

# MINUTES OF THE CITY COUNCIL OF LAUREL

May 7, 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 May 7, 2002.

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

**COUNCIL MEMBERS ABSENT:**        None

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

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

Mayor Johnson welcomed Keith and Craig Wheeler, and their mother, Tammy Wheeler, to the council meeting. Keith and Craig are members of Boy Scout Troop 400, and Tammy is a leader for Troop 400.

## MINUTES:

Motion by Alderman Mears to approve the minutes of the regular meeting of April 16, 2002, as presented, seconded by Alderman Mace. Motion carried 8-0.

## CORRESPONDENCE:

- a. Senior Helping Hands: Thank you note of April 11, 2002.
- b. Montana Taxpayers Association: Spring Montana Business Agenda Tour information.
- c. Montana Department of Transportation: Letter regarding CTEP sub-allocations – FFY'02.
- d. Congressman Dennis Rehberg: Information regarding seminars on available funding through the Land and Water Conservation Fund.
- e. Jean Kerr: Letter of April 12, 2002 regarding building left unlocked overnight.
- f. Montana/Wyoming Association of Railroad Passengers – March 2002.
- g. Montana Department of Administration: Letter of April 25 2002, regarding June 2002 GASB #34 Seminar.
- h. Laurel Senior Center: Thank you letter of April 27, 2002 from Agnes Nordahl, Secretary, regarding donation.
- i. Montana League of Cities and Towns: Memo of April 24, 2002 regarding district meetings.
- j. Carolyn Boyd: Thank you note of April 29, 2002.

## PUBLIC HEARINGS:

- a. **Ordinance No. 002-22:** Ordinance amending Chapter 6.04.040 of the Laurel Municipal Code relating to animal waste.

Mayor Johnson opened the public hearing.

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

Mayor Johnson closed the public hearing.

- b. **Ordinance No. 002-23:** Ordinance amending Chapter 6.08.010 of the Laurel Municipal Code relating to licensing requirements.

Mayor Johnson opened the public hearing.

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

Mayor Johnson closed the public hearing.

- c. **Ordinance No. 002-24:** Ordinance amending Chapter 9.04.010 of the Laurel Municipal Code relating to resisting or obstructing public officer.

Mayor Johnson opened the public hearing.

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

Mayor Johnson closed the public hearing.

- d. **Ordinance No. 002-25:** Ordinance amending Chapter 9.16.070 of the Laurel Municipal Code relating to advertisements on public property prohibited – exceptions.

Mayor Johnson opened the public hearing.

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

Mayor Johnson closed the public hearing.

- e. **Ordinance No. 002-26:** Ordinance amending Chapter 9.20.010 of the Laurel Municipal Code relating to loitering prohibited.

Mayor Johnson opened the public hearing.

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

Mayor Johnson closed the public hearing.

- f. **Ordinance No. 002-27:** Ordinance amending Chapter 9.24.020 of the Laurel Municipal Code relating to exceptions to provisions against carrying concealed weapons.

Mayor Johnson opened the public hearing.

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

Mayor Johnson closed the public hearing.

- g. **Ordinance No. 002-28:** Ordinance amending Chapter 9.24.050 of the Laurel Municipal Code relating to exception to discharge regulations.

Mayor Johnson opened the public hearing.

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

Mayor Johnson closed the public hearing.

- h. **Ordinance No. 002-29:** An ordinance of the City of Laurel providing that the procedure for adopting building and technical codes and their revisions shall be by administrative order.

Mayor Johnson opened the public hearing.

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

Mayor Johnson closed the public hearing.

- i. **Airport Zoning Ordinance revisions.** (Planning Board recommends adopting the revisions; item will be placed on May 21, 2002, agenda.)

Mayor Johnson opened the public hearing.

Mayor Johnson asked if there were any comments.

Craig Canfield, of Interstate Engineering in Billings, reviewed some of the changes at the Laurel Airport of the last couple years. He stated that the airport has been in various stages of development for the last ten years. The airport master plan was completed in 1996, which recommended that the existing runway, which was 3,800 feet long and 50 feet wide, be lengthened to 5,200 feet and widened to 75 feet. Additional land acquisition and completion of repositioning the runway resulted in the need to update the airport influence area around the airport. The runway was moved 240 feet further away from Laurel and the east end of the runway was moved 1,500 feet to the west.

Cal Cumin explained that the changes in the ordinance reflect a change of name to the Flight Pattern Area, which becomes Flight Pattern/Airport Hazard Area. The changes also drop reference to Ldn's, which are not used in Montana, and designate the existing Board of Adjustment as the Board of Airport hazard Adjustment when dealing with airport issues. Other changes are cosmetic. The Airport Zoning Map has also been changed to reflect the expanded runway. No major changes were made, but the area goes out to the Yellowstone Boys' Ranch. Basically, it requires a non-agricultural use in that area to obtain an airport permit from the City of Laurel in order to change anything, such as build a garage or house. The permit allows future airplanes to fly over the property without complaints from the property owner. The charge for the permit has not been determined.

Mayor Johnson asked two times if there were any further comments. There were none.

Mayor Johnson closed the public hearing.

**CONSENT ITEMS:**

- a. **Claims for the month of April 2002 in the amount of \$107,081.73.**

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 April 1, 2002 were presented.

--Budget/Finance Committee minutes of April 3, 2002 were presented.

--Budget/Finance Committee minutes of April 10, 2002 were presented.

--City Council Committee of the Whole minutes of April 16, 2002 were presented.

--Emergency Services Committee minutes of April 22, 2002 were presented.

--Laurel Airport Authority minutes of March 18, 2002 were presented.

--Laurel Airport Authority minutes of March 25, 2002 were presented.

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 Dart. Motion carried 8-0.

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

None.

**SCHEDULED MATTERS:**

**a. Confirmation of Appointments.**

None.

**b. Quarterly Report for 3<sup>rd</sup> Quarter fiscal year 2001-2002.**

Mary Embleton distributed copies of the Quarterly Report for Fiscal Year 2001-2002 as of March 31, 2002. The report compared budget to actual revenues and expenditures and provided a quick overview of each fund's activity in comparison to the budget and amount of time elapsed since the fiscal year began. Since 75% of the year has passed, any funds showing revenues at more than 75% are better than projected. Any funds showing expenditures at less than 75% are better than projected.

The following major funds were included in the report: General Fund, Health Insurance Funds, Street Maintenance Fund, Gas Tax Fund, Water Fund, Wastewater Fund, and the Solid Waste Fund.

Revenues and expenditures do not occur evenly throughout the year. This is especially true in the General Fund, the Health Insurance Funds, and the Street Maintenance Fund. These funds receive their revenues from tax collections that are paid to the city in December and June. Cash reserves are necessary to allow the city to carry through the months when revenues are not received.

The city has invested money in various institutions and is limited to investing in instruments that are backed by very secure assets. State law provides that acceptable securities include direct obligations of the United States, or instruments that are guaranteed by the United States, or their successors, or general obligation bonds of the state or of any county, city, school district, or other political subdivision of the state. Interest rates have dropped considerably this year. The city currently participates in the State's Short Term Investment Pool (STIP), which allows the invested money to be available at any time.

The city's operating cash is handled by Yellowstone Bank, and this money also earns interest (.75% APY). In the following months, other investment options, such as bond markets, will be researched, and monies invested to obtain better returns. This will probably require longer terms of investment, such as one-year terms, rather than the month-to-month terms utilized at this time. The auditors have advised that the accounts containing \$100,000 should be consolidated and invested for a better return.

Mary explained the current status of each of the funds.

Regarding the effect of HB 409 on the Insurance Funds, Mary explained that the legislature allows cities to levy additional mills for the cost of insurance premiums. This is done by comparing the premiums paid for the positions that were in effect in the General Fund in 1999 to the same positions in the current year. New positions cannot be added. The increase difference in the premium, per position, multiplied by the number of positions is used to determine how many mills to levy to raise that amount of money. The process requires that a public hearing be held before the levy could be enacted.

Mayor Johnson thanked Mary for her presentation. Alderman Olson also thanked Mary for the presentation.

**c. Temporary Use Permit – Tye Roy – The Gourmet Grind Coffee Kiosk – City/County Planning Board recommends approval of a Temporary Use Permit including a \$1,500 money order or cashier's check posted to the city.**

Motion by Alderman Poehls to accept the Planning Board's recommendation to approve the Temporary Use Permit for Tye Roy, The Gourmet Grind Coffee Kiosk, including a \$1,500 money order or cashier's check posted to the city, seconded by Alderman Mears.

Alderman Olson asked regarding the landscaping around the kiosk. Tye Roy stated that he would place flowerbeds along each driveway off each end of the building, and he would complete

additional landscaping, including rock and shrubs. He intends to make the driveways more definable in order to help control traffic well. Tye wants his business and the area around it to look professional and classy.

Alderman Poehls asked regarding traffic problems. There was a lack of traffic flow between the casino lot and the hotel lot. When vehicles are back out of some of the current parking spaces in the casino lot, it is necessary to back out into the public right of way. Those parking spaces were changed to alleviate the problem. Tye Roy explained that his business hour would be open from 5:30 a.m. to 3:30 p.m. His business would be closed during the restaurant's busy hours. Tye anticipates that 90 percent of his business would approach from the same side of the road as the business location. Tye stated that the entrance and exit to the business should help with the traffic flow.

Cal Cumin stated that this is a temporary use permit, which does not require landscaping and parking. However, he thanked the council for bringing up those issues.

A vote was taken on the motion. Motion carried 8-0.

**ITEMS REMOVED FROM THE CONSENT AGENDA:**

None.

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

None.

**COUNCIL DISCUSSION:**

The council discussion was held during the City Council Committee of the Whole meeting.

**UNSCHEDULED MATTERS:**

Alderman Olson asked the guests for their impression of the council meeting. Tammy Wheeler stated that it was informative for her sons.

The Emergency Services Committee meeting is scheduled for Monday, May 20<sup>th</sup>, at 5:30 p.m.

There being no further business to come before the council at this time, the meeting was adjourned at 7:40 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 21<sup>st</sup> day of May, 2002.

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John E. Johnson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer