

MINUTES OF THE CITY COUNCIL OF LAUREL

April 17, 2007

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 April 17, 2007.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Gay Easton Mark Mace
 Vonda Hotchkiss Chuck Dickerson
 Norm Stamper

COUNCIL MEMBERS ABSENT: Kate Hart

OTHER STAFF PRESENT: Mary Embleton Sam Painter
 Chief Rick Musson

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 Council Member Dickerson to approve the minutes of the regular meeting of April 3, 2007, as presented, seconded by Council Member Stamper. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CORRESPONDENCE:

Veterans Affairs Division: Letter of April 2, 2007 regarding Montana Board of Veterans Affairs Meeting.

Great West Engineering: Letter of April 9, 2007, regarding 2006 Wastewater System Improvements Project.

PUBLIC HEARINGS:

- **Ordinance No. O07-02: Ordinance amending Sections 2.84.010 and 2.84.020 of the Laurel Municipal Code, changing composition of the Cemetery Commission and officer selection process.** (First reading – 03/20/2007)

Mayor Olson introduced the item to the council, stating that the ordinance would allow the appointment of two members-at-large to the Cemetery Commission. This recommendation came from the Cemetery Commission and the city administration. The ordinance also allows for the designation of two elected officers to be appointed by the mayor as the chairman and co-chairman of the commission.

Mayor Olson opened the public hearing.

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

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

Mayor Olson closed the public hearing.

- **Ordinance No. O07-03: Ordinance to regulate street and sidewalk usage and permitting in the City of Laurel.** (First reading – 03/20/2007)

Mayor Olson introduced the item to the council and stated that the ordinance refers to the process for street closures for specific functions.

Mayor Olson opened the public hearing.

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

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

Mayor Olson closed the public hearing.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of March 2007.**
- **Approval of Payroll Register for PPE 04/08/2007 totaling \$133,782.11.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of April 3, 2007 were presented.

--Park Board minutes of April 5, 2007 were presented.

--Council Workshop minutes of April 10, 2007 were presented.

The mayor asked if there was any separation of consent items.

Council Member Mace removed item c.1), the Budget/Finance Committee minutes of April 3, 2007, from the consent agenda to be considered under Items Removed from the Consent Agenda.

Motion by Council Member Mace to approve the remaining consent items as presented, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: Presentation to the Laurel Garden Club members

Mayor Olson stated that the Laurel Garden Club has existed for seventy-three years. He presented a token of appreciation to the members for their endeavors to serve the community. He expressed appreciation for the beautiful flower displays that visitors and residents observe when entering Laurel via the south entrance. The Laurel Garden Club contributes the efforts to make Laurel a better and more beautiful place in which to reside. Mayor Olson presented a certificate of appreciation and an iron rose to each member of the club and expressed gratitude for the service of the Laurel Garden Club.

REPORTS OF BOARDS AND COMMISSIONS: Yellowstone Historic Preservation Board Annual Presentation

Kevin Kooistra-Manning and Lora Mattox presented the annual report of the Yellowstone Historic Preservation Board. Lora Mattox serves as the Historic Preservation Officer for the Yellowstone Historic Preservation Board and the Neighborhood Planner for the City of Billings and Yellowstone County. Copies of the 2007-2008 Yellowstone Historic Preservation Board Work Plan were distributed to the council. Lora welcomed Emelie Eaton as a member of the Board.

Kevin Kooistra-Manning gave a PowerPoint presentation of the activities of the Yellowstone Historic Preservation Board. The Board was formed in 1993 through an Interlocal Agreement with the City of Billings, the City of Laurel, Yellowstone County, and the Crow Tribe. The Board consists of nine volunteer members and representatives from each of the aspects. Ann Kooistra-Manning does most of the work as a consultant to the Board and she also attended the council meeting. The position formerly held by Jennifer Johnson as Laurel's representative was recently filled by Emelie Eaton.

Kevin stated that Certified Local Government Programs are in about twelve different cities in the state and there are ways to receive funding through the State Historic Preservation Office. The Yellowstone Historic Preservation Board is unique, not only in terms of its scope, but in that it hires staff from the Western Heritage Center to do the actual foot work. Kevin explained that the Historic Preservation Board assists people with the process of applications for the National Register. Kevin

summarized the National Register for Historic Places. Anyone can prepare a nomination. The keeper of the National Register, the National Park Service, has a list of the properties. The important thing to note with the National Register is that, under Federal law, private property owners can do anything they wish with their National Register properties, provided that no Federal license, permit or money has been spent. Restrictions only apply if Federal money comes into the area and tax breaks are used.

Laurel has a new National Register property at the Abraham and Carrie Erb residence, which is a Victorian cottage located at 110 4th Avenue. The form was prepared by the property owner, Blaine Dantic, who was interested in telling the story of Laurel. The Erb family was one of the first families of Laurel and the person who did the nomination had wonderful photographs of the family history. Abraham Erb died during the flu epidemic and Carrie Erb was the first librarian for the City of Laurel. The nomination was done for its characteristics of style, for the fact that it is one of the first residences of Laurel, and as a way for the property owner to receive some Federal tax credits for renovations. The National Register of Historic Places gives a property prestige and publicity and is a way to tell a story of local homes and businesses. The property does not have to be opened to the public. It permits the owners of income-producing properties to use investment tax credits and allows owners of certain publicly owned or publicly accessible non-income producing properties to apply for Federal rehab grants. A listing on the National Register does not prevent private owners from altering their property or restrict the use or sale of the property.

Kevin spoke regarding the Record of Lost and Destroyed Properties, the county-wide survey of historic properties, participation in Yellowstone County events, and the Bricks and Boards event on May 19, 2007. May is Historic Preservation month. Forty-five participants attended the annual Roundtable on March 20, 2007. The Laurel Walking Tour brochure was produced by the Yellowstone Historic Board several years ago, and Kevin suggested that additional copies of the brochure could be printed for use by the Laurel Chamber of Commerce and individuals in the city. Kevin explained the Eugene Carroll Historic Preservation Award and the Best Practices Achievement Award.

Lora Mattox spoke regarding the Certified Local Grant, the budget, and how the program works. Until last year, funds were received from the State Historic Preservation Office and the funds were matched through the Community Development Block Grant Program for Historic Preservation. The funding was lost last year due to cuts through HUD for the CDBG Program. Last year, the City of Billings contributed the \$6,500 match needed to make the contract with Western Heritage Center work. Notice was received this year from the State Historic Preservation Office that the funding would be lowered, which resulted in a decrease of \$1,469 in grant funds. Because of this, the Yellowstone Historic Preservation Board is outreaching to Laurel and Yellowstone County to request participation in funding. The City of Billings will provide \$6,500 in funding this year. The Board of County Commissioners has given tentative approval to fund \$1,000. Lora requested that the City of Laurel participate by providing \$469 toward the Certified Local Grant Program.

Kevin stated that the Historic Preservation Board and Western Heritage Center would like to participate in the City of Laurel's hundred-year anniversary celebration. He showed photographs of the east end overpass construction and the Yellowstone Bridge construction in 1935. Kevin thanked the council for the opportunity to make the presentation.

Council Member Easton stated that he knew Carrie Erb, who served as librarian in the building next to the council chambers.

Mayor Olson thanked Kevin and Lora for the presentation and stated that the request for funding would be considered.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Police Officer:

Chief Musson stated that he is pleased to have a Laurel Police Reserve appointed as a police officer for the City of Laurel. Chief Musson and James Huertas read the Criminal Justice Code of Ethics simultaneously.

Mayor Olson appointed James Huertas as a police officer for the City of Laurel.

Motion by Council Member Poehls to approve the appointment of James Huertas as a police officer for the City of Laurel, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

Mayor Olson performed the Swearing in Ceremony for James Huertas.

Chief Musson exchanged James Huertas' police reserve badge with a police officer badge number 113.

Mayor Olson congratulated James Huertas on his appointment as a police officer for the City of Laurel.

Laurel Police Reserve:

Mayor Olson appointed Walter Hall as a Laurel Police Reserve.

Motion by Council Member Eaton to approve the appointment of Walter Hall as a Laurel Police Reserve, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

Laurel Ambulance Reserves:

Mayor Olson appointed Debbie Abbey, Melissa Earl, Kelly Reinemer, Ted Rose, Scott Spina, and Darla Poolet to the Laurel Ambulance Reserves.

Motion by Council Member Stamper to approve the appointments of Debbie Abbey, Melissa Earl, Kelly Reinemer, Ted Rose, Scott Spina, and Darla Poolet to the Laurel Ambulance Reserves, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

2007-2009 Fire Department Officers:

Mayor Olson appointed the following 2007-2009 Fire Department Officers: Scott Wilm, Fire Chief; John Meeks, First Assistant Fire Chief; Terry Ruff, Second Assistant Fire Chief; and Mike Zuhoski, Third Assistant Fire Chief.

Motion by Council Member Easton to approve the appointments of the 2007-2009 Fire Department Officers, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

Cemetery Commission:

Mayor Olson appointed Chuck Dickerson to the Cemetery Commission.

Motion by Council Member Hotchkiss to approve the appointment of Chuck Dickerson to the Cemetery Commission, seconded by Council Member Stamper. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

Water Task Force:

Mayor Olson appointed Gay Easton, Doug Poehls, Chuck Dickerson, and Emelie Eaton to the Water Task Force.

Motion by Council Member Mace to approve the appointments of Gay Easton, Doug Poehls, Chuck Dickerson, and Emelie Eaton to the Water Task Force, seconded by Council Member Poehls. There was no public comment.

Mayor Olson stated that this task force has a dubious role in front of them. The opportunity to be able to mold how we will be looking at the services provided for our citizens and be able to have an opportunity to look at a more efficient way will certainly be evident as this task force convenes. I look forward to their reports from their different meetings.

A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R07-24: Resolution approving city services for Aviation & Technology Week on May 7-10, 2007.**

Motion by Council Member Dickerson to approve Resolution No. R07-24, seconded by Council Member Stamper. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R07-25: A resolution of the City Council amending previously approved City Council Resolution No. R06-125 to authorize reimbursements of expenditures from the lease proceeds obtained through the previously authorized agreements with All American Investment Group related to the City's Water Meter Project, Agreement No.: TE 1546.**

Motion by Council Member Poehls to approve Resolution No. R07-25, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R07-26: Authorizing the Mayor to sign an agreement with the Billings City-County Planning Department for limited planning services.**

Motion by Council Member Eaton to approve Resolution No. R07-26, seconded by Council Member Dickerson.

Candi Beaudry, Director of the City/County Planning Division in Billings, explained the agreement between the City of Laurel, Yellowstone County, and the City of Billings. The agreement would allow the Planning Division to provide limited planning services for subdivision and exempt plat review until July 1, 2007. The contract may be extended with the approval of all three parties involved. The scope of work is that the City/County Planning Division will process all of the subdivision plats that come forward in the Laurel City-County Planning Department. They will hold the necessary pre-application meetings, will distribute the information to the affected agencies, will ensure that the rules and regulations of the State and local jurisdiction are followed, will schedule the necessary public meetings, will require the necessary documents, will bring forward the documents to the council or County Commissioners for approval if necessary, and then process whatever final documents are needed. In return, the Division will be compensated based on the fees that the City of Laurel has adopted for these services. The Planning Division will also process exempt plats or survey documents that are exempt from subdivision review. They will attend all Planning Board and council meetings as necessary and will be available on a daily basis to provide customer service. They will not reside or work in Laurel, but will maintain their offices in Billings and will provide a dedicated planner to the Laurel City-County Planning jurisdiction. Candi presented four original signed agreements for the mayor's signature tonight. The agreements need to be signed by the Billings' City Administrator Tina Volek.

There was no council discussion. Mayor Olson extended gratitude for this agreement with the Billings Planning Department.

A vote was taken on the motion to approve Resolution No. R07-26. All seven council members present voted aye. Motion carried 7-0.

- **Ordinance No. O07-05: Ordinance for Laurel Cable Communications.** First reading.

Motion by Council Member Stamper to adopt Ordinance No. O07-05, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

The public hearing of Ordinance No O07-05 will be on the council agenda on May 15, 2007.

ITEMS REMOVED FROM THE CONSENT AGENDA:

- Budget/Finance Committee minutes of April 3, 2007

Mayor Olson stated that the following statement in the Budget/Finance Committee minutes should be removed from the minutes, as it was an incorrect statement: "Mayor Olson told the committee

that Perry Asher has been working on the Administrative Charges allocations at home, and that he should have them finished by the end of the week. Once finished, they will be reviewed by the clerk/treasurer and the mayor to determine budgetary impact.”

Motion by Council Member Poehls to approve the Budget/Finance Committee minutes of April 3, 2007, as amended, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Poehls requested the name of Montana Rail Link’s Safety Officer in order to contact him regarding the issue of train whistles.

Council Member Mace commended Chief Musson on the appointment of James Huertas to the Laurel Police Department.

Although Council Member Stamper missed his son’s first baseball game tonight, he stated that he appreciated the presentation to the members of the Laurel Garden Club and the police officer appointment.

Council Member Hotchkiss stated that the Arbor Day celebration is scheduled for Thursday, April 26th, at 1:30 p.m. at Veterans’ Park. Garbage bags and flower seeds will be distributed at Jan’s IGA on Friday, April 27th, and Bright n’ Beautiful is scheduled for Saturday, April 28th.

Alley cleanup is scheduled for the week of May 1st through 4th.

Council Member Easton mentioned that the city crew poured concrete for a table, bench, and plaque in Veterans’ Park today and the holes are dug for the new trees.

Mayor Olson thanked the Tree Board members for their service. The State Forester will present a plaque designating the City of Laurel as a Tree City during the Arbor Day celebration.

Council Member Eaton updated the council on options presented at a recent Billings City Council meeting regarding the water reservoir issue. Copies of the information were distributed to the council.

Council Member Poehls stated that he would be unable to attend the council workshop on April 24th.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Easton to adjourn the council meeting, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All seven council members 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 7:50 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 1st day of May, 2007.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer