

MINUTES OF THE CITY COUNCIL OF LAUREL

September 6, 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 September 6, 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 Alderwoman Johnson to approve the minutes of the regular meeting of August 16, 2005, as presented, seconded by Alderman Mace. There was no public comment or council discussion. A vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

CORRESPONDENCE:

Cable Montana: Service Reports for July 2005

Patrick Mullaney: Letter of August 16, 2005 regarding withdrawing zoning request for Certificate of Survey 2039.

Department of Natural Resources and Conservation: Letter of August 18, 2005 regarding Laurel SRF Loan \$866,000.

Montana Department of Commerce: Letter of August 9, 2005 regarding Draft Application Guidelines for the Treasure State Endowment Program.

Montana Big Sky State Games: Letter of August 23, 2005 regarding 2005 Big Sky State Games.

Jodi Hoppel: Letter regarding Laurel Oktoberfest.

PUBLIC HEARING: Ordinance No. O05-06: Ordinance amending Chapter 10.20 of the Laurel Municipal Code relating to restricted speed zones.

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.

CONSENT ITEMS:

- **Claims for the month of August 2005 in the amount of \$369,538.78.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 08/14/2005 totaling \$125,769.26.**
- **Approval of Payroll Register for PPE 08/28/2005 totaling \$133,904.14.**

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

--Budget/Finance Committee minutes of August 2, 2005 were presented.

--Cemetery Commission minutes of August 25, 2005 were presented.

--Council Workshop minutes of August 30, 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. There was no public comment or council discussion. A 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.**

Board of Appeals:

Mayor Olson appointed Ed Thurner to a two-year term ending June 30, 2007, on the Board of Appeals.

Motion by Alderman Fritzler to approve the appointment of Ed Thurner to a two-year term ending June 30, 2007, on the Board of Appeals, seconded by Alderman Poehls. There was no public comment or council discussion. A vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-95: Resolution authorizing Project Help to place donated playground equipment in Kiwanis Park.**

Motion by Alderman Poehls to approve Resolution No. R05-95, seconded by Alderwoman Stevenson. There was no public comment.

Alderwoman Johnson asked what would happen with the resolution if Project Help is unable to raise the funds for the playground equipment.

Alderman Poehls stated that the resolution just gives Project Help permission to place the donated equipment in the park. The city would not let the group start a project that cannot be finished, and it would be the city's responsibility to make sure the project could be completed. Alderman Poehls applauded the four ladies for their work on this ambitious project and hopes that it is successful.

Mayor Olson echoed Alderman Poehls' comments of appreciation for the ladies' efforts. If this particular project is unsuccessful, other projects could be done in Kiwanis Park.

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

- **Resolution No. R05-96: A resolution granting Montana-Dakota Utilities Company a Franchise Agreement with the City of Laurel.**

Motion by Alderman Stamper to approve Resolution No. R05-96, seconded by Alderman Dart.

Rick Reid, 2205 Treasure in Billings, is the Region Manager for Montana-Dakota Utilities in the Rocky Mountain Region. He thanked the council for letting MDU serve the City of Laurel for the last seventy-five years and MDU looks forward to another seventy-five years of service in Laurel. Don Meyers, the District Rep, also attended the meeting.

Alderman Poehls thanked MDU for their patience during the time of developing the franchise process.

Alderwoman Johnson stated her appreciation for MDU's quick response to personal requests for service.

Alderman Mace thanked Sam Painter and Keith Molyneaux for their work on the franchise application process.

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

- **Resolution No. R05-97: A resolution accepting the Department of Natural Resources and Conservation Grant (DNRC) award and authorizing the Mayor to sign any and all documents associated with said grant.**

Motion by Alderman Fritzler to approve Resolution No. R05-97, seconded by Alderwoman Stevenson. There was no public comment or council discussion. A vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R05-98: A resolution authorizing "Making a Difference" to host Oktoberfest in Riverside Park.**

Motion by Alderman Dart to approve Resolution No. R05-98, seconded by Alderman Stamper. There was no public comment or council discussion. A vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Ordinance No. O05-07: Ordinance amending the official zoning map of the City of Laurel, Montana, to change the zoning of Lots 1-6, Block 3, Iron Horse Station Subdivision, an Addition to the City of Laurel, from Residential Limited Multi-Family to Community Commercial.** First reading.

Motion by Alderwoman Stevenson to adopt Ordinance No. O05-07, seconded by Alderman Fritzler.

Marvin Brown, 26 Stanford Court in Billings, is the developer of the Iron Horse Station Subdivision. Mr. Brown and representatives of St. John's Nursing Home recently met with the residents that opposed this project. The proposals, plans, and propositions were discussed, and he thinks the residents were quite satisfied. They also reviewed the proposal regarding the housing against the ditch with the residents, and he thinks the residents were happy with that.

Alderman Fritzler questioned whether or not the deed to Lot 7 had been transferred to St. John's Nursing Home.

Mr. Brown stated that the deed was delivered to the title company and St. John's is trying to approve the \$60,000 needed to pay for the infrastructure costs at the next board meeting.

Mayor Olson stated that this is the first reading of the ordinance, a public hearing will be set, and the second reading will be held.

Mayor Olson asked if there was further public comment or council discussion. There was none.

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

The public hearing of Ordinance No. O05-07 will be on the council agenda on October 4, 2005.

- **Ordinance No. O05-08: Ordinance amending the official zoning map of the City of Laurel, Montana, to change the zoning of Lots 1-17, Block 2, Iron Horse Station Subdivision, an Addition to the City of Laurel, from Residential 7500 to Residential Limited Multi-Family.** First reading.

Motion by Alderwoman Johnson to adopt Ordinance No. O05-08, seconded by Alderman Stamper. There was no public comment or council discussion. A vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

The public hearing of Ordinance No. O05-08 will be on the council agenda on October 4, 2005.

- **Ordinance No. O05-09: Ordinance amending the zoning ordinance of the City of Laurel, Montana, to allow additional dwelling units in residential zones by adding Section 17.08.035 to the Laurel Municipal Code and amending Table 17.16.010 of the Code to reflect same.** First reading.

Motion by Alderman Mace to adopt Ordinance No. O05-09, seconded by Alderman Poehls.

Alderman Poehls is not convinced that this is advantageous to the City of Laurel and thinks it will cause more code enforcement issues that will be next to impossible to enforce. Residents will continue to do this without the ordinance, and he does not think this is something the council needs to address.

Alderwoman Johnson wondered if she would want something like this done in her own neighborhood, if she could not control it. If she needed to keep her mother, that is one thing. But she does not know what to think of one of her neighbors doing it. If she has questions, she thinks the council might be doing a disservice to the other people.

Alderman Dart referred to a recent situation in his neighborhood where a basement was rented out to several different parties. There was a turnaround of people in the neighborhood, and it brought new light on being able to control the situation. He does not think the council would object to having a relative live at home. However, with a for-profit situation, it removes the innocence of neighborhoods in the community. He does not think Laurel's population density would require this at this time, but it may be necessary fifteen years down the road. Alderman Dart has opposed this from the beginning and continues to do so.

Alderman Easton referred to an article published recently in the national public works magazine. This is getting to be quite a project in bigger cities where the population density is greater. The demand in some of these cities is to build a second unit on the property to get family closer rather than putting them in a nursing home or away from the family. Alderman Easton would like to see this continue at least to the public hearing.

Alderman Mace stated that, for the reasons that Mr. Dart expressed concern, he thinks restrictions such as the size, what it looks like, and who lives there would allow the city to address and control the issues. But if it is not addressed in ordinance, the city cannot do anything about it. He sees it both ways, but he thinks it would help to be able to cite the ordinance if a complaint is received. A vote was taken on the motion. Motion carried 6-2, with Aldermen Poehls and Dart voting nay.

The public hearing of Ordinance No. O05-09 will be on the council agenda on October 4, 2005.

- **Ordinance No. O05-10: Ordinance amending the zoning ordinance of the City of Laurel, Montana, to allow neighborhood convenience stores in residential zones by adding Section 17.08.305 to the Laurel Municipal Code and amending Table 17.16.010 of the Code to reflect same.** First reading.

Motion by Alderman Easton to adopt Ordinance No. O05-10, seconded by Alderwoman Stevenson. There was no public comment.

Alderman Poehls stated that commercial lots are being put in subdivisions, such as Elena Subdivision. He thinks this is a disservice because if someone establishes a commercial store that is not successful with what the limited criteria allowed in city ordinance, he thinks those people will try to develop something that will be successful, whether the council wants them to or not. He thinks a commercial development in an area should be demographically planned and developed. In the Elena Subdivision, he thinks that the commercial lot is in the wrong location. Commercial lots have to be based on demographics, not just on the fact that someone wants to sell something from their living room. Laurel does not have small grocery stores any more because they were not economically viable. Alderman Poehls does not want to open a can of worms to any situations similar to other places in this city and would rather leave the ordinance as it is.

Alderman Fritzler suggested that there would be more discussion at the second reading of the ordinances. He thinks that the subdivision section of the Growth Management Plan needs to be addressed regarding approval and location of commercial lots in major subdivisions.

Alderman Mace stated property owners have the option to request zone changes through the zone change process at a later time. He thinks it is important to look at the surroundings and determine whether the residents that live next to that zone change object. Putting a commercial lot in every subdivision seems to be putting the cart somewhat before the horse. There is always the option to change it later through the zoning procedure.

A vote was taken on the motion. Motion carried 5-3, with Aldermen Poehls, Dart, and Stamper voting nay.

The public hearing of Ordinance No. 005-10 will be on the council agenda on October 4, 2005.

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

Mayor Olson, Alderwoman Johnson, Alderman Fritzler, and Perry Asher attended the BBQ for the City-County Planning Board last week. Mayor Olson encouraged the council members to attend the next time.

The League of Cities and Towns is scheduled for September 27th through 29th. Registrations need to be given to the clerk/treasurer as soon as possible.

The Disabled American Veterans will make a presentation of the history of the American flags on Sunday, September 11th, at 3:00 p.m. at the Laurel Library.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderwoman Stevenson to adjourn the council meeting, seconded by Alderman Poehls. There was no public comment or council discussion. A 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 7:05 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 20th day of September, 2005.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer