

MINUTES OF THE CITY COUNCIL OF LAUREL

March 18, 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 March 18, 2003.

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

COUNCIL MEMBERS ABSENT: Gay Easton

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 March 4, 2003, as presented, seconded by Alderman Mace. Motion carried 7-0.

CORRESPONDENCE:

Yellowstone Valley Electric Cooperative: Letter of February 7, 2003 regarding available District Six term on the Board of Trustees.

Montana Department of Administration: Letter of March 3, 2003 regarding April 2003 GASB #34 Seminar.

Local Government Center: Letter of March 4, 2003 regarding Elected Officials' Workshop to be held May 7-9, 2003, in Billings.

Laurel Middle School: Letter of February 20, 2003 regarding Friday Fun Night Activities.

Montana Department of Commerce: Letter of February 24, 2003 regarding Postcard to Update Community Development Mailing List; Planning Grants for the 2003 CDBG Program; Final Action on Administrative Rules Process; 2004 Application Guidelines for Housing and Public Facilities Projects; and Dates and Locations for 2004 Public Facilities and Housing Application Workshops.

ProtectMontanaKids.org: Information regarding Big Tobacco companies and Hope Rally & Action Day in Helena on March 17, 2003.

Air Pollution Control Board: Minutes of January 14, 2003; Activity Report for February 2003; Agenda for March 11, 2003.

MT/WY Association of Railroad Passengers: February 2003 Newsletter.

PUBLIC HEARINGS:

- Request for annexation from Teresa and Tige Ekle for Lots 1-5, Block 1 of Mathis Subdivision. (Planning Board recommended approval at 02/06/03 meeting.)

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.

- Request for annexation from Kathy Simanton for Lot 1, Block 6 of High Point Subdivision. (Planning Board recommended approval at 02/06/03 meeting.)

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.

- Ordinance No. O03-01: Ordinance amending Chapter 17.49 of the Laurel Municipal Code relating to temporary uses in nonresidential zoning districts.

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.

- Ordinance No. O03-02: Ordinance amending Chapter 8.04 of the Laurel Municipal Code relating to certain matter not to be placed in receptacles.

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:

- **Clerk/Treasurer Financial Statements for the month of February 2003.**
- **Approval of Payroll Register for PPE 03/02/03 totaling \$171,223.14 (includes retroactive).**

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

--Budget/Finance Committee minutes of February 18, 2003 were presented.

--City-County Planning Board minutes of March 6, 2003 were presented.

--Public Works Committee minutes of March 10, 2003 were presented.

--Council Workshop minutes of March 11, 2003 were presented.

- **Resolutions.**

Resolution No. R03-26: Resolution relating to \$2,541,000 Water System Revenue Bond (DNRC Drinking Water Revolving Loan Program), Series 2003; authorizing the issuance and fixing the terms and conditions thereof.

Resolution No. R03-27: Resolution authorizing participation in the Board of Investments of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (INTERCAP Revolving Program), approving the form and terms of the Loan Agreement and authorizing the execution and delivery of documents related thereto.

Resolution No. R03-28: Resolution authorizing the Mayor to sign Change Order No. 3 for the new water intake and pump station.

Resolution No. R03-29: A resolution authorizing the Mayor to sign an Agreement for Purchase of Electric Power Supply with the Montana League of Cities and Towns, Inc.

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 Poehls. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

BeaAnn Melichar, the Executive Director of the Yellowstone County Council on Aging, presented information regarding its programs. BeaAnn introduced Mary Sickle and Marion Coleman. Mary is the cook and coordinates the Meals on Wheels Program at the Laurel Senior Center. Marion Coleman is the president of the Laurel Senior Citizens group and is a member of the Yellowstone County Council on Aging Board of Directors.

BeaAnn distributed an information booklet, which included services and service provider information for seniors, to several council members. She also presented some brochures and offered to provide more booklets if necessary.

BeaAnn thanked the council for the opportunity to present an overview of the services provided by the Council on Aging in the Laurel community. According to the 2000 Census, almost 21% of Laurel citizens were over the age of sixty. Laurel is often thought of as a bedroom community for Billings for working people, but in reality, there are a lot of retired folks here. Only 121 of the senior citizens live in the nursing home and the three personal care home facilities in Laurel. Many of Laurel's seniors are very involved in the community. The Laurel Senior Center is very appreciative of the support received from the Laurel City Council. On behalf of the senior center, BeaAnn thanked the council for the financial support.

This past year, Gay Easton and Lorraine Craig served on the Strategic Planning Committee for the Yellowstone County Council on Aging as they compiled a plan for future services in Yellowstone County and particularly in Laurel. A copy of the plan will be provided in the next couple weeks. It will be under final approval of their Board of Directors next week, and then it will be printed and distributed for people in the community.

Before the strategic plan was totally approved, it was decided that the transportation services needed to be improved for people in Laurel. A grant was written for a new mini-bus, which should arrive in Laurel soon. Transportation services are currently provided between 10:00 a.m. and 2:00 p.m., Monday through Friday. When the new mini-bus arrives, they are hoping to expand the hours so that people could use the vehicle to get to doctor's appointments earlier in the day. The Laurel Senior Center is open Monday through Friday, and Mary is an awesome cook and prepares great meals. BeaAnn invited the council to visit the center, and asked that they call a day ahead if planning to attend a meal. The Council on Aging distributes a publication called "The Senior News". The Laurel Senior Center's menus and some of the activities are listed in the publication, which can be received by calling their office.

The Meals on Wheels Program provides service to about thirty to thirty-five people in Laurel. BeaAnn mentioned that there are probably other people that could use the service, and she encouraged the council to give any information to Mary Sickle. Marion Coleman is a volunteer driver for the Meals on Wheels Program.

One of the staff members from the Council on Aging visits all of the nursing homes and the personal care homes in the county, including the ones in Laurel. This individual does investigations if there is a complaint about something, and she also periodically visits the facilities without prior notice. She gets to know the residents, who are then willing to confide in her with any concerns. Another staff member, Sue, is very aware of all of the services that are listed in the information booklet. If someone is having a tough time getting through the system, Sue can be of great assistance.

The Retired Senior Volunteer Program is also available in Laurel. The volunteers do a lot of good things in their work at the Senior Center, Community Hope, the Laurel Library, the Police Department, and the schools. They are always looking for other places for volunteers to be involved.

The Council on Aging is well aware of the State budget concerns and budget crunches. A couple of fundraising events are scheduled at the Laurel Senior Center during the course of the year. On Thursday, April 10th, from 5:00 to 6:30 p.m., a Spaghetti Dinner and Bake Sale will be held at the Center. The cost is \$5.00 for adults and \$3.00 for children under 12 years of age, and she encouraged the public to support the event.

In 1998, the residents of Yellowstone County passed a one-mill levy for senior programs. That has been a stable funding source for their programs, and without that, they would be hurting. The Council on Aging allocates approximately \$100,000 for their programs in the Laurel community. If there are additional needs, they will certainly try to address those needs, and she encouraged the council to contact her, Mary Sickle, or Marion Coleman with any concerns.

As a representative of the Laurel Senior Center, Marion Coleman emphasized that the City Council and the City of Laurel has been generous in their financial support and through construction of the building. They hope it continues and certainly wanted the council to know that it is appreciated.

Alderman Dart asked how Medicaid related issues are handled. BeaAnn stated that Sue Bailey, the Caregiver Support Coordinator, would address those issues and could be contacted at the office. The Council on Aging also has a small amount of money available in a minor home repair program for items such as new locks or grab bars in a bathroom.

Mayor Johnson asked if there were any provision for handicap ramps. BeaAnn stated that handicap ramps are very expensive if they are done correctly. They do not have adequate funds in their program, but the LIFTT Program in Billings would provide handicap ramps.

Alderman Olson asked if ample housing is available for elderly seniors in Laurel. There are waiting lists at the four senior housing facilities in Laurel. The old nursing home, which is managed by H.D.A. Management, provides assisted living, and the cost depends on the income of the resident.

Alderman Mace asked if they have received questions regarding what should be done in the event of a terrorism attack and if they are doing anything for seniors on these issues. BeaAnn has not received any specific questions. The Retired Senior Volunteer Program is gearing up to have volunteers that would be available to provide assistance. They will be working with the Red Cross to provide a workshop in what to do and where to go in your neighborhood if you are told to go to the nearest shelter. Alderman Mace offered to be of assistance in this regard, and said that Linda Schickantz spoke at the recent Local Emergency Planning Committee meeting. BeaAnn will contact her to speak at the Laurel Senior Center.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments:** None
Current Board/Committee vacancies: Board of Appeals – two positions
Police Commission – one position
- Scott Atwood – FAP expansion

Scott Atwood, of Myhre Atwood Architects and Planners, presented the final report on some options for expansion of the FAP. Scott distributed copies of the Submittal of Findings booklet to the council.

Scott addressed two questions from the previous presentation made to the council. The first question was the uncertainty of the property line issue. Steve Klotz verified that the FAP building does go over the property line. Two eighty-foot rights of way on the intersection give some flexibility. Steve had no knowledge as to why that happened, or how that happened, but it was on the drawings so it would appear that at some point somebody recognized the need for the extra space. Scott suggested that it might have been decided that 80 feet was not needed for a right of way. Sixty feet is generally acceptable and someone made the decision to break into that right of way. We should

be cautious about going any further, and the north addition should be considered in terms of that property line. Scott stated that we should not go any further north than that property line because it would be non-conforming in two directions.

Scott received two different interpretations on the question regarding the upper level ADA accessibility. The upper-level remodel should be considered cautiously in terms of what functions would be located there. The challenge is that an individual in a wheelchair probably could not be an ambulance attendant. On the other hand, it was quickly pointed out to him that ADA accessibility is not just wheelchairs; it is everything, including just being able to get up a set of stairs. The challenge is if a person could be an ambulance attendant if they were unable to get up a flight of stairs. Scott stated that nothing public should be put in the upper level. If it is employee oriented, he believes that it would be acceptable.

Scott presented the following eleven possible options: 1) a basic addition of under 600 square feet at a cost of \$56,600; 2) an expanded addition, estimated at 2,500 square feet, at an estimated cost of \$220,000; 3) new construction/relocation for a 7,600 square foot facility at approximately \$608,800; 4) lease of a nearby building with approximately 2,900 square feet at a ten-year lease projection cost of \$216,000; 5) purchase of a nearby building with 5,916 square feet at a cost projection of \$205,000; 6) lease of a temporary building at various cost projections for three different building sizes; 7) expansion (400 square feet) to the north of the present FAP building at an estimated cost of \$37,400; 8) building an upper level (1,800 square feet) at a cost project of \$176,400; 9) demolish the jail cells and remodel at an estimated cost of \$74,500; 10) use the existing attic space (option determined to be "not feasible"); and 11) an east side addition at an estimated cost projection of \$187,900.

Scott stated that his office needs direction from the city for the next step in the process. When the project began, there was a certain assumption that possibly the basic addition option was being considered, and his office submitted a fee proposal on that project. If the city chooses that route, they will certainly honor that fee proposal and would be happy to work under those services. If the city would like them to investigate another area, they would be willing to do so. The initial contract for services is now finished. Scott suggested that his office would be willing to complete measurements at the Associated Glass building in order to get something down on paper. He estimated that it would be about \$350 to \$400 to get that documented and on paper and suggested that it might help in the planning process.

Alderman Olson asked what was included in the cost projection for option 11 for the east side addition. Scott explained that it included a training room, offices, bathrooms with showers, lockers and storage, a dorm room, and a laundry area. Alderman Poehls asked if it would be possible to split it into two different projects: the main construction and bays, and the living quarters issue for the future. Scott agreed that it could be done that way, but he could not provide an estimate of the costs for the structure alone. He agreed to do some tabulation in order to provide figures to build bay space and a training room. Jan Faught stated that they already have bays, but they do not have offices and training space. Scott will break out the costs for the shell of the building and the additional costs.

Alderman Oakes asked for further explanation of the option to purchase a nearby building.

Scott thanked the council for their time. Alderman Olson thanked Scott for his presentation.

- Land use variance for Crazy Mountain Oil and Gas for a proposed office location at 306 East 4th Street. (Planning Board by a vote of 5-1 recommended approval for the land use variance.) **Set public hearing for April 15, 2003.**

Motion by Alderman Mace to set the public hearing date for April 15, 2003, for the land use variance for Crazy Mountain Oil and Gas for a proposed office location at 306 East 4th Street, seconded by Alderman Poehls. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Alderman Olson recently took the opportunity offered by Larry McCann for a guided tour of the intake project at the river. He observed a lot of things that he had not previously understood about the project and now feels more competent to answer questions about the project.

Mayor Johnson summarized the council's discussion regarding the committees. The Public Works Committee and the Emergency Services Committee are going to give input to the council with regard to issues. The committee chairmen will need to request staff attendance at the committee meetings if they feel that they are needed for expert type purposes. This is a change for the committees from the past. There is a need to clarify so that everyone has an idea of the change. Any decision regarding purchases or that type of thing would be presented at a council workshop, and the decision would be made at a council meeting. A proposed ordinance on beer kegs is one matter that has gone to the Emergency Services Committee for consideration so that there could be some accountability. Hopefully, the committee will receive input and then make a recommendation to the council. That would be, more or less, the flow of and use of the committees.

Alderman Dart stated that nine-tenths of the content of the Emergency Services Committee meetings has come from the department heads and staff. It is important to be able to keep informed with various involvements with Cenex, the private sector, and whoever forms that committee. Since there is currently an issue for consideration, he questioned how to proceed. He suggested that a memo could be distributed to discuss the issue, and he stated that people on the committee should be kept informed.

Mayor Johnson stated that a memo would be written to clarify the process. It was discussed in an informal setting at a council workshop, and now in a formal setting at a council meeting. If it seems to fit, a memo or a clarifying statement will be written so the process is understood.

Alderman Mace explained some items from the recent Local Emergency Planning Committee meeting. The County has scheduled a siren test on April 16th. One thing that was stressed is that someone needs to check and verify any problems with the system in advance in order to have it fixed. Exxon is paying for siren upgrades with a \$100,000 grant, and new sirens will be installed in certain areas and old sirens will be upgraded. Alderman Mace again stated that the siren should be checked.

Alderman Mace mentioned the LPEC's concern that the schools have not participated enough. The Laurel Schools have not participated, and occasionally someone from the Billings Schools participates. The concern is that the schools have emergency plans in place. Alderman Mace knows that there was some kind of organization during the past bomb threats at the Laurel schools, but it would be important to convey those procedures to the county or the committee.

Mayor Johnson suggested inviting Jim Kraft to the Emergency Services Committee meeting to address those issues. If any council action were needed, it could come back to the council.

Alderman Mace stated that some Department of Justice grants were given to the Billings Fire Department in order to ensure standardized equipment. FEMA has some grants for homeland security for funds to set up programs. Any money for homeland security will be going through the Local Emergency Planning Committees. Cities, counties, and police departments will not receive the money.

Alderman Mace suggested that notification about the countywide siren test on April 16th should be placed in the local paper. The siren will sound for one minute at 6:05 p.m. on Wednesday, April 16th. He is concerned that citizens will wonder what is happening, and the fire and police departments will probably receive calls about it.

Alderman Poehls asked why the meeting room at the library cannot be used after 7:00 p.m. Mayor Johnson will find out the answer.

UNSCHEDULED MATTERS: None

There being no further business to come before the council at this time, the meeting was adjourned at 7:34 p.m.

Cal Cumin stated that he needed to give the council some information and had planned to do so during unscheduled matters. Mayor Johnson allowed him to do so at this time.

Cal thanked Aldermen Oakes and Easton for attending the recent Clark's Camp hearing at the County. It was very good for Laurel's input and the process went well.

Cal has heard feedback regarding the recommendation of the Planning Board on the variance request from Crazy Mountain Oil and Gas. Someone reminded him that the city had denied MDU's request, but Cal stated that he sees no comparison. Cal encouraged the council to review the Planning Board minutes because they cover the issue quite well. This is not one of the largest corporations in five states like MDU, but it is a company that has grown up here in Laurel and had to expand. So either we provide for it or they go to Billings. Cal stated that it is not an easy call; if it were an easy call, planning boards would not be needed.

Cal asked how to reserve the council chambers for a meeting on April 2nd. Mayor Johnson stated that he should contact the council secretary to reserve the council chambers.

Alderman Mace mentioned that he also attended the recent Clark's Camp hearing.

The meeting ended at 7:37 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 April, 2003.

John E. Johnson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer