

MINUTES OF THE CITY COUNCIL OF LAUREL

October 17, 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 October 17, 2006.

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

COUNCIL MEMBERS ABSENT: Doug Poehls

OTHER STAFF PRESENT: Mary Embleton Perry Asher
 Sam Painter Cal Cumin
 Mark Richards

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 Dickerson to approve the minutes of the regular meeting of October 3, 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:

Laurel Middle School: Letter regarding Friday Fun Nights at Laurel Middle School.

Montana Association of Railroad Passengers: November 2006 Newsletter.

Yellowstone Business Partnership: Information announcing new research on seasonality in the Yellowstone-Teton Region.

PUBLIC HEARINGS:

- **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 – 09/19/2006)

Mayor Olson explained that this ordinance will allow the council to create the board for the regulation of the city’s parks. The Park Committee has not been functioning, and the Park Board, with newly-regulated powers that would enable it to make recommendations directly to the council, is the essence of the matter before the council.

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.

The second reading of Ordinance No. O06-08 will be on the council agenda on November 8, 2006.

Mayor Olson closed the public hearing.

- **Ordinance No. O06-09: Ordinance amending Section 2.68.100 of the Laurel Municipal Code, amending the Judge's salary.** (First reading – 09/19/2006)

Mayor Olson explained that the judge's salary was approved when the budget was adopted. By Laurel Municipal Code, amending the judge's salary can only be accomplished through an ordinance.

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.

The second reading of Ordinance No. O06-09 will be on the council agenda on November 8, 2006.

Mayor Olson closed the public hearing.

- **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 – 09/19/2006)

Cal Cumin stated that the Planning Board recommends approval of this zone change request. There were no objections to the zone change at the Planning Board's public hearing. The requested zone change is for a quarter section of land in the southwest corner of Seitz Ronan Road and Airport Road, which is located east of Pheasant Brook Subdivision. The request is to change the south half of the section, which is currently zoned Agricultural Open Space, and the north half, which is currently Unzoned, to Residential Tracts. The north half is outside the city's zoning jurisdiction, but since the petition was to zone it all Residential Tracts, the zoning jurisdiction will go out another quarter mile.

Mayor Olson opened the public hearing.

Mayor Olson asked two times if there were any proponents.

Pat Davies, Engineering, Inc., 1300 Transtech Way in Billings, represents the applicant of the zone change request. He reiterated Cal's comments that the Planning Board forwarded a recommendation of approval for this request. Pat stated that the requested zoning is consistent with adjacent properties.

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

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

The second reading of Ordinance No. O06-10 will be on the council agenda on November 8, 2006.

Mayor Olson closed the public hearing.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of September 2006.**
- **Approval of Revised Payroll Register for PPE 09/24/2006 from \$115,689.76 to \$116,412.11.**
- **Approval of Payroll Register for PPE 10/08/2006 totaling \$136,683.78.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of October 3, 2006 were presented.

--Council Workshop minutes of October 10, 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 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments:** None.
- **Resolution No. R06-116: A resolution of the City Council approving the Performance Contract by and between the City of Laurel and Johnson Controls, Inc.**

Mayor Olson asked Sam to comment before the council brought this item of business forward.

Sam stated that the city has not identified the legal authority to allow the city to fund the performance contract, and the city is still checking with the bond counsel to make sure it is allowed under Montana law.

Mayor Olson recommended that the council delay action on this resolution until the next regularly scheduled meeting.

Motion by Alderman Stamper to delay council action on Resolution No. R06-116 to the council meeting on November 8, 2006, seconded by Alderman Fritzler. There was no public comment.

Alderman Dickerson asked for clarification regarding the date of the council meeting when the resolution will be considered. Resolution No. R06-116 will be on the council agenda on November 8, 2006.

A vote was taken on the motion. All seven aldermen/women present voted aye. Motion carried 7-0.

- **Resolution No. R06-117: Resolution of support for the development of a Veterans' Memorial Cemetery adjacent to the City of Laurel Cemetery.**

Motion by Alderman Fritzler to approve Resolution No. R06-117, 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. R06-118: Budget amendment resolution to appropriate funding from the Capital Projects Fund for the purchase of cemetery land.**

Motion by Alderwoman Hart to approve Resolution No. R06-118, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):

Ron Ludwig, 810 Seventh Avenue, is the current Master of the Masonic Lodge on Airport Road. He encourages members of the lodge to attend city council functions to get a first-hand view and possibly participate in actions of the city. Ron acknowledged two members that attended the meeting with him. He will send a formal invitation to members of the council to attend a scheduled Lodge meeting on December 4th to view the facility, present some items of interest from city government, and ask any questions.

Mayor Olson thanked them for showing their civic pride in their community by attending the council meeting.

COUNCIL DISCUSSION:

Alderman Mace asked for clarification regarding correspondence received by the council recently requesting \$300,000 payments to an individual.

Sam stated that it is a criminal matter and the defendants in the case are mailing documents to the council members. There is no apparent threat on the face of the document. He does not see anything actionable that the city attorney's office can do. Sam encouraged the council members to send any documents to the city attorney's office, who will collect the documents and inform the court. If liens are filed against property or any threats are received, the city attorney's office should be informed immediately. City staff has also received the documents.

Mayor Olson contacted the public works director regarding the need to finish the project in the council chambers, and the work should be completed soon.

Alderman Easton attended a meeting with the Council on Aging today regarding transportation for senior citizens in Yellowstone County. A similar meeting has been held the last two or three years, but no direction has been determined. A meeting will be held with the county commissioners and all of the transportation entities, and a task force will meet to do a study of the transportation issues. Alderman Easton will keep the council informed.

Alderman Fritzler asked Sam if anyone could file a frivolous lien against property.

Sam stated that it could be done, and an individual would have to go to court and pay attorney's fees to get the lien set aside and extinguished. A lien ties up land so it cannot be sold.

Alderman Fritzler asked if that would open up an opportunity to recover.

Sam stated that it would, but there must be someone from which to recover. Typically, these folks do not own much of anything. It is a nuisance, and it is a large nuisance when trying to develop land or to sell a house. These things can be serious matters. If the individuals try to force someone to do a certain act or not do a certain act, another criminal charge could be considered. Sam stated that the attorney's office will review every document that is received.

Mary asked Sam if a homestead exemption could be filed on property as protection from a lien.

Sam stated that the homestead exemption would not protect from a lien. Homestead exemption would exempt from a certain limit of execution on assets, but it would not stop someone from filing false liens. He again encouraged the council to send all documents to the attorney's office.

When asked regarding the situation with this particular party, Sam stated that it is public record. Some out-of-town individuals were stopped by the police and charged with some traffic offenses. The individuals are defending themselves and have served some strange documents on council members, mayor, deputy city attorney, police chief, and the police officers involved. It was a minor traffic violation. This behavior is commonly referred to as Freeman-type activity. Sam stated that it is what it is and we just need to deal with it. The individuals can be stopped from contacting the officers because they are witnesses, and that would be witness tampering.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Alderman Easton 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 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 7:03 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 8th day of November, 2006.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer