

MINUTES OF THE CITY COUNCIL OF LAUREL

February 15, 2005

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 6:36 p.m. on February 15, 2005.

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 February 1, 2005, 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.

CORRESPONDENCE:

Cable Montana: Letter of January 24, 2005 regarding rate increase.

Montana League of Cities and Towns: Letter of January 28, 2005 regarding Public Defender Legislation

Montana Board of Investments: Memorandum of February 2, 2005 from Carroll South, Executive Director, regarding INTERCAP loans.

Montana Department of Environmental Quality: Letter of February 1, 2005 regarding tour at Water Treatment Plant.

Department of Justice, Board of Crime Control: Letter of February 1, 2005, regarding Letter of Intent to Apply for Residential Substance Abuse Treatment.

Montana Municipal Insurance Authority: Risk Management Bulletin regarding navigating through your decision to manage risk with agreed valuation on your property.

Montana Municipal Insurance Authority: Risk Management Bulletin regarding safety training.

Yellowstone City-County Health Department: List of Yellowstone City-County health Department Board of Health membership for 2005.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of January 2004.**
- **Approval of Payroll Register for PPE 01/30/2005 totaling \$123,084.60.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of January 18, 2005 were presented.

--Swimming Pool Committee minutes of January 13, 2005 were presented.

--City-County Planning Board minutes of February 3, 2005 were presented.

--Public Works Committee minutes of February 7, 2005 were presented.

--Council Workshop minutes of February 8, 2005 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 Dart. 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.**

Ambulance Attendant:

Mayor Olson appointed Russ Kepferle as an attendant for the Laurel Ambulance Service.

Motion by Alderwoman Stevenson to approve the appointment of Russ Kepferle as an attendant for the Laurel Ambulance Service, seconded by Alderman Poehls. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Ordinance No. O05-01: An ordinance amending Chapter 12.32 for the purpose of creating a City Tree Board and revising the City's tree ordinance to provide a comprehensive plan for tree planting, maintenance and removal and to provide a penalty for violation thereof.** Second reading.

Motion by Alderman Poehls to adopt Ordinance No. O05-01, 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. R05-18: A resolution to approve a temporary use permit for City Brew Coffee of P.O. Box 22209, Billings, Montana 59104 for location at 411 South First Avenue in Laurel.**

Motion by Alderman Oakes to approve Resolution No. R05-18, seconded by Alderman Mace.

Mayor Olson asked if anyone from the audience would like to speak regarding this item.

Jim Kuhns, with Collaborative Design Architects in Billings, spoke on behalf of City Brew. He distributed a handout, a copy of which is attached to the original minutes. City Brew proposes locating a coffee kiosk on the corner of 4th Street and the highway next to the Conoco station. The kiosk would replace the Mountain Mudd kiosk presently located there. This will be a test for the owner of the property, who plans to develop the rest of the property. City Brew is intended to be one of the players in that development. There is no real hard master plan at this time, but several possible schemes have been developed. The handout included a letter there from the property owner that indicated his intentions and expectations with the placement of this kiosk. A picture of the proposed kiosk was also distributed in the handout. A similar kiosk is located in Billings now and this would be the second placement.

Alderwoman Johnson asked regarding the plumbing for a kiosk.

Mr. Kuhns stated that the plumbing for the operation of the kiosk itself and the making of the coffee products is all self-contained. Fresh water is brought in every day in a van and the wastes are pumped out. For sanitary purposes for the attendant, arrangements are made with a neighboring property to use their restroom facilities. Since that is a Health Department requirement, the

arrangements are made before it is approved at the Health Department level. Electrical power is brought in with an overhead or underground line to the site, and there is a panel and meter on the property, and the unit has to pass an electrical inspection. The unit is self-contained and is ready to operate as soon as it is connected to the power.

Alderman Poehls asked if the driveway accesses would be improved.

Jim stated that the accesses would not be improved right now. Because this is a prelude to further development on the site, it would probably be premature to do anything now and then have to tear it up in the near future as it develops.

Alderman Fritzier asked regarding the future plans for the property.

Mr. Kuhns stated that the property has been master planned with several different uses. The property includes the land behind the convenience store back to the next street and out to 4th. The mine workers use part of the property to park their vehicles at the present time. The owner has looked at several schemes of how the property could be developed with different types of tenants, including professional, retail, and food uses. City Brew has been one of the players since the beginning of the development, and the test will determine if it works for City Brew, as well as the overall developer.

A roll call vote was taken on the motion to approve Resolution No. R05-18. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-19: A resolution to approve a temporary use permit for Mountain Mudd Espresso and Brenda Burkhartsmeier of 2120 3rd Avenue North, Billings, Montana 59101 for location on south side of East Main Street across from the intersection of Pennsylvania Avenue in Laurel.**

Motion by Alderwoman Stevenson to approve Resolution No. R05-19, 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. R05-20: A resolution to approve at temporary use permit for Mountain Mudd Espresso and Brenda Burkhartsmeier of 2120 3rd Avenue North, Billings, Montana 59101 for location behind Hardee's Restaurant on Block 5, Lot 9, of Hageman Subdivision, 2nd Filing, in Laurel.**

Motion by Alderman Easton to approve Resolution No. R05-20, seconded by Alderman Dart.

Alderman Fritzier asked regarding the ownership of the property, as the map shows Jan's IGA and Hardee's.

Alderwoman Stevenson mentioned that the map stated the owners as Jan W. and Janet I. Stingley.

Alderman Fritzier questioned the relationship that Hardee's and IGA had in this application and who would run this.

Mayor Olson stated that the application is for Mountain Mudd and Brenda Burkhartsmeier.

Brenda Burkhartsmeier, Mountain Mudd, arrived at the council meeting at this time.

Alderman Fritzier asked Brenda regarding the relationship of Mountain Mudd Espresso, Jan's IGA, and Hardee's.

Brenda explained that Jan's IGA owns all of the property and Hardee's leases the property.

Alderman Poehls asked regarding the future location of the garbage cans, which have been set in the proposed location for the kiosk.

Brenda stated that the garbage cans were located by the drive thru when she drove by prior to the council meeting. They would relocate the cans to make sure they stayed over there.

A roll call vote was taken on the motion to approve Resolution No. R05-20. 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:

Alderman Dart mentioned that the Emergency Services Committee has been reviewing a proposed fireworks ordinance, which will be forwarded to the council soon.

Alderman Easton stated his appreciation for the council retreat last weekend. It was well worth the time, expense, and effort to be informed of the upcoming shortfall in the budget.

Mayor Olson stated that any opportunity to meet with Nathan Tubergen and Ken Weaver, two of the more prominent people in city government, is valuable.

Mayor Olson reminded the council of Judy Woodman's retirement party on Thursday, February 17th, at the safety complex from 3:00 to 5:00 p.m. Judy has served the City of Laurel for more than twenty-seven years, and her professionalism will be missed.

Mayor Olson asked the council to help make sure that the outside door to the council chambers remains locked.

Mayor Olson agreed with Alderman Easton's thoughts about the council retreat. The budget is going to take careful consideration. A schedule of the department heads' budget presentations to the council will be available soon, and some special council meetings will be required.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderwoman Johnson to adjourn the council meeting, seconded by Alderman Mace. 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 6:59 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 1st day of March, 2005.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer