

city limits of Laurel. In some places, that difference is in excess of two and a half feet. With this project, MDT is trying to get rid of that elevational difference. They are narrowing the roadway section from approximately 51 feet to 48 feet total width. That will consist of two 12-foot travel lanes, a one-way left turn lane in the center, and a ten-foot parking lane which will run from Alder Avenue to just west of Sid's Place, which is just east of Locust Avenue. In addition to the reconstruction, they will also be replacing the storm drain from Alder Avenue to Locust and Sid's Place and will be adding a five-foot sidewalk in that stretch. They will also be reconstructing some retaining wall from just east of Sid's Place to Yard Office Road to maintain the existing roadside ditch and facilitate the storm drain outfall. With these projects, they will be constructing some new curb ramps (shown in the light blue circles on the plan sheets) and those are both in the overlay portion of the project coming north on First Avenue and continuing east on East Main Street through the reconstruction. With these projects, some right-of-way will be needed to construct the improvements and the combined project estimate is approximately \$5.6 million. The anticipated letting date for the projects is June 2009. The date is dependent upon design, right-of-way acquisition, and funding availability.

Bruce stated that there is not a lot of new right-of-way and there is not a lot of negative restriction, but some improvements to the roadway will make it safer and wider. They are doing their best not to add any significant impacts regarding drainage, which is already an issue.

Alderman Poehls asked regarding the intersection of Seitz Ronan Road and the main road, which is a bad intersection with bad visibility.

Terry stated that they plan to clear out some of the obstructions to improve sight distance.

Alderman Dickerson asked regarding addressing additional traffic caused by Wal-Mart on the east side of the overpass over the railroad tracks on Railroad Street.

Bruce stated that it has not been addressed in detail. MDT has a meeting scheduled next week with their planning folks in Helena to discuss a variety of impacts out there, but there is nothing in this project to address it. In order to expend safety funds for projects, there has to be a history of accidents that can be evaluated. If there are no accidents, safety funds cannot be used to make improvements to intersections.

Alderman Mace asked regarding the curb and gutter on the west side of South First Avenue.

Terry explained that there will be some additional curb and gutter, but they will try to maintain what is there. They will not install curb and gutter the whole length of the street, but only where necessary for the roadside ditch and the clearance issues.

Alderman Poehls stated that the South Side Task Force is discussing curb, gutter, and sidewalks on the west side of South First Avenue. It should be done by the time Wal-Mart opens at this time next year.

Alderman Poehls asked if storm drainage issues with the Italian Ditch as it impacts First Avenue at Town Pump and on towards the interstate have been discussed.

Bruce stated that issue is not in this project. As in past discussions regarding that, Bruce stated that a comprehensive study is needed to address the Italian Ditch.

There was discussion regarding the left turn lane, a deceleration lane on the north side of the street, changing the storm drain system, and lowering the speed limit. The Department of Transportation does not have the authority to set speed limits. The legislature and the Montana Transportation Commission sets speed limits. The law requires the Department of Transportation to do a study and make a recommendation to the Commission. Yellowstone County could start the process and request a study of the speed limits on this road. There was further discussion regarding safety funds and the possibility of utility lines in conflict in the project.

Mayor Olson thanked them for their presentation.

Mayor Olson removed Resolution No. R06-99 from the council agenda, as more information is needed. The item will be presented at the council workshop on September 26th and on the council agenda on October 3rd.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of August 2006.**
- **Approval of Payroll Register for PPE 09/10/2006 totaling \$135,327.86.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of September 5, 2006 were presented.

--Insurance Committee minutes of September 6, 2006 were presented.

--City-County Planning Board minutes of September 7, 2006 were presented.

--Council Workshop minutes of September 12, 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):

Tom Sayre, 119 Sixth Avenue, visited with Mayor Olson in his office several months ago regarding the city dump hours. He also visited with the administrative assistant a few weeks before that and has not heard a word from either of them.

Mayor Olson stated that the question was discussed with the public works director, who recommended maintaining the current hours because overtime would be incurred for longer hours and additional days. Mayor Olson apologized to Mr. Sayre for not getting back to him.

Tom asked regarding the next contract negotiations for city employees. Mayor Olson explained that contract negotiations are two years away.

Tom suggested that the city should have a schedule so an employee is at the dump until 5:00 p.m., as eight hours is eight hours. Mayor Olson agreed to look at that; however, it would be determined upon the cost effectiveness to the city.

Tom stated that his biggest complaint is that he did not receive a response from the city.

Mayor Olson and Perry Asher apologized to Tom for not responding to his inquiry.

SCHEDULED MATTERS:

- **Confirmation of Appointments:** None.
- **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.** Second reading.

Motion by Alderman Dickerson to adopt Ordinance No. 006-06, seconded by Alderwoman Hart. There was no public comment or council discussion. A roll call vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

- **Ordinance No. 006-07: 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.** Second reading.

Motion by Alderman Poehls to adopt Ordinance No. O06-07, seconded by Alderman Mace. There was no public comment or council discussion. A roll call vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

- **Ordinance No. O06-08: Ordinance amending Section 12.28 of the Laurel Municipal Code eliminating the previous established Park Committee; and replacing the committee with a newly-created and appointed Park Board; and providing specific duties and responsibilities for the newly-created Park Board; and to establish restricted hours for use of “Kids Kingdom” in Kiwanis Park.** First reading.

Motion by Alderwoman Johnson to adopt Ordinance No. O06-08, seconded by Alderwoman Hart. There was no public comment.

Alderwoman Johnson stated that the park hours should extend for the entire city rather than just the newly-developed playground. (The ordinance states that “the children’s playground equipment commonly known as Kids Kingdom at Kiwanis Park shall close at sunset and reopen at sunrise.”) She thinks the hours should be the same for all city parks.

Mayor Olson stated that the ordinance states that “all city parks shall be closed from twelve a.m. until six a.m. each night.”

Alderman Poehls stated that the park hours for the whole city are not being changed by this resolution. The only thing added is the stipulation for Kids Kingdom.

Alderwoman Johnson stated that the use of the playground equipment in Kids Kingdom will be limited from sunrise to sunset.

Alderman Poehls agreed, and stated that the rest of the park would be open until midnight and after 6:00 a.m. in the morning.

Alderwoman Johnson asked if the use of the picnic shelters could be restricted, since they are being damaged, and leave the rest of the park open for baseball games so there is not a skateboarding issue in Thomson Park.

Alderman Poehls stated that was discussed at the workshop and the council did not feel that it needed to be addressed at this time. It needs to be addressed, but there are other things, such as lighting, that need to be addressed with the picnic shelters.

For the record, Alderwoman Johnson stated her objection to singling out “Kids Kingdom” for restricted hours.

A roll call vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

The public hearing will be held at the council meeting on October 17, 2006.

- **Ordinance No. O06-09: Ordinance amending Section 2.68.100 of the Laurel Municipal Code, amending the Judge’s salary.** First reading.

Motion by Alderman Easton to adopt Ordinance No. O06-09, seconded by Alderwoman Hart. There was no public comment or council discussion. A roll call vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

- **Ordinance No. O06-10: Ordinance amending the official zoning map of the City of Laurel, Montana, to change the zoning of Northeast One Quarter of Section 2, Township 2 South, Range 24 East, PMM, also known as Brookwood Subdivision, from Agricultural-Open Space and unzoned to Residential Tracts.** First reading.

Motion by Alderwoman Hart to adopt Ordinance No. O06-10, seconded by Alderman Poehls. There was no public comment.

Alderman Dickerson asked if he understood correctly that, even though part of this is outside the current 4½-mile city-county planning district, it will all be brought within the 4½ mile city-county planning jurisdiction when it is done.

Mayor Olson stated that, as Cal previously explained, there was a certain part of it that was in the jurisdiction so it was all in for consideration.

A roll call vote was taken on the motion. All six aldermen/women present voted aye. Motion carried 6-0.

- **Resolution No. R06-94: A resolution approving and adopting the Final Budget for the City of Laurel for the fiscal year 2006-2007.**

Motion by Alderman Poehls to approve Resolution No. R06-94, 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. R06-95: A resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2006.**

Motion by Alderman Mace to approve Resolution No. R06-95, 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.

- **Resolution No. R06-96: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 2 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2006-2007.**

Motion by Alderman Dickerson to approve Resolution No. R06-96, 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. R06-97: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 3 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2006-2007.**

Motion by Alderman Poehls to approve Resolution No. R06-97, 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. R06-98: A resolution levying and assessing the cost of street paving, curb and gutter, and storm drain facilities for Special Improvement District No. 110 within the City of Laurel, Montana, for fiscal year 2006-2007.**

Motion by Alderwoman Johnson to approve Resolution No. R06-98, seconded by Alderman Dickerson. 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. R06-100: A resolution levying and assessing the cost of street maintenance and/or improvements for Street Maintenance District No. 1 that constitutes all streets and alleys embraced within the City of Laurel, Montana, for fiscal year 2006-2007.**

Motion by Alderwoman Hart to approve Resolution No. R06-100, 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.

- **Resolution No. R06-101: Being a resolution levying and assessing all of the property embraced within Street Sweeping District No. 1, of the City of Laurel, Montana, for the purpose of the sweeping of streets in the downtown or business district for the fiscal year 2006-2007.**

Motion by Alderman Poehls to approve Resolution No. R06-101, 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. R06-102: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent water charges.**

Motion by Alderman Mace to approve Resolution No. R06-102, 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.

- **Resolution No. R06-103: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent sewer charges.**

Motion by Alderman Dickerson to approve Resolution No. R06-103, 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. R06-104: A resolution levying and assessing a special tax against certain property designated as garbage districts in the City of Laurel, Montana, for the removal of garbage and refuse.**

Motion by Alderman Poehls to approve Resolution No. R06-104, seconded by Alderman Dickerson. 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. R06-105: A resolution adopting a wage increase for non-union employees of the City of Laurel.**

Motion by Alderman Johnson to approve Resolution No. R06-105, seconded by Alderman Dickerson. 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. R06-106: A resolution to increase Volunteer Ambulance Service compensation levels.**

Motion by Alderman Easton to approve Resolution No. R06-106, seconded by Alderman 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.

- **Resolution No. R06-107: A resolution authorizing the Mayor to sign Change Order No. 6 with JTL Group, Inc. for additional work and materials on the East First Street construction project in the amount of \$47,673.84 and to repeal Resolution No. R06-79.**

Motion by Alderwoman Hart to approve Resolution No. R06-107, 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.

- **Resolution No. R06-108: Resolution of the City Council to vacate certain platted streets in the Laurel Business Park Subdivision, as requested by property owners within such subdivision.**

Motion by Alderman Poehls to approve Resolution No. R06-108, 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. R06-109: Resolution authorizing and approving an addendum to the employment contract between the City of Laurel and the City Planner I for the City of Laurel.**

Motion by Alderman Mace to approve Resolution No. R06-109, seconded by Alderman Dickerson. 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. R06-110: A resolution extending the Preliminary Plat of Cherry Hill Subdivision, Third Filing, for one year.**

Motion by Alderman Dickerson to approve Resolution No. R06-110, 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. R06-111: A resolution approving the special review requested by Town and Country Supply Association to allow a casino and bar in its establishment located don Lots 10-13 and Lot 20, Block 4, Hageman Subdivision Third Filing at 315 South First Avenue in Laurel.**

Motion by Alderman Poehls to approve Resolution No. R06-111, seconded by Alderman Mace. There was no public comment.

Alderman Dickerson asked the council to consider, before voting on this, if they really think Laurel needs another casino at the intersection of what could possibly be the busiest intersection in Laurel within the next year or two.

Alderman Poehls agreed and thinks there are plenty of casinos in the City of Laurel. He does not think Laurel needs any more. His other concern with allowing a liquor license at that intersection is that he does not think we need that issue at that intersection. He stated that the council should vote this down.

Sam stated that the council was considering a special review request that came from the Planning Board. The council's analysis should not be if the use is a good idea for this property owner. This property owner has the right to operate a business that fits in the zoning. This review was whether it fits in the zoning as it currently exists, and the Planning Board recommends that it does so. Sam cautioned the council regarding telling the property owner what they can or cannot do as it is clearly allowable in the zoning ordinance.

Alderman Dickerson stated that the council has the right to take under advisement what is suggested by the Planning Board and not take it as gospel.

Sam stated that the council should take the Planning Board's recommendation and should stick within the realms of the analysis.

Alderwoman Hart agreed and stated that changes to ordinance have to be made through a process, not by just stating disagreement with what the property owner wants to do. The Planning Board reviews what is legal and approved by codes. The council cannot just decide there are too many of one business and vote it down. It has to be done through a process because the business owner would have the right to sue for making a decision outside of the ordinances.

Alderman Poehls stated that at some point the council has to say enough is enough. Not only does the council have the legislative ability to do that, at some point there has to be something that sparks that legislative ability. Knowing what that intersection is going to be in Laurel, at some point the council has to say enough is enough and say no.

Alderman Dickerson stated that he is not recommending how anybody votes. He just asked for this to be taken into consideration before voting on this resolution. It is up to the council members to vote how they feel is in the best interests of the city and the area within the city that will be impacted.

Sam explained that liquor licenses are granted by the State and are limited by population. If there is a certain cap in an area, there are a certain number of licenses. If the number of licenses equals the population, no more licenses can be moved in. This license probably came from within the city and is not a new license in the city. Sam suggested that the council review the Planning Board minutes where this was addressed as the council is considering the evidence that was presented at that hearing as to whether or not to approve this resolution.

Alderman Dickerson stated that he is not against Town and Country having this liquor license. He is just asking the council to consider the fact of where they want to use this liquor license.

Alderswoman Johnson stated that they are just transferring the liquor license. She suggested that the people who would drink too much and abuse it would not go to a business that was front and center. The special review is for beer and wine at this location. The Daughters of the American Revolution recently held a meeting at the Round Barn in Red Lodge, which has a license for beer and wine. It was nice and clean with good clientele, and it is front and center. She thinks that troublemakers will find other locations. The safest place to put it is front and center. Alderswoman Johnson stated that it is more dangerous to her to have two churches on the only stoplight in the middle of town because of the little kids walking to church. She worries about that all the time.

Alderman Mace thinks that is what Aldermen Poehls and Dickerson are concerned about. It is not so much about the license as the location for the license. The council will continue to deal with what goes in the line of sight at this location as Wal-Mart comes to Laurel. The council needs to consider the facts that have been presented.

An audience member asked if he could speak.

Mayor Olson explained that public comment had already been requested prior to the council discussion. However, with the council's indulgence, he allowed two individuals to speak.

Wes Burley, the General Manager of Town and Country Supply, resides at 917 Constitution Avenue. Town and Country sells gasoline and competes against many other facilities. They would like to develop this to be there long term and compete with operations like Town Pump, which they feel is necessary for survival at that location. Profitability at that location has been tough, and they have been looking for ways to make it profitable so they can stay there. Currently, there is a car wash site and the old station, which he does not think is very attractive. He offered to show some rough drawings of the proposal for the building site. The proposal includes a very attractive new facility that will make a statement that Laurel is a nice clean town and a great place to visit. Regarding having a casino at this intersection, he stated that, typically, the majority of people that go into casinos are there to gamble and not to get drunk. Town and Country is in the process of obtaining the all-beverage license, but they do not plan to serve hard liquor at that location. Hard liquors are what draw people that have a tendency to get drunk, in his perception. In reality, for the town of Laurel, they are taking one location off the map that has been serving hard alcohol at this point. He asked the council to consider those things. This is one of their steps to clean up that location and make it profitable to build a new building.

Jim Kuhns, of Collaborative Design Architects, resides at 10 Emerald Hills Drive in Billings. He showed a site rendering of the project. The existing building and car wash will be torn down and a new building will be built. The architect designed a building similar to the Bridge Creek Restaurant in Red Lodge, so the image they want to create is very upscale. They are trying to improve the intersection. The traffic issue at this intersection was discussed, and they recognize that Wal-Mart is coming. They are also doing a project on the other side of the intersection on the property next to the Conoco station, and that will bring increased traffic into that section. He suggested that the current traffic to the car wash and the convenience store is at least as much, if not more, than will be generated by a casino. From a traffic standpoint, he stated that they would not impact that intersection much. They will improve the image of it with more landscaping and a much nicer building. The goal of Cenex, Town and Country, and the architect is to enhance Laurel.

Mayor Olson thanked the council for allowing the gentlemen to speak at this point.

A vote was taken on the motion to approve Resolution No. R06-111. Motion carried 4-2, with Aldermen Poehls and Dickerson voting nay.

Alderman Poehls stated that the council needs to review the entryway and zoning in that area.

Alderman Dickerson recommended that the issue be put on the council workshop agenda on September 26th.

Mayor Olson stated that the Planning Board is reviewing the zoning codes. Perry stated that, since the zoning codes and the development regulations are currently being reviewed and rewritten, Cal could be asked to give a report on the status at the next council workshop. When the Planning Board completes the review, the council will review the regulations.

- **Resolution No. R06-112: Resolution of the City Council of Laurel, Montana, to authorize the Mayor to execute the plat prepared for Hageman Subdivision, Fifth Filing.**

Mayor Olson mentioned that the verbiage in the resolution “accepts the 534 feet of new right-of-way for 4th Street South” was added for clarification.

Motion by Alderwoman Johnson to approve Resolution No. R06-112, 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.

- **Letter of Support to the County Commissioners for replacement of bridge**

Motion by Alderman Easton to authorize the Mayor to sign the letter of support to the County Commissioners for replacement of the bridge, 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:

Alderwoman Johnson quoted from an article about enforcing ordinances which she read recently on the web. Abraham Lincoln said, “If bad laws exist, they should be repealed as soon as possible. Still while they continue in force, for the sake of example, they should be religiously observed.”

Alderwoman Johnson stated that Big Sky EDA voted to endorse retaining the Public Safety Levy for the City of Billings and the Cobb Field Initiative. Big Sky EDA plans to apply for Brownfields Assessment Grant funding in December. They are developing a community assessment application for hazardous materials, and another application for petroleum contamination assessment. Both applications will request funds to assess properties in the area east of the downtown core that is currently under consideration for creation of a Tax Increment Finance District.

The council has been invited to participate in the Laurel Herbstfest on Friday night at 6:30 p.m.

Alderman Mace explained that the Budget/Finance Committee formed a task force to review franchise fees for utilities. Kate Hart, Doug Poehls, and Mary Embleton will serve on the task force.

Alderman Poehls mentioned the Joint City-County Meeting on Thursday, September 21st, at 6:00 p.m.

Mayor Olson mentioned that the Legislative Committee will meet on Friday, September 22nd, at 10:00 a.m. in Helena. Draft resolutions were distributed to the council for review. The resolutions address the following issues: General Principles; Local Option Taxes; Accommodations Tax Distribution; Finance Policy; Land Use and Environmental Regulation; Protective Services and General Operations; and Ballot Measures and Other proposed Legislation.

Perry thanked the council for allowing him to attend the ICMA Conference last week. He will prepare a written report for the council soon.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderwoman Hart to adjourn the council meeting, seconded by Alderman Dickerson. 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 8:05 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 3rd day of October, 2006.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer