

MINUTES OF THE CITY COUNCIL OF LAUREL

July 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 July 19, 2005.

COUNCIL MEMBERS PRESENT: Dick Fritzler Doug Poehls
 Kate Stevenson Mark Mace
 Gay Easton Daniel Dart
 Jennifer Johnson Norm Stamper

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 Poehls to approve the minutes of the regular meeting of July 5, 2005, as presented, seconded by Alderwoman Stevenson. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

Motion by Alderman Dart to approve the minutes of the special meeting of July 12, 2005, as presented, seconded by Alderman Poehls. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

CORRESPONDENCE:

Montana League of Cities and Towns: Letter of July 6, 2005 regarding the 74th annual conference of the Montana League of Cities and Towns on September 27-29, 2005.

Montana Historical Society: Letter of July 7, 2005 regarding sponsoring the 2005 Montana Preservation Workshop.

Laurel Chamber of Commerce: Agenda for July 14, 2005; Minutes of June 23, 2005.

Morrison-Maierle, Inc.: Letter of July 11, 2005 regarding East First Street Bid Results and Project Update.

PUBLIC HEARINGS:

- Preliminary Budgets for Fiscal Year 2005-2006 for all City Funds (First public hearing held June 21, 2005; continued to July 5, 2005; continued to July 19, 2005).

Mayor Olson opened the public hearing.

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

Mayor Olson asked three times if there were any proponents.

Nathan Tubergen explained a list of adjustments to the Preliminary Budget.

Adjustments to the General Fund revenues include: increase health insurance transfer from Permissive Medical Levy by \$14,570; increase ambulance revenues by \$12,168. Nathan explained that he took the number of calls that AMR does on an annual basis and multiplied it by the \$130 that the city would pay them. He subtracted out the amount of money that is anticipated to be received from Medicare, because that has already been budgeted, and then he budgeted the rest of it as

revenue and also an offset in expenditures for the total amount that we may be paying AMR over this next year.

Adjustments to the General Fund appropriations include: increase Administrative Assistant salary budget by \$2,000 for 80 hours of service from Nathan Tubergen; reallocate the full \$25,000 for professional services in Mayor's budget to complete review and revision of the Personnel Implementation Guide (increased by \$10,000 from preliminary budget); split Building Department into three departments – Building Department, Code Enforcement, and Fire Inspections, as required by State Building Codes Bureau; increase Ambulance contracted services by \$20,280 for provisions in the AMR contract for co-response; add \$2,000 for purchases from donations for Ambulance; and add \$25,000 for the long-term study for the cemetery.

Adjustments to the Permissive Medical Levy revenues will increase tax revenues by \$14,570 for increases in health insurance premiums in the General Fund and increase the appropriations to the General Fund by \$14,570.

An adjustment to the Parking Fund will re-appropriate \$9,000 from last year for work not completed until fiscal year 2005-2006.

The City of Laurel also has the option of recovering costs of a recent settlement by levying additional mills outside the restrictions of I-105, which would then be transferred back to the General Fund. The Budget/Finance Committee will discuss this issue.

Nathan explained that, once the public hearings are closed and the council approves the Preliminary Budget and the budget changes, it becomes the Final Budget.

Nathan explained that the public hearings on the Preliminary Budgets for Fiscal Year 2005-2006 and the Additional Mills levied for Permissive Medical Levy Fund Budget should have been closed at the July 5th meeting in order for the council to consider the resolutions tonight. He requested the council's consideration to waive the requirement to wait until the next council meeting and consider the budget and resolutions tonight as originally intended.

Mary Embleton updated the council regarding the budget adoption and the special assessments. After the mill levy value is received on August 1st, the mill levy resolution will be presented to the council.

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

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

Mayor Olson closed the public hearing.

- Additional Mills levied for Permissive Medical Levy Fund Budget for Fiscal Year 2005-2006 (First public hearing held June 21, 2005; continued to July 5, 2005; continued to July 19, 2005).

Mary Embleton explained that, when the Preliminary Budget was first prepared, the insurance premiums were unknown, so it was estimated based on last year's figures. However, the premiums increased slightly. The Permissive Medical Levy allows the city to levy additional mills to help pay for those costs. The number of additional mills to be levied is not known, but the dollar amount increased by \$14,570. It was readvertised as per the city attorney's advice. The increase will be reflected in the overall resolution presented tonight, because it is all in general items for the overall budget and will be more specific when the mill levy resolution comes forward next month. It helps defer the costs for the General Fund insurance costs only.

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

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

Mayor Olson closed the public hearing.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of June 2005.**

- **Approval of Payroll Register for PPE 07/03/2005 totaling \$131,322.37.**

- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of June 21, 2005 were presented.

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

--Council Workshop minutes of July 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 Alderman Dart. There was no public comment or council discussion. 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):

Clarence Eastlick, 1102 Montana Avenue, stated that about 5:15 p.m. this afternoon, a gentleman came to his house and made what he felt were inappropriate comments. He called the Laurel Police Department, and they were there within two minutes. Mr. Eastlick stated that the response was highly commendable.

Mayor Olson thanked Clarence, and stated that it is always good to have a report from citizens on our service to them. Mayor Olson stated that he would make the chief was aware of his comments.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

City-County Planning Board: Council appointment of Ed Thurner to complete the term ending June 30, 2006.

Motion by Alderman Easton to approve the council appointment of Ed Thurner to the City-County Planning Board to complete the term ending June 30, 2005, seconded by Alderman Fritzler. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Variance request from Clarence Eastlick to exceed lot coverage standard.**

Motion by Alderman Poehls to send the request from Clarence Eastlick to exceed lot coverage standard back to the City-County Planning Board for another public hearing and recommendation, seconded by Alderman Dart. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Set public hearing date for August 16, 2005 for Iron Horse Subdivision zone change request for Block 3, Lots 1-6, from Residential Limited Multi-Family to Community Commercial.**

Motion by Alderwoman Stevenson to set the public hearing for August 16, 2005 for the Iron Horse Subdivision zone change request for Block 3, Lots 1-6, from Residential Limited Multi-Family to Community Commercial, seconded by Alderman Poehls. There was no public comment.

Alderwoman Johnson stated that this request needs to be reviewed further. She questioned why the previous request to exceed lot coverage standard was being sent back to the Planning Board but this request is not.

Mayor Olson stated that the staff could provide answers to her questions.

Sam Painter stated that the council is supposed to set the public hearing to take testimony regarding the zone change request. Issues regarding the request could be addressed after the public hearing, as no decision is being made now.

Cal Cumin explained that the Eastlick request was on the agenda for a council decision tonight, and no additional public hearings were scheduled. Therefore, the council voted to return the issue to the Planning Board in order to provide an additional opportunity for a public hearing. The zone change request is not before the council for a decision, but only to set a public hearing date.

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

- **Set public hearing date for August 16, 2005 for Iron Horse Subdivision zone change request for Block 2, Lots 1-17 from Residential 7500 to Residential Limited Multi-Family.**

Motion by Alderman Dart to set the public hearing for August 16, 2005 for the Iron Horse Subdivision zone change request for Block 2, Lots 1-17, from Residential 7500 to Residential Limited Multi-Family, seconded by Alderman Stamper. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Set public hearing date for August 16, 2005 for zone change to eliminate off-street parking requirement in the Central Business District.**

Motion by Alderman Stamper to set the public hearing for August 16, 2005 for the zone change to eliminate the off-street parking requirement in the Central Business District, seconded by Alderman Dart. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Set public hearing date for August 16, 2005 for zone change to allow “Granny Flats” or small residential units in basements and garages in residential zoning districts.**

Motion by Alderwoman Johnson to set the public hearing for August 16, 2005 for the zone change to allow “Granny Flats” or small residential units in basements and garages in residential zoning districts, seconded by Alderman Poehls. There was no public comment.

Alderman Dart stated that he is not opposed to allowing a relative to move into a residential unit, but allowing rentals for profit would change the complexity of a neighborhood.

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

- **Set public hearing date for August 16, 2005 for zone change to allow small “Mom and Pop-Type” retail stores in residential districts.**

Motion by Alderman Poehls to set the public hearing for August 16, 2005 for the zone change to allow small “Mom and Pop” type retail stores in residential districts, seconded by Alderman Mace. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

Mayor Olson stated that, as the council is aware, the public hearings for Resolutions No. R05-68 and R05-69 were officially closed tonight. Under the city council operating rules, both resolutions would not be considered until the next regularly scheduled meeting on August 2nd. The city council can, by unanimous vote, decide to vote on these two resolutions tonight by suspending that rule.

Motion by Alderman Mace to suspend the rule to enable the council to vote on Resolutions No. R05-68 and R05-69 at tonight’s meeting, seconded by Alderman Dart.

Mary Embleton asked the council to apply this to Resolution No. R05-68 through Resolution No. R05-76, as the resolutions are all part of the budget.

There was discussion regarding whether all of the resolutions were included in the public hearings. Mary explained that the budgets for all funds were included in the public hearing for the Preliminary Budgets for Fiscal Year 2005-2006.

Alderman Mace restated his motion to suspend the rule to enable the council to vote on Resolutions No. R05-68 through R05-76 at tonight's meeting, and Alderman Dart restated his second to the motion. There was no public comment.

Alderwoman Johnson commended Nathan Tubergen and Mary Embleton for their work on the budget.

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

- **Resolution No. R05-68: A resolution approving and adopting the Final Budget for the City of Laurel for the fiscal year 2005-2006.**

Motion by Alderman Mace to approve Resolution No. R05-68 with the adjustments presented tonight, seconded by Alderman Poehls. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-69: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 2 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2005-2006.**

Motion by Alderman Dart to approve Resolution No. R05-69, seconded by Alderman Stamper. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-70: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 3 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2005-2006.**

Motion by Alderman Stamper to approve Resolution No. R05-70, seconded by Alderman Dart. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-71: A resolution levying and assessing the cost of street maintenance and/or improvements for Street Maintenance District No. 1 that constitutes all streets and alleys embraced within the City of Laurel, Montana, for fiscal year 2005-2006.**

Motion by Alderwoman Johnson to approve Resolution No. R05-71, seconded by Alderman Poehls. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-72: Being a resolution levying and assessing all of the property embraced within Street Sweeping District No. 1, of the City of Laurel, Montana, for the purpose of the sweeping of streets in the downtown or business district for the fiscal year 2005-2006.**

Motion by Alderman Easton to approve Resolution No. R05-72, seconded by Alderwoman Stevenson. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-73: A resolution levying and assessing the cost of street paving, curb and gutter, and storm drain facilities for Special Improvement District No. 110 within the City of Laurel, Montana, for fiscal year 2005-2006.**

Motion by Alderwoman Stevenson to approve Resolution No. R05-73, seconded by Alderman Dart. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-74: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent water charges.**

Motion by Alderman Fritzier to approve Resolution No. R05-74, seconded by Alderwoman Stevenson. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-75: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent sewer charges.**

Motion by Alderman Poehls to approve Resolution No. R05-75, seconded by Alderman Fritzier. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-76: A resolution levying and assessing a special tax against certain property designated as garbage districts in the City of Laurel, Montana, for the removal of garbage and refuse.**

Motion by Alderman Mace to approve Resolution No. R05-76, seconded by Alderman Poehls. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-77: A resolution transferring certain insurance funds of the City of Laurel, Montana.**

Motion by Alderman Dart to approve Resolution No. R05-77, seconded by Alderman Stamper. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-78: Resolution selecting JTL Group, Inc. for the completion of the East First Street Improvements Project and to authorize the Mayor to sign a contract for completion of such project.**

Motion by Alderman Stamper to approve Resolution No. R05-78, seconded by Alderwoman Stevenson. There was no public comment.

Mayor Olson commented that Alderman Stamper's opportunity to bring this forward is an honor. He stated that the city has waited a long time to begin this \$2 million project.

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

- **Resolution No. R05-79: A resolution authorizing the Mayor to sign a City Agreement with the Montana Department of Transportation to receive salvaged cold millings from the MDOT West Laurel Interchange Project, IM-STPHS 90-8(154)433, CN 4444.**

Motion by Alderman Fritzier to approve Resolution No. R05-79, seconded by Alderwoman Stevenson. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

Mayor Olson called for a recess at 7:25 p.m.

The council meeting reconvened at 7:28 p.m.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Alderman Poehls announced that he will check into requirements for MRL to develop quiet zones for train whistles, etc.

Alderman Mace announced that the Emergency Services Task Force is scheduled to meet on Monday, July 25th, at 5:30 p.m. to discuss short and long-term space requirements. The Task Force includes Aldermen Mace and Fritzler, the police chief, fire chief, and ambulance director.

Alderman Dart commended Alderman Poehls on his task to approach big business on a change. He could probably find more support if he were to look to other folks who are awakened by train whistles.

Alderman Dart recently talked to Donna Hirt about the YMCA summer program, and he stated that they have a commendable program.

Alderwoman Johnson asked the administrative assistant candidate to introduce herself. Mayor Olson introduced Lisa Rolan to the audience and council.

Alderman Easton commended the Public Works Department and JTL on the speedy completion of the chip seal projects, which minimized the burden on the public.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderman Easton 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 7:39 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2nd day of August, 2005.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer