

MINUTES OF THE CITY COUNCIL OF LAUREL

September 21, 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 President Gay Easton at 6:30 p.m. on September 21, 2004.

COUNCIL MEMBERS PRESENT: Dick Fritzler Doug Poehls
 Kate Stevenson Mark Mace
 Gay Easton Daniel Dart
 Jennifer Johnson John Oakes

COUNCIL MEMBERS ABSENT: None

President Easton led the Pledge of Allegiance to the American flag.

President Easton asked the council to observe a moment of silence.

President Easton mentioned that Mayor Olson attended a meeting in Helena today and would be late for the council meeting.

MINUTES:

Motion by Alderman Dart to approve the minutes of the regular meeting of September 7, 2004, as presented, seconded by Alderman Mace. Motion carried 8-0.

Motion by Alderman Oakes to approve the minutes of the special meeting of September 7, 2004, as presented, seconded by Alderman Dart. Motion carried 8-0.

Motion by Alderwoman Stevenson to approve the minutes of the special meeting of September 15, 2004, seconded by Alderman Poehls. Motion carried 8-0.

CORRESPONDENCE: None.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of August 2004.**
- **Approval of Payroll Register for PPE 09/12/2004 totaling \$126,819.65.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of August 16, 2004 were presented.
 - Insurance Committee minutes of September 1, 2004 were presented.
 - Swimming Pool Committee minutes of September 9, 2004 were presented.
 - Council Workshop minutes of September 14, 2004 were presented.
- **Resolution No. R04-101: Budget amendment resolution reflecting changes in the budget for fiscal year 2005.**

President Easton 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 Alderwoman Stevenson. Motion carried 8-0.

CEREMONIAL CALENDAR: Proclamation for Constitution Week 2004

President Easton proclaimed September 17th through 24th as Constitution Week in the City of Laurel.

REPORTS OF BOARDS AND COMMISSIONS:

President Easton stated that the Public Works Committee had a lengthy meeting recently. Recommendations regarding the issues will be presented to the city council by the first of the year.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments:** None.
- **Bruce Barrett, Montana Department of Transportation: Proposed change in off ramp on west end.**

Bruce Barrett, the Billings Administrator for the Department of Transportation, presented information about the west Laurel half interchange as it currently exists and gave a history of what caused MDT to look at this. Bruce showed a drawing of I-90 as it turns and goes over the top of the railroad. The drawing included dots on the road, primarily on the eastbound lane, that represented accidents. The Safety Management Unit annually reviews accident data from across the state. When clusters of accidents have occurred in a specific location, the unit schedules an evaluation of the location and makes recommendations of what to do to reduce the types of accidents. In this particular case, there is a lot of speculation. Going eastbound on I-90, you drive for many miles and all of the sudden you hit a curve that goes up and over a railroad track, which is considerably different than the rest of the road has been for some distance. There is speculation that people get accustomed to a long, straight highway and suddenly a fairly sharp curve goes up over the railroad. The bridge also contributes, as it has a tendency to ice up and many of the accidents occurred during wintertime conditions. The combination of the bridge on a curve, the sharpness of the curve, and also the vertical grade as it goes up fairly steeply to go over the railroad are all factors that contribute to the accidents. MDT's Safety Group originally proposed reconstructing the east bound bridge so the curve is not quite so sharp. When looking at the project, MDT saw the impacts from that and recognized that they would be leaving the west bound bridge in place, which is on the same degree of curvature as the east bound. They determined that the real solution to fixing the whole thing would be to flatten out the whole curve, which would require them to move the interstate a little bit north of the current location so the curve is not quite so sharp. If they did that, they decided they would want to create a full interchange there. MDT's Traffic Section in Helena put together a concept of how a full interchange might look in that area. Bruce explained that they tried to leave the bridges in place and go to a compound curve and flatten it out a little bit. They also tried raising the grade to get rid of some of the steepness. The proposed location is not too far north of the present interstate. MDT made the decision that the bridge decks would be replaced within the next year or so. Then they decided that if all the deck is off the bridge, you have probably just seen 65% of the cost of building new bridges. If they are really going to fix the problem, they decided they should not re-deck the bridges so they are good for another fifty years. They decided to think about replacing the bridges and making the curve not quite so sharp, which would require moving the interstate just a little bit further north. They would flatten the curve out in order to eliminate all those accident clusters, and they believe they would be able to go to a full interchange. MDT decided that thinking along those lines was probably better than talking about replacing just the eastbound bridge or putting the money into re-decking the bridges and not solving the accident problem. One thing that is unique about where the interchange is at, the traffic folks designed this bridge going over the top of the interstate. That means that the ramps would go in the air both sides and down, similar to the Shiloh interchange. The reason they did that was because of the proximity to the railroad, and at some future time there might be a desire to put a bridge over the railroad and continue this road on to the south. The interstate system and the interchange would all be elevated to where it would only require a bridge across the railroad to perpetuate a road on to the south. MDT would not be involved with that, but it would be there for future planning. This is a concept that MDT put together, and that is the end of the project. Bruce stressed that MDT does not have a project at this time. The idea has benefit in terms of safety, west end access, and as potential for development. Bruce wanted the City of Laurel to know about it and comment on it before anything further was done.

When MDT decided not to replace the bridge decks, they decided to do an asphalt overlay of the decks because they need some work. They will install an underground sprinkler system, with some chemical de-icer tanks and a system of sensors in the paving. If the deck starts to freeze, the chemical de-icer system will spray the bridge deck and hopefully reduce accidents and improve

safety during freeze-thaw conditions. That project is going forward on a short-term basis as MDT looks at some longer term planning regarding the concept presented tonight.

President Easton asked regarding the time schedule for this as a project.

Bruce stated that Congress has not passed a Federal Highway Bill yet. MDT is a year into the next six-year cycle without a Federal Highway Bill. Without knowing the funding levels, it is difficult to determine a time schedule for the project. Long-term planning has been set aside to short-term budget restraints and which projects are ready to let. If MDT decides to go forward, the project would have to be formally nominated. As soon as funding levels are determined and Congress passes a bill, the project could be nominated. From nomination to construction would be in the four to seven-year range, based on available funding and what kind of environmental document has to be done on the project. If the project could be done with a categorical exclusion, the environmental document would probably take about ninety days. The time would really be spent in the actual design of the project. Another possibility is to construct the interstate itself, tie the existing ramps in somehow, and leave the overpass and ramps for a future project. There are different ways the project could be staged to accomplish the end result, depending on the availability of funding.

President Easton explained the problem created when the railroad isolates places for safety equipment to cross the railroad track to the south side. He suggested that we should put some pressure on our congressional people to push this along and keep it on the front burner. Getting from one side of town to the other has been a concern as long as he can remember. As subdivisions grow, it is becoming more of a problem.

Bruce stated that MDT likes to eliminate half interchanges and go to full interchanges when there is an opportunity. As far as working with Montana's congressional delegation, he said that the city would be more attuned to that.

Cal asked Bruce if there was anything we could do to help with the nomination process.

Bruce stated that it is an internal process. They can nominate a lot of projects, but if there is no money to start work on them, it will just sit there and not go forward for Transportation Commission approval. If the department was asking for nominations because funding was available and the present projects are developed or ready to go to contract, it would be possible to nominate this project.

Mayor Olson arrived at the meeting at 6:51 p.m.

Alderman Mace asked what would happen if there were a use on that property that would be needed for the freeway. He asked if MDT would have to go through condemnation then and if the planning board should try to stop it now.

Bruce stated that, if the council would like MDT to proceed with the project, the city-county planning in that area could disclose that the department is considering realigning the interstate and constructing a full interchange on the property. Unless MDT is prepared to acquire the property or buy the right of way, they really could not stop any building at this time. Every MDT project has to develop a purpose and a need. The purpose and need sometimes has to withstand legal scrutiny if condemning property is in the public interest.

Alderman Fritzler asked if the project would eliminate the on and off ramps as they exist now, and Bruce agreed that it would. Alderman Fritzler asked regarding condemning the property in the location of the interchange.

Bruce stated that the majority of property MDT acquires in the state is acquired through negotiation, and only a very small percentage of the property is actually in court with condemnation. Sometimes they agree to go to condemnation because federal procedures specify how property is appraised and valued. If the landowner does not agree with the value offered, sometimes it is best to go to court and let the court decide the value of the property.

Alderwoman Johnson asked if these highway projects are ever funded by anything other than federal highway funding if safety factors are involved.

Bruce is not aware of any other funding, as MDT does not deal with anything like that. The safety funds they use are Federal Aid Highway Funds that are set aside for a safety program. Because there

are more needs than funds, they put all the sites into a benefit cost analysis. Those with the greatest benefit are the ones that are funded, and they move forward with projects until the funding is exhausted. This was identified as being eligible for safety funds, so it is their desire to use available safety funds.

Alderwoman Johnson asked if we are ranked on just the number of accidents on the bridge or if the risk of more house fires, ambulance visits, etc., on the south side would raise the safety factor for this project.

Bruce stated that the safety program looks strictly at accidents on roadways, the cause of those accidents, and whether or not there is a relatively easy engineering cure to fix it.

Alderman Oakes asked if there is any comparison between this stretch of highway and St. Regis and going up through the canyon and down Lookout.

Bruce stated that he only reviews the safety projects that are nominated for Billings. He knows that flashing lights have been installed over the Bozeman pass now. The flashing lights suggest slowing down for the one curve because of a high incidence of accidents in that curve. He thinks the flashing lights and signs were installed with safety funds for the purpose of trying to mitigate accidents there.

Alderman Easton asked about the time schedule for the traffic signal at the underpass. The city is working with the railroad for a proposed lease for some property at the corner.

Bruce stated that no funds are available at this time. A consultant is preparing the scope of work for the project, and Bruce will contact them and ask them to put something in about the southwest corner. If the city gets an easement for the purposes of improving that intersection, then maybe MDT could tie onto that and do something.

Bruce stated that he had information on some other projects since Mayor Olson had arrived at the meeting.

Bruce explained the situation with the sand shed. A number of years ago, the Department of Transportation had a maintenance facility next to the city's facility. MDT built a new facility on Airport Road and moved out there. As part of their facility, they had leased a piece of property from the city and built a Quonset hut on it for sand storage. After the area was vacated, it was used to store equipment and other materials. The city has asked MDT to sell it or rent it to the city. Bruce stated that MDT will be out of the shed by November 1st and the city is welcome to use it. MDT will start the appraisal process and will soon offer an appraised value to the city.

Bruce explained some projects planned for Laurel. The First Avenue, Main Street to 12th Street and Maryland, Washington to 8th Street projects are scheduled for letting in November. The Main Street improvement project is scheduled for December 2004.

Mayor Olson explained that the funding for these projects is money that has already been funded. He thanked Bruce for the positive information regarding the projects. One thing that was discussed during a recent meeting with MDT was if the city would have adequate funding. At this time, the city is looking at the funding as being the engine which dictates what is done. The first priority is First Avenue, and some decisions regarding the two remaining options may have to be made after the bid results are received.

Bruce stated that the maintenance department has contacted the city staff regarding a collective effort to fix a few things.

Mayor Olson stated that the city will become involved in partnership with MDT, who will be doing the grinding and repaving of the street. Some sidewalk, curb and gutter, and pipe may be involved. We are going to try to accommodate all those costs as equitably as possible. Mayor Olson stated his appreciation for the opportunity to work with MDT on this, and he believes that the citizens of Laurel will be the direct beneficiary.

Bruce expressed appreciation for the opportunity to work with the City of Laurel.

President Easton thanked Bruce for his presentation.

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

Motion by Alderman Dart to adopt Ordinance No. O04-07, seconded by Alderman Mace. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Cal Cumin, Planning Director, warned the council that the new interchange would attract a similar kind of development as the West Billings interchange. It is going to be extremely difficult for the City of Laurel to control the land use out there because realtors will buy that land and speculate on it. The thing that is important to understand is that any type of retail business that goes out there is a detriment to the downtown. There is already a major problem with retail businesses from downtown locating over by the interstate. It just kills the city's downtown, which is the core area. This is going to be another major impact on that, and it is going to be extremely difficult to control it. The city is going to have to extend the entryway zoning district. The city may need to look at that whole planning area. It is really tough when the big bucks come in and say they want to put a Wal-Mart distribution center here, which would just kill the downtown. Cal wanted to make that point, but he did not want to say it is a negative thing, as it is a great thing for the city, and there are some uses that can go out there. Everybody will want to go out there because of the excellent exposure right on the interchange. The land on the west end of Billings is extremely expensive.

John Oakes stated that it is growing pains.

Cal stated that Laurel cannot grow like Billings does. Billings is big enough and there is a certain synergism when there is a population of 100,000 people. Laurel is nowhere near that, and the downtown is hurting now. You can imagine what it is going to do if it keeps spreading out. There will not be any downtown and there will not be any Laurel. It will just be an interstate stop. Cal thanked the council.

COUNCIL DISCUSSION:

Alderswoman Johnson recently gave Bob Carr's card and a brochure to Josh Middleton, who was excited about the possibility of MSU coming to Laurel. She also took some information to Kim Womboldt at the Chamber of Commerce. The Chamber might have Mr. Carr make a presentation.

Alderman Poehls has been working on the issue of the park on Washington Avenue. He has talked with Josh Middleton and Grace Bible Church about swapping some properties in that location. The school election, depending on which option is chosen by the public, will have an impact. He wanted the council to be aware that they are discussing the possibility of giving the little strip park on Washington Avenue to the school district. Then the school district would trade them for some property on the back end of the property owned by Grace Bible Church. This would allow the school to almost double the size of the parking lot. Sam Painter is aware of the discussion.

Alderman Easton stated that this would have to go through legal channels.

Alderman Poehls stated that they are checking to see if it is a dedicated park. From the current information, it is not a dedicated park, which makes the legalities simpler.

Mayor Olson briefly explained the following resolutions that were discussed at the Legislative Committee meeting in Helena today: Resolution #1, General Policy; Resolution #2, Local Tax Options; Resolution #3, Finance Policy; Resolution #4, Land Use and Property Regulation; Resolution #5, Attorneys, Judges and Courts; Resolution #6, Public Improvements, and Resolution # 7, Special Programs.

Copies of the information will be distributed to the council members.

- Review of Committee Minutes: None.

UNSCHEDULED MATTERS:

President Easton requested permission from the council to leave the state from September 28th to October 12th.

Motion by Alderman Dart to grant permission for Alderman Easton to leave the state from September 28th to October 12th, seconded by Alderman Mace. Motion carried 7-0.

At this time, Alderwoman Stevenson was presented with a birthday cake and the council sang to her.

Alderman Poehls requested permission from the council to leave the state from October 12th to 24th.

Motion by Alderman Dart to grant permission for Alderman Poehls to leave the state from October 12 to 24th, seconded by Alderman Oakes. Motion carried 7-0.

ADJOURNMENT:

Motion by Alderman Poehls 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 7:28 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 5th day of October, 2004.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer