

MINUTES OF THE CITY COUNCIL OF LAUREL

February 7, 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 February 7, 2006.

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

COUNCIL MEMBERS ABSENT: Jennifer Johnson

OTHER STAFF PRESENT: Sam Painter Mary Embleton
 Rick Musson Cal Cumin

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 January 17, 2006, as presented, seconded by Alderman Mace. 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.

CORRESPONDENCE:

Cable Montana: Service Reports for November 2005

West City Ditch Company, Inc.: Letter of January 9, 2006

Charles and Darlene Fischer: Letter of January 17, 2006 regarding Wal-Mart.

Montana Department of Commerce: Letter of January 18, 2006 regarding Nominations Requested for Montana's Tourism Awards.

Montana Department of Environmental Quality: Letter of January 20, 2006 regarding a draft Environmental Assessment.

Cable Montana: Service Reports for December 2005.

Department of Natural Resources and Conservation: Letter of January 31, 2006 regarding public meeting on February 15, 2006.

PUBLIC HEARING: 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.

Mayor Olson opened the public hearing.

Mayor Olson asked Cal Cumin to present the introduction of the matter to the council.

Cal Cumin stated that this should be the last public hearing in a long series of public hearings on this project and should complete the zoning request for the site. The requested zoning is: R-7500 for Lot 5, Block 1; Lots 1-3 and 7-16, Block 2; Lots 1-12, Block 3; Lots 1-11, Block 4; and Lots 1-8, Block 6. R-6000 zoning was requested for Lots 4-6, Block 2, and Lot 1, Block 5, which is the condominium area. The only change made through the discussion process was to remove the commercial lot and replace it with an R-7500 lot.

Mayor Olson asked David Bequette, the applicant, to approach the podium for any council questions. There were no questions.

Mayor Olson read the public hearing procedure.

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

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

Ordinance No. 006-01 will be on the council agenda on February 21, 2006.

Mayor Olson closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of January 2006 in the amount of \$145,486.67.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 01/15/2006 totaling \$126,070.51.**
- **Approval of Payroll Register for PPE 01/29/2006 totaling \$134,204.97.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of January 3, 2006 were presented.
 - Council Workshop minutes of January 24, 2006 were presented.
 - Council Workshop minutes of January 31, 2006 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 seven aldermen/women present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR:

At this time, Mayor Olson welcomed Tyler Sherley to the council meeting. Tyler is a boy scout in Troop 414.

- Swearing-in Ceremony – David Firebaugh, Police Officer for the City of Laurel

Chief Musson explained that this formal swearing-in ceremony by the mayor is a change to the past procedure for new police officers.

Chief Musson and Officer Firebaugh read the Criminal Justice Code of Ethics together.

Mayor Olson administered the Oath of Office for David Firebaugh.

Mayor Olson congratulated Officer Firebaugh and mentioned that he received an award from the Montana Highway Patrol yesterday for performing CPR on an accident victim in September 2005.

The Oath of Office was signed at this time.

REPORTS OF BOARDS AND COMMISSIONS:

- Montana Department of Transportation: Bruce Barrett

Bruce Barrett, the Billings District Administrator for the Montana Department of Transportation, presented a status report on the following projects: the Eighth Avenue project from Main to Ninth Street; the signal at Fourth Street South; a turn lane at Yard Office Road; the West Laurel interchange; and the maintenance project on the old highway west of Laurel that is being done cooperatively with the City of Laurel.

The hydraulics issues of the Eighth Avenue, Main to Ninth Street project have been addressed. The department is designing retention ponds and will be able to downsize some of the drainage system under the road, which should reduce some of the cost and also eliminate the problem with sending too much water into the ditch system. The MDOT is working on a city agreement that will be presented to the City of Laurel to deal with the infrastructure that will be constructed and the responsibilities thereof after it is done. This project is presently scheduled for February 2009, when the state, federal, and urban funding will be available.

Regarding the signal at Fourth Street South, the analysis completed determined that the intersection does not meet the warrants for a signal at this time. However, the department will make recommendations for an exclusive right turn lane and a shared through and left turn lane for the east leg of South Fourth Street. A state statute requires the MDOT to be in reasonable conformance to the Federal Manual on Uniform Traffic Control Devices, which is the national standard used by all states, cities, forest services, parks services, and any department that deals with traffic control issues. There are warrants spelled out in that manual that must be met for traffic signal installation. If it does not meet the warrants spelled out in the manual, the department does not recommend a signal. There may be liability issues if a traffic signal were installed without meeting the proper warrants. It is possible that the intersection might meet the warrants in the future. The department will proceed with some other ideas on how to resolve the traffic issues at that intersection.

The left turn lane at Yard Office Road is actually included in what the MDOT calls the Laurel Northeast Project. Bruce stated that further discussion is needed regarding this project. At the city's request, the department is trying to do something with the Old Highway going east out of town. There is quite a difference in elevation between the old highway and the city streets on the side and people drag bumpers and things trying to get up on it. There is a fairly serious flooding issue at different locations in this area. As the department reviewed the impacts to the hydraulics and runoff of the area, they are trying not to exacerbate the existing water conditions by completing a design that satisfies the road being too high in relation to the city streets and so the after situation would be the same as it was before. Bruce stated that there is neither the time nor the resources to go in and solve this problem. It has to be done community wide and cannot be done as one project. Over the long term as city, county, and state projects and development are done, all entities need to work toward a common plan. That does not exist today, so their efforts will be to try to design this road so it has no detrimental effect and the after situation will be identical to what it is today. The Yard Office turn lane is tied in with that project and will be done as one project. It is presently scheduled in the MDOT financial plan for January of 2009.

The West Laurel interchange is still conceptual in nature. Last year at the city council's request, Bruce presented a conceptual design realigning I-90 to get rid of the sharp curve. By doing that, there would be enough distance from the railroad to go from half an interchange to a full interchange. The council endorsed the idea and asked the MDOT to continue. The project was approved as a future project by the Transportation Commission last December. The department is currently in the process of developing a Preliminary Field Review to determine what they are trying to accomplish. When they hire a consultant, they know what needs to be done in general terms in developing a project, and they have something to use to give a proposal to develop the project. The Preliminary Field Review should be done in late April. After that, a consultant will be retained, and it will take probably the balance of the year to negotiate with that consultant and give them time to develop a schedule to sign a contract and proceed with design for the project. Bruce expects that development work would start on that project around the first of next year. Public information meetings will be scheduled during the regular process, and Bruce would address the city council if there are issues that the public information meeting does not resolve. In general, the department wants to move the interstate slightly to the north in order to reduce the sharpness of the curve there. By doing so, they will move the interstate far enough from the railroad so that a full interchange is possible. The intent is to put in a crossroad, the connecting road that runs 90 degrees to the interstate. This would be the road that goes north and ties into the old highway about where Golf Course Road is located. The intent is to build a structure over the interstate that aligns with that road, and the ramps would go up to that structure. Bruce explained the reason for taking the crossroad over the interstate. In the future, if someone wanted to take the crossroad and move it south over the railroad, the road would already be elevated so it would take a structure over the railroad and the road could be tied into it and go over the railroad and continue on to the south. If they put the interstate over the crossroad, there is such a difference in grade between the interstate and the railroad that we would probably never get the road up quick enough to go over the railroad. So the reason for putting the crossroad or the connecting road over the top of the interstate is so it is already elevated and could continue on to the south with a bridge over the railroad if there was ever a necessity to do that.

The other project is the work on the old highway going west of town, which is a cooperative project between the City of Laurel and the MDOT. The department agreed to install new curb and gutter and to repave the roadway. The city will install new sidewalk and ADA accessibility at the intersections. The reason for the joint venture is that the work on the old highway is a maintenance function, not a new construction project. If it were new construction, the department would include all the sidewalks, curbs and gutters. Funding would not be available until 2012 to 2015, but the City of Laurel was anxious to do the project sooner than that. By joint venturing the project, the department committed Billings' maintenance funds to do the curb, gutter and paving. Because the efforts are for preservation and not reconstruction, the Billings' maintenance budget is very limited for this type of work. In fact, putting in curb and gutter is beyond what they generally do on these types of projects. Usually the project is strictly for preserving the pavement. On most projects where they build new sidewalk as new construction projects, they actually have formal agreements with the city so the city takes responsibility for the sidewalk after the project is complete because MDOT has no way to maintain sidewalks. They are presently designing this project at no cost to the city, and the design should be completed within the next three to four weeks. At that point, cost estimates will be presented to the city staff, which will bring the information forward to the council. MDOT's portion of the project should go to contract in mid-March to mid-April, depending on the design completion and costs.

There was discussion regarding doing another traffic study at South Fourth Street and First Avenue after Wal-Mart comes to Laurel. Bruce stated that the warrant study should be started over again because the study looks at traffic volumes and traffic patterns. If there is a considerable change as a result of the Wal-Mart complex, the traffic study should be redone because that is the basis for the warrants. If there are significant increases in traffic volumes and turning movements, those issues work toward justifying a signal. Another traffic study could be done fairly expeditiously, but Bruce's concern is finding money to build a traffic signal if it were warranted. Bruce explained how the safety management department evaluates locations throughout the State to determine if anything can be done to eliminate, reduce, or minimize accidents and concerns. Traffic signals currently cost between \$200,000 and \$250,000, depending on location. Without an actual project approved and budgeted in the program, it is difficult to find money for a signal.

Alderman Mace asked if a traffic signal could be installed in a reasonable amount of time if there were a cost share agreement and/or funding was available. Bruce agreed that would be possible, but the department would not want to install the signal until it met warrants.

Alderman Poehls thanked Mr. Barrett for the redesign of Eighth Avenue. The Main Street project is from the underpass to Eighth Avenue.

Alderman Mace spoke regarding the Eighth Avenue to Main Street project being scheduled in 2009 or 2010. Originally, the project was scheduled for 2001 and has been delayed year by year. He is concerned about the condition of the street and asked what kind of funding is available to do something with the street to put off the project for so long.

Bruce does not know of any State funds available for maintenance activities on that road at this time. Federal aid highway funds are for new construction, not for maintenance, so it would probably fall to the city. There has been a thirty percent increase in the new highway bill, but the prices of oil, concrete, and steel have made it necessary to move projects out that had been planned all over the state because there are insufficient funds to build them. If the project is completed in its development, which is targeted for October 2007, the department will acquire right of way or construction permits and then wait for money. If there is a change in the economy and if additional funding is available, there might be some opportunities for funding along the way. Once the project is designed, the right of way is acquired, and it is ready to go to contract, sometimes other planned projects fall out and they are looking for projects to let to spend the money so the funds do not lapse. He cannot say unequivocally that there will be some way to do this project sooner, but there are opportunities to try to do some things and they will exercise those as the time comes. As far as assisting with the present condition of the street, unless they have millings off a project or something that the city would be able to employ to try to improve the road, he could not think of any suggestions.

Bruce spoke regarding the bridge decks on the interchange. MDOT was going to overlay the bridge decks just west of Laurel and put in a sprinkler system for chemical deicer to improve safety. That project was opened in the last letting and the bids were \$1 million over engineers' estimates. The Commission recently elected not to award that project. The project will be re-advertised in May.

Alderman Easton asked regarding the Fifth Avenue and Railroad Street crossing. Bruce will check on it.

Mayor Olson commented regarding the Eighth Avenue project. The city has been budgeting in the five-year projection for the project to be done in 2001. Looking at what the city budgeted in 2001, as compared to if the project is let in 2009, there is a huge impact, not only on the MDOT federal funding, but on the city's funding as well. Mayor Olson encouraged Mr. Barrett to find any other way to bring that to fruition sooner. He appreciates the fact the \$200,000 for urban funding has been increased, but the project has been scheduled for the next two years for quite some time. Laurel was anticipating 2007 and had scheduled funding for the sewer and water portion of that out of reserves for 2007. If it is delayed until 2009, the city will have to generate extra revenue for participation in the project. Mayor Olson stated the MDOT must understand the City of Laurel's position that it would like to see an opportunity to fund the project earlier before it is bid out of the opportunity to support the project.

Mayor Olson thanked Bruce for his presentation.

- Yellowstone Historic Preservation Board: Brenda Beckett, Kevin Kooistra-Manning

Mayor Olson introduced Brenda Beckett and Kevin Kooistra-Manning from the Yellowstone Historic Preservation Board, and Lora Mattox from the Yellowstone City-County Planning Department.

Brenda Beckett is the Historic Preservation Officer for the Yellowstone Historic Preservation Board, which is managed through the Planning and Community Services Division of the City of Billings. The interlocal agreement represents the City of Laurel, the City of Billings, Yellowstone County and the Crow Tribe. The four cooperative groups request funds through the State Certified Local Government Program for historic preservation activities. The Board applies for \$5,500 every year for the Certified Local Government through the City of Billings Community Development Division and for \$6,500 of Community Development Block Grant funding. Ann Kooistra-Manning is a consultant that has assisted in many projects. The most newsworthy project is that Ann and other board members recently submitted an application for the 2600 block of Montana Avenue to be listed in the National Register. It was approved at the state level with changes on to the national level. This has not happened since 1978 in the Billings area.

Copies of the Yellowstone Historic Preservation Board's Fiscal Year 2006-2007 Work Plan were distributed to the council. The existing projects include: Complete National Register designation of 2600 block of Montana Avenue; Complete consideration on the expansion of the historic district to include additional properties on Montana and Minnesota Avenue; Adopt standards for new construction in historic district; Complete PowerPoint/web site presentation on historic properties in rural Yellowstone County; Update Walking Tour booklet to include adding eight additional historic properties in the Montana Avenue corridor. The new projects include: Establish new award for work to reserve historic sites or buildings to compliment existing award for historic preservation work by an individual (Eugene Carroll Award); Host Historic Preservation Roundtable on Tuesday, March 21st at the Masonic Temple and present historic preservation awards; Complete PowerPoint presentations before Laurel City Council, Billings City Council and Yellowstone County Commissioners; Celebrate National Historic Preservation Month in May 2006; Review nomination of Swords Park to the National Register of Historic Places; Explore partnership with MSU-Bozeman Architecture Program to research and identify historic sites and buildings in rural Yellowstone County; Coordinate with the local school districts to promote increased awareness of local historic preservation work. Ongoing projects include: Review building permits as needed; Assure existing YHPB products are disseminated in communities; Complete monthly web site updates on activities and programs; Continue to improve local library and electronic database on historic properties; Promote additional nominations to the National Register.

Kevin Kooistra-Manning gave a PowerPoint presentation. The website for the Yellowstone Historic Preservation Board is www.billings.com. The Board has done a county-wide photographic survey of historic properties in Laurel, Billings, and Yellowstone County. They participated in a local celebration at McKinley School in Billings on its 100th anniversary. The Board is interested in participating in celebrations of an anniversary of schools or businesses in the community related to historic preservation. The Western Heritage Center has included an architectural survey scavenger hunt as part of its regular programming for school children. A PowerPoint presentation regarding the architectural styles of homes in areas that are not usually focused on, such as the south side of

Billings, has been developed and shown to various organizations and work is being done on a PowerPoint of historic architectural styles seen in rural Yellowstone County. The Board is willing to assist with consulting for historic properties being considered for the National Register.

Mayor Olson mentioned a house located on Fourth Avenue that has been placed on the National Register. The National Register is a registry of historic properties and is overseen by the National Park Service.

Mayor Olson thanked the participants for the presentation.

Mayor Olson mentioned that Dick Hatfield, the City of Laurel's representative to the Yellowstone Historic Preservation Board, recently resigned and another representative needs to be appointed.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Chief Rick Musson asked the council to review the information distributed regarding the E-911 equipment. A presentation will be made at the council workshop on February 14th.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Police Reserves:

Mayor Olson appointed William Brew III, Antone Kostelecky, Sarah Thomas, Bonita Leady, James Huertas, Brit Robertson, and Jeremy Waldo to the Laurel Police Reserves.

Motion by Alderman Dickerson to approve the appointments of William Brew III, Antone Kostelecky, Sarah Thomas, Bonita Leady, James Huertas, Brit Robertson, and Jeremy Waldo to the Laurel Police Reserves, seconded by Alderman Stamper. 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.

Police Commission:

Mayor Olson reappointed Wallace Hall to a three-year term ending December 31, 2008 on the Police Commission.

Motion by Alderman Stamper to approve the reappointment of Wallace Hall to the Police Commission for a three-year term ending December 31, 2008, seconded by Alderman Poehls. 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.

- **Resolution No. R06-09: Resolution to annex wholly surrounded properties described as Lots 1 and 2 of Block 04A of Laurmac Amended Subdivision, Yellowstone County, Montana.**

Motion by Alderman Poehls to approve Resolution No. R06-09, 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.

- **Resolution No. R06-10: Resolution authorizing the Mayor to request proposals from qualified performance contractors to implement a performance contracting project for the installation of water meters and an automated meter reading system.**

Motion by Alderman Easton to approve Resolution No. R06-10, 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.

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.

Council members will receive invitations to the “Meet and Greet” for the new CEO of the Billings’ YMCA, which is scheduled for February 20th at DJ’s Restaurant from 4:30 to 6:30 p.m. This is a kickoff for some fundraising for the Laurel YMCA.

Alderman Mace has a pamphlet from the “Clark on the Yellowstone” activities planned at Pompey’s Pillar on July 22nd through 25th. He asked regarding a Lewis and Clark celebration that was suggested for Laurel.

Mayor Olson explained that the person who suggested the celebration was looking for some financial aid, but no one was able to sponsor the event. The request has been withdrawn and no events are scheduled for Laurel. Mayor Olson encouraged people to participate in every available opportunity for the Lewis and Clark celebration.

Yellowstone County has scheduled a meeting for Thursday, February 9th, at 5:30 p.m. in the council chambers to discuss the proposed street name change for the current residents along West Maryland Lane.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderwoman Hart to adjourn the council meeting, seconded by Alderman Fritzler. 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.

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 21st day of February, 2006.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer