

# MINUTES OF THE CITY COUNCIL OF LAUREL

May 18, 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 May 18, 2004.

COUNCIL MEMBERS PRESENT:            Dick Fritzler            Doug Poehls  
   Kate Stevenson        Mark Mace  
   Gay Easton            Daniel Dart  
   Jennifer Johnson      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 Alderman Easton to approve the minutes of the regular meeting of May 4, 2004, as presented, seconded by Alderwoman Stevenson. Motion carried 8-0.

## CORRESPONDENCE:

Montana Department of Commerce: Letter of May 5, 2004 regarding Consolidated Plan DRAFT Annual Performance Report for April 1, 2003 through March 31, 2004.

Cable Montana: Service Reports for April 2004.

Air Pollution Control: Minutes of April 13, 2004; Agenda of May 11, 2004.

## PUBLIC HEARING:

Ordinance No. 004-03: An ordinance of the City of Laurel, Montana, to amend and supercede Laurel City Ordinance No. 001-05, and to approve an Interlocal Agreement: (1) between the City of Laurel, Montana, the City of Billings, Montana, and Yellowstone County, Montana, creating a multi-jurisdictional service district named Yellowstone City-County Health Department; and (2) between the City of Laurel, Montana, the City of Billings, Montana, the Town of Broadview, Montana, and Yellowstone County, Montana, creating an Air Pollution Control Program to be administered under the auspices of the Yellowstone City-County Health Department.

Mayor Olson opened the public hearing.

Mayor Olson asked three times if there were any opponents. There were none.

Mayor Olson asked if there were any proponents.

Stewart Kirkpatrick represents the Yellowstone City-County Health Department and attended the meeting in support of the ordinance. He provided a brief explanation for the process.

Four or five months ago, the City of Billings and Yellowstone County approached the City-County Board of Health with a request that they assume the responsibilities for administering the Yellowstone County Air Pollution Control Program. There were several reasons for that, but the biggest reason was to consolidate boards and also to effectively administer a program that could be done better under the Board of Health. That is the trend in the state, rather than to have the Air Pollution Control Board operated under a separate board. Mr. Kirkpatrick explained that the Air Pollution Control Board monitors, evaluates, and has fining policies and abilities and penalty making abilities to regulate particulate emissions that are within a certain range. Conoco would not be governed by the Air Pollution Control Program because their emissions are too large, and they would be governed under the State Department of Environmental Quality. Generally, the Air Pollution Control Program deals with small particulate emissions and burn permits. It is a relatively small program, with a budget of approximately \$150,000 per year. Because it required a lot of

manpower and a lot of hours, they figured they could streamline government by having the Health Department accept that responsibility.

Mr. Kirkpatrick further explained that the interlocal agreement, which is a multi-jurisdictional service district, must be approved by ordinance in order to change the Air Pollution Control Program from the current Board of Air Pollution Control to the City-County Health Department. That is the main reason that the interlocal agreement is being done. The interlocal agreement also needed to be updated to include the responsibilities of the City-County Health Department. Some problems in the first interlocal agreement needed to be addressed. He has previously provided a memorandum to the council concerning these issues.

Mr. Kirkpatrick encouraged the council to approve the interlocal agreement, as there is a benefit to Laurel to participate as a part of the Yellowstone City-County Health Department and as a part of the Air Pollution Control Program. He asked the council to vote in favor of the interlocal agreement by adopting Ordinance No. O04-03.

Mayor Olson asked twice if there were any other proponents. There were none.

Mayor Olson closed the public hearing.

The second reading of Ordinance No. O04-03 will be on the council agenda on June 1, 2004.

**CONSENT ITEMS:**

- **Clerk/Treasurer Financial Statements for the month of April 2004.**
- **Approval of Payroll Register for PPE 05/09/04 totaling \$120,583.56.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of April 7, 2004 were presented.

--Budget/Finance Committee minutes of April 8, 2004 were presented.

--Budget/Finance Committee minutes of April 14, 2004 were presented.

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

--Budget/Finance Committee minutes of April 19, 2004 were presented.

--City-County Planning Board minutes of May 6, 2004 were presented.

--Council Workshop minutes of May 12, 2004 were presented.

- **Resolutions.**

Resolution No. R04-41: A resolution approving an agreement between the City of Laurel and Yellowstone Boys and Girls Ranch, said agreement relating to fire protection.

Resolution No. R04-42: A resolution accepting the bid from Laurel Ford for a 2004 service truck.

Resolution No. R04-43: A resolution authorizing the Mayor to sign a Construction Agreement with the Montana Department of Transportation for the Federal Aid Project No. CM 6901(3).

Resolution No. R04-44: A resolution authorizing the Mayor to sign a Construction Agreement with the Montana Department of Transportation for the Federal Aid Project No. CM 6906(3).

Resolution No. R04-45: Resolution authorizing the Mayor to immediately pursue the remodel plan of the City Hall building in order to provide the Court and its staff new space for its operations.

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

Alderman Poehls removed item c.6., the City-County Planning Board minutes of May 6, 2004, and item d.5., Resolution No. R04-45, from the consent agenda.

Motion by Alderman Mace to approve the remaining consent items as presented, seconded by Alderman Poehls. Motion carried 8-0.

**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

**City-County Planning Board:**

Mayor Olson appointed Bud Johnson to the City-County Planning Board to complete the term ending June 30, 2005, which was vacated by Kate Stevenson.

Motion by Alderman Poehls to approve the appointment of Bud Johnson to the City-County Planning Board to complete the term vacated by Kate Stevenson, ending June 20, 2005, seconded by Alderman Dart. Motion carried 8-0.

- **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.** Second reading.

Motion by Alderman Oakes to adopt Ordinance No. O04-02, seconded by Alderman Dart. A roll call vote was taken on the motion. All eight aldermen/women voted aye. Motion carried 8-0.

- **Regulations and General Program Authority known as the Yellowstone County Air Pollution Control Program: Set public hearing date for June 1, 2004.**

Motion by Alderman Fritzler to set the public hearing date of June 1, 2004, for the Regulations and General Program Authority known as the Yellowstone County Air Pollution Control Program, seconded by Alderman Poehls. Motion carried 8-0.

- **Zone change for Ward Subdivision, Block 1, Lot 1, from R7500 to Residential Multi-Family: Set public hearing date for June 15, 2004.**

Motion by Alderwoman Stevenson to set the public hearing date of June 15, 2004 for the zone change for Ward Subdivision, Block 1, Lot 1, from R7500 to Residential Multi-Family, seconded by Alderman Fritzler. Motion carried 8-0.

- **Changes to the Residential Tracts Zone involving animal units allowed and timeframe for continuance of non-conforming uses: Set public hearing date for June 15, 2004.**

Motion by Alderwoman Johnson to set the public hearing date of June 15, 2004, for the changes to the Residential Tracts Zone involving animal units allowed and timeframe for continuance of non-conforming uses, seconded by Alderman Poehls. Motion carried 8-0.

**ITEMS REMOVED FROM THE CONSENT AGENDA:**

- **City-County Planning Board Minutes of May 6, 2004.**

Motion by Alderman Poehls to approve the City-County Planning Board minutes of May 6, 2004, seconded by Alderman Fritzler.

Alderman Poehls stated that, regarding the proposed units at 12<sup>th</sup> Street and 1<sup>st</sup> Avenue, the minutes are incorrect in reading four units and it should be sixteen units.

Alderman Fritzler read the following excerpt from the minutes: “Randy Swenson has requested a zone change . . . to allow him to build a 2-story 8-plex that will provide independent living for the elderly.” Alderman Fritzler stated that Cal Cumin’s legal discussion of that issue stated that “the developer proposes to build two eight plexes on the lot connected with an elevator allowing eight above and eight units below.” The minutes should reflect two eight-plexes on the lot, with an elevator allowing eight units above and eight units below.

Motion by Alderman Poehls to amend the City-County Planning Board minutes to state that two eight-plexes, for a total of sixteen units, are proposed in the project, seconded by Alderman Mace. Motion carried 8-0.

A vote was taken on the motion to approve the City-County Planning Board minutes of May 6, 2004, as amended. Motion carried 8-0.

- **Resolution No. R04-45: Resolution authorizing the Mayor to immediately pursue the remodel plan of the City Hall building in order to provide the Court and its staff new space for its operations.**

Motion by Alderman Poehls to approve Resolution No. R04-45, seconded by Alderman Dart.

Alderman Mace asked regarding the possibility of locating an elevator or lift in the front of the building so it would serve any kind of future growth or demolition of the building. It looks like there is room out there, and he thinks it would be money well spent.

Mayor Olson stated that the idea could certainly be brought forward during the planning. He mentioned the possibility to move the public works department upstairs without installing an elevator or a lift, which would afford the city a savings. It would be necessary to have a space downstairs where staff could service the needs of any citizens that are unable to go to the second floor. We are looking into that also, as the savings would be considerable. Since the finances of the city are paramount, it is a valid consideration.

Alderman Easton stated that the elevator in the front was probably a thought for a future site to be incorporated. You throw a different light on it if this is not required in order to remodel. The setback in the front of the building is not in line with other buildings in the block; we have six or seven feet of space that could be used to enlarge the building. He stated that it would be premature to hold up the resolution for an elevator if this is a possibility.

Alderman Poehls stated that he does not want to hold up the resolution. His issue was that the options need to be considered when the actual architectural drawings are prepared.

Mayor Olson stated that the council as a group is charged with the future of this community, and the future of this community may necessitate a study of the present buildings. This may just be the beginning, and he hopes the council would encourage and embrace that opportunity so that several issues could be addressed. The community will be growing, and the council may have an opportunity for looking forward and adopting a more positive stance as far as space is concerned.

A vote was taken on the motion to approve Resolution No. R04-45. Motion carried 8-0.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

Jean Kerr stated that she wanted to address the resolution that was just discussed, Resolution No. R04-45.

Mayor Olson stated a point of order, as the agenda states that “citizens may address the council regarding any item of city business not on the agenda.”

Jean stated that she wanted to talk about some information that she felt was not properly given at the workshop, which pertains to this as far as making a good and knowledgeable decision regarding this resolution.

Mayor Olson cautioned that the opportunity is for items that are not on the agenda, and that item was on the agenda.

Jean asked how the mayor would propose that this information is given to the council and shared and expressed in a way then that is considered, or at least heard, when it comes time to looking at this resolution and going forward with any kind of bidding.

Mayor Olson encouraged her to bring those items forward at the council workshop when the bidding process is let out.

Jean asked what she should do if bidding is only done for one or two, or just the one item that this mainly speaks to and does not include a hard dollar amount that goes with another option. She questioned what happens if that option is not even looked at because of the way the resolution is worded and what was talked about at the workshop.

Mayor Olson stated that the council would have an opportunity to set the dollar amount as a hard number, and the council cannot allocate or authorize any appropriation without it being a solid number.

Jean stated that there is more than one option, but according to the resolution, only one option is going to be looked at and that was the strict remodeling. She said that, even with the information given at the workshop, it was not comparing apples and apples. It was comparing apples and oranges. There was less information given than could possibly be known now, as well as there was information that was not correct. She stated that, if that were to have influenced some of the councilmen and councilwomen's decisions, it would be biased as far as going forward with bidding and looking at this resolution.

Mayor Olson stated that the council workshops afford the opportunity to bring forth all the information. Certainly the time between a workshop and the time that the council has to make a decision is ample time for information to be brought to an individual councilmen's attention.

Jean questioned whether there would be another opportunity to do that because decisions were made regarding this resolution already. Jean stated that the workshops are set up so that a person shares when they are asked to share, and they cannot just jump in to correct misinformation unless they are asked to participate once again.

Mayor Olson stated that the opportunity for the workshop to preview this issue will be when the bids go out and come back, and at that time any opportunity that is afforded at a workshop for input will be welcome. He again stated the fact that, according to the council agenda, "citizens may address the council regarding any item of city business not on the agenda,"

Jean asked if she was hearing that both options would be put out for bid so that hard dollars and apples and apples could be compared versus the resolution approved for the remodel.

Mayor Olson stated that the resolution was pretty specific in the fact that the council packets contained the resolution and the description of what they would vote on, which was explained on the pages attached to the draft resolution

Jean questioned if that was the third option for remodeling, which did not include the modular building.

Mayor Olson stated that was correct.

Jean questioned whether it was an appropriate resolution that encompasses all options for bidding when it is taxpayer dollars at work when information is not shared that is accurate and there were apples and oranges being compared. That is what she wanted to address. She stated that, if she would not be able to give that information, she wanted to know how on the forum it can be done so that there would be proper bidding to look at all options versus narrowing it down when it was apples and oranges at the very beginning.

Mayor Olson stated that the resolution the council adopted is to pursue the third option, which is the option that has been delineated in the council packets. He stated that the items she had could not be discussed at this meeting because it is on the agenda.

Jean asked if there would be an opportunity for the other option to be looked at, properly bid, and properly compared before anything goes forward.

Mayor Olson stated that it was the council's intent that we act on this option first.

Jean said that not all of the information that was given to the council at the council workshop was true, not all of it was correct, and not all of it was complete. The resolution was brought up and basically was ordered to be prepared at that meeting, and apples and oranges were being compared. She questioned whether that is complete when looking at taxpayer dollars.

Mayor Olson stated that the council has come forward with this particular option. He stressed the fact that, between the time of the council workshop and the time for the voting process, there should have been an opportunity for those types of issues to be brought forward.

Jean stated that because of the way the workshop is set up, there is no opportunity to correct the information. She presented first, and Steve Klotz presented second. Information was exchanged, and she was not allowed or welcomed to recant any information and to correct information that was given that was incomplete and wrong. She questioned as far as this resolution being only inclusive of the third option and not including the bidding of the other option as well.

Mayor Olson stated that the council came to a decision on the issue, and that is the pursuit of the third option. The information that could have been brought forward earlier to address the council on a one-to-one basis, if she felt like that would have been the opportunity to have one of the councilmen bring it forward for her. Other than that, the agenda is to the point where it is set in what can be brought forward.

Jean asked regarding the possibility of having another resolution brought forth by a council member that would state to get a bid on the other option to make sure that everything is appropriately looked at and compared.

Mayor Olson stated that it would be an option if she wanted to ask a councilman to do that.

Jean stated that she would get it put on the agenda right away, if a councilman would do that. She asked if it would then be bid out at the same time so that all companies would have the ability to bid at the same time and once again apples and apples compared.

Mayor Olson stated that, if a councilman brought it forward, it would have to be put into resolution form for the council's consideration. If the council approved it, then it would be able to move forward. Just putting it on the agenda does not insure that it would move forward.

Jean stated that this was the next meeting, since the workshop, when this information should be brought forward. She again questioned doing a resolution on one option when there was not proper information to even make a consideration as far as a good thought process in spending taxpayer dollars. She will try to get a resolution so that there are two options to look at, because there are questions and there was misinformation and inadequate information given at the council workshop.

Mayor Olson asked if anyone else wished to speak to the council regarding city business not on the agenda.

Bob Eastlick, 1017 Montana Avenue, commented on the deplorable streets in this town. It seems to him that there is a terrible lack of interest. Nobody wants to do anything. He worked for a city for thirteen years, and two people did all the streets in two years. They did not make super highways out of them, but there were passable and they were kept up and they were in good shape. They have since gone back the other way, but he is not there anymore. In his area of town, it is extremely dark. He realizes that they pay for street lighting in the whole town, and they do not have any benefit of it. There is one streetlight on the corner of 11<sup>th</sup> and Montana. He would like to see something more on that street because there are kids on that street. Those are a few items he thinks need to be addressed and they need serious attention. He thanked the council.

Mayor Olson thanked Mr. Eastlick for his comments.

**COUNCIL DISCUSSION:**

- Alderwoman Stevenson reported on the planting of trees and bushes at the Town Square last Saturday.
  - Aldermen Mace, Fritzler, and Easton helped with the project.
  - Mayor Olson commented that the effort by the Revitalization League is coming to fruition and has put a positive light on the City of Laurel.
  - The Town Square is going to be quite an accomplishment, and he applauded the efforts of the committee.
- Alderman Easton stated that Aviation and Technology Week was a success, even though the weather did not cooperate.
  - He suggested that the mayor write a letter expressing our gratitude and thanks for the program.
  - Mayor stated that he would be more than happy to and it was a fine idea.
- Alderman Oakes stated that the Air Pollution Control Board meeting was postponed until May 25<sup>th</sup>, so he will be unable to attend the Council Workshop that evening.
- On behalf of the Budget/Finance Committee, Alderman Mace reminded everyone of the special council meeting for presentation of the 2004-2005 Preliminary Budget.
  - Wednesday, May 19<sup>th</sup>, at 5:30 p.m.
  - Alderman Poehls will not be able to attend the special council meeting.
- Mayor Olson stated that the Montana League of Cities and Towns has scheduled a district legislative meeting for Tuesday, May 25<sup>th</sup>, at 9:00 a.m. at City Hall in Billings.
  - Aldermen Poehls, Mace, and Dart will try to attend the meeting.
- Review of Committee Minutes: None.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

Motion by Alderman Dart to adjourn the council meeting, seconded by Alderman Oakes. Motion carried 8-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:12 p.m.

---

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 1<sup>st</sup> day of June, 2004.

---

Kenneth E. Olson, Jr., Mayor

Attest:

---

Mary K. Embleton, Clerk-Treasurer