proponents. There were none.

Mayor Johnson asked if there were any opponents.

Mayor Johnson entered two letters of opposition into the record. The letters of protest were received from Marlene and Kenneth Hanify and Douglas and Lila Carpenter.

Mayor Johnson asked if there were any opponents. Mayor Johnson read both letters at the request of a gentleman in the audience.

Mayor Johnson asked if there were any opponents.

Bill Rodier, 2807 Buffalo Horn Drive, stated that the water flows from northwest to southeast and encompasses most of the Montana Meadows Subdivision. He agreed that the tests done were very accurate, but in checking with numerous people who they recommended give the values on this, the values for the water were taken from 1998. Mr. Rodier stated that everyone wishes that we could go back to 1998 water tables, but that cannot happen after the past three years of drought. His concern is that the tests were compared to 1998 and not on what the water is today. Wells are going down in the area at a rate of 10 per cent per year, which would be a three-foot drop in a thirty-four foot well. Wells have already gone dry. An additional 29 dwellings in the area, which would irrigate approximately 50 acres of land with no irrigation from topsoil, would greatly diminish the level of the aquifers. His other concern is why someone would make a statement to him that the hearings are just a formality, and it would be done anyway. Mr. Rodier questioned why a good businessman would put in \$20,000 of fence and do the improvements before final approval was given. He stated that hundreds of people in the subdivision are opposed to this development, but no one is listening to them. He said that the democracy needed to respond to the property owners who will lose \$40,000 to \$50,000 on their homes when they come for sale and the word "cistern" is inserted into the sale form.

Mayor Johnson asked twice if there were any other opponents.

Lynn Jordan, 1219 Deerhorn, has redrilled a well. The original well had a 14-foot water table, and the new well had a 24-foot water table. Since shale was hit at 30 feet, there is only a six-foot difference. When the water table reaches down to 30 feet, he will have no water. A cistern has been put in at a duplex that is directly south of his house, and they have no well to water their yard. The duplexes cannot be sold because the yards cannot be watered. Mr. Jordan stated that the Planning Board minutes recommended 300 gallons per day per house to water lawns. He stated that no less

than 7,200 gallons of water are necessary to water each yard every 24 hours. Mr. Jordan stated that there is no way to replenish the aquifer because the irrigation directly north and west of the subdivision is no longer done. He questioned where the water would come from if we start drawing water off of the east side, too. This affects everyone in the Montana Meadows Subdivision.

Mayor Johnson asked if there were any other opponents.

Byron Guentner, 1247 Deerhorn Drive, has lived in Montana Meadows Subdivision since 1977 and has recently experienced some of these problems with water. He stated that his subdivision feels like it would be providing water for the new subdivision. The water table has decreased substantially. Even though the wells are registered and the owners have priority rights, the property owners would have to provide their own money to take the matter to court. Mr. Guentner recommended that the council vote against the new subdivision.

Mayor Johnson asked three times if there were any other opponents. There were none.

Mayor Johnson closed the public hearing.

c. Ordinance No. O02-1: Ordinance amending Chapter 2.12.80 of the Laurel Municipal Code relating to appointment of officers.

Mayor Johnson opened the public hearing.

Mayor Johnson asked three times if there were any proponents. There were none.

Mayor Johnson asked three times if there were any opponents. There were none.

Mayor Johnson closed the public hearing.

d. Ordinance No. O02-2: Ordinance amending Chapter 1.24.020 of the Laurel Municipal Code relating to execution of fine.

Mayor Johnson opened the public hearing.

Mayor Johnson asked three times if there were any proponents. There were none.

Mayor Johnson asked three times if there were any opponents. There were none.

Mayor Johnson closed the public hearing.

e. Ordinance No. O02-3: Ordinance amending Chapter 1.28.040 of the Laurel Municipal Code relating to implementation of technical codes.

Mayor Johnson opened the public hearing.

Mayor Johnson asked three times if there were any proponents. There were none.

Mayor Johnson asked three times if there were any opponents. There were none.

Mayor Johnson closed the public hearing.

f. Ordinance No. O02-4: Ordinance amending Chapter 1.36.010 of the Laurel Municipal Code relating to imposition of fines.

Mayor Johnson opened the public hearing.

Mayor Johnson asked three times if there were any proponents. There were none.

Mayor Johnson asked three times if there were any opponents. There were none.

Mayor Johnson closed the public hearing.

g. Ordinance No. O02-5: Ordinance amending Chapter 1.40.010 of the Laurel Municipal Code relating to prisoner labor.

Mayor Johnson opened the public hearing.

Mayor Johnson asked three times if there were any proponents. There were none.

Mayor Johnson asked three times if there were any opponents. There were none.

Mayor Johnson closed the public hearing.

CONSENT ITEMS:

- a. **Claims for the month of January 2002 in the amount of \$211,986.90.**

A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.

- b. **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of January 2, 2002 were presented.

--City Council Committee of the Whole minutes of January 15, 2002 were presented.

--Emergency Services Committee minutes of January 29, 2002 were presented.

- c. **Resolutions.**

- 1) Resolution No. R02-6: Budget amendment to correct the accounting for Cemetery Perpetual Care Funds.

RESOLUTION NO. R02-6

BUDGET AMENDMENT TO CORRECT THE ACCOUNTING FOR CEMETERY PERPETUAL CARE FUNDS.

- 2) Resolution No. R02-7: Budget amendment to correct accounting numbers for debt service in the Enterprise Funds.

RESOLUTION NO. R02-7

BUDGET AMENDMENT TO CORRECT ACCOUNTING NUMBERS FOR DEBT SERVICE IN THE ENTERPRISE FUNDS.

- 3) Resolution No. R02-8: Budget amendment to correct the object number for administrative services in the Enterprise Funds.

RESOLUTION NO. R02-8

BUDGET AMENDMENT TO CORRECT THE OBJECT NUMBER FOR ADMINISTRATIVE SERVICES IN THE ENTERPRISE FUNDS.

- 4) Resolution No. R02-9: Budget amendment to correct the account number for Building Department debt.

RESOLUTION NO. R02-9

BUDGET AMENDMENT TO CORRECT THE ACCOUNT NUMBER FOR BUILDING DEPARTMENT DEBT.

- 5) Resolution No. R02-10: Budget amendment to amend SID #110 budget.

RESOLUTION NO. R02-10

BUDGET AMENDMENT TO AMEND SID #110 BUDGET.

- 6) Resolution No. R02-11: Creating a fund for Flood Hazard Mitigation Plan Grant.

RESOLUTION NO. R02-11

CREATING A FUND FOR FLOOD HAZARD MITIGATION PLAN GRANT.

- 7) Resolution No. R02-12: A resolution transferring certain insurance funds of the City of Laurel, Montana.

RESOLUTION NO. R02-12

A RESOLUTION TRANSFERRING CERTAIN INSURANCE FUNDS OF THE CITY OF LAUREL, MONTANA.

- 8) Resolution No. R02-13: A resolution endorsing the Beartooth Resource Conservation and Development Area, Inc. as the Certified Community lead development organization for Laurel.

RESOLUTION NO. R02-13

A RESOLUTION ENDORSING THE BEARTOOTH RESOURCE CONSERVATION AND DEVELOPMENT AREA, INC. AS THE CERTIFIED COMMUNITY LEAD DEVELOPMENT ORGANIZATION FOR LAUREL.

- 9) Resolution No. R02-14: Authorizing the Mayor to sign an agreement with Laurel Public Schools, District 7 and 7-70, for the School Resource Officer (SRO) Program.

RESOLUTION NO. R02-14

AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH LAUREL PUBLIC SCHOOLS, DISTRICT 7 AND 7-70, FOR THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM.

The mayor asked if there was any separation of consent items.

Alderman Dart separated item 6.c.9) from the consent agenda. Item 6.c.9) was placed under Items Removed From the Consent Agenda.

Motion by Alderman Olson to approve the consent items as presented, seconded by Alderman Mace. Motion carried 7-0.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):

Brandon Kueffler, 501 Second Avenue, is the manager of Beartooth Boards. He stated his concern regarding the complaints received from businesses regarding skateboarders in Laurel. The City has tried to do things with the skate park, but he feels that there is no energy since the YMCA is in charge. He hears complaints from the youth and the parents and wants to revive the energy in order to provide a place for the skateboarders. Brandon asked for someone from the city to talk to him to find a solution for the problem. Brandon thanked the council for the opportunity to speak.

Mayor Johnson thanked Brandon and stated that there is discussion regarding skateboarding.

SCHEDULED MATTERS:

- a. **Confirmation of Appointments.**

Ward 4 Council Seat:

Mayor Johnson asked if the council had a name to consider for appointment to the vacant Ward 4 council seat and the City-County Planning Board.

Alderman Easton stated that the Ward 4 vacancy was advertised for two weeks in the *Laurel Outlook*. John Oakes, 2317 East Maryland Lane, submitted an application. Alderman Easton read the statement from John Oakes:

I, John Oakes, of 2317 East Maryland Lane, would like to serve on the Laurel City Council for these reasons.

I became interested in our local government while watching my neighborhood deteriorate, but by working with our Public Works Department, I was able to see how these conditions can be reversed.

I don't have any great aspirations on making any big changes or improvements, but I would like a chance to make a difference.

Motion by Alderman Easton to nominate John Oakes to complete the term of the Ward 4 council seat, expiring January 2004, seconded by Alderman Olson.

Alderman Easton stated that John Oakes has served on the Public Works Committee for a couple of years and would make a good alderman.

A vote was taken on the motion. Motion carried 7-0.

Mayor Johnson introduced John Oakes, who took his seat with the council. Mayor Johnson stated that Mr. Oakes could not vote at this meeting since he had not yet been sworn in to office.

Mayor Johnson reminded the council of the vacant council-appointed seat on the City-County Planning Board. A council member has traditionally filled the seat.

Fireworks Committee:

Mayor Johnson appointed Dan Mears to the Yellowstone County Fireworks Committee.

Motion by Alderman Olson to approve the appointment of Dan Mears to the Yellowstone County Fireworks Committee, seconded by Alderman Dart. Motion carried 7-0.

Yellowstone Historic Preservation Board:

Mayor Johnson appointed Ann Ferguson and Anne Foster to the Yellowstone Historic Preservation Board.

Motion by Alderman Poehls to approve the appointments of Ann Ferguson and Anne Foster to the Yellowstone Historic Preservation Board, seconded by Alderman Van Roekel. Motion carried 7-0.

- b. **Ordinance No. O02-1:** Ordinance amending Chapter 2.12.80 of the Laurel Municipal Code relating to appointment of officers. Second reading.

ORDINANCE NO. O02-1

**ORDINANCE AMENDING CHAPTER 2.12.80 OF THE
LAUREL MUNICIPAL CODE RELATING TO APPOINTMENT OF OFFICERS.**

Motion by Alderman Easton to adopt Ordinance No. O02-1, seconded by Alderman Olson.

Mayor Johnson explained that these ordinances were housekeeping matters that needed to be completed to update the code book.

A roll call vote was taken on the motion. All seven voting aldermen present voted aye. Motion carried 7-0.

- c. **Ordinance No. O02-2:** Ordinance amending Chapter 1.24.020 of the Laurel Municipal Code relating to execution of fine. Second reading.

ORDINANCE NO. 002-2

**ORDINANCE AMENDING CHAPTER 1.24.020 OF THE
LAUREL MUNICIPAL CODE RELATING TO EXECUTION OF FINE.**

Motion by Alderman Olson to adopt Ordinance No. 002-2, seconded by Alderman Poehls. A roll call vote was taken on the motion. All seven voting aldermen present voted aye. Motion carried 7-0.

- d. Ordinance No. 002-3:** Ordinance amending Chapter 1.28.040 of the Laurel Municipal Code relating to implementation of technical codes. Second reading.

ORDINANCE NO. 002-3

**ORDINANCE AMENDING CHAPTER 1.28.040 OF THE
LAUREL MUNICIPAL CODE RELATING TO
IMPLEMENTATION OF TECHNICAL CODES.**

Motion by Alderman Van Roekel to adopt Ordinance No. 002-3, seconded by Alderman Olson. A roll call vote was taken on the motion. All seven voting aldermen present voted aye. Motion carried 7-0.

- e. Ordinance No. 002-4:** Ordinance amending Chapter 1.36.010 of the Laurel Municipal Code relating to imposition of fines. Second reading.

ORDINANCE NO. 002-4

**ORDINANCE AMENDING CHAPTER 1.36.010 OF THE
LAUREL MUNICIPAL CODE RELATING TO IMPOSITION OF FINES.**

Motion by Alderman Easton to adopt Ordinance No. 002-4, seconded by Alderman Dart. A roll call vote was taken on the motion. All seven voting aldermen present voted aye. Motion carried 7-0.

- f. Ordinance No. 002-5:** Ordinance amending Chapter 1.40.010 of the Laurel Municipal Code relating to prisoner labor. Second reading.

ORDINANCE NO. 002-5

**ORDINANCE AMENDING CHAPTER 1.40.010 OF THE
LAUREL MUNICIPAL CODE RELATING TO PRISONER LABOR.**

Motion by Alderman Mace to adopt Ordinance No. 002-5, seconded by Alderman Dart. A roll call vote was taken on the motion. All seven voting aldermen present voted aye. Motion carried 7-0.

- g. Six-month review of day care center at 313 Forrest Avenue.**

Mayor Johnson asked Tacy DesJarlais, the owner of the day care center, to speak concerning the compliance with the conditions of the review. Tacy presented pictures of the fence that was constructed in the back yard. She also presented a letter from the previous property owners that stated that the neighbors had complaints about traffic and noise in the past. Tacy brought copies of signed statements from the day care parents regarding traffic regulations. The council reviewed the various items.

Alderman Poehls asked Tacy regarding the possibility of parking her vehicle in the back yard in order to eliminate driving over the curb to park in the front of the house. She agreed that the suggestion would be a possibility.

The day care is licensed for twelve children and is open from 7:00 a.m. to 6:00 p.m.

The council discussed the issue. Alderman Mace stated that it bothers him that the State of Montana approves licenses for day care centers before the fact, and then the cities have to make those people conform after the property is purchased and the business is opened. If the city had input prior to the

state issuing the license, it may have been possible to direct them to a different piece of property where the neighbors would not have complaints. It is unfortunate that the neighbors will never get along with this lady, even though she has done all that has been required. He stated that day care centers are needed in Laurel, but this area is not a great place for a day care because the streets are very narrow. It seems like there should be a better way to handle these applications with the state, and it concerns Alderman Mace that the city does not really have the ability to do anything to control these situations.

Mayor Johnson thanked Tacy for her presentation.

Motion by Alderman Poehls to accept the six-month review of the day care center at 313 Forrest Avenue and pass as approved for a day care, seconded by Alderman Easton. Motion carried 7-0.

h. Year-end report from Ambulance Department – Jan Faught, Ambulance Director.

Ambulance Director Jan Faught distributed the Laurel Volunteer Ambulance 2001 Statistics Report. The Laurel Volunteer Ambulance had a total of 569 responses in 2001, as compared to 511 responses in 2000. The crew consists of 14 attendants and 1 reserve attendant. All crew members are EMT Basic, which is the highest level of training for our service. Several crew members have key roles to keep the volunteer service in good order. All attendants are CPR-AED trained and training is completed as required to keep certification. A total of 17,472 hours are required for full coverage ambulance service each year. However, more hours are provided since three attendants respond to each call and a second unit is manned a majority of each day. The second unit was used for eleven calls in the past year because two callouts were received at the same time. Jan explained the various responses, the response times, and the call types that are received by the ambulance. Turnover on the ambulance crew has been low since 1999.

i. Mid-Year Budget Review – Mary Embleton, Clerk-Treasurer.

Mary Embleton had distributed copies of the 2001-2002 Mid-Year Budget Review to the council prior to this meeting. The report included the following funds: General Fund, Lighting District Funds, Street Maintenance Fund, Sweeping District Fund, State Gas Tax Fund, Water Fund, Sewer Fund, and Solid Waste Fund.

The reports compared budget to actual revenues and expenditures for the current fiscal year and also compared actual revenues and expenditures for the current fiscal year to last year for the same six-month period. All revenues and expenditures do not occur evenly throughout the year. Revenues in the mill-levied funds are received on a monthly basis, but the two major payments are received in December and June. Some revenues that were received on a monthly basis, particularly liquor tax and motor vehicle, are now received on a quarterly basis due to the Big Bill. Expenditures are within projected allocations at mid-year.

Mary used the overhead projector to present color charts and graphs that had been included in the Mid-Year Budget Review to clearly show the revenues, expenditures, and cash flows for each fund for the 2000-2001 fiscal year and the first six months of 2001-2002.

The General Fund and the Water Fund are the two major funds that generate revenue for the City of Laurel. Revenue for the State Gas Tax Fund is received on a monthly basis from the State of Montana. The amount received as of December 31st was 41% of budgeted revenue, as compared to 50% as of December 31, 200. The state is slow this year in issuing the monthly check. The invoice is issued around the 20th, but the check is not issued and sent to the city until the first of the following month. Therefore, the state is behind one month in sending the payments. Mary completed her presentation with a review of the cash flow.

Mayor Johnson thanked Mary for her presentation. Alderman Olson also thanked Mary for the Mid-Year Budget presentation.

j. Planning Board recommends a six-month moratorium for interim zoning 300 feet either side of the interstate to create an entryway zoning district. (Public hearing was held on January 15, 2002.)

Motion by Alderman Easton to approve the six-month moratorium for interim zoning 300 feet either side of the interstate to create an entryway zoning district, seconded by Alderman Olson. Motion carried 7-0.

k. Public Works Department requests approval to obtain proposals for engineering for the water intake structure as proposed by HKM Engineering in the Feasibility Study for Mitigating Laurel’s Water Supply Problem.

Motion by Alderman Easton to obtain requests for proposals for engineering for the water intake structure as proposed by HKM Engineering, seconded by Alderman Mace.

Alderman Poehls asked which alternative would be used in the request for proposals. Larry McCann explained that the proposal was for alternative A., which is the second intake.

A vote was taken on the motion. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA:

Item 6.c.9), Resolution No. R02-14, was removed from the consent agenda.

RESOLUTION NO. R02-14

AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT WITH LAUREL PUBLIC SCHOOLS, DISTRICT 7 AND 7-70, FOR THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM.

Alderman Dart stated that a provision should be made in the contract to see a level of responsibility to seek opportunities for federal funding for the school resource officer. He suggested that the process of applying for federal funding should include the congressional officials in Washington, D.C. The council discussed the issue and the suggestion to include it in the contract.

Matt Erikson stated that the present contract does not prohibit the City of Laurel from doing as suggested, but this contract is between the City of Laurel and the school district to pay the finances for a specific officer. Matt stated that a separate resolution would be necessary to obtain additional funding, but that issue would not be binding on this particular contract.

Mary Embleton stated that the school district recently indicated that the position would continue to be funded through their budget. The school official made positive comments regarding the SRO Program.

Alderman Mace suggested that the School District would know of additional available funding for the program.

Mayor Johnson stated that Officer Hatton is scheduled to attend a training school in California soon. Matt Erikson mentioned that this would be an excellent opportunity for Officer Hatton to investigate the federal funding opportunities that are used by other organizations.

Motion by Alderman Poehls to approve Resolution No. R02-14, seconded by Alderman Dart. Motion carried 7-0.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

None.

UNSCHEDULED MATTERS:

a. Dave Gibson.

Cal Cumin mentioned that Dave Gibson, the Head of Economic Development in the State of Montana, would be at the Laurel High School Auditorium on Wednesday, February 6th, to get input regarding economic development.

b. CIP Workshop.

Mayor Johnson stated that representatives from the Local Government Center in Bozeman would assist the council with the CIP process at a workshop scheduled for Saturday, March 2nd, in the council chambers.

ADJOURNMENT:

Motion by Alderman Easton to adjourn the council meeting, seconded by Alderman Mace. 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.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19th day of February, 2002.

John E. Johnson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer