

# MINUTES OF THE CITY COUNCIL OF LAUREL

September 4, 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 September 4, 2007.

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

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT:	Mary Embleton	Wyeth Friday
	Sam Painter	James Caniglia

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 Poehls to approve the minutes of the regular meeting of August 21, 2007, 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.

## CORRESPONDENCE:

Cable Montana: Service Reports for July 2007.

Laurel Chamber of Commerce: Minutes of August 9, 2007; Agenda for August 23, 2007.

## PUBLIC HEARINGS:

- **Ordinance No. O07-09: An ordinance amending a section of the “Laurel Subdivision Ordinance” located at Chapter 16 of the Laurel Municipal Code.** (First reading – 08/21/2007)

Mayor Olson asked Wyeth Friday to introduce the issue.

Wyeth Friday stated that Ordinance No. O07-09 is for a minor amendment to the subdivision regulations for the Laurel planning jurisdiction. The Planning Board will hold a public hearing on Thursday and will move forward with the recommendation for the county commissioners to make the amendment for the county area of the Laurel jurisdiction. The Laurel planning jurisdiction adopted new regulations earlier this year. The Billings Planning Department, which has been administering Laurel’s subdivision regulations for the last several months, discovered that the previous regulations only provided for a one-year period between preliminary plat approval and final plat approval. State law allows between one year and up to three years for that time period, and the rest of the county is under a three-year review. Laurel’s new regulations have a three-year review period between preliminary and final plat, which is the same as the rest of Yellowstone County. A one-year extension can be requested, which would potentially allow a four-year period. The previous regulations in the Laurel jurisdiction were for one year, and the department had several developers present their final plats to be reviewed and recorded. However, the timeframe had gone beyond the one-year time period, but the developers thought they had three years. These were all subdivisions that were reviewed under the previous regulations, had the DEQ approvals, and had everything in order. The proposed amendment would allow the developers to continue retroactively within a three-year time period, even though they started under the old regulations. This would enable two or three subdivisions to move forward with final plat review and recording without starting over again. Any developers beyond the three years would have to start over anyway, and new developers would be under the new regulations. Wyeth stated that there are a couple other

language changes in the section, which are also being proposed within the city and county regulations in Billings and Yellowstone County. The main change is for the three-year time period.

Mayor Olson opened the public hearing and read the rules governing the public hearing.

Mayor Olson asked two times if there were any proponents.

Lisa Lynn Scribner, 917 Cottonwood, stated that she would be submitting a letter of interest for the vacant council seat for Ward 4.

Mayor Olson thanked her and stated that this public hearing is for an annexation issue. He asked her to speak later on the agenda under Audience Participation.

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.

Mayor Olson closed the public hearing.

- **2007-2008 Preliminary Budget**

Mary Embleton stated that every year the council is required to adopt a budget to operate the city's services under. Part of the process is to prepare a preliminary budget, which was previously distributed to the council, and to conduct a public hearing to allow the public to have input and voice concerns. The final step in the process is the adoption of the budget in two weeks. State law mandates the process for a budget, and it is required to have a budget adopted within forty-five days after receiving the taxable valuations from the State Department of Revenue. The city received the taxable valuations on August 6<sup>th</sup>, the first Monday in August, and the values were confirmed and certified. The mill levies were then set, which is the final step in the budget process. Notice of the public hearing was published twice in accordance with state law, and it covers all of the budgets needed for the city to operate. The total appropriation for all city operations is over \$16 million. Of the \$16 million, approximately \$890,000 in taxes supports those services. The official state document will be prepared once the final budget is adopted and must be submitted to the state by October 1<sup>st</sup>.

Mayor Olson opened the public hearing and read the rules governing 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.

- **Additional Mills Levied for Permissive Medical Levy Fund Budget for Fiscal Year 2007-2008**

Mary Embleton stated that a separate public hearing is required for the Permissive Medical Levy for cities to levy additional support from the public to help pay for health insurance costs. The legislation was passed by the 2001 legislature when it recognized the impact that double digit inflation on health insurance costs was having on local governments. It was amended at the next legislative session to better define how to calculate the need and levy the mills for the additional support for health insurance. The city has levied additional mills since the enactment of the legislation. The city received a 4.4 percent increase in health insurance premiums this year, which meant that the city did not require as much additional help through this permissive medical levy as in the past. The city is asking that \$153,243, which is 24.75 mills, be levied in addition to the scheduled levies that are required by law. Last year, the city received a 9.8 percent increase in health insurance costs, and the city levied 27.34 mills and generated \$163,950. This year, the city is asking for only \$153,243. The self-funded pool for health insurance for cities is holding down the cost and is going to be beneficial for all.

Mayor Olson opened the public hearing and read the rules governing the public hearing.

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

Mayor Olson asked twice if there were any opponents.

Daryl Haase, 404 West 12<sup>th</sup> Street, has a problem with this levy. In his understanding, the city workers get cost of living increases every year, as most any city worker or government worker. If there are increases for medical insurance, they should have to take care of that as well. If he were to pay for himself and his family, he would be working for free. They (employees) make good money and already get a good amount of medical. He does not see why they should have to take care of employees' families when most people are having difficulty taking care of their own. He does not feel that this should be passed through for them when everyone else is struggling and yet they are being taken care of by us. He does not believe this should go through.

Mayor Olson thanked him.

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

Mayor Olson closed the public hearing.

**CONSENT ITEMS:**

- **Claims for the month of August, 2007 in the amount of \$419,198.87.**  
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 08/26/2007 totaling \$119,637.76.**
- **Receiving the Committee Reports into the Record.**
  - Budget/Finance Committee minutes of August 21, 2007 were presented.
  - Council Workshop minutes of August 21, 2007 were presented.
  - Emergency Services Committee minutes of June 25, 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 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.

**CEREMONIAL CALENDAR:** None.

**REPORTS OF BOARDS AND COMMISSIONS:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

Lisa Lynn Scribner lives at 917 Cottonwood Avenue in Ward 4. Her mother has lived on the corner of Cottonwood and Maryland for twenty years, and she moved in with her about five years ago. She went to high school in Laurel, is a veteran, went straight out of high school into the army for four years, and worked on helicopters when the women were working in the non-traditional roles. She had an honorable discharge as a sergeant, has a college degree, worked for American Airlines, and has been back in Montana and living in Laurel and Billings since 1993. She will submit a letter of interest for the Ward 4 vacancy on Thursday.

Mayor Olson thanked her and stated that it is always encouraging when citizens step forward with a willingness to serve.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**

City Planner:

Mayor Olson appointed James Caniglia as the City Planner for the City of Laurel.

Motion by Council Member Dickerson to approve the Mayor's appointment of James Caniglia as the City Planner 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 introduced James Caniglia to the council.

James thanked Mayor Olson for allowing him the opportunity to have the city planner job. He thanked Mary for the hard work she has done in helping him get this position. He looks forward to working with the city council and helping Laurel move forward with its planning program again.

Mayor Olson thanked the Billings Planning Division for providing James with some training regarding the planning process in the City of Laurel and Yellowstone County. He extended thanks to Director Candi Beaudry for her participation in the process.

Public Utilities Director:

Mayor Olson stated that Public Utilities Director Steve Klotz has tendered his resignation effective in thirty days. Steve has applied for and has accepted another position. Mayor Olson removed the appointment from the agenda.

Board of Appeals:

Mayor Olson appointed Don Brown to a two-year term, ending June 30, 2009, on the Board of Appeals.

Motion by Council Member Easton to approve the appointment of Don Brown to a two-year term, ending June 30, 2009, on the Board of Appeals, 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. R07-67: Budget amendment resolution amending appropriations and revenues for various funds for Fiscal Year 2007.

Motion by Council Member Hart to approve Resolution No. R07-67, 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. R07-68: A resolution adopting revisions and additions to the City of Laurel Personnel Policy Manual.

Motion by Council Member Eaton to approve Resolution No. R07-68, 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. R07-69: A resolution adopting Certificates No. 1, 2, 3, and 4 related to the proposed self-government charter with the council-mayor plan of government for the City of Laurel.

Motion by Council Member Poehls to approve Resolution No. R07-69, 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.

**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 Poehls thanked the council for allowing him to miss a few meetings to attend the Airport Authority meetings. A compromise has been negotiated regarding the hangar issue.

Council Member Mace thanked Mr. Haase for taking part in the public hearing process.

Mayor Olson stated that the agenda allows for public input at various places and there is the opportunity for discussion after every motion and action of council. It is encouraging to see people come forward to take advantage of that to present their view. Mayor Olson also thanked Mr. Haase .

Council Member Dickerson welcomed James Caniglia to the City of Laurel.

Council Member Easton reported on two meetings last week with the Yellowstone River Council and the Missouri River Council. The need for a study to provide a passageway for sturgeon to migrate up the Yellowstone River was the topic of one meeting held in Sidney. This will be a \$50 million project. Issues regarding flooding caused by the Department of Transportation and the building of bridges by the highway department and the railroads were discussed at a meeting in Glendive. This is a pilot program and the study will be conducted during the next year.

Council Member Eaton will present the draft ordinance to the Yellowstone Historic Preservation Board at the October meeting, as she will be unable to attend the September meeting.

Mayor Olson stated that the city is reviewing the opportunity for the creation of a TIFD (Tax Increment Finance District). There have been conversations with Big Sky Economic Development Authority, and the creation of an update in the city's urban planning will be reviewed. It is in the preliminary stages, and further information will be provided as it is available.

**UNSCHEDULED MATTERS:**

Council Member Mace asked for a report on the city's pothole filling machine as far as the costs, schedule, and timeline to fill the remaining potholes. Mayor Olson stated that the item will be on the council workshop agenda on September 11<sup>th</sup>.

Council Member Dickerson requested an update on the status of the installation of the traffic light on South First Avenue and Southeast Fourth Street. Council Member Easton mentioned that the traffic light would be installed tomorrow. Mayor Olson stated that a report would be on the September 11<sup>th</sup> council workshop agenda.

**ADJOURNMENT:**

Motion by Council Member Mace to adjourn the council meeting, seconded by Council Member Poehls.

Council Member Dickerson asked if there would be a trial period where the traffic light would be working and if the *Laurel Outlook* would publish when the light would be functioning so people would be aware of it. Mayor Olson stated that a report would be given at the council workshop next Tuesday.

There was no public comment or further 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 7:17 p.m.

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Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 18<sup>th</sup> day of September, 2007.

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Kenneth E. Olson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer