

MINUTES OF THE CITY COUNCIL OF LAUREL

June 19, 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 19, 2007.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Kate Hart Mark Mace
 Gay Easton Chuck Dickerson
 Vonda Hotchkiss (7:19 p.m.) Norm Stamper

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Mary Embleton
 Sam Painter
 Jean Kerr

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 Easton to approve the minutes of the regular meeting of June 3, 2007, as presented, 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.

CORRESPONDENCE:

Montana Department of Revenue: Application of Issuance of One Original (New) Montana Retail Off-Premises Consumption Beer/Wine License at Wal-Mart Supercenter.

Laurel Chamber of Commerce: Minutes of May 24, 2007; Agenda of June 14, 2007.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of May 2007.**
- **Approval of Payroll Register for PPE 06/03/2007 totaling \$143,070.87.**
- **Receiving the Committee Reports into the Record.**

--Tree Board minutes of May 30, 2007 were presented.

--Budget/Finance Committee minutes of June 5, 2007 were presented.

--City-County Planning Board minutes of June 7, 2007 were presented.

--Council Workshop minutes of June 12, 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): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Airport Authority:

Mayor Olson reappointed Bob Wiens to a five-year term, expiring June 30, 2012, on the Laurel Airport Authority.

Motion by Council Member Eaton to approve the reappointment of Bob Wiens to a five-year term, expiring June 30, 2012, on the Laurel Airport Authority, seconded by Council Member Hart. There was no public comment.

Council Member Poehls gave Sam Painter a letter prior to this meeting regarding questions about the Airport Authority. Council Member Poehls questioned if a legal notice should be published when there is a vacancy and a member asks to be reappointed. He stated that the Airport Authority seems to operate on its own and under its own authority, and he does not know of any other commission or board that has no accountability. He questioned if there is an authority over the Airport Authority or if the Airport Authority has ultimate authority over the airport with no recourse. He also asked if there is a process to petition to have a member removed from the Airport Authority if a group of people felt it should be done. The issues will be discussed at a future council workshop.

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

Board of Appeals:

Mayor Olson reappointed Ed Thurner to a two-year term, expiring June 30, 2009, on the Board of Appeals.

Motion by Council Member Dickerson to approve the reappointment of Ed Thurner to a two-year term, expiring June 30, 2009, on the Board of Appeals, 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.

Library Board:

Mayor Olson reappointed Clair Killebrew to a five-year term, expiring June 30, 2012, on the Library Board.

Motion by Council Member Hart to approve the reappointment of Clair Killebrew to a five-year term, expiring June 30, 2012, on the Library Board, 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.

Tree Board:

Mayor Olson reappointed Pat Hart and Gay Easton to three-year terms, expiring June 30, 2010, on the Tree Board.

Motion by Council Member Stamper to approve the reappointments of Pat Hart and Gay Easton to three-year terms, expiring June 30, 2010, on the Tree Board, 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.

City-County Planning Board:

Mayor Olson reappointed Miles Walton and Hazel Klein to two-year terms, expiring June 30, 2009, on the City-County Planning Board.

Motion by Council Member Poehls to approve the reappointments of Miles Walton and Hazel Klein to two-year terms, expiring June 30, 2009, on the City-County Planning Board, 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.

Cemetery Commission:

Mayor Olson appointed the following members to the Cemetery Commission: Norm Stamper, Chairman, to a two-year term expiring June 30, 2009; Chuck Dickerson, Co-Chairman, to a one-year term expiring June 30, 2008; Lee Barndt to a two-year term expiring June 30, 2009; Chuck Rodgers to a one-year term expiring June 30, 2008; and Luanne Engh to a one-year term expiring June 30, 2008.

Motion by Council Member Easton to approve the appointments of Norm Stamper, Chairman, to a two-year term expiring June 30, 2009; Chuck Dickerson, Co-Chairman, to a one-year term expiring June 30, 2008; Lee Barndt to a two-year term expiring June 30, 2009; Chuck Rodgers to a one-year term expiring June 30, 2008; and Luanne Engh to a one-year term expiring June 30, 2008, 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.

Park Board:

Mayor Olson appointed Kirk Linse to a four-year term, expiring December 31, 2010, and Bill Haldaman to a two-year term, expiring December 31, 2008, on the Park Board.

Motion by Council Member Hart to approve the appointments of Kirk Linse to a four-year term, expiring December 31, 2010, and Bill Haldaman to a two-year term, expiring December 31, 2008, on the Park Board, 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.

Ambulance Reserve Attendants:

Mayor Olson appointed Jason Morgan and Marie Besel as Ambulance Reserve Attendants for the Laurel Ambulance Service.

Motion by Council Member Poehls to approve the appointments of Jason Morgan and Marie Besel as Ambulance Reserve Attendants, 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.

- Ordinance No. O07-08: Ordinance amending the form of Municipal Government in the City of Laurel, County of Yellowstone, Montana. First reading.

Council Member Dickerson asked if the order of the agenda could be changed so Council Member Hotchkiss would arrive in time to discuss Ordinance No. O07-08. Since the agenda had been set, the order could not be changed.

Motion by Council Member Mace to adopt Ordinance No. O07-08, seconded by Council Member Poehls. There was no public comment.

Mayor Olson introduced Dr. Ken Weaver and Judy Mathre to address the issue. Dr. Weaver is the president of Local Government Associates.

Dr. Weaver mentioned a few procedural issues that he noticed during the council meeting. The council selectively decides in advance which will be roll call votes and which will be declarations. Mayor Olson stated that resolutions and formal motions are a voice vote and ordinances are roll call votes, which are recorded. Dissenting votes would be recorded appropriately in the minutes. Dr. Weaver stated that the law requires that all the votes be recorded in the minutes. He complimented the council on its procedure as it went through a lot of business very smoothly.

Dr. Weaver spoke regarding the introduction on the consent agenda. He stated that the language in the statute says that the public can comment on any item that is not on the agenda. If it is on the agenda, the public ought to wait until the agenda item to comment. Dr. Weaver stated that there is no requirement for public comment unless it is a public hearing. A time limit should be placed on the public comment.

Mayor Olson stated that the council allows the opportunity for public comment.

Dr. Weaver stated that the proper verbiage is "I move to" rather than "I motion to".

Mayor Olson thanked Dr. Weaver for the critiques and noted that they were appropriate under public comment.

Judy Mathre, who is also associated with Local Government Associates in Bozeman, asked the council for questions on the charter and the ordinance.

Mayor Olson asked the audience members if there were any questions of the Local Government Associates representatives. There were no questions.

Judy Mathre stated that this is not the final charter and it can be updated as needed.

Council Member Poehls asked regarding Section 7.02, Continuation in Office, where it states that no current city employee will lose employment solely because of the adoption of this charter. He questioned if exempt employee's duties and pay could be changed.

Judy stated that the law recently changed in regard to elected officials. They were involved with a court hearing in Ravalli County, which just adopted a five-member county commission. They wanted them all to run for re-election, and the law allowed that. The citizens said they were not educated about that and took it to court. The legislature was in session, and the law was modified so people cannot be thrown out of office because of a change in the form of government. Elected officials cannot lose office simply because the government changed.

Dr. Weaver stated that the wrongful termination statute remains in effect and cannot be superseded by a charter. Wrongful termination protects especially public employees. Dr. Weaver stated that the language in the charter and the language in Montana State Law provide that a change in the form of government, which this would be if it is approved by the voters, does not necessarily result in a change in the elected officers of government. No employee will lose office solely because of the adoption of the charter. Job descriptions could be changed by the new executive, but the question regarding change in compensation is far more difficult. Dr. Weaver spoke regarding direct termination as a consequence of being fired and constructive termination, where the person is made so uncomfortable by onerous restrictions that he/she resigns and subsequently brings an action under the wrongful termination statute because he/she was compelled to resign. Both of those are unlawful actions if they are sustained by a court and an employer cannot get around wrongful termination.

Council Member Hart asked how many municipalities have a city manager form of government. Eleven municipalities have a city manager form of government and Bozeman adopted it first in 1923. Missoula reverted back in the 1940's. Miles City reverted back since the Local Government Review process began, with tragic and unusual circumstances.

Council Member Hart asked how successfully Montana communities hire a good manager.

Judy stated that Polson just hired a city manager after the residents voted to change its form of government last November. Polson had twenty-seven applicants, ten of whom were well qualified. The individual hired is a competent man whose physician wife will practice in Polson. Dr. Weaver said that the City of Laurel would also be competitive in the advertisement for a city manager.

Dr. Weaver stated that the wording of the ordinance should be "proposing to amend" instead of "amending the form of government", as listed on the agenda. Only the electorate can amend.

Mayor Olson asked regarding the mechanism for boards and committees under the new charter.

Dr. Weaver stated that it is entirely the council's discretion how to appoint boards and commissions. The council's current process is correct, as the mayor appoints with the consent of the council. That process can be written into the charter.

Judy stated that it is addressed in the charter under Article 2, which is about the legislative body. Section 2.09, Powers and Duties, Sub. 2, states that "all members of Boards other than temporary advisory committees established by the manager shall be appointed by the Commission. The appointment process shall be prescribed by commission resolution."

Dr. Weaver stated that the council should approve a resolution for its procedures and process.

Council Member Stamper asked for clarification that this, as with any other ordinance, is the first reading, a public hearing will be held, followed by a second reading.

Mayor Olson stated that the process is correct.

Dr. Weaver stated that there is no requirement for public hearing on any ordinance other than certain land uses. In this case, it makes sense to have a public hearing. He stated that some jurisdictions believe a public hearing is needed on any ordinance, but it is not the case.

Mayor Olson stated that the council's requirement is dictated through ordinance and a public hearing will be held.

Council Member Mace asked regarding the responsiveness of a commissioner for a ward versus the responsiveness to a citizen versus the responsiveness from the manager.

Judy stated that it would be the manager's responsibility to address issues and problems. Citizens who contact council members would be directed to the city manager. This process is right in the manager form of government. In the present form, the persons who work for the manager must not take direction from the council and the council must not seek to give that direction. It is out of bounds for a member of the council to call an employee regarding their job.

Council Member Hotchkiss arrived at this time.

There was discussion regarding how to remove a city manager, if the council chose to do so. Judy stated that councils can remove a manager if there is dissatisfaction with job performance. The mayor's term of office is four years, but the manager's term of office is not definite.

Dr. Weaver stated that citizens might think they would not have the same degree of authority or control over the city manager as the mayor. That is not the case. The worst fear of any manager is that five members of an eight member council could terminate him for five different reasons. A contract provides some remuneration for that situation. Dr. Weaver thinks there is more accountability with a city manager, but a mayor could be recalled or the public could wait until the term of office is up.

Dr. Weaver asked regarding appointments to the Library Board, the Cemetery Board, and the Airport Authority. The mayor appoints the Airport Authority with the consent of the council. The Airport Authority has a very wide range of authority to act. The Library Board appoints the librarian, and the council approves the library budget.

Dr. Weaver stated that most of the council committees would no longer exist because a full-time executive would be hired to get the council out of the management of government. The council's job will be making policy for the city. The executive will manage the resources and implement the policy. The council may decide to keep some committees, such as the Emergency Services Committee. Dr. Weaver stated that there should not be a Personnel Committee and the council should not be involved in personnel matters.

Dr. Weaver stated that the documentation for a change in government must be submitted to the county election administrator by August 20th. There is a seventy-five day clock before the November 6th election. He recommended that the legislative action be completed by the middle of July. Dr. Weaver and Judy will provide any assistance requested to educate staff and citizens.

Mayor Olson asked regarding the differences between the mayor form of government with an administrative assistant and the role of a city manager.

Dr. Weaver stated that an administrative assistant is a common adjunct to the mayor/council form of government in the State of Washington and California has a lot of managers. Whether or not the mayor and council choose to fund the administrative assistant is a structural opportunity that is permitted by law. There have been only two or three successful situations in recent years. Almost without exception, the problem arises of a conflict between the responsibilities of the mayor and the authority of the mayor on the one hand which cannot be delegated to another person, an administrative assistant. Law in Montana is silent on that question. Sometimes the commission or council feels that that person takes on too much authority or the appearance of exercising that authority more than the commission or council is willing to allow. These are common circumstances. The duties of the manager, the authority of the manager, the authority of the council, and the limitations on the council with respect to the manager, are all set forth very directly in the charter and came right out of statute. There is no comparability between the administrative assistant

and the city manager. The administrative assistant to the mayor has not been a success in Montana because there is insufficient law in a non-chartered government to enable that person to operate with the confidence of the mayor on one hand and the trust of the council on the other.

Mayor Olson asked if the authority would be available if the form of government was under the umbrella of self-governing powers.

Dr. Weaver stated that it is not the self-governing powers, although it is an ancillary aspect of it. It is the charter which automatically confers self-governing powers, but the language in 7.37.01 of the code says that the charter shall spell out the administrative organizational structure of the government and that that structure set forth in the charter is superior to statute. It is the charter that could create a variation of the administrative assistant that might be more functional.

Mayor Olson asked if, with self-governing powers and the ability for a charter to wrap around that form of government, there could actually be a mayor form of government.

Dr. Weaver stated that without the charter, which he calls wrapping a charter around the existing form of government, it is doomed to failure. With a charter, he thinks it is more likely to succeed. It would not be easy language to craft. When authority is delegated, it is not important until it is important, and when it is important, it is tricky. He would have to do additional research on this issue.

Mayor Olson asked why the administrative assistant to the mayor does not seem to work well in Montana but works well in other states.

Dr. Weaver stated that it is only a matter of conjecture. Idaho has less than ten manager cities or administrative assistants to the mayors who have become manager like. Most of those administrative assistants think of themselves as a manager whose boss is the mayor, and he thinks that it must be provided in statute. Washington has had years of success in smaller jurisdictions of having an administrative assistant with a part-time mayor. He thinks it is a matter of statute, and he would provide a more authoritative answer.

Mayor Olson stated that the council will determine future dates for discussion.

A roll call vote was taken on the motion to adopt Ordinance No. O07-08. Council Members Poehls, Mace, Stamper, Easton, and Hart voted aye. Council Members Dickerson, Hotchkiss, and Eaton voted nay. Motion carried 5-3.

The public hearing will be on the July 17th council meeting.

- Presentation: Floating Island International, Dr. Mark Osterlund, Ph.D., Biologist

Mayor Olson introduced Dr. Mark Osterlund to the council and thanked him for his patience.

Dr. Osterlund gave a PowerPoint presentation about Floating Island International, which has developed BioHaven floating islands. BioHavens do five things: they remove pollutants from a waterway, including nitrates, phosphates, ammonia and heavy metals; they provide critical riparian edge habitat; they sequester carbon and other greenhouse gases; they provide wave mitigation and erosion control; and they beautify a waterscape. BioHavens are made from layers of recycled plastic "matrix" which are bonded together with adhesive foam. They are planted with sod, garden plants or wetland plants and launched onto a water body. The plants are allowed to grow naturally. As they develop, their roots grow through the matrix and into the water below. Over time, a natural eco-system evolves. BioHavens "bio-mimic" nature, using nature as a model.

BioHavens are effectively a concentrated floating wetland. The huge surface area of fibers provides many times more surface area than an equivalent stretch of bare wetland. Surface area is the key factor for microbial activity to take place, and microbes (bacteria) are the key to removing contaminants from the water. Plants and their roots are also important, but more for the extra surface area the roots provide than for any nutrient uptake the plants themselves account for. BioHavens were invented seven years ago, have been successfully trialed for five years, and have been on the market since July 2005. They represent a natural, convenient and cost-effective solution for some of the most intractable and expensive problems on the planet. They can be made in any shape and size and offer some fun uses. Over 1,500 islands have been sold around the world.

There was a brief discussion regarding possible grants. Mayor Olson thanked Dr. Osterlund for the informative presentation.

- Resolution No. R07-41: A resolution approving Change Order No. 3 with Gray Construction, Inc., the reconciliation change order for the main Street Waterline Replacement Project and authorizing the Mayor to execute the attached Change Order No. 3 on the City's behalf.

Motion by Council Member Eaton to approve Resolution No. R07-41, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- Resolution No. R07-42: Resolution authorizing the Mayor to appoint a local insurance representative for the City of Laurel and to execute the documents required by the Montana Municipal Insurance Authority "MMIA" to effectuate the appointment.

Motion by Council Member Dickerson to approve Resolution No. R07-42, seconded by Council Member Stamper. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- Resolution No. R07-43: A resolution approving an agreement between the City of Laurel and the City of Billings, said agreement relating to solid waste disposal.

Motion by Council Member Hotchkiss to approve Resolution No. R07-43, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- Resolution No. R07-44: A resolution extending the previously approved Planning Services Agreement with the City/County (Billings/Yellowstone) Planning Department to continue providing temporary planning services for the City of Laurel.

Motion by Council Member Stamper to approve Resolution No. R07-44, seconded by Council Member Dickerson. There was no public comment.

Mayor Olson reported on the process to hire a city planner. Eight applications have been mailed out and four applications have been returned. An interview panel has been formed to begin the hiring process. The panel consists of the Clerk/Treasurer (Mary Embleton), the Public Works Director (Steve Klotz), the secretary for the City-County Planning Board (Cheryll Lund), a member of the City-County Planning Board (David Oberly), the Director of the Billings Planning Department (Candi Beaudry), and the mayor. A meeting is scheduled for Tuesday, June 26th, to schedule interviews. Mayor Olson would like to have a city planner hired before the end of the summer.

Council Member Dickerson asked that an update be given at the next council workshop.

A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- Resolution No. R07-45: Resolution approving an Interlocal Agreement by and between the City of Laurel Police Department, Yellowstone County, Montana, Yellowstone City-County Health Department, the Yellowstone County Sheriff's Office, and the City of Billings Police Department for the provision of security for the Strategic National Supply (SNS) Assets upon their arrival in Yellowstone County, Montana.

Motion by Council Member Hart to approve Resolution No. R07-45, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- Resolution No. R07-46: Resolution of the City Council granting a variance from the City's Zoning Regulations to allow the owner to replace a damaged two-unit duplex with a four-unit structure at 1103 East Main Street, exceeding the four-unit limit for properties zoned Community Commercial under the Laurel Municipal Code.

Motion by Council Member Easton to approve Resolution No. R07-46, seconded by Council Member Stamper. There was no public comment.

Mayor Olson stated that the council received the legal opinion on this particular item.

Council Member Dickerson stated that the resolution would allow the owner to replace a damaged two-unit duplex with a four-unit structure, exceeding the four-unit limit. He stated that a four-unit structure is not exceeding a four-unit limit and asked if the resolution should refer to a five-unit structure as requested.

Mayor Olson stated that the applicant currently has three units, one of which was damaged by an automobile. Also on the property, there is a trailer, another occupancy which has two occupancies in it, and another shed, which is considered to be an occupancy. The applicant has seven structures, which could be considered occupancies, and he is asking for the removal of three and putting up of a fourth. Mayor Olson stated that seven conditions must be met for the variance.

Council Member Stamper stated that, in respect to the property owner, any improvement on the property would be very nice. He asked if the applicant would still be in violation of code if he builds a two-unit structure.

Sam Painter stated that the landowner currently possesses a non-conforming use and his use has changed over the years. He used to originally have the non-conforming use of seven units on his property. The two-plex that was struck by the automobile was originally a four-plex. He cut it down to a two-plex some years back; therefore, non-conforming use changed to a five-unit instead of a seven unit. The applicant proposes to tear down one shed and take down two units, but then he wants to build four. This would result in six units, which does not follow the zoning requirements, so he is seeking this variance. The council could grant him a variance, but the reasons and rationale are limited in city code. Sam reviewed the analysis of the seven criteria in a legal opinion. In his understanding of the information and the minutes of the planning board, it did not appear that the owner qualified to get a variance as the first three requirements were never met. Therefore, Sam found it difficult to recommend approving it as it is not in the spirit of the city's zoning laws. The hardship typically shown by a property owner does not appear in this case, because the hardship would be not allowing the landowner to maximize his profits. He wants rent on four units where he should be limited to rent on two units. Owners typically cannot rely solely on economic damage, and he does have a remedy. He could replace the damaged two-unit structure with an identical newly constructed two-unit structure, and he would still be in zoning compliance with removal of one shed because there will be four units. The applicant's non-conforming use is currently five, so if he chooses to replace the two-unit with an identical two-unit, and keep five units, he can continue the non-conforming use.

Council Member Dickerson asked if the applicant could be required to tear down the existing buildings to come into compliance. Sam stated that could not be required. The applicant currently possesses a five-unit non-conforming use. If he replaced the damaged unit with an identical two units, he would still have five units total and his non-conforming use would continue. The non-conforming use continues until he modifies his use or attempts to dramatically change it.

Council Member Eaton requested that the city attorney write a letter to the applicant to explain his options. Sam will make sure that the applicant received the memo.

A vote was taken on the motion to approve Resolution No. R07-46. Council Member Easton voted aye. Council Members Poehls, Mace, Dickerson, Stamper, Hotchkiss, Hart, and Eaton voted nay. Motion defeated 1-7.

- Resolution No. R07-47: A resolution approving a small services contract for the partial remodel work on the City Court.

Motion by Council Member Mace to approve Resolution No. R07-47, seconded by Council Member Dickerson. There was no public comment.

Council Member Poehls asked if the city has a policy and procedure for remodel work being done in a city-owned facility and the involvement of the city engineer and/or public works department with such projects. He questioned if department heads are qualified to make decisions regarding remodeling and construction.

Mayor Olson stated that the judge and the public works director worked together on the plan for the court remodel project.

Council Member Mace stated concern that the CIP process be followed in allocating money for projects. He would also like to see a policy for departments to follow and to involve the building department and the person in charge of the buildings.

A vote was taken on the motion to approve Resolution No. R07-47. All eight council members present voted aye. Motion carried 8-0.

Mayor Olson stated that the issue would be on the June 26th council workshop agenda for further discussion.

- Resolution No. R07-48: A resolution approving an agreement between the City of Laurel and Yellowstone Boys and Girls Ranch, said agreement relating to fire protection.

Motion by Council Member Eaton to approve Resolution No. R07-48, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- Resolution No. R07-49: A resolution approving an agreement between the City of Laurel and the Laurel Airport Authority, relating to fire protection.

Motion by Council Member Dickerson to approve Resolution No. R07-49, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- Letter to the Montana Department of Transportation

Mayor Olson stated that the letter to the Montana Department of Transportation has not been prepared and will be presented at the next council workshop. When he contacted MDT last week regarding the pothole on South First Avenue, he was informed that the workload would not allow repair until this week. However, the patch was fixed late last week. The public works director has indicated that MDT has a rotation schedule for such repairs.

Mayor Olson stated that the city still needs to notify the State of the unsafe nature of that particular issue and he will write a letter properly notifying MDT that of the safety concern with the south exit to the underpass. The letter will be prepared for the June 26th council workshop.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Eaton attended the Main Street USA workshop in Livingston last week. Dawn Harmon, Glenda Seabrook, and Diane Frasier also attended the meeting.

Council Member Dickerson returned to item m. on the agenda and asked if the council could authorize the mayor to sign the letter to the Department of Transportation and not delay it further.

Motion by Council Member Dickerson to vote on item m. on the council agenda, Letter to the Montana Department of Transportation, seconded by Council Member Hotchkiss. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

Motion by Council Member Dickerson to authorize the mayor to sign a letter to the Montana Department of Transportation regarding maintenance on the south exit of the underpass on First Avenue South, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

Council Member Poehls will not attend the council workshop on June 26th, as he will attend the Laurel Airport Authority meeting.

Mayor Olson encouraged the council to participate in the painting project of the underpass on Saturday, June 23rd, beginning at 8:00 a.m. Paint was donated by ACE Hardware's paint supplier. Barriers will be set up and the underpass will be closed.

Mayor Olson announced Larry McCann's retirement from the City of Laurel effective on June 29, 2007. Mayor Olson thanked Larry for a job well done and wished him the best of luck for future endeavors for Larry and his wife. Mayor Olson thanked Larry for his time and service to the City of Laurel.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Hart to adjourn the council meeting, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members 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 8:45 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 July, 2007.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer