

MINUTES OF THE CITY COUNCIL OF LAUREL

September 17, 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 September 17, 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.

MINUTES:

Motion by Alderman Poehls to approve the minutes of the regular meeting of September 3, 2002, as presented, seconded by Alderman Van Roekel. Motion carried 8-0.

CORRESPONDENCE:

James L. Kraft, Floodplain Administrator: Notice of August 29, 2002 regarding an application for a Floodplain Permit at Clark's Camp southeast of Laurel.

Carolyn Boyd and Betty Hart: Letters of August 31, 2002 to Agencies and Organizations involved with Clark's Camp and to the Neighbors of Clark's Camp.

MT/WY Association of Railroad Passengers: September 2002 Newsletter. (Not distributed; available for review from council secretary.)

Yellowstone County Air Pollution Control: Minutes of June 11, 2002; Activity Report for August 2002; Agenda for September 10, 2002.

Yellowstone County: Letter of September 5, 2002 regarding Local Emergency Planning Committee (LEPC) tabletop exercise on October 2, 2002.

Montana Department of Transportation: Letter of September 6, 2002 regarding Urban Highway Pavement Preservation Program Update.

PUBLIC HEARINGS:

- Ordinance No. O02-31: Community Entryway Zoning District (continued from August 6, 2002; continued from August 20, 2002; continued from September 3, 2002)

Mayor Johnson opened the public hearing.

Mayor Johnson asked if there were any comments on the Entryway Zoning District.

Gary Franklin, President of the Laurel Chamber of Commerce, stated that the business people have decided to sign a petition, and aldermen received a copy prior to the council meeting. Mr. Franklin stated that about seventy businesses want to go on record as not being in favor of either the Sign Code ordinance or the Entryway Zoning District ordinance. At this point, that is the stand the business owners are going to take. Mr. Franklin gave the original copy of the petition to Mayor Johnson, who gave it to the council secretary to enter into the record. Mayor Johnson thanked Mr. Franklin.

Mayor Johnson asked twice if there were any other comments regarding the entryway zone. There were none.

Motion by Alderman Mace to continue the public hearing on the Entryway Zoning District to October 1, 2002, seconded by Alderman Olson.

Mayor Johnson asked if there was any discussion.

Alderman Mace made the following statement and mentioned that the comments concerned both the Entryway Zoning District and the Sign Code.

What happened? Why are we giving up?

Gary Franklin responded that the business people did not care for the majority of the requirements of the ordinances. During a recent meeting, the business people decided to oppose it until they can sit down and work it out with the committee.

We had a POWERFUL process going on during the September 3rd meeting on these issues. There was a lot of ideas, interest, possible solutions to questions and positive comments that could become part of the document. It was a working document, and we all knew that. We were ready to sit down and have a meeting and the group decided to throw it all away. I don't understand that.

Jim Taylor started to respond.

Mayor Johnson stated that there is a motion on the floor. He stated that he wanted the conversation to take place, but it needed to be done correctly. Mayor Johnson stated that he would waive the rules in order to have a dialog, even though that is not quite correct. He asked people to step to the podium in order to record their statements.

Alderman Mace suggested that he should continue reading his statement and then they could address it. Mayor Johnson agreed.

Many people that I talk to, residents and visitors, feel that there is a sense of sign clutter in Laurel, not only in this town, but in every town in the state. Laurel is not different than any other town in the nation. We have those problems, the same problems that they have. I have done research on the Internet and a lot of reading. Some suggestions are to put a moratorium on the new signs for six months to a year or whatever it takes to discuss those issues until you can get it all sorted out with business. The council could have voted on this issue in June or July, whenever the issue first appeared. We had nobody at the public meeting. We opted to go and make sure that everybody in the city knew what was happening so that we could actually get that interaction. We didn't have any at the time so I'm glad that you guys came.

On September 3rd, I thought the direction was very clear and it enlightened me on how I was going to vote. The Chamber of Commerce vice-president, Ryan Burrows, wanted to have discussion about the issues.

I heard the Chamber President, Gary Franklin, echo that statement to meet with business owners to discuss the sign code.

I heard a sign company representative offer his support and services to help with a sign code from a professional's perspective.

I heard Mike Nardella (past president of the Chamber) agree that Mr. Burrows' comment that a meeting would be a good idea.

Mr. Ballou from Burger King offered some input on landscaping and lighting, which was noted and probably would be used in the document. And again I ask, what happened?

I feel like I as a council member, my ward was denied the possibility of a good thing to come out of a work in progress. We said upfront that we would work through this. We need to draw the line somewhere. Someday, it will have to be addressed. Maybe this group will not get a chance to shape that document. Maybe nobody will. I think it is better off to do it now, to get it out in the open, to get something that everybody is pleased with, and we can go from there.

I have read a few publications that have helped me to see the issue a little clearer from a different perspective and I want to share some parts that may pertain to where we are at this point.

In the *Small Cities Newsletter* September/October 1999 issue, Robert Walker, Planning Director in Decatur, Alabama, gave twelve points to implementing a new sign ordinance. Number 11 states: Be prepared for a community dialogue that might need six to twelve months depending on how far your community is away from consensus. Number 12 states: Be prepared to make unique concessions and compromises in order to reach a consensus. Think of compromises as building blocks – not ‘giving up’ or ‘losing.’

Mr. Mayor, I would like to make these comments part of the minutes of this council meeting.

Mayor Johnson stated that, under normal circumstances, discussion would be between council members after a motion and a second have been made. Since the issues were somewhat unique, Mayor Johnson waived the rules to allow a response.

Jim Taylor agreed that it is a shame we have gotten this far and not had as much input as the council would have liked to have to start with. Early on, there was some visiting about compromise and working through this thing. However, in the meeting with the representatives of the business owners, basically they decided they are not interested in compromise. They do not feel there is a need for this ordinance or either ordinance, are not interested, and don't want it. Hence, the signatures on the petition.

Curt Riemann, Little Big Men Pizza, Curt's Saloon, and Nine Fingers Mustard Company, questioned if the committee asked for input from the businessmen before the ordinance was decided. He stated that the ordinance would affect their business, and he wanted to know why the city would not call the people that are affected by it.

Mayor Johnson responded that he does not think the ordinance is flawed, but this is a difficult process regardless of the approach that is taken. To answer the question more specifically, the process started a long time ago in the Planning Board. At least one, if not more, notices of public hearings were advertised, and not one person spoke either aye or nay. Now we are at this point and trying to work through it. The council decided at the very outset that once the process started there would be some input. He stated that there has been a great willingness on the council's part to listen and make changes. Mayor Johnson stated that there is plenty of opportunity for input, even though it is in a formal way during council meetings. During the previous public hearing, the suggestion was made to have a working lunch. He called to set up a meeting, which was later cancelled. Apparently from the response, there is just no interest in talking about it – it's just a dead issue. That is the message that the council is getting. Mayor Johnson stated that the possibility of input is certainly available. No doors have been closed, other than on the business owners' side.

Curt stated that he was on two committees for ten years and they always let the businessmen know what was going to happen. They did not do it just by notice in the *Laurel Outlook*.

Mayor Johnson stated that opportunities have been available since July or August, even though it is slightly more formal than just a committee meeting. There is still plenty of opportunity to give input, as they would like. Mayor Johnson stated that there is a motion on the floor with a second and it is time for council discussion. The motion is to continue the public hearing to the next council meeting, allowing for plenty of opportunity.

Curt stated that the business owners want it to come to a head soon so they know what they have to do as a business organization.

Mayor Johnson stated that the remarks were noted and that the public hearing was closed.

Alderman Olson stated that he was on vacation during the last meeting and was encouraged by the optimism that was shared by all the council members. He was somewhat surprised to find out that the invitation for consensus was negated, and he thinks that was an opportunity lost. He thinks that we are hampered by the forum and he would encourage the business leaders to step forward to the plate, come and sit down so we have no restraints and put the issues out and banter them about. Alderman Olson stated that we cannot go forward without some sort of resolve. He would like to think that he is one that would be willing to compromise. He has talked to a lot of people and there is a lot of good in the ordinances, and there is some that is not good. Alderman Olson stated that the

council and the town as a whole deserve a better shake than to just drop it. He was encouraged by Alderman Mace's comments. He can remember talking to other councilmen where they said they were tired of public hearings, but he enjoys them. Although the time period that Alderman Mace stated is pressuring the limits a little bit, he still feels that there is some time open. Alderman Olson stated, "Let's not be afraid of getting into a forum where we can hopefully discuss. Thank you."

Alderman Poehls commented that he came on the council to look forward to Laurel twenty years down the road. To do that, you have to do it in an organized manner. Sometimes organized manners do not fit everybody's agenda, and this may be the first time since he has been on the council that we have stepped on people's toes. He made the analogy of trying to dance while tripping over each other's feet, which is his impression of the city council and the business owners of Laurel. Alderman Poehls stated that we must get in sync with each other and work these things out together so that we can push forward the City of Laurel or the City of Laurel is not going to go anywhere. He thinks that it is his responsibility to make sure that the City of Laurel goes forward, and he would assume that the business owners of this city also want the City of Laurel to go forward in an organized manner, not a disorganized manner. It has to be done together. Somehow we have to get this dance step working together, and it is going to take both sides of the issue to work together to do it. Alderman Poehls does not want to see a door closed because of that.

A vote was taken on the motion to continue the public hearing regarding the Community Entryway Zoning District to October 1, 2002. Motion carried 8-0.

- Wastewater Facility Plan.

Mayor Johnson opened the public hearing.

Scott Murphy and Jason Mercer, of Morrison-Maierle, distributed copies of the presentation and copies of the draft report of the City of Laurel Wastewater Facilities Plan to the council.

Scott stated that this public hearing complies with the Montana Department of Environmental Quality requirements. The purpose of a facility plan is to develop the tools for effective decision-making by establishing priorities and project cost estimates, and to make the city eligible for low interest loans and state and federal grants that deal with wastewater facilities. The draft report of the Wastewater Facilities Plan will go to the DEQ for them to begin looking at some of the technical review issues.

The scope of the Facility Plan included: 1) assess current situation; 2) assess future situation; 3) develop and evaluate alternatives; 4) develop draft implementation plan for public information and comment.

Information was presented regarding current wastewater flows, environmental conditions to be met, the existing wastewater collection system, the location of the trunk mains, average low flows recorded at the plant, the Main/Elm Street Lift Station, and the Village Sub Lift Station.

The recommended near-term improvements for the wastewater collection system include: 1) replace trunk mains in fields and open spaces to reduce major infiltration and inflow source; 2) replace aging Main/Elm Street Lift Station; 3) replace "one month" lines; 4) begin comprehensive program for replacing six-inch and eight-inch clay tile mains during the next 30 years. The results from implementing these improvements include: 1) infiltration reduction and benefits at the WWTP; 2) upsized trunk mains to accommodate growth; 3) reduced annual O&M costs associated with "one month" lines and pump stations; 4) reduction in potential public health and safety issues associated with surcharged sewers.

The growth areas identified by the City of Laurel and evaluated in the plan are the northeast/east growth area and the northwest/west growth area. The estimated construction cost for future trunk mains was presented.

Further information was presented regarding the existing wastewater treatment facility, the preliminary treatment, the primary and secondary treatment process, the disinfection facilities, solids digestion and disposal, and other plant needs.

The recommended near-term improvements for the wastewater treatment system include: 1) upgrade headworks with new bar screen, grit removal equipment and gas/safety equipment; 2) improve primary clarifier hydraulics and major coating rehabilitation; 3) add third RBC train for

redundancy and stability; 4) major coating rehabilitation of secondary clarifiers; 5) replace existing 24-inch outfall pipe; 6) miscellaneous digestion system improvements to increase flexibility; 7) install usable plant utility water system; 8) upgrade potable water system to allow fire protection; 9) replace plant drain pump station; 10) replace chlorination with UV disinfection.

Additional information regarding long term and population based improvements was presented. The top priority would be the trunk mains because the condition causes problems in the collection system and really affects the treatment plant. The inflow problem must be fixed by replacement or rehabilitation, and the recommendation is to install a larger line to deal with additional capacity. There was discussion regarding slip lining the pipes.

The project components and costs for the recommended phases of the project were presented.

Important input and questions to be answered by the City include: 1) type of growth for which the city wants to plan 2) study recommendations and decide on final project phasing; 3) plug projects into CIP planning and evaluate rate effects. The next steps in the process are: 1) gather city and public input on priorities and budget constraints; 2) MDEQ reviews the draft and provides input; 3) prepare and publish final facility plan; 4) final council adoption of the report (estimated December 2002).

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

Mayor Johnson closed the public hearing.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of August 2002.**
- **Approval of Payroll Register for PPE 09/01/02 totaling \$110,995.07.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of August 20, 2002 were presented.

--City Council Committee of the Whole minutes of September 3, 2002 were presented.

--City-County Planning Board minutes of September 5, 2002 were presented.

--Public Works Committee minutes of September 9, 2002 were presented.

--Council Workshop minutes of September 10, 2002 were presented.

- **Resolutions.**

Resolution No. R02-64: A resolution accepting a grant from the Montana Department of Transportation for video camera equipment and authorizing the Mayor to sign said grant.

Resolution No. R02-65: Budget amendment to amend certain agency fund budgets.

Resolution No. R02-66: Budget amendment to amend SID #110 budget.

Resolution No. R02-67: Being a resolution authorizing budget transfers.

Resolution No. R02-68: A resolution levying and assessing a special tax against certain property as designated in the City of Laurel, for the removal of noxious weeds.

Resolution No. R02-69: Resolution authorizing the Mayor to sign Change Order No. 1 for the Seal and Cover, Contract 1 Project.

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:

- **Confirmation of Appointments.**

Board of Appeals: one position – unspecified length of term

Mayor Johnson reminded the council of the position on the Board of Appeals.

- **Zone Change from Agricultural to Residential Tracts for proposed Pheasant Brook Subdivision.** Planning Board recommends denial. Public hearing was held on September 3, 2002.

Motion by Alderman Poehls to approve the zone change from Agricultural to Residential Tracts for proposed Pheasant Brook Subdivision, seconded by Alderman Van Roekel.

Alderman Easton mentioned his concerns regarding salinity control. There is a salinity problem in the City of Laurel, and he hated to think that the council would allow something out there that would add to the salinity problems in the city. There is talk about lining the ditches in our area in order to get rid of the salinity. He is not against the growth of the subdivision, but he asked if any thought had been given to salinity control.

Rick Leuthold, Engineering, Inc., stated that the same water that is in that aquifer now is essentially coming from the Big Ditch. The water log tests taken thus far show that the water quality is good, both in Montana Meadows and the Pheasant Brook area. Essentially, the same water will be utilized but will be infiltrated in a little different fashion than flood irrigation in a farming practice but will be done in a controlled, engineered fashion. They will make note of it and check it out as they go forward with design. Rick said that saline seep is typically associated with farm and agricultural operations where flood irrigation is done, causing a concentration of chemical makeups. That is why the nature of this recharge system can be in such a small area. This is a different practice than standard agricultural flood irrigation.

Alderman Easton stated further concerns that the salinity issue needs to be closely examined as new subdivisions are established in the area so that the chemical makeup of the water is not modified.

Alderman Mace mentioned talk of moving the water from the settling ponds to Little Dude Ranchettes. Rick Leuthold stated that Engineering, Inc. was contacted subsequent to the meeting with regard to the fact that they talked about taking the excess, the wastewater, so there would be continual flow through this area into a waste ditch dump right along the north boundary of the subdivision. In that discussion, Cal Cumin made mention of it and asked that they talk with Tom Lewellyn, who is involved with Little Dudes, about seeing if that water as it is discharged down that way can be utilized at the end and possibly bring their recharge system into compliance. Tom and Rick have talked briefly on that, but no firm action has been taken.

Alderman Mace asked if anyone has checked if the ditch is available because he understands that it is filled in. Rick is aware that the ditch might need to be reinstalled or do some piping along there, depending on the neighbor's concerns.

Mayor Johnson stated that the council should not be addressing the audience at this point. This discussion should be directed within the council. The mayor asked the council to direct their questions to the chair from this point forward.

Alderman Van Roekel asked regarding the process of determining where the settling ponds would be placed if the zone change is approved. Mayor Johnson stated that would be part of the platting process and would go to the county commissioners for approval. It is the council's zoning change, and the county commissioners' platting process. The commissioners would use the council's recommendation in the zone change and then the platting process would take place there.

Alderman Poehls read part of the City-County Planning Board minutes of August 1, 2002:

Betty said she would like to see the aquifer recharge area be within the property being addressed and not in Montana Meadows.

Cal recommended approval of the zone change subject to the understanding that provision for artificial recharge of the groundwater aquifer be included in any subsequent subdivision of the property. He also noted Betty's request.

Hart moved to approve the request for zone change subject to Cal's stipulations and that the land for aquifer recharge be within the project property. Kurt seconded but noted that he was going to abstain from the voting because he lives in Montana Meadows. The vote was Betty for; Steve, Laurel, and Ed against; and Kurt abstain. The project moves to the City Council with a recommendation for denial.

Alderman Poehls stated that he read this portion of the Planning Board minutes because he was not present at the meeting because of family issues, and there were not very many members at the meeting. He thinks that the vote would have been different if more members had been present.

Mayor Johnson stated that the motion as it reads does not carry forward on that recommendation and suggested that the council might want to consider amending the motion to include the recommendations.

Motion by Alderman Poehls to amend the motion to approve Pheasant Brook Subdivision to include the qualifications of artificial recharge, the location of the settling ponds within Pheasant Brook Subdivision and not in Montana Meadows, and that the water system be flowing and not closed, seconded by Alderman Mace.

Mayor Johnson restated the motion for clarification: to amend the motion to approve Pheasant Brook Subdivision adding the stipulations that the aquifer recharge be accomplished on the Pheasant Brook property and that the water system be a flowing, not closed, system. Alderman Poehls agreed that this was his motion to amend.

Alderman Oakes stated that he is not comfortable with the artificial recharge because you are talking about furnishing a water supply in the future for all the homeowners that are going to be moving into that area and also with what Alderman Easton said about the salinity issues. He said that it sounds possible but not foolproof.

Alderman Mace stated that the attempt made to replace the aquifer is at least an attempt. The people that are most opposed to this are not doing anything for themselves either and have no ability to do that. His thoughts are that we do not know that the alkaline or saline will be a problem, but we will not know that until the methods of recharge are tried. At this point, this is the first time that he has heard anything about it. We cannot stop subdivisions from happening in that area because it is prime ground. Until this city can get the waste and water system in that area, we have to try these kinds of things.

Mayor Johnson stated that, in the long term, a municipal water and sewer supply would be available in that area. However, that will not be short term.

Alderman Van Roekel mentioned that there is a question of trust regarding this information. He is not an engineer, but chose to trust that the information was fairly accurate and reasonable to the best of their ability. The worst case scenario is that homeowners would have to deal with a dry well and install a cistern. It seems like good thought has been put into this.

Mayor Johnson stated that a zone change can be denied on some issues, but he was uncertain if the water issue would be a sufficient condition. There has been a lot of exploration in this particular area and there is a trust issue as this type of development moves forward.

Alderman Easton stated that he mentioned the salinity issue so that it would be addressed for the future. He talked to the DNRC and they have no problems with it. He still thinks the salinity issue should be addressed in the future.

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

A vote was taken on the motion, as amended. Motion carried 7-0, with Alderman Oakes abstaining.

- **Ordinance No. O02-34: Ordinance amending Chapter 10.20.10 of the Laurel Municipal Code relating to school zone.** Second reading.

Motion by Alderman Easton to adopt Ordinance No. O02-34, seconded by Alderman Dart. A roll call vote was taken on the motion. All eight aldermen present voted nay. Motion failed.

- **Ordinance No. O02-35: An ordinance establishing Standards for Public Works, replacing sections 13.04.010 through 13.12.370 of the Laurel Municipal Code.** First reading.

Motion by Alderman Oakes to adopt Ordinance No. O02-35, seconded by Alderman Mears. A roll call vote was taken on the motion. All eight aldermen present voted aye. Motion carried 8-0.

- Zoning variance to allow additional storage units to be allowed north of 215 South 4th Street. Legal description of property is Laurel East Yellowstone Subdivision, Block 24, Lots 1-8 and the vacated 20x85.7 feet of alley and the 30x87.3 feet of vacated South 3rd Street; and Block 25, Lots 11-20 and Vacated west 10x30 feet of alley and the 60x150 feet of vacated South 3rd Street adjacent to Lot 20. Planning Board recommends approval subject to: 1) Close the access gates in the abandoned alleyway in Blocks 24 and 25 to include the one fronting on Lots 11, 12, and 13 of Block 25; and 2) that a landscaping plan be prepared for approval by the City Public Works Department and implemented accordingly. (This will be required under new construction provisions of the City's existing ordinances.) In designing a landscape plan for a storage unit facility, it is understood that security of the site and of the storage units is a consideration, and landscaping is not to be designed as a screen. **Set public hearing for October 15, 2002.**

Motion by Alderman Mace to set the public hearing for October 15, 2002, on the zoning variance to allow additional storage units to be allowed north of 215 South 4th Street, seconded by Alderman Oakes.

Alderman Poehls asked whether or not stipulations could be made regarding storage of vehicles and boats in a zoning variance.

Matt has received information from their attorney that will be discussed at a later date.

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

- Zoning variance to allow zone change from Agricultural Open-Space to Community Commercial adjacent to Airport Road for 20-acre site in the NE ¼ of Section 4, T2SR24E. Planning Board recommends denial. **Set public hearing for October 15, 2002.**

Motion by Alderman Dart to set the public hearing for October 15, 2002, on the zoning variance to allow zone change from Agricultural Open-Space to Community Commercial adjacent to Airport Road for 20-acre site in the NE ¼ of Section 4, T2SR24E, seconded by Alderman Oakes.

Alderman Mears asked for clarification of the location.

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 Committee of the Whole.

UNSCHEDULED MATTERS:

Mayor Johnson mentioned that the City of Laurel is scheduled to host the City-County Joint Meeting on Thursday, October 24th at 5:30 p.m.

There being no further business to come before the council at this time, the meeting was adjourned at 8:49 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 1st day of October, 2002.

John E. Johnson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer