

# MINUTES OF THE CITY COUNCIL OF LAUREL

January 21, 2003

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 6:30 p.m. on January 21, 2003.

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 Van Roekel to approve the minutes of the regular meeting of January 7, 2003, as presented, seconded by Alderman Olson. Motion carried 8-0.

## CORRESPONDENCE:

Montana Cities and Towns: Winter 2002 issue.

Air Pollution Control Board: Minutes of December 10, 2002; Activity Report for December 2002; Agenda for January 14, 2003.

Laurel Chamber of Commerce: January 2003 Newsletter.

## PUBLIC HEARING:

- **Ordinance No. O02-32: City of Laurel Municipal Sign Code.** (First reading 06/18/02; public hearing on 07/16/02; 08/06/02 – set additional public hearing for 08/20/02; public hearing on 08/20/02; public hearing on 09/03/02; public hearing continued to 11/19/02; public hearing continued to 01/21/03)

Mayor Johnson opened the public hearing.

Mayor Johnson stated that a letter from the Howard Johnson Inn, written by Joyce Bratland, Manager, was distributed to the council prior to the meeting. He explained that he had a conversation with Ms. Bratland, as referenced in the letter, regarding Entryway Zoning. The letter will be entered into the record as a matter of testimony, and as part of the public hearing process.

Mayor Johnson asked for input.

Motion by Alderman Olson to continue the public hearing on the City of Laurel Municipal Sign Code until the 4<sup>th</sup> of February, seconded by Alderman Poehls.

Attorney Erekson pointed out that the Mayor would not have returned by the 4<sup>th</sup> of February.

Motion by Alderman Olson to amend his original motion to continue the public hearing until the 18<sup>th</sup> of February, seconded by Alderman Poehls. The amendment motion carried 8-0. The original motion to continue the public hearing until the 18<sup>th</sup> of February, as amended, carried 8-0.

## CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of December 2002.**
- **Approval of Payroll Register for PPE 01/05/03 totaling \$117,433.96.**

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

--Budget/Finance Committee minutes of December 16, 2002 were presented.

--City-County Planning Board minutes of January 2, 2003 were presented.

--Public Works Committee minutes of January 13, 2003 were presented.

--Council Workshop minutes of January 14, 2003 were presented.

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

- **Resolutions.**

**Resolution No. R03-10: Resolution of intention of the City of Laurel, Montana, to increase the rates and charges for the users of the municipal water system.**

**Resolution No. R03-11: Resolution adopting Policy and Procedures for the Laurel Police Department.**

**Resolution No. R03-12: A resolution of annexation of Certificate of Survey #3014, the Laurel Lions Family Park, formerly known as South Pond.**

The mayor asked if there was any separation of consent items. Alderman Olson separated Resolution No. R03-10.

Motion by Alderman Olson to approve the consent items as presented, seconded by Alderman Dart. Motion carried 8-0.

**REPORTS OF BOARDS AND COMMISSIONS:** None.

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

City Attorney Matt Erikson announced that Officer Jay Hatton received the Rosenberg Award last night for his community service, and Judge Jean Kerr received the Outstanding Public Service Award by the Laurel Chamber of Commerce.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**

Current Board/Committee Vacancies: Board of Appeals: two positions  
Police Commission: one position

**Police Officer:**

Mayor Johnson stated that Dustin Black completed his one-year probation on January 7, 2003.

Motion by Alderman Dart to confirm Dustin Black as a police officer for the City of Laurel, effective January 7, 2003, seconded by Alderman Van Roekel. Motion carried 8 - 0.

**Police Officer:**

Mayor Johnson stated that Erin Popp completed her one-year probation on January 14, 2003.

Motion by Alderman Dart to confirm Erin Popp as a police officer for the City of Laurel, effective January 14, 2003, seconded by Alderman Van Roekel. Motion carried 8 - 0.

- **Police Department – Year-End Report.**

Sergeant Mike Zuhoski presented the Laurel Police Department Year-End Report. Mayor Johnson stated that Sergeant Zuhoski is the acting police chief during Rick Musson's absence to attend the FBI National Academy in Quantico, Virginia. A written report was distributed, and a copy is attached to these minutes. Subjects covered in the report include: the SRO (School Resource

Officer), the donated car for the SRO, the motorcycle program and donated leathers, the Reserve Officers program, the Policies and Procedures, which was adopted this evening, and the dispatchers. The report detailed the number of calls in six major crime areas, and a printout of all calls was attached.

The floor was then opened for questions. Alderman Mears commented that the school parking lot has been cleaned up very well. Sgt. Zuhoski responded that this is a result of the joint effort between the school and the SRO, via adopted parking regulations, stickers, and striping. Alderman Olson asked for an update on the HIDTA grant. Sgt. Zuhoski replied that the DEA and the city attorney are reviewing the memorandum of understanding, and Officer Pitts has begun training. The allocated money is held up by the appropriations bill in Congress. Alderman Van Roekel stated that he liked the three-year comparison figures, and noticed that the number of Partner/Family Member Assaults was less than prior years, and asked if there was a reason for the decline. Sgt. Zuhoski did not have an answer as to why the numbers have declined, but stated that it is a good sign. Alderman Dart asked about the “thefts, all other” statistic. Sgt. Zuhoski explained those numbers.

- **Fire Department – Year-End Report.**

Mayor Johnson introduced Gary Colley to the council. He is a 13-year member of the Fire Department, and is also the new Code Enforcement/Fire Inspector/Building Inspector since January 6<sup>th</sup>. Joel Barnhart, Administrative Assistant to the Fire Chief, was also introduced for the presentation. A written report was distributed, and a copy is attached to these minutes.

Mr. Colley gave a brief overview of the report, including comparisons, incident figures, district summaries, and man-hours. A total of 8,001 man-hours were logged, which averages out to 228.6 hours per person for the 35-member department.

The floor was then opened up for questions. Alderman Oakes stated that there were a lot of man-hours in July. Mr. Colley explained that July was the highest month and had the greatest number of calls.

Alderman Olson asked what are the duties of the administrative assistant position. Mr. Barnhart stated that he writes up reports, makes phone calls, and does various other tasks on behalf of Fire Chief Ruff while he is at work. Mr. Colley stated that Joel has been a tremendous help. Mayor Johnson added that Joel attends the Department Head meetings as the Fire Department representative.

Alderman Mace asked about “good intent” calls, and was told that those are incidents when a fire is suspected, but upon arrival, there is no fire. The personnel per call figure reflects whoever shows up, but all 35 firemen are paged for every fire call.

Alderman Dart expressed gratitude from the council for the fire department, especially in terms of tight budgets, and teamwork between all departments is appreciated.

Alderman Van Roekel asked about the fire in Columbus, and if there were any reimbursed expenses. He was told that the ladder truck was sent, and the City of Columbus paid for the fuel. Mayor Johnson explained that the fire department has mutual aid agreements, and Mr. Barnhart named Billings, Cenex Refinery, and Park City as participants in said agreements, so the Columbus fire needed the mayor’s permission to assist.

At Rotary today, Mayor Johnson was asked if one city department stands out. He answered that the fire department is the most effective and most efficient department in the city and is copied by other fire departments within the state.

Mr. Colley and Mr. Barnhart were thanked for their time and effort.

**ITEMS REMOVED FROM THE CONSENT AGENDA:**

- **Resolution No. R03-10: Resolution of intention of the City of Laurel, Montana, to increase the rates and charges for the users of the municipal water system.**

Motion by Alderman Olson to adopt Resolution No. R03-10, seconded by Alderman Mace.

Under discussion, the Mayor stated that the reason he asked to have this item separated was to review some minor revisions received this afternoon from the bond counsel, Dan Semmens of Dorsey & Whitney. The Mayor then reviewed the revisions, one by one.

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

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

Alderman Van Roekel stated that he had a request from a constituent in his area regarding repositioning garbage containers. The Public Works Department reviewed the matter, and some containers were repositioned in the alley. Alderman Van Roekel thanked the department for their cooperation.

Alderman Olson asked for discussion regarding scheduling a council workshop for next week. Mayor Johnson will be out of town. Alderman Mears asked if there were any pressing issues, which there are none at this time. There will be no department head meeting next week either. Mayor Johnson stated that there will be fewer department head meetings, and they will follow a different format. After discussion, it was decided that no council workshop was necessary.

Alderman Dart told the council that representatives from the Eagles approached him regarding the bus depot location issue. It is his understanding that there has been discussion between the Eagles, Public Works, and the State Department of Transportation about having the buses park across the street rather than where they park now. Alderman Mace told the group that the Public Works Committee has discussed the issue, and the Greyhound people are aware of the issue, as well as the DOT. There is some concern as to whether the asphalt across the street can hold up where the buses would park, and there is a request for a crosswalk in the middle of the block. Communications will continue with all entities involved.

Alderman Poehls asked for the progress regarding the crosswalk on 5<sup>th</sup> Avenue and Main Street. Apparently the State turned down the request for a crosswalk across the highway at 5<sup>th</sup> Avenue. Alderman Easton reminded the council that there is a Department of Transportation public hearing regarding the study of the reconstruction of the 5<sup>th</sup> Avenue Railroad Crossing scheduled for Thursday, January 23<sup>rd</sup>, at 7:00 p.m. in the Council Chambers.

**UNSCHEDULED MATTERS:**

Motion by Alderman Poehls to remove from the table **Resolution No. R03-4, A Resolution regarding a Civil Legal Services Agreement**, which was tabled at the January 7, 2003 meeting, seconded by Alderman Dart. Motion carried 8 – 0.

Motion by Alderman Poehls to approve **Resolution No. R03-4, A Resolution regarding a Civil Legal Services Agreement**, seconded by Alderman Mears. Motion carried 8 – 0.

Mayor Johnson then informed the council that a resolution regarding his absence has been distributed this evening. This resolution is necessary, but since it was not ready for the agenda, it requires a unanimous vote to be placed on the agenda.

Motion by Alderman Olson to place on the agenda **Resolution No. R03-13, A Resolution Establishing Procedure for the Mayor's Absence from the City of Laurel**, seconded by Alderman Poehls. Motion carried 8 – 0.

Motion by Alderman Dart to approve **Resolution No. R03-13, A Resolution Establishing Procedure for the Mayor's Absence from the City of Laurel**, seconded by Alderman Oakes. Motion carried 8 – 0.

Mayor Johnson thanked the council for their cooperation to pass this resolution, as he feels it is an important issue to be used in the future as well. It leaves a clear distinction and a clear pathway of authority during his absence. Discussion followed regarding the differences between this action and the absence of a councilman.

Alderman Mace reported on the Local Emergency Planning Committee meeting of January 14<sup>th</sup>. The Department of Justice grant was discussed, as well as a Project Impact celebration for their year-

end on January 30<sup>th</sup>. The State was given \$37,500 by the Federal Homeland Security Agency via Yellowstone County. Also, the City-County Health Department is gearing up for smallpox vaccine at the local level.

Alderman Olson thanked the mayor for scheduling the council retreat held last Saturday. He also thanked Aldermen Mace and Easton for setting up the meal and meeting room. Mayor Johnson concurred.

Mayor Johnson introduced Mark Anderson, the newly contracted attorney for the City's legal services contract for civil matters.

There being no further business to come before the council at this time, the meeting was adjourned at 7:28 p.m.

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Mary K. Embleton, Clerk/Treasurer

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 4<sup>th</sup> day of February, 2003.

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John E. Johnson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer