

# MINUTES OF THE CITY COUNCIL OF LAUREL

November 4, 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 November 4, 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 Easton to approve the minutes of the regular meeting of October 21, 2003, as presented, seconded by Alderman Olson. Motion carried 7-0.

## CORRESPONDENCE:

Yellowstone City-County Health Department: Letter of October 15, 2003 regarding three-year appointment to the Board of Health; copy of the bylaws.

Laurel Chamber of Commerce: Letter of October 13, 2003 regarding voluntary assessment.

Montana Department of Commerce: Letter of October 21, 2003 regarding Upcoming CDBG Grant Administration Workshop on October 28-29, 2003.

David Donovan, Airsports, Inc.: Letter of October 19, 2003 regarding parachute operations at the Laurel Airport.

Cable Montana: Service Reports for September 2003.

Montana Municipal Insurance Authority: Letter of October 23, 2003 regarding the MMIA Annual Report.

Northern Industrial Hygiene, Inc.: Letter of October 28, 2003 regarding safety inspection of City Hall.

Department of Military Affairs, Disaster & Emergency Services Division: Letter of October 10, 2003 regarding the annual Governor's Conference on Emergency Management on February 10, 2004.

## CONSENT ITEMS:

- **Claims for the month of October 2003 in the amount of 131,232.30.**  
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 10/26/03 totaling \$93,650.62.**
- **Receiving the Committee Reports into the Record.**  
  
--Budget/Finance Committee minutes of October 6, 2003 were presented.  
  
--Public Works Committee minutes of October 16, 2003 were presented.  
  
--Council Workshop minutes of October 28, 2003 were presented.

--Laurel Airport Authority minutes of September 23, 2003 were presented.

- **Resolutions.**

Resolution No. R03-112: Budget amendment resolution reflecting changes in the budget for fiscal year 2004.

Resolution No. R03-113: A resolution authorizing the Mayor to sign all documents for the HOME Investment Partnership Program.

Resolution No. R03-114: A resolution establishing rates to be charged to non-residents by the Fire Department and repealing Resolution No. 2676.

Resolution No. R03-115: A resolution to provide matching monies for a USDA Rural Community Development Grant Program application in fiscal year 2004-2005.

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:** None.

**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  
Board of Adjustments – two positions to fill terms expiring 06/30/04 and 06/30/05
- **Ordinance No. O03-05: Ordinance amending Chapter 8.12 of the Laurel Municipal Code relating to nuisances.** First reading.

Motion by Alderman Poehls to adopt Ordinance No. O03-05, seconded by Alderman Dart.

Alderman Olson questioned the definition of salvage. He asked if a leftover stack of two-by-fours in the back yard would be considered salvage, as lumber is included in the storage of salvage section in the ordinance. Alderman Olson asked how that would be addressed.

Alderman Easton questioned whether lumber would include firewood.

Alderman Dart talked to Gary today about a gentleman who has been saying that he is going to build a garage and the lumber has been there for years. His neighbors are really nervous about the fire hazard caused by the lumber if we have another dry year. Alderman Dart, who has a wood stove in his home and has lengths of firewood in his backyard, also questioned how firewood would be addressed.

Alderman Poehls suggested adding a sentence regarding lumber similar to that included in Section B. regarding automobiles: “Any such automobile that in the judgment of the code enforcement officer appears to be abandoned, etc.” A similar sentence in Section E. could state: “Any such rubbish or salvage, upon the judgment of the code enforcement officer, etc.” He does not see a firewood pile as a rubbish pile. However, a gentleman he knows has pallets stacked behind his house, and he does consider that to be a rubbish pile. That presents a gray area in the matter, but the code enforcement officer would be able to determine whether it is a stack of potential firewood or it is a stack of lumber that has been there for years and has never been moved.

Alderman Oakes suggested quantifying the amount of lumber allowed.

Alderman Dart stated that quantifying would cause a gray area. He has a sloped roof off the side of his house where he stores a couple cords of wood. He also has an exposed area where he stores

firewood and cuts it into lengths. It is difficult to limit cords of wood. In a situation like this, if it is being used in a reasonable period of time, it should be acceptable. But it could be hard to determine what constitutes a reasonable period of time. The code enforcement officer should have the opportunity to use discretion.

Alderman Olson suggested that a statement similar to the one in the abandoned vehicles section would work. The code enforcement officer has been given latitude to use his discretion in other areas. He stated that quantifying an amount might become a hindrance in the future.

Alderman Poehls stated that the issue here is not what is in the back yard. The issue here is in the perceived neatness of the back yard. Three cords of neatly stacked wood in the back yard looks nice, but if the wood is scattered all over the yard, it looks like a trash heap. That is why it should be left to the judgment of the code enforcement officer, who may order that it be cleaned up.

Alderman Easton mentioned a residence that has a lot of firewood right off the street next to his house, which is almost encroaching his property as the setback. This is a gray area of where wood can be stacked, and it involves the neatness aspect.

Alderman Dart stated that the attorney should suggest the proper wording to allow the code enforcement officer to use discretion and judgment. The code enforcement officer needs all possible leeway in order to get yards cleaned up in the city.

Mark Anderson stated that some language could be added to say that, if the code enforcement officer determines the item is salvage, it shall be removed and disposed of in a manner set forth by the code enforcement officer. He thinks that this ordinance was originally written for junk vehicles, but the provision that it replaced did include lumber. Language could be added to give the code enforcement officer the authority to deal with salvage.

Alderman Olson asked if this would be the time to amend the ordinance.

Mayor Johnson recommended that the ordinance be tabled at this time. When acceptable verbiage is available, the ordinance could be amended and the process would proceed.

Motion by Alderman Olson to table Ordinance No. O03-05, seconded by Alderman Dart. Motion carried 7-0.

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

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

**COUNCIL DISCUSSION:**

Mayor Johnson mentioned a letter dated today from Northern Industrial Hygiene, Inc., that indicates that the industrial hygienist has been on the premises and made an inspection to the building. Based on preliminary observations, it is Northern's opinion that a mold remediation plan addressing both immediate as well as long term conditions can be formulated that will remedy mold related conditions existing in this building. They have submitted some samples to the laboratory, and a recommendation will be made upon the receipt of the reports of those samples.

- Review of Committee Minutes: None.
- Review of Monthly Reports: Police, Fire, Ambulance, and Code Enforcement

Mayor Johnson reviewed the monthly reports. The Laurel Police Department report indicated that 15 theft complaints were received in October 2003, as compared to 44 theft complaints in October 2002. In October 2002, there were 62 speeding citations, as compared with 35 in October 2003. There were 76 animal complaints in October 2002 and 42 in October 2003.

The total dollar loss reported by the Fire Department was \$151,500 in September 2002 and \$102,600 in September 2003. The most recent combustible liquid spill had a total dollar loss of \$102,000. In 2002, the calls to date totaled 160, as compared with 157 in 2003.

The Ambulance October report indicates 83 total responses in October of 2003, contrasting to 48 responses in October 2002 and 49 responses in October 2001.

The building report showed a grand total of \$170,994 valuation for 17 permits for October 2003 and a year-to-date total valuation of \$1,413.563 for 119 permits.

At the council workshop on November 11<sup>th</sup>, Cal Cumin will present an update on the appraisal process of South 4<sup>th</sup> Street. Paul Hutter will present a wage survey proposal, discussion on the judge's position, and an update from AEM. Mayor Johnson stated that the other item would be council planning, which would give an opportunity for input from the council. There will also be discussion regarding the upcoming budget process.

Alderman Van Roekel recently heard an advertisement for a clean air purifier that would cover 3,000 square feet for a lot of the issues needing to be addressed in the court building. He stated that some encouraging possibilities are available to solve this problem.

Alderman Olson mentioned that the budget timeline was presented and discussed at today's department head meeting. The budget timeline was discussed at the Budget/Finance Committee meeting last night. Mayor Johnson had invited Alderman Olson to attend today's department head meeting. Department heads were very optimistic and he was encouraged that we were on the right road. The council workshop will provide the forum for the council to become involved in the process of making the budget timeline a working tool for the council.

Alderman Easton stated that the Soil Conservation Service recently acquired a \$50,000 grant from the DNRC and the Department of Environmental Quality for a study on Canyon Creek. The first phase of the study is from Echo Canyon down to the Yellowstone River. This is a grant from Tarragon, which is a group of engineers that is going to study the effects of agriculture, industry, and subdivisions on the Canyon Creek drainage. It is a first in the State of Montana for this type of watershed to get this kind of a grant. This study will be done in the next sixty days, and a report will be submitted to the Soil Conservation Service. It will then come back to the public. Landowners have been invited to participate in a public meeting scheduled for tomorrow night.

Alderman Easton attended the annual Christmas Tree Recycling Committee meeting. This is the thirteenth year of tree chipping. Yellowstone County contributes \$2,000, the City of Billings contributes \$2,000, and the City of Laurel contributes \$250. The recycling is done out of Zoo Montana, and a contractor from Wyoming works with the landfill in Billings, the Soil Conservation Service, the City of Billings, and Yellowstone County. The program has been successful. The City of Laurel has participated and received several loads of wood chips. This year two loads will go to Zoo Montana, four loads will go to Norm's Island, and the City of Laurel will get the eight remaining loads. The chips will be used in the Laurel Lions Family Park and around some trees and shrubs. The recycling program will be advertised in the *Billings Gazette* and on television. Carolyn Miller, with Bright N Beautiful, is handling the program. Containers will be located in Laurel and at Golden Recycling in Billings.

Alderman Mace watched the crew fix a water leak last Friday night during very cold weather. He noticed the difficulty the crew encountered when trying to shut off the valve. The poor conditions of the infrastructure were obvious when the crew had to try several valves before they could shut off the water. Alderman Mace lives on 8<sup>th</sup> Avenue, and the crew had to go 5<sup>th</sup> Avenue to shut the water off. When they finally got it shut off, they were unable to find the leaking valve because it was covered and no maps showed the location of the valve. Things are in bad condition, and even if the crew had all the tools and good weather, they still would not have been able to find the valve. Alderman Mace was impressed with the crew, who worked about twelve hours on the problem.

Alderman Poehls mentioned the City-County Planning Board meeting on Thursday. Another section of the Growth Management Plan will be reviewed. Copies of the draft of the plan can be obtained from the public works secretary. The Growth Management Plan is necessary in order to obtain grants.

**UNSCHEDULED MATTERS:** None.

There being no further business to come before the council at this time, the meeting was adjourned at 7:00 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 18<sup>th</sup> day of November, 2003.

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John E. Johnson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer