

MINUTES OF THE CITY COUNCIL OF LAUREL

June 16, 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 June 16, 2009.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Chuck Rodgers Mark Mace
 Chuck Dickerson
 Norm Stamper

COUNCIL MEMBERS ABSENT: Kate Hart Alex Wilkins

OTHER STAFF PRESENT: Mary Embleton James Caniglia
 Sam Painter Kurt Markegard
 Bill Sheridan Derek Yeager

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

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

Mayor Olson removed item 10. g., Resolution No. R09-70, from the council agenda.

MINUTES:

Motion by Council Member Eaton to approve the minutes of the regular meeting of June 2, 2009, as presented, 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.

CORRESPONDENCE:

Montana Department of Commerce: Letter of May 26, 2009 regarding Treasure State Endowment Program construction grant award of \$625,000 for the city's water project.

Montana Department of Commerce: Letter of May 29, 2009 regarding grant award of \$116,876 for designated infrastructure project as listed in House Bill 645.

Montana Department of Revenue: Letter of June 2, 2009 regarding Property Reappraisal and Certification of Taxable Values to Local Governments.

Department of Natural Resources and Conservation: Letter of June 5, 2009 regarding Planning Grant Application.

PUBLIC HEARING:

- Ordinance No. 009-07: An ordinance to amend a portion of Table 17.20.010 of the Laurel Municipal Code entitled Auction House excluding livestock to allow in the Central Business District and Community Commercial District through Special Review. (First reading – June 2, 2009)

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

James stated that a gentleman asked the Planning Board to change the zoning regulations to allow auction houses in areas that are not currently zoned for this. The Planning Board approved the zone change with a 7-0 vote. The Planning Board had some concerns, which James thinks are the reason why auction houses were not allowed in the first place. There is the concern about debris and goods piling up in a back alley or outside location. Another concern is that it is beneficial to have businesses in the Central Business District that are open at least five days a week, as opposed to a business that might only be open once a week. James spoke with the applicant, some realtors, and the Chamber of Commerce regarding a location that currently allows auction houses, and there is nothing available for a reasonable price. The recommendation is to allow auction houses without



livestock in the Community Commercial and the Central Business Districts through a special review process. If the Planning Board or the council deemed that certain buildings are not appropriate for this kind of business, a business would not be able to go there. Negative consequences of such a business could be mitigated by requiring fencing, screening, and landscaping. Some people have said this has been a problem with businesses in Billings.

Mayor Olson asked if there were any questions or comments from the council. There were none.

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.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of May 2009.**
- **Approval of Payroll Register for PPE 05/31/2009 totaling \$154,281.90.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of June 2, 2009 were presented.
 - City-County Planning Board minutes of June 4, 2009 were presented.
 - Cemetery Commission minutes of June 4, 2009 were presented.
 - Park Board minutes of June 4, 2009 were presented.
 - Council Workshop minutes of June 9, 2009 were presented.
 - Laurel Airport Authority minutes of April 28, 2009 were presented.
 - Laurel Urban Renewal Agency minutes of May 18, 2009 were presented.
 - Laurel Urban Renewal Agency minutes of June 1, 2009 were presented.
 - Tree Board minutes of June 2, 2009 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 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.**

Board of Appeals:

Mayor Olson reappointed Ed Thurner and Don Brown to two-year terms ending June 30, 2011, on the Board of Appeals.

Motion by Council Member Rodgers to approve the reappointments of Ed Thurner and Don Brown to two-year terms ending June 30, 2011, on the Board of Appeals, 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.

Laurel Airport Authority:

Mayor Olson reappointed Robert Western to a five-year term ending June 30, 2014, on the Laurel Airport Authority.

Motion by Council Member Rodgers to approve the reappointment of Robert Western to a five-year term ending June 30, 2014, on the Laurel Airport Authority, seconded by Council Member Eaton. There was no public comment.

Council Member Poehls stated that there is an annual reappointment to the Airport Authority. He asked if the city advertises that there is a position open before the reappointment is made.

Mayor Olson stated that the city has advertised. This individual received a letter asking if he wanted to serve another term, and he responded that he did.

Council Member Poehls asked if there was no open advertisement.

Mayor Olson stated that he did not think there was on this one.

Council Member Poehls stated that Mayor Olson knew his opposition to that, and he would leave it at that.

A vote was taken on the motion. Council Members Mace, Dickerson, Stamper, Eaton, and Rodgers voted aye. Council Member Poehls voted nay. Motion carried 5-1.

Cemetery Commission:

Mayor Olson reappointed Norm Stamper, Lee Barndt and Dick Fritzler to two-year terms ending June 30, 2011, on the Cemetery Commission.

Motion by Council Member Poehls to approve the reappointments of Norm Stamper, Lee Barndt and Dick Fritzler to two-year terms ending June 30, 2011, on the Cemetery Commission, 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.

Tree Board:

Mayor Olson reappointed Emelie Eaton to a three-year term ending June 30, 2012, on the Tree Board.

Motion by Council Member Dickerson to approve the reappointment of Emelie Eaton to a three-year term ending June 30, 2012, on the Tree Board, 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.

City-County Planning Board:

Mayor Olson reappointed Hazel Klein to a two-year term ending June 30, 2011, on the City-County Planning Board.

Motion by Council Member Stamper to approve the reappointment of Hazel Klein to a two-year term ending June 30, 2011, on the City-County Planning Board, 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. R09-65: A resolution approving an agreement between the City of Laurel and Yellowstone Boys and Girls Ranch, said agreement relating to fire protection.**

Motion by Council Member Eaton to approve Resolution No. R09-65, seconded by Council Member Rodgers. 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. R09-66: A resolution approving agreements between the City of Laurel and Laurel Urban Fire Service Area (LUFSA), said agreements relating to fire protection.**

Motion by Council Member Mace to approve Resolution No. R09-66, seconded by Council Member Eaton. 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. R09-67: A resolution of the City Council authorizing the Mayor to sign an agreement with the Montana Department of Transportation to accept surplus millings.**

Motion by Council Member Rodgers to approve Resolution No. R09-67, 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. R09-68: A resolution of the city Council authorizing the Mayor to sign an agreement with American Medical Response, Inc. ("AMR") to settle the City's past due balance.**

Motion by Council Member Dickerson to approve Resolution No. R09-68, seconded by Council Member Eaton. 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. R09-69: A resolution transferring funds from the Capital Projects Fund for improvements to the Veterans' section of the Laurel Cemetery to the General Fund of the City of Laurel, Montana.**

Motion by Council Member Poehls to approve Resolution No. R09-69, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Stamper stated a Cemetery Commission meeting is scheduled on Thursday, June 18th, to discuss proposed changes to the cemetery regulations, the plaque for the Rosselot family, and the possibility of starting the gathering area project with a new flag pole and benches for the veterans' section. The city has signed the contract with Yellowstone Concrete Cutting, Inc., and the contractor will be contacted for signatures and then the project can proceed.

Council Member Eaton attended the Yellowstone County Historic Preservation Board meeting this morning. The Historic Preservation Board is paying attention to Laurel because of the historic downtown Preserve America Grant that James Caniglia is pursuing.

Mayor Olson thanked James for his work on the grant.

Mayor Olson asked Kurt Markegard to give an update on the street project.

Kurt distributed a written update, which he read to the council:

Hardrives Construction has been working on patching City streets for the last few weeks. This has included pothole repair and grade deficiencies in the asphalt section on the collector streets. This work is being done to facilitate a comprehensive plan of street repairs and to stop the degradation of the asphalt and base gravel sections. This repair will then be followed up with a rubberized crack seal on any remaining cracks that have not been patched



over. This work will then facilitate the repairing of the residential streets and avenues that are less traveled and give residents the ability to drive to the collectors that have been repaired, thus avoiding the unrepaired sections that the contractor will be working to complete.

The crack sealing portion will be in phases and will start in the next few days. Hardrives has requested to start crack sealing the streets that were identified for chip sealing this year in order to fit their chip sealing schedules. This means that the streets will be chip sealed sooner than later as had been originally expected to start later in the summer. The crack sealing (weather permitting) on these streets should start in the next few days and the chip sealing will commence shortly thereafter. Hardrives has handed out flyers notifying the affected residents of the upcoming chip seal and I will be giving emergency responders the date and time so they can adjust their route of emergency travel should an emergency occur in the vicinity of the chip seals. Traffic should be allowed to drive on the chip sealed streets within a half hour, if not sooner, of the chip seal process.

These street improvements are only the beginning and should not cause alarm to concerned residents that the public works department is ignoring their streets in favor of someone else's. The intent was to mitigate all current potholes on all the streets in the City of Laurel as well as preventing future potholes from happening in the near term. This will be a cumulative process that will include pothole repair, crack sealing, and chip sealing. Streets that are candidates for asphalt overlays as well as reconstruction will be identified and a plan will be produced to help facilitate this process.

Kurt has received some good feedback from city residents and a few concerns about things that may have been overlooked. It is good to get feedback from residents that have lived on a street for many years as they remember when the street was last chip sealed and crack sealed. In the past, street maintenance was not documented, but the information will be documented in a manual going forward. Hopefully, future city staff and elected officials can refer to that, know when work was done, and have a better understanding of what it takes to preserve the pavement. This will be an ongoing process. Finances are not available to do the whole city at this time. The goal is to keep the water out, because the more water in the streets and cracks, the more potholes that will pop up. Kurt is working to preserve the current pavement and he looks forward to future pavement projects that will improve the quality of life for city residents. Kurt stated that it is his goal to make sure that there is a plan in place soon to address the concerns of city residents. He asked for cooperation from the council and residents while the city and the contractors work in the streets. He has spent time walking the streets at night and on weekends to make sure that this project is a benefit to the community and not a waste of time and money.

Council Member Mace asked if Kurt was aware of any possible negative effects from doing the chip seal early.

Kurt stated that, according to Public Works Standards, chip sealing requires a 60 degree asphalt temperature. Standards do not really determine the time, but the 60 degree asphalt temperature is needed. Kurt would not want the chip seal done earlier because the adhesion between the tack and the chip, or the seal coat and the aggregate, would not be as effective. With streets that the rock peeled off, it is probably because it was not done with the right temperatures. As the temperature gets hotter, the chip seal will get pushed more and more into the asphalt.

Council Member Poehls has heard many positive comments. One gentleman said he went on vacation for two weeks and could actually drive to his house when he returned.

Mayor Olson stated that numerous people have commented positively, and this is a step in the right direction. He applauds the work done by the people in the Public Works Department. The city still has a long way to go and has dedicated staff members, such as the Public Works Director, who are determined to see this process through to the end. Next year, there will be a similar operation planned, and then finding future funding for the streets will be a goal.

Council Member Mace asked for an update on the new ditch.

Kurt stated that the ditch by the future Tractor Supply Store was constructed, the irrigation head gate was installed, and then he was notified after the water was turned on prior to him getting there. He stated that the ditch is not completed, as they are still working on the bank to increase the size of the ditch. They are waiting while the old ditch was drained and pumped out so they could backfill it and

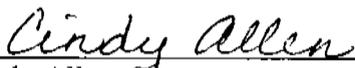
bring the grade up so it would not flood the properties. That work will start next week. Last weekend, one of the irrigators decided he needed some water, so he checked up the head gate and backed up the water a little bit. Kurt worked through the weekend trying to mitigate that issue and even had a chain saw in his pickup ready to cut the boards in case of a thunderstorm. There are some deficiencies with the design, and the developer will return next week to correct the deficiencies and change the head gate out. Kurt stated that the ditch is a great improvement to the previous ditch.

UNSCHEDULED MATTERS: None.

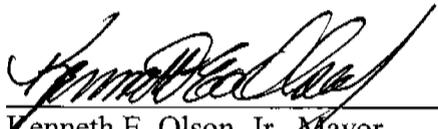
ADJOURNMENT:

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

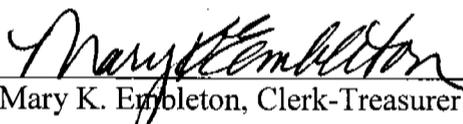
There being no further business to come before the council at this time, the meeting was adjourned at 7:02 p.m.


Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 7th day of July, 2009.


Kenneth E. Olson, Jr., Mayor

Attest:


Mary K. Embleton, Clerk-Treasurer