

MINUTES OF THE CITY COUNCIL OF LAUREL

August 19, 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 August 19, 2003.

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

COUNCIL MEMBERS ABSENT: Dan Mears

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 Dart to approve the minutes of the regular meeting of August 5, 2003, as presented, seconded by Alderman Poehls. Motion carried 7-0.

CORRESPONDENCE:

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

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of July 2003.**
- **Approval of Payroll Register for PPE 08/03/03 totaling \$121,607.69.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of July 15, 2003 were presented.

--City-County Planning Board minutes of August 7, 2003 were presented.

--Public Works Committee minutes of August 11, 2003 were presented.

--Council Workshop minutes of August 12, 2003 were presented.

- **Resolutions.**

Resolution No. R03-82: Resolution renewing a lease for a portion of the FAP to "The Company" (Laurel Volunteer Fireman Association).

Resolution No. R03-85: A resolution approving an agreement between the City of Laurel and Laurel Airport Authority, said agreement relating to fire protection.

Resolution No. R03-86: Being a resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2003.

Resolution No. R03-87: Being a resolution levying and assessing all of the property embraced within Special Improvement District Light No. 2 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year, 2003-2004.

Resolution No. R03-88: Being a resolution levying and assessing all of the property embraced within Special Improvement District Light No. 3 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year, 2003-2004.

Resolution No. R03-90: Being a resolution levying and assessing all of the property embraced within Street Sweeping District No. 1, of the City of Laurel, Montana, for the purpose of the sweeping of streets in the downtown or business district for the fiscal year 2003-2004.

Resolution No. R03-91: A resolution levying and assessing all of the property embraced within Special Improvement District No. 110 of the City of Laurel, Montana, with the cost of street paving, curb and gutter, and storm drain facilities in Murray Heights Subdivision.

Resolution No. R03-92: Being a resolution levying and assessing a special tax against certain property in the City of Laurel for any unpaid water charges.

Resolution No. R03-93: Being a resolution levying and assessing a special tax against certain property in the City of Laurel for any unpaid sewer charges.

Resolution No. R03-94: Being a resolution levying and assessing a special tax against certain property designated as garbage districts in the City of Laurel, Montana, for the removal of garbage and refuse.

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 Mace. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: Library Board – Peg Arnold.
No report was presented.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments:** None.
Current Board/Committee vacancies
Board of Appeals: three positions – two-year terms to begin immediately
Drug and Alcohol Task Force Chairman
City-County Planning Board – one position to fill a term expiring 06/30/04
- **Resolution No. R03-84: A resolution to create Park Maintenance District Number 1 in the City of Laurel, Montana, for the purpose of maintaining the park areas dedicated in the city limits of the City of Laurel.**

Motion by Alderman Poehls to table Resolution No. R03-84, seconded by Alderman Dart. Motion carried 7-0.

- **Resolution No. R03-89: Being a resolution levying and assessing all of the property embraced within the City of Laurel, Montana, for street maintenance for the fiscal year 2003-2004.**

Motion by Alderman Easton to table Resolution No. R03-89, seconded by Alderman Olson. Motion carried 6-1, with Alderman Poehls voting nay.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Marvin Carter, 307 6th Avenue, asked how long the two motions would remain tabled.

Mayor Johnson responded that the council would decide when they wanted to take the motions off the table. He anticipated from information he has that the street maintenance would come off soon. A question had been raised regarding dates and something may need to be redone; however, that

resolution very likely could go forward. From previous council discussion, the mayor would say that the park maintenance district, at least for the time being, is on the table. That is his assessment, but he does not like to speak for the council because they are the only ones that can make and remove motions. However, that is an estimate of the situation.

Marv asked if the electorate would be notified in the paper before the issues came off the table.

The mayor responded that they would probably be notified.

Mayor Johnson asked if there were any further comments.

Mike Manders, 1419 Willow Drive, has been a resident of Laurel for about twelve years. He spoke regarding the leaking irrigation ditch next to his property. When Mike moved into the area about twelve years ago, there was no problem with the ditch. Over the last five or six years, the irrigation ditch has begun to leak, and the leakage increases farther into the summer. The water comes out of the High Line Ditch and extends all the way down to the Big Ditch. Other residents have indicated that a liner had previously been installed in the ditch. When the irrigation company cleaned the ditch about five or six years ago, he believes they actually removed this liner. Now the residents are left with an irrigation ditch that is leaking. Mike wanted to inform the council of the situation. Mike presented the situation about five years ago, too. He feels that the situation is a concern for the City of Laurel in regards to the leaking irrigation ditch. He stated that the continuous flow of leakage is quite excessive, runs into the street, makes a mess, and stinks. Mike is hoping that the City, and himself as a taxpayer, would recognize this problem and seek a solution to rid the leaking of the irrigation ditch. He stated that the residents are willing to participate in various manners to help rid this problem, which has actually devalued their properties. Mike stated that he was here to get this problem recognized and find a solution.

Mayor Johnson stated that the council was informed of the situation at the last workshop, and some efforts are going forward to find out what avenues are available to approach it.

Mike stated that he would be willing to participate in that, since he is a primary resident up there and is familiar with the chain of events.

Mayor Johnson stated that we are looking for some avenues to get some resolve. As Mike pointed out, the ditch was lined on the bottom, but the material was removed when the ditch was cleaned. So we are right back to square one.

Mike mentioned that the ditch was lined before he moved into the area.

Mayor Johnson stated that this is an ongoing situation, and some inquiries have been made to see what avenues exist. There is a grant available that the city had approached once before, but he is not familiar with what happened that it did not go through. The city is trying to find a resolution.

Mike stated that other residents would also be willing to participate. The residents would like to get this taken care of in as clean and simple a manner as possible. Mike thanked the council.

Mayor Johnson asked if anyone else wished to address the council.

Francis Schweigert, 402 Forrest, stated that he spoke up at the last council meeting. He wanted to know if it is his right as a city resident, even though he is a city employee, to speak up at these council meetings.

Mayor Johnson stated that it was as near as he knew, and he did not think anyone suggested differently.

Fran stated that he had a letter signed by the mayor stating that the mayor has a problem with him giving public input. He again asked if he had a 5th Amendment right to speak as a taxpayer of this town.

Mayor Johnson replied that he believed he did.

Fran then questioned what the letter was.

Mayor Johnson replied that he would take a look at it and discuss it after the meeting.

Fran stated that he would like to address it here so that everybody hears.

Mayor Johnson said that Fran could read it or make copies and share it.

Fran stated that he already did distribute copies. Fran stated that he spoke up (at the August 5, 2003 council meeting) as a city resident because his taxes are going up. Two other people wrote a letter to the editor because their taxes went up. He said that suddenly the mayor is dropping out of labor/management because they spoke up as city residents because their taxes are going up. Fran said that tells him that he cannot speak up because he is a city resident just because he works for the city. He asked if anybody could answer that. He thought he had 5th Amendment rights. He asked Mayor Johnson to answer that.

Mayor Johnson said he thought he already did so and would be happy to take a look at the letter with him.

Fran stated that the mayor wrote it.

Mayor Johnson said he did not think it denied Fran of any rights.

Fran read from the letter:

“Attached is a letter from President of Local 316 Don Nelson and the Vice President of Local 316 Bud Arnold, the letter was sent to the editor of the Laurel Outlook newspaper. Also attached are the minutes of a public hearing on a Park Maintenance District in which Fran Schweigert, a Local 316 member gave public input.

These letters and testimony indicate very clearly that AFSCME Local 316” (which was not mentioned in any of our comments, because I was a city resident, I wasn’t at work) “has no intention of working with in a labor management committee and interest based problem solving.”

Fran questioned where that came from the comment he made. He read the comment from the August 5, 2003 council minutes.

Fran “wants to know where the money is going. Over the years he has seen so much money disappear that is said to be somewhere, but nobody knows where it is. Garbage rates went up and we were told we would get a new truck and half-time employee.”

Fran said that they have never seen the employee. Garbage services went to one-day-a-week pickup and they were told more garbage cans would be placed in the alleys. But now cans are being taken away.

Mayor Johnson told Fran that he had about fifteen seconds.

Fran stated that he would hand it out to the rest and let them read it.

Mayor Johnson asked if anyone else wanted to speak.

Janet Johnson, 201 4th Avenue, stated that she would continue where Fran left off. She stated that Mr. Schweigert handed her a letter that appears to be from the Mayor. The letter says that the city intends to withdraw from the Labor Relations Committee and it basically sounds like we do not play well with others. Janet is really glad and appreciative that the council tabled the two motions to create a park district and to raise taxes on the other. She said that, basically, the council quieted down the hornets’ nest. Janet said, “Mr. Mayor, don’t be surprised if you don’t see a recall. Thank you.”

Mayor Johnson asked if anyone else wished to take advantage of the three-minute time length.

There were none.

COUNCIL DISCUSSION: None.

- Review of Committee Minutes: None

UNSCHEDULED MATTERS:

There being no further business to come before the council at this time, the meeting was adjourned at 6:46 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2nd day of September, 2003.

John E. Johnson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer