

MINUTES OF THE CITY COUNCIL OF LAUREL

December 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 Mayor Ken Olson at 6:37 p.m. on December 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

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 Fritzler to approve the minutes of the regular meeting of December 7, 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:

Local Emergency Planning Committee: Minutes of November 18, 2004; Agenda for December 9, 2004.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of November 2004.**
- **Approval of Payroll Register for PPE 12/05/2004 totaling \$136,041.33.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of November 16, 2004 were presented.

--City-County Planning Board minutes of December 2, 2004 were presented.

--Council Workshop minutes of December 14, 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):

Three citizens raised objections to a zone change request filed for 904 Yellowstone Avenue.

SCHEDULED MATTERS:

- **Confirmation of Appointments:**

Laurel Volunteer Fire Department:

Mayor Olson appointed Brian Weis and Gary Gotschall as firemen on the Laurel Volunteer Fire Department.

Motion by Alderwoman Stevenson to approve the appointments of Brian Weis and Gary Gotschall as firemen on the Laurel Volunteer Fire Department, seconded by Alderman Poehls. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

Police Commission:

Mayor Olson appointed Charlie Pratt to a three-year term on the Police Commission, effective December 21, 2004 and expiring December 31, 2007.

Motion by Alderman Poehls to approve the appointment of Charlie Pratt to a three-year term on the Police Commission, effective December 21, 2004 and expiring December 31, 2007, seconded by Alderwoman Stevenson.

The appointment will fill the seat that Don Cahill held on the Police Commission. Don Cahill recently indicated that his schedule would not allow him to be reappointed to the Police Commission. As the hiring process for a new police officer is progressing, the Police Commission needs to be filled.

Alderman Mace mentioned that Charlie Pratt has been in law enforcement for many years, works for DOT Weights and Measures, and would be a great addition to the Police Commission.

Mayor Olson stated that Charlie Pratt serves on the Emergency Services Committee, and his expertise in law enforcement has been well documented.

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

- **Set public hearing for January 18, 2005 for zone change request for a portion of proposed Solid Foundations Subdivision (Certificate of Survey No. 1330) from Residential Tracts Zone to R6000.**

Motion by Alderwoman Johnson to set the public hearing for January 18, 2005, for the zone change request for a portion of proposed Solid Foundations Subdivision (Certificate of Survey No. 1330) from Residential Tracts Zone to R6000, seconded by Alderman Dart. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Set public hearing for January 18, 2005 for zone change request for Tract A, Certificate of Survey No. 826 (904 Yellowstone) from Residential Manufactured Home to Residential Tracts.**

Motion by Alderwoman Stevenson to set the public hearing for January 18, 2005, for zone change request for Tract A, Certificate of Survey No. 826 (904 Yellowstone) from Residential Manufactured Home to Residential Tracts, seconded by Alderman Poehls.

Alderman Fritzier stated that this is one of the most important decisions that the council will make regarding the long-term plans for the city in its outlying areas. He knows that the council will review it thoroughly before voting on it.

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

- **Resolution No. R04-127: Collection of annual service fee for all water users, pursuant to the Public Water Supply Program.**

Motion by Alderman Poehls to approve Resolution No. R04-127, 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. R04-128: Resolution relating to the adoption of an Investment Policy for the City of Laurel.**

Motion by Alderman Dart to approve Resolution No. R04-128, seconded by Alderman Oakes.

Alderman Poehls applauded the staff, Mary Embleton and Nathan Tubergen, for their work on the Investment Policy and their willingness to step forward and take some responsibility to actually help out on investment issues.

Mayor Olson stated that this is a step forward that needs to be understood completely, and certainly will cause some questions as it moves forward. The policy has checks and balances that are needed. In talking with the administrative assistant, this policy is similar to that used by the City of Billings, and therefore has been tested.

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

- **Resolution No. R04-129: Resolution authorizing the Mayor to execute an agreement between the City of Laurel and Pacific Recycling, Inc. providing for the use of a cardboard compactor tube at the Laurel transfer site.**

Motion by Alderman Oakes to approve Resolution No. R04-129, seconded by Alderman Dart.

Alderman Dart stated that staff is to be commended. We have to look at new ways in which to handle the excess that comes out of the residential homes in Laurel. It was astounding when the public works director said how much cardboard was actually getting hauled down to Billings. Alderman Dart wishes more money was available for use at the transfer site so some additional good things could be accomplished.

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

- **Resolution No. R04-130: A resolution authorizing the Mayor to execute a purchase agreement/lease release between the City of Laurel and the Montana Department of Transportation for the sand storage building located on City of Laurel shop property.**

Motion by Alderman Fritzler to approve Resolution No. R04-131, 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. R04-131: Resolution regarding retention of bond counsel for special improvement district bond.**

Motion by Alderman Easton to approve Resolution No. R04-132, seconded by Alderman Poehls. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

At 7:08 p.m., Mayor Olson called for a recess to allow the council members to review Resolution No. R04-132.

Mayor Olson called the council meeting back to order at 7:18 p.m.

- **Resolution No. R04-132: Resolution relating to Special Improvement District No. 111; declaring it to be the intention of the City Council to create the district for the purpose of undertaking certain local improvements and financing the costs thereof and incidental thereto through the issuance of special Improvement District Bonds secured by the City's Special Improvement District Revolving Fund.**

Mayor Olson stated that Section 9. (c), Comparison of Special Assessments and Property Taxes and Market Value, should read "In all cases, the assessed value of the parcel is greater than the amount of the assessment to be levied against it."

Motion by Alderman Mace to approve Resolution No. R04-132, seconded by Alderman Poehls.

Alderman Poehls asked regarding Section 1, where it stated that the “total estimated costs of the Improvements, including such incidental costs, to be financed by the Bonds are \$162,000.” On Exhibit “C”, the Special Improvement District Ownership, the total is \$160,198.80.

Debi Meling, Morrison-Maierle, explained that the bond counsel advised that it usually works better to take a bond out in an even amount, and that is what was done.

Alderman Poehls mentioned page 3, Section 8, which says “special assessments for the costs of the Improvements shall be payable over a term not exceeding 15 years.” A twelve-year term was discussed at the special council meeting on December 17th. When questioned about a fifteen-year term, it was stated that it does not change the payment but just gives the bond more interest. He asked why it is stated as fifteen years now.

Debi Meling stated that she is not sure why it says fifteen. Actually, we did agree on twelve and we talked about that. I don’t know if they are leaving that open when they sell the bonds. We did talk about twelve years, and have always based those assessments on twelve years.

Sam Painter stated that the language, “a term not exceeding 15 years,” leaves freedom to do a twelve-year term. Speaking for the bond counsel, he is guessing that they have left themselves some legal room in case they need it.

Alderman Easton commented that this is a first step forward in the progress of the City of Laurel, and he thinks it is one of the best things that has happened for a long time to get something done downtown and get something started in the city and maybe expand it out into the more progressive areas. Alderman Easton applauded Mayor Olson’s efforts to get it started.

Alderman Mace stated that Billings has done several similar SIDs in the last month. This has to happen or the city does not improve. Alderman Mace thinks the city is on the right step and should be doing these yearly.

Alderman Poehls stated that the City of Bozeman just approved a SID on West Babcock in Bozeman. The assessment was in the \$15 range for a twenty-five year term. Since the county decided to opt out of the SID, the county properties will not be assessed. However, if the county properties want to be annexed into the city, the SID must be paid in full immediately. Alderman Poehls thinks that this is the right thing to do.

Alderman Oakes complimented everyone involved in the effort for the SID. It takes courage to take a first step, and it takes a lot of effort. After this gets going, he thinks everyone, including the council and citizens, will have a positive attitude towards our performance.

A roll call vote was taken on the motion to approve Resolution No. R04-132. All eight aldermen/women present voted aye. Motion carried 8-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):

Larry Tanglen wished a Merry Christmas and Happy New Year to the mayor and council.

COUNCIL DISCUSSION:

Alderman Poehls wished everyone a Merry Christmas and Happy New Year.

Alderwoman Johnson recently attended the Local Government Review workshop in Bozeman. Commission members Richard Barnhart, Todd Linder, and LuAnne Engh also attended the workshop. She received a Study Commission Handbook, which she offered to loan to the council members at their request. She distributed copies of the abbreviated Roberts’ Rules of Order to the council.

Mayor Olson mentioned that there is a conflict with the council retreat scheduled for January 15th. The retreat will be rescheduled for February, and he asked the council to contact him regarding any conflicts and agenda items. The agenda will include a discussion on goal setting and council procedures.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderwoman Stevenson to adjourn the council meeting, seconded by Alderman Mace. 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 7:32 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 4th day of January, 2005.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer