

# MINUTES OF THE CITY COUNCIL OF LAUREL

July 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 Kenneth E. Olson, Jr., at 6:30 p.m. on July 6, 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 Alderwoman Johnson to approve the minutes of the regular meeting of June 15, 2004, as presented, seconded by Alderwoman Stevenson. Motion carried 8-0.

Motion by Alderman Oakes to approve the minutes of the special council meeting of June 30, 2004, as presented, seconded by Alderman Poehls. Motion carried 8-0.

## CORRESPONDENCE:

Druann Kerns, Executive Director of the Laurel Aviation and Technology Committee: Letter of thanks for the City of Laurel's support for the event.

Montana League of Cities and Towns: Memorandum of June 14, 2004, regarding Entitlement Share Payments and Health Insurance.

Cable Montana: Service Reports for May 2004.

Montana League of Cities and Towns: Letter of May 28, 2004 regarding membership dues.

Energy Open: Agenda for the first annual Energy Open in Colstrip on June 23 – 24, 2004.

Montana Department of Commerce: Letter of June 21, 2004, regarding HOME Program.

Yellowstone Historic Preservation Board: Letter of March 22, 2004 regarding special grant of \$1,500 to perform a survey of historic Laurel and create a walking tour pamphlet of downtown Laurel.

Nancy McGrath: Letter of June 24, 2004 regarding escalation in accidents at the intersection of First Avenue South and Fourth Street Southeast.

U.S. Department of Justice, Federal Bureau of Investigation: Letter of April 16, 2004 regarding to National Night Out on Tuesday, August 3, 2004.

## PUBLIC HEARINGS:

- Preliminary Budgets for Fiscal Year 2004-2005 for all City Funds (continued from June 15, 2004)

Mayor Olson opened the public hearing.

Motion by Alderman Easton to continue the public hearing of the Preliminary Budgets for Fiscal Year 2004-2005 for all City Funds to July 20, 2004, seconded by Alderman Fritzler. Motion carried 8-0.

- Additional Mills levied for Permissive Medical Levy Fund Budget for Fiscal Year 2004-2005 (continued from June 15, 2004)

Mayor Olson opened the public hearing.

Mayor Olson asked if there were any comments. There were none.

Motion by Alderman Dart to continue the public hearing of the Additional Mills levied for Permissive Medical Levy Fund Budget for Fiscal Year 2004-2005 to July 20, 2004, seconded by Alderman Mace. Motion carried 8-0.

- Requested zone changes within the proposed Iron Horse Station Subdivision as follows: Lots 1-3, Block 1; Lots 1-7, Block 6; Lots 1-21, Block 7; and Lots 1-24, Block 5: Residential 6000; Lots 1-6 Block 4: Residential Multi-family; Lot 7, Block 4: Community Commercial; and Lots 11-29, Block 3: Residential 7500—consisting of all of the lots in Phase One of the development.

Mayor Olson opened the public hearing.

Cal Cumin clarified the exact description of the zone change. It was advertised and put on the agenda right after the Planning Board's recommendation. However, the Planning Board's recommendation required some changes in the subdivision plat. As Cal discussed at the last workshop, he thinks that we do not need to give them all of the zoning that they wanted. The plat maps distributed to the council showed exactly what is being applied for tonight, and Cal distributed a written paragraph stating the exact zoning request for consideration. The request is actually less than what the Planning Board approved, but he thinks it is in the benefit of the city to do it the way it was done. The number of community commercial lots on the west end of the property was reduced. One of the reasons for this was because they neglected to account for the access of Nutting Drain, the walking path. The other big change is a Residential Limited Multi-Family rather than the broader range of Residential Multi-Family around the lower right hand corner for the elderly care facility. Residential Multi-Family is not needed there, and Residential Limited Multi-Family will fit perfectly with what they want to do. The provision for the community commercial in the lower right hand corner is subject to an approved site plan.

The corrected description is:

Requested zone changes within the proposed Iron Horse Station Subdivision as follows: Lots 1-3, Block 1; Lots 1-24, Block 5; and Lots 1-24, Block 4: Residential 6000; Lots 1-6, Block 3: Residential Limited Multifamily; Lot 7, Block 3: Community Commercial (subject to approved site plan); Lots 11-29, Block 2: Residential 7500; and Lots 4-5, Block 1: Community Commercial – consisting of all of the lots of Phase One of the development.

Mayor Olson asked three times if there were any comments from the public. There were none.

Mayor Olson closed the public hearing.

#### **CONSENT ITEMS:**

- **Claims for the month of June 2004 in the amount of \$532,312.09.**  
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 06/20/2004 totaling \$125,681.51.**
- **Receiving the Committee Reports into the Record.**
  - Budget/Finance Committee minutes of June 1, 2004 were presented.
  - Insurance Committee minutes of June 8, 2004 were presented.
  - Emergency Services Committee minutes of June 21, 2004 were presented.
  - Insurance Committee minutes of June 22, 2004 were presented.

--Council Workshop minutes of June 29, 2004 were presented.

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

- **Resolutions.**

Resolution No. R04-66: A resolution adopting the Yellowstone County Pre-Disaster Mitigation Plan.

Resolution No. R04-67: A resolution adopting the City of Laurel Personnel Policy Manual.

Resolution No. R04-68: A resolution authorizing the disposal of city records.

Resolution No. R04-69: A resolution approving periodic project payment No. 1 to COP Construction, LLC, for work completed on the CDBG sewer project for the period of 05/24/04 through 06/18/04.

Resolution No. R04-70: A resolution to authorize the Mayor to sign an agreement with Laurel Public Schools, District 7 and 7-70, establishing the School Resource Officer (SRO) Program for the Laurel Middle School.

Resolution No. R04-71: A resolution to authorize the Mayor to sign an agreement with Laurel Public Schools, District 7 and 7-70, continuing the School Resource Officer (SRO) Program for the Laurel Middle School.

Resolution No. R04-72: A resolution to authorize the Mayor to sign an agreement with Laurel Public Schools, District 7 and 7-70, continuing the School Resource Officer (SRO) Program for the Laurel High School.

Resolution No. R04-73: A resolution approving Blue Cross Blue Shield Blue Select Plan, a managed health care plan.

The mayor asked if there was any separation of consent items. There was none.

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

Mayor Olson asked if there were any comments from the public regarding the consent agenda items. There were none.

**CEREMONIAL CALENDAR:** None.

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

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

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**

**Laurel Airport Authority:**

Mayor Olson reappointed Bob Western to a five-year term, ending June 30, 2009, on the Laurel Airport Authority.

Mayor Olson stated that the appointment includes the consideration that Bob has served on the Airport Authority for the last twelve years. During that time, he has been part of the active group that has brought forward the changes in the Airport Authority. Mayor Olson thinks that this reappointment is deserved by the amount of work that he has shown.

Motion by Alderwoman Stevenson to approve the reappointment of Bob Western to a five-year term, ending June 30, 2009, on the Laurel Airport Authority, seconded by Alderman Fritzler.

Alderman Poehls stated that he is not opposed to Bob Western. He is a very nice gentleman and he knows him personally, but he has to consider that Mr. Western has been on the board for twelve years. There are some new business people in this community that have stepped forward and asked to be put on the Airport Authority. Alderman Poehls stated that, if we continue to reappoint people who have been on the board for numerous appointments, we are not going to put new blood into our Airport Authority or any of the other activities in the City of Laurel. We are looking for new blood and people that will continue to revitalize the City of Laurel. Bob has done his revitalization of the City of Laurel and done an excellent job. Alderman Poehls mentioned that we have an application from a local business owner that would also do an extremely good job, and is young and vibrant, and wants to see this community grow. Alderman Poehls is opposed to this appointment.

Alderwoman Stevenson asked if it is possible to expand the number of members on the Airport Authority.

Mayor Olson stated that he has talked to the chairman of the board. The board was formed by statute, so it would take a change in the city's statute. He agrees that new blood would be a way we could go, as far as an opportunity to expand. He mentioned the need to realize that expanding the group to include another member might make it more difficult to get a consensus. The board is still small, and he is looking into that as one of the options.

Mayor Olson asked John Smith if he had any comments.

John Smith, Chairman of the Laurel Airport Authority, stated that he would personally rather keep the board as small as it is currently. They have been considering forming an advisory group of Friends of the Airport, as they really need people that know how to do things. They would like to have a lawyer, accountants, etc. Dr. Smith stated that the board members do not just push paper. They mow weeds and do a lot of things that other committees do not do in an attempt to save money for projects. Dr. Smith would like to give a presentation to the council about the past and future projects. They are in the process of building a new hanger up there, worth about \$225,000 to \$250,000. Some progress is made every year. Dr. Smith offered to give tours of the facility to the council members.

Alderman Fritzler stated that there certainly is an argument for new blood and there certainly is an argument for experience. He questioned whether or not the applicant had been considered.

Alderman Poehls stated that it is a mayoral appointment, and the mayor has reviewed it.

Mayor Olson stated that he received letters from the other individual and from Mr. Western. After Alderman Poehls brought this up at the council workshop, he made the decision to reappoint Mr. Western. He feels that Mr. Western has put in his time and effort in serving, and he sees no reason not to allow him of the continued opportunity to serve and it is his recommendation that Mr. Bob Western be appointed.

A vote was taken on the motion. Motion carried 7-1, with Alderman Poehls voting nay.

**City-County Planning Board:**

Alderman Easton explained that Dick Clayton would be unable to serve on the City-County Planning Board, due to a conflict in the schedule of the board's meetings. The position on the City-County Planning Board remains open at this time.

Alderman Easton suggested that the individual who submitted a letter of interest for the Laurel Airport Authority might be interested in serving on the City-County Planning Board. Alderman Poehls will talk with the individual.

- Zone change for Ward Subdivision, Block 1, Lot 1, from R7500 to Residential Multi-Family. (Planning Board recommends approval.)

Motion by Alderman Poehls to approve the zone change for Ward Subdivision, Block 1, Lot 1, from R7500 to Residential Multi-Family, seconded by Alderwoman Stevenson. Motion carried 8-0.

- Temporary use permit application for Ricci's – snow cone kiosk on Old North School lot

Motion by Alderman Fritzier to approve the temporary use permit application for a snow cone kiosk on the old north school lot, subject to the conditions of the City-County Planning Board, seconded by Alderman Poehls.

Mayor Olson stated that the Planning Board minutes listed the conditions for approval of this temporary use permit as follows: “Cal recommended approval subject to Mr. Dimich posting a \$1,500 cashier’s check or money order to the city before placement of the kiosk, that the description of planned activities and facilities discussed here be part of the record, and that the Public Works Director approve the application.”

The Public Works Director had distributed a memo to the city council regarding the conditions for recommendation of his approval of this temporary use permit application.

Alderman Dart asked for an explanation of the \$1,500 payment from Mr. Dimich.

Cal Cumin stated that it is a requirement for kiosks because not all of them have the reputation perhaps of this one. People want to try a new business, and they throw a unit together, put it out there, and then decide it does not work. The \$1,500 is to help the city clean up the site, and the applicant gets it back as soon as they are done. There were some other general conditions of the City-County Planning Board.

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

- **Ordinance No. O04-04: Amending Chapter 15.40 of the Laurel Municipal Code to adopt the NFPA 1 Uniform Fire Code, 2003 Edition.** First reading.

Motion by Alderman Dart to adopt Ordinance No. O04-04, seconded by Alderman Poehls. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

The public hearing of Ordinance No. O04-04 will be on the council agenda on July 20, 2004.

- **Ordinance No. O04-05: Ordinance amending certain sections of the “Laurel Zoning Ordinance” located at Chapter 17 of the Laurel Municipal Code.** First reading.

Motion by Alderman Poehls to adopt Ordinance No. O04-05, seconded by Alderwoman Stevenson.

Alderman Fritzier stated that he has reservations about the wording of the ordinance. He stated that this is the first reading, and he encouraged the council to continue the process.

A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

The public hearing of Ordinance No. O04-05 will be on the council agenda on August 3, 2004.

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

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

Cal Cumin, City Planner, reminded everyone that the Laurel Development Corporation is meeting Thursday night at 7:00 p.m. in the Council Chambers.

**COUNCIL DISCUSSION:**

Alderwoman Stevenson mentioned that some block work, planting, and iron work need to be done at the Town Square, but it is useable and close to completion

Mayor Olson stated that he heard positive comments about the Town Square when he was downtown during the 4<sup>th</sup> of July activities.

Mayor Olson asked regarding the status of the Swimming Pool Committee. Alderwoman Stevenson stated that she is still trying to determine when all of the committee members can meet.

Alderman Easton stated that this year's fireworks were probably the greatest accomplishment that he has ever seen. The fire department has to be commended for the presentation.

Mayor Olson stated that the City of Laurel is blessed to have the volunteers that serve the public on their own time.

Alderwoman Johnson commended Alderwoman Stevenson for her work and the others that helped with the Town Square. She recently had the opportunity to walk through the Town Square, and she stated that it was wonderful.

Alderman Dart commented regarding the fireworks displays seen out of back yards in this city and the disregard for the city ordinance. The Emergency Services Committee will review the issue.

Mayor Olson stated that he received calls and others have had comments. He thinks that allowing the forum regarding fireworks to be at the Emergency Services Committee level will accomplish a lot of good. We have a year now to try to feel how the community wants the City of Laurel to react to this. He encouraged the council to remind citizens that would like to be heard that the Emergency Services Committee has meetings on the Monday following the second council meeting each month. If the city decides to go in a direction, that will be brought forward to the council.

Alderman Mace mentioned that the Budget/Finance Committee has been working on a mission statement. He has put together a few options about how to write one and wants to do this as a team effort. He will distribute the examples in the mailboxes.

Mayor Olson encouraged the other committees to start looking at a mission statement, which would provide a better understanding of the functions of the committees.

Alderman Poehls commented regarding the 4<sup>th</sup> of July activities as being involved with Grace Bible Church and the Freedom Jam. It was very interesting to see the interface between a church, the community, and the public servants of our community. They worked very smoothly together, and it is nice to see that the community works as a community from the church groups, to the volunteer firemen, and the public servants taking care of everybody in between. It is not something that just happens on the 4<sup>th</sup> of July. This community really is working together to try to make this city a better city.

Mayor Olson reminded the council of the joint meeting with the City of Billings, County Commissioners, and School District No. 2 on July 22<sup>nd</sup> at DJ's at 5:30 p.m. Mayor Olson will also invite School District No. 7 to the meeting. Any agenda items should be submitted to Cheryll. Mayor Olson will put the fireworks issue on the agenda. The fireworks are sold in the county, and the county receives the revenue, but the taxpayers bear the burden of expenditure to deal with it. Mayor Olson stated that the issue deserves more review.

Mayor Olson will be out of the state for five days, and Alderman Easton will preside over the next council workshop. Alderman Poehls will also be out of the state for five days and will not attend the council workshop on July 13<sup>th</sup>.

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

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

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

There being no further business to come before the council at this time, the meeting was adjourned at 7:10 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 20<sup>th</sup> day of July, 2004.

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Kenneth E. Olson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer