

# MINUTES OF THE CITY COUNCIL OF LAUREL

April 15, 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 April 15, 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.

Mayor Johnson welcomed everyone to the council meeting.

## MINUTES:

Motion by Alderman Dart to approve the minutes of the regular meeting of April 1, 2003, as presented, seconded by Alderman Mace. Motion carried 8-0.

## CORRESPONDENCE:

Laurel Chamber of Commerce: April 2003 Newsletter.

Big Sky Economic Development Authority Newsletter.

Montana Department of Revenue: Letter of March 27, 2003 regarding Application for Transfer of Stock Ownership of Montana All-Alcoholic Beverage with Catering Endorsement License No. 03-044-9403-002, PALACE BAR & LANES, 305 East Main Street, Laurel, Yellowstone County.

Air Pollution Control Board: Minutes of March 11, 2003; Activity Report for March 2003; Agenda for April 8, 2003.

Montana Municipal Insurance Authority: Risk Management Bulletin of April 3, 2003 regarding Annual Governor's Safety Awards.

**PUBLIC HEARING: LAND USE VARIANCE FOR CRAZY MOUNTAIN OIL AND GAS FOR A PROPOSED OFFICE LOCATION AT 306 EAST 4<sup>TH</sup> STREET.** (Planning Board by a vote of 5-1 recommended approval for the land use variance at 03/06/03 meeting.)

Mayor Johnson opened the public hearing.

Mayor Johnson asked Cal Cumin to make some remarks.

Cal stated that the City-County Planning Board recommended approval at the March 6, 2003 meeting, and he has been questioned why this was approved when other requests were not approved. There were several reasons. One reason is that this place is almost designed for a business. There is more than adequate off-street parking with paved access. There are other businesses in the immediate area, it is very close to the downtown area, and this is a homegrown Laurel business. Cal knows that the owners spent considerable time trying to find a place because he had communicated with them about the possibilities of other areas where they could locate. The owners were at the end of the possibilities. If they cannot locate here, they will have to go to Billings. Cal offered to answer any questions from the council.

Mayor Johnson asked if there were any proponents.

Jeanette Wilm is part owner of Crazy Mountain, Inc. The business has been located in Laurel in the two owners' basements since 1997. The business has outgrown the facilities and needed to combine

into one location. Jeanette stated that they did work with the city and tried to find ample space downtown, but nothing was available. It was also mentioned at the zoning board that they are not the type of business that should be located downtown. They do not have walk-in clientele. They are oil and gas oriented, and all of their business comes in from the Internet, postal service, FedEx, and similar means. This location is perfect for what they do because they do not want walk-in traffic. They would not benefit anybody uptown by locating their business there, as they would not draw any attention to any other business.

Mayor Johnson asked three times if there were any other 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 March 2003.**
- **Approval of Payroll Register for PPE 03/30/03 totaling \$111,255.51.**
- **Receiving the Committee Reports into the Record.**

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

--City-County Planning Board minutes of April 3, 2003 were presented.

--Public Works Committee minutes of April 7, 2003 were presented.

--Council Workshop minutes of April 8, 2003 were presented.

- **Resolutions.**

**Resolution No. R03-39: Resolution authorizing the Mayor to sign an agreement with Montana Engineering & Administration (ME&A) for grant writing services.**

**Resolution No. R03-40: Resolution accepting the amendment from HKM Engineering to the contract for the intake design and construction and authorizing the Mayor to sign an agreement.**

**Resolution No. R03-41: Resolution authorizing the Mayor to sign Change Order No. 4 for the new water intake and pump station.**

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.

**CEREMONIAL CALENDAR:**

Mayor Johnson introduced Brian Borgstadt, a representative of the Board of Directors for the Rocky Mountain Chapter of the American Public Works Association.

Mr. Borgstadt thanked Mayor Johnson and made the following statement:

I am here on behalf of the Rocky Mountain Chapter of the American Public Works Association. It is my privilege to award Larry McCann, your Public Utilities Director, the 2003 "Public Works Person of the Year Award" for the Rocky Mountain Chapter. The Rocky Mountain Chapter of the American Public Works Association recently conducted its annual spring meeting in Coeur d'Alene, Idaho. Awards were presented at the conference to recognize accomplishments of outstanding members of the organization. This award results from a selection among nominations provided to the leadership of the Rocky Mountain Chapter. The award is for the chapter member exhibiting exceptional service to their community and the local public works agency. Exceptional service is typically indicated

through actions beyond the normal call of duty and demonstrates that the individual truly cares about the community and the delivery of public works services.

Larry was selected by the leadership of the Rocky Mountain Chapter on the basis of his performance and the nomination by Steve Klotz, Public Works Director for the City of Laurel. Mayor Bud Johnson and Councilman Gay Easton supported submitting this nomination to the board.

The nomination cites Larry's dedication toward addressing the city's long-term needs in water and sewer service. From insuring an adequate supply of water for residents to assuring wastewater is adequately collected, conveyed, and treated before return to the Yellowstone River. Larry also plays a key role in assisting with a capital improvement plan for the city, coordinating efforts among the public utilities and public works functions, and acquiring funding to finance needed improvements.

The American Public Works Association is the recognized voice for public works and public infrastructure in the United States and Canada. The organization has a membership of 27,000, including 1,450 Canadian members. The Rocky Mountain Chapter represents Montana, Wyoming, and Idaho, with 270 members, and the Montana delegation has 108 members in the organization.

As a representative of the Board of Directors for the Rocky Mountain Chapter of APWA, I am pleased to present Larry McCann with the award for "Public Works Person of the Year" for 2003.

After accepting the award, Larry stated that the award belonged to the council as much as to him as the council committed the money for the projects. Larry thanked the council.

Mayor Johnson congratulated Larry on the award.

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

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**

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

**Chief of Police**

Mayor Johnson appointed Rick Musson as Chief of Police, effective through December 31, 2003.

Motion by Alderman Poehls to approve the appointment of Rick Musson as Chief of Police, effective through December 31, 2003, seconded by Alderman Mears. Motion carried 8-0.

- **Rick Musson: FBI Academy Report.**

Rick had not yet arrived at the council meeting. Mayor Johnson stated that he asked Rick to make a report to the council regarding his time at the FBI National Academy.

Mayor Johnson gave some background information. Several years ago, the city employed a consultant with regard to the police activities. A number of the issues that the consultant made known during his visit have stuck with us. One of the key issues that he emphasized was that we were not providing opportunities for training. Mayor Johnson stated that it was a real pleasure for him to be the one that made the nomination for Rick to attend the academy. Other communities have had several people attend the academy, but Rick is the first one from Laurel. From Rick's conversation with the mayor last week, he thinks that the opportunity provided a needed part of his background to perform the function of police chief.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

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

**COUNCIL DISCUSSION:**

Mayor Johnson stated that time constraints have made him decide to resign from the City-County Board of Health. He will resign when he can find a replacement, and one stipulation would go with this appointment. He would really like the replacement to be a member of the council. The City-County Health Board provides a very needed function and is a very broad reaching organization. When the Yellowstone City-County Health Department decided to place their mill request on the levy, there were a number of organizations, primarily another city council, which through some inefficiency did not receive an update. However, through the Mayor's reports, the Laurel City Council was well informed that this was going to take place. That is the type of feedback needed from this position and other appointments that are made. The council receives no feedback from some appointees that have been made to several organizations. Mayor Johnson emphasized that a clear stipulation regarding feedback to the council needs to be included with future appointments. These reports should be presented under Reports of Boards and Commissions on the council agenda. He encouraged any councilman interested in the position to contact him.

Mayor Johnson stated that a City-County meeting is being scheduled, but the date has not been determined yet. The meetings are normally held on a Thursday evening.

Alderman Van Roekel mentioned a situation regarding broken chunks of concrete placed in the garbage containers in his neighborhood. The city needs to continue to educate the public regarding the items that are unacceptable to be placed in the containers. Alderman Mears stated that concrete and long pieces of wood ruin the compacting cylinder in a garbage truck, and the cylinder costs \$2,500 to replace.

Alderman Olson asked if the Emergency Services Committee meeting could be rescheduled from April 21<sup>st</sup> to April 28<sup>th</sup>. Alderman Dart agreed to schedule the meeting on Monday, April 28<sup>th</sup>, at 5:30 p.m.

Alderman Olson mentioned the Bright 'n Beautiful campaign in Billings. In the past, one of the councilmen was active in that and kept the council informed. Alderman Olson questioned whether the council would participate in cleaning up in front of city hall. Mayor Johnson stated that individual council members could decide whether they want to participate. Saturday, April 26<sup>th</sup>, is the date for the cleanup in Laurel.

Police Chief Rick Musson arrived at the council meeting at this time.

Alderman Poehls thanked Gary Colley for his work as code enforcement inspector. He stated that it is amazing how many people around his house on the south side started cleaning up their junk last weekend. Mayor Johnson encouraged him to personally thank Gary for his work.

Mayor Johnson asked John Smith to present information about the airport. Dr. Smith stated that the airport received recognition last week for the improvements to the airport. He received the regional award at a conference in Seattle. The award said:

FEDERAL AVIATION ADMINISTRATION  
Laurel Municipal Airport

For outstanding commitment in completing major airfield improvements which  
provide a safe and efficient airport for the community

FAA Northwest Mountain Region Airports Conference  
April 7-9, 2003

Mayor Johnson stated that Police Chief Rick Musson could give his presentation under the council discussion at this time.

Chief Musson apologized for being late and stated that he forgot about the time change for council meetings.

Chief Musson stated that attending the FBI National Academy was a great experience. The academics and the whole experience at the FBI Academy were very special. It is difficult to know

what it is really all about until you get there. Before he left for the academy, he was able to talk to graduates of the National Academy from Montana. He also talked to an instructor from the Academy when he went to the Chiefs' Conference last summer in Great Falls. It was all of what they said it was supposed to be.

Rick explained the academic and social parts of attending the academy. Attending the academy is like signing up to go to college. After being accepted, they send you a packet and you choose the courses you want to attend. Two courses were mandatory. All the U.S. students and one Puerto Rican student were required to attend a legal course. Twenty-six international students from Australia, Japan, Europe, Egypt, and Cyprus attended the academy this year. It was exciting to meet people from all over the world and to realize that international students have the same problems when it comes to management and communication. All 254 students were required to attend a gym class, which included twenty-two hours of classroom instruction and twenty-two hours of physical fitness throughout the ten-week period.

Rick chose an elective titled Overview of Forensic Science for Police Administrators and Managers. The class dealt with the management side of forensics and looked at the policies and procedures. He also took a Statement Analysis class regarding what words really mean and really say. The instructor will be teaching the same class in Missoula this summer.

Rick took a Management for Law Enforcement class. This class dealt with the DiSC Personal Assessment program. Different techniques for management of the various personalities were studied. Although there was not a lot of new information, Rick said that learning something new and reviewing past information will help make him a better manager.

Rick elected to take a Community Policing class. The students were asked to write down their definition of community policing when they first arrived. Rick's definition of community policing is the community, the media, and the police department working together to solve problems. Rick explained some changes in the philosophy of community policing due to homeland security. Community policing issues go hand in hand with homeland security issues. A possible change in the distribution of future grant monies is that they would come through the FEMA program.

A legal course was mandatory for the U.S.A. students. Topics such as search and seizure laws, freedom of speech, the 14<sup>th</sup> Amendment, and employment laws were studied, and the students got a well-rounded view of the legal aspects with which a manager deals. The indecision of the Supreme Court regarding laws makes the jobs of managers and policemen difficult. Sometimes lawyers cannot even understand the laws.

The physical fitness class included a classroom portion and a physical fitness program. Besides the gym class, they had a challenge run every week. They started at 1.8 miles and ended up at 6.2 miles the last week. In order to get the final grade and the yellow brick, they had to run 6.2 miles, with 2.8 miles of that being an obstacle course through the marine base. Even if it were necessary to walk it, it was important to finish it.

FBI agents, most of whom hold master's degrees, taught the courses. The legal course teacher and the community policing class teacher were both lawyers. Some of the top FBI agents are brought in to teach the National Academy. Undergraduate and graduate college credits are received by FBI National Academy graduates through the University of Virginia. Rick stated that the academics were very well done.

Rick has already had opportunities to use some of the information that was taught at the academy in recent dealings with employees and local residents. Rick showed a book that included the names of all the students and counselors that attended the academy. This book provides a valuable resource for answers to future questions and issues that Rick might encounter. The academy has had over 36,000 graduates since 1935. Some 21,000 officers of the 36,000 graduates are still working today. On September 11, 2001, when everything happened in the United States and terrorists started attacking us and people were starting to look for resources and information across the world, the FBI had the handle on it. The Federal government was looking for information about who was doing this. The CIA had a hard time finding what they needed to find. The FBI was able to use its resources to contact people from all over the world to find information and was able to gather more information than the CIA because of their connections. Rick feels like he could call on those resources if and when needed.

Rick thanked Mayor Johnson for signing the papers and the council for supporting him to go to the academy. Rick stated that Mike Zuhoski did a great job while he was gone. Mike and the police officers all contributed to “maintain the course” during his three-month absence.

Rick emphasized that it was definitely worth attending the academy. Mike Zuhoski is the only eligible person to go because you have to be a mid-level manager or above to go. Mike holds a first line of supervisor position as a sergeant, but as a sergeant he does the job of mid-level manager.

Rick thanked the mayor, council, the police department staff, and his wife. Rick distributed copies of a press release about the graduation and copies of a congratulatory letter he received from Denny Rehberg regarding his graduation from the FBI National Academy.

Mayor Johnson thanked Rick for his presentation.

**UNSCHEDULED MATTERS:**

Mayor Johnson stated that Matt Erikson recently submitted his resignation effective with his replacement. Mayor Johnson formally accepted Matt Erikson’s resignation, with a note of thanks for his service while working with the city. Mayor Johnson said that there have been a number of occasions where he has enjoyed his association with Matt and that he would be missed.

There being no further business to come before the council at this time, the meeting was adjourned at 7:29 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 6<sup>th</sup> day of May, 2003.

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John E. Johnson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer