

MINUTES OF THE CITY COUNCIL OF LAUREL

July 5, 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 July 5, 2011.

COUNCIL MEMBERS PRESENT:	Emelie Eaton	Doug Poehls
	Bruce McGee (6:37 p.m.)	Chuck Dickerson
	Tom Nelson	Norm Stamper
COUNCIL MEMBERS ABSENT:	Chuck Rodgers	Mark Mace
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 Eaton to approve the minutes of the regular meeting of June 21, 2011, as presented, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All five council members present voted aye. Motion carried 5-0.

CORRESPONDENCE:

Montana Department of Transportation: Letter of June 16, 2011, regarding 2011-2015 Final Statewide Transportation Improvement Program.

Senator Max Baucus: Letter of June 20, 2011 regarding Presidential Disaster Declaration for Montana.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims for the month of June 2011 in the amount of \$351,373.13.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 06/26/2011 totaling \$194,543.40.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of June 21, 2011 were presented.
 - Health Insurance Committee minutes of May 31, 2011 were presented.
 - Public Works Committee minutes of June 13, 2011 were presented.
 - Council Workshop minutes of June 28, 2011 were presented.
 - Laurel Urban Renewal Agency minutes of May 16, 2011 were presented.

The mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Poehls 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 five council members present voted aye. Motion carried 5-0.



CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Fire Department:

Mayor Olson appointed Allan Gradwohl to the Laurel Fire Department.

Motion by Council Member Nelson to approve the Mayor's appointment of Allan Gradwohl to the Laurel Fire Department, seconded by Council Member Stamper. There was no public comment or council discussion. A vote was taken on the motion. All five council members present voted aye. Motion carried 5-0.

Budget/Finance Committee:

Mayor Olson stated the Council's appointment of Tom Nelson to the Budget/Finance Committee.

Motion by Council Member Poehls to approve the Council's appointment of Tom Nelson to the Budget/Finance Committee, seconded by Council Member Stamper. There was no public comment or council discussion. A vote was taken on the motion. Motion carried 4-1, with Council Member Eaton voting nay.

- **Resolution No. R11-55: A resolution committing fund balance resources for Special Revenue and permanent funds (GASB 54).**

Motion by Council Member Stamper to approve Resolution No. R11-55, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All five council members present voted aye. Motion carried 5-0.

- **Resolution No. R11-56: A resolution approving Amendment No. 2 to the previously adopted Task Order No. 6 of the Agreement for Professional Services dated June 5, 2007 between the City of Laurel and Great West Engineering, Inc., for an increase in the engineering costs for Phase I of the Water System Improvements Project for the City of Laurel.**

Motion by Council Member Dickerson to approve Resolution No. R11-56, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All five council members present voted aye. Motion carried 5-0.

Council Member McGee arrived at 6:37 p.m.

- **Resolution No. R11-57: A resolution approving Change Order No. 4 to the contract with Williams Civil Division, Inc., for the 2010 Water Main Replacement Project and authorizing the Mayor to execute the attached Change Order No. 4 on the City's behalf.**

Motion by Council Member Nelson to approve Resolution No. R11-57, 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:

- **Review of Monthly Reports: Police, Fire, Ambulance, and Code Enforcement:** None.

Council Member Poehls stated that a constituent recently contacted him about the car crusher or shredder from Pacific Steel that was rejected by Yellowstone County and the Billings area. He asked for council discussion at the July 12th council workshop regarding whether or not Laurel would like to show interest in having Pacific Steel establish something in Laurel.

A budget workshop is scheduled on Tuesday, July 12, at 5:30 p.m. Mayor Olson stated that the Street Maintenance Fund, the Gas Tax Fund, City Shop Fund, and the Permissive Mill Levee Fund will be presented.

Council Member Stamper asked for a report from the Police and Fire Departments regarding the 4th of July events at the next council workshop.

Mayor Olson asked if the report could be scheduled on July 26th, as the emergency services personnel will meet soon to discuss the event. The report will be on the July 26th council workshop agenda.

Council Member Nelson mentioned that the contractor started installing storm water hookups on SE 4th Street last weekend.

Council Member McGee apologized for being late. He stated that, at today's Laurel Urban Renewal Agency meeting, there was a question whether a conflict of interest exists with him being on the city council now. He asked for the attorney's opinion to see if it is a problem and if he needed to resign his position on the Laurel Urban Renewal Agency.

Mayor Olson stated that it needs to be addressed quickly because LURA is meeting twice a month now.

Council Member Dickerson suggested that a letter from the attorney be directed to the Laurel Urban Renewal Agency to inform them of the decision.

Council Member Eaton commented about the new construction starting around town now that the 4th is over and how quickly the crews were at that. She mentioned the new temporary residents of the community because of the Exxon pipe break down at the river.

Council Member Poehls asked for an update on the ExxonMobil spill.

Mayor Olson stated that some residents asked him about the current stages of the different projects. Some are due to the contracts, some were because weather conditions did not allow the projects to be completed prior to the 4th of July, and some were that the city does not have an overabundance of people, which was exhibited during concerns at the Riverside Park.

Mayor Olson gave an update on Riverside Park. He and Public Works Director Kurt Markegard went to the Crowne Plaza for an update of the spill from the ExxonMobil group today. Those present at the debriefing were Governor Schweitzer, Congressman Denny Rehberg, County Commissioner Bill Kennedy, and representatives from the two senators. After the update, Mayor Olson talked to Governor Schweitzer about Laurel's willingness to partner with whatever agencies could be mustered in reforming the levee that has been damaged at Riverside Park. He also indicated that the City of Laurel owns some property downstream from the location of the release so there is some potential and mitigation of contamination in the park. Governor Schweitzer provided contact information for a couple of agencies to see if Laurel can start to see how to form a group that could financially support the rebuilding of the levee in the future. ExxonMobil determined that they would do horizontal drilling in the river for their crude line. ExxonMobil will have to use the city's park to get to the river, so the city and ExxonMobil will need an agreement for the easement. City staff has talked with representatives from FEMA and the State agencies regarding the proper way to document the costs for the city's efforts for mitigation of the flooding at Riverside Park and the potential hazard of flooding at the Water Treatment Plant. The manpower hours and assets are being documented according to the criteria set forward. ExxonMobil has specified four regions of A, B, C and D. Region A is located between the bridge at Highway 212 and down for seven miles. Region B is where Duck Creek crosses the river and then goes to the Billings area. Region C is from the Billings area to Hysham and Region D is everything past the Miles City/Glendive area. Approximately 360 personnel are working on the incident, with the highest concentration being in area A around Laurel where over 150 people are working to pick up the oil. If any agency needs to contact ExxonMobil on this issue, a phone number was provided for the task force that is at incident command.

On Wednesday morning at 9:00 a.m. and subsequent mornings, there will be updates on the process involved with the mitigation at the Crowne Plaza in Billings. Heidi Jensen, City Planner, and Kurt Markegard, Public Works Director, will attend and will be issued ID so they can get into the area that is currently being cleaned up.

After ExxonMobil said they were going to make sure everything is cleaned up before they leave, Governor Schweitzer made the statement that ExxonMobil will not leave until the State of Montana says they could leave.

During the 4th of July events, mutual aid provided a presence at Riverside Park and Thiel Road to ensure that nobody ended up in a dangerous position. Today Governor Schweitzer said that another high water event is expected soon. Mayor Olson stated that there was water over the bumper of his vehicle when he was at the Rod and Gun Club last Friday, but the water had receded considerably by Sunday.

Council Member Eaton asked if there is evidence of oil in Riverside Park.

Mayor Olson did not detect any oil at the Rod and Gun when he was there, but he was not willing to say that there was none. When he arrived at the scene of the incident last Friday, the incident command system had been set up and people were being notified of the problem. Public Works Director Kurt Markegard soon informed him that the water plant was shut down. At that time, they both decided to have water samples tested before restarting the water plant. There was no evidence of any type of contaminant at the site into the intake, so the water plant was started back up again.

Council Member Eaton asked about the location of the Exxon pipe in relation to the gas pipe that broke last year in Riverside Park.

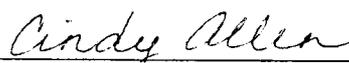
Mayor Olson stated that it is very close in proximity, within 15 to 20 feet, of that area going across the river. Both pipelines are downstream from the city's two intakes. The intake lids came off a few years ago, and it cost the city about \$117,000 to have those replaced and secured with nuts and bolts. Mayor Olson stated that it will be interesting to see the extent of any possible damage to the intakes due to debris going down the river. A week ago, ExxonMobil was contacted and brought in several truck loads of gravel to isolate their valve by Fat Fender Freddy's and to put in an air pump to keep out the water. ExxonMobil identified a valve they wanted to stay out of the water and diked the area, but that is different than this location.

UNSCHEDULED MATTERS: None.

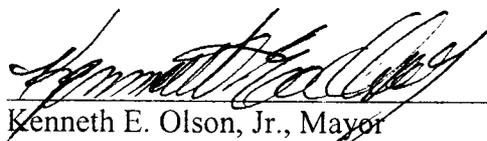
ADJOURNMENT:

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 6:57 p.m.


Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19th day of July, 2011.


Kenneth E. Olson, Jr., Mayor

Attest:


Shirley Ewan, Clerk/Treasurer