

MINUTES OF THE CITY COUNCIL OF LAUREL

March 3, 2009

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 March 3, 2009.

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

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Bill Sheridan Kurt Markegard
 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 Wilkins to approve the minutes of the regular meeting of February 17, 2009, as presented, 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.

CORRESPONDENCE:

Local Emergency Planning Committee: Minutes of February 12, 2009; Agenda of March 12, 2009.

Cable Montana: Service Reports for December 2008 and January 2009.

U.S. Department of Labor: Information regarding Billings, MT, National Compensation, Survey State and Local Government, August 2008.

PUBLIC HEARING:

- Ordinance No. O09-01: An ordinance of the City of Laurel, to repeal a portion of Table 17.20.020 of the Laurel Municipal Code entitled Breweries, Alcoholic Distillation and to replace it with a new section entitled Alcoholic Beverages, Manufacturing and Bottling. (First reading – February 3, 2009)

Mayor Olson stated that the public hearing is to change the ordinance to include distillation of alcohol under a quantity to be allowed in the Central Business District.

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

Mayor Olson asked three times if there were any proponents.

Phil Maurer stated that he thinks this would be a good move for the City of Laurel as it will definitely increase business in the downtown business district if it is passed or changed.

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

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

Mayor Olson closed the public hearing.

The second reading of Ordinance No. O09-01 will be on the March 17th council agenda.

- Ordinance No. 009-02: An ordinance of the City of Laurel, to repeal a subsection of Section 17.40.090 of the Laurel Municipal Code entitled Off-street Parking Requirements – Procedure – Specifications. (First reading – February 3, 2009)

Mayor Olson stated that the ordinance has to do with the amount of parking allowed.

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

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.

The second reading of Ordinance No. 009-02 will be on the March 17th council agenda.

- Ordinance No. 009-03: Ordinance amending Section 2.68.100 of the Laurel Municipal Code, amending the Judge's salary. (First reading – February 17, 2009)

Mayor Olson stated that the judge's salary is set by ordinance in Laurel Municipal Code, and not by approval of the budget. However, the increased amount was included in the budget.

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

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.

The second reading of Ordinance No. 009-03 will be on the March 17th council agenda.

CONSENT ITEMS:

- **Claims for the month of February 2009 in the amount of 657,236.32.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 02/22/2009 totaling \$143,405.89.**
- **Approval of Year-End Financial Report 2007-2008.**
- **Approval of Quarterly Report as of September 30, 2008 for Fiscal Year 2008-2009.**
- **Approval of City of Laurel Mid-Year Budget Review 2008-2009.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of February 17, 2009 were presented.
 - Council Workshop minutes of February 24, 2009 were presented.
 - Emergency Services Committee minutes of February 23, 2009 were presented.

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

Motion by Council Member Hart to approve the consent items as presented, 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

City of Laurel Volunteer Ambulance Service:

Mayor Olson appointed Kris Dahl and Chris Obritschkewitsch to the City of Laurel Volunteer Ambulance Service.

Motion by Council Member Rodgers to approve the Mayor's appointments of Kris Dahl and Chris Obritschkewitsch to the City of Laurel Volunteer Ambulance Service, 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.

City-County Planning Board:

Mayor Olson appointed Greg Nelson to the Member-at-Large term ending June 30, 2010, on the City-County Planning Board.

Motion by Council Member Eaton to approve the appointment of Greg Nelson to the Member-at-Large term ending June 30, 2010, on the City-County Planning Board, seconded by Council Member Rodgers. 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. R09-19: Resolution authorizing the Mayor to sign a contract with the Montana Department of Transportation (MDT) providing for a Transit Development Plan Grant.**

Motion by Council Member Mace to approve Resolution No. R09-19, 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. R09-20: A resolution approving a contract between the City of Laurel and LSC Transportation Consultants to prepare a Transit Development Plan.**

Motion by Council Member Stamper to approve Resolution No. R09-20, seconded by Council Member Wilkins. 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. R09-21: A resolution of the City Council declaring a moratorium on all businesses, entities and individuals requesting the City's approval to sell or re-meter city water until an updated rate study and schedule is developed and adopted by the City Council.**

Motion by Council Member Dickerson to approve Resolution No. R09-21, 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. R09-22: A resolution approving Amendment No. 1 to Task Order No. 9 of the Agreement for Professional Services dated June 5, 2007, between the City of Laurel and Great West Engineering, Inc. regarding the water system intake, and authorizing the Mayor to execute the attached Amendment No. 1 on the City's behalf.**

Motion by Council Member Hart to approve Resolution No. R09-22, 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. R09-23: A resolution of the City Council approving a three-year agreement between the City of Laurel and the Local Union known as Local 316, American Federation of State, County and Municipal Employees, AFSCME.**

Motion by Council Member Mace to approve Resolution No. R09-23, seconded by Council Member Rodgers. There was no public comment.

Council Member Poehls asked if it was appropriate at this time for him to motion to table this resolution for a two-week moratorium because of some language issues that were brought to the council's attention. Instead of just voting it down, it would be put off for two weeks.

Sam stated that a motion and a second were on the floor. According to Robert's Rules of Order, another motion cannot be made on top of the first motion. A council member could offer to amend the motion that is on the floor to consider a delay. The council could vote to approve the amended motion if there is a second. Otherwise, the council would need to vote on the main motion currently on the floor and which was seconded.

Council Member Poehls stated that the council should vote it down and then reconsider it. He stated that there is a discrepancy in some of the language in the contract concerning an issue. Although it is something that was a minor glitch, he prefers not to approve the contract until the verbiage is changed.

Mayor Olson stated that, should the council consider that, the city would then charge the negotiating team to enter into negotiations again and continue forward.

Council Member Hart asked if the revised contract would come back with another resolution if it is voted down tonight.

Sam stated that the council would basically say no to the union-approved contract. Therefore, the union contract would go back into negotiations. It would be up to both negotiating teams whether or not they want to begin negotiations again. As he said before, there might be some suggestions from the council in the minutes. Sam does not recommend that the council try to impose what it wants, as that was charged to the negotiating team.

Council Member Rodgers asked if the items in question could be taken care of with an agreement between the union members after the vote.

Sam stated that his concern is that the union approved a package, which the union then brought to the city for approval or disapproval. He stated that this is not the time or place to make any sort of counter offer or negotiation. Sam stated that, at this point, an up or down vote is needed.

Council Member Wilkins asked if renegotiation is needed even to change a couple words in the contract. Mayor Olson stated that was correct.

A vote was taken on the motion to approve Resolution No. R09-23. All eight council members present voted nay. Motion defeated 8-0.

- **Resolution No. R09-24: A resolution authorizing the Mayor to sign a Construction Agreement with the Montana Department of Transportation for the Federal Aid Project No. STPU 6905(1).**

Motion by Council Member Wilkins to approve Resolution No. R09-24, 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.

- **Approval of City of Laurel's conditions to move the Laurel Drain/Italian Ditch Company**

Mayor Olson stated that the attorney's fees were removed from the final draft and that the statement that no hazardous waste should be discharged into the Ditch Company was added into the conditions. The conditions were prepared by legal counsel with assistance from the Public Works Department.

Motion by Council Member Stamper to approve the City of Laurel's conditions to move the Laurel Drain/Italian Ditch Company, 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:

- Review of Monthly Reports: Police, Fire, Ambulance, and Code Enforcement: None.

A Public Works Committee meeting is scheduled on Monday, March 9th, at 5:30 p.m. in the council chambers at city hall.

Mayor Olson stated that Council Member Poehls would lead the council workshop next Tuesday in his absence.

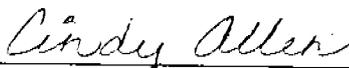
Mayor Olson stated that construction of the lids to protect the water intake from slush and the downstream flow of logs and debris was one of the council's considerations last December. Through efforts of the Public Works Department and the Chief Administrative Officer, it has been determined that the project will begin next week. The contractors and divers will begin the project to install the lids for the water intake. It has taken a long time for the project to begin, and the council made an honest effort to get it done as quickly as legislatively possible for the protection of the citizens.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

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

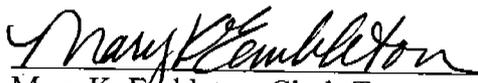
There being no further business to come before the council at this time, the meeting was adjourned at 7:01 p.m.


Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 17th day of March, 2009.


Kenneth E. Olson, Jr., Mayor

Attest:


Mary K. Embleton, Clerk-Treasurer