

MINUTES OF THE CITY COUNCIL OF LAUREL

November 16, 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 November 16, 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 special meeting of October 28, 2004, as presented, seconded by Alderman Mace. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

Motion by Alderman Dart to approve the minutes of the regular meeting of November 2, 2004, as presented, seconded by Alderman Poehls. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

CORRESPONDENCE:

Cable Montana: Service Reports for September 2004.

Montana Department of Commerce: Letter of November 4, 2004 regarding applications for TSEP grants.

Montana Department of Commerce: Letter of November 6, 2004 regarding DNRC applications for wastewater system improvements.

PUBLIC HEARING: Zone change from Residential Tracts to R7500 and Neighborhood Commercial for proposed Elena Subdivision, 2nd Filing, an addition to the City of Laurel and being Lot 5, Block 1, Elena Subdivision, First Filing.

Mayor Olson stated that staff would present the recommendation of the City-County Planning Board before the public hearing began.

Cal Cumin, City Planner, stated that this is the second public hearing duly advertised in the local newspaper concerning the requested zone change for proposed Elena Subdivision, 2nd Filing. This comes from the Planning Board, which held the first initial public hearing with a recommendation to approve. The two other functions with this plat, the subdivision and annexation, will not be considered tonight.

Montana law requires that, when local governments consider zoning, they include and consider the purposes of zoning. He read those: "Such regulations shall be made in accordance with the comprehensive plan and designed to lessen congestion and streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, schools, parks and other public requirements. Such regulations shall be made with a reasonable consideration among other things to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of the buildings and encouraging the most appropriate use of land throughout such municipality."

The recommendation for approval from the Planning Board came with an extensive list of conditions, many of which came out of the first public hearing. The first condition is that the

Neighborhood Commercial lot be moved from its original location into the interior of the lot, so there would be a separation between existing houses and a new development. This was done in the revised drawing. The proposed Residential Multi-Family lots were moved to the interior of the subdivision so the lots do not back up against any existing development. The Planning Board also required that the lots be limited to Residential Limited Multi-Family, which is a lower density than Multi-Family. The developer moved it entirely since there was so much comment about the Multi-Family, which is an important point to remember. The third condition on the list was also regarding Multi-Family, and the developer removed the Multi-Family and proposed R6000 zoning. The proposed condominium area is planned as one and two-family townhouses or similar structures. Because this was an unknown, the Planning Board put on a requirement of a maximum number of units under the R6000 zone. Planning Board also recommended that the subdivision preliminary plat not be approved until the city has approved the proposed zoning. The sixth condition was to require the developer to construct a sound barrier fence along the road in back of the existing lots. The actual street is West Maryland, so these lots become double frontage. The developer has agreed to do that. Another concern from the people was irrigation rights and the location of irrigation ditches. The developer has basically said that he would guarantee the integrity of the irrigation systems. When the developer says that, the city follows through on the process and it becomes written into a contract. The eighth condition was regarding the lot which is proposed as park land and also a storm drainage construction retention pond. The city does not want to take care of that, so it will be the responsibility of the homeowners' association. All the streets, street widths, rights-of-way, and ADA requirements must meet the standards used by the City Public Works Department, and the developers agreed to that without any variation request. The requirements of the fire protection for the Laurel Volunteer Fire Department must be met. Requirements for weed control will be met, and the easements requested by the utility companies will be provided on the final plat. The Planning Board also noted that there is a valid legal protest against this zoning, which will require a super majority of the city council to approve. The approval of the subdivision, the zoning, and the annexation are also contingent upon the provision of city water, city services, and construction of a bridge across Maryland that meets city and county bridge standards. This is not going to happen next summer, but the project is getting things in order. A huge piece of land has to be developed first or the easements have to be provided, and this developer will have to pay all the costs of the bridge, the water, and the sewer. Because one of the conditions of approval is that it is an annexation to the city, water, sewer, and a bridge are required before the project can move forward.

Cal explained the confusion about Elena Subdivision, 1st Filing, which was developed by Mr. Wagner. He developed the subdivision and called it Elena Subdivision, 1st Filing. Mr. Wagner then prepared another subdivision, which was approved through the Planning Board and the City Council. However, he never filed the record and it never became official. Mr. Wagner stopped his project with Elena, 1st Filing and sold the land to the present developer. Cal stated that there is a break between Elena, 1st Filing, and Elena, 2nd Filing. There are also questions about why the covenants used by Elena, 1st Filing, are not being used by Elena, 2nd Filing. Cal stated that there is no connection, as it is a different developer and a different owner. The city does not get involved in covenants, as those are private property issues. All these homes out there will be brand new, and there will not be any modular or factory built housing.

Mayor Olson asked the council if they had any questions.

Alderman Oakes stated that the lots would be quite large, so there would be quite a bit of yard left after the house and garage were built. He asked if they would be two-car garages.

Cal stated that it has not been planned to that level of detail.

Alderman Oakes is concerned about the character of the subdivision after it is completed. He questioned how the city would prevent a pole barn from being built out there if there are no restrictions. He stated that the character is the main issue, and many subdivisions have lost their character because of loose ordinances and regulations.

Cal stated that the city does not allow pole barns in the city. Cal said that this is a proposed new housing development and the homes will be brand new. He does not think pole barns would be constructed in addition to the \$150,000 homes.

Alderman Poehls asked if the subdivision would have boulevard sidewalks or curb sidewalks. Cal answered that they would be boulevard sidewalks, which are more expensive.

Alderwoman Johnson asked what would happen if the present owner decided to sell the property before the project is completed.

Cal stated that, if the present owner files the final plat of the development with the city's conditions for approval, the land would be locked into that approval process. Any changes would have to be presented to the Planning Board and the City of Laurel.

Mayor Olson asked if the council had any other questions. There were none.

Mayor Olson opened the public hearing on the zone change from Residential Tracts to R7500, R6000, and Neighborhood Commercial for proposed Elena Subdivision, 2nd Filing, an addition to the City of Laurel and being Lot 5, Block 1, Elena Subdivision, 1st Filing.

Mayor Olson stated that he would ask for the opponents first, and that three minutes would be given to each person. He asked each individual to give their name and address and explained that any questions would be written down and given to staff for a response.

Mayor Olson asked if there were any opponents.

Sam Miller, 1045 Golf Course Road, owns one of the properties that abut the new subdivision. He had several comments. First, state law says overcrowding of land. When comparing the new subdivision as proposed, there is overcrowding with respect to the surrounding properties. Sam purchased the property with the full knowledge that the subdivision would be developed into seventeen lots behind them. Secondly, he said that it was not fair that the property owners did not have ample opportunity to review the changes and be able to comment on them. He said that the information was totally different from what was presented to the Planning Board, so he is uncomfortable going through his notes from the first meeting. Sam and his wife are in opposition. The density proposed is not in line with the surrounding properties and houses. The multi-family units have been pulled out, but not the condominium units, which he considers to be multi-family because of the dense population allowed. In their opinion, the quality of life and rural country living would be degraded because there would be a much denser population in the lots behind their property than was presented to them when they purchased their home. The commercial lot is not in line with the surrounding houses. He thinks that there are a lot of ambiguities in the environmental assessment documents that need to be addressed. The Planning Board committed to address every one of the property owners' issues, but they have not seen anything in writing or had any communication with the Planning Board on any of these changes. Sam wanted to go on record as opposing this filing. There was no opposition to the first filing, which he stated indicates that the people living adjacent were supportive of the first filing, but not of the second filing. Sam said that most of his other comments were washed because he did not have an opportunity to review the changes. He thanked the council for the opportunity to speak.

Doug James, Box 2559, Billings, is an attorney with the Moulton-Bellingham Law Firm and deals with land use issues all the time. He attended the public hearing on behalf of the Molders to express their opposition and to share his perspective as a real estate attorney. Mr. Cumin had mentioned some of the statutory criteria that Montana law specifies need to be considered in making a decision regarding this application. One of these, item number eight in Montana Code Annotated Section 76-3-102, requires the council to consider protecting the rights of existing property owners. Mr. James asked the protesting people to stand so the council could see how many opposed it. He said that consideration of the character of the neighborhood is also part of the requirement. Mr. James stated that people live in Montana for a reason. He could go to Chicago and make a lot more money than he makes in Billings. People live here because of the kind of community this is and because of the kind of people here. When the Molders contacted him, he said they needed to sit down and talk with the developer. He suggested that if they could be flexible and compromise, and maybe if the developer would compromise a little bit, they could give up the valid protest and come up with a plan with which everybody could live. He contacted the developer's engineer on several occasions and asked for information and discussion. The response was that the developer refused to meet with them. Mr. James stated that that is unacceptable and cannot be allowed into this community. In all the years he has been doing real estate development, this is the only time a developer would not meet with the neighbors. If they will not talk now, he questioned what kind of neighbors and developers they would be in the future. He stated that this is not in keeping with the character of the neighborhood and of the community in which they want to live. The statutes that Mr. Cumin quoted and the ordinances require various objective criteria to be considered. One of them is whether new zoning gives reasonable consideration to the character of the neighborhood. With the difference between large lots, small lots, higher density, and a commercial lot in a residential neighborhood, he

stated that the objective criteria simply have not been met. Covenants are a private contract, but they are generally imposed to protect the existing and surrounding neighborhoods and to protect the city. He pointed out the overwhelming opposition to this, and he believes that annexation is premature. As a matter of law when property is annexed, services must be provided or there must be a plan to provide those services. He has not seen anything that suggests that there is a plan to provide those services in the immediate future. Mr. James thanked the council.

Mayor Olson informed the audience that, in order to keep within the allotted timeframe, he would raise his hand after two and a half minutes, allowing thirty seconds for the speaker to finish speaking.

Jamie Moler, 1107 Golf Course Road, submitted a signed petition of opposition from forty-four neighbors that will be impacted by this. The property owners understand the need for development, but they do not think this is the right way to go about it. Jamie gave the petition to the council secretary.

Michael Cantrell, 820 7th Avenue, read a letter that his mother wrote. His mother, Juanita Cantrell, lives at 1625 Wembly Place in Billings and owns three adjoining lots in this area. The letter stated:

Dear City Council:

I want to express my reservations regarding the current plotting of the Elena Subdivision, located at Golf Course Road and Paynes Place. As owner of three adjoining lots, I am requesting consideration for a buffer zone of larger acreage lots behind my three lots on Golf Course Road, size of at least one-half acres would probably be satisfactory. The number of units planned appears to be too dense for the access capacities and multi-family units, and a commercial establishment would most certainly devalue my property. Please take my and other adjoining property owner's concerns into consideration before approving this subdivision.

The letter was submitted to the council secretary.

Mike stated that the three lots are part of the family estate. He eventually intends to build a house on one of the lots, and he shares her concerns. He questioned the proposed use for the area zoned R6000 and asked if it would be reserved for another subdivision filing later.

Mayor Olson stated that it would be addressed later, as the questions brought forward would be given to staff for a reply as soon as possible.

Roy Thurman, 1807 West Maryland Lane, and his wife, Susan, attended the meeting. He stated that the meeting began with the pledge of allegiance to the flag, which talked about liberty and justice. He thinks that everybody here is seeking liberty and justice. Roy referred to the mention of Montana law and the rights of existing property owners, which he said are not being protected. His house is located behind the orange area on the zoning exhibit, and he pointed out that the planning board talked about no multi-family units. The condominiums and multi-family units would drastically drop the value of his property. He questioned when the sound barrier would be constructed and if it would protect his property or his neighbor's property. He suggested that there are some very serious issues with the actual construction. The existing bridge is not built to transport all the equipment needed for construction. He very much opposes the proposed subdivision because it is premature and is a grandiose plan with no specifics. In his opinion, the most important issue is to conserve the quality of life of the property owners. He stated that they have been flooded by water before, and there are no provisions or guarantees to protect them from being flooded again. He asked for justice in this matter. Roy submitted a letter of protest from a neighbor who could not attend the meeting.

Ruby Hanson, 1745 West Maryland, spoke regarding groundwater. In 1985, they were flooded out by water from a flash flood when the High Ditch went over. About 3,600 gallons of water were pumped out of their basement. Now the developer is saying there will be a detention area. If there is another flash flood and the detention area has a lot of water in it, the water will go back down into their basement. Ruby passed around a picture that showed how low they are from the field, probably a good five feet or more. They were told that there would not be a water problem when the farmer quit irrigating, but that was not true. Last summer, Mr. Miller had a pond and the pond water came down into their area. (Ruby mentioned that Mr. Miller stated a lot of good things about water in his letter to the Planning Board.) The Thurman's basement was flooded, and the Hanson's two sump pumps ran continually until Mr. Thurman fixed the head gate. The Hansons had asked Mr. Wagner

to fix it, but he would not answer their phone calls or accept a letter they sent him. The water kept flooding them, and finally Mr. Miller fixed the head gate. Ruby questioned what would be done with the water that will sink down and head south toward them. She does not think the detention area will keep the water away from them, is very concerned about all this water, and wonders if the developer will pay for any damage from flooding. Ruby is opposed to this subdivision because of the water.

Mike Taylor, 1818 West Maryland, and his wife, Janice, are opposed to the zone change. One thing he noticed that had not been pointed out was that the existing house on the corner of West Maryland and Golf Course Road would be bordered by three streets if Woods Way is extended all the way to Golf Course Road. He could not think of another example where a landowner's property is bordered by three streets, with two of them being through streets. He did not know if a city ordinance or the building code addressed that.

Martha Kennedy, 1123 Golf Course Road, had a couple letters of opposition to the proposed second filing due to the decrease in property values of the surrounding properties. She also had a letter from her father, who co-owns the property at 1123 Golf Course Road, and has been in the building business for over forty years. He is opposed because of the decrease of property values. Another concern is the additional traffic on the roads in the subdivision and on Golf Course Road. Because of the subdivision north of the golf course, the increased traffic and the speed of the traffic on Golf Course Road really needs to be addressed. Cars have been seen drag racing up and down the road. She thinks that including this in the city would be a concern regarding patrolling and other issues, and she stated her objection to the proposed subdivision.

Dennis Allwin, 185 Golf Course Road, and his wife are opposed to this mainly because of the density of the housing and the traffic on Golf Course Road. During the first filing, the engineer said that the impact of Golf Course Road would be another nine hundred cars going down that road every day. He cannot imagine that, thinks that would really impact their property, and would be like living on 24th Street in Billings. Woods Way and West Maryland are supposed to go through, but the developers do not own the land and do not have any way to get from Cherry Hills Subdivision to Elena Subdivision. Therefore, the proposed bridge could possibly not exist. Since everything is going to come down Golf Course Road, he asked for consideration about the traffic issue.

Rod Berger, 1775 Duval Drive, and his wife strongly oppose the proposed subdivision because they live in Montana for a quality of life. He lived in the City of Laurel for over ten years and moved out for a reason. He wanted to go on the record as strongly opposing the proposal.

Kathy Barta, 1405 West 9th Street, and her husband, Gerald, live south and east of the proposed property. They are very much in opposition to this. Kathy was born and raised in Montana, and her dream was to own acreage. Finally they saved enough to buy irrigated property. They have horses and live outside the city limits. If the proposed property is annexed into the city, they are right between and will probably be put into the city limits eventually, and they would lose their dream. Regarding irrigation, an associate of hers talked to the developer, who said he was going to build all those houses. When the developer was asked what would be done about the ditch, he said he did not care about the ditch and the people south of there and they were going to cover it. Kathy stated that they have enough problems with getting the water to everybody when needed without having to fight with forty other homeowners. Kathy owns a business in the city limits and pays taxes. She stated that the city streets and the water and sewer problems cannot be handled now, and she questioned where the additional funds would be found. She questioned who would take care of the extra traffic. Kathy stated that their quality of life would go further down. She knows that expansion cannot be prevented, but she would like to keep it to a minimum. Kathy again stated her opposition.

Nick Detiene, 2125 Saddleback Drive, thinks that a happy medium needs to be found because many people are opposed to this. He personally feels that some people would be happier if the multi-family and condos were taken out, as the traffic concern would decrease. Nick moved to Saddleback Estates last year right before the snow came, and once he had to pull a car out of a snowdrift on Golf Course Road. Although it is the county's responsibility to plow that road, it was not plowed for at least three days. During that time, people could only travel that road with a four-wheel drive vehicle, and it was dangerous for two trucks to meet on the road. With more vehicles traveling up and down that road, it would be a problem in the winter when the snow comes across those empty fields and hits Golf Course Road. He also questioned the value of the homes. Cal mentioned that he thought the homes would average \$150,000, but Nick remembered the developer saying the homes would range from \$250,000 to \$270,000. He would like to know of a condominium or a town home that would draw that kind of price. The homes around this subdivision are worth a lot of money, and

people have invested a lot of money. Nick stated that having condominiums that close would definitely impact all of them.

Dawn Stahl, 1728 West Maryland, and her husband purchased their property about fifteen months ago with the knowledge that this would be developed. She does not have a problem with development. They were told that it would be around seventeen one-acre lots, which would cut down on the traffic. They purchased on West Maryland because it is a dead-end, gravel road. They are absolutely opposed to the proposal and making West Maryland a through street, and they want to be left alone.

Denise Kaupish, 1340 West 9th Street, hopes that the council listened to the comments of opposition. She has lived here for about twenty-five years and the lifestyle they have is exactly why they moved out there. There is a lot of traffic on West 9th Street, and people think it is a 45 or 50 mph zone. She cannot imagine having more traffic on West 9th Street. Children will ride their bikes in even more danger with more traffic on the road. She sincerely hopes that the council listened to what people said tonight.

Rod Frank, 1831 West 9th Street, wanted to go on record as being opposed to this, and he wants to be kept informed about what is going on. He thinks a lot of people would feel better if the lots were proportioned to the size of the lots in the surrounding areas.

Jim Creecy, 1807 West 9th Street, stated that the traffic is his biggest objection to this. The sheriff will not patrol West 9th Street and Golf Course Road, as he said it is not in his books to do it. Jim thinks that this is going to present a real problem. He categorically rejects this whole subdivision in its entirety, and he thanked the council for listening to him.

Jim Beehner, 1123 Golf Course Road, is opposed to increasing the density. He realizes that development is going to happen, but he feels that it is not compatible with the neighborhood. He asked the council to take that into consideration.

Ruby Hanson asked Mayor Olson if she could speak again. Mayor Olson stated that he would afford that this time, but it was his intent to allow only one opportunity to speak.

Ruby Hanson has lived on West Maryland since 1979 and has watched water irrigation in that field. They have never had a problem before except for the flooding in their basement. This summer when the perk tests were put in, a man put bentonite around the pipes, which she believes is to stop the water from going into the pipes. When she questioned the man about the water, he told her that the pipes were full. Ruby thinks that is why the developer wants city services. Ruby wrote to Ted Kylander at the City-County Health Department in Billings. Ted informed her that the department would not be involved after it is connected to the city. Ruby has been really concerned about the high water. Laurel has very high water content, and they seem to be getting most of it.

Gloria Allwin, 185 Golf Course Road, stated that her biggest concern is the traffic on Golf Course Road. Since Saddleback Estates was built, there has been a constant fluctuation of cars by there. The pollution from the dust, the roads, and the concrete trucks has been atrocious. Their five grandchildren cannot be in the front yard because of the traffic, and cars go in and out of their driveway all the time. She feels like it is not even going to be a peaceful place to live anymore. They might as well move to Billings and live in the big city.

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

Mayor Olson asked if there were any proponents.

Pat Davies, an engineer with Engineering Inc., 1260 South 32nd Street in Billings, represented the applicant, Dave Bequette. He said that the Planning Board has recommended conditional approval. Pat reinforced that the applicant is agreeable to and will comply with those conditions. The applicant believes that adjustments have been made to the zoning to help decrease the density, which was a concern of the neighbors. There has to be some level of understanding that, since this is a city subdivision, the density is going to have to be more than typical in order to pay for the city services that are going to be constructed in the subdivision. Pat addressed a few things that some people questioned. The big orange area on the zoning exhibit is intended to be a mixture of single family and duplex town homes. The reason it is being looked at as a condominium type development is to provide a mixed use out there where some people prefer to live in an area with an open or common space between the units, and that is what the applicant is after there. In regard to providing services

to this property, the owner is currently working with the adjacent landowner to establish easements to get the services. The adjacent landowner has indicated his intention to develop at some future point. The applicant will pay for the water, sewer, streets, roads, and everything that goes in the subdivision. In regard to storm water issues, Pat knows there are some concerns for the property owners to the south. Right now there are no structures or facilities that control where that storm water goes. As part of this subdivision, the applicant would be required by the city to control that storm water in order to mitigate off-site impacts to the landowners. The engineers will have to prove that to the city before those improvements are built. In regard to the traffic, any time a subdivision is added to an area, the traffic levels increase. He pointed out that a detailed traffic study was done to look at the impacts of this subdivision. Although traffic would increase, studies show that the impacts would be minimal as compared to standards that are nationally recognized when looking at safety and traffic impact from subdivisions. Pat offered to answer any questions from the council.

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

Mayor Olson closed the public hearing.

The zone change from Residential Tracts to R7500, R6000, and Neighborhood Commercial for proposed Elena Subdivision, 2nd Filing, an addition to the City of Laurel and being Lot 5, Block 1, Elena Subdivision, 1st Filing, will be on the December 7, 2004, council agenda.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of October 2004.**
- **Approval of Payroll Register for PPE 11/07/04 totaling \$122,455.12.**
- **Receiving the Committee Reports into the Record.**

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

--Swimming Pool Committee minutes of October 14, 2004 were presented.

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

--Emergency Services Committee minutes of October 25, 2004 were presented.

--Cemetery Commission minutes of October 28, 2004 were presented.

--City-County Planning Board minutes of November 4, 2004 were presented.

--Council Workshop minutes of November 9, 2004 were presented.

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

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Cemetery Commission:

Mayor Olson removed Dan Dart and Mark Mace from the Cemetery Commission, as Laurel Municipal Code allows only two council members on the commission.

Mayor Olson appointed Mayor Ken Olson to the Cemetery Commission, as required by Laurel Municipal Code.

Motion by Alderman Oakes to approve the appointment of Mayor Ken Olson to the Cemetery Commission, seconded by Alderman Dart. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

Board of Appeals:

Mayor Olson appointed Dick Clayton, Marvin Carter, Bob Western, and Miles Walton to the Board of Appeals for two-year terms ending June 30, 2006.

Motion by Alderwoman Stevenson to approve the appointments of Dick Clayton, Marvin Carter, Bob Western, and Miles Walton to the Board of Appeals for two-year terms ending June 30, 2004, seconded by Alderman Poehls. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

Local Government Review Commission:

Mayor Olson appointed Todd Linder and LuAnne Engh as members and Jennifer Johnson as the ex-officio member on the Local Government Review Commission.

Motion by Alderman Easton to approve the appointments of Todd Linder and LuAnne Engh as members and Jennifer Johnson as the ex-officio member on the Local Government Review Commission, seconded by Alderwoman Stevenson. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R04-117: A resolution increasing City of Laurel wastewater rates and charges to all users.**

Motion by Alderwoman Johnson to approve Resolution No. R04-117, seconded by Alderman Oakes.

Mayor Olson stated that Larry McCann and Erl Tuft were available at this time to answer any questions from the council.

Alderwoman Johnson stated that, as responsible council people, she does not see how the council cannot approve this.

Alderman Mace commented regarding a statement made at the public hearing that it costs more to get rid of the water than to get the water to the house. He thinks the city needs to know the worst conditions in the city and attack those and not necessarily base it from anything else. Someone said something about the streets tonight, and we are working on those. We have an increase in the street maintenance to do that. We need to tell people that the reason for the increases is because of the deplorable conditions in the sewer system. There seems to be a misconception that one thing is more important than the other, but that is not really the case. It is whether it is in the worst shape at the time, and he realizes there could be an argument that everything is in bad shape right now.

Alderman Poehls commented that nobody wants to raise the rates, and he does not appreciate it when he has to pay his bill. He commended the staff and the people used to assess the situation and to determine what needed to be done to resolve the issues. Long-term maintenance can be done so the city does not have to face this issue again some day. He thanked the staff for all the work done to provide that information.

Alderman Oakes said that the staff, the council, and the mayor have a Capital Improvement Plan to spend the money. The water plant was nearly collapsed before improvements were made. If it had collapsed, it would have been a reactive move to rebuild the plant. Now we are on a proactive basis, and he thinks this rate increase is necessary to be proactive for maintenance of equipment, infrastructure, streets, and everything else.

A roll call vote was taken on the motion to approve Resolution No. R04-117. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R04-118: Resolution authorizing the Mayor to sign an agreement to provide health services with St. Vincent Healthcare of Billings, Montana.**

Motion by Alderman Fritzler to approve Resolution No. R04-118, seconded by Alderwoman Stevenson. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R04-119: A resolution authorizing the Mayor to sign a Memorandum of Understanding to the Union Contract on behalf of the City of Laurel pertaining to the city court clerk positions.**

Motion by Alderman Poehls to approve Resolution No. R04-119, seconded by Alderman Oakes. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R04-120: A resolution authorizing the Mayor to sign a Memorandum of Understanding to the Union Contract on behalf of the City of Laurel pertaining to the utility worker positions.**

Motion by Alderman Mace to approve Resolution No. R04-120, seconded by Alderman Fritzler. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Ordinance No. O04-08: Ordinance amending certain sections of Chapter 8 for the purpose of revising the procedure the City utilizes to establish the nonresidential garbage fees and rates in the Laurel Municipal Code. First reading.**

Motion by Alderman Dart to adopt Ordinance No. O04-08, seconded by Alderman Oakes. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

Mayor Olson stated that the staff has requested more time to review the ordinance, and the public hearing would be set at a future date.

- Special Review for a day care center at 921 12th Avenue North. (Planning Board recommended approval of the day care center without holding a second public hearing.)

Motion by Alderman Easton to approve the Special Review for a day care center at 921 12th Avenue North, seconded by Alderwoman Stevenson.

Alderwoman Johnson and her daughter recently visited the Kid Kountry in Billings. She stated that the day care center is more like a pre-school, and they were impressed with the organization. The teachers are all college graduates, and Alderwoman Johnson thinks it would be a positive addition to the city.

A vote was taken on the motion to approve the Special Review for a day care center at 921 12th Avenue North. All eight aldermen/women present voted aye. Motion carried 8-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):

Erl Tufte, Morrison-Maierle, stated that he has worked in four communities and with dozens of communities, and it still gives him a sense of pleasure when he sees councils that do the tough business of dealing with issues such as utility rate increases. He knows it is not pleasant, but the council did the right thing. He complimented the council for that and thanked them for the opportunity to work with them.

COUNCIL DISCUSSION:

Alderwoman Stevenson recently attended four hours of orientation for the Yellowstone City-County Health Board. She stated that the Health Board provides many benefits to the City of Laurel.

Alderman Johnson attended the Big Sky EDA meeting last week. At the meeting, there was discussion about the proposal to convert the resort tax into a local option sales tax. Joe McClure has been working on that. If it went through, cities would be able to take their sales tax and spend it any way they wanted. That it is the process, and the details are still being worked out.

Alderman Johnson mentioned that Ron Sexton, MSU-Billings, was at the BSEDA meeting. He asked her about the progress of establishing a MSU-Billings office in the City of Laurel. She had previously given the information to the Chamber of Commerce, and she contacted them again. Bob Carr and Alderman Johnson will attend the Chamber of Commerce meeting on December 9th to present the idea. Alderman Johnson plans to visit the office in Red Lodge soon. She thinks it would be a great addition to get the university involved in our city, and she stated that the city may need to be proactive in order to do so.

Alderman Mace thanked Alderman Johnson for the report on Kid Kountry.

Alderman Mace read a letter from Fire Chief Terry Ruff regarding the repairs that several firemen completed on the tank on Engine No. 3. The estimate to repair the tank was \$5,000 to \$15,000, but the members repaired it at a minimal cost. He suggested that other departments could save money if they looked for similar opportunities. Alderman Mace asked that a letter be sent to thank the firemen for their service in this regard.

Alderman Johnson stated that the fire department is a volunteer department. It has been a tradition to treat the firemen to steaks if they were called to a fire at a fireman's home. Alderman Johnson suggested that this seemed like a "steak" moment.

Mayor Olson stated that this type of brotherhood and sisterhood is developed over many years of participation, and it is encouraging to see that the community recognizes that. He thanked Alderman Mace for bringing it forward.

Mayor Olson mentioned that we are looking at getting the elected legislative officials together in the near future to explain the League's legislative agenda. He would like to promote the fact that the City of Laurel brought forth the proposal to increase the amount from \$25,000 to \$50,000 as a cap for projects of construction. Counties have that, but cities do not, and that is the question that will be stressed. There will be more discussion at council workshops.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderman Stevenson to adjourn the council meeting, seconded by Alderman Poehls. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:50 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 December, 2004.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer