

# MINUTES OF THE CITY COUNCIL OF LAUREL

July 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 July 20, 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 Dart to approve the minutes of the regular meeting of July 6, 2004, as presented, seconded by Alderman Poehls. Motion carried 8-0.

## **CORRESPONDENCE:**

Montana Engineering and Administration: Letter of July 1, 2004 to Frank Kromkowski, Montana Department of Commerce regarding City of Laurel Change Orders – CDBG.

MT/WY Association of Railroad Passengers: July 2004 Newsletter.

Craig Reeder: Letter of July 6, 2004 requesting approval to proceed with the annexation process for less than the required amount of land for Lots 6-15, Block 2, Mathis Subdivision

## **PUBLIC HEARINGS:**

- **Preliminary Budgets for Fiscal Year 2004-2005 for all City Funds** (First public hearing held on June 15, 2004; continued to July 6, 2004; continued to July 20, 2004)

Mayor Olson opened the public hearing.

Mayor Olson asked three times if there were any proponents.

Nathan Tubergen presented an update on the cash balances, as of June 30<sup>th</sup>, and a recap of new revenues and expenditures. He explained that the General Fund ended up with approximately \$113,000 more than was projected in May. However, this still does not balance the second year in our projected cash flow, and there is really no money to be expended. We are just a little closer to getting two years out. Some minor adjustments were made in the revenues. The major increase in expenditures when you look at the General Fund is actually some capital outlay that was not completed by June 30<sup>th</sup>; therefore, we had to carry and encumber those funds into the 2004-2005 fiscal year. The Gas Tax Fund reflects a purchase of \$59,900 that was carried into this budget. Nathan explained that the HOME Buyer's Assistance Program budget is now balanced, as there was a \$60,000 differential in June. The in kind match is not reflected in the budget. A portion of the \$280,000 approved by the council in March 2003 has been expended, and the budget shows \$260,365.00 remaining. When Casey Joyce submits reports, he shows in kind match in them. The cash balance in the Water Fund is higher because the bond and interest accounts are actually part of operating. The major changes in the Sewer Fund are from the additional revenues received during the year and some of the projects and expenses that were not completed. Nathan will take the ending balances of the last fiscal year and update the sheets that he presented to the council regarding the ten-year cash flows. He will work with the Budget/Finance Committee with the different funds, and he has asked the department heads for suggestions of "out-of-the-box" revenues.

At the conclusion of his presentation, Nathan stated that the Mayor and the City staff recommend approval of the 2004-2005 Budget with the changes to the June 15, 2004 Preliminary Budget.

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

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

Mayor Olson closed the public hearing.

- **Additional Mills levied for Permissive Medical Levy Fund Budget for Fiscal Year 2004-2005** (First public hearing held on June 15, 2004; continued to July 6, 2004; continued to July 20, 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.

- **Resolution of intent to increase the assessment of Street Maintenance District No. 1.**

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.

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

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.

**CONSENT ITEMS:**

- **Clerk/Treasurer Financial Statements for the month of June 2004.**
- **Approval of Payroll Register for PPE 07/04/04 totaling \$131,806.27.**
- **Receiving the Committee Reports into the Record.**

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

--Public Works Committee minutes of July 12, 2004 were presented.

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

- **Resolutions.**

Resolution No. R04-74: 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. R04-75: Resolution authorizing the Mayor to sign an agreement with Air Tel for cellular telephone service.

Resolution No. R04-76: A resolution transferring certain insurance funds of the City of Laurel, Montana.

Resolution No. R04-77: Budget amendment resolution reflecting changes in the budget for fiscal year 2004.

Resolution No. R04-78: A resolution approving and adopting the Final Budget for the City of Laurel for the fiscal year 2004-2005.

Resolution No. R04-79: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 2 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year, 2004-2005.

Resolution No. R04-80: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 3 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year, 2004-2005.

Resolution No. R04-81: A resolution levying and assessing the cost of street paving, curb and gutter, and storm drain facilities for Special Improvement District No. 110 within the City of Laurel, Montana, for fiscal year 2004-2005.

Resolution No. R04-82: Being a resolution levying and assessing all of the property embraced within Street Sweeping District No. 1, of the City of Laurel, Montana, for the purpose of the sweeping of streets in the downtown or business district for the fiscal year 2004-2005.

Resolution No. R04-83: A resolution levying and assessing the cost of street maintenance and/or improvements for Street Maintenance District No. 1 that constitutes all streets and alleys embraced within the City of Laurel, Montana, for fiscal year 2004-2005.

Resolution No. R04-84: A resolution levying and assessing a special tax against certain property designated as garbage districts in the City of Laurel, Montana, for the removal of garbage and refuse.

Resolution No. R04-85: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent sewer charges.

Resolution No. R04-86: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent water charges.

Resolution No. R04-87: A resolution authorizing the Mayor to sign Change Order No. 3 for additional sewer line improvements for the CDBG Sewer Line Project.

Resolution No. R04-88: A resolution authorizing the Mayor to sign Change Order No. 4 for additional sewer line improvements for the CDBG Sewer Line Project.

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

Alderman Mace removed item 6.d.14, Resolution No. R04-87, from the consent agenda.

Alderman Stevenson removed item 6.d.15, Resolution No. R04-88, 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:**

President Easton nominated Tom Maack to a two-year term, ending June 30, 2006, on the City-County Planning Board.

Motion by Alderman Poehls to approve the council appointment of Tom Maack to a two-year term, ending June 30, 2006, on the City-County Planning Board, seconded by Alderwoman Stevenson. 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.** (Remainder of the subdivision will be zoned R-7500 under the annexation process.) (Public hearing held July 6, 2004.)

Motion by Alderwoman Stevenson to approve the 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 2: Residential 7500; and Lots 4-5, Block 1: Community Commercial – consisting of all of the lots in Phase One of the development, seconded by Alderman Fritzler. Motion carried 8-0.

- **Iron Horse Station Preliminary Plat and Annexation.** (Planning Board recommends approval of annexation and approval of the preliminary plat subject to a list of conditions in the Planning Board minutes of June 3, 2004.)

Motion by Alderman Easton to approve the Iron Horse Station Preliminary Plat and Annexation subject to the list of conditions specified in the City-County Planning Board minutes of June 3, 2004, seconded by Alderman Poehls. Motion carried 8-0.

- **Saddleback Ridge Estates Subdivision, 2<sup>nd</sup> Filing: Set public hearing for August 17, 2004, for zone change from Agricultural Open to Residential Tracts.**

Motion by Alderman Fritzler to set the public hearing date for August 17, 2004, for the zone change from Agricultural Open to Residential Tracts for Saddleback Ridge Estates Subdivision, 2<sup>nd</sup> Filing, seconded by Alderman Fritzler. Motion carried 8-0.

- **Ordinance No. O04-06: Franchise ordinance.** First reading.

Motion by Alderwoman Johnson to adopt Ordinance No. O04-06, seconded by Alderman Oakes. 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. O04-06 will be on the council agenda on August 17, 2004.

- **Request from Craig Reeder for approval to proceed with the annexation process for less than the required amount of land for Lots 6-15, Block 2, Mathis Subdivision.**

Motion by Alderman Oakes to approve the request from Craig Reeder to proceed with the annexation process for less than the required amount of land for Lots 6-15, Block 2, Mathis Subdivision, seconded by Alderman . Motion carried 8-0.

**ITEMS REMOVED FROM THE CONSENT AGENDA:**

- **Resolution No. R04-87: A resolution authorizing the Mayor to sign Change Order No. 3 for additional sewer line improvements for the CDBG Sewer Line Project.**

Motion by Alderman Mace to amend Resolution No. R04-87, which is in regards to Change Order No. 3 for sewer line replacement between Cottonwood and Date Avenues, as follows: Resolution No. R04-87, paragraph 7, should state that the Mayor is authorized to sign Change Order No. 3 and Task Order No. 4 Amendment No. 2, which pays COP Construction the amount of

\$32,086.00 and pays Morrison-Maierle, Inc., the amount of \$4,000. The total amount the Mayor is authorized to spend for Change Order No. 3 is \$36,086.00. The amendment proposed is merely to clarify that the amount expended will be distributed to two separate entities, COP Construction and Morrison-Maierle, Inc., seconded by Alderman Poehls.

Sam Painter explained that the amendment is needed to this resolution because the change order submitted contained the entire costs, which were both the construction and engineering costs. It appeared as though the total payment was going to COP Construction, which is not correct, as a portion goes to Morrison-Maierle for the engineering fees. Both the change order and Task Order No. 4 are attached to each resolution in order to clearly document where the money will go.

A vote was taken on the motion to amend Resolution No. R04-87. Motion carried 8-0.

Motion by Alderman Poehls to approve Resolution No. R04-87, as amended, seconded by Alderman Dart. Motion carried 8-0.

- **Resolution No. R04-88: A resolution authorizing the Mayor to sign Change Order No. 4 for additional sewer line improvements for the CDBG Sewer Line Project.**

Motion by Alderwoman Stevenson to amend Resolution No. R04-88, which is in regards to Change Order No. 4 for sewer line replacement between Birch and Cottonwood Avenues, as follows: Resolution No. R04-88, paragraph 7, should state that the Mayor is authorized to sign Change Order No. 4 and Task Order No. 4 Amendment No. 2, which pays COP Construction the amount of \$45,739.50 and pays Morrison-Maierle, Inc., the amount of \$8,000. The total amount the Mayor is authorized to spend for Change Order No. 4 is \$53,739.50. The amendment proposed is merely to clarify that the amount expended will be distributed to two separate entities, COP Construction and Morrison-Maierle, Inc., seconded by Alderman Mace. Motion carried 8-0.

Motion by Alderwoman Stevenson to approve Resolution No. R04-88, as amended, seconded by Alderman Dart. Motion carried 8-0.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

Cal Cumin, City Planner, stated that the Laurel Business Park Subdivision went through the City-County Planning Board public hearing process and the Laurel City Council about nine months ago. The preliminary plat is the document on which all decisions are made regarding requirements imposed by the city, by the Public Works Department, and by the Planning Department. Once the Subdivision has addressed all of the issues of concern by the City, as specified in the approval letter, they prepare a final plat, which is a final formal document that is filed for record. The City Planner reviews and signs the document, as well as the Public Works Director. The City Attorney reviews the Title Report and signs it, and the Mayor reviews the document and signs it. Cal wanted to make it clear that no further council action is needed. The signature block says approval by Laurel City Council, but the Mayor signs in the place for the council. The Laurel Business Park Subdivision final plat was ready for signatures after the council meeting.

Nathan Tubergen asked the council to bring the budget books to the clerk-treasurer to insert the updated sheets to complete the document.

**COUNCIL DISCUSSION:**

Alderwoman Johnson recently attended the Big Sky Economic Development Authority meeting. BSEDA has several big businesses that have shown an interest in locating in this area. She also attended a BSEDA workshop regarding grant applications.

Mayor Olson mentioned the importance of reports to the council regarding committees and boards.

Alderman Easton attended the Beartooth RC&D meeting as a representative of the Conservation District and the City of Laurel. Funds are available for excavating “brown field” projects.

Alderwoman Stevenson mentioned the recent article in the *Laurel Outlook* about the Town Square.

The Swimming Pool Committee will schedule meetings on the second Thursday of every month at 5:00 p.m.

Alderman Stevenson updated the council on the housing project that Rocky Smith is working on through the Laurel Development Corporation. Preliminary funding has been received. Ten families will participate in the first phase, and ten additional families will participate in the second phase.

Alderman Fritzler mentioned the Cemetery Board meeting on Thursday at 5:30 p.m. Mayor Olson stated that the joint meeting with the City of Billings, the County Commissioners, and the school districts is scheduled for the same date and time. Alderman Fritzler will reschedule the Cemetery Board meeting for Thursday, July 29<sup>th</sup>.

Mayor Olson thanked Mary Embleton and Nathan Tubergen for their work during the budget process. He stated that Mary Embleton put a lot of time and effort into this budget, and the amount of energy she put into it can be well documented. Mayor Olson thanked Nathan for bringing some inspiration into the budget process with a different point of view. He expressed his admiration for Mary in allowing this to happen. Mayor Olson again thanked Mary and Nathan.

- Review of Committee Minutes: 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 7:13 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 3<sup>rd</sup> day of August, 2004.

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Kenneth E. Olson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer