

MINUTES OF THE CITY COUNCIL OF LAUREL

June 5, 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 June 5, 2007.

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

COUNCIL MEMBERS ABSENT: Vonda Hotchkiss

OTHER STAFF PRESENT: Mary Embleton
 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 Council Member Dickerson to approve the minutes of the regular meeting of May 15, 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:

Laurel Chamber of Commerce: Letter of March 20, 2007 requesting permission to sponsor the Culpepper & Merriweather Circus on Friday, June 22, 2007.

Laurel Chamber of Commerce: Letter of May 9, 2007 requesting permission to hold the annual Grand Parade on Wednesday, July 4, 2007.

Montana Department of Commerce: Information regarding Public Input Meetings on Housing and Community Development Needs.

Montana Association of Railroad Passengers: June 2007 Newsletter.

Laurel High School Pep Club: Letter of May 11, 2007 regarding 2007 Homecoming activities.

Ruby Hanson: Letter of May 21, 2007, regarding Elena Subdivision.

Laurel Chamber of Commerce: Minutes of May 10, 2007; Agenda of May 24, 2007.

Montana Department of Administration: Letter of May 23, 2007 regarding Response to FY2006 Audit Report.

Montana League of Cities and Towns: Memo of May 24, 2007 regarding District Legislative Meetings.

The National Arbor Day Foundation: Letter of May 22, 2007 regarding Tree City USA.

Montana Department of Commerce: Letter of May 29, 2007 regarding Treasure State Endowment Program (TSEP) construction grant of \$750,000.

Council Member Eaton asked regarding the letter received from Ruby Hanson.

Mayor Olson explained that Ruby Hanson called the city a few months ago regarding the bridge and the wall in Elena Subdivision. Mayor Olson stated that construction of the wall is required no later

than January 2008. The bridge shall be constructed at a time determined by the city, but the city has not determined the timeframe at this point. Mayor Olson recently spoke to Mrs. Hanson twice. During one discussion, she expressed concern about the amount of dust in the area and asked if it could be addressed. Mayor Olson told her that certain things are out of the city's control and there is no ordinance to control dust. She also questioned why some building was allowed prior to approval of Elena Subdivision in 2006. Mayor Olson investigated the issue and realized Ruby was referring to the county subdivision that began prior to 2006. Ruby's concern regarding the height of weeds was directed to the code enforcement officer, as there is an ordinance regarding weeds in the City of Laurel.

Council Member Poehls asked for council updates regarding the status of major projects, such as the Wal-Mart project. The updates from the city's engineering department could include the timeframe for completion of certain requirements. Since construction of City Brew and Subway is completed, the intersection at South First Avenue and South Fourth Street has become more congested. Council Member Poehls would like to know when Wal-Mart will install the stoplight at that intersection.

Mayor Olson will ask the staff to prepare a timeline and present a report to the council.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims for the month of May 2007 in the amount of \$251,543.34.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 05/20/2007 totaling \$133,217.46.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of May 15, 2007 were presented.
 - Emergency Services Committee minutes of May 21, 2007 were presented.
 - Council Workshop minutes of May 29, 2007 were presented.

The mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Mace to approve the 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: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Larry, Tanglen, *Laurel Outlook*, mentioned two items. During the pledge of allegiance and the moment of silence, he wondered if all the council members were aware of the history of the moment of silence. Mayor Chuck Rodgers started the moment of silence after Miranda Fenner was murdered and instituted the practice as a time to remember and support the Fenner family. A Discovery Channel program about the unsolved Miranda Fenner murder is scheduled this Thursday, June 7th. As the council has changed over the years, Larry has often wondered if the council members were aware of the history.

Larry stated that five council seats will be open in the fall election. He visited with the county election administrator's office today, and at this point, only Council Member Stamper has filed for reelection. Larry asked the rest of the council members to contact him after they make a decision regarding reelection so the newspaper can make the voters aware of it.

