

# MINUTES OF THE CITY COUNCIL OF LAUREL

September 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 September 5, 2006.

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

COUNCIL MEMBERS ABSENT:            None

OTHER STAFF PRESENT:                Mary Embleton            Cal Cumin  
   Nancy Rohde              Mark Richards  
   Perry Asher

Mayor Olson asked Austin Payne, a member of Boy Scout Troop 400, to lead the Pledge of Allegiance to the American flag.

Mayor Olson asked the council to observe a moment of silence.

## **MINUTES:**

Motion by Alderwoman Hart to approve the minutes of the regular meeting of August 15, 2006, as presented, seconded by Alderman Fritzler. 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:**

Morrison-Maierle, Inc.: Letter of August 14, 2006 from Scott Murphy to Montana Department of Commerce regarding Laurel Wastewater Facility TSEP Application – Engineering Review Comments.

Jodi Hoppel: Letter of August 14, 2006 regarding the Laurel Oktoberfest.

Montana Municipal Insurance Authority: Letter of August 21, 2006 regarding addition of pollution coverage.

Lila Carpenter and Ken Hanify: Letter of August 20, 2006 regarding Little Dude Ranchettes Subdivision.

Montana Department of Commerce: Letter of August 22, 2006 regarding 2006 Program Income Reports – CDBG Funded Housing Projects.

Montana Hydro Electric, Inc.: Letter of August 21, 2006 regarding Hydro testing unit.

Morrison-Maierle, Inc.: Letter of August 24, 2006 regarding 2006 Wastewater Improvements Project.

## **PUBLIC HEARINGS:**

- **Presentation of the 2006-2007 Preliminary Budget**

Mayor Olson asked Perry Asher to present the 2006-2007 Preliminary Budget.

Perry gave a PowerPoint presentation of the summary pages for most of the funds, which were included in the 2006-2007 Preliminary Budget as previously distributed to the council.

Perry presented the summary pages, which he stated was a good way to review the whole budget and to see the bottom line for each fund. In the General Fund, the cash balance was \$1,044,758 as of July 1, 2006, revenues are projected at \$2,805,230, and appropriations are estimated at \$2,917,184, which will leave a cash balance of \$932,804 on June 30, 2007. Perry has said several times that he did not want to have a deficit budget. However, he feels a little more comfortable with it because the 2005-2006 budget ended about \$250,000 better than expected, as he had projected in November 2005. Because of that, he is less worried about this than he would be otherwise.

Perry proceeded with the remaining funds. He anticipates an increase in income for the City-County Planning Fund, which now has the added expense of the new city planner. The Local Government Study Commission Fund will be closed, as the commission has completed its review. The Drug Forfeiture Fund is a police department fund which can only be used for restricted items. This is the first year the Building Department Fund has been transferred completely out of the General Fund and into a special revenue fund. For the first time, the fund actually has income, which should continue with future construction. Wal-Mart will submit a large building permit fee soon. The East First Street project drew more out of the Street Maintenance Fund than had been anticipated. The fund had a negative cash available balance of (\$45,290) on July 1, 2006. A large portion of that was because no contingency was planned in the budget for this project, and part of it was due to some miscalculation on Perry's part. In the end, the project cleaned out the Street Maintenance Fund for this fiscal year. The revenues are based on the amount normally received, which is about \$550,000, and the rest is from loans to cover the remainder of the East First Street project and other encumbrances on the fund. Appropriations are \$909,224 and the cash balance on June 30, 2007 is projected to be \$3,199. Perry stated that this fund should look considerably different next year. Since the building season does not exactly correspond to the fiscal year, the city could still do some projects after July 1<sup>st</sup>. Gas Tax funds can be used for street projects within the city. The Special Capital Projects Fund is for the East First Street project.

After reading the procedure for public hearings, 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.

- **Ordinance No. 006-06: Ordinance amending Sections 12.08.070(A), 17.16.020, 17.40.090.J.2 and 17.56.040(A) of the Laurel Municipal Code, as recommended by the City Zoning Commission after public hearing and comment.** (First reading – 08/01/2006)

Mayor Olson asked Cal Cumin to introduce the matter to the council.

Cal stated that there was no opposition at the City Zoning Commission's public hearing on the recommended changes in July. The Planning Board recommended that the council approve the proposals. Section 12.08.070(A) would lengthen the maximum driveway widths from twenty (20) feet to twenty-four (24) feet. The larger houses and garages being built need wider access. Section 17.16.020 reduces the front yard setbacks for open porches. On curbs and corners, the building cannot obstruct the public right-of-way and visual sighting along the right-of-way. This is part of the Growth Management Plan and the development of our community in trying to get people out front to talk to other people. It is good for neighborhoods and is often done on the south side of Laurel. Section 17.40.090.J.2 reduces the off-street parking requirements in the Community Commercial Zoning District. This is necessary to be competitive to other community commercial zoning; for example, Billings and the outskirts of Billings have a lower requirement than Laurel originally had, and the proposal will be reduced to match Billings. The council approved reducing the parking requirements to zero for the central business district a few months ago. The next step up in commercial is community commercial, which will be changed with this proposal. Section 17.56.040(A) is a provision for a non-conforming use house. Basically, non-conforming use houses are located on twenty-five foot lots in much of the south part of the community. They are non-conforming because zoning requires at least 6,000 square feet and they do not conform. Title companies catch this part of the law, say that the property owner cannot rebuild the house, and the title company will not finance the house. There are also houses on the south side of Laurel with two houses on several lots, and they do not conform either. It becomes a real problem for property owners when they go to refinance and find out they cannot refinance because of this little trick in the law. With this provision, if the house is destroyed, it can be rebuilt.

After reading the procedure for public hearings, 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.

- **Ordinance No. O06-07: Ordinance amending the zoning map of the City of Laurel, Montana, to approve a zone change from R-7500 to Residential Limited Multi-Family zone for a recently annexed parcel of property to the City.** (First reading – 08/01/2006)

Mayor Olson asked Cal Cumin to introduce the matter to the council.

Cal explained that this zoning request went through the Zoning Commission with a recommendation to pass. The property is Tract B-1 of Certificate of Survey 2385, Amended Tract B and the zone change is from R-7500 to Residential Limited Multi-Family (RLMF) for this parcel. No opposition was expressed at the Planning Board's public hearing for this zone change. Cal asked that his Findings and Conclusions regarding Zone Change Request, dated August 29, 2006, to the council be made part of the record. (The Findings and Conclusions are attached to the Council Workshop minutes of August 29, 2006, as they were presented to the council at that meeting.) This zoning request is for the McLelland tract, which is located north of the Middle School and south of The Crossings complex. The State of Montana requires that certain items be covered and made part of the record, and those items were addressed under Purposes of Zoning in the Findings and Conclusions document. The proposed rezoning is not contrary to the Growth Management Plan. In fact, it fits into it and supports the higher densities in areas that are served with community facilities. The streets are of adequate capacity to handle this zoning. It is Cal's recommendation that the requested zone change to RLMF be granted. This is a good area for more density, given its location adjacent to an elderly care complex, The Crossings, and also adjacent to the new Middle School. It is well served by city utilities and the main streets of Alder Avenue and Maryland Lane.

After reading the procedure for public hearings, 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 2006 in the amount of \$361,471.91.**  
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 08/13/2006 totaling \$131,026.85.**
- **Approval of Payroll Register for PPE 08/27/2006 totaling \$135,567.02.**
- **Receiving the Committee Reports into the Record.**
  - Budget/Finance Committee minutes of August 15, 2006 were presented.
  - Emergency Services Committee minutes of August 21, 2006 were presented.
  - Council Workshop minutes of August 29, 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 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 reappointed Dick Clayton (one-year term), Marvin Carter (two-year term), Bob Western (two-year term), and Miles Walton (two-year term) on the Board of Appeals.

Motion by Alderman Fritzler to approve the reappointments of Dick Clayton (one-year term), Marvin Carter (two-year term), Bob Western (two-year term), and Miles Walton (two-year term) on the Board of Appeals, seconded by Alderwoman Hart. There was no public comment.

Alderwoman asked regarding the terms for the Board of Appeals. There are a total of five positions on this board, so in order to stagger the appointments, two members have one-year terms and three members have two-year terms.

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

City-County Planning Board:

Mayor Olson asked if the council had a recommendation for the City-County Planning Board.

Motion by Alderman Poehls to approve the appointment of Deborah Horning to a two-year term, ending June 30, 2008, on the City-County Planning Board, seconded by Alderman Dickerson. 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. R06-88: A resolution authorizing the disposal of City records.**

Motion by Alderman Dickerson to approve Resolution No. R06-88, 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.

- **Resolution No. R06-89: A resolution to authorize the Mayor to extend the term of Contract # MT-TSEP-PE-06-335, previously approved and executed by the City on December 19, 2005, to provide funding for a Preliminary Engineering Report for improvements to the City's storm water system.**

Motion by Alderman Stamper to approve Resolution No. R06-89, seconded by Alderman Dickerson. 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. R06-90: A resolution accepting the bid and authorizing the Mayor to sign a contract with COP Construction LLC for the project known as the Sewer Trunk Line Replacement Project for the City of Laurel.**

Motion by Alderwoman Johnson to approve Resolution No. R06-90, 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.

- **Resolution No. R06-91: Resolution of the City Council to create a new position called the City Planner I and to adopt a job description for the City Planner I position.**

Motion by Alderman Easton to approve Resolution No. R06-91, seconded by Alderwoman Hart. 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. R06-92: Resolution authorizing and approving an employment contract between the City of Laurel and Mark S. Richards, who shall serve as the City Planner I for the City of Laurel.**

Motion by Alderwoman Hart to approve Resolution No. R06-92, seconded by Alderman Fritzler. 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. R06-93: Notice of intent to vacate certain streets in the City of Laurel.**

Motion by Alderman Mace to approve Resolution No. R06-93, seconded by Alderman Stamper. There was no public comment.

Alderman Poehls asked regarding the location of the streets being vacated, which are named Business Park Avenue and Interstate Drive in Laurel Business Park Subdivision.

Cal asked if the proper advertising had been done. Nancy Rohde stated that the advertising had to be published twice, with six days between ads.

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

- **Montana Hydro Electric, Inc.**

Mayor Olson stated that this item had been withdrawn from the agenda, since the City of Laurel has no claim to the land on which Montana Hydro Electric wants to install their equipment.

**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 Easton attended Cheryl Edgmond's retirement party at the fire hall today. The police department planned the retirement party, and the city will follow the resolution passed several years ago and present Cheryl with a gift certificate and any other commemorative things the city feels are appropriate for her in recognition of her many years of service to the city.

Mayor Olson also attended Cheryl Edgmond's retirement party. Cheryl was the dispatcher for the fire department and took her job very seriously. Mayor Olson stated his appreciation for the time Cheryl served as a dispatcher for the City of Laurel.

Alderwoman Johnson mentioned that the new tree in Veterans' Park needs to be watered.

Perry introduced Mark Richards, the new city planner, to the council.

Mark Richards thanked the council for the opportunity to use his knowledge to help the city. He looks forward to getting started and enjoys the opportunity to meet everyone. Mark encouraged the council to feel free to visit with him about any ideas or thoughts at any time.

Mayor Olson welcomed Mark Richards to the City of Laurel.

Mayor Olson informed the council of the opportunity to host a joint meeting with the City of Billings, Yellowstone County Commissioners, School District No. 2, and School District No. 7. After a brief discussion, Thursday, September 21<sup>st</sup>, was set for the joint meeting. The location for the 6:00 p.m. meeting will be determined soon. Mayor Olson requested that agenda items be submitted to the council secretary. Mayor Olson will put the county fire suppression requirements on the agenda. Alderman Poehls asked that railroad quiet zones be added to the agenda. Alderwoman Johnson recommended inviting Jim Kraft to the meeting, since fire suppression requirements will be discussed.

Nancy Rohde updated the council regarding Sam Painter's condition after his medical procedure last week. Mayor Olson introduced Nancy Rohde, an associate at Elk River Law Office who serves as the city's criminal prosecutor.

Alderman Stamper asked regarding the progress of Veterans' Park and installation of sprinklers, grass, and trees.

Mayor Olson explained that the sprinklers have been installed, and the public works director has indicated that the pad for the picnic table will be installed soon. Watering of the newly-planted tree is still being addressed, four more boulevard trees will be planted, and the grass will be planted this fall. At the dedication on Arbor Day, Mayor Olson asked some Legion members regarding participating in a ceremony on Veterans' Day, November 11<sup>th</sup>. Since the city put money into this park to show appreciation to our veterans, it is fitting to have a ceremony on Veterans' Day.

Alderman Dickerson asked if the mayor could explain some recent changes in the Laurel Development Corporation (LDC).

Mayor Olson stated that the LDC is a completely different entity and has no tie to the city. If it were a city entity, he certainly would discuss it.

Alderman Mace mentioned the communities to the west that are experiencing fire danger. Prior to the council workshop last week, the fire department displayed the equipment recently received through grants. Alderman Mace stated that accolades should be given to our firefighters for helping those communities. Hopefully, other communities would provide service to Laurel in a similar situation. Some local residents had cabins that burned or were close to burning, and several of them were saved by our people. It brings up questions about the fire department's ability to expand with the new subdivisions, and the city will have to review the issue in the next few years. Alderman Mace suggested that the city start to fund the fire equipment needed to fulfill future requirements.

Mayor Olson suggested drafting a letter of appreciation for the fire department.

Alderman Poehls thanked Mayor Olson for meeting with his constituent today.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

Motion by Alderman Poehls 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 7:47 p.m.

---

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19<sup>th</sup> day of September, 2006.

---

Kenneth E. Olson, Jr., Mayor

Attest:

---

Mary K. Embleton, Clerk-Treasurer