

MINUTES OF THE CITY COUNCIL OF LAUREL

May 19, 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 19, 2009.

COUNCIL MEMBERS PRESENT:

Kate Hart	Doug Poehls
Chuck Rodgers	Mark Mace
	Chuck Dickerson
	Norm Stamper

COUNCIL MEMBERS ABSENT:

Emelie Eaton
Alex Wilkins

OTHER STAFF PRESENT:

Mary Embleton	James Caniglia
Sam Painter	Kurt Markegard

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 May 5, 2009, as presented, seconded by Council Member Stamper. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

CORRESPONDENCE:

Laurel Chamber of Commerce: Letter of May 1, 2009, requesting permission to hold the Grand Parade and the Chief Joseph Run on July 4, 2009.

Montana League of Cities and Towns: American Recovery and Reinvestment Act Report.

Montana League of Cities and Towns: District Legislative Meetings, May 18-22, 2009.

Bright n' Beautiful: Minutes of April 15, 2009.

PUBLIC HEARING:

- Ordinance No. O09-06: An ordinance amending Chapter 17.48.090 of the Laurel Municipal Code modifying zoning exemptions for establishments serving alcohol. (First reading – 05/05/2009)

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

James stated that the ordinance change proposal for 17.48.090 of the Laurel Municipal Code would modify zoning exemptions for establishments serving alcohol. This proposal was reviewed by the Planning Board, which voted unanimously to move forward. The change would allow some establishments that serve alcohol to open up in the Central Business District even if they are within close proximity to a church. Right now, the law states that a new restaurant or bar that serves alcohol cannot be located within 600 feet of a church. Montana Code Annotated provides an exception for that, and is the exception used by the City of Billings. Laurel has received some inquiries regarding starting a brewery and the people picked out buildings that could not be used because of the current laws. This change would allow them to do so. Also, if certain establishments in town close for more than three months, they would not become non-conforming businesses with this proposed ordinance change.

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. There were none.

Mayor Olson closed the public hearing.

The second reading of Ordinance No. O09-06 will be on the June 2nd council agenda.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of April 2009.**
- **Approval of Payroll Register for PPE 05/03/2009 totaling \$145,464.40.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of May 5, 2009 were presented.
 - Laurel Planning Board Workshop minutes of April 30, 2009 were presented.
 - Public Works Committee minutes of May 11, 2009 were presented.
 - Council Workshop minutes of May 12, 2009 were presented.
 - Laurel Urban Renewal Agency minutes of April 27, 2009 were presented.
 - Laurel Urban Renewal Agency minutes of May 4, 2009 were presented.
 - Cemetery Commission minutes of April 29, 2009 were presented.
 - Tree Board minutes of May 5, 2009 were presented.
 - Laurel Public Library Board of Trustees minutes of April 14, 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 six council members present voted aye. Motion carried 6-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments:** None.
- **Resolution No. R09-54: A resolution of the City Council to adopt the 2009 Wastewater Facilities Plan Update.**

Motion by Council Member Stamper to approve Resolution No. R09-54, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R09-55: A resolution accepting the bid and authorizing the Mayor to sign a contract with Hardrives Construction, Inc. for the City of Laurel's street maintenance project.**

Motion by Council Member Poehls to approve Resolution No. R09-55, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R09-56: A resolution approving a Small Service Contract between the City of Laurel and Jim's Electric providing for the replacement of the windings on the high service pump motors for the Water Treatment Plant.**

Motion by Council Member Mace to approve Resolution No. R09-56, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R09-57: A resolution approving a change order to the contract with Castlerock Excavating for fire hydrant replacement and authorizing the Mayor to execute the attached change order on the City's behalf.**

Motion by Council Member Rodgers to approve Resolution No. R09-57, seconded by Council Member Hart. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R09-58: 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 Poehls to approve Resolution No. R09-58, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R09-59: 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. R09-59, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R09-60: Resolution 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.**

Mayor Olson asked Clerk-Treasurer Mary Embleton to read the names and addresses of the letters received regarding this issue.

Mary stated that public comment was allowed through May 12th and letters of opposition were received from the following: Darren Volmer, 1805 East Maryland Lane; Steven and Mary Kraft, 1911 East Maryland Lane; Neil Gunderson, 2024 East Maryland Lane; Mark Nielsen, 1527 Ridge Drive; Craig and KayLyn Koeppe, 2034 East Maryland Lane; and Kem and Janet Johnson, 2057 East Maryland Lane.

Mayor Olson explained the history of the issue. It was brought to the city's attention that a property owner requested some tax relief. The city planner, public works director and city attorney met with the County Commissioners. It was then that the County Commissioners decided to go forward with the proposal that they would consider dropping the RSID if Laurel annexed the street in front of 2057 East Maryland Lane. The city has gone forward to try to accomplish that and to alleviate the double billing of 2057 East Maryland Lane for street maintenance and the Rural SID. Mayor Olson received a call from the County Commissioners, who would like the council to consider a vote to delay a decision on this issue for two weeks. This would allow the Commissioners, the City of Laurel, and the property owners to meet.

Motion by Council Member Dickerson to delay the vote on Resolution No. R09-60 to the next regular council meeting on June 2, 2009, seconded by Council Member Stamper.

Mayor Olson asked if there was any public comment.



Kem Johnson, 2057 East Maryland, stated

"I am totally opposed to you guys annexing in the street in front of my property. It not only affects us, it affects my neighbors to the south. Ok. You guys . . . or, I shouldn't say you guys, we have tried to contact people and talk to you about this. I believe there are other options that the city is not looking at that would resolve this matter. And this has carried on for far too long. It has started to involve people that should never be involved in this, but yet nobody seems to want to listen to us or contact us or get in a meeting with us. I feel that the only way this can really be resolved is for three main parties, the landowners, which is us and the Koeppes, the City, and the County, to get together and discuss this because I believe there are options that you guys are not looking at. Ok. There are other ways of doing this without annexing in that portion of the street. Ok. That's all I have to say. Thank you."

Mayor Olson stated that this issue was brought forward for a particular avenue for the City of Laurel to help relieve some of the encumbrances.

Kem Johnson interrupted Mayor Olson and stated:

"That's fine, but there were other avenues to take. We are bordered by County all the way around us. We are not contiguous to the city. The only thing that is city is across Yard Office from us. Misinformation has misguided people into thinking that by doing this it will relieve us of the RSID. That's all fine. We appreciate that thought, but it's the wrong way to go."

Mayor Olson stated that it should be noted to the council that the issue is founded in State statute. The land is contiguous and the city has State statute and the city attorney to verify that, should there be any thought that the city is out of the legal arena in this particular option. Mayor Olson stated that the City of Laurel has explored that and found that the State statute is true, and the city attorney stands behind the foundation of the contiguous statute.

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

Council Member Dickerson called for the question.

Mayor Olson asked for those who favor the motion to delay the vote on Resolution No. R09-60 . . .

Janet Johnson spoke – "we are not done."

Council Member Mace called for point of order.

Mayor Olson stated that he stood corrected and asked if there were any other comments from the audience.

KayLyn Koepple stated:

"I live across from the Johnsons and this does affect me. I oppose this annexation of the street in front of us because we are surrounded by county, north, south, east and west, and we have no city services. If you annex the street in front of my property, I would propose that you annex everything from us to Alder. I don't see how you can piece-meal a street. What happens if halfway down that street somebody else decides they need city water? What are you going to do then? Annex that part of that street? And then go across and annex them? And piece-meal that? So then we are going to have city here, and then we are going to go a little ways, and we're going to have city here. What's the answer to that?"

Mayor Olson stated that the annexation question was brought to the city council in 2003 by the owner of the property at that time. The City-County Planning Board determined at that time that there is contiguous land between the Village Subdivision and this property.

KayLyn stated:

"She wasn't given any other option at the time she put that water in and there were other options at the time she put that water in 'cuz I talked to her.

Sam Painter advised Mayor Olson that the motion on the floor is to delay the vote.

Mayor Olson thanked KayLyn for her comment.



KayLyn stated: "I knew I would never get them . . . "

Janet Johnson stated that "there's no sense talking."

Mayor Olson asked if there were any other comments from the audience.

There were rumblings in the audience.

Janet Johnson stated that "this isn't a forum. Three minutes is not enough time to rebut all the misstatements that have come out of this office every week, so we will save our comments."

Mayor Olson called for a point of order. He asked for any other comments from the audience.

Mayor Olson asked for comments or discussion from the council.

Council Member Poehls stated that it is good to delay this issue. John Ostlund specifically has asked, because of some issues, whether or not the County can relieve them of the RSID. He mentioned that Mary provided some state statute information on some legislative issues on RSID's to the council today. He stated that two weeks' delay would not be a hindrance to look at the options involved with this, and he recommended having a three-way meeting.

Council Member Dickerson stated that it had been moved that the delay be made until June 2nd and the question called for on consideration of Resolution No. R09-60.

Mayor Olson asked if there were any other questions or comments. There were none.

A vote was taken on the motion to delay the vote on Resolution No. R09-60 to the council meeting on June 2, 2009. All six council members present voted aye. Motion carried 6-0.

- **Resolution No. R09-61: A resolution of the City Council adopting the restructure of the Health Insurance Committee.**

Motion by Council Member Hart to approve Resolution No. R09-61, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Dickerson asked that an update regarding CPR training for staff be placed on the June 26th council workshop agenda.

Council Member Mace requested that the Public Works Director contact the State about the lighting intervals of the stop light on Main Street. Cars are often backed up and he sat there for five light changes today. He suggested that the intervals could be lengthened at certain times.

Council Members Stamper and Rodgers attended the flag disposal ceremony at the Veterans' Cemetery the other night. Council Member Stamper mentioned that Memorial Day observances are scheduled at the Laurel Cemetery at 9:00 a.m. and at the Yellowstone County Veterans' Cemetery at 11:00 a.m.

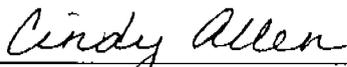
Mayor Olson commented on last week's meeting with the County Commissioners. At the meeting, there was discussion regarding the Veterans' Cemetery, the Parmly Billings Library and the Laurel Library, the proposed changes for the City-County Planning Interlocal Agreement, 12th Street issues, the TIF District funding, and the Laurel interchange. It appears that the west interchange is on track, as statements made at a plan in hand meeting were that marked beginnings would be seen starting next year. This will impact the council and create issues for the council to consider.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

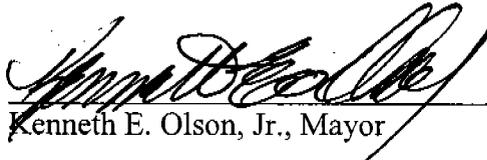
Motion by Council Member Stamper to adjourn the council meeting, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:03 p.m.



Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2nd day of June, 2009.



Kenneth E. Olson, Jr., Mayor

Attest:

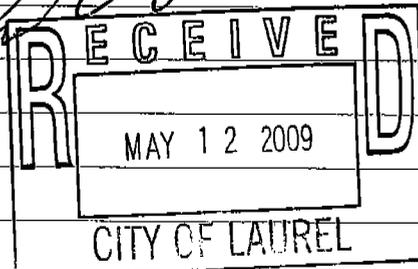


Mary K. Ambleton, Clerk-Treasurer

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To
City Council
I am Darren Volume
at 1805 E Maryland Ave
I am opposed of this
Annex of Property proposal

Thank
Darren Volume



COPY

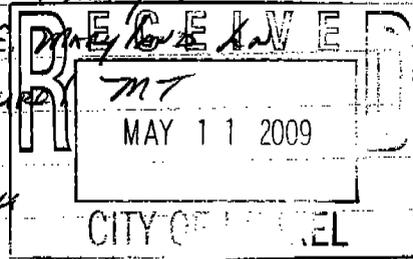
To - city council of Laurel

I am writing this letter to the City Council of Laurel to inform them that we are very much opposed to the annexation of East Maryland Lane. We have lived at 1911 East Maryland Lane for over 5 years and see no reason for this annexation. We would like the city council to reconsider this proposal and listen to the residents who live on this street and do not want this.

Steven & Mary Kraft

1911 E Maryland Lane

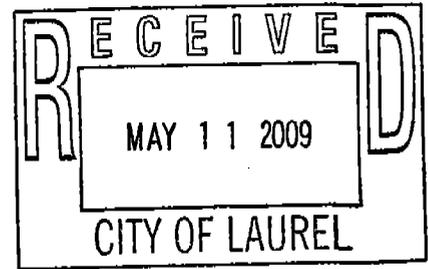
Laurel



THANK YOU

COPY

May 9, 2009



Laurel City Council
PO Box 10
Laurel, MT 59044

I own the property and reside at 2024 East Maryland Lane. It has come to my attention that the City of Laurel has decided to annex the portion of East Maryland Lane between 2057 and 2034 E Maryland. Also planning to annex the property at 2034 East Maryland which is in Yellowstone County. I understand that the only reason for this annexation is because the city does not want to own half the street which it annexed in 2003 when the property at 2057 E Maryland was annexed.

I oppose this annexation for several reasons.

- 1, The city should never of annexed that portion of the street in the first place.
- 2, The residents at 2034 do not want to be annexed into the city.
- 3, The 250+ foot portion of Maryland would be difficult to administer (patrol, repair and maintain).
- 4, The High Point Subdivision should not be broken up piece meal between the City and County. As most sub-divisions have their own covenants and rules. Taking a piece of the sub-division at a time will destroy the neighborhood in the long run.

I would have opposed the original annexation of 2057 E Maryland in April, 2003 but I was not informed of the proceedings until after the annexation was completed. Not everyone reads the Laurel Outlook for notices.

I ask you not to annex that portion of Maryland Lane and the property at 2034 E Maryland. I also would like the city to un-annex the property at 2057 E Maryland as I don't think it should have been annexed in the first place..

Thank you

Sincerely

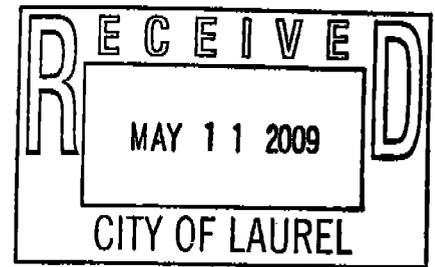
Neil K. Gunderson

A handwritten signature in cursive script that reads "Neil K Gunderson".

2024 East Maryland Lane
Laurel, MT 59044
406 628-1482

cc: Jim Reno, Yellowstone County Commissioner
Bill Kennedy, Yellowstone County Commissioner
John Ostlund, Yellowstone County Commissioner

COPY



To Whom It May Concern:

I am writing this letter in Disapproval of the annexation of the sixty feet of the High Point subdivision involving the Johnsons at 2057 E. Maryland and the Koeppes at 2034 E. Maryland.

It appears to me this is not an annexation issue but a simple utility extension issue. The issue of annexation should have been addressed and resolved before any utilities were granted. This whole ordeal appears to be a mismanagement of property development and a city giving out misinformation on what is actually city vs. county. Yard Office road and E. Maryland of the High Point Subdivision are county.

Why would the city want to annex a small island such as this and Why would the city Force a property owner with NO city services what so ever to pay the higher city tax. There appears to be too many unanswered questions such as sewer and the up keep of the sixty feet of road the High Point subdivision has taken care of through the county thus far.

I will highly recommend the property owners to seek legal counsel to be sure all parties are treated fairly.

In conclusion: This issue is a very simple one,
Annexation "NO" Utility Extension "YES"

Mark Nielsen
1527 Ride Dr.
High Point Subdivision
Laurel, MT. 59044

Craig & KayLyn Koeppe

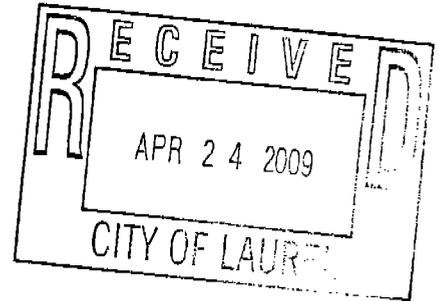
2034 E. Maryland Lane

Laurel, MT 59044

Phone 406-690-9860

406-690-9791

kaylynkoeppe@yahoo.com



April 24, 2009

City of Laurel

We Craig and KayLyn Koeppe appose Resolution No. R09-42: stating 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.

We appose this because in turn this would affect our property located at 2034 East Maryland Lane in which we receive no city services or pull out onto any city street.

Sincerely,

Craig Koeppe

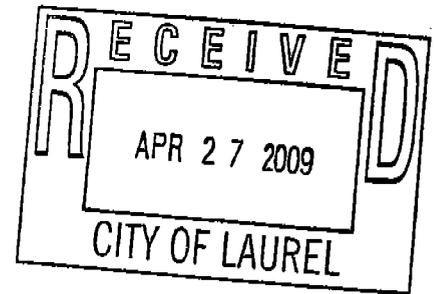
A handwritten signature in black ink that reads "Craig Koeppe". The signature is written in a cursive style.

KayLyn Koeppe

A handwritten signature in black ink that reads "KayLyn Koeppe". The signature is written in a cursive style.

*Cc: Bill Kennedy
County Commissioner*

Kem S. & Janet M. Johnson
2057 E. Maryland Ln.
Laurel, MT 59044



April 27, 2009

Mayor Ken Olson,

We are opposing the proposed Resolution No. R09-42 in its entirety as read at the City Council Meeting on April 21, 2009 as follows:

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

This property is totally surrounded by Yellowstone County and not contiguous to the City of Laurel as stated.

We could save a lot of time and effort if we could have a meeting with the City of Laurel, Yellowstone County and landowners involved. Also get all the facts to the same table. Starting May 4, 2009 my hours are all day Monday, then Tuesday, Wednesday and Thursday mornings. I can meet during those hours with at least 24 hours notice, less if I'm not working.

We look forward to meeting with you and can be reached at 406-690-0817.

Sincerely,

Kem S. Johnson

Kem S. Johnson

Janet M. Johnson

Janet M. Johnson

Cc: Yellowstone County Commissioners
Laurel City Administrator
Laurel City Attorney
Ward 4 Aldermen - Alex Wilkins
Norm Stamper