The seats filled by Council Members Eaton, Poehls, Easton, Stamper and Hotchkiss are up for reelection. The deadline for filing is June 28th. Council Member Mace stated that he also filed for reelection today.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Cemetery Commission:

Mayor Olson appointed Dick Fritzler to a two-year term, ending June 30, 2009, on the Cemetery Commission.

Motion by Council Member Stamper to approve the Mayor's appointment of Dick Fritzler to a two-year term, ending June 30, 2009, 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.

- **Resolution No. R07-33: A resolution of the City Council approving the Final Plat of Amended Lots 2A and 2B-1, Canyon Creek Station Subdivision, Second Filing, City of Laurel, Montana.**

Motion by Council Member Easton to approve Resolution No. R07-33, seconded by Council Member Hart. 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. R07-34: A resolution of the City Council accepting the bid for a new fire truck from Montana Fireworks.**

Motion by Council Member Poehls to approve Resolution No. R07-34, 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.

- **Resolution No. R07-35: A resolution of the City Council approving the attached Mutual Assistance Agreement between the City of Laurel and the City of Billings regarding fire department response and coordination.**

Motion by Council Member Hart to approve Resolution No. R07-35, seconded by Council Member Eaton. 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. R07-36: A resolution accepting the Preliminary Engineering Services Proposal from Great West Engineering for general engineering services, and authorizing the Mayor and staff to negotiate a contract for general engineering services.**

Motion by Council Member Eaton to approve Resolution No. R07-36, seconded by Council Member Hart. There was no public comment.

Council Member Poehls asked regarding contract information that was distributed to the council just prior to this meeting.

Sam Painter stated that he was directed to review the contract, which was received at last week's council workshop, and attempt to negotiate any changes and modifications. This was accomplished with the help of Great West Engineering. Sam explained the changes to the contract and stated that he reviewed the original contract to ensure that the changes were made. The first section, 6.04B, was removed from the contract; a signature line was added to the contract for the city clerk to attest on the contract; the third item, C2.05, is a new provision requiring Great West Engineering to get council approval before instituting yearly adjustments in rates and fees. That gives the council an opportunity to negotiate with the company without going into the whole contract issue. Another item was the engineer's insurance requirements, which were changed from the original \$1.5 million aggregate to a total of \$3 million. Sam explained the last item, under additional insureds, where the contract requested that the owners (the city's insurance company) put the company on its insurance policy as an additional name insured. The city clerk checked with MMIA, who did not want to do that. Great West Engineering agreed to remove this item from the contract, so it is not an issue.

A vote was taken on the motion to approve Resolution No. R07-36. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R07-37: A resolution authorizing the Mayor to execute an agreement with Neumann Construction, Inc., for improvements to Lot 11, Cherry Hills Subdivision, Third Filing, location of the Elena Subdivision Booster Station on West Maryland Lane.**

Motion by Council Member Stamper to approve Resolution No. R07-37, 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.

- **Resolution No. R07-38: A resolution approving the MMIA Employee Benefits Program, a self-funded group health plan.**

Motion by Council Member Dickerson to approve Resolution No. R07-38, 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. R07-39: Resolution of the City Council to create a new position called the City Planner and to adopt a job description for the City Planner position.**

Motion by Council Member Mace to approve Resolution No. R07-39, seconded by Council Member Poehls. There was no public comment.

Mayor Olson informed the council that two applications have been received for the position and three other applications will be mailed out.

Mary Embleton explained that it was determined it would be a better practice, rather than setting a definite date, to state that the position would be opened until filled. This provides more flexibility and options.

Mayor Olson stated that Candi Beaudry, the Planning Director in Billings, has again agreed to sit on the panel to review the applications.

A vote was taken on the motion to approve Resolution No. R07-39. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R07-40: Resolution authorizing the Mayor to sign a Management Agreement between the City of Laurel and the Laurel YMCA for management of the swimming pool at Thomson Park.**

Motion by Council Member Stamper to approve Resolution No. R07-40, 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.

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

Motion by Council Member Easton to postpone council action on Ordinance No. O07-05 to the council meeting on July 3, 2007, seconded by Council Member Stamper. There was no public comment.

Sam Painter, Mayor Olson, and the owners of Cable Montana met today. Cable Montana has some concerns with the structure and how the cable communications ordinance is actually going to work. They reviewed several pages of the ordinance, and Sam stated that there is room for discussion. He stated that it does not make sense to adopt the ordinance and then change it, so he proposed postponement of the ordinance at this time. The cable company will review the document with their attorney, and then a meeting will be scheduled with the city to consider their suggestions. If major changes are needed, Sam stated that a public hearing could be scheduled and advertised in order to make the public aware of the issue. Cable Montana would like to attend a council workshop to discuss the ordinance and their suggested changes.

There was discussion regarding cable companies. Cable Montana is the only cable company that serves the City of Laurel at this time. However, the ordinance is not just written for one company. It will also apply to any companies that would decide to provide service in the City of Laurel at a future date.

Mayor Olson stated that it is important for the council to understand that the ordinance is a structure to any company that wants to come into the Laurel community. Mayor Olson stated that Mr. Gilbertson, the president and CEO of Cable Montana, questioned why the city was bringing this forward at this time. Recently, one of the cable companies attempted to come into Laurel but then decided not to do so. The City of Laurel was out of the loop on that. The city contacted the company, which responded back that they no longer want to be in the City of Laurel. He thinks that this type of structure will allow the city to be informed on the changes that will impact the public rights-of-way.

There was discussion regarding the wording of the ordinance. The Budget/Finance Committee began discussing the need for a cable communications ordinance two years ago. Ordinances were received from Missoula, Great Falls, Billings and Bozeman, and Sam reviewed the ordinances and drafted the ordinance that is before the council at this time. There was a brief discussion regarding franchise fees, which are included in the Schedule of Fees and Charges.

A vote was taken on the motion to postpone council action on Ordinance No. O07-05 to the council meeting on July 3, 2007. All seven council members present voted aye. Motion carried 7-0.

- **Ordinance No. O07-06: Ordinance to amend previously approved City Ordinance No. O06-04 to renumber Sections 12.28.070, 15.36.180 and 15.03.010 and revising Section 15.20.010 of the Laurel Municipal Code.** Second reading.

Motion by Council Member Poehls to adopt Ordinance No. O07-06, seconded by Council Member Dickerson. There was no public comment or council discussion. A roll call vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Ordinance No. O07-07: An ordinance approving the recodification of ordinances adopted by the City Council that have been compiled as the “Laurel Municipal Code” in accordance with MCA § 7-4-107.** First reading.

Motion by Council Member Hart to adopt Ordinance No. O07-07, seconded by Council Member Eaton. There was no public comment.

Council Member Dickerson asked for clarification of this issue.

Mary explained that the city has historically recodified its ordinances every year, but the city was not aware that statute requires it to adopt an ordinance to approve the recodification of the ordinances. This is the second year that the ordinance has been presented to the council. Statute requires recodification of the ordinances every five years. LexisNexis notifies the city every year when it is time to recodify and update the code books. The most recent codification included all of the 2006 ordinances.

A roll call vote was taken on the motion to adopt Ordinance No. O07-07. All seven council members present voted aye. Motion carried 7-0.

- **Request from Laurel Chamber of Commerce for the Culpepper & Merriweather Circus on Friday, June 22, 2007.**

Motion by Council Member Eaton to grant permission to the Laurel Chamber of Commerce for the Culpepper & Merriweather Circus on Friday, June 22, 2007, 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.

- **Request from Laurel Chamber of Commerce for the Chief Joseph Run and the Grand Parade on Wednesday, July 4, 2007.**

Motion by Council Member Stamper to grant permission to the Laurel Chamber of Commerce for the Chief Joseph Run and the Grand Parade on Wednesday, July 4, 2007, 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.

- **Request from Laurel High School Pep Club for the Homecoming activities on Friday, September 28, 2007.**

Motion by Council Member Dickerson to grant permission to the Laurel High School Pep Club for the Homecoming activities on Friday, September 28, 2007, 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.

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.

Council Member Mace commented regarding Larry Tanglen's remarks about the moment of silence. This began during Council Member Mace's first term on the city council, and the council minutes stated that it was for Miranda Fenner.

Mayor Olson stated that the moment of silence provides the opportunity to think about many important things that come to mind at the time.

Council Member Easton stated that members of the Tree Board and the Public Works Department recently started a new program to document the city's trees into the GIS system. The width, age, and type of each tree were determined, as well as condition of disease, damage, or need for replacement. The Tree Board plans to review the trees on all city property and in the thirteen city parks, starting with Kiwanis and Murray Parks. There were eighty-one trees in Thomson Park. Most of the trees in town, which were planted in 1957, are the same type of tree and are becoming diseased. AAA Trees, a professional tree cutter hired to trim the city's trees, is doing an excellent job. Council Member Easton stated that the program will be incorporated with the county GIS system and the city's infrastructure. The tree information will be given to the Park Board.

Council Member Easton stated his appreciation for Larry Tanglen's comments regarding the moment of silence and the length of time that Mayor Chuck Rodgers recognized Miranda Fenner's family during the moment of silence.

Council Member Eaton mentioned follow-up information regarding David Green's recent presentation and the Main Street group. Workshops will be held in Polson next Monday, in Butte next Tuesday, and in Livingston next Wednesday. Council Member Eaton has further information.

Council Member Eaton recently spoke with the representatives from Floating Island in Shepherd. A representative of Max Baucus' office informed her about this organization, which promotes an environmentally friendly way of taking care of wastewater problems. She asked the representatives to speak to the city council about the wastewater system, and they agreed to do so at the council meeting on June 19th. Bruce Kania, CEO of Floating Island, and Dr. Mark Osterlund, a biologist, will make the presentation.

Mayor Olson received Dr. Ken Weaver's draft ordinance regarding placing the form of government on the ballot in November. Sam will prepare the document in the proper form, and it will be on the council workshop agenda on June 12th.

Mayor Olson stated that Jean Kerr presented information today to the Budget/Finance Committee regarding remodeling and reconfiguration of the court room and court clerk's area and the addition of air conditioning units. Judge Kerr explained an ergonomics study that was performed in the court space and produced a way to revise the workflow in the space. Mayor Olson stated that Judge Kerr invited the council to preview the clerks' stations after the council meeting. The Budget/Finance Committee had a few recommendations for Judge Kerr to investigate, and she will report the findings back to the committee.

Council Member Poehls explained the proposed changes. A bid was received from Daniel Galaviz, Custom Construction and Design, for \$2,937; Reporter bid \$600.00 to disassemble, move, and reassemble the desks; and Ace Electric bid \$875.00 to install some hard wiring in the clerks' area around the desks. Air conditioning units for the court offices and for the county motor vehicle office

each cost \$4,500. Ace Electric bid \$2,650 to install two new 30-amp breakers for the air conditioning units. The total proposed cost was \$16,062. Council Member Poehls stated that the Budget/Finance Committee questioned why the air conditioners would cost \$4,500 each and asked Judge Kerr to get a firm bid on the air conditioning units.

There was further discussion regarding the costs, the location of the remodeling, and the revenue source for the proposed project. Mary explained that the court budgeted \$13,000 for public defense last year and that was prior to the city's knowledge of how the public defenders were going to be funded by the State of Montana. Because the state began funding public defenders with a portion of the city's HB 124 revenue, that line item was not used as an expense for public defense. Judge Kerr is willing to transfer the \$13,000 appropriation to the Building Fund for this remodeling project. Council approval of a budget transfer to the Building Fund would be needed. The other \$3,000 would have to come from something else. During the Budget/Finance Committee meeting, Mary pointed out that the current budget expires June 30th so time is of the essence for this. It needs to be appropriated and spent before the end of the fiscal year or, if the council chooses to go forward, it will need to be reappropriated in the next budget.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Mace 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 7:30 p.m.

Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19th day of June, 2007.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer