

# MINUTES OF THE CITY COUNCIL OF LAUREL

June 21, 2011

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 21, 2011.

COUNCIL MEMBERS PRESENT:           Emelie Eaton           Doug Poehls  
  Vacant                   Mark Mace  
  Chuck Rodgers        Chuck Dickerson  
  Tom Nelson

COUNCIL MEMBERS ABSENT:       Norm Stamper

OTHER STAFF PRESENT:           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 Poehls to approve the minutes of the regular meeting of June 7, 2011, as presented, 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.

**CORRESPONDENCE:** None.

## PUBLIC HEARINGS:

- Variance request to reduce minimum lot width on Lots 7 and 8 of Nutting Brothers Subdivision.

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

Mayor Olson asked three times if there were any proponents.

Marshall Phil, Blue Line Engineering, represented the owners in the variance request. Marshall spoke regarding the seven conditions the Zoning Commission reviewed for the land use variance as stated in Laurel Municipal Code 17.60.020.

1. **Unless the denial would constitute an unnecessary and unjust invasion of the right of property.** Marshall stated that this condition does not have an impact and is not an issue, as the overall plan would fit better with this variance.
2. **Unless the grant relates to a condition or situation special and peculiar to the applicant.** Marshall stated that the shape of the property does not allow for the densities for the 40-foot width, which is why the 35-foot width variance has been requested. They will have to deal with storm water issues and some surface areas will be used for storm water retention.
3. **Unless the basis is something more than mere financial loss to the owner.** Marshall stated that it is something more than financial loss to the owner. The general configuration and the appearance of the property would allow them to have more options.
4. **Unless the hardship was created by someone other than the owner.** Marshall stated that the hardship was created by someone else, as the shape of the property was done with the previous subdivision plat.
5. **Unless the variance would be within the spirit, intent, purpose, and general plan of this title.** Marshall stated that, if the variance is allowed, the relative densities of the project would keep it similar to the neighboring properties and actually allow this property to be less dense than some of the adjoining parcels.
6. **Unless the variance would not affect adversely or injure or result in injustice to others.** Marshall stated that the development would be the same density or less density than the adjoining properties and the newer units required in the development would meet codes.



7. **Ordinarily unless the applicant owned the property prior to the enactment of this title or amendment.** Marshall stated that the owner did not own the property at the time the title was done. He stated that the request fits the criteria of the seven items.

Marshall spoke regarding the densities of the surrounding properties and the proposed development. He stated that the 35-foot width would only squeeze 2.5 feet off each side of the units and would still allow site setbacks to be met for fire code for a 16-foot wide trailer.

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.

A resolution regarding the variance request is on tonight's agenda for the council's consideration.

- Ordinance No. O11-07: An ordinance amending Section 17.26.052 titled "Entryway Zoning District" located at Title 17 of the Laurel Municipal Code (transit bus benches).

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

Motion by Council Member Poehls to waive the council rule and to place Ordinance No. O11-07 on tonight's agenda as item 10.1., seconded by Council Member Nelson. There was no public comment.

Council Member Poehls stated that the business owner has waited several months for the city to finalize this issue, so he did not think the city should make him wait any longer.

A vote was taken on the motion to waive the council rule and to place Ordinance No. O11-07 on tonight's agenda as item 10.1. All six council members present voted aye. Motion carried 6-0.

**CONSENT ITEMS:**

- **Clerk/Treasurer Financial Statements for the month of May 2011.**
- **Approval of Payroll Register for PPE 06/12/2011 totaling \$160,420.10.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of June 7, 2011 were presented.

--City-County Planning Board minutes of June 2, 2011 were presented.

--Council Workshop minutes of June 14, 2011 were presented.

--Laurel Public Library Board of Trustees minutes of May 10, 2011 were presented.

--Laurel Airport Authority minutes of April 26, 2011 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 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.

**CEREMONIAL CALENDAR:** None.



**REPORTS OF BOARDS AND COMMISSIONS:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**

Budget/Finance Committee

Mayor Olson stated the Council's appointment of Mark Mace as the Chairman of the Budget/Finance Committee.

Motion by Council Member Dickerson to approve the Council's appointment of Mark Mace as the Chairman of the Budget/Finance Committee, 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.

Laurel Airport Authority

Mayor Olson reappointed John Smith to the Laurel Airport Authority as Chairman for a five-year term ending June 30, 2016.

Motion by Council Member Eaton to approve the Mayor's reappointment of John Smith to the Laurel Airport Authority as Chairman for a five-year term ending June 30, 2016, seconded by Council Member Rodgers. There was no public comment or council discussion. A vote was taken on the motion. Council Members Mace, Dickerson, Nelson, Rodgers and Eaton voted aye. Council Member Poehls voted nay. Motion carried 5-1.

Laurel Airport Authority

Mayor Olson appointed Randy Hand to the Laurel Airport Authority to fill a term ending June 30, 2012.

Motion by Council Member Nelson to approve the Mayor's appointment of Randy Hand to the Laurel Airport Authority to fill a term ending June 30, 2012, 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.

Board of Appeals

Mayor Olson reappointed Ed Thurner and Don Brown to the Board of Appeals for two-year terms ending June 30, 2013.

Motion by Council Member Rodgers to approve the Mayor's reappointments of Ed Thurner and Don Brown to the Board of Appeals for two-year terms ending June 30, 2013, seconded by Council Member Nelson. 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.

Cemetery Commission

Mayor Olson reappointed Norm Stamper, Lee Barndt and Dick Fritzler to two-year terms ending June 30, 2013.

Motion by Council Member Eaton to approve the Mayor's reappointments of Norm Stamper, Lee Barndt and Dick Fritzler to two-year terms on the Cemetery Commission, 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.

City-County Planning Board

Mayor Olson reappointed Don Brown and Hazel Klein to the City-County Planning Board for two-year terms ending June 30, 2013.

Motion by Council Member Poehls to approve the Mayor's reappointments of Don Brown and Hazel Klein to the City-County Planning Board for two-year terms ending June 30, 2013,



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.

Laurel Library Board

Mayor Olson appointed Alan Klebe to the Laurel Library Board for a five-year term ending June 30, 2016.

Motion by Council Member Mace to approve the Mayor's appointment of Alan Klebe to the Laurel Library Board for a five-year term ending June 30, 2016, 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.

- **Ward 2 council vacancy.**

Mayor Olson asked for nominations for the Ward 2 council vacancy.

Motion by Council Member Poehls to nominate Bruce McGee to fill the Ward 2 council seat until December 31, 2011, seconded by Council Member Nelson.

Motion by Council Member Mace to nominate Doris Hill to fill the Ward 2 council seat until December 31, 2011, seconded by Council Member Dickerson.

Council Member Poehls stated that one person would be appointed and one person would not be appointed to the position. He encouraged that person to consider serving on a committee or board, such as the City-County Planning Board. Council Member Poehls thanked both individuals for applying for the Ward 2 vacancy.

Mayor Olson asked for a vote by raise of hands. Council Members Poehls, Mace, Dickerson and Nelson voted for Bruce McGee. Council Members Rodgers and Eaton voted for Doris Hill.

Motion by Council Member Poehls to appoint Bruce McGee to fill the Ward 2 council seat until December 31, 2011, seconded by Council Member Nelson. There was no public comment or council discussion. A vote was taken on the motion. Council Members Poehls, Mace, Dickerson and Nelson voted aye. Council Members Rodgers and Eaton voted nay. Motion carried 4-2.

Mayor Olson stated the importance of the committees in the community and the need for a Council appointment on the City-County Planning Board.

At this time, Mayor Olson performed the swearing in ceremony for Bruce McGee.

- **Resolution No. R11-46: A resolution approving a variance request within the one mile zoning jurisdiction of the City of Laurel for Lots 7 & 8 of the Nutting Brothers Subdivision 2<sup>nd</sup> Filing, to reduce the 40 foot required manufactured home lot width by 5 feet.**

Motion by Council Member Dickerson to approve Resolution No. R11-46, seconded by Council Member Poehls. Mayor Olson asked for public comment.

Jeff Busman, 724 Avenue F in Billings, is a realtor in Montana. He commented that this is a good compromise between having the zoning regulation in place that fits most things. They are seeking to find common ground and are looking at an overall project that would look better if they could organize things the way the engineer drew up the plans to fit within the scheme of the surrounding area. It is already zoned so the density could be there and they are requesting it in order to make the project look organized. The owners plan to manage the property as one continuous unit and would have management jurisdiction over the entire project. They have an interest in the longevity and the appearance of the project.

There was no council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-47: A resolution of the City Council authorizing the Mayor to sign an Operating Contract with the State of Montana, Department of Transportation for the Laurel Transportation System Coordination Plan.**

Motion by Council Member Poehls to approve Resolution No. R11-47, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-48: A resolution of the City Council modifying Resolution No. R11-10 to incorporate an authorization to set the 2011 City of Laurel's annual sidewalk merchant permit fee.**

Motion by Council Member Nelson to approve Resolution No. R11-48, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-49: A resolution of the City Council authorizing the disposal of City Court records.**

Motion by Council Member Rodgers to approve Resolution No. R11-49, seconded by Council Member Nelson. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-50: 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. R11-50, seconded by Council Member Rodgers. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-51: A resolution approving an agreement between the City of Laurel and the Laurel Airport Authority, relating to fire protection.**

Motion by Council Member Poehls to approve Resolution No. R11-51, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-52: A resolution approving an agreement between the City of Laurel and the City of Billings relating to solid waste disposal.**

Motion by Council Member Mace to approve Resolution No. R11-52, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-53: A resolution approving Change Order No. 2 to the previously approved contract with Blacktop, Inc. for the 2010 Street Maintenance Project, adding additional surface restoration and authorizing the Mayor to execute the attached Change Order No. 2 on the City's behalf.**

Motion by Council Member Dickerson to approve Resolution No. R11-53, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R11-54: A resolution to approve commitment of fund balances in accordance with GASB Statement No. 54.**

Motion by Council Member Poehls to approve Resolution No. R11-54, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Ordinance No. O11-07: An ordinance amending Section 17.26.052 titled "Entryway Zoning District" located at Title 17 of the Laurel Municipal Code. Second reading.**

Motion by Council Member Nelson to adopt Ordinance No. O11-07, seconded by Council Member Poehls. There was no public comment or council discussion. A roll call vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

**ITEMS REMOVED FROM THE CONSENT AGENDA: None.**

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

Council Member Poehls stated that an Emergency Services Committee meeting is scheduled on Monday, June 27<sup>th</sup> at 5:30 p.m.

Council Member Nelson stated that the SE 4<sup>th</sup> Street storm water hookups should be done by the end of July and should be ready for the overlay in August.

Mayor Olson stated that completion of the storm water hookups would precipitate the formation of the SID for the final overlay of the asphalt on the street.

Council Member Rodgers encouraged everyone to have a good time during the 4<sup>th</sup> of July events. The new fireworks ordinance will be effective this 4<sup>th</sup> of July.

Mayor Olson spoke regarding the CAO position, for which an individual had signed a contract for the position. Last Wednesday, the individual called him and indicated that he decided to void the contract for personal and professional reasons. The contract was to begin on July 5<sup>th</sup>. Mayor Olson explained the four options available at this time. The city has the option to offer the position to someone that was already interviewed, re-advertise and interview for the position, hire within the city, or continue with the current situation. Mayor Olson stated that the city is not going to do nothing, as the position needs to be filled. He is currently reviewing possibilities from within the city. If that is not successful, he will meet with the interview committee for further direction. He will provide more information to the council soon as the city moves forward to find the best way to proceed.

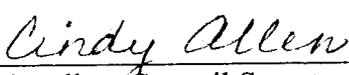
There was a question regarding hiring a current employee on an interim basis. Mayor Olson explained that a current employee has a certain level of security as an employee. The interim position would allow the employee to maintain their current obligations while performing as CAO on a short-term basis in order to determine if it would be best for the city and the employee. The CAO position has a three-year contract, which would eventually change the full-time employment of the employee to a contracted position. One city employee applied for the position when it was originally posted. Mayor Olson stated that he will continue to look for an appointment for the council's approval.

**UNSCHEDULED MATTERS:** None.

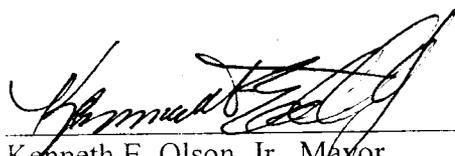
**ADJOURNMENT:**

Motion by Council Member Nelson 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 seven council members present voted aye. Motion carried 7-0.

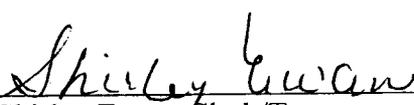
There being no further business to come before the council at this time, the meeting was adjourned at 7:26 p.m.

  
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 5<sup>th</sup> day of July, 2011.

  
Kenneth E. Olson, Jr., Mayor

Attest:

  
Shirley Ewan, Clerk/Treasurer