

# MINUTES OF THE CITY COUNCIL OF LAUREL

July 5, 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 July 5, 2006.

COUNCIL MEMBERS PRESENT:	Dick Fritzler Kate Hart Gay Easton Jennifer Johnson	Doug Poehls Mark Mace
COUNCIL MEMBERS ABSENT:	Norm Stamper	Chuck Dickerson
OTHER STAFF PRESENT:	Perry Asher	Sam Painter

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 Easton to approve the minutes of the regular meeting of June 20, 2006, as presented, seconded by Alderwoman Hart. There was no public comment or council discussion. A vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

## CORRESPONDENCE.

### PUBLIC HEARINGS:

- **Schedule of Fees and Charges.**

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.

- **Conditional use application to allow advertising for future and present land uses on the out parcels and the Wal-Mart parcel on a single pylon billboard for the Wal-Mart development.**

Mayor Olson opened the public hearing.

Mayor Olson asked if there were any proponents.

Blair Warehime, 5350 DDC Parkway, Greenwood Village, Colorado, is the civil consultant for the Wal-Mart stores. He spoke in support of the pylons for this project, as requested in the conditional use permit. He stated that the conditional use permit is a process that would help the area so every one of the lots would not have pylon signage. Wal-Mart has been trying to catch the vision that the City of Laurel has for this area and is willing to restrict the use of the lots having pylons for a common shared pylon next to Interstate 90 and a single pylon at the corner of Bernhardt and East Railroad. He asked the council to approve the conditional use permit because they believe it is in support of the council's zoning in this area and it would look a lot better.

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

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

Mayor Olson asked if the council had any questions for Mr. Warehime. There were none.

Mayor Olson closed the public hearing.

**CONSENT ITEMS:**

- **Claims for the month of June 2006 in the amount of \$911,503.49.**  
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 06/18/2006 totaling \$135,313.10.**
- **Receiving the Committee Reports into the Record.**
  - Budget/Finance Committee minutes of June 6, 2006 were presented.
  - Tree Board minutes of June 20, 2006 were presented.
  - Council Workshop minutes of June 27, 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 six aldermen/women present voted aye. Motion carried 6-0.

**CEREMONIAL CALENDAR:** None.

**REPORTS OF BOARDS AND COMMISSIONS:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

Randy Pfeifle, 9533 Laurel Airport Road, is an excavating contractor. While doing some work in Laurel, city employees told him he could not dump gravel on the street. He was not causing any traffic problems because they were past the last house on a dead end street. Randy stated that the city employees said they could not dump the gravel on the street and put it in the bottom of the foundation because they were creating an obstruction. The city also made the dumpster get moved off the side of the street. The same day Randy drove by Graff School and saw a City of Laurel dumpster on the side of the street. Randy does a lot of sewer and water repairs in yards that cannot be done without using the street. As long as they clean up the mess when they are done and are not doing any damage to the asphalt, he does not really understand the problem. It is common practice, and he has done it in several cities, including Billings. As far as traffic, when on the side of the road, they usually put up traffic cones and caution tape around the area. He requested some kind of action saying what the city's stand is on this issue. Randy stated that they drove by Thomae Lumber the same day, and the whole street was shut down, not just a parking spot.

Mayor Olson stated that the city would look into this, forward Randy's comments to the staff, and report back to him via a letter or a phone call with the city's accepted standards for this issue.

Randy asked if it would be the same for everybody. Mayor Olson agreed that it would.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments:** None.
- **Resolution No. R06-67: A resolution authorizing the Mayor to execute a revised contract for the Administrative Assistant to the Mayor position between the City of Laurel and Perry Asher.** (Postponed at council meeting on June 20, 2006)

Mayor Olson stated that the resolution was brought to the floor on June 20, 2006 by Alderwoman Hart and seconded by Alderman Fritzler. It was postponed by Alderman Poehls for discussion at the June 27<sup>th</sup> council workshop, and it on the agenda for the council's consideration tonight.

Mayor Olson asked if there was any public comment. There was none.

After the article was in the newspaper, Alderwoman Johnson received a call from a constituent who lives in Perry's neighborhood. The neighbor was quite upset because the city truck is sitting in front of Perry's house when he goes to work in the morning and is already there when he comes home from work. The constituent feels like it is a blatant misuse of public taxpayer dollars to see the truck parked there when he has to drive over pot holes to get to First Avenue. He questioned why the city does not use the money to fix the pot holes on his street instead of giving a car to an employee. Alderwoman Johnson listened to the constituent, took notes, and assured him that she would pass on the complaint. Alderwoman Johnson stated that it is not just a surplus vehicle, it is not just Perry, but it is a policy that is being set forever for that position. For the record, Alderwoman Johnson stated that she does not agree with the policy. A constituent has made a complaint, and she justified how she would vote.

Alderman Poehls understands a constituent being upset. The problem is that many constituents work very regular hours and some people do not work regular hours. The truck may be there at certain times when someone may normally think a person would be not there. Alderman Poehls stated that the council should approve this specific resolution and then review the policy. Perhaps the policy should state that city vehicles are not allowed outside the city unless the employee is on call. The maintenance superintendent and the public works director could be allowed to take a city vehicle home only when they are on call. That way, most of the city vehicles would be here. Regarding the issue with the administrative assistant, Alderman Poehls suggested allowing a stipend for mileage. He thinks the council needs to review the whole policy issue of city vehicles, who drives them, where they go, and whether or not they should be going.

A vote was taken on the motion to approve Resolution No. R06-67. Aldermen Fritzler, Easton, Poehls, Mace, and Alderwoman Hart voted aye. Alderwoman Johnson voted nay. Motion carried 5-1.

- **Resolution No. R06-72: A resolution approving an agreement between the City of Laurel and Vision Net, Inc., for the installation and service of a "T-1 Line" at City Hall.**

Motion by Alderman Poehls to approve Resolution No. R06-72, seconded by Alderman Mace. There was no public comment or council discussion. A vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

- **Resolution No. R06-73: A resolution authorizing the Mayor to execute a two-year contract for city attorney legal services between the City of Laurel and Elk River Law Office, P.L.L.P.**

Motion by Alderman Mace to approve Resolution No. R06-73, seconded by Alderwoman Hart. There was no public comment or council discussion. A vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

**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.

Alderman Poehls stated that it was a wonderful 4<sup>th</sup> of July and the fireworks display was great.

Alderman Easton commented regarding the shooting of fireworks and the lack of enforcement of the fireworks ordinance. Many phone calls were received in the city offices this morning regarding incidents during the night and the way the police department handled some of the calls in different areas of town. Alderman Easton stated that the council should revisit the fireworks ordinance. One issue this year was the amount of fireworks displayed during the day near Kiwanis Park where children were playing. The fireworks were set off in the middle of the street, almost adjacent to the park. The park was full, and Alderman Easton was amazed that no one was hurt. At one point, a police officer was on one side of the park with the lights flashing while talking to a couple of young kids out in the street. Across the street, about twenty-five people were gathered in one yard and were setting off fireworks in the middle of the street. Since the police made a U-turn and never went

on that side of the street, Alderman Easton wondered whether they were hesitant to stop or received another call. He was amazed that the police were not called to his neighborhood more often, because the fireworks continued for about twelve hours and lasted until 1:30 a.m. If Laurel is going to have an ordinance, everyone should be treated the same. Alderman Easton stated that he was sorry that the chief was on vacation and was not available then.

Mayor Olson mentioned that the Emergency Services Committee reviewed the issue four years ago and again two years ago. He suggested that the issue should be visited more often, and he recognizes that the intensity of private displays continues to increase. The fireworks issue will be placed on the July 11<sup>th</sup> council workshop agenda for further discussion.

Alderman Mace suggested contacting MMIA regarding the city's liability if the fire department was unable to cover both grass fires and structure fires caused by fireworks. The problem is getting more prevalent, and it is just a matter of time before something happens. Alderman Mace picked up several pieces of debris that could have started a structure or grass fire. He again questioned the city's liability if the fire department could not respond to grass or structure fires caused by fireworks.

Mayor Olson mentioned that the City of Billings closes down the Rims during the 4<sup>th</sup> of July. He would like to become educated on any options for this issue.

Alderwoman Hart stated that Chief Musson should attend the council workshop. The council can approve whatever it wants to approve, but enforcement is an integral part of it. Alderwoman Hart stated that the county sells the fireworks and the city absorbs the cost of the problem, and she questioned the city's recourse with the county.

Mayor Olson stated that it has always been an issue with him that the county makes the revenue and the city has the expenses and receives no reimbursement from the county. In some locations where a county sells the fireworks, the county also provides a space for people to set off the fireworks. There are options, and the relationship between the city and the county should be discussed.

Alderman Fritzler asked if fireworks were being set off in Kiwanis Park or across the street. Alderman Easton stated that the fireworks were set off across the street. Alderman Fritzler mentioned that the issues of park closing times and enforcement are also in the discussion process.

Mayor Olson reported on the meeting of the Montana Department of Transportation in Red Lodge last week. At the meeting, he referred to the fact that Laurel has had a commitment of funds to support the project on Eighth Avenue and the inability of enough funding to do the necessary work on time. As a result of that discussion, an opportunity has been provided through the MDT to propose a bonding mechanism where the city could actually provide bonding for two additional years. MaeNan Ellingson, bond counsel for the State of Montana, is currently reviewing this issue and further information will be presented to the council. Bruce Barrett, MDT Director, previously indicated that the Eighth Avenue project would be scheduled in 2009, 2010, or 2011. Mayor Olson is hopeful that the funding mechanism would allow the project to be scheduled sooner.

Alderwoman Hart asked if the Highway 212 project was discussed.

Mayor Olson stated that many people spoke during the meeting. A Carbon County commissioner asked the commissioners regarding the project on Highway 212. The consultant for the project has not come forward with the information that has been gathered to make a presentation. This project was a hot issue about three years ago and three distinct possibilities were presented then, but it has seemingly disappeared. There was a lot of comment on the Shiloh Corridor at the meeting. Commissioner Reno would like to see it expedited and Joe McClure, the Executive Director for BSEDA, stated that there is a holdup on potential development in this area because the corridor is not being completed.

#### **UNSCHEDULED MATTERS:**

A special council meeting will be held on Tuesday, July 11<sup>th</sup>, at 6:30 p.m. for the council's consideration of the resolution approving the schedule of fees and charges. The special meeting is needed to be under the umbrella of the emergency ordinance passed. The regular council workshop will follow the special council meeting.

#### **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 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 7:02 p.m.

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Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 18<sup>th</sup> day of July, 2006.

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Kenneth E. Olson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer