

# MINUTES OF THE CITY COUNCIL OF LAUREL

March 19, 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 March 19, 2002.

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

COUNCIL MEMBERS ABSENT:            Doug Poehls

Mayor Johnson asked the council to observe a moment of silence.

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

## MINUTES:

Alderman Olson explained a correction to the minutes of March 5, 2002. Under Council Discussion regarding the YMCA, the sentence should read: "Ken Olson mentioned that a recent news broadcast recommended, for liability reasons, providing skate parks for youth instead of having them make their own skate parks."

Motion by Alderman Van Roekel to approve the minutes of the regular meeting of March 5, 2002, as corrected, seconded by Alderman Dart. Motion carried 7-0.

## CORRESPONDENCE:

- a. *Montana Taxpayer* – February 2002.
- b. Montana/Wyoming Association of Railroad Passengers Newsletter.
- c. Montana Department of Commerce: Memo of February 28, 2002 regarding 2002 Housing Application Workshops.
- d. Montana League of Cities and Towns: Memo of March 6, 2002 regarding proposed power supply contract.
- e. Yellowstone County Air Pollution Control: Minutes of February 12, 2002; Activity Report for February 2002; Agenda for March 12, 2002; List of Board Members.
- f. Montana Municipal Insurance Authority: Memo of March 11, 2002 regarding liability coverage for boards/commissions.

## CONSENT ITEMS:

- a. **Clerk/Treasurer Financial Statements for the month of February 2002.**
- b. **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of February 19, 2002 were presented.

--Emergency Services Committee minutes of February 25, 2002 were presented.

--Laurel Airport Authority minutes of February 26, 2002 were presented.

--City Council Committee of the Whole minutes of March 5, 2002 were presented.

--City-County Planning Board minutes of March 7, 2002 were presented.

--Public Works Committee minutes of March 11, 2002 were presented.

**c. Resolutions.**

- 1) **Resolution No. R02-17:** Accepting the proposal from HKM Engineering for intake design and construction and authorizing the Mayor to sign an agreement for design and construction of the intake after review of the contract agreement by the City Attorney.

**RESOLUTION NO. R02-17**

**ACCEPTING THE PROPOSAL FROM HKM ENGINEERING FOR INTAKE DESIGN AND CONSTRUCTION AND AUTHORIZING THE MAYOR TO SIGN AN AGREEMENT FOR DESIGN AND CONSTRUCTION OF THE INTAKE AFTER REVIEW OF THE CONTRACT AGREEMENT BY THE CITY ATTORNEY.**

- 2) **Resolution No. R02-18:** Adopting the Flood Hazard Mitigation Plan for the City of Laurel.

**RESOLUTION NO. R02-18**

**ADOPTING THE FLOOD HAZARD MITIGATION PLAN FOR THE CITY OF LAUREL.**

- 3) **Resolution No. R02-19:** Naming the dedicated park at the corner of Eighth Street and Fir Avenue as Ponderosa Park.

**NAMING THE DEDICATED PARK AT THE CORNER OF EIGHTH STREET AND FIR AVENUE AS PONDEROSA PARK.**

- 4) **Resolution No. R02-20:** Naming the dedicated park at the corner of Birch Avenue and East Main Street as Rotary Park.

**RESOLUTION NO. R02-20**

**NAMING THE DEDICATED PARK AT THE CORNER OF BIRCH AVENUE AND EAST MAIN STREET AS ROTARY PARK.**

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

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

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):**

None.

**CEREMONIAL CALENDAR:**

Mayor Johnson introduced Allison Neff and read the following letter from Brent Peters:

**Allison Neff**

Allison Neff is a 9-year-old girl from West Elementary School. Allison enjoys the same things that all of her friends enjoy. She plays, spends time with her family, and is a member of the AWANA church group.

Last fall, Allison made a decision that normal 9-year-old girls don't generally make. She chose to make a difference. Instead of asking for something for herself, she asked for help from others, for others.

I first talked to Allison on December 5, 2001, when she revealed her plan to me. Her plan was to raise money, buy stuffed animals and donate them to the Laurel Volunteer Fire Department for the purpose of giving them to children who lost things in a fire or had

suffered a traumatizing event in which the Fire Department responded to. This plan was motivated by the September 11<sup>th</sup> tragedy and sparked the desire to do something for her peers and her community.

Allison planned, with the help of her principal, Dale Ahrens, to raise money from donations at her school. As time went by, she expanded that help through Ricci's and Jan's IGA. By the end of January, Miss Neff had raised enough money to purchase 19 stuffed Dalmatians from Dynamic Designs. With help from Don and Shelly Smarsh, and their employees, the Dalmatians were fitted with dog tags and packaged for delivery. By the first of March, the dogs were delivered to the Laurel Volunteer Fire Department. All the fire engines and support trucks were stocked in case they were needed. One lucky Dalmatian will travel to New York City, where it will be given to the New York City Fire Chief from Allison Neff to lend support from Allison and our community in their tragic times.

As a personal note, I feel for a 9-year-old to have the thoughts and concerns of individuals, whether she knows them or not, and to take a stand to make a difference is truly remarkable. Miss Neff shows great concern for the feelings and pains of others. With the traits of compassion and caring, this young lady is heading for great things. The community of Laurel can be proud to have someone like Miss Neff living in it.

Brent Peters  
Laurel Volunteer Fire Department  
Fire Prevention Officer

Mayor Johnson, Brent Peters, Gary Colley, and Dan Achten presented Allison Neff with a Certificate of Appreciation for Extraordinary Accomplishment. Mayor Johnson congratulated and thanked Allison for her efforts with the following statement:

On behalf of the citizens of the City of Laurel, and my part, as the Mayor of Laurel, and the City Council of Laurel, I would like to present you with this certificate saying thank you for all the work and hard effort that you have put into this program to help others and care for others. Thank you, Allison. We appreciate your effort very much.

Alderman Easton stated that Allison has been his neighbor since her birth. Allison and her mother have been very gracious to him during holidays, and he expressed thanks to them for all they have done.

**SCHEDULED MATTERS:**

**a. Confirmation of Appointments.**

None.

**b. Don Meyers: Home Occupation request.**

Don Meyers stated that the MDU operation has changed in the last few years. He is on call 24 hours a day, and the business computer is now located in his truck. Don stated that he would not advertise, the telephone number would not be listed, there would be no sign, there would be no traffic, and no equipment would be stored at this location. The meter reader picks up her machine in the morning and drops it off at night. He mentioned that it is difficult to find a place to rent in Laurel. He stated that MDU employees work out of their homes in several other communities.

Mr. Meyers welcomed the council to look at the office space location and to set any necessary stipulations on the request. Don thanked the council for their time.

**c. Approval or denial of Home Occupation request: 202 West Maryland – MDU Office – Don Meyers. Planning Board recommends denial.**

Motion by Alderman Easton to accept the Planning Board's recommendation to deny the Home Occupation request from Don Meyers for the MDU office at 202 West Maryland, seconded by Alderman Oakes.

Alderman Mears asked for an explanation from Cal Cumin. Cal stated this is the second denial for this application. A Home Occupation request is reviewed by the staff first to see if it conforms to the

stipulations of the city ordinance. At that point, Cal denied the request. After review of the application request, the Planning Board also denied it. Cal stated that if this application were as benign as Mr. Meyers stated, he would not need a Home Occupation. This is a corporate office for MDU, which is one of the largest corporations in Montana, and they want to open an office in a neighborhood. Cal stated that a corporate office should not be allowed in a neighborhood, and that is why the application was denied.

Alderman Van Roekel stated that change of the physical property is one of the key issues regarding home occupations. Cal stated that there is a long-term problem of change with this application. Usually businesses that start as a home occupation grow and then move into the downtown area. This business wants to downscale and move into a garage, and it contends that there will be no traffic. Cal did not agree. Cal stated that MDU is not downsizing, but it is an ongoing corporation that is getting bigger.

Alderman Oakes has researched this problem. In our case, the underlying objective of a residential designation and a zoning by-law is to prohibit commercial activities. The ultimate purpose is to keep the property taxable values in the area from decreasing. Mr. Meyers is requesting a professional office in his garage. If this request is granted, the garage could be used as a warehouse or a shop. Alderman Oakes stated that this is not a request for a minor variance. He would be moving a Montana-Dakota Utilities office into his home. If this council would approve the request, it would indicate that we give more priorities over commercial business above our neighborhoods and jeopardize our ability to establishing fair guidelines for our city and blur the distinction between residential, industrial, and commercial zones. He stated that the ordinance specifically states that this type of business should stay in the business district.

There was a brief discussion regarding signs for a home occupation.

Mayor Johnson allowed Don Meyers to address the council again. Don Meyers stated that he is asking for the zone change, not MDU. He again stated that there is no available office space in Laurel.

A vote was taken on the motion. Motion carried 6-1, with Alderman Van Roekel voting nay.

Don Meyers thanked the council for their consideration of the home occupation request.

- d. **Ordinance No. O02-6:** Ordinance amending Chapter 2.08 of the Laurel Municipal Code relating to City Council proceedings. Second reading.

**ORDINANCE NO. O02-6**

**ORDINANCE AMENDING CHAPTER 2.08 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO CITY COUNCIL PROCEEDINGS.**

Motion by Alderman Mears to adopt Ordinance No. O02-6, seconded by Alderman Olson. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

- e. **Ordinance No. O02-7:** Ordinance amending Chapter 2.12 of the Laurel Municipal Code relating to elective and appointive offices. Second reading.

**ORDINANCE NO. O02-7**

**ORDINANCE AMENDING CHAPTER 2.12 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO ELECTIVE AND APPOINTIVE OFFICES.**

Motion by Alderman Easton to adopt Ordinance No. O02-7, seconded by Alderman Mears. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

- f. **Ordinance No. O02-8:** Ordinance amending Chapter 2.60.160 of the Laurel Municipal Code relating to Police Commission decision – veto – modification. Second reading.

**ORDINANCE NO. 002-8**

**ORDINANCE AMENDING CHAPTER 2.60.160 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO POLICE COMMISSION DECISION – VETO – MODIFICATION.**

Motion by Alderman Olson to adopt Ordinance No. 002-8, seconded by Alderman Easton. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

- g. Ordinance No. 002-9:** Ordinance amending Chapter 2.60.170 of the Laurel Municipal Code relating to Police Commission decision – enforcement appeal. Second reading.

**ORDINANCE NO. 002-9**

**ORDINANCE AMENDING CHAPTER 2.60.170 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO POLICE COMMISSION DECISION – ENFORCEMENT APPEAL.**

Motion by Alderman Van Roekel to adopt Ordinance No. 002-9, seconded by Alderman Dart. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

- h. Ordinance No. 002-11:** Ordinance amending Chapter 2.68.030 of the Laurel Municipal Code relating to jurisdiction. Second reading.

**ORDINANCE NO. 002-11**

**ORDINANCE AMENDING CHAPTER 2.68.030 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO JURISDICTION.**

Motion by Alderman Mace to adopt Ordinance No. 002-11, seconded by Alderman Oakes. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

- i. Ordinance No. 002-12:** Ordinance amending Chapter 2.68.040 of the Laurel Municipal Code relating to exclusive jurisdiction. Second reading.

**ORDINANCE NO. 002-12**

**ORDINANCE AMENDING CHAPTER 2.68.040 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO EXCLUSIVE JURISDICTION.**

Motion by Alderman Mace to adopt Ordinance No. 002-12, seconded by Alderman Olson. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

- j. Ordinance No. 002-13:** Ordinance amending Chapter 2.68.070 of the Laurel Municipal Code relating to civil actions – proceedings. Second reading.

**ORDINANCE NO. 002-13**

**ORDINANCE AMENDING CHAPTER 2.68.070 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO CIVIL ACTIONS – PROCEEDINGS.**

Motion by Alderman Dart to adopt Ordinance No. 002-13, seconded by Alderman Oakes. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

- k. Ordinance No. 002-14:** Ordinance amending Chapter 2.96.260 of the Laurel Municipal Code relating to retirement requirements. Second reading.

**ORDINANCE NO. 002-14**

**ORDINANCE AMENDING CHAPTER 2.96.260  
OF THE LAUREL MUNICIPAL CODE  
RELATING TO RETIREMENT REQUIREMENTS.**

Motion by Alderman Oakes to adopt Ordinance No. O02-14, seconded by Alderman Dart. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

- i. Ordinance No. O02-15:** Ordinance amending Chapter 3.04 of the Laurel Municipal Code relating to annual financial statement. First reading.

**ORDINANCE NO. O02-15**

**ORDINANCE AMENDING CHAPTER 3.04 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO ANNUAL FINANCIAL STATEMENT.**

Motion by Alderman Mears to adopt Ordinance No. O02-15, seconded by Alderman Olson. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

The public hearing for Ordinance No. O02-15 will be on the council agenda on April 2, 2002.

- m. Ordinance No. O02-16:** Ordinance amending Chapter 3.08 of the Laurel Municipal Code relating to awarding contracts. First reading.

**ORDINANCE NO. O02-16**

**ORDINANCE AMENDING CHAPTER 3.08 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO AWARDING CONTRACTS.**

Motion by Alderman Easton to adopt Ordinance No. O02-16, seconded by Alderman Mears. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

The public hearing for Ordinance No. O02-16 will be on the council agenda on April 2, 2002.

- n. Ordinance No. O02-17:** Ordinance amending Chapter 5.12 of the Laurel Municipal Code relating to beer wholesaler fee. First reading.

**ORDINANCE NO. O02-17**

**ORDINANCE AMENDING CHAPTER 5.12 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO BEER WHOLESALER FEE.**

Motion by Alderman Olson to adopt Ordinance No. O02-17, seconded by Alderman Easton. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

The public hearing for Ordinance No. O02-17 will be on the council agenda on April 2, 2002.

- o. Ordinance No. O02-18:** Ordinance amending Chapter 5.16 of the Laurel Municipal Code relating to gambling licenses. First reading.

**ORDINANCE NO. O02-18**

**ORDINANCE AMENDING CHAPTER 5.16 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO GAMBLING LICENSES.**

Motion by Alderman Van Roekel to adopt Ordinance No. O02-18, seconded by Alderman Olson. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

The public hearing for Ordinance No. O02-18 will be on the council agenda on April 2, 2002.

- p. **Ordinance No. O02-19:** Ordinance amending Chapter 5.20 of the Laurel Municipal Code relating to amusement license fees. First reading.

**ORDINANCE NO. O02-19**

**ORDINANCE AMENDING CHAPTER 5.20 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO AMUSEMENT LICENSE FEES.**

Motion by Alderman Van Roekel to adopt Ordinance No. O02-19, seconded by Alderman Mace. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

The public hearing for Ordinance No. O02-19 will be on the council agenda on April 2, 2002.

- q. **Ordinance No. O02-20:** Ordinance amending Chapter 5.40 of the Laurel Municipal Code relating to taxicab license procedure. First reading.

**ORDINANCE NO. O02-20**

**ORDINANCE AMENDING CHAPTER 5.40 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO TAXICAB LICENSE PROCEDURE.**

Motion by Alderman Mace to adopt Ordinance No. O02-20, seconded by Alderman Dart. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

The public hearing for Ordinance No. O02-20 will be on the council agenda on April 2, 2002.

- r. **Ordinance No. O02-21:** Ordinance amending Chapter 5.44 of the Laurel Municipal Code relating to license fee for transient merchant. First reading.

**ORDINANCE NO. O02-21**

**ORDINANCE AMENDING CHAPTER 5.44 OF THE  
LAUREL MUNICIPAL CODE  
RELATING TO LICENSE FEE FOR TRANSIENT MERCHANT.**

Motion by Alderman Dart to adopt Ordinance No. O02-21, seconded by Alderman Oakes. A roll call vote was taken on the motion. All seven aldermen present voted aye. Motion carried 7-0.

The public hearing for Ordinance No. O02-21 will be on the council agenda on April 2, 2002.

**ITEMS REMOVED FROM THE CONSENT AGENDA:**

None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

None.

**COUNCIL DISCUSSION:**

Alderman Mace recently attended the Yellowstone County Emergency Planning Committee meeting. The committee is planning some tabletop exercises for emergencies within the City of Billings, and the next one will be done at the airport. Alderman Mace plans to ask Jim Kraft if one of the exercises could be scheduled in Laurel in conjunction with the refinery.

Alderman Dart attended a two-day meeting of the Private Lands Public Wildlife Council in Lewistown. The Montana Stockgrower's Association has developed a proposal to receive hunting licenses, especially elk licenses, directly from Fish, Wildlife, and Parks as part of a new concept called Ranching for Wildlife. Essentially, it gives landowners the opportunity to provide a brokered service for trophy animals on their property. It allows them an opportunity to privatize a resource, i.e. wildlife, which is in fact owned by all of the residents of Montana and the United States. It

allows them to privatize that resource and sell it for their personal gain. The association is working aggressively on this proposal, and Alderman Dart suggested that there would be a tremendous battle in the legislature this year regarding this issue. This issue is a grave concern for sportsmen.

Alderman Easton mentioned that the council's budget was on the Budget/Finance Committee agenda for Wednesday, March 20<sup>th</sup>.

Alderman Olson mentioned the YMCA Benefit Auction that is scheduled for Sunday, April 7<sup>th</sup>, at 4:30 p.m. This is one of the major fundraisers for the YMCA to keep their program director. Alderman Poehls has tickets available.

Alderman Olson commented on Alderman Mace's involvement with the Yellowstone County Emergency Planning Committee. He stated that the resources available to mitigate an incident are essential for pre-planning. Without the help of mutual aid and pre-planning, the city would be open to disaster. Alderman Olson would be willing to assist in any way needed.

Alderman Olson applauded the efforts of the executive branch regarding the agenda meetings.

Alderman Van Roekel attended the second meeting regarding bringing the Head Start Program to Laurel. The meeting was held at the South School. He stated that more discussion needed to be done, especially with current day care providers. He stated that bringing Head Start to Laurel would be an opportunity to provide more services for children.

**UNSCHEDULED MATTERS:**

There being no further business to come before the council at this time, the meeting was adjourned at 7:49 p.m.

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Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2<sup>nd</sup> day of April, 2002.

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John E. Johnson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer