

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.

Lynn Scheeler, who lives on the corner of East Maryland Lane and Alder Avenue, asked what effect this would have on his property and if it would put him in the city.

Mayor Olson explained that, in 2003, the legislature passed a statute that required cities to annex the whole road adjoining property being annexed. When Iron Horse Station Subdivision was annexed, only half of the road was annexed. The city is required by state law to annex the full road, so this resolution is fulfilling that requirement. Mayor Olson stated that he could not think of any way it would affect Mr. Scheeler's property. He will remain outside the city limits and there should be no encumbrance on city tax rolls as far as he is concerned. It will allow the police department to address moving violations on the full roadway, instead of just half of the road. As far as Mr. Scheeler's personal property, the line now extends just to the end of the city's right-of-way, which is the road.

Mr. Scheeler stated that answered the question to the west of him. He asked if the road by the new soccer field to the south would remain the same width.

Mayor Olson stated that it would and is still in the county.

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

Mayor Olson closed the public hearing.

The resolution of annexation will be on the council agenda on May 5, 2009.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of March 2009.**
- **Approval of Payroll Register for PPE 04/05/2009 totaling \$145,131.28.**
- **Approval of Local 316 Union retroactive pay increase totaling \$42,298.88**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of April 7, 2009 were presented.

--City-County Planning Board minutes of April 2, 2009 were presented.

--Council Workshop minutes of April 14, 2009 were presented.

--Laurel Urban Renewal Agency minutes of March 30, 2009 were presented.

--Laurel Urban Renewal Agency minutes of April 6, 2009 were presented.

--Laurel Public Library Board of Trustees minutes of March 10, 2009 were presented.

--Public Works Committee minutes of April 13, 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 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 removed items 10. h. and 10. l. from the Scheduled Matters on tonight's council agenda.

CEREMONIAL CALENDAR:

- Municipal Clerks Week – May 3 through May 9, 2009

Mayor Olson read a Proclamation recognizing the week of May 3rd through May 9th as Municipal Clerks Week. He extended appreciation to Mary Embleton for her service as the City of Laurel's Municipal Clerk and her service on the Clerks' Association.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Yellowstone Conservation District Board:

Mayor Olson appointed Emelie Eaton to a term ending July 1, 2011, on the Yellowstone Conservation District Board.

Motion by Council Member Rodgers to approve to approve the appointment of Emelie Eaton to a term ending July 1, 2011, on the Yellowstone Conservation District Board, 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 Emelie for her willingness to serve on the board.

- **Ordinance No. O09-04: Ordinance modifying previously adopted Ordinance No. O08-09 and Ordinance No. O07-11 to renumber and revise certain chapters for purposes of codification into the Laurel Municipal Code.** Second reading.

Motion by Council Member Eaton to adopt Ordinance No. O09-04, seconded by Council Member Hart. 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.

- **Ordinance No. O09-05: Ordinance amending Chapter 2.08.020 of the Laurel Municipal Code clarifying that the Library Board is responsible for fixing salaries and compensation for employees of the city library.** Second reading.

Motion by Council Member Poehls to adopt Ordinance No. O09-05, seconded by Council Member Mace. 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.

- **Resolution No. R09-35: Resolution approving and adopting the Montana Municipal Interlocal Authority Revised and Restated Interlocal Agreement.**

Motion by Council Member Mace to approve Resolution No. R09-35, 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.

- **Resolution No. R09-36: Resolution approving and adopting the Montana Municipal Interlocal Authority Revised and Restated Workers' Compensation Program Agreement.**

Motion by Council Member Stamper to approve Resolution No. R09-36, 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. R09-37: Resolution approving and adopting the Montana Municipal Interlocal Authority Amended and Restated Liability Coverage Program Agreement.**

Motion by Council Member Wilkins to approve Resolution No. R09-37, 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.

- **Resolution No. R09-38: Resolution approving and adopting the Montana Municipal Interlocal Authority Amended and Restated Property Program Agreement.**

Motion by Council Member Rodgers to approve Resolution No. R09-38, 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. R09-40: A resolution of the Laurel City Council clarifying Phase II of the Wastewater Treatment Plant Project and to establish a time frame for successful completion of the project.**

Motion by Council Member Eaton to approve Resolution No. R09-40, 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. R09-41: A resolution of the City Council accepting a monetary contribution for a new park table and benches for placement in Kiwanis Park and dedicated in memory of Gay Easton.**

Motion by Council Member Poehls to approve Resolution No. R09-41, 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.

- **Resolution No. R09-42: A resolution of intent by the City Council to annex the entire 60 foot street right-of-way adjacent to 2057 East Maryland Lane that is contiguous to the City of Laurel and owned by Yellowstone County, Montana.**

Motion by Council Member Mace to approve Resolution No. R09-42, seconded by Council Member Poehls. Mayor Olson asked if there was public comment.

Janet Johnson, 2057 East Maryland Lane, is opposed to the resolution. She stated that her property is not contiguous to the City of Laurel. It is an island unto itself. It borders Yellowstone County on the north, the south, the east and the west. She has had conversations with Mr. Painter and Mr. Sheridan, but has not met with Mayor Olson. She could not get a hold of her ward members, so they were left out of the loop. She would love to have a meeting to get this resolved. She stated that the property is out there in the middle of nowhere. Bill Kennedy, the County Commissioner, informed her that he was not going to accept a half a street annexed. He was under the impression that the south side was annexed, and it is not. Ms. Johnson's neighbor to the south, Mrs. Koepp, bought property in the county and she is in the county. Ms. Johnson is surrounded by county. When she walks out into the street, if she goes north, south, east, or west, she is not in the city. She thinks this should be tabled for further discussion.

Kay Lynn Koepp, 2034 East Maryland Lane, stated that her property is across from Janet. She has no city services and is in the county. They bought in the county and they pull out into a county street.

Mayor Olson asked if there were any other comments or council discussion.

Council Member Stamper apologized to Ms. Johnson, as he received her message late last night. He knows that a city council member should be available to a constituent at all times, and he apologized for not getting back to her. He spoke with Sam about the issue prior to the meeting and asked if Sam could repeat his explanation at this time.

Sam Painter stated that Council Member Stamper asked for clarification on the resolution of intent to annex and what would happen if it was adopted by the council. Sam explained that the resolution of intent to annex puts the public and property owners on notice that the council is considering annexation. A notice is published in the newspaper and a 20-day comment period is required for the public to submit written comments for or against the proposal. A public hearing will be scheduled and held where evidence is taken from all interested parties for and against the proposal. By

adopting the resolution of intent, there is no binding effect upon the council or upon the proposed action of the council. This brings the issue to the forefront. The final determination of the council is scheduled for May 19th. In the meantime, there has been discussion about a meeting with city officials, county officials, property owners, and staff to make a determination as to what the property owner wants. He thinks the intention of the council is to give her some relief, one way or the other, on one of the assessments. There is time to schedule a meeting with the county. When he talked to Janet today, he agreed to attend a meeting between now and May 19th. Sam stated that this action tonight does nothing as far as the council annexing that street. It just gets the process going and to the forefront.

Council Member Mace asked if the property was annexed by the previous owner.

Mayor Olson stated that the previous owner asked for and was granted annexation.

Janet Johnson stated that the streets did not come in at that time.

Mayor Olson stated the importance to recognize that a certain amount of procedure should be followed. A lot of the information out there will be documented and discussed at the public hearing, which is appropriate. The procedure will allow for the documentation of all that information. If the council wants to dig into the issue and find out the true gist of the issue, the course ahead will lead to that determination.

Council Member Mace stated that he would wait until that meeting and do some reading on his own.

Mayor Olson stated that the council should be aware that the staff, proponents, and opponents will be allowed to state their positions at the public hearing. He advised the council members to guard against ex parte and allowing information to flow in and out without being presented at a council meeting. The council must be cognizant of the fact that it must follow certain rules in order for the process to proceed correctly. He asked council members to bring information forward to the council if they are contacted by anyone regarding this issue.

Sam stated that the comment period provides twenty days for anyone to submit written comments of objections and support to the city clerk's office. The documents will be copied and distributed to the council. The effort is to keep everyone informed as to what the council is basing its decision on and that is the ex parte concern. Sam advised that the evidence will go to the council and be available to the public.

Council Member Wilkins asked to be informed of the meeting with the County Commissioners. Mayor Olson stated that the information would be distributed to the council.

Mayor Olson asked if there were other council questions or comments.

As Kay Lynn Koeppé indicated that she would like to speak again, Mayor Olson stated that audience participation was closed before the council considerations began. He allowed her three minutes to speak at this time.

Kay Lynn Koeppé asked if she is involved in this as the adjacent property owner.

Mayor Olson stated that she would be considered because there may be some RSID, Rural Special Improvement District, requirements that would affect her property and for which she would be accountable.

Kay Lynn Koeppé stated that was what she needed to know.

A vote was taken on the motion to approve Resolution No. R09-42. All eight council members present voted aye. Motion carried 8-0.

The public hearing will be on the council agenda on May 5, 2009.

- **Resolution No. R09-44: A resolution of the City Council to accept the Administrative Cost Allocation System and development of a Right-of-Way Rental Charge document, and to adopt the Right-of-Way Rental Charge for FY 2009 and FY 2010.**

Motion by Council Member Stamper to approve Resolution No. R09-44, 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. R09-45: A resolution approving Change Order No. 2 to the contract with Dick Anderson Construction, Inc. for the rehabilitation of the surface wash agitators for Phase I of the Laurel Water System Improvements Project and authorizing the Mayor to execute the attached Change Order No. 2 on the City's behalf.**

Motion by Council Member Wilkins to approve Resolution No. R09-45, 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. R09-46: A resolution of the City Council authorizing and directing staff to seek proposals and price quotes from qualified firms to provide a comparable health insurance program for the City of Laurel.**

Motion by Council Member Rodgers to approve Resolution No. R09-46, 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.

- **Resolution No. R09-47: A resolution authorizing the Mayor to sign a Right-of-Way Agreement with the Montana Department of Transportation granting the State and its contractors a temporary construction permit.**

Motion by Council Member Hart to approve Resolution No. R09-47, 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. R09-48: A resolution authorizing the Mayor to sign a Right-of-Way Agreement with the Montana Department of Transportation granting the State and its contractors a temporary construction permit.**

Motion by Council Member Eaton to approve Resolution No. R09-48, 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. R09-49: A resolution accepting deed and easement for Utility Tract, Certificate of Survey No. ___.**

Mayor Olson asked Mary Embleton to present some information.

Mary stated that the resolution is concerning the easement for the utility tract by 8th Avenue for the 8th Avenue project. The resolution references Certificate of Survey No. "blank". Mary was concerned about this issue and contacted County Clerk and Recorder Tony Nave for an explanation. The Certificate of Survey has gone through the process and ready to be filed. Tony informed Mary that the Certificate of Survey is on hold until the transaction to transfer the utility tract from the church, and eventually to the city via the state, is complete. The utility tract certificate of survey is exempt from almost all the requirements of the Platting and Subdivision Act because it is a tract of land being created for a specific purpose, that being for reuse of a utility. The only way to ensure that the certificate of survey created for that tract of land ends up being the actual purpose and use of that land is to file both the deed and the certificate at the same time. Tony said he has to file the certificate of survey when the deed is completed, approved by the council, and duly signed off. It will all go forward together, ensuring that the reason the tract was created is the actual purpose. The other issue is that MDT has been working on the 8th Avenue rights-of-way. At last report, there were only four left or five counting this tract. The paperwork is currently in the church's hands, as the current owners. Mary has not received word that the church had acted upon it. Stefan Streeter, Department of Transportation, requested that the council act on the issue upon contingency that the church signs off. That made sense because the city cannot accept something that the church does not sign off on. That is why the deed is not actually going to be with the document once it is approved. In the interest of expediting this project and helping the State move forward as quickly as possible, Stefan asked that this move forward contingent upon the fact that the church will go through with it.

Stefan does not think there is any problem with that happening but the process needs to be completed and the paperwork signed.

Council Member Dickerson asked regarding future reference by including the resolution number in the Certificate of Survey.

Mary stated that the resolution, the realty transfer certificate, the deed, and the certificate of survey will all be filed at the same time and linked in the process. If the question is of a tracking nature, the county will link the resolution to the certificate.

Motion by Council Member Poehls to approve Resolution No. R09-49, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Mace stated that the Public Works Committee minutes have been distributed to the council. The committee is aggressively and actively looking into fixing the water problem on 12th Street and talking to the County about the possibility of annexing that portion and assessing an SID. In conjunction with that, there was discussion regarding getting a crosswalk across 12th from the bridge.

Council Member Stamper stated that the Cemetery Commission recently approved the Master Plan. A resolution accepting the Master Plan for the Laurel Cemetery will be presented at the council workshop on April 28th. The Cemetery Commission is working on revising the cemetery regulations, which will come forward to the council soon.

Council Member Eaton thanked everyone for their participation in the Arbor Day Celebration last Wednesday evening. There was a good turnout for the event. She specifically thanked Cheryl Lund for helping prepare the brochures and announcements and mailing the invitations. She also thanked Kurt Markegard for his work in getting the tree and preparations for planting the tree. Council Member Eaton wanted to make sure that the staff understands that it is their efforts that make these events successful.

Mayor Olson stated that the staff is cognizant of the citizens' needs, and staff members go out of their way to implement what the council feels are the appropriate measures for special events.

UNSCHEDULED MATTERS: None.

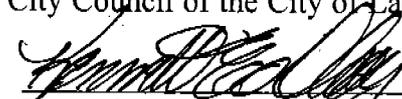
ADJOURNMENT:

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

There being no further business to come before the council at this time, the meeting was adjourned at 7:24 p.m.


Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 5th day of May, 2009.


Kenneth E. Olson, Jr., Mayor

Attest:


Mary K. Embleton, Clerk-Treasurer