

MINUTES OF THE CITY COUNCIL OF LAUREL

January 15, 2008

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 January 15, 2008.

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

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Mary Embleton James Caniglia
 Brooke Baracker Bill Sheridan

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 January 2, 2008, as presented, 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.

CORRESPONDENCE:

Laurel Chamber of Commerce: Minutes of December 13, 2007; Agenda of December 27, 2007.

Department of Natural Resources and Conservation: Letter of January 3, 2008, regarding 2008 Reclamation and Development Grants, Application Deadline.

Laurel Chamber of Commerce: 2008 Board of Directors information.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of December, 2007.**
- **Approval of Payroll Register for PPE 12/30/2007 totaling \$158,550.87.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of January 2, 2008 were presented.

--Revised City-County Planning Board minutes of December 6, 2007 were presented.

--City-County Planning Board minutes of January 3, 2008 were presented.

--Council Workshop minutes of January 8, 2008 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 eight council members present voted aye. Motion carried 8-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Fire Department:

Mayor Olson appointed Brian Fox to the Laurel Fire Department.

Motion by Council Member Poehls to approve the Mayor's appointment of Brian Fox to the Laurel Fire Department, 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.

Big Sky Development Authority:

Mayor Olson appointed Alex Wilkins as the City Representative to the Big Sky Economic Development Authority.

Motion by Council Member Eaton to approve the Mayor's appointment of Alex Wilkins as the City Representative to the Big Sky Economic Development Authority, seconded by Council Member Hart. 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.

Tree Board:

Mayor Olson appointed Emelie Eaton to the Tree Board for a term ending June 30, 2009.

Motion by Council Member Hart to approve the Mayor's appointment of Emelie Eaton to the Tree Board for a 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 eight council members present voted aye. Motion carried 8-0.

Mayor Olson thanked both Council Members Wilkins and Eaton for their willingness to serve on these boards.

ADA Coordinator:

Mayor Olson appointed Bill Sheridan as the ADA Coordinator for the City of Laurel.

Motion by Council Member Easton to approve the Mayor's appointment of Bill Sheridan as the ADA Coordinator for the City of Laurel, 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.

Mayor Olson thanked Bill for his willingness to serve as the ADA Coordinator.

- **Ordinance No. O08-01: Ordinance amending Section 2.68.100 of the Laurel Municipal Code, amending the Judge's salary.** First reading.

Motion by Council Member Wilkins to adopt Ordinance No. O08-01, seconded by Council Member Poehls. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

The public hearing of Ordinance No. O08-01 will be on the council agenda on February 5, 2008.

- **Resolution No. R08-03: Resolution of the City Council granting Paul Bokoske, doing business as Trees of Eden, a variance from the City's restriction against a home-based occupation displaying or selling stock in trade upon the premises allowing Paul Bokoske, DBA Trees of Eden, to operate a tree nursery as part of his business.**

Motion by Council Member Stamper to approve Resolution No. R08-03, seconded by Council Member Hart. There was no public comment.

Under council discussion, Council Member Stamper stated that he has had a difficult time with this issue. Laurel is a tree city, and a tree nursery would be good for Laurel, but his fear is that a variance decision is to be based on set criteria. He questioned if the hardship and extreme benefit issues have been properly addressed. Approval of this variance would set a precedence. He concluded by stated that if the council does not allow the variance, he would encourage the owner to pursue other avenues for a tree nursery business.

Council Member Mace stated that he also believes this is a difficult decision. He asked legal counsel how the city can revisit this issue. Mayor Olson responded that it would be driven through complaints brought forward through city staff. Mark stated that he has a problem with the temporary holding area mentioned by the petitioner last week, which would be difficult to enforce. He was reassured that staff would be monitoring this variance, if passed.

Council Member Dickerson voiced his concerns that the January Planning Board meeting did not address the additional requests brought forward last week by the petitioner, Mr. Bokoske. Chuck stated that last week's workshop issues should have come from the Planning Board and not the Council. He doesn't want to change the variance from what was recommended by the Planning Board, and presented last week.

Council Member Hart said she is not opposed to the variance, as it was brought through, and recommended by the Planning Board. If changes are requested by the petitioner, then that should be done only through the Planning Board.

Council President Easton agreed with Council Member Hart's comments. He doesn't want to amend the variance from what the Planning Board recommended.

A vote was taken on the motion. Council Members Poehls, Mace, Wilkins, Easton, Hart, and Eaton voted aye. Council Members Dickerson and Stamper voted nay. Motion carried 6-2.

- **Resolution No. R08-04: Collection of annual service fee for all water users, pursuant to the Public Water Supply Program.**

Motion by Council Member Dickerson to approve Resolution No. R08-04, 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. R08-05: A resolution transferring certain insurance funds of the City of Laurel, Montana.**

Motion by Council Member Mace to approve Resolution No. R08-05, 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. R08-06: A resolution to amend Resolution No. R05-24 to extend the agreement with Technical Edge Consulting, LLC, for computer network administration services for three years ending December 31, 2010, and authorizing the Mayor to sign said contract for the City of Laurel.**

Motion by Council Member Poehls to approve Resolution No. R08-06, seconded by Council Member Hart. 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. R08-07: Resolution of the City Council adopting a Transition Plan in conjunction with the City's amendment to its Form of Government.**

Motion by Council Member Eaton to approve Resolution No. R08-07, seconded by Council Member Dickerson. 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Poehls questioned whether Emergency Services Committee will meet on Monday, January 21st, since it is a holiday. He will contact Fire Chief Scott Wilm to see if the CHS Fire Service contract is ready, and then will make a decision and contact the committee members. Mayor Olson stated that he may have a person interested in the vacant committee position.

Council Member Mace wants to talk about choosing a council president and vice-president at the next council workshop, January 29th.

Council Member Dickerson questioned the minutes of January 2nd council meeting. He asked if Mr. Bokoske should be listed as "Others Present". City Clerk Mary Embleton explained that members of the audience are not typically listed as attending council meeting. However, the minutes do show if a member of the audience speaks to the council. Discussion followed.

Council Member Stamper brought up the issue of the county-appointed vacancies on the Laurel City/County Planning Board. He had mentioned that he knew of someone who was interested at last week's workshop, and that person is Bob Lanaghan. After the workshop, City Planner James Caniglia had shown Norm the provision in the ordinance where one county appointment does not have to reside within the planning jurisdiction, but must reside in Yellowstone County. Norm asked if the next step would be with the county commissioners. Mayor Olson asked the city planner to speak to the issue. City Planner James Caniglia stated that he has researched the Montana Codes Annotated, and has found where the mayor may have the authority to appoint a county representative, if the county fails to fill a vacancy on the board within 45 days. Mayor Olson recommended that Mr. Lanaghan would have to submit his name to the county commissioners. Mayor Olson suggested that he would be willing to write a letter of support for Mr. Lanaghan.

Council Member Easton reported that the workshop for newly elected officials, presented by the Local Government Center and the MMIA last Thursday, was very educational. There were 19 in attendance, and the session ran from 5:30 to 8:00 p.m. with no breaks. Bob Worthington of MMIA gave an excellent presentation, and the Billings' delegation discussions were enlightening. Council Member Mace added that Mr. Worthington wanted to thank City Clerk Mary Embleton publically for her part in organizing the meeting. Mary responded by stating that she would pass this on to her staff.

Mayor Olson stated with the upcoming year, the council will have a full agenda. He hoped that Laurel will be moving ahead with infrastructure improvements, which will be considered during preparation of the budget. He is looking forward to making the city more efficient and providing better service for its citizens.

Mayor Olson thanked Brooke Baracker from Elk River Law Offices for filling in for Sam Painter.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council President Easton 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 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 7:05 p.m.

Mary K. Embleton, City Clerk/Treasurer

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 5th day of February, 2008.

Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton, Clerk-Treasurer