

MINUTES OF THE CITY COUNCIL OF LAUREL

May 5, 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 May 5, 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 Derek Yeager
 Sam Painter Gary Colley
 James Caniglia Cathy Gabrian
 Kurt Markegard

Mayor Olson led the Pledge of Allegiance to the American flag.

Mayor Olson asked the council to observe a moment of silence.

Mayor Olson stated that Resolution No. R09-39 was removed from the council agenda on April 21, 2009. The resolution is for approval of the Montana Municipal Interlocal Authority Employee Benefits Program Agreement. Mayor Olson asked the council to consider a motion to place the resolution on tonight's agenda under unscheduled matters.

MINUTES:

Motion by Council Member Eaton to approve the minutes of the regular meeting of April 21, 2009, 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.

CORRESPONDENCE:

Cable Montana: Service Reports for March 2009.

Congressman Denny Rehberg: Letter of April 13, 2009 regarding funding opportunities through the U.S. Department of Energy.

Montana Department of Commerce: Letter of April 17, 2009, regarding the TSEP grants and workshops.

Bright n' Beautiful: Minutes of January 21, 2009, February 18, 2009, and March 18, 2009.

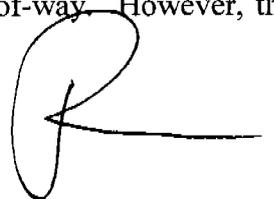
Department of Administration: Letter of April 24, 2009, regarding Response to FY2008 Audit Report.

PUBLIC HEARING:

- Intent by the City Council to annex the entire 60 feet street right-of-way adjacent to 2057 East Maryland Lane that is contiguous to the City of Laurel and owned by Yellowstone County, Montana. (Resolution No. R09-42)

Mayor Olson asked James Caniglia to introduce the issue to the council.

James stated that this is a proposed annexation of the street right-of-way adjacent to 2057 East Maryland Avenue. This property has been double-taxed as far as roads are concerned by the County and the City of Laurel. The previous owner annexed this property very early in 2003 before legislation was enacted requiring the city to annex all adjoining road right-of-way. However, the



annexation was brought forward to alleviate the county road tax. An agreement was worked out with Laurel's Public Works Department and the County's Public Works Department to help alleviate concerns on the matter. Two letters of opposition were received, including one from the property owner and the neighbor who lives across the street and whose right-of-way would also be annexed. They are not in favor of this annexation.

Council Member Stamper asked if Yard Office Road, from the northern boundary of the property in question down to Main Street, is within the city limits along the entire road.

James stated that the portion next to the property is, but not all of it is in the city limits.

Council Member Stamper asked if Yard Office Road across from her property to the Village Subdivision is within the city limits.

Council Member Dickerson asked if all the areas in the black line on the maps are city property.

James stated that was correct.

James clarified that a road does not break up a contiguous piece of land. If there is a road between two places and the road is not annexed, it is still considered contiguous. A road, a freeway, a ditch, a river, and so forth, do not break up a contiguous piece of land, so it really does not have any bearing as far as if the property is contiguous or not.

Mayor Olson stated that, as the applicant, city staff would respond to questions from the council.

Kurt Markegard, Public Works Director, stated that he was part of the process to bring this to the council's attention. In talking with Bob Moats and Commissioner Kennedy, they discussed ways to alleviate the double street maintenance districts. Currently, the resident pays a county SID for street maintenance on East Maryland Lane and the City of Laurel's street maintenance assessment, since all city properties are assessed for street maintenance. The county and city discussed releasing the property from the county RSID because it is a city property. The city property is assessed through a county RSID, and the county wanted to be assured that the city would take over maintenance of the road if the property owner is removed from the RSID. That is why the city is coming forward with annexation of the entire road. In 2003, the legislature determined that any pieces of property being annexed must also include the entire right-of-way. This property is contiguous to the city limits. The city wants to start maintaining the road and sanding at the intersection in the winter. If maintenance issues come forward in the future, the city council could enter into an agreement with the county for a chip seal along East Maryland Lane for their county portion and the city portion. The city could then go forward with an agreement to take care of a larger project through a different agreement. Kurt stated that the annexation was brought forward for a public hearing to try to alleviate this property owner from being assessed two road maintenance districts.

Mayor Olson asked if there were questions or comments from the council.

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 if there were any opponents.

Janet Johnson, 2057 East Maryland Lane, made the following statements:

"I'm sorry. We are not contiguous to the City of Laurel. Yard Office Road belongs to the County. East Maryland Road belongs to the County. I border Ty Eckly on my west. He is County. And there is a County gravel pit to my north. By dragging my neighbors into this, we are not going to solve anything. I know that Bill Kennedy is not on board with this because Mr. Kennedy called me late on the afternoon the Friday before the last meeting on April 17th. He tried to get this pulled from the meeting, and he was told that it was already advertised. It was not already advertised. The first advertising was April 22nd, five days later. When I called on April 27th to ask somebody when it was first advertised because I was out of town, I got ahold of James, the city planner, and was informed that it didn't need to be advertised as it was a resolution of intent. What I would really like to do is sit down and have a meeting. You talked to me about having a meeting with my councilmen and things getting misrepresented. The only person that has never misrepresented the facts, misnamed them, omitted anything, or lied about anything is me, because every time we have

a meeting and I get back to, somebody calls me a few minutes to five, or Bill Kennedy, something has been omitted. I haven't misspoken to Mr. Painter, Mr. Kennedy, Mr. Sheridan. I have said the same thing every time and nobody gets it. Nobody is hearing me. I think I at least should have a chance to sit down and talk and I don't see why I couldn't contact my councilmen. What I was doing, was I was doing that at the request of Mr. Kennedy. I have never spoke to my councilmen. I have tried to contact them. So I honestly feel like we need to have a meeting about this because Mr. Kennedy is not on the same page. He is not in with this at all. Thank you."

Mayor Olson asked twice if there were any other opponents.

KayLyn Koepp, 2034 East Maryland Lane, made the following statement:

"I oppose this because in turn it would affect our property at 2034 East Maryland Lane, in which we receive no city services or pull out into any city street. We are surrounded by the County. So we oppose this."

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 April 2009 in the amount of \$279,729.75.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 04/19/2009 totaling \$140,794.77.**
- **Approval of Quarterly Report as of March 31, 2009 for Third Quarter Fiscal Year 2008-2009.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of April 21, 2009 were presented.
 - Council Workshop minutes of April 28, 2009 were presented.
 - Cemetery Commission minutes of April 16, 2009 were presented.
 - Tree Board minutes of April 8, 2009 were presented.
 - Tree Board minutes of April 15, 2009 were presented.
 - Laurel Urban Renewal Agency minutes of April 20, 2009 were presented.
 - Laurel Airport Authority minutes of March 24, 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.

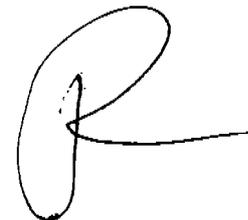
REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Full-time Fire Chief:



Mayor Olson appointed Derek Yeager as the full-time fire chief for the City of Laurel.

Motion by Council Member Rodgers to approve the appointment of Derek Yeager as the full-time fire chief for the City of Laurel, 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. R09-43: A resolution of the City Council accepting a contract with Jecyn Bremer and Sara Scott Adamson for the downtown Laurel Historic District inventory and National Register nomination.**

Motion by Council Member Wilkins to approve Resolution No. R09-43, 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. R09-50: A resolution approving the attached Task Order No. 11 authorizing Great West Engineering to provide milling overlay design and surveying of Alder Avenue from West 7th Street to East Maryland Lane.**

Motion by Council Member Stamper to approve Resolution No. R09-50, 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. R09-51: A resolution to annex the East Maryland Lane and Alder Avenue street rights-of-way, both contiguous to the City of Laurel and currently owned by Yellowstone County, Montana.**

Motion by Council Member Dickerson to approve Resolution No. R09-51, 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. R09-52: A resolution of the City Council accepting the bid and authorizing the Mayor to sign a contract with Covert Cleaning Inc. for the City's janitorial services.**

Motion by Council Member Mace to approve Resolution No. R09-52, 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. R09-53: A resolution of the Laurel City Council approving the Laurel Cemetery Expansion Master Plan.**

Motion by Council Member Poehls to approve Resolution No. R09-53, seconded by Council Member Mace. There was no public comment.

Mayor Olson commended the Cemetery Commission for its work to bring the Laurel Cemetery Expansion Master Plan forward to the council.

A vote was taken on the motion to approve Resolution No. R09-53. All eight council members present voted aye. Motion carried 8-0.

- **Ordinance No. O09-06: Ordinance amending Chapter 17.48.090 of the Laurel Municipal Code modifying zoning exemptions for establishments serving alcohol. First reading.**

Motion by Council Member Eaton to adopt Ordinance No. O09-06, 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.

The public hearing of Ordinance No. O09-06 will be on the May 19th council agenda.

- **Motion to authorize the Mayor's signature on DEQ Letter of Request (to accept ARRA funding for the sewer project), dated April 17, 2009, retroactive to April 29, 2009.**

Motion by Council Member Hart to authorize the Mayor's signature on the DEQ Letter of Request, dated April 17, 2009, retroactive to April 29, 2009, 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.

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 Rodgers and Dick Fritzler have contacted a couple of concrete cutters regarding flower pot holes in the Veterans' Cemetery and should have some bids soon.

Council Member Eaton stated that the Tree Board met today to hear from the State Arborist, who proposed that Laurel host a statewide tree event. Two years ago, Forsyth hosted the event and it was moderately successful. The state arborist learned from the event in Forsyth and would like Laurel to host an event. The Tree Board would like to take this matter on. Council Member Eaton asked that the item be on next week's council workshop agenda for further discussion. The Tree Board chairman invited Joanne Flynn, Laurel Chamber of Commerce, to the meeting. Joanne proposed some ways the Chamber could help the Tree Board with some of the manpower issues. The Tree Board will contact the Park Board about ways it could help.

Mayor Olson stated that it sounds like a golden opportunity for Laurel to be part of a great organization.

Mayor Olson stated that the County Commissioners invited the council and department heads to a dinner meeting on May 14th at 5:30 p.m. This is a unique opportunity for Laurel. An agenda was attached to the e-mail, and Mayor Olson responded with an additional item of the fire districts and the funding mechanism for the fire districts. With the advent of the proposed fire hall, the city needs to know all the options with the fire districts. Any additional agenda items should be submitted soon.

Council Member Dickerson stated that the County Commissioners held County Seat Day today at city hall and carried on the regular commission meeting. The Commissioners were very appreciative of the opportunity to give the people in Laurel a chance to sit in on the meeting.

Mayor Olson stated that it is important to recognize the offer the County Commissioners extended for a forum to discuss common issues, including the library, city-county planning and the fire department.

Mayor Olson stated that an e-mail was received from the County Commissioners today requesting letters of support for their endeavors to meet the needs of their citizens through efforts like Yellowstone County Veterans' Cemetery. Letters should be submitted by Wednesday.

Mayor Olson asked Kurt Markegard to speak regarding last weekend's cleanup event in Laurel.

Kurt reported that the City of Laurel hauled approximately 55 tons of trash, which is over 100,000 pounds, to the Billings' landfill. Three 30-yard steel containers were filled, which was 90 yards of steel waste that was in people's yards. Nine refrigerators will be transported to Billings for disposal. The city took in 86 tires, with a limit of four tires per family. Many tons of branches that were in the community were hauled to the container site and will be burned soon. There was great participation and lots of volunteers through the efforts of Gary Colley, Chris Rosenberg and Vi Hills. New Life Church had bobcats and trailers and went down the alleys with the bobcat with a gravel fork and picked up trash and loaded it on trailers to haul to the container site. It is a good event that helps out the residents and the code enforcement officers and gives the community a way to dispose of the items in non-compliance with city ordinances.



Mayor Olson stated that the event was a spinoff from the Centennial Committee and provides an opportunity for the community to clean up coming into summer.

Kurt mentioned that the code enforcement officers sent out 175 courtesy violation letters to tell people how to get ready for the event. There were over 100 trips to the container site the weekend prior to the event, so it was really a two-week clean-up time period. For this weekend, the city will not be charged solid waste fees, which could have totaled over \$650, by the City of Billings. Kurt will send a thank you to the City of Billings for taking the charges off the normal disposal fees.

Bill Sheridan spoke regarding the temporary staffing positions. Last year's pool manager will return this year. The city will be working on streets, parks, cemeteries, and installing playground equipment. The city looks forward to having a caretaker at Riverside Park, to making some improvements at the park, and to insuring that people can use the property. Bill stated that it is going to be a good year and the city looks forward to a lot of success.

Mayor Olson, Bill Sheridan, and Mary Embleton have been working diligently on the budget. Mayor Olson stated that a report on staffing would be given at the next council workshop.

Mayor Olson spoke regarding the status of annexation of Riverside Park. There have been questions from the City-County Planning Board and different organizations. Mayor Olson will meet with the city planner to determine how to best address how the proposed annexation should go forward. There will be sessions for further discussion and information will be provided. Riverside Park has been occupied by certain civic groups for the last several years, and it deserves a fair amount of time for discussion regarding the proposals, how it will affect the city, and possible impact on the city should it consider changing or going forward as it is. Mayor Olson stated the need to get all of the important facts together so that the program presented to the council will be one of great interest and very informative.

UNSCHEDULED MATTERS:

Motion by Council Member Dickerson to place Resolution No. R09-39 on tonight's council agenda, 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. R09-39: Resolution approving and adopting the Montana Municipal Interlocal Authority Employee Benefits Program Agreement.**

Mayor Olson stated that Resolution No. R09-39 was removed from the council agenda two weeks ago. The council adopted three of the four agreements from the Montana Municipal Interlocal Authority at that time. This resolution was set aside with the intention to go forward and RFP to see what is available. It has been brought to the city's attention that the council needs to make a decision by tonight whether or not to adopt this interlocal agreement or to continue and go out for RFP. Mayor Olson stated that there is an agreement with the MMIA currently that stipulates the time period for the city to go out for RFP and that was April 1st. The council received a copy of a letter from MMIA which more clearly identifies the issue. If the City of Laurel decides not to continue with MMIA, the city would be not be allowed back into the group for the next three years and would have the liability exposure of going past the April 1st date. That being the case, it would be in the city's best interests to approve Resolution No. R09-39, approving the MMIA Employee Health Benefit Plan.

Council Member Poehls asked if the approval was for a one-year period of time.

Mayor Olson stated that the master agreement allows for the option of going out for RFP, but the city should declare its intentions to stay with the group or not by April 1st. It would be in the city's best interests to go out for RFP in November and to hire an insurance consultant to compare the bids received. He thinks it would be to the city's best interest to have a representative or a consultant that does not have any vested interest with any particular insurance agency to provide advice on comparison proposals. The process should start in November for completion prior to the April 1st deadline next year.

Council Member Poehls stated that the one-year renewal is from July 1, 2009 to June 30, 2010.

Sam stated that the date was wrong and should be March 1st or ninety days before the expiration. The city needs to think ahead instead of trying to scramble at the last minute. His advice to the mayor was to advise the council that the city would be better off to seek proposals in November or December, since it did not receive a rate increase now.

Mayor Olson stated that the union representatives hoped to have the process done this year, but there was not time to do so. The process needs to start in November or December and allow for five months for the issue to be reviewed.

Council Member Mace stated that the Insurance Committee should send that recommendation to the council so the council knows the committee is also on board.

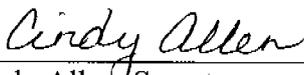
Mayor Olson stated that the restructure of the Insurance and Benefit Committee will be adopted by resolution of the council. The issue will be presented at the council workshop on May 12th. The committee will be comprised of two members from Local 303, two members from Local 316, two non-union employees, and two council members.

Motion by Council Member Stamper to approve Resolution No. R09-39, 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.

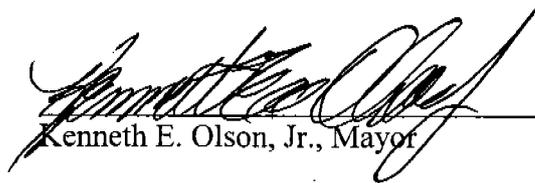
ADJOURNMENT:

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

There being no further business to come before the council at this time, the meeting was adjourned at 7:22 p.m.


Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19th day of May, 2009.


Kenneth E. Olson, Jr., Mayor

Attest:


Mary K. Embleton, Clerk-Treasurer