

MINUTES OF THE CITY COUNCIL OF LAUREL

April 19, 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 19, 2005.

COUNCIL MEMBERS PRESENT:

Kate Stevenson	Doug Poehls
Gay Easton	Mark Mace
Jennifer Johnson	John Oakes

COUNCIL MEMBERS ABSENT:

Dick Fritzler	Daniel Dart
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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 Alderwoman Johnson to approve the minutes of the regular meeting of April 5, 2005, as presented, seconded by Alderman Poehls. A roll call vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

CORRESPONDENCE:

Mayors of Baker, Glendive, and Sidney: Letter of March 29, 2005 regarding House Bill 758.

Newsline: March 2005 Newsletter of the Montana Department of Transportation

Montana Department of Administration: Letter of April 4, 2005 regarding June 2005 Legislative Update and Accounting Seminar

Mayor Clayton Hornung, Baker: Letter of April 13, 2005 regarding House Bill 758.

Montana Department of Transportation: Letter of April 1, 2005 regarding Increased Funding for Urban Areas.

Mayor Olson spoke regarding the letter from the Montana Department of Transportation regarding increased funding for urban areas. The City of Laurel's annual STP-Urban allocation increased from \$156,000 to \$202,900. The project priorities include the 8th Avenue Project and the Main Street Project. The letting for the 8th Avenue Project to reconstruct the roadway from Main Street to 7th Street is anticipated in fiscal year 2007. The let date of March 31, 2005 for the Main Street Project improvements does not indicate the starting date of the project.

PUBLIC HEARING:

- **Ordinance No. 004-08: 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.**

Mayor Olson opened the public hearing.

Mayor Olson asked three times 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.

- **Ordinance No. 005-04: 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.**

Mayor Olson stated that the City-County Planning Board and the Laurel City Council already held public hearings on the zoning for Iron Horse Station Subdivision and another one is not necessary. Mayor Olson removed the public hearing from this agenda.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of March 2005.**
- **Approval of Payroll Register for PPE 04/10/2005 totaling \$121,023.18.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of March 9, 2005 were presented.

--Budget/Finance Committee minutes of March 15, 2005 were presented.

--City-County Planning Board minutes of April 7, 2005 were presented.

--Council Workshop minutes of April 12, 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 Alderwoman Stevenson. A roll call vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

CEREMONIAL CALENDAR: Municipal Clerks Week Proclamation

Mayor Olson read the following proclamation:

**PROCLAMATION
MUNICIPAL CLERKS WEEK**

Whereas, the Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, the Office of the Municipal Clerk is the oldest among public servants, and

Whereas, the Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Municipal Clerks have pledged to be ever mindful of the neutrality and impartiality, rendering equal service to all.

Whereas, the Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, country and international professional organizations.

Whereas, it is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.

Now, Therefore, I, Kenneth E. Olson, Jr., Mayor of the City of Laurel, do recognize the week of May 1 through May 7, 2005, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Mary Embleton and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

Roger Bare, 1021 West 4th Street, asked if the regulations regarding street widths were available.

Mayor Olson stated that a copy of the regulations was sent to Mr. Holden last week.

SCHEDULED MATTERS:

- **Resolution No. R05-38:** A resolution approving the Final Plat of Solid Foundations Subdivision, an Addition to the City of Laurel, Montana.

Motion by Alderman Easton to approve Resolution No. R05-38 with the provision that the third item on the list of conditions be changed to “Existing irrigation and ditch rights of record must be guaranteed and culverting provided to the satisfaction of the West City Ditch Company”, seconded by Alderwoman Stevenson.

Alderman Oakes questioned why the council was asked to accept the plat before the property is annexed.

Keith Molyneaux stated that annexation and approval of the final plat can be done concurrently according to State law.

Cal Cumin explained that the annexation laws of Montana are quite convoluted, but they all have this in common. In the four statutes, before any land is annexed, a complete plan to State code must be prepared with the layout of the lots, blocks, and streets of the proposed annexation, the plan for water, sewer, and storm drainage, the plan for utilities, when they are going to be built, who is going to build them, and provision for other city services. This is exactly what happened with Solid Foundations, as the subdivision plat addressed all of those items. Under State law, annexation can be done at the same time that the subdivision plat is prepared because the preparation of the plat addresses all of the issues of the annexation; therefore, the State allows concurrent action on the final plat and annexation.

Keith stated that the landowner petitioned the city for annexation. Alderman Oakes asked if the developer is the owner, and Keith agreed that is correct. Keith stated that once the final plat is approved, the plat addresses the annexation.

Alderman Oakes stated that he has not seen the plat and does not understand how this subdivision was proposed without any alleys. Once infrastructure is put in the ground, it is permanent and will not be changed. In the old area of Laurel, the infrastructure is permanent and cannot be changed. The housing designs could be changed, but the streets and alleys will remain. Any area next to this subdivision would have to be developed in a similar way. Alderman Oakes questioned the design and does not agree with it.

Alderman Oakes asked regarding the condition that was subject to approval of the Montana Department of Environmental Quality for runoff and drainage. He has not seen any documents as to the DEQ’s approval.

Cal Cumin stated that a letter was received from the Department of Environmental Quality. Cal presented the letter to Mayor Olson, who then read the letter to the council.

The letter, which was dated April 19, 2005, and addressed to Engineering, Inc., stated:

This is to certify that the information and fees received by the Department of Environmental Quality relating to this subdivision are in compliance with 76-4-127, MCA and ARM 17.36.602. Under 76-4-124, MCA, this subdivision is not subject to review, and the plat can be filed with the county clerk and recorder.

Plans and specifications must be submitted when extensions of municipal facilities for the supply of water or disposal of sewage are proposed {76-4-111 (3), MCA}. Construction of water or sewer extensions prior to DEQ, Public Water Supply Section’s approval is prohibited, and is subject to penalty as prescribed in Title 75, Chapter 6 and Title 76, Chapter 4.

This file has been mailed to DEQ, Public Water Supply Section, Billings Office for their review.

Alderman Johnson recently met with Ted Kylander of the Department of Public Health and asked about the retention pond in this subdivision. Mr. Kylander told her that the water would remain in the pond for only twenty-four hours. The visit alleviated her concerns regarding possible environmental issues in this location.

Alderman Mace asked Cal if any other recent subdivisions included alleys. Cal stated that there have been none. Alderman Mace questioned if Alderman Oakes' concern is the lack of alleys in the subdivision.

Alderman Oakes stated that the lots in Solid Foundations are 6,000 square-foot lots. The three-bedroom houses will have attached garages and sidewalks. Alderman Oakes explained that there are no alleys in Village Subdivision. Because of that, campers, cars, ATV's, storage buildings, garbage cans, and stored items are placed in the front of the houses or at the curb. This situation creates deterioration in the whole area. Once Solid Foundations Subdivision is built, an adjacent subdivision would probably be built without alleys, too.

Alderman Mace stated that 95 percent of the new subdivisions in Billings do not have alleys. Alleys were designed for utilities and garbage pickup. Utilities are now underground and 90-gallon roll-out garbage cans are being used more. Therefore, alleys are not needed like they were needed in the past.

Alderman Poehls stated that other areas in Laurel were annexed without alleys, and he does not see it as a problem. He asked Cal if these issues would be addressed in the homeowners' rules, and Cal agreed that they would be.

A roll call vote was taken on the motion. Aldermen Poehls, Mace, Easton, and Alderwomen Stevenson and Johnson voted aye. Alderman Oakes voted nay. Motion carried 5-1.

- **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.** Second reading.

Motion by Alderman Poehls to adopt Ordinance No. O05-03, seconded by Alderman Oakes.

Alderman Mace stated that this ordinance would encourage more development in the City of Laurel since developers have the opportunity to get some of their investment back.

A roll call vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

- **Ordinance No. O05-05: Ordinance amending the zoning map of the City of Laurel, Montana, relating to the Solid Foundations Subdivision, an Addition to the City of Laurel.** First reading.

Motion by Alderwoman Stevenson to adopt Ordinance No. O05-05, seconded by Alderman Poehls. A roll call vote was taken on the motion. Aldermen Poehls, Mace, and Easton, and Alderwomen Johnson and Stevenson voted aye. Alderman Oakes voted nay. Motion carried 5-1.

The second reading of Ordinance No. O05-05 will be on the council agenda on May 3, 2005.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Alderman Poehls mentioned that the YMCA Dinner Auction is scheduled for May 21st at the Rod and Gun Club.

Alderman Mace mentioned that the Elected Officials' Workshop is scheduled for May 4th through 6th. Registration forms need to be submitted soon.

Alderwoman Johnson stated that the Tree Board met recently. Patricia Hart will serve as the chairman and Lois Markegard will serve as the secretary. Patricia Hart and Gay Easton will serve two-year terms, and Lois Markegard and Jennifer Johnson will serve one-year terms. GIS mapping of the trees in the City of Laurel has been proposed. The Laurel Garden Club will take a walking tour to identify the kind and age of the trees. There are plans to plant seedlings by the river at the water plant for future use throughout the city.

The Laurel Garden Club will plant a tree on Arbor Day. The public works director and the Daughters of the American Revolution will plant a tree in Murray Park on Arbor Day, April 29th, at 1:30 p.m.

Mayor Olson, Alderwoman Johnson, and Bob Carr of MSU-Billings attended the Chamber of Commerce meeting last week. Mr. Carr is interested in meeting community people regarding locating a MSU-Billings office in Laurel. He serves on the Advisory Board of the Red Lodge Economic Development Group.

Alderwoman Johnson reported on the recent Big Sky EDA meeting and mentioned that the council would be welcome to attend the meetings.

Alderman Easton thanked Alderwoman Johnson for her efforts to attend these meetings to help the City of Laurel.

Mayor Olson stated that the funding for playground equipment in Thomson Park was approved at a recent council meeting. The playground equipment is scheduled to be installed in the park before the July 4th festivities.

Council members should contact the clerk-treasurer to get passwords and information needed to use the computer located in the council conference room. The website task force and the proposed efforts to develop a web page will enhance the ability to pass information between the council and constituents.

Mayor Olson stated that the resolution regarding Schessler and Washington Parks was not ready for this agenda, and he has explained the delay to Josh Middleton. The resolution will be presented at the council workshop on April 26th.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderman Oakes to adjourn the council meeting, seconded by Alderman Mace. All six aldermen/women present voted aye. Motion carried 6-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:24 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 3rd day of May, 2005.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer