

MINUTES OF THE CITY COUNCIL OF LAUREL

December 7, 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 December 7, 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 Oakes to approve the minutes of the regular meeting of November 16, 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.

CORRESPONDENCE:

Laurel Chamber of Commerce: Letter of November 12, 2004 regarding open positions on the Laurel Chamber of Commerce Board of Directors; Christmas to Remember 2004.

Laurel Chamber of Commerce: Letter of November 12, 2004 regarding Distinguished Service Award nominations.

Alec Hansen: E-mail of November 16, 2004 regarding Boards & Commissions List.

Cable Montana: Service Reports for October 2004.

Montana Department of Commerce: Memo of November 23, 2004 regarding a HOME Program Update.

Kim and Denise Kaupish: Letter of November 30, 2004 regarding irrigation ditch.

CONSENT ITEMS:

- **Claims for the month of November 2004 in the amount of \$376,192.19.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 11/21/2004 totaling \$122,033.21.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of November 1, 2004 were presented.
 - Public Works Committee minutes of November 8, 2004 were presented.
 - Swimming Pool Committee minutes of November 10, 2004 were presented.
 - Emergency Services Committee minutes of November 22, 2004 were presented.
 - Council Workshop minutes of November 30, 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 Alderwoman Stevenson. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

CEREMONIAL CALENDAR: Presentation to Jay Martin and Lori Spina for ten years' service on the Laurel Ambulance Service.

Mayor Olson read the following statements:

Jay Martin started with the Laurel Volunteer Ambulance on December 5, 1994 as an Advanced First Aid responder. In February of 1995, he received his First Responder Ambulance authorization. He became an Emergency Medical Technician a few months later. Jay became a CPR instructor in 1997. He became Assistant Director of the Service in April of 1999. Jay also used his skills at CHS with the Spill and Rescue team for eleven years. Jay is married to Paula and has three children, Justin (22), Tim (20), and Kayla (16). Even with all the time spent volunteering for the Ambulance, Jay has found the time to fish and hunt several times every year, be involved with every sport his children participated in, including coaching pole vault for the Laurel girls' track team.

Lori Spina started with the Laurel Volunteer Ambulance in June of 1990. She started working as an ambulance attendant with an Advanced Cardiac Life Support Certification, then Emergency Medical Technician – Defibrillation level. Lori took a break from the Ambulance Service in 1995, but rejoined in 1999 after passing another EMT class. She is currently the Education Director for the Service and a lead instructor with the state. She started in the EMS system in New York at the age of fourteen. She has worked at both Billings' hospitals as a respiratory therapist. Lori is married to David and has two sons, Scott (18) and Greg (15). Scott is currently an EMT, so hopefully the family tradition will carry on.

Mayor Olson presented plaques to Jay and Lori for their ten years of voluntary service on the Laurel Ambulance Service. He also thanked them for the amount of time required to obtain certification on a yearly basis and the amount of time spent on call and serving the community. The audience gave Jay and Lori a round of applause.

Mayor Olson stated that he enjoys recognizing the service given by volunteers. He thinks that the citizens of Laurel really benefit by the Laurel Volunteer Ambulance Service, the Laurel Auxiliary Police Reserves, and the Laurel Volunteer Fire Department. Without their efforts, the City of Laurel would have a hard time meeting the requirements for emergency services. Mayor Olson thanked Jan Faught for being the stabilizing part of the department.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Big Sky Economic Development Nominating Committee:

Mayor Olson reappointed Gay Easton to a one-year term ending December 7, 2005 on the Big Sky Economic Development Nominating Committee.

Motion by Alderwoman Johnson to approve the appointment of Gay Easton to a one-year term ending December 7, 2005 on the Big Sky Economic Development Nominating Committee, seconded by Alderwoman Stevenson. A roll call vote was taken on the motion. Alderman Easton abstained and all seven remaining aldermen/women present voted aye. Motion carried 7-0.

- **Set public hearing date for CTEP application for January 4, 2005.**

Motion by Alderwoman Stevenson to set the public hearing date for the CTEP application for January 4, 2005, seconded by Alderman Fritzier. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R04-121: A resolution amending Resolution No. R04-112 changing “Montana Department of Transportation” to “Montana Board of Crime Control” who is the correct grantor of the City’s grant.**

Motion by Alderman Fritzler to approve Resolution No. R04-121, seconded by Alderman Poehls. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R04-122: A resolution extending Ordinance No. 653 for ninety (90) days.**

Motion by Alderman Poehls to approve Resolution No. R04-122, seconded by Alderman Dart. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R04-123: Budget amendment resolution increasing the General Fund appropriations for payment of special assessments.**

Motion by Alderman Easton to approve Resolution No. R04-123, seconded by Alderman Fritzler. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R04-124: Resolution adopting a job description for Maintenance Superintendent.**

Motion by Alderman Mace to approve Resolution No. R04-124, seconded by Alderman Poehls. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R04-125: A resolution conditionally approving Elena Subdivision, Second Filing, as an addition to the City of Laurel, Montana, and conditional approval of the requested zoning for said subdivision.**

Motion by Alderman Dart to approve Resolution No. R04-125, seconded by Alderman Oakes.

Alderman Dart stated that, as a matter of process, it would be good for the audience to hear what we are trying to accomplish with the approval of a preliminary plat contingent upon the approval of a proposed zoning. He questioned why the preliminary plat was being tied to the approval of the proposed zoning.

Cal Cumin stated that the approval of the zoning and the approval of the subdivision plat go hand in hand. Basically, the subdivision plat cannot be developed without the zoning and the zoning cannot be described without the subdivision plat. Other communities do a process where when they approve subdivisions with different pieces of zoning within it, and they require a meets and bounds description, which is a complicated process. This is a similar process, but it is simpler. The zoning has to be based on the locations described in the preliminary plat, and the preliminary plat cannot be approved without the zoning being granted. One of the conditions is that the plat not be approved until after the zoning is approved. It all goes together, and it does not go if something fails.

Alderman Poehls read a sentence in the resolution: “this approval shall be in force and effect for not less than one (1) year.” He asked if that implied that all the conditions had to be met within the year’s period of time or if the process just needed to be started. Alderman Poehls mentioned that the developer could request a year’s extension.

Cal explained that the law says not less than one year, but the code says not less than one year and no more than three years. He stated that Montana Code says an extension could be requested. Basically, it does not mean anything as far as conditions other than when the developer presents the final plat, all of the conditions have to be met.

Alderman Poehls asked if the conditions had to be completed or if the plans had to be met.

Cal stated that the developer could either do all the work that is required in the Improvements Agreement, such as provide the right-of-way for the water and sewer, build the bridge across the Big Ditch, put in the streets, water, sewer, curb and gutter, and all the rest of the requirements, or he can post an irrevocable bond with the city at 125 percent of the cost of doing all those improvements. If the developer posts the irrevocable bond, the city could cash the bond and do the work if the developer does not do so.

Alderwoman Johnson mentioned the letter received from Kim and Denise Kaupish regarding the irrigation ditches. She asked if putting the bridge in or putting city services would have any effect on any of the water.

Cal explained that the extension westward of Maryland Avenue from where it ends right now to the Big Ditch would cut across the irrigation ditches of concern. They cannot cut across those ditches without approval, and they cannot put the road in without platting it. When they plat the road, all the conditions can be reviewed again when they subdivide that parcel. Even if they just put the road in, they are going to have to provide a subdivision plat of it, and the city will go through the same process. The irrigation and the ditches that Mr. Kaupish is concerned about are not part of Elena Subdivision. They are located east of Elena Subdivision. Mr. Kaupish is concerned about the extension of the road westward, as the road would cut across them. Cal stated that, when the road is extended across, they would have to go through the subdivision process again. It is the same process we have gone through here with public hearings, public input, determination of irrigation rights, and this type of thing. State law forbids violating established irrigation rights. It is important to be very careful not to do that because state law will override local laws. Cal stated that it would not happen.

Alderman Dart mentioned that Cal had referenced the way other cities do things. He stated that obviously this preliminary plat would not have to be contingent upon it if we had that property out there and we were able to zone it as part of the City of Laurel.

Cal stated that it cannot become part of the City of Laurel unless it has a legal description. If the zoning of the whole site was zone R7500, it could be done; however, there are several different zonings in there, and that is the problem.

A roll call vote was taken on the motion to approve Resolution No. R04-125. Aldermen Poehls, Mace, Oakes, Easton, and Fritzler, and Alderwomen Johnson and Stevenson voted aye. Alderman Dart voted nay. Motion carried 7-1.

- **Resolution No. R04-126: A resolution to adopt a Growth Management Plan, with revisions, as adopted by the Laurel-Yellowstone City-County Planning Board.**

Motion by Alderman Oakes to approve Resolution No. R04-126, seconded by Alderman Poehls. 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.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

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

Alderwoman Johnson serves as the ex-officio member on the Local Government Review Commission, which met for the first time this week. At the meeting, the commission elected Richard Barnhart as the temporary chairman and Todd Linder as the secretary. LuAnne Engh also serves on the commission. All four members will attend the workshop in Bozeman next Thursday and Friday. Alderwoman Johnson recently read an article in *Local Governing* which explained a nation-wide perception that council meetings seem rehearsed. Alderwoman Johnson stated that tonight's meeting probably did feel rehearsed as the council voted on items. She explained that the council meets for workshops, which are open to the public on the second and last Tuesdays of each month. So not only does the council listen to concerns at the public hearing, but it also goes through everything in depth to an open audience. She encouraged the audience to continue to follow through on the process for Elena Subdivision by attending the council workshops and the council meetings.

Mayor Olson thanked Alderwoman Johnson for her statements.

Mayor Olson reminded the council of the opportunity to meet with newly-elected Governor Schweitzer on Thursday, December 9th, at 1:00 p.m. at the Yellowstone County Courthouse. It will be an opportunity for the council to bring some of the City of Laurel's concerns forward to the newly-elected governor.

Mayor Olson and Josh Middleton are going to meet to discuss the possibility of scheduling a joint city and school meeting, and the date will be announced as soon as possible.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderman Poehls to adjourn the council meeting, seconded by Alderman Dart. 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 6:58 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 21st day of December, 2004.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer