

MINUTES OF THE CITY COUNCIL OF LAUREL

June 15, 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 June 15, 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 Poehls to approve the minutes of the regular meeting of June 1, 2004, as presented, seconded by Alderman Mace. Motion carried 8-0.

CORRESPONDENCE:

Montana Department of Commerce: Letter of May 27, 2004 regarding Treasure State Endowment Program (TSEP) applications and TSEP Technical Engineering Review Guidelines.

Montana State Firefighters Memorial: Letter of April 1, 2004 inviting the council to attend the groundbreaking ceremony on June 11, 2004.

Department of Natural Resources and Conservation: Letter of May 28, 2004, regarding the Laurel Wastewater System Improvements.

Air Pollution Control Board: Minutes of May 25, 2004; Agenda of June 8, 2004.

Stewart R. Kirkpatrick: Letter of June 8, 2004, regarding the Yellowstone City-County Health Department Ordinance/Interlocal Agreement/Air Pollution Control Program.

PUBLIC HEARINGS:

Mayor Olson removed the scheduled public hearing for changes to the Residential Tracts Zone involving animal units allowed and timeframe for continuance of non-conforming uses from the agenda.

- **Zone change for Ward Subdivision, Block 1, Lot 1, from R7500 to Residential Multi-Family. (Planning Board recommendation – May 6, 2004)**

Mayor Olson opened the public hearing.

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

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

Mayor Olson closed the public hearing.

The request for the zone change for Ward Subdivision, Block 1, Lot 1, from R7500 to Residential Multi-Family will be on the July 6, 2004, council agenda.

- **Preliminary Budgets for Fiscal Year 2004-2005 for all City Funds**

Mayor Olson asked Nathan Tubergen, the Administrative Assistant, to present the budget to the council.

Nathan made the following statement to the council:

Good evening, Honorable Mayor and City Council Members:

For the public's benefit, I would like to give an overview of the budget process. The department heads presented their budgets to the Budget/Finance Committee and that was completed at the end of April. Through the Mayor, I presented the budget to the city council on May 19th. At that time, I also presented a transmittal letter that highlighted all of the budgets and the major changes or recommendations within the budget. At this time I would like to say that the budget and the transmittal letter are available in the clerk's office for inspection by the public.

Staff has made minor changes, as we stated at last week's council work session, and we would like to give out copies of the changes that are all minor in nature in each of the funds for health insurance and new revenues projection.

At this time, I would recommend the Honorable Mayor open the public hearing. Staff will address any questions through the Mayor.

Mayor Olson opened the public hearing.

Mayor Olson asked if there were any questions regarding the preliminary budget. There were none.

Motion by Alderman Oakes to continue the public hearing of the Preliminary Budgets for Fiscal Year 2004-2005 to July 6, 2004, seconded by Alderman Mace. Motion carried 8-0.

- **Additional Mills levied for Permissive Medical Levy Fund Budget for Fiscal Year 2004-2005**

Mayor Olson opened the public hearing.

Motion by Alderwoman Johnson to continue the public hearing of the Additional Mills levied for Permissive Medical Levy Fund Budget for Fiscal Year 2004-2005 to July 6, 2004, seconded by Alderman Dart. Motion carried 8-0.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of May 2004.**
- **Approval of Payroll Register for PPE 06/06/04 totaling \$126,677.13.**
- **Receiving the Committee Reports into the Record.**

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

--Insurance Committee minutes of May 18, 2004 were presented.

--Insurance Committee minutes of May 25, 2004 were presented.

--Special City-County Planning Board minutes of May 27, 2004 were presented.

--City-County Planning Board minutes of June 3, 2004 were presented.

--Public Works Committee minutes of June 7, 2004 were presented.

--Council Workshop minutes of June 8, 2004 were presented.

- **Resolutions.**

Resolution No. R04-49: Resolution authorizing participation in the Board of Investments of the State of Montana Annual Adjustable Rate Tender Option Municipal Finance Consolidation Act Bonds (INTERCAP Revolving Program), approving the form and terms of the loan agreement and authorizing the execution and delivery of documents related thereto.

Resolution No. R04-50: A resolution approving an agreement between the City of Laurel and Laurel Airport Authority, said agreement relating to fire protection.

Resolution No. R04-51: Resolution adopting a job description for a GIS Technician.

Resolution No. R04-52: Resolution authorizing the Mayor to sign an amended contract between the City of Laurel and the Laurel YMCA for management of the swimming pool at Thomson Park.

Resolution No. R04-53: Resolution to authorize the Mayor to contract with D.C.S. Architects to design or otherwise prepare plans for the City Hall remodel project.

Resolution No. R04-54: 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. R04-55: A resolution accepting the bid from Western Plains Machinery Company for a Combination Vibratory Roller.

Resolution No. R04-56: A resolution accepting the bid from 21st Century Equipment for a Deep Cut Reclaimer/Asphalt Milling Machine.

Resolution No. R04-57: HOME Program Budgetary Authority Resolution

Resolution No. R04-58: A resolution to modify Resolution No. R04-42 changing the year of the service truck accepted from 2004 to 2005.

Resolution No. R04-59: A resolution approving the bid for a police car from Laurel Ford.

Resolution No. R04-60: A resolution to adopt an amended job description for the Riverside Park Manager position.

Resolution No. R04-61: A resolution accepting the bid and authorizing the Mayor to sign a contract with COP Construction for relocation and extension of a water line located at 1st Avenue and 12th Street.

Resolution No. R04-62: A resolution authorizing the Mayor to sign Task Order No. 4, Amendment No. 1, for alterations to the surface reconstruction phase of the Alder Avenue sewer line project.

Resolution No. R04-63: A resolution authorizing the Mayor to sign Task Order No. 4, Amendment No. 1, for additional sewer line improvements for the Alder Avenue sewer line project.

Resolution No. R04-64: A resolution authorizing the Mayor to sign a change order for alterations to the surface reconstruction phase of the Alder Avenue sewer line project.

Resolution No. R04-65: A resolution authorizing the Mayor to sign a change order for additional sewer line improvements for the Alder Avenue sewer line project.

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

Alderman Mace removed Resolution No. R04-61 from the consent agenda for further discussion.

Alderman Poehls removed Resolution No. R04-62, Resolution No. R04-63, Resolution No. R04-64, and Resolution No. R04-65 from the consent agenda for further discussion.

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.**

Laurel Volunteer Ambulance Service:

Mayor Olson appointed Hattie Kuper and Shane Kuper as Attendants for the Laurel Volunteer Ambulance Service.

Motion by Alderman Dart to approve the appointments of Hattie Kuper and Shane Kuper as Attendants for the Laurel Volunteer Ambulance Service, seconded by Alderman Fritzler. Motion carried 8-0.

Laurel Library Board:

Mayor Olson reappointed Gail Brice to a five-year term, ending June 30, 2009, on the Laurel Library Board.

Motion by Alderwoman Stevenson to approve the reappointment of Gail Brice to a five-year term, ending June 30, 2009, on the Laurel Library Board, seconded by Alderman Mace. Motion carried 8-0.

Laurel City-County Planning Board:

Mayor Olson reappointed Todd Linder to a two-year term, ending June 30, 2006, on the Laurel City-County Planning Board.

Motion by Alderman Poehls to approve the reappointment of Todd Linder to a two-year term, ending June 30, 2006, on the Laurel City-County Planning Board, seconded by Alderman Mace. Motion carried 8-0.

Laurel City-County Planning Board:

Alderman Poehls announced the appointment of Dan Koch to a two-year term ending June 30, 2006, on the Laurel City-County Planning Board.

Motion by Alderman Easton to approve the council appointment of Dan Koch to a two-year term, ending June 30, 2006, on the Laurel City-County Planning Board, seconded by Alderman Mace. Motion carried 8-0.

Labor/Management Cooperation Committee:

Mayor Olson stated that Alderman Fritzler would serve as the council representative on the Labor/Management Cooperation Committee.

Insurance and Benefit Committee:

Mayor Olson stated that Alderman Mace would serve as the council representative on the Insurance and Benefit Committee.

- **Richard and Susan Guffey: Request for variance from Entryway Zoning District setback and landscaping requirements for 3150 Shannon Road. Planning Board recommends approval subject to compliance with submitted landscape plan and construction of improvements by September 1, 2004.**

Motion by Alderman Fritzler to approve the request for variance from Entryway Zoning District setback and landscaping requirements for 3150 Shannon Road, subject to compliance with

submitted landscape plan and construction of improvements by September 1, 2004, seconded by Alderman Dart.

Alderman Poehls stated that, in spite of the restrictions of the narrow lot, the applicant submitted a specific plan for the landscaping requirements. He stated that it is probably the best thing that could be done to the lot because the lot is so narrow.

A vote was taken on the motion. Motion carried 8-0.

- **Zoning request from Iron Horse Station Preliminary Subdivision Plat: Set public hearing date for July 6, 2004.**

Motion by Alderman Easton to set the public hearing date for July 6, 2004, for the zoning request for Iron Horse Station Preliminary Subdivision Plat, seconded by Alderwoman Stevenson.

Cal Cumin clarified that this subdivision is being presented in two phases, and he wanted to verify that the zone change would be only for the first phase. The advertisement for the public hearing will include the first phase of the subdivision plat.

A vote was taken on the motion. Motion carried 8-0.

ITEMS REMOVED FROM THE CONSENT AGENDA:

- **Resolution No. R04-61: A resolution accepting the bid and authorizing the Mayor to sign a contract with COP Construction for relocation and extension of a water line located at 1st Avenue and 12th Street.**

Motion by Alderman Poehls to approve Resolution No. R04-61, seconded by Alderman Dart.

Alderman Poehls asked Larry McCann to clarify a question regarding this.

Larry stated that we have been going forward with this because of the July 21st repave date for First Avenue. Four bids were received and opened on June 11th. One bid was lower than the recommended bid. Because of irregularities in the low bid documents, the recommendation is to approve the next low bid, which was received from COP Construction. The surety that was submitted with the low bid was from an out-of-state company. The Montana Public Works Standards and our bid documents require them to be a Montana licensed Surety Company, and the company is not licensed to do business in Montana. The difference in the bids was approximately \$4,000.

There was further discussion regarding the bid documents.

Sam Painter clarified the situation. The bond issue was presented to his office on Monday when it was noticed that the bond company was a company that they did not recognize out of Las Vegas, Nevada. The attorneys were requested to make some background checks and searches to see if the business was in fact licensed to do business in Montana. The company is not licensed to do business in Montana, and that bond is basically void under Montana law. The solution at this point is to go to the next bidder who did submit the proper documents, as well as the proper bond.

A vote was taken on the motion to approve Resolution No. R04-61. Motion carried 8-0.

- **Resolution No. R04-62: A resolution authorizing the Mayor to sign Task Order No. 4, Amendment No. 1, for alterations to the surface reconstruction phase of the Alder Avenue sewer line project.**

Resolution No. R04-63: A resolution authorizing the Mayor to sign Task Order No. 4, Amendment No. 1, for additional sewer line improvements for the Alder Avenue sewer line project.

Resolution No. R04-64: A resolution authorizing the Mayor to sign a change order for alterations to the surface reconstruction phase of the Alder Avenue sewer line project.

Resolution No. R04-65: A resolution authorizing the Mayor to sign a change order for additional sewer line improvements for the Alder Avenue sewer line project.

Motion by Alderman Poehls to approve Resolution No. R04-62, Resolution No. R04-63, Resolution No. R04-64, and Resolution No. R04-65, seconded by Alderman Stevenson.

Alderman Dart asked for clarification of the difference between a task order and a change order.

Larry McCann explained that the City of Laurel has signed an engineering services agreement with Morrison-Maierle. Morrison-Maierle engineered the new water intake and is currently working on wastewater rates. Under the engineering agreement, the City of Laurel has the right to give them a new task. A change order is generated during a project when a change is needed. The engineer, the contractor, and the City of Laurel must all approve a change order. Change order issues are things that were not in the original project.

Alderman Mace asked if it was similar to a work directive. Larry explained that it is similar to a work directive, but a work directive is a little easier to do as it is not a major change. A work directive allows flexibility in the work as the project progresses

Alderman Dart stated that, in regard to Resolution No. R04-64 and Resolution No. R04-65, he has always been uncomfortable when these types of issues are under the consent agenda. He thinks that the consent agenda should be for housekeeping issues instead of issues that are very important to what is going on with the city. He is uncomfortable in getting put in this type of position, and he hopes that it will not happen again in the future. There is too much work to do in this city to be held to this type of thing as a council.

Alderman Oakes stated that he would like to see the planning process more defined and more work put into it in order to eliminate similar problems.

Alderman Poehls voiced his concern that, even though the result of this is going to be very good with the street improvements on Alder Avenue, this should have been thought of ahead of time.

Alderwoman Johnson stated that she does not know much about construction, but she has spent a lot of time driving down there and observing the project. She knows that unexpected things always come up in any project. She feels quite comfortable and is well enough educated to vote on this at this time.

Alderman Mace stated that the points are well taken. In his experience in construction, he thinks that some of the street conditions may not have been overlooked but were not realized until the project began. A lot of underground things are not on any of the city's plans or schematics. He thinks we should not get into the fact that everything is so cut and dried when we do not really know what we have out there. On behalf of the city or the staff, there are some unknown things out there. We should keep that in mind, but his colleague's points are well taken.

Alderman Dart stated that perhaps the next legislators in Helena should be contacted and encouraged to review the Montana statute in order to allow more flexibility in similar situations. He questioned how many times this could be done until ultimately it becomes an issue with other entities. He stated that someone should be proactive to see if the Montana Code could be changed.

Mayor Olson stated that the driving force behind this project is the fact that we are able to maximize the taxpayers' dollar. There is a certain philosophy out there that we are unable to do that at times, but this is an opportunity to do so. He understands the need for planning. He has come to the conclusion that we need the assistance, in every way possible, for the departments to work together so that money does not need to be spent twice on a project in order to get to the same place. He thinks this is a prime example of that type of effort.

A vote was taken on the motion to approve Resolution No. R04-62, Resolution No. R04-63, Resolution No. R04-65, and Resolution No. R04-66. Motion carried 7-1, with Alderman Dart voting nay.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

John Redman, 120 East Maryland, lives directly north of the high school parking lot. He received a notice that the city wants to take their dumpsters away from south of the yards in the area. They

have been located there since at least 1954. Since 1962 or 1963 when the high school was built, the dumpsters have been part of the high school and the people that live there. They would like to keep the dumpsters there. They have never had problems with the school, and he does not think anybody has ever gotten hurt from the school when the garbage trucks go through. John Redman stated that the only people that are out there when the garbage trucks come through are the stoners. And he has yet to hear of a stoner getting hit by a garbage truck. It was a public safety thing with the school, but they have never had a problem with anybody there from the school. The school uses the dumpsters, and so do the residents. He hoped he did not offend anybody, but he has an opinion. There is an alleyway for the fire department to come through, and the only time that the parking lot is packed is during a basketball game. John stated that some residents use their back yards for entry to their houses and garages. John thanked the council for listening to him.

LaRay Mears, 206 East Maryland Lane, is facing the same issue. She has been there for about eighteen years, and she has watched how the garbage cans are used. The cans are also used by the bus drivers and the school in general, and they are very beneficial during the 4th of July and during all of the school functions that use the parking lot. She has never seen any problem with it. As far as liability, she wonders if the city will also get rid of the dumpsters on the east side of the high school. She has never seen or heard of any problems resulting from garbage pickup. LaRay would like to see the garbage cans stay the way they are because it has worked well for them and the community so far. She thanked the council.

Cal Cumin informed the council that Laurel Haggart, a Planning Board member, passed away. He said that Laurel was a valuable member of the Planning Board, and her energy, her inquisitiveness, and the homework that she always did will be missed.

Mayor Olson stated that every once in a while we are blessed by people whose best interest is for the community, and Laurel showed that.

Jan Faught thanked the council for approving the appointments of the two ambulance attendants. Jan introduced Shane Kuper to the council.

COUNCIL DISCUSSION:

- Review of Committee Minutes: None.

On behalf of the Budget/Finance Committee, Alderman Mace stated his appreciation for Mr. Tubergen's work. He appreciates his expertise and years of experience in looking at different ways that the city can solve some of the current and future crises. Alderman Mace stated that he appreciated his professionalism.

Alderman Dart stated that the Emergency Services Committee has scheduled a meeting on Monday, June 21st and will address an issue. Alderman Dart also thanked Nathan for his expertise.

Alderman Johnson attended the Big Sky Economic Development Authority meeting on June 10th. This organization is involved in or with a lot of countywide tax incentives for existing businesses such as Cenex, who they have preliminarily approved for an incentive for a proposed \$96 million project, and new businesses like the Beartooth Harley-Davidson store. It even helped secure a \$125,000 Federal grant for cops in schools. Alderman Johnson is quite interested in trying to find out more about which Yellowstone County funds the City of Laurel might be able to receive. She is interested in finding out what the city can obtain through Big Sky Economic Development Authority.

Alderman Johnson attended the Drug and Alcohol Task Force. She reported that Josh Middleton discovered the school will receive at least \$12,000 in Medicaid funds, which the school can designate to go to wherever they want. He plans on earmarking them for the drug and alcohol efforts, including help to fund SRO positions. He is also going to apply for a VISTA volunteer next year, which will cost \$2,500 of the Medicaid money that he is going to earmark for a full-time volunteer beginning in January 2005. It is a Federal grant to get this VISTA volunteer. This volunteer would help the coordinator that they plan to get. They are also going to work with the Billings Coalition to apply for some grants to build up some funds so we can build our program jointly with the school and the city.

Mayor Olson thanked Alderwoman Johnson, and he stated that it is important that we cultivate the relationship between the city and the school. We have accomplished quite a bit in our partnership, and with her there, we will be able to continue that.

Alderman Easton commended Alderwoman Johnson for her efforts. He stated that we should have had representation in the Big Sky Economic Development Authority long ago, because it will be quite beneficial to the City of Laurel.

Alderman Easton reported on the Public Works Committee. The committee has started the process to work on the leases at Riverside Park and eventually the committee will review the leases in the other parks.

Mayor Olson stated that it will be a monumental task to address the leases. It is going to be a struggle, but he believes we have the people in place to accept that challenge.

Alderwoman Stevenson announced that the planting is done in the Town Square. She will now be able to concentrate on the Swimming Pool Committee.

Mayor Olson thanked Alderwoman Stevenson. He attended the dedication of the Firefighters' Memorial Park, and he can envision what will be done there. The cornerstones of the Town Square and the Firefighters' Memorial Park will enable us to start moving forward with some type of revitalization and getting the growth that we need to see downtown. There are a lot of positive things going on and the community is finding that it is important to have its best foot forward.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderman Oakes 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 7:22 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 6th day of July, 2004.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer