

MINUTES OF THE CITY COUNCIL OF LAUREL

April 5, 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 6:30 p.m. on April 5, 2005.

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

COUNCIL MEMBERS ABSENT: Daniel Dart

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 March 15, 2005, as presented, seconded by Alderman Poehls. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

Motion by Alderman Oakes to approve the minutes of the special meeting of March 23, 2005, as presented, seconded by Alderman Mace. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

CORRESPONDENCE:

Thank you card from the Laurel Senior Citizens' Center.

Senator Jon Tester: Letter of March 14, 2005 regarding the Treasure State Endowment Program.

Cable Montana: Service Reports for February 2005

State of Montana, Aeronautics Division: Unicom Licensing Notice.

Mayors of Baker, Glendive, and Sidney: Letter of March 14, 2005 regarding House Bill 758.

Senior Helping Hands Program, Inc.: Letter of March 27, 2005 thanking the Laurel City Council for their support of the program.

PUBLIC HEARINGS:

- **Ordinance No. O05-03: An ordinance amending Title 12 of the Laurel Municipal code, by adding a new Chapter 12.38, for the purpose of allowing the reimbursement to qualified subdivision developers of a portion of the costs of the extension of utility mains in certain limited circumstances.**

Mayor Olson opened the public hearing.

Mayor Olson asked three times if there were any proponents.

JoAnn Kostlecky asked what qualified as subdivision developers' fees.

Cal Cumin explained that the city would make a decision at the time of a developer's request for reimbursement. Limited circumstances mean that this is not a give-away program that is open to everyone. Approval for reimbursement would be strictly contingent upon the city's decision, and the developers do not have a right to reimbursement.

Mayor Olson asked if there were any proponents. There were none.

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

Mayor Olson closed the public hearing.

- **Revisions to the CDBG Housing Rehabilitation Program Income Plan.**

Mayor Olson opened the public hearing.

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

Mayor Olson asked if there were any opponents.

Carrie Peters, 512 Wyoming Avenue, spoke regarding possible revisions to the program. Carrie is a concerned parent and would like to see the parks and the tennis court improved. There are not many things available for young children except in school parks, which cannot be used until after school is dismissed. For a city this size, she thinks there could be at least one city park that would be safe, clean, and useable for families with young children. Carrie is interested in whatever it takes to improve the parks.

Amy Pollock, 815 5th Avenue, agrees that the parks need improvement. A play group meets in her backyard because it is safe and contains as much equipment as the parks. Park improvements would make Laurel a better and more marketable town for people who want to live here. The parks are definitely a concern for parents.

Caralee Sanders, 2835 Alpine View Drive, is also a concerned parent and agrees with the previous statements. Caralee offered that citizens, particularly mothers, would be interested in helping the committee find safe playground equipment and move the project along.

Tammy Mack, 2nd Avenue, is new to the Laurel community and would like to see improvements in the parks. She expressed her concern regarding the pool situation and is looking forward to hearing more about progress with the new pool.

Carrie Peters thanked the Public Works Department for cleaning up the graffiti in the parks recently.

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

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

Mayor Olson closed the public hearing.

Mayor Olson asked the council to consider waiving the requirement to wait until the next council meeting to approve the proposed revisions to the City of Laurel CDBG Housing Rehabilitation Program Income Plan in order to proceed with the process. The resolution to approve the revisions, Resolution No. R05-34 would be considered under scheduled matters on this agenda.

Motion by Alderwoman Stevenson to waive the portion of the council procedures that requires the council to wait at least one week before making a decision after a public hearing, seconded by Alderman Fritzler. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

CONSENT ITEMS:

- **Claims for the month of March 2005 in the amount of 324,789.99.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 03/13/05 totaling \$119,421.30.**
- **Approval of Payroll Register for PPE 03/27/05 totaling \$124,862.76.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of March 1, 2005 were presented.

--Swimming Pool Committee minutes of March 10, 2005 were presented.

--Special Council Workshop minutes of March 22, 2005 were presented.

--Special Council Workshop minutes of March 23, 2005 were presented.

--Council Workshop minutes of March 29, 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 Poehls. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Yellowstone Historic Preservation Board:

Mayor Olson appointed Richard Hatfield to a two-year term, ending December 31, 2006, on the Yellowstone Historic Preservation Board.

Motion by Alderman Poehls to approve the appointment of Richard Hatfield to a two-year term, ending December 31, 2006, on the Yellowstone Historic Preservation Board, seconded by Alderwoman Stevenson. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

Local Government Review Commission:

Mayor Olson appointed Keith Wood to the Local Government Review Commission effective as of March 28, 2005.

Motion by Alderman Fritzler to approve the appointment of Keith Wood to the Local Government Review Commission, effective as of March 28, 2005, seconded by Alderman Mace. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

- **Budget Presentations: Street Maintenance, Sweeping, Gas Tax, Lighting Districts – Steve Klotz; City-County Planning – Cal Cumin**

Nathan Tubergen distributed the Revenue and Expenditure sheets for the following funds: Planning Fund; Lighting District Fund #2; Lighting District Fund #3; Street Maintenance District Fund; Sweeping District Fund; Gas Tax Fund; and Solid Waste Fund.

Steve Klotz presented a brief overview of the funds. Lighting District #2 has a cash balance of \$15,796, and the revenues are projected at \$27,203, which includes a 10 percent increase in the fees assessed in Light District #2. Expenditures are at \$39,000 and have risen because of the electric company's rates. With the 10 percent increase, the ending balance would provide a reserve buffer for payments.

Nathan stated that it is a concern that the rates in this fund are not increasing as fast as the residential home rates. The city should be cautious about this, and the council needs to be aware that it is being tracked. Nathan could compile a report of the monthly bills from the past few years in order to review this issue.

Steve stated that there is a 3 percent increase with projected revenues of \$15,833 in Light District Fund #3. This fund is in good condition and the ending cash balance will be good for the next fiscal year.

The cash balance for the Street Maintenance District Fund is not yet available. The fund is balanced with revenues and expenditures at \$1,409,500. Revenues include the recent revisions to the fees. The expenditures currently include \$115,000 for projects. Some of the chip seal projects and the curb and gutter work are included as it is balanced now, as well as \$90,000 for a dump truck. Those two items are included in the expenditures. Steve plans to present a list of recommended priority projects for the summer's planned street projects. The \$115,000 included in the budget is for projects that will be done above and beyond the East First Street Project.

No increases in fees are proposed for the Sweeping District Fund, but increases will be considered for next year. Although expenditures are higher than revenues, at this time the cash balance is in a position to go forward through another year. This will be evaluated next year and it may be necessary to propose an increase in the upcoming fiscal year budget on the fees to increase revenues in order to keep the cash balance at the right amount.

Alderman Poehls asked regarding the life expectancy of the sweeper.

Steve stated that the city has a backup sweeper and the sweeper. Since the sweeper is not utilized every day of the month, it has been possible to get an extended life out of it. Steve wants to start building a capital replacement for a sweeper. There has been discussion about putting aside \$10,000 in this year's budget for capital, or an in-depth study could be done to propose a five-year plan for next year's budget cycle.

Nathan stated that a five-year plan should be prepared in order to incorporate the capital request.

Steve explained that the expenditures and revenues are very close in the Gas Tax Fund, which is a sister fund to the Street Maintenance Fund. Appropriations for several line items have been removed from the Gas Tax Fund. These changes will make the Street Maintenance Fund address actual street maintenance and costs, and the Gas Tax Fund would build into a project fund. Currently, the biggest change is that the gas and fuel have been taken out of the Gas Tax Fund and placed into the Street Maintenance Fund in order to build dollars for future projects.

A new sweeper would cost approximately \$100,000. The city currently runs vacuum type sweepers, but there is a need for a mechanical type sweeper. The vacuum type is well suited for a downtown maintenance district because it picks up dust and dirt. A mechanical sweeper, which is a belt-driven lift system like an elevator, does a better job of picking up debris and rocks and leaves the dust. Ideally, the city would have one of each sweeper in operation. The vacuum type sweeper is funded by the businesses and suits itself best for the type of service that is provided.

The West 6th Street project was done through the Street Maintenance Fund. No projects are currently proposed in the Gas Tax Fund, as the monies need to build up in order to have funds available for projects or capital replacement.

Steve explained that Gas Tax revenues come from dollars that are spent at the gas station. Even though gas prices are increasing, the tax does not increase. If people cut back on the amount of fuel put in vehicles, the city's revenues will decrease. The revenues come from all of the gas purchased in the state and are proportioned back to the cities based on the number of miles of streets in each city. Budget revenues could come up short as a result of this.

The Solid Waste Fund has a \$70,000 difference in the revenues and expenditures. The expenditures include the purchase of a roll-off truck, which is allocated in this year's budget. It will not be spent this year but will be reallocated for the next fiscal budget. A revenue increase of \$42,000 is projected due to the proposed rate increase. That number should increase every year for five years if the council approves the proposed rate increase, which includes a 16 percent increase each year. The proposed increases would allow the city to dedicate a portion of the revenues to a capital replacement program. The biggest increase in expenditures is the fuel, and a substantial increase is budgeted in the next fiscal budget.

City Planner Cal Cumin presented an overview of the planning program, which he provides for the City of Laurel and the southwestern part of Yellowstone County. His work is supplemented by the Public Works secretary, who is a real asset to the community and interfaces at the first line of all

planning requests and planning questions. Throughout his years of experience, he has found that having a competent local person and a professional consultant works extremely well for small communities. Laurel is starting to get larger and have more complex problems. If Laurel were to hire a planner today, Cal stated that it could not afford to hire someone of his caliber. Laurel would have to hire a Planner I or a Planner II, who would require some sort of direction. Under his contract, the City of Laurel does not provide an office, a computer, benefits, or mileage, and he can be fired at anytime without having to consider the consequences. Cal stated that it is an extremely good package for the city and works to its advantage. He invited the council to compare costs with any other planning program in the State of Montana.

Cal stated that criticisms of his program are that Laurel needs someone available on a part-time basis in an office and that more paperwork needs to be accomplished. As things get more complex, the need for paperwork trails keeps raising its head. It is nice to have a staff planner in order to put different planning related items on their desk, but the city would have to pay a lot more than what Cal is paid. In budget meetings over the last twenty-seven years, Cal has mentioned that the city will have a rude awakening to budget for the things he does after he is no longer with the City of Laurel. Cal provides subdivision review and addresses all zoning and special review issues. Since he cares for the City of Laurel, he also does a lot more. He put together the South 4th Street project and the reimbursement for developers. He works with the Airport, the Laurel Development Corporation, and the department heads and is available at any time for technical questions. Cal does a lot of work in the county, which is part of Laurel's zoning area. He is currently involved in a conflict on Boggio Lane, where he recently received three complaints.

Cal has completed twenty-seven years with the City of Laurel and thirty-five years as a planning consultant in Montana. He stated that he is the best planner in the State of Montana. In addition to the thirty-five years, he provides the experience of dealing with issues for thirty-five years. The issues range in a tremendous variety of complexity from knowing how to work with people, department heads, and the different situations that come up and how to address them. Cal stated that it is very easy to follow the letter of the law and say no, but that results in lawsuits, court problems, and enforcement problems. He thinks it is better to work things out to the advantage of the city. One of the things received from personal experience and knowledge is that the planner puts the benefit of the city first, not their job or what the law says. If everything were black and white, cities would not need planning boards or planners. In that gray void there is a tremendous amount of interactive activity that can work negatively or positively for the community. Cal thinks it is important for the planning program to focus on the whole community and what is best for it. When he is working in rural and county areas, he determines what is best for the land and the community in a more rural sense. Since he does not have a set schedule in any particular area, he is very focused on product rather than process. He has had enough experience with other planning programs around the state to know that there is a tremendous amount of process involved. It causes conflict that adversely affects local government and affects the quality of planning actually implemented on the ground. If people have to meet certain requirements without giving them alternatives and working with them, the worst project possible can happen. This is part of Cal's planning philosophy. In order to keep the focus of what is best for the community, the issue of working together with department heads is very important.

Cal stated that another contribution to the community through the planning program is his understanding of the need for a sound economy from which to generate the guidelines in order to have good sound planning. If the community is growing rapidly and people can find jobs, it is easier to get approval for park maintenance districts and business improvements districts in the downtown. Cal stated that the City of Laurel is getting a very good planning program over a broad range that works well for the community.

Nathan stated that the Sewer and Water Fund budgets would be presented at the council workshop on April 12th.

- **Resolution No. R05-34: A resolution revising the City of Laurel CDBG Housing Rehabilitation Program Income Plan and authorizing the Mayor and City Clerk to sign said revised plan for the City of Laurel.**

Motion by Alderwoman Stevenson to approve Resolution No. R05-34, seconded by Alderman Fritzier. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

Mayor Olson thanked the council and stated that this is a step in the right direction for the City of Laurel.

Mayor Olson appointed Kate Stevenson, Jennifer Johnson, and Mark Mace to a task force for park playground equipment.

- **Resolution No. R05-35: Resolution authorizing the Mayor to sign Task Order No. 8 with Morrison-Maierle, Inc. for design, bidding, construction, and post-construction of the sewer trunk lines from the City of Laurel to the sewer plant.**

Motion by Alderman Easton to approve Resolution No. R05-35, seconded by Alderman Poehls. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

- **Resolution No. R05-36: Resolution authorizing the Mayor to sign an Interlocal Agreement between the City of Laurel and Yellowstone County for GIS services.**

Motion by Alderwoman Johnson to approve Resolution No. R05-36, seconded by Alderwoman Stevenson. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

- **Resolution No. R05-37: A resolution approving the Final Plat of the Iron Horse Station Subdivision, an addition to the City of Laurel, Montana.**

Motion by Alderman Oakes to approve Resolution No. R05-37, seconded by Alderman Mace. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

- **Ordinance No. O05-04: An ordinance amending the zoning map of the City of Laurel, Montana, incorporating Phase One of the Iron Horse Station Subdivision, an addition to the City of Laurel. First reading.**

Motion by Alderman Poehls to adopt Ordinance No. O05-04, seconded by Alderman Mace. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

The public hearing of Ordinance No. O05-04 will be on the council agenda on April 19, 2005.

- **Set public hearing date for Ordinance No. O04-08 for April 19, 2005.**

Motion by Alderman Mace to set the public hearing date for Ordinance No. O04-08 for April 19, 2005, seconded by Alderwoman Stevenson. A roll call vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0

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.

Alderman Poehls stated that the Local Government Review Commission met last night. Nathan Tubergen gave the commission information on financial practices and budgetary practices and what certain forms of government are allowed to do. The Commission continues to look at the different options of government for the City of Laurel.

Alderman Mace stated that he would work hard on the park equipment committee. He reminded the council that the last time the park maintenance was presented no one wanted to pay for it. He stated that it takes money to fix the parks.

Alderwoman Johnson attended the Bresnan ribbon cutting recently and met Bill and Pat Bresnan from New York City and the general manager. Bresnan might be interested in coming to Laurel in the future.

Alderwoman Johnson scheduled Bob Carr, the Special Assistant to the Chancellor of MSU-Billings, to attend the Chamber of Commerce meeting on April 14th.

Alderwoman Johnson mentioned that the Daughters of the American Revolution still want to plant a tree. Mayor Olson stated that a Tree Board is being formed and the appropriate information will be given to her as soon as possible.

Alderman Easton attended MMIA's workshop about the city's insurance programs.

Mary Embleton stated that the workshop started with an explanation of the progress of the Employee Benefits Plan. Eight plans are available now, but MMIA plans to consolidate them into four or five plans. They talked about future administration of the plan and the long-range goals. One goal is to incorporate a medical savings account into the package. MMIA then presented the personnel issues with which they assist cities. These include policy manuals, performance evaluations, and job descriptions. The final presentation was on property insurance with an explanation of how the cities have better buying power for the premium dollar by pooling the cities. MMIA currently insures over \$1 billion in property with sixty cities in the State of Montana. Communities from Red Lodge, Big Timber, Joliet, Forsyth, and Hardin attended the workshop.

Alderwoman Stevenson echoed Alderman Mace's sentiments about the Park Maintenance District. It was encouraging to see the mothers and children attend the meeting tonight. Alderwoman Stevenson would like to invite them to the selection committee because that age group has not really been considered yet.

Mayor Olson agreed that it would be an excellent idea. In his affiliation with different task forces and committees in the City of Laurel, usually the same two or three people want to be involved. It is encouraging to have people come forward, and he would like to give them an opportunity to provide input.

Alderman Fritzler stated that the Cemetery Commission is progressing on the study for the sprinkler system.

Mayor Olson explained an opportunity that the Local Government Center in Bozeman provided for the City of Laurel to receive help with its website. A Federal grant application will be reviewed within six months. If approved, a team from MSU-Bozeman will help determine the community's interest in getting information about their local government on the Internet. Mayor Olson selected Mary Embleton and Steve Klotz to participate in the process. The task force consisting of John Oakes, Mark Mace, and Mayor Olson will meet to determine a direction for the City of Laurel. The city will send a letter of support to the Local Government Center, and the letter will be sent to the National Science Foundation. The four Montana entities involved are Hill County, Anaconda-Deer Lodge, Choteau, and Laurel. Mayor Olson told Jane Jelinski of his appreciation to be considered for this opportunity.

Input regarding the proposed park leases needs to be submitted to the attorney in order for presentation at the council workshop on April 12th.

Mayor Olson explained some of the current legislative bills. House Bill 758, which was sponsored by the Mayors of Baker, Glendive, and Sidney, is a legislative act to enable oil and gas communities to receive back some of the profits. The profits from these taxes have been going to the counties and have not gotten down to the cities. The cities are trying to get a portion of that. The council allowed a letter of support to be sent to the Senate recently. The House had a hearing on the bill today, and the city's support for the bill was forwarded.

Two other legislative bills are coming forward. The Airport Authority asked for support for Senate Bill 255. Alec Hansen indicated that it would be a good bill for the cities to support. Mayor Olson asked for approval of the council to send support to the legislature for Senate Bill 255.

Motion by Alderwoman Stevenson to send a letter of support for Senate Bill 255 to promote the development of airports, seconded by Alderman Fritzler. Motion carried 7-0.

Senate Bill 185 would allow cities, including those with general governing powers, to collect impact fees. This particular bill was brought to the city's attention by the fire department. It would give the city the ability to garner some of the impact that would be caused by bringing in developed areas, such as emergency services, and water, sewer, and garbage services.

Motion by Alderman Poehls to send a letter of support for Senate Bill 185, seconded by Alderman Mace. Motion carried 7-0.

Alec Hansen has asked for support for Senate Bill 184. Mayor Olson stated that Emilie Eaton should be contacted regarding support for Senate Bill 184, which is the local option tax measure.

Motion by Alderman Easton to send a letter of support for Senate Bill 184 to Representative Emilie Eaton, seconded by Alderwoman Stevenson. Motion carried 7-0.

The Elected Officials Workshop is scheduled for May 4th through 6th. Registration forms need to be submitted soon.

The computer in the council conference room is ready for the council's use. Council members should see Mary Embleton for a password and information.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderman Poehls to adjourn the council meeting, seconded by Alderman Mace. All seven aldermen/women present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:47 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19th day of April, 2005.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer