

MINUTES OF THE CITY COUNCIL OF LAUREL

April 20, 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 20, 2004.

COUNCIL MEMBERS PRESENT: Dick Fritzler Doug Poehls
 Kate Stevenson Mark Mace
 Gay Easton Daniel Dart
 Vacant seat John Oakes

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 Alderwoman Stevenson to approve the minutes of the regular meeting of April 6, 2004, as presented, seconded by Alderman Poehls. Motion carried 7-0.

CORRESPONDENCE:

Laurel Aviation & Technology Week: Letter of April 6, 2004 regarding Ryan's IGA dinner on May 11th at 6:00 p.m. at St. Anthony's Church Hall.

Air Pollution Control: Agenda for April 13, 2004; Minutes of March 9, 2004.

Laurel Chamber of Commerce: Letter of April 6, 2004 requesting permission to hold the annual Chamber Grand Parade and 4th of July Chief Joseph Run on July 4th.

Northern Industrial Hygiene, Inc.: Letter of April 13, 2004 regarding Letter Report, Indoor Air Quality Investigation, Laurel City Court Building, Northern Industrial Hygiene Project No. 999-236.

Montana League of Cities and Towns: Letter of April 12, 2004 regarding the Montana Public Power Authority.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of March, 2004.**
- **Approval of Payroll Register for PPE 04/11/04 totaling \$120,446.77.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of March 15, 2004 were presented.

--Budget/Finance Committee minutes of March 17, 2004 were presented.

--Budget/Finance Committee minutes of March 18, 2004 were presented.

--Budget/Finance Committee minutes of March 25, 2004 were presented.

--City-County Planning Board minutes of April 1, 2004 were presented.

--Council Workshop minutes of April 13, 2004 were presented.

- **Resolutions.**

Resolution No. R04-31: A resolution to adopt a small contract procedure for the City of Laurel to avoid unnecessary delay by authorizing the Mayor to execute small contracts on behalf of the City Council so long as each contract equals less than \$1,200.00 per year.

Resolution No. R04-32: A resolution authorizing the Mayor to execute a two-year contract for City Attorney Legal Services between the City of Laurel and Elk River Law Office, P.L.L.P.

Resolution No. R04-33: Resolution authorizing the Mayor to execute a lease agreement for two motorcycles for use by the City of Laurel Police Department.

Resolution No. R04-34: A resolution extending Ordinance No. 653 for ninety days.

Resolution No. R04-35: A resolution approving Mayor's correspondence to seek lease with Montana Rail Link and Burlington Northern Railroad for property located at Main Street and First Avenue.

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

Alderman Dart separated item 5.d.5), Resolution No. R04-35, out of the consent agenda.

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

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

Laurel Volunteer Ambulance Attendant:

Mayor Olson appointed Paul Stanford as an attendant for the Laurel Volunteer Ambulance Service.

Motion by Alderman Dart to approve the appointment of Paul Stanford as an attendant for the Laurel Volunteer Ambulance Service, seconded by Alderman Poehls. Motion carried 7-0.

- **Clerk-Treasurer's Quarterly Report: Mary Embleton**

Mary Embleton gave the Quarterly Report. She stated written copies of this information were provided to the council at the last workshop. She gave a Power Point presentation in graph form, highlighting the main funds and where they stand at the end of the March 31, 2004.

The General Fund is in good shape, with the expenditures at 69% and the revenues at 70% of projections. The cash flow position of the fund is \$833,500, which is better than when the fiscal year started.

The Street Maintenance District is maintaining well with revenues at 78% and expenditures at 46%. The reason for this is because we have not done any major construction, but that could change in the next three months. The reserve balance will carry us through to the end of the fiscal year.

The revenues are on target at 76% in the Gas Tax Fund. Expenditures are pretty flat but this could change as we enter the construction season.

The Water Fund looks very erratic but that is typical when you have a major construction project going on where you have to spend the money before you get reimbursed for it. Total revenues are at 87% with three-fourths of the year gone. The Water Intake Project totaled \$2.5 million and we have drawn down most of the loan money with the final draws to come in the next month or so. Expenditures are at 54% of the budget. Revenues currently exceed expenditures by \$750,000, which will allow us to get some projects done.

The Sewer Fund has collected revenues at 50% of the budget and the reason for this is that we plan to draw \$500,000 from CDBG monies, but it has not been done yet. This will be done before the end of the fiscal year. Expenditures are at 32% of the budget and will be drawn down drastically in the next three months. Revenues currently exceed expenditures by nearly \$78,000. The dip in operating cash in February is due to the transfer of \$100,000 to reserves for the CDBG project match.

The decrease in cash and the spike in expenses in the Solid Waste Fund is when we purchased the new garbage truck. Revenues and expenses are both at 78% of the budget. Both are slightly above the 75% mark but this is due to the purchase of the truck. Mary said the revenue line is very flat and if this continues, we will not be able to set aside money for the future purchase of another garbage truck. We may need to look at doing something with this fund.

Mary asked the council if they had any questions and there being none, she closed her presentation.

Mayor Olson thanked Mary and said that the presentation is a mere fraction of what goes through the Clerk's office in a quarter. An overview like this gives us some reflection of where we stand.

- **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.** (Tabled 04/06/04)

Motion by Alderman Easton to approve Resolution No. R04-30, seconded by Alderwoman Stevenson. Motion carried 7-0.

- **Ordinance No. O04-02: Ordinance amending Chapter 12.04 of the Laurel Municipal Code for the provision of maintenance and improvements to streets located within the previously established Street Maintenance District in the City of Laurel, Montana.**
First reading.

Motion by Alderman Oakes to adopt Ordinance No. O04-02, seconded by Alderman Mace. A roll call vote was taken on the motion. All seven aldermen/woman present voted aye. Motion carried 7-0.

The public hearing of Ordinance No. O04-02 will be on the council agenda on May 4, 2004.

ITEMS REMOVED FROM THE CONSENT AGENDA:

- **Resolution No. R04-35: A resolution approving Mayor's correspondence to seek lease with Montana Rail Link and Burlington Northern Railroad for property located at Main Street and First Avenue.**

Motion by Alderman Oakes to approve Resolution No. R04-35, seconded by Alderman Dart.

Alderman Dart said that he would like to ask a question of the other aldermen regarding the intent of language. Should language regarding futuristic plans for development and expansion of the intersection be included in this letter as purpose of intent? He recalls this was a big topic of discussion at previous meetings.

Alderman Poehls said he doesn't think we need to address it directly to the issue of that corner. He feels the proper wording would be to include the safety aspects of the roadway or intersection.

Alderwoman Stevenson said that it was probably understood that this would be done so we didn't think to include it. It probably should be included but was just overlooked.

Alderman Poehls said the best place to put the verbiage would be at the end of the second paragraph.

Alderman Oakes said one person says widen and the other says round off. Are you going to make a four-lane underpass or are you going to just round off one corner? He feels there is nothing clear about the resolution or the letter. He has a problem when it says we will assign the task to the Laurel Development Corporation. He questioned who and what is the Laurel Development Corporation and what is their purpose.

Cal Cumin explained that the underpass widening or rounding is so far out in the future that if we put it in the initial request for transfer of the lease, it will cloud the issue. Since this issue has come up, the city has wanted to get control of the lease so when we need to do something, we can. This is the first step, by giving Montana Rail Link and Burlington Northern an idea of what we are looking at, then take it from there. This is a long term project and this is just the first step.

Alderman Oakes said he does not think we need to obtain the lease just to round that corner to make it a safer street. He feels the railroad would not object to that, even if we didn't hold the lease. If this is a long term project, does it include the demolition of the elevator and the building of another museum?

Cal said the city adopted the Streetscape Plan and spent a lot of time on it. Part of the plan is to improve that area of downtown. The Public Works Department has determined that the elevator is unsafe and has to be removed and the plan indicates that this area can also be used for commercial development, anywhere from a museum to a parking lot.

Alderman Oakes said the elevator is unsafe above the second floor, but there is nothing wrong with the ground floor. It is an antique and you would be tearing down a museum. This could be a real asset if you want a museum. John feels the issue is so cloudy.

He distributed a flyer to all councilmen and in it he states there is no body to the Development Corporation. Mayor Johnson used it once and there is no indication of where the \$20,000 went.

Alderman Dart questioned the long term planning. By subleasing this to the Laurel Development Corporation, would individual parties who have shown an interest, still be able to come in and perform demolition?

Cal said that once we have the lease and the city decides to transfer it to the Laurel Development Corporation, they would then be tasked by the city to do certain things. Cal said Mr. Oakes made a good point and he likes to use the term deconstruct, rather than destroy. We have several groups who are interested in taking it for a salvage value or a price. Other members of the corporation see it as John does, for its potential as a future museum and use the heavy equipment in it for streetscape art. Cal said this is a ways down the road but if we get to that point, he feels there is opportunity for funding to help take care of it.

Alderman Dart said it is sometimes hard for us to think as futuristic thinkers but he likes what he has heard and he realizes the potential. He said that being in charge of taxpayer's money; it is a very important consideration. He understands John's concerns but if we are ever going to give Laurel a decent look on Main Street, this is a step in the right direction.

Alderman Poehls said we have put work into the Streetscape Plan to see what Laurel can look like in the future and this is an opportunity we need to take.

Alderman Fritzler questioned the safety issue of the elevator and wondered if it has to come down.

Cal stated that Larry McCann had a structural engineer look at it and according to him, it does. It is about five feet off center and they feel it will continue to move.

Alderman Oakes said this is going to cost some money that will come out of the city coffers since the Laurel Development Corporation doesn't have any money. He asked how the city is going to control this corporation. He has not seen any minutes since January 8th, they don't have a board of directors, they don't hold regular meetings and they don't have an advisory council allowing citizens or the council to participate.

Cal clarified that the Laurel Development Corporation does have a Board of Directors of which there are several council members. Whenever there is a meeting, the minutes are given to the city and distributed to the council members.

Alderman Oakes said this council took its own members off the Planning Board and off other bodies. When he said advisory members, he meant individuals that do not sit on the corporation.

Alderman Mace said his concern is the safety issue. He does not feel the underpass corner is safe for small or large vehicles. When you get a lease, you may not have all the answers and this thing may change several times after this council is gone. The important thing is to obtain the lease so something can be done with it in the future.

He feels that if someone has questions about the corporation, they need to go get their questions answered. He said we can't sit here, not doing anything, until we have our plans ironed out for the next 30 years. We have to answer the question of whether it is a safety issue and he feels it is.

Alderman Oakes said he has been asking questions here tonight and not getting any answers. There is no mission statement.

Alderman Mace said neither the council nor the city has a mission statement. People are working on it but it doesn't mean we cease all operations. Let's get out there and get it done because we are the people that can make it happen.

Alderman Stevenson addressed John's concerns and said the corporation does have a Board of Directors, it does have a mission statement and they do meet regularly. She will get that information for John. Kate said they do publish when they meet and everyone is welcome to attend the meetings. They have a 501 3C IRS designation and everything had to be in order to get this.

The question was called for.

The Mayor used his executive privileges and addressed the council.

He said a resolution was passed a couple of months ago regarding the goals for the City of Laurel. The number one goal was the need for an infrastructure maintenance program. The second goal was to improve the growth and vision plan for the future. The council formulated these goals at a retreat. We all decided that we had to take a step forward and prepare ourselves for making a difference in this community. He feels this issue directly affects that goal.

The question was called for on Resolution No. R04-35. Motion carried 6-1 with Alderman Oakes voting no.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

- Review of Committee Minutes: None.
- Alderman Stevenson stated that planting of trees in the Town Square will be done the weekend of May 1st. The sprinkling system is in, water is on, and there are lights.
- Alderman Poehls said he sat in on a meeting of the Laurel Development Corporation and he was very impressed with a report that was given by Rocky Smith.
- Alderman Oakes said the Air Pollution Control Board will be meeting on April 26th and they are trying to get legislation that would allow law enforcement officers to levy a fine against people who burn without a permit.

Alderman Mace asked John for an update on the sawdust situation at Fox Lumber. John said the board has not had a complaint in six or seven months so it has improved.

UNSCHEDULED MATTERS:

- The Mayor stated we received the resignation letter from Dan Mears. In consulting with the Clerk-Treasurer, we are in the process of advertising for this position. We are requesting that the applicants respond in writing to the Clerk-Treasurer. At the next workshop, the procedures will be reviewed for putting a new person on the council. The Mayor hopes to have the position filled by the first meeting in May.
- The Mayor said he was finally in contact with Josh Middleton, Laurel School Superintendent, regarding the joint meeting of the school board and council. The date they are shooting for would be May 13th at 6:30 p.m. at the Middle School administration office. If anyone has anything to go on the agenda, please contact Mary and she will make sure the school clerk receives it.
- Alderman Easton stated that May 13th is the date for the bus tour for Aviation Week. It will be from 8:30 a.m. until 2:30 p.m. and the council has been invited. This may be why the 13th was chosen for the joint meeting.

ADJOURNMENT:

Motion by Alderman Poehls to adjourn the council meeting, seconded by Alderman Mace.
Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:18 p.m.

Cathy Gabrian, Deputy Clerk

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 4th day of May, 2004.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer