

# MINUTES OF THE CITY COUNCIL OF LAUREL

September 18, 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 18, 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  
  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.

Council Member Easton stated that the governor ordered the American flag to be flown at half mast in remembrance of the Montana soldier killed in Iraq recently. A three-inch black strip can be placed on the side of flags that cannot be flown at half mast.

## MINUTES:

Motion by Council Member Poehls to approve the minutes of the regular meeting of September 4, 2007, as presented, 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.

**CORRESPONDENCE:** None.

**PUBLIC HEARING:** None.

## CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of August 2007.**
  - **Approval of Payroll Register for PPE 09/09/2007 totaling \$140,450.25.**
  - **Receiving the Committee Reports into the Record.**
- Budget/Finance Committee minutes of September 4, 2007 were presented.
- City-County Planning Board minutes of September 6, 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 Volunteer Ambulance Service:

Mayor Olson appointed DJ Poolet as an Ambulance Attendant for the Laurel Volunteer Ambulance Service.

Motion by Council Member Dickerson to approve the appointment of DJ Poolet as an Ambulance Attendant, 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.

- **Ordinance No. O07-09: Ordinance amending a section of the “Laurel Subdivision ordinance” located at Chapter 16 of the Laurel Municipal Code. Second reading.**

Motion by Council Member Stamper to adopt Ordinance No. O07-09 as presented, seconded by Council Member Dickerson. There was no public comment.

Council Member Eaton requested an explanation of the underlines and strikethroughs in the ordinance.

Sam Painter stated that the ordinance was approved by the council at the first reading. After that, it was determined that a couple things needed to be changed. In the title, the word “ordinance” was struck and replaced with “regulations.” Also, a citation needed to be changed from Chapter 17 to Chapter 16. The final version is presented to the council tonight.

Motion by Council Member Eaton to amend Ordinance No. O07-09, seconded by Council Member Hart. A roll call vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

A roll call vote was taken on the motion to adopt Ordinance No. O07-09 as amended. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R07-70: A resolution approving and adopting the Final Budget for the City of Laurel for the fiscal year 2007-2008.**

Motion by Council Member Hart to approve Resolution No. R07-70, 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. R07-71: A resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2007.**

Motion by Council Member Easton to approve Resolution No. R07-71, seconded by Council Member Hart. There was no public comment.

Council Member Eaton asked if all the resolutions are annual resolutions that have to be voted on to make the budget work. Mayor Olson stated that was correct.

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

- **Resolution No. R07-72: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 2 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2007-2008.**

Motion by Council Member Poehls to approve Resolution No. R07-72, 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. R07-73: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 3 of the City of Laurel, Montana, for the entire costs of maintenance and electrical current for the fiscal year 2007-2008.**

Motion by Council Member Mace to approve Resolution No. R07-73, 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.

- **Resolution No. R07-74: A resolution levying and assessing the cost of street maintenance and/or improvements for Street Maintenance District No. 1 that constitutes all streets and alleys embraced within the City of Laurel, Montana, for fiscal year 2007-2008.**

Motion by Council Member Dickerson to approve Resolution No. R07-74, 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. R07-75: Being a resolution levying and assessing all of the property embraced within Street Sweeping District No. 1, of the City of Laurel, Montana, for the purpose of the sweeping of streets in the downtown or business district for the fiscal year 2007-2008.**

Motion by Council Member Stamper to approve Resolution No. R07-75, 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. R07-76: A resolution levying and assessing the cost of street paving, curb and gutter, and storm drain facilities for Special Improvement District No. 110 within the City of Laurel, Montana, for fiscal year 2007-2008.**

Motion by Council Member Eaton to approve Resolution No. R07-76, 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. R07-77: A resolution levying and assessing the cost of sidewalk improvements for Special Improvement District No. 111 within the City of Laurel, Montana, for fiscal year 2007-2008.**

Motion by Council Member Hart to approve Resolution No. R07-77, 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. R07-78: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent water charges.**

Motion by Council Member Easton to approve Resolution No. R07-78, 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. R07-79: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent sewer charges.**

Motion by Council Member Poehls to approve Resolution No. R07-79, 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. R07-80: A resolution levying and assessing a special tax against certain property designated as garbage districts in the City of Laurel, Montana, for the removal of garbage and refuse.**

Motion by Council Member Mace to approve Resolution No. R07-80, seconded by Council Member Poehls. There was no public comment.

Council Member Mace stated that several items on the agenda dealt with the budget and levying taxes for services. As chairman of the Budget/Finance Committee, he thanked Mary Embleton and

her office for the fine work in putting the budget together and the Budget/Finance Committee for making the council understand what it takes to keep the city going.

Mayor Olson stated that Council Member Mace, Mary Embleton, and the mayor have spent a great amount of time with the budget process. He stated appreciation for the dedication that has been shown and the effort the chairman of the Budget/Finance Committee has demonstrated. It is not an easy task to have that responsibility, and the council could not have picked a better chairman. He stated appreciation for the clerk-treasurer's hard work.

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

- **Resolution No. R07-81: A resolution to authorize the Mayor to sign an agreement with Laurel Public Schools, District 7 and 7-70, continuing the School Resource Officer (SRO) Program for the Laurel Middle School.**

Motion by Council Member Dickerson to approve Resolution No. R07-81, 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.

- **Resolution No. R07-82: A resolution to authorize the Mayor to sign an agreement with Laurel Public Schools, District 7 and 7-70, continuing the School Resource Officer (SRO) Program for the Laurel High School.**

Motion by Council Member Stamper to approve Resolution No. R07-82, 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. R07-83: A resolution approving Change Order No. 1 for Concrete R Us authorizing additional payment and work and further authorizing the Mayor to execute the attached Change Order No. 1 on the city's behalf.**

Motion by Council Member Eaton to approve Resolution No. R07-83, seconded by Council Member Hart. There was no public comment.

Council Member Poehls mentioned the street closure on West First Street yesterday. It was explained that a fiber optic line was installed along the existing line between Yellowstone Bank and the drive-up bank.

Council Member Poehls stated that the new sidewalks and curb will be nice.

Mayor Olson stated that the improvement is tremendous and things are happening in Laurel.

A vote was taken on the motion to approve Resolution No. R07-83. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R07-84: Resolution authorizing the Mayor to sign an agreement between the City of Laurel and Canyon Creek Ditch Company permitting the crossing of the ditch owned by Canyon Creek Ditch Company.**

Motion by Council Member Hart to approve Resolution No. R07-84, 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. R07-85: Resolution of the City Council to approve revisions to the existing Code Enforcement Inspector job description for the City of Laurel.**

Motion by Council Member Eaton to delay Resolution No. R07-85 until October 2, 2007, seconded by Council Member Hart. There was no public comment.

When Council Member Poehls asked why the resolution needed to be delayed, Mayor Olson stated that more time is needed to review the structure of the department.

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

- **Resolution No. R07-86: Resolution approving an agreement between the City of Laurel and TischlerBise, relating to an impact fee feasibility analysis.**

Motion by Council Member Poehls to approve Resolution No. R07-86, 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.

- **Ordinance No. O07-10: Ordinance amending certain sections of the “Laurel Zoning Ordinance” located at Chapter 17 of the Laurel Municipal Code. First reading.**

Motion by Council Member Mace to adopt Ordinance No. O07-10, seconded by Council Member Poehls. 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.

The public hearing of Ordinance No. O07-10 will be on the council agenda on October 16, 2007.

- **Ward 4 Candidates to address Council.**

Mayor Olson asked the council to have a special meeting regarding this item. One of the candidates was sick and unable to attend tonight’s meeting. Mayor Olson asked the other candidate, upon the council’s approval, to delay this issue until a special meeting on September 25<sup>th</sup>. The election and swearing in ceremony will be held at that meeting.

Motion by Council Member Easton to postpone the appointments to the council workshop on September 25, 2007, seconded by Council Member Poehls. There was no public comment.

Council Member Mace asked for a review of the procedure.

Mayor Olson stated that both candidates will have a three-minute opportunity to address the council. After that, paper ballots will be distributed to the council for voting.

Council Member Eaton asked if both candidates would be on the ballot in November.

Mayor Olson stated that Mr. Wilkins applied for the position and his name will be on the ballot. Ms. Scribner will be on as a write-in candidate.

Mary Embleton received a phone call today from Dwayne Winslow, the County Election Administrator. The mail-in ballots are ready to be printed now, and the names of those who filed will be on the ballot. October 22<sup>nd</sup> is the deadline for a write-in candidate to file for the November 6<sup>th</sup> election, but their name would not be on the ballot.

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

Mayor Olson stated that the special meeting for the appointment would precede the 6:30 p.m. council workshop.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

Council Member Dickerson asked regarding the public hearing for Ordinance No. O07-10. The public hearing will be scheduled on October 16, 2007. Council Member Dickerson requested that the ordinance for weeds and growth in excess of eight inches and how and why they are not being handled be put on the September 25<sup>th</sup> council workshop agenda.

Council Member Eaton attended the Yellowstone Historic Board meeting today. Laurel continues to be in the limelight with regard to places that hold potential for receiving historic recognition. In particular, Riverside Park is being reviewed by the board and also by the Billings Historic Preservation Board. There is an individual who has done a great amount of research with regard to that being a former prisoner of war camp and that is the first and major step for that going forward.

Mayor Olson stated that it is exciting to hear that people are starting to recognize the true value of our community.

Council Member Poehls stated that the Emergency Services Committee will meet on Monday, September 24<sup>th</sup>, at 5:30 p.m. He will e-mail mutual aid information.

Mayor Olson stated that Steve Klotz has decided to move to Belgrade to take on the position of public works director. Mayor Olson has determined that the city will go forward in search of a public works director for the public works and public utilities departments. The public works director would be assisted by a deputy public works director. An advertisement for a job opening as the public works director, encompassing the full duties of the public works and public utilities departments will be published soon.

Council Member Mace stated that it was nice to have the city planner here tonight.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

Motion by Council Member Dickerson to adjourn the council meeting, 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.

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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Mary K. Embleton, Clerk-Treasurer

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2nd day of October, 2007.

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Kenneth E. Olson, Jr., Mayor

Attest:

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Mary K. Embleton, Clerk-Treasurer