

MINUTES OF THE CITY COUNCIL OF LAUREL

April 6, 2004

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 Ken Olson at 6:30 p.m. on April 6, 2004.

COUNCIL MEMBERS PRESENT: Dick Fritzler Doug Poehls
 Kate Stevenson Mark Mace
 Gay Easton Daniel Dart
 Dan Mears John Oakes (6:43 p.m.)

COUNCIL MEMBERS ABSENT: None

Mayor Olson led the Pledge of Allegiance to the American flag.

Mayor Olson asked the council to observe a moment of silence.

MINUTES:

Motion by Alderman Dart to approve the minutes of the regular meeting of March 16, 2004, as presented, seconded by Alderman Poehls. Motion carried 7-0.

CORRESPONDENCE:

Montana Department of Commerce: Letter of March 12, 2004, regarding HOME Program Update.

Montana Department of Commerce: Letter of March 12, 2004, regarding applications for 2004 HOME funds.

Montana Engineering & Administration: Letter of January 19, 2004, regarding Draw/Report #1 for Wastewater Improvements.

Montana Engineering & Administration: Letter of March 17, 2004 regarding Draw/Report #2 for Wastewater Improvements.

Montana Engineering & Administration: Letter of March 23, 2004 regarding Wastewater Rate Increase to Provide Matching Funds for TSEP/DNRC Grants.

Cable Montana: Service Reports for February 2004.

Richard L. Fritzler: Letter of March 31, 2004 regarding resignation from the City-County Planning Board.

CONSENT ITEMS:

- **Claims for the month of March 2004 in the amount of \$204,716.42.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 03/14/04 totaling \$119,792.23.**
- **Approval of Payroll Register for PPE 03/28/04 totaling \$120,052.11.**
- **Receiving the Committee Reports into the Record.**
--Budget/Finance Committee minutes of March 1, 2004 were presented.
--Council Workshop minutes of March 30, 2004 were presented.
- **Resolutions.**

Resolution No. R04-25: Resolution authorizing the Mayor to sign an agreement with Liquid Engineering to clean and video the 250,000 gallon contact basin at the Water Treatment Plant and provide access hatch locks.

Resolution No. R04-26: Resolution approving city services for Aviation & Technology Week on May 10-14, 2004.

Resolution No. R04-27: A resolution to authorize the Mayor to execute all documents necessary to accept a grant from the Montana Department of Transportation for monies to purchase or acquire law enforcement equipment for the City of Laurel.

Resolution No. R04-28: A resolution approving Alderman Fritzler's absence from the City of Laurel.

Resolution No. R04-29: Resolution authorizing the Mayor to sign an agreement with COP Construction to clean out the backwash pond at the Water Treatment Plant.

Resolution No. R04-30: Resolution authorizing the Mayor to issue a Task Order to Morrison-Maierle Engineering to prepare design and bid documents for the re-route of a city-owned waterline and to extend the existing waterline east on 12th Street in Laurel, Montana.

The mayor asked if there was any separation of consent items.

Alderman Poehls separated item 5.e.6), Resolution No. R04-30, from the consent agenda.

Motion by Alderman Mace to approve the remaining consent items as presented, seconded by Alderman Poehls. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):

Larry Tanglen represented the *Laurel Outlook*, which is published in Laurel, Montana, and is Laurel's hometown newspaper, as opposed to a publication in Laurel, Delaware. Larry wanted to clarify the record, and stated that he would appreciate an affirmation from the mayor that in fact this community is situated in the State of Montana and not in the State of Delaware.

Mayor stated that it was so noted.

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
- City-County Planning Board: Appointment of Todd Linder to complete the term vacated by Dick Fritzler ending June 30, 2004.

City-County Planning Board:

Mayor Olson appointed Todd Linder to the City-County Planning Board to complete the term vacated by Dick Fritzler and ending June 30, 2004.

Motion by Alderman Fritzler to approve the appointment of Todd Linder to the City-County Planning Board to complete the term ending June 30, 2004, seconded by Alderman Mears. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA:

- Resolution No. R04-30: Resolution authorizing the Mayor to issue a Task Order to Morrison-Maierle Engineering to prepare design and bid documents for the re-route of a city-owned waterline and to extend the existing waterline east on 12th Street in Laurel, Montana.

Motion by Alderman Poehls to approve Resolution No. R04-30, seconded by Alderman Mace.

Alderman Poehls separated this resolution because there are some questions that he would like answered at the next council workshop.

Alderman Dart will not be at the next workshop, and he stated two questions regarding the issue. First, the property owner has indicated that he would sell for less than \$100,000, but it would be worthwhile to find out an exact figure. Second, we need to find out exactly where there is a dead end, whether it comes up East 12th and dead ends right in the middle of 1st Avenue, or just exactly the location.

Alderman Fritzler suggested if we could do a trade of some kind to get a wash on the price.

Alderwoman Stevenson stated that the information distributed said the advantages to purchasing the property would be a savings of an estimated \$189,000. That does not include the selling price of the lot, so it would not be a savings of \$189,000. She stated that there are some other questions that need to be addressed.

Alderman Mace said that any time you deal with easements, if anything was built on the property, regardless of who owned it, there is a greater chance of having a water break and doing some damage that probably would cost in excess of this amount due to some kind of structure damage. He thinks it is imperative to leave the utilities in the right of way in order to fix the streets when they break. It appears to him that there are a lot more reasons to have this line in the right of way and be able to upgrade it and upsize it as the city grows. Alderman Mace would be against buying the lot and leaving it the way it is.

Mayor Olson stated that the opportunity to purchase land comes in various ways. This opportunity to purchase the land would not negate the city's responsibility to move the line. He wonders about the validity of having another park up there, but the city could leave the easement there if it were a park. If the council decided not to make it a park and to build a building, we would then again be faced with the same dilemma and would have to consider the easement of the waterline. There are a lot of issues, and Larry McCann, Public Utilities Director, would be able to answer the questions more readily at the next council workshop.

Alderman Mace asked that Larry find out if there are similar situations within the city.

Alderman Easton said that it would be a poor investment for the city to buy property on speculation when someone wants to put in good property that would enhance the taxable valuation. With a park, we would have lost a venture in that location. He related back to the city's opportunity to buy the bank property for expansion, which was the same kind of situation. At that time, the city could have gained by the purchase. He stated that it is important to look into the future when we purchase property.

Alderwoman Stevenson asked what the cost would be if the city had to add replacement of the waterline with an eighteen-inch line to the purchase price at some point in the future.

Alderman Dart questioned whether the line hits the middle of the street or whether it runs through properties down 11th Street and then finally comes out into the street.

Alderman Poehls stated that the waterline starts in the middle of the street by the clinic and slowly goes to the west until it is basically underneath the sidewalks of the lots.

Mayor Olson stated that this involves Lot 9, as the waterline runs under the property.

Motion by Alderman Poehls to table Resolution No. R04-30 to the council meeting on April 20, 2004, seconded by Alderman Mace. Motion carried 7-0.

Alderman Oakes arrived at the council meeting at this time.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Alderman Fritzler spoke regarding the High Point Subdivision. The process, which is underway, will eventually work its way through the City-County Planning Board to the City Council about the motion that was passed regarding getting the property owners to work out the problems. He thinks that the most important thing will be the result that everybody will be treated equally in that subdivision and in all one-acre parcels in the city's sphere of influence. It has been a very contentious issue about a variance because it treated one person separately from the other seventy-two. Regardless of how the issue comes down, the bottom line will be that everyone will be treated equally, and Alderman Fritzler thinks that is very important.

Alderman Easton thanked the council members for their support in the loss of his son and for allowing him to be gone.

Mayor Olson stated that it is good to have Alderman Easton back.

Alderman Mears stated that he is going to resign from the council, and this will probably be his last meeting. He feels that the City of Laurel and the people that elected him need somebody that can devote more time than he can in the next few months, and he thinks they deserve better. Alderman Mears expressed appreciation for everybody's help and he said goodbye.

Mayor Olson stated that, with the rest of the council behind him, he extended his gratitude for Alderman Mears' service. He appreciated the input that Alderman Mears gave on all the issues, and he expressed best wishes from the council.

Mayor Olson reminded the council of the Elected Officials' Workshop scheduled for May 5th through 7th in Billings. Registrations should be submitted to the clerk as soon as possible.

Mayor Olson informed the council that a joint city-county meeting is scheduled for Thursday, April 8th, from 4:30 to 6:30 p.m. in the Yellowstone Room at Metrapark. Since a Budget/Finance Committee meeting is also scheduled for Thursday, Mayor Olson encouraged the council members that are not on the committee to attend the joint meeting.

Alderman Oakes questioned how much authority the city has in regards to controlling livestock and junk vehicles in the High Point Subdivision and all the other subdivisions that are in our growth area.

Mayor Olson stated that we have a zoning authority out there, but he is not sure as to how our authority applies outside the city limits. He suggested that it could be researched.

Alderman Oakes stated that the recent horse complaint came through an individual that complained to the code enforcement officer. Alderman Oakes questioned why we have to wait for somebody to complain and why the city could not enforce these things on our own. The city has a code enforcement officer, and we could dig down in our pockets and hire another one. He came into city hall many years ago and complained about things like this. Alderman Oakes stated that we never step forward and do anything, and it is always after the fact. When that happens, there is a big conflict. He thinks it is time that this city stood up and took responsibility for its community and got down to doing business like it should be done.

Mayor Olson reminded the council that this opportunity is to report on committees or groups with which council members are affiliated, and it should be narrowed to that forum.

Alderman Mace stated that the Budget/Finance Committee is in the midst of hearing initial reports from department heads. He has noticed that the committee seems to be receptive to a lot of things that have not been discussed in the past. It is a good working relationship, and he thanked the committee members. He has also noticed that it is going to be difficult this year to get everything pared down. There was a lot of interaction with the Administrative Assistant/Capital Projects Coordinator during meetings last week.

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

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderwoman Stevenson to adjourn the council meeting, seconded by Alderman Mace. Motion carried 8-0.

There being no further business to come before the council at this time, the meeting was adjourned at 6:54 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 20th day of April, 2004.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer