

# MINUTES OF THE CITY COUNCIL OF LAUREL

December 2, 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 December 2, 2003.

COUNCIL MEMBERS PRESENT:            Lauren Van Roekel    Doug Poehls  
   Ken Olson                Mark Mace (6:33)  
   Gay Easton              John Oakes

COUNCIL MEMBERS ABSENT:            Dan Mears                Daniel Dart

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 November 18, 2003, as presented, seconded by Alderman Oakes. Motion carried 5-0.

## CORRESPONDENCE:

Cable Montana: Service Reports for October 2003.

Montana Engineering and Administration, P.C.: Letter of November 17, 2003 regarding Laurel Budgetary Authority Resolution.

Laurel Chamber of Commerce: Letter of November 17, 2003 regarding the Montana Lewis and Clark Bicentennial Grants Program.

Montana Department of Commerce: Letter of November 13, 2003 from Ethan Stapp regarding the City of Laurel's efforts to manage the program income resulting from the City's 1996 HOME Grant.

Laurel Chamber of Commerce: Letter of November 21, 2003 regarding open positions on the Board of Directors, Laurel Chamber of Commerce website, Distinguished Service Awards Nominations, and the Christmas to Remember Parade.

Montana Department of Revenue: Letter of November 25, 2003 regarding Application for Transfer of Location of Montana All-Alcoholic Beverage License No. 03-044-9471-001, Sonny O'Day's Bar, 203 East Main Street (formerly 209 East Main Street), Laurel, Yellowstone County.

Alderman Mace arrived at the council meeting at 6:33 p.m.

## **PUBLIC HEARING: Ordinance No. O03-05: Ordinance amending Chapter 8.12 of the Laurel Municipal Code relating to nuisances.**

Mayor Johnson opened the public hearing.

Mayor Johnson asked if anyone wished to speak regarding Ordinance No. O03-05.

LeRoy Hauk, spoke in reference to Ordinance No. O03-05. He believes it is in violation of Amendment Four of the Constitution of America. He stated that he is an American and he believes in the Constitution. The wordage that he has seen in the *Voice* gives him the feeling that there is a lot of vindictive hate involved in the language used in drafting this ordinance. He stated that it is biased, racially, politically, and as to affluence. It is a violation of civil rights.

Mayor Johnson asked three times if anyone else wanted to make any remarks. There was no response.

Mayor Johnson closed the public hearing.

**CONSENT ITEMS:**

- **Claims for the month of November 2003 in the amount of \$154,696.40.**  
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 11/23/03 totaling \$121,283.42.**
- **Receiving the Committee Reports into the Record.**
  - Budget/Finance Committee minutes of November 3, 2003 were presented.
  - City-County Planning Board minutes of November 6, 2003 were presented.
  - Council Workshop minutes of November 25, 2003 were presented.
  - Oversight Committee minutes of October 9, 2003 were presented.
- **Resolutions.**

Resolution No. R03-117: A resolution authorizing a sign to be placed in Firemen's Park.

Resolution No. R03-118: A resolution authorizing the Mayor to sign a contract with Big Sky Economic Development Authority for HOME Grant administration.

Resolution No. R03-119: Resolution authorizing the Mayor to sign an Interlocal Agreement with the City of Billings for a High Intensity Drug Traffic Area vehicle.

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 Van Roekel. Motion carried 6-0.

**CEREMONIAL CALENDAR:** None.

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

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

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**
  - 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

**Police Officer – Jody Guillaume**

Mayor Johnson appointed Jody Guillaume as a police officer for the City of Laurel, specifying that the appointment be based on the fact that Jody would meet the conditions in the conditional offer letter.

Motion by Alderman Poehls to approve the appointment of Jody Guillaume as a police officer for the City of Laurel, with a 12-month probationary period ending December 3, 2004, seconded by Alderman Oakes.

Mayor Johnson stated that the letter was a conditional offer, and the appointment needed to be approved in that fashion.

A vote was taken on the motion. Motion defeated 0-6.

Motion by Alderman Poehls to approve the appointment of Jody Guillaume as a police officer for the City of Laurel, seconded by Alderman Oakes. Motion carried 6-0.

- Eighth Avenue Project, Part III – Project Details: Kirk Spalding, Project Manager, Engineering, Inc.

Bruce Barrett, Montana Department of Transportation, and Kirk Spalding, Engineering, Inc., attended the meeting to present the third part of the 8<sup>th</sup> Avenue Project. The project begins at West Main Street and continues to 9<sup>th</sup> Street.

Kirk had prepared a PowerPoint presentation for the council, but due to technical difficulties, he was unable to show it.

Kirk asked if there were any questions as a result of the presentation at the November 25<sup>th</sup> council workshop. Discussion at that meeting included a storm drain system and components of the outfall that he presented to the council to determine if a portion of the storm water from the 8<sup>th</sup> Avenue system could be deposited into the Laurel Pond or some other avenue. Kirk stated that permission is needed to pursue the study at this point, knowing that throughout the course of the design of the outfall facility, things could justify the need to go a different avenue for the outfall than to the pond itself.

Mayor Johnson stated the need for a quantification of dollars for the project. The council has been informed regarding the process of collection of money through accrual of the urban funds, but the council needs to know the approximate cost of the project.

Kirk stated that cost is one of the key concerns of the whole project. The water and sewer portion of the project is estimated at about \$500,000 if the city decides to upsize the water and sewer facilities and provide for future stubs to the west at each of the streets (1<sup>st</sup> through 8<sup>th</sup> minus 5<sup>th</sup>). Construction costs for the actual reconstruction of 8<sup>th</sup> Avenue, including the storm drain system, are estimated at \$2.1 million. The outfall, which should be part of the 8<sup>th</sup> Avenue Project, is estimated at \$350,000. The total estimated cost is about \$2.95 million. That is a fairly conservative estimate on the outfall alternative, and there is the potential that a significant amount of open ditch could be done rather than hard piping the whole thing. Contingencies will need to be negotiated with the railroad to go under the railroad, as there is no question that it has to be piped. On the other side of the railroad tracks north of Railroad Street, we could do a detention facility or continue hard piping to the pond outfall. The City of Laurel would be responsible for \$485,000 of the \$500,000 for sewer. There really are not any conflicts with the proposed reconstruction of 8<sup>th</sup> Avenue, including the storm drain system, with the exception of crossing a few of the mainlines. There are conflicts at 4<sup>th</sup> and 6<sup>th</sup> for the water and sewer, and there are the water and sewer service lines that would be replaced as part of the city project. The water services would be reconstructed within the right-of-way and can either be 75 percent or 100 percent at the expense of MDT.

Bruce Barrett explained the policy for the State's participation in utilities and the cost of utility replacement. The State only participates in the cost of utilities when they are in conflict with the utilities as part of the construction of the project. For a municipality with 500 users on the water system, MDT pays 100 percent of the cost of that which is in conflict. With 500 to 1,000 users on the entire municipal system, MDT pays 85 percent of the cost for the part that is in conflict. If the municipal system has over 1,000 users, MDT pays 75 percent of the portion that is in conflict. Bruce suggested that the City of Laurel has over 1,000 people on the city water system, so MDT would pay 75 percent of the cost for the part that is in conflict.

Mayor Johnson asked how much is in conflict. Bruce estimated that \$55,000 of the \$500,000 was in conflict, but Kirk stated that his estimate was lower at approximately \$20,000.

Mayor Johnson asked if that has always been the case, as it seems as though the current situation is not where we thought we would be at this point in time. A previous idea was that a higher conflict figure would be estimated. He questioned whether there seemed to be more things in conflict as the project was designed and estimated than there seems to be at the moment.

Kirk stated that he did not believe so. The water and sewer project have been treated as separate entities for quite some time based upon the funding issues. The consultant and MDT met in Helena to discuss the conflict of the storm drain. The surface improvements really do not conflict with anything. At the meeting, they went through block by block and looked for existing conflicts. Basically, the result of the meeting was that the proposed storm drain system could be built exactly in the location of the existing one. That is not very efficient, but it could be built there. If that were the case, then the conflicts go away. If construction were to be done as shown on the plans, with the water, the sewer, and the storm drain all perfectly offset at 12 feet and 6 feet apart, then there are

more conflicts. Through the process of the meeting, it was determined that the storm drain could conceivably be constructed, and leave the water and sewer alone. If looked at as two separate projects, there is no conflict with the city's utilities.

Mayor Johnson suggested that another meeting might be needed for more discussion.

Kirk stated that a water and sewer agreement would occur between the State and the City of Laurel. The same review process will be used as was used by MDT and Engineering, Inc. Kirk met with Larry McCann and Steve Klotz the day after the meeting and went through the information. They did understand the no conflict result that came out of the meeting.

Mayor Johnson stated that the information had not been shared with the council at this point.

Alderman Poehls asked how much of the project would be paid for by urban funds.

Bruce stated that urban funds should cover everything except the city water and sewer project. The policies under which MDT operates regarding utilities are established by State statute. MDT went before the legislature a couple years ago and suggested that some of the statute be changed and the legislature said no. The State statute says that if MDT is not in conflict, they have no responsibility. Based on that, the water and sewer are the responsibility of the city. Bruce stated that, when they initially looked at this job before any engineering was done, it was thought that they would be in conflict with most everything from one end of the job to the other. Now that it is actually mapped, located, and designed, the conflict is minimal.

Mayor Johnson stated that the project is still in a great deal of dilemma because there was no accounting for the runoff.

Bruce stated that, as the project progressed, the public approached them regarding the current drainage issues, and they incorporated solutions into the project. An increased amount of water would be put into the storm drain system, and the water coming out of the storm drain would exceed the capacity of the ditch. The hydraulics experts in Helena told them to limit the amount that comes off the project and goes into the ditch. MDT must take the increased amount and provide a different solution so it does not go into this ditch. This outflow proposal would take the difference between what is presently going into the ditch and what they anticipate coming from the new system and treat the excess separately, taking it to a different location. Bruce stated that there could be some serious liability issues if there is an increase going into the ditch.

Mayor Johnson stated that there could be some impact on the park itself if it became the final resting place of all this excess water. Any established trails might be at risk because any time the excess water is there, the level is going to go up.

Kirk explained how a storm event works. When a five-year rain event occurs, it peaks and sends a slug of water down there. The water hits and then goes down the other side. It peaks at 30 cfs and then it goes back down. The volume of water that actually would hit the pond under a five-year event is very minimal. With a larger storm event such as a 100-year event, where the volume of water is spread out over a longer time, the bell curve gets wider and the water would get somewhat deeper. But it is literally a volume that is just off the top of that curve. It hits that peak and then it goes below 60 cfs, and water will no longer go to the pond, aside from drainage from the highway and the adjacent area. The way the headwall was structured, water will hit it and it can only shove 30 cfs through the pipe to the pond. The duration would normally be less than an hour of 30 cfs. With a 100-year event, where that curve is pulled out further, the duration extends. Kirk said that a twenty-four-hour period of 30 cfs would raise the pond about two feet. That should not happen unless there is a 500-year event in which water overtops the canals and ditches has to percolate over twenty-four hours just to get somewhere.

Mayor Johnson questioned whether or not the funding would be the city's responsibility.

Bruce stated that the outfall system could be designed as part of the project using Federal Aid Highway dollars and State matching funds, the urban funds. The cost would raise the cost of the overall project, and that would push other things out. The Commission's policy would allow the city to borrow up to five years in advance of the yearly allotment. Bruce stated that the payoff on this job was about three years, and the additional cost might extend it to up to four years.

With the pond being a viable alternative, Mayor Johnson asked what consideration could be given to addressing the real issue to address the flow underneath the interstate in the ditch.

Bruce stated that most of the water is being managed outside of MDT's systems. There is a pipe under the old highway through town, and the pipe and the maintenance is MDT's responsibility. Unless there is a formal agreement, things outside the right of way are not their responsibility. The things that have been done to the ditch, particularly by Town Pump, are not MDT's issue. The pipe under the highway going south to Rockvale is MDT's pipe and is their right of way, and the interstate and the pipe under the interstate are their responsibility. Bruce suggested that the City of Laurel should demonstrate this overall issue by submitting a plan to deal with the issue. The plan should be submitted to the MDT and specify how the city intends to deal with the issue. Bruce suggested that the city request a proposed timeline for MDT to upgrade the facilities within their right of way to accommodate the overall improvement. He stated that, if the city has a comprehensive plan that can improve and resolve some of the issues, the city needs to write to the MDT and submit a plan and a timeframe for the project. MDT would want to know how the city would participate and assist with this for the facilities under the road.

Mayor Johnson stated that there are two alternatives at this point. The third alternative, which is to not do any type of an upgrade, seems to have been rejected. Because there is concern with the additional water going into the ditch as a result of the project, doing nothing or not addressing the 30 cfs does not seem to be an option. Mayor Johnson asked if there were any other possibilities.

Kirk stated that some of the studies he mentioned at the November 25<sup>th</sup> council workshop offer a number of fairly good solutions to Laurel's overall flooding problem. The studies recommended a diversion structure west of 8<sup>th</sup> Avenue, whether it is into a pond for surging or whether it goes straight south to the river. The studies recommend that because with the volume of water in one of these large storm events, the Italian Ditch could be improved and never accommodate the flows realistically. The reports talk about the 100-year flow being 1250 cfs. It could be, but it is hard to say what that volume is. The recommended design volume of 300 cfs in the HKM report could be accomplished by improving the structures. However, it is not going to solve the overall flood issues that erupt during the 100-year event. The HKM Report, the Flood Hazard Mitigation Plan, and the Master Storm Drain Plan all contain a lot of that information. One suggestion for 8<sup>th</sup> Avenue was to divert the 7<sup>th</sup> Street and 2<sup>nd</sup> Street ditch water away from the 8<sup>th</sup> Avenue collection system and get it down to the Italian Drain earlier. That could actually cause a significant cost savings in the 8<sup>th</sup> Avenue storm drain component, which would cost about \$1.2 million out of the \$2 million. The storm drain is incredibly expensive because such large pipes are needed to accommodate the spring, irrigation, and storm water flows. Again, it is just moving the problem around. It is necessary to get the water from the Italian Ditch to the river as quickly as possible, and diverting it somehow west of 8<sup>th</sup> Avenue would be the real solution. As Kirk stated at the last meeting, the Italian Drain collects storm water from eight square miles. Then the city storm system dumps into the ditch at miscellaneous locations. The problem is significant and quite a few studies have been done. Kirk stated that it is worth some research and pursuing of funding with available grants. From the Flood Hazard Mitigation Study, the City of Laurel did not meet the FEMA requirements to get assistance for this kind of mitigation. Kirk suggested writing a letter to the governor or doing something similar to indicate the nature of the problem. The histories of the different flood events that have occurred in Laurel and the dollar figures of the damage have been documented.

Bruce encouraged the city to compile an approximate cost of what a study would entail. He suggested that the city contact the members of Montana's Congressional delegation and point out that, even though the study may not be eligible for FEMA, it certainly is a big issue for the community and assistance is needed for the study.

Mayor Johnson asked regarding the future expectations.

Kirk stated that they could investigate depositing the excess storm water into the pond. They need to pursue the study to determine if that or another proposal is needed. Larry McCann would like to have the 30 cfs and the majority of the storm water out of the Italian Ditch shoved down along the east side of the pond and headed straight for the river. That makes sense, but the economics is important and the funding and grant money has to be obtained. If there could be an interim solution to get the project built, the other study and the diversion or whatever would come out of it could be done on the other side of the field. The 8<sup>th</sup> Avenue Project could be built, as it is pretty decrepit. The water and sewer facilities out there are not going to last very long if they are not replaced and upgraded. Future development west of 8<sup>th</sup> Avenue would be provided with the storm drain, water, and sewer stubs at every block except 5<sup>th</sup> Street. The stubs go into the middle of the boulevard and

truncate for now. The grades and everything set in the sidewalk are conducive to building a side street approach without a whole lot of impact to the utilities underneath. The goal is that existing utilities would not need to be dug up and replaced under the new facility.

Mayor Johnson agreed that it would be one of the city's goals.

Kirk mentioned that fire hydrants and curb stops are currently being replaced regularly, and those would all be replaced to the back sidewalk with this project.

Mayor Johnson stated that the discussion provided a better understanding of the situation.

Kirk stated that the options really are to mitigate the channel to handle some more flow, but not to solve the overall flood problems. A comprehensive study with a detailed hydrologic and hydraulic analysis of the greater Laurel area north of West Main Street is needed because that water is finding its way down during some of the significant storm events.

Bruce stated that MDT would guarantee proper engineering for the outfall, but the maintenance would be the City of Laurel's responsibility.

Kirk addressed an item from the November 25<sup>th</sup> council workshop agenda: Owner of restrictions in Italian Ditch from 8<sup>th</sup> Avenue to the River. In that presentation, Kirk identified four key restriction locations. The first was the city maintenance yard at the confluence point of the 8<sup>th</sup> Avenue Ditch and the Italian Ditch. The city-owned culverts there have a capacity of about 80 cfs. The second item was the culvert under 5<sup>th</sup> Avenue South by the railroad, which is also owned by the city. The third location is the culverts at Town Pump. There are actually four owners, with two of them being one in the same: Major Brands Distributing Imports, Inc. and Hamilton Holdings, LLC. There was an agreement in 1986 between Town Pump and the Italian Ditch Company to construct a portion of the Italian Ditch in pipe. They matched into the two pipes that went under Highway 212. They matched the same size arch pipes, which are significant in size. They had an agreement with the Ditch Company to do that so they could put their parking lot and facilities over the top. The next thing that happened, although he could not find any historical documentation at the DOT, was that there was about a 70-degree bend put in the existing pipe, 150 feet of additional feet of culvert, and then another bend of approximately 70 degrees that occurred as the Town Pump expanded its parking facility and added another awning and fuel station. Steve Klotz had indicated to Kirk that this was possibly done by oral agreement, and written agreements may or may not exist. A chunk of city alley is platted through the properties there. It is only about 25 feet wide and would be city ownership unless there is a maintenance agreement with the Italian Ditch Company or Town Pump for that portion. The remaining 90 feet or so goes under Highway 212 and is owned by MDT, as well as the culvert under I-90. Those four owners would actually have input regarding the culverts. Kirk mentioned an additional location at a bridge on West Railroad Street where the ditch goes underneath. After a recent review, he noticed a fair amount of constriction there that probably was not identified in the previous studies. Perhaps things have changed over the last few years that may have caused it to be a little more restrictive. It looks like it is a location where there would be an additional restriction, and it is one of MDT's routes.

Regarding the responsibility of ongoing maintenance associated with the overflow connector option, the maintenance responsibility would belong to the City of Laurel since it is not within the MDT right of way.

Kirk addressed the issues that were listed on the three-part outline for the 8<sup>th</sup> Avenue Project presentations.

The overview and scope of work consists of total reconstruction of Eighth Avenue from West Main Street to just north of West Seventh Street. Reconstruction will include: boulevard, sidewalk and on-street parking; curb and gutter; lighting; signing and striping; storm drain system with stubs to west for future development; trees and irrigation system for those impacted; water and sewer (city project) with stubs. Partial reconstruction of Eighth Avenue from West Seventh to West Ninth Street will include: sidewalk and on-street parking; curb and gutter; lighting; signing and striping; trees and irrigation system for those impacted. The project will be built for a twenty-year design life, will accommodate future development west of Eighth Avenue with water, sewer, and storm drain stubs, and will meet current design standards.

The second item was site layout, existing versus project final (refer to drawings from November 25, 2003 presentation). The drawings spelled out how the existing related to the proposed and showed

the impact. With a few exceptions, the entire project will be built within existing right of way. The way the utilities are broken out with the new storm drain system, the main line, is six feet east of centerline and parallel to the centerline the entire length. Parallel to that are the water and sewer mains, which are twelve feet east of centerline and twelve feet west of centerline, respectively. There will be new fire hydrants provided at every block, new water services to all landowners to the property line, and new sewer services to all landowners to the right of way limit.

The third item was the definition of conflicts. First, assume that the water and sewer are not being replaced with this project because that is its own entity. A conflict would exist when the proposed storm drain system components would cross the existing water and sewer lines without meeting minimum separation requirements or without physical damage. There are specific requirements for separation, and it is largely based upon the soil conditions. The Geotechnical Report that was done for this project gave some recommendations on the type of equipment to use as far as being tracked or untracked equipment so that passing over existing utilities could be accommodated.

Kirk referred to the plan view drawing of the street layout with all the facilities that are involved. At Second Street, the existing sanitary and water go east/west. Sanitary sewer is typically buried fairly deep, and in this case it is buried fairly deep. But the water is not. There is typically a six and one-half foot requirement for minimum cover over the top of the pipe for frost prevention and other elements. So, looking at the storm drain system, regardless of where it was, built or unbuilt, the storm drain would be in conflict with the water and sewer. That is one location where the conflict sticks out. The proposed storm drain system would pass through that waterline with its increased size. As indicated, the storm drain size is quite a bit bigger than existing to accommodate additional flows that have been calculated for the facility. No conflicts occur when following the existing storm drain alignment starting at West Main Street along the west side of the existing road. With the proposed system, some of these things would be hit if following the six-foot offset.

The fourth element was the engineering principals relating to new roadways constructed over dated/undersized utilities. Kirk had distributed a copy of MDT's policy for water services. The Department of Transportation Procedure for Renewing Water Service Lines for Construction Projects states: "The decision to replace water service lines will be determined at the scoping review based on the criteria that water service lines should be replaced on reconstruction projects where the line will not last twenty years." It would be MDT's recommendation that these facilities be replaced due to their outdated nature. The one principal that goes with any urban or rural road reconstruction project is to shoot for a twenty-year life, and anything that is under the road should be in that conforming era so that there is not a lot of digging up and replacing utilities down the road. Another principal would be to minimize the ground pressure over the existing utilities when reconstruction is occurring. The Geotech Report indicated that a lighter tracked equipment should be used for trenching operations to avoid placing too much pressure on the soil, which would therefore get transferred to the existing pipes if they were left in place. The provisions have been documented in the Geotechnical Report to try and deal with the potential disruption of the existing utilities. The geotech personnel reviewed the actual soil strength of the existing soils to know when it is in a saturated condition, how much pressure it can handle, and how much load will get transferred down to the pipes. The basic concept with working over existing utilities is to avoid putting too much direct pressure through the soil onto the existing utilities. Obviously, a steel gas line does not cause as much concern as a clay pipe for a sewer system.

Kirk defined the length of each utility and the percent in conflict. There is 2,770 feet of storm drain main and 520 feet of lateral piping, including the stubs going to the west. There is 2,100 feet of existing eight-inch main, and if it were reconstructed, there would be nearly 2,700 feet of twelve-inch main because of a gap between 2<sup>nd</sup> and 4<sup>th</sup> Streets where there is no main. There is 2,400 feet of existing ten-inch water line, and the proposed project would have 2,700 feet of twelve-inch water line. Both would be upgraded to twelve-inch size to accommodate future expansion to the west. As far as the conflict goes, it is estimated that MDT would pay less than one percent of the total cost, with the exception of the water services discussed, which would be a seventy-five percent contribution from MDT.

The next item for discussion was the rerouting of traffic, traffic control, and the effects on residential routes. Kirk had discussed the traffic control issue with Steve Klotz months ago. MDT's Preliminary Field Review Report (1999) states: "Traffic will be maintained through the project construction using appropriate signing, flagging, pilot cars, detours according to the Manual on Uniform Traffic Control Devices."

The Public Works Director provided an e-mail with the following statement to the consultant on February 24, 2003: "In regards to the rerouting of traffic for the 8<sup>th</sup> Avenue project, the City would prefer to lessen the impact of the residents on 7<sup>th</sup> Avenue by also having traffic rerouted to 6<sup>th</sup> and 5<sup>th</sup> Avenue. This may be accomplished by staging the detour route to 7<sup>th</sup>, 6<sup>th</sup>, and 5<sup>th</sup> Avenue alternately by day/week/month, or whatever works."

A combination of things would be used to reroute the traffic off of 8<sup>th</sup> Avenue. Primarily during the utility construction there will be open trenches, so the road will be closed off. An effort would be made to perpetuate access continuity east to west and to the school, but Eighth Avenue itself would be closed. Once the utility activities are completed, it is likely that the roadway could be constructed in two phases.

The next issue was the impacts on the residents and the school. The east/west continuity would be perpetuated as much as possible. Obviously, the residents that live on the west side have to get across, so in all cases that would need to be open to at least one lane of traffic with some control. Another impact would be to the underground sprinkler systems. Depending upon the staging and phasing of the construction, people's irrigation systems could be disrupted. Water and sewer service would be given temporary services, and there should not be a disruption except for the actual connections to the temporary services. Special consideration would be given to the children, the pedestrians, and the activities that occur along this corridor, as well as the drop off and pick up at the school.

The timeline for the project was discussed. If the study for the outfall option begins soon, Kirk expects that the preliminary design could be done within about six months. The preliminary design of the 8<sup>th</sup> Avenue Project is close to completion. The final design of the project would take another five to six months, assuming that the plans are in good shape. The next phase would be the right of way phase. Kirk does not anticipate much right of way acquisition occurring with this project. Some of the curb returns are going to be flattened in order to accommodate the school buses and delivery trucks that go in and out of the school, but for the most part, the project will stay within the existing right of way. There will be some construction easements. If everything goes according to plans with getting an outfall mechanism designed, implemented, and constructed, it would seem that construction could begin in March/April of 2005. It would be ideal to complete the project in one season, but is difficult to know if that could be done. The utility construction would have its own timeline and would have to be completed before the street construction can occur. The lighting would occur last, with the sidewalk having been poured prior to that.

Kirk explained the construction permits and property owner permissions required for different components. Construction permits and/or easements are anticipated intermittently along both sides of the alignment to accommodate the proposed sidewalk construction, to put in new trees, for the water and sewer services, and a larger curb radial. Finally, for the reconstruction of the ditches at West 2<sup>nd</sup> and West 7<sup>th</sup> Streets, they would go anywhere from fifty to one hundred feet down the ditch reconstructing the inlet to provide a transition into the storm drain system rather than abutting it like it does now and dropping in a hole. It would be a much smoother inflow. Generally speaking, the reconstruction should occur within the existing right of way with very little land acquisition required.

The cost of project would be \$500,000 for water and sewer lines. The reconstruction of Eighth Avenue itself is about \$2.5 million, including the outfall. Kirk stated that the \$350,000 for the outfall is fairly conservative. If an open ditch system could be used, a lot of money could be saved and it would be fairly simple, too.

Kirk addressed the City of Laurel's cost of utilities. The water and sewer would be about \$480,000 for the city and \$20,000 for MDT. Kirk has written a draft Storm Drain Agreement, and it has been in the State's hands for quite awhile. In its interim state, it was about \$85,000 from the city for the future stubs because at the end of each stub there is a manhole. The manholes will be there for cleanout of the facility as it comes from the west. MDT's share of the storm drain is approximately \$1.2 million. The City of Laurel costs are mostly non-urban funds.

Kirk asked for questions.

Alderman Mace asked regarding the flashing lights for the school and the streetlights for the whole project.



Kirk said that Larry would address establishing a lighting district. The lighting design includes a light at each intersection and one intermittent light between blocks. Flashing beacons will be implemented with this project, and the beacons will be activated at the peak times of drop off and pick up.

Bruce explained that MDT would cover the initial cost of the installation of the flashing beacons as part of the project, but the ongoing cost of operation would fall to the city. The maintenance and electrical costs would be the city's responsibility.

Mayor Johnson stated that the information was very beneficial.

Alderman Oakes asked if the reference to constructing a drainage out west of Laurel down to the river was a study or just a suggestion.

Kirk stated that it was a suggestion within a study. HKM completed a study, and one study actually analyzed the capacity of the Italian Ditch itself. Some alternatives were suggested to accommodate some of the peak flows that would come and eventually make their way to the ditch. In actuality, a lot of them get into the ditch and then they abut the railroad, and then it has to work its way to the east. Steve Klotz has copies of the studies, and Kirk recommended that the council review them.

At the council meeting on November 18<sup>th</sup>, Bruce had been asked questions regarding the old highway to the east, its proximity to the railroad, and the brush issue on the north side of the road. MDT's maintenance forces reviewed the situation. Bruce explained that MDT's right of way line on the south side of the road is thirty feet from centerline, and the right of way line on the north side of the road is fifty feet. Therefore, MDT is operating within a narrow right of way, especially to the south. There is not a lot of room south of the highway. He assumes that the road is there by easement from the railroad. On the north side of the road, there is a drain ditch that runs parallel to the road for most of the distance, and most of the brush that is growing is growing out of that drain ditch. Generally, MDT does not maintain someone's drain ditch, even if it is within the right of way. However, MDT's maintenance forces will, as they have time, get out there and clean up the ditch. The intersections were reviewed for sight distance, and it was determined to be acceptable from a safety standpoint. From an aesthetic standpoint, there is room for some improvement. If MDT ever has a project to reconstruct the road going east out of town, some improvements might be made at that time.

Bruce explained the status of the conceptual drawings for a potential interchange. The state traffic engineer plans to have the drawings available by the end of the year or first part of next year, and Bruce will contact the council when the drawings are available.

Mayor Johnson thanked Bruce and Kirk for the information.

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

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

**COUNCIL DISCUSSION:**

- Review of Committee Minutes:

Mayor Johnson mentioned that the council, the Budget/Finance Committee, and the department heads are having ongoing discussions regarding the upcoming budget process.

- Review of Monthly Reports: Police, Fire, Ambulance, and Code Enforcement

The monthly reports provide valuable information regarding emergency responses and the community growth that is measured by the monthly building permits.

Mayor Johnson asked the council to review the updated information regarding the cost of the bids for the two appraisals of the property to allow South 4<sup>th</sup> Street to extend eastward.

Mayor Johnson asked the council to read the copies of two responses received after the recent mailing of the *Laurel City Voice*.

A letter has been written to the Local Government Center to schedule workshops on January 17<sup>th</sup> and 24<sup>th</sup>.

Mayor Johnson stated some further details regarding his impending resignation. The recommendation is to hold the actual election on December 16<sup>th</sup>, with his term of office ending on December 21<sup>st</sup>. Mayor Johnson will write a formal letter of resignation indicating his last day in office to be December 21<sup>st</sup>. The next mayor would then take the oath of office on December 22<sup>nd</sup>. If a council seat were left vacant, the council would need to request letters of interest for the seat. The council would then make a recommendation for an appointment to fill the vacancy.

Alderman Mace apologized for being late to the council meeting.

**UNSCHEDULED MATTERS:** None.

Mayor Johnson stated that Dick Fritzler was invited to sit with the council at the meeting in order to get a feel for what it is like to be part of the council. In a short time, he will be in an assigned chair and officially be part of the council. Mayor Johnson welcomed him.

Mr. Fritzler thanked Mayor Johnson for letting him sit with the council.

There being no further business to come before the council at this time, the meeting was adjourned at 7:55 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 16<sup>th</sup> day of December, 2003.

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John E. Johnson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer