

the middle of the map, which is the zoning jurisdiction boundary. A portion of the subdivision plat is technically outside the zoning jurisdiction. Originally the zone change was submitted for the piece of property within the city's jurisdiction. Cal Cumin thought it might be a cleaner approach to zone the whole piece of property that will be subdivided into the residential tracts. A petition signed by the landowner was submitted requesting that the existing zoning boundary be extended to include the piece of property with the zone change.

At Alderwoman Johnson's request, Mac pointed out the location of the golf course on the map.

Alderman Mace asked if the first filing was one phase and the second filing would be done in three phases. Mac stated that the actual construction of the roads and improvements is being set up initially to be built in phases moving west. Phase one would be completing the loop of street, plus an emergency paved access so there would be two ways in and out. He pointed out the location of the second and third phases. It is possible that it could all be built at once, but it is set up initially to build it in phases for cost reasons.

Alderman Mace asked if there had been a requirement for an additional road in a different direction.

Mayor Olson stated that the original plat did not show a road going continuously through the property south of the golf course. The fire department had requested that another road come in. Mayor Olson will get the information for the council.

Mac stated that there are two processes. The current process is the zone change. The preliminary plat has already gone through planning board and has its set of conditions. Pending approval of the zone change, they will go to the county commissioners for preliminary plat approval, where they would receive any conditions for plat approval.

Alderman Mace asked if the owners of the first filing had to agree with this zone change.

Mac stated that the property owners were notified and no negative feedback has been received.

Alderman Mace expressed concern that the owners bought the property based on a certain number of houses and then the zone is changed again. The one access could become a very busy road.

Mac stated that platting and zoning issues sometimes get meshed together. The zoning change does not include things that were submitted with the plat. A traffic study was done, and this development will be responsible for some off site costs associated with a turn bay on Highway 10 and Golf Course Road. Some features are being done on this road to try to motivate people to take the northern route in order to minimize the amount of traffic through the development.

Alderman Oakes asked if Cal recommended the zone change. Mayor Olson stated that he believed it came with a recommendation for approval.

Alderman Fritzler asked regarding the source of water for these phases.

Mac stated that the public supply water system is undergoing permitting for 110. The system is a community well with storage tanks and a treatment system. Under part of this process when they approved the water plant, they sized that and are getting approved through DEQ for the additional lots. Water mains will be extended from the same plant for the drinking water for the additional lots.

The existing first filing has irrigation rights off of the Cove Ditch, but they do not have enough water rights for the additional piece of property. They are looking at pumping potentially high ditch water, since there is excess capacity in the High Ditch. They are actually looking at putting a pumping station in and creating an off-site reservoir in order to store irrigation water for use in the period of time when the ditches are low in late August and September. The reservoir would be approximately 10 feet deep, 150 feet wide and 300 feet long. The reservoir is groundwater supply that would not be connected to the drinking water.

Mac thanked the council.

Mayor Olson closed the public hearing.

- 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. (Remainder of the subdivision will be zoned R-7500 under the annexation process.)

Mayor Olson opened the public hearing.

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

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

Mayor Olson closed the public hearing.

Mayor Olson stated that this item was on this agenda for council approval.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of July 2004.**
- **Approval of Payroll Register for PPE 08/01/04 totaling \$128,700.39.**
- **Receiving the Committee Reports into the Record.**

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

--Cemetery Board minutes of July 29, 2004 were presented.

--Council Workshop minutes of August 10, 2004 were presented.

- **Resolutions.**

Resolution No. R04-93: A resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2004.

Resolution No. R04-94: Budget amendment resolution reflecting changes in the budget for fiscal year 2005.

Resolution No. R04-95: Resolution declaring certain items of the City as surplus available for sale to the public.

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. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments:** None.
- **Ordinance No. O04-05: Ordinance amending certain sections of the “Laurel Zoning Ordinance” located at Chapter 17 of the Laurel Municipal Code.** Second reading.

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

Alderman Fritzler stated that he thinks the ordinance goes too far, and he explained his position. This ordinance was originated to accommodate suburban residential zoning for less than five acres. Our municipal codes address only five acres or more. So to accommodate the people that live in areas of less than five acres, this ordinance resulted. The ordinance started out with one acre and progressively increased the animal units for each acre up to five acres. He stated that it more than doubled the animal units permitted under our existing municipal code for five acres or more. Alderman Fritzler gave examples. For five acres, the ordinance goes from three and one-third horses per five acres to ten horses, more than doubling the horses in the existing five-acre allotment. The new ordinance would allow twenty hogs on five acres, twenty goats, fifty ewes (or more depending on the number of lambs with the ewes). He thinks the results of this ordinance, if approved, will be two-fold. First, it is a nuisance, and second, it is a health issue. Regarding the nuisance issue, he stated that this will affect every suburban residential unit of five acres or all of those residential tracts that are one acre or more. It will not only affect the people that live outside of the city limits, but it will also affect the city residents that have lots that are adjacent to the city limits. In his opinion, the ordinance went too far.

A roll call vote was taken on the motion. Motion carried 6-1, with Alderman Fritzler voting nay.

- **Ordinance No. O04-07: Ordinance amending Section 2.68.100 of the Laurel Municipal Code, amending the Judge's salary.** First reading.

Motion by Alderman Easton to adopt Ordinance No. O04-07, seconded by Alderwoman Stevenson.

Alderwoman Johnson stated that, whether or not the ordinance is approved, she strongly recommended that a committee or task force be formed to evaluate this process. After talking with other council people, she thinks this is an uncomfortable issue. There is no set policy for the council to change this. She stated that it must be as uncomfortable for the judge as it is for the council because the judge has to ask the council for the salary increase. Alderwoman Johnson suggested that there would be no questions if a policy were set up for this issue.

Alderman Dart agrees that some goals and guidelines are needed in order to evaluate the issue of giving a pay raise to an elected official. He thinks that the judge has done a very credible job to this point with what he understands to be her workload, and she has not had a salary increase in several years. Since previous councils never set a policy, there is no measuring stick for evaluation. Alderman Dart agrees that a policy needs to be set. He perceives that a credible job is being done by the judge, and he is in favor of this ordinance.

Alderman Mace agreed with Alderman Dart's assessment of the current situation as far as the judge's salary. He does not think that a task force or committee should be appointed to review the issue. Alderman Mace stated that AEM, the city's human resources company, should be contacted for their expertise. He is reluctant to form a task force of people who know nothing about the situation, let alone what needs to be achieved. He favors having AEM evaluate the situation. Alderman Mace feels strongly that not giving the judge an increase in salary would be a step backwards as far as cooperation with the judge's additional workload.

A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

The public hearing of Ordinance No. O04-07 will be on the council agenda on September 7, 2004.

- **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. (Remainder of the subdivision will be zoned R-7500 under the annexation process.)

Motion by Alderman Oakes to approve the 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. (Remainder of the subdivision will be zoned R-7500 under the annexation process.)
The motion was seconded by Alderman Dart. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Alderwoman Stevenson mentioned that positive input was received at the recent Swimming Pool Committee meeting. The concrete work will be completed soon in the front of the Town Square.

Alderwoman Johnson stated that the Drug and Alcohol Task Force is still looking for a chairman. Any interested individuals should contact her or Josh Middleton.

Alderman Mace said that, with the clerk-treasurer being on vacation, he would like to publicly thank Cathy Gabrian for the great job she did with the Budget/Finance Committee. She does provide a great service for the Cemetery Board also, as she has a lot of expertise in dealing with the cemetery and its history. Cathy attended meetings of both committees last night, and Alderman Mace expressed his thanks. Alderman Oakes concurred with Alderman Mace's remarks.

Mayor Olson stated that we are very fortunate to have the people we do have working for us. We have a great staff all the way through.

Alderman Mace mentioned that the City of Billings settled the strike today, and he will be able to go on vacation.

Mayor Olson stated that the paving of Alder Avenue is scheduled for August 23rd and 24th.

- Review of Committee Minutes: None.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderman Dart to adjourn the council meeting, seconded by Alderman Oakes. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 6:59 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 7th day of September, 2004.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer