

MINUTES OF THE CITY COUNCIL OF LAUREL

January 3, 2006

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 January 3, 2006.

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

COUNCIL MEMBERS ABSENT: Daniel Dart

OTHER STAFF PRESENT: Sam Painter Cal Cumin
 Mary Embleton

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 December 20, 2005, as presented, seconded by Alderwoman Hart. There was no public comment or council discussion. A vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

SWEARING IN OF NEW MAYOR AND COUNCIL MEMBERS:

Judge Larry Herman conducted the swearing in ceremony for the newly-elected mayor and aldermen/women: Ken Olson, Doug Poehls, Chuck Dickerson, Norm Stamper, Jennifer Johnson, and Kate Hart. Alderman Dickerson took his seat on the council.

Mayor Olson expressed appreciation to Judge Herman for performing the swearing in ceremony. Mayor Olson thanked his wife, Peg, for her support as he serves as mayor of the City of Laurel.

Chuck Dickerson thanked his wife, Becky, for her support of his service to the city.

CORRESPONDENCE:

Thank you note from Bill Feller.

Bright n' Beautiful: Letter of December 13, 2005.

Yellowstone Historic Preservation Board: Letter of December 21, 2005 regarding requests for nomination for Eugene T. Carroll Award.

Montana Department of Administration: Letter of December 23, 2005 regarding Local Government Services Bureau Systems Program changes.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims for the month of December 2005 in the amount of \$749,954.40.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 12/18/2005 totaling \$126,926.06.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of December 6, 2005 were presented.

--Council Workshop minutes of December 27, 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:** None.
- **Resolution No. R06-01: A resolution transferring certain insurance funds of the City of Laurel, Montana.**

Motion by Alderman Stamper to approve Resolution No. R06-01, 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.

- **Resolution No. R06-02: A resolution approving the Preliminary Plat, preliminary annexation, and preliminary zoning of Governor's Subdivision, an Addition to the City of Laurel, Montana.**

Motion by Alderman Fritzler to approve Resolution No. R06-02, seconded by Alderwoman Hart. There was no public comment.

Mayor Olson asked Cal Cumin to answer any questions from the council.

Alderman Dickerson asked regarding the size requirements and the number of exterior elevations there will be in Governors Subdivision. In Solid Foundations, he thinks there are five exterior designs but nothing has been indicated for Governors Subdivision. He is concerned about the size of the houses and how many different exteriors there will be in each phase to make it attractive to people.

Cal stated that the subdivision annexation and zoning process are being introduced tonight. Each of those questions governs their respective area. The city does not deal with the types of houses or the size of houses or anything else at this point in time. Those issues are addressed under zoning, and then it is very general. Basically, the free market affects what kinds of houses are built and there is no plan to build a certain number of any particular houses. The Laurel Development Corporation is developing the project, and it is incumbent upon the LDC to make the project as attractive as possible. During the subdivision process, the city does not have the power to say what kind of houses will be built. The city can only regulate the zoning. Cal stated that it would be premature to expect a response from the developer regarding the kind of houses that will be built because that will change throughout the long-term project.

Alderman Dickerson stated that it is a concern in a project of this magnitude as a developer could build many houses from the same design.

Cal agreed that was true, but stated that the city does not have the authority to regulate it. The city can regulate the minimum lot size and the single family requirement through zoning. The city can set height restrictions and setback requirements in the zoning and not allow mobile homes. If the developer can fit the footprint, they can put anything they want in the subdivision. The city cannot regulate it to any further degree.

Alderman Poehls asked regarding proposed changes to the resolution.

Cal explained that item number four previously stated that the park maintenance district must be submitted with the final plat. The creation of a park maintenance district is an application process where the people wishing to create the park maintenance district apply to the city and a process follows. It is not just a matter of giving the papers to the city. The papers have to be signed, notarized, and the park maintenance district must be set up. The clarification is that it is an application and not just a packet of papers.

Cal explained the second change in item number ten, which is strictly a clarification. The Planning Board wants a pedestrian refuge island in the middle of the street at the entrance of US Highway 10. The wording was not very clear, as it could be in the middle of US Highway 10. This wording would clarify the location in the middle of Solid Avenue.

Cal explained the change in item number thirteen. At the workshop last week, Cal mentioned that a recommendation cannot be put into a resolution. He included it in the draft at that time so the council would be aware of the process. At the end of the third phase, the city will probably move forward with the annexation. At that time, they will have waivers of protest against the improvements that are planned for Fourth Street and residents in Governors Subdivision will not be able to protest any SID by the city for specific improvements for sidewalk, curb, gutter, paving in Fourth Street.

Alderman Poehls asked if this would give the council the latitude to decide when to do the Fourth Street annexation and SID issue.

Cal asked Rocky Smith, the Executive Director of the Laurel Development Corporation, to explain the types of housing.

Rocky stated that three house plans have been used this year in Solid Foundations Subdivision. The interior of one house plan was altered for a large family that needed a five-bedroom home. Within the Rural Development network of the Self-Help Housing Programs in the State of Montana, approximately forty-three different plans are available. The same plans will not be used in two successive years, but some of the same houses are built in the same year. That gives the ability to build them quicker because people are more knowledgeable about how to build those houses. Next year, they will be building a house designed specifically for one homeowner who is in a wheelchair and needs a smaller house with a larger garage and handicap accessibility. There will be a diversity of houses because people have the fear that this type of program will produce a bunch of cracker boxes right in a row that are all the same. They overcompensate for that fact and build different homes. The plans for the five homes built in the subdivision this year will not be offered next year.

Alderman Dickerson asked if the program dictates which house will be built on specific lots.

Rocky explained that the families have to meet certain qualifications and then are able to choose the home they want. Members of the building group choose their own home. In Governors Subdivision, there will be sixty lots available in the first phase. The developer takes the chosen homes and decides on the lot location for each home. Everybody that selected a certain house plan will draw from a hat for those lots. In this way, they decide which houses are going to be built and how they lay out on the sixty lots. They have a great deal of latitude in choosing which homes go on which lots. Self-help neighborhoods are not like Habitat neighborhoods.

Mayor Olson mentioned the 1,008 square foot houses that were built in the subdivision on 8th Avenue. He stated that a certain amount of aesthetics are lacking when many similar houses are built by the same builder and that diversity is a good idea.

Cal cautioned that the city's control includes zoning plat approval, and nothing prevents it from being changed once it is platted because it is a subdivision. This resolution would approve the preliminary plat, preliminary annexation, and preliminary zoning. The conditions set forth in the resolution are the conditions the developer will have to meet and nothing happens until they comply with all those requirements. When the conditions have been met, the final plat will be presented with a resolution approving annexation of the subdivision and an ordinance approving the zoning.

Alderman Poehls asked regarding the issue of getting children to West School, which was discussed at the council workshop.

Item number 14 states that “construction of a temporary pedestrian trail near the proposed West 4th Street extension designed primarily for children to use who walk to and from school in the area.”

Motion by Alderman Mace to amend Resolution No. R06-02 with the following changes: Condition number 4: Change from “Park maintenance district creation forms are needed with the final plat submittal” to “Application for the creation of a park maintenance district must be submitted with the final plat.”; Condition number 10: Change from “Require a pedestrian refuge island (in the middle of the street) at the entrance off US Highway 10 for the sidewalk crosswalk” to “Require a pedestrian refuge island (in the middle of Solid Avenue) at the entrance off US Highway 10 for the sidewalk crosswalk; Condition number 13: Delete “Recommend that 4th Street West be annexed into the City of Laurel at the end of the Phase 3 of Governors Subdivision.” Number 13 will read as follows: “A Waiver of Protest is included in the Subdivision Improvements Agreement for any special improvement districts proposed by the City of Laurel to specifically include paving, curb, gutter, and boulevard sidewalk in West 4th Street”, seconded by Alderman Poehls. A vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

A vote was taken on the motion to approve Resolution No. R06-02, as amended. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R06-03: A resolution approving the Final Plat and Annexation of Elena Subdivision, Second Filing, an Addition to the City of Laurel, Montana.**

Motion by Alderman Poehls to approve Resolution No. R06-03, seconded by Alderman Mace. There was no public comment.

Cal Cumin explained that the council approved the preliminary plat for Elena Subdivision, subject to conditions, about a year ago. The conditions listed in the resolution are the conditions which the final plat has either incorporated or will incorporate as it develops. The resolution only deals with the annexation and with the plat approval. At the council workshop, it was brought up that at the time the preliminary plat was approved, the city required that a commercial lot be included in the middle of the subdivision. Since the council turned down the proposal to include commercial lots in residential neighborhoods, it was suggested that this should be changed. Cal received a letter from the landowner which requested that the commercial lot revert back to residential. That would be in line with the adopted city policy of not allowing commercial lots in a neighborhood. One big item was the extension of water and sewer out to the site, and the council already acted on that by extending Maryland Lane westward. The second big item is the bridge, which has to be addressed. The developers are addressing it the same way that the improvements to Fourth Street West are being planned in Governors Subdivision, which is via signed waivers of protest. As Mr. Neumann develops Cherry Hills and continues to move westward, the city can decide when to create a SID and build the bridge. In the meantime, they would install the water and sewer lines out there at their own expense.

The only needed change in Resolution No. R06-03 is in condition number eight.

Motion by Alderman Mace to amend condition number 8 to read: “The requested zoning is: R-7500 for Lot 5, Block 1, Lots 1-3 & 7-16, Block 2, Lots 1-12, Block 3, Lots 1-11, Block 4, and Lots 1-8, Block 6; R-6000 for Lots 4-6, Block 2, and Lot 1, Block 5”, seconded by Alderman Poehls. A vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

A vote was taken on the motion to approve Resolution No. R06-03, as amended. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R06-04: A resolution declaring it to be the intention of the City Council of the City of Laurel, Montana, to create Park Maintenance District Number 1 in the City of Laurel, Montana, for the purpose of maintaining the park areas dedicated in the city limits of the City of Laurel.**

Motion by Alderman Easton to table Resolution No. R06-04 for further consideration, seconded by Alderman Poehls. There was no public comment.

Alderwoman Johnson asked Alderman Easton to explain why the resolution should be tabled.

Alderman Easton stated that a time schedule would allow the opportunity to make this friendlier for the taxpayer and provide more information and awareness to the general public. It was previously thought that there was an urgent time schedule due to the next election.

Mayor Olson stated that this would allow the staff a more ample opportunity to clarify the park maintenance district to the public. There is adequate time to allow giving it the proper recognition, and he fully supports the suggestion to table the issue.

A vote was taken on the motion to table Resolution No. R06-04. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Resolution No. R06-05: A resolution of the Laurel City Council to submit to the electorate the question of a bond issue to include an increase in property taxes of approximately __ mills for no more than 20 years to generate __ million dollars to be used for the construction of an aquatic facility to include an outdoor pool and family multi-use spray deck facility at Thomson Park.**

Motion by Alderwoman Hart to table Resolution No. R06-05, seconded by Alderman Fritzler. There was no public comment.

Mayor Olson mentioned that staff needs time to prepare accurate figures for what will be proposed. He stated the council shares the idea of the equal importance of these two issues, and he would like to see the two issues come forward at the same time.

Alderwoman Hart stated that these two issues need the best opportunity possible for approval the first time they are presented to the public. She stated that there was a little bit of confusion regarding how they tied together and how to present them to the public. The proposal to table the items will allow for additional preparation time.

A vote was taken on the motion to table Resolution No. R06-05. All eight aldermen/women present voted aye. Motion carried 8-0.

- **Ordinance No. O06-01: Ordinance amending the zoning map of the City of Laurel, Montana, relating to Elena Subdivision, Second Filing, an Addition to the City of Laurel.** First reading.

Cal stated that this is the ordinance that affects the zoning on the Elena Subdivision plat that the council just considered. Because the zoning involves an ordinance, it has been prepared in ordinance format and will go to public hearing.

Cal Cumin explained that the ordinance needs to be amended to remove the inclusion of the Neighborhood Commercial zoning for Lot 1, Block 3 and change it to residential zoning.

Motion by Alderman Dickerson to adopt Ordinance No. O06-01, seconded by Alderman Stamper. There was no public comment.

Motion by Alderman Poehls to amend Ordinance No. O06-01 as follows: “The requested zoning is: R-7500 for Lot 5, Block 1, Lots 1-3 & 7-16, Block 2, Lots 1-12, Block 3, Lots 1-11, block 4, and Lots 1-8, Block 6; R-6000 for Lots 4-6, Block 2, and Lot 1, Block 5”, seconded by Alderman Dickerson. A vote was taken on the motion. All eight aldermen/women present voted aye. Motion carried 8-0.

A vote was taken on the motion to adopt Ordinance No. O06-01, as amended. All eight aldermen/women present voted aye. Motion carried 8-0.

The public hearing of Ordinance No. O06-01 will be on the council agenda on February 7, 2006.

- **Elect Council President and Vice-President**

Motion by Alderwoman Hart to nominate Gay Easton as the council president, seconded by Alderman Fritzler.

There were no further nominations.

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

Alderman Easton will serve as the council president.

Motion by Alderman Fritzler to nominate Doug Poehls as the council vice-president, seconded by Alderwoman Hart.

Motion by Alderwoman Johnson to nominate Kate Hart as the council vice-president, seconded by Alderman Easton.

A vote was taken on the motion to elect Doug Poehls as the council vice-president. Aldermen Fritzler, Mace, Dickerson, Stamper, and Alderwoman Hart voted aye.

A vote was taken on the motion to elect Kate Hart as the council vice-president. Aldermen Poehls and Easton and Alderwoman Johnson voted aye.

Alderman Poehls will serve as the council vice-president.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Aldermen Poehls and Dickerson wished everyone a Happy New Year.

Alderwoman Johnson will attend the Montana Mosquito and Infectious Control Association's annual meeting in Great Falls next week.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderman Stamper to adjourn the council meeting, 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.

There being no further business to come before the council at this time, the meeting was adjourned at 7:29 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 17th day of January, 2006.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer