

# MINUTES OF THE CITY COUNCIL OF LAUREL

August 2, 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 August 2, 2011.

COUNCIL MEMBERS PRESENT:           Emelie Eaton           Doug Poehls  
  Bruce McGee           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 Dickerson to approve the minutes of the regular meeting of July 19, 2011, as presented, 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.

## CORRESPONDENCE:

ExxonMobil Pipeline: Letter of July 16, 2011 regarding Notice of Intent – ExxonMobil Pipeline Company Geotechnical Core Drill in Riverside Park, Laurel, MT.

**PUBLIC HEARING:** None.

## CONSENT ITEMS:

- **Claims for the month of July 2011 in the amount of \$361,392.70.**  
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 07/24/2011 totaling \$134,278.26.**
- **Receiving the Committee Reports into the Record.**
  - Budget/Finance Committee minutes of July 19, 2011 were presented.
  - Council Workshop minutes of July 26, 2011 were presented.
  - Tree Board minutes of June 16, 2011 were presented.
  - Laurel Urban Renewal Agency minutes of June 20, 2011 were presented.
  - Laurel Urban Renewal Agency minutes of July 5, 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 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.

**CEREMONIAL CALENDAR:** None.



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

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

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**

Laurel Urban Renewal Agency:

Mayor Olson appointed Elizabeth Decker to the Laurel Urban Renewal Agency to fill a term ending December 31, 2013.

Motion by Council Member McGee to approve the Mayor's appointment of Elizabeth Decker to the Laurel Urban Renewal Agency to fill a term ending December 31, 2013, 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.

Park Board:

Mayor Olson appointed Gretchen Paulson to the Park Board to fill a term ending December 31, 2012 and Chuck Dickerson to fill a term ending December 31, 2014.

Motion by Council Member Eaton to approve the Mayor's appointments of Gretchen Paulson to the Park Board to fill a term ending December 31, 2012 and Chuck Dickerson to fill a term ending December 31, 2014, 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.

Budget/Finance:

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

Motion by Council Member Poehls to approve the Mayor's appointment of Emelie Eaton to replace Tom Nelson on the Budget/Finance Committee, 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.

Laurel Fire Department:

Mayor Olson appointed Lorie McCleary and Jamie Swecker to the Laurel Fire Department.

Motion by Council Member Rodgers to approve the Mayor's appointments of Lorie McCleary and Jamie Swecker to the Laurel Fire Department, 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.

Laurel Volunteer Ambulance:

Mayor Olson appointed Nick Kallem to the Laurel Volunteer Ambulance.

Motion by Council Member Nelson to approve the Mayor's appointment of Nick Kallem to the Laurel Volunteer Ambulance, 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. R11-62: A resolution approving Change Order No. 4 to the previously approved contract with Blacktop, Inc. for the 2010 Street Maintenance Project, adding an additional 4,400 SY of asphalt pavement patching and 177 SY of pothole patching and authorizing the Mayor to execute the attached Change Order No. 4 on the City's behalf.**

Motion by Council Member Dickerson to approve Resolution No. R11-62, 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. R11-63: A resolution of the City Council authorizing the Mayor to sign a Letter of Engagement with D. A. Davidson as Bond Advisory on SID No. 113.**

Motion by Council Member Mace to approve Resolution No. R11-63, 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. R11-64: A resolution of intent to increase the City of Laurel's water and sanitary sewer rates and charges to become effective on October 10, 2011, and setting a date and time for a public hearing.**

Motion by Council Member Poehls to approve Resolution No. R11-64, 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.

The public hearing will be on September 6, 2011.

- **Resolution No. R11-65: 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 Eaton to approve Resolution No. R11-65, 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. R11-66: 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 Rodgers to approve Resolution No. R11-66, 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.

**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 Mace stated that it is nice that several streets have been totally paved.

Mayor Olson stated that the streets were totally paved along with the trench restoration, as approved by the council. However, that limited the funds available for pothole repair and large breaks throughout the city.

Council Member Nelson asked regarding the Emergency Services Committee meeting under the dates to remember. The meeting is scheduled on August 22<sup>nd</sup>, even though there are five Tuesdays in August and the council workshop is on August 30<sup>th</sup>. The Emergency Services Committee meets on the fourth Monday of the month.

Council Member Rodgers mentioned that the ribbons were poured in the Veterans' section of the Laurel Cemetery. The Cemetery Commission will meet on Monday, August 8<sup>th</sup>, to finalize some items.

Mayor Olson expressed appreciation for the Cemetery Commission's work at the cemetery.

Council Member McGee stated that his neighbors are finding their new city alderman. He stated that some thorny roses are consuming the mailboxes on the end of the street, but there is also a ditch with a right-of-way associated with water rights. Since he does not know where the city property is on 4<sup>th</sup> Street, he asked if the public works department could assess what is needed to address the issue.

Mayor Olson stated that the city will look into the issue.

Mayor Olson explained an item for the council's consideration. The city has had discussions with ExxonMobil regarding their activity at Riverside Park. ExxonMobil has proposed a temporary construction easement, which would outline their payment for use of the city's park for work in that area and in anticipation of the bore to hook onto their pipe to pull it back through. The temporary construction easement has been submitted to the City of Laurel and reviewed by the city attorney. Mayor Olson invited the council members to review the copy of the draft agreement and stated that some changes will be made. The initial agreement stated a payment of \$500 per day, which has subsequently increased to \$1,000 per day. ExxonMobil requested the council to schedule a special meeting next Tuesday at 6:00 p.m. to consider the construction easement.

Council Member Dickerson stated that the council should schedule a special meeting on August 9<sup>th</sup> at 6:00 p.m.

Council Member Mace asked if Riverside Park would be closed.

Mayor Olson stated that Riverside Park is currently closed and will be closed from the moment the construction agreement is signed so ExxonMobil can complete the project. Since ExxonMobil will have heavy construction work going on there and it would not be safe to allow citizens in the park, they are paying for the privilege of having the park closed. The agreement would allow ExxonMobil to work in the park until December 1, 2011, but they would only pay \$1,000 a day for the time they actually had the park closed. If ExxonMobil is out of the park before December 1<sup>st</sup>, the daily payment would end when the project was completed.

Council Member Dickerson asked that better signage be posted that the park is closed to the public until further notice.

Mayor Olson will contact the newspaper tomorrow to request an article in the paper and will also get some better barricades at the park. Because ExxonMobil will have a liability while working in the park, they will provide a gate guard twenty-four hours a day, seven days a week.

Council Member Mace asked if a restoration requirement is included in the contract.

Mayor Olson stated that there is a requirement for restoration of any damage. ExxonMobil might need to remove a couple of trees, and they will replace the trees wherever the City of Laurel wants them planted. The council could have the Tree Board determine where to plant the replacement trees. For the road they will impact with the heavy machinery, ExxonMobil has requested the public works standards for gravel roads so they can restore the road. Mayor Olson stated that the final agreement will be distributed to the council by the weekend. He will inform ExxonMobil that the council has scheduled a special meeting on August 9<sup>th</sup> at 6:00 p.m.

Mayor Olson explained that an easement agreement is also needed with ExxonMobil. The city attorney is reviewing the agreement to determine what is best for the City of Laurel. The agreement will be on the August 9<sup>th</sup> council workshop agenda for the council's review and ExxonMobil representatives will attend to make a presentation regarding the easement agreement.

Council Member Nelson asked if the agreement would include an indemnity to preclude the city from any responsibility for accidents.

Mayor Olson stated that the city attorney would ensure that all necessary coverages are included in the agreement.

Council Member Dickerson asked regarding the possibility of having another boat ramp built at Riverside Park.

Mayor Olson explained that the boat ramp was put in by Fish, Wildlife and Parks. The council allowed it to be paved at the request of the Peaks to Prairie event, but that was the only improvement

made. The upkeep and design of the boat ramp was with Fish, Wildlife and Parks. Mayor Olson would encourage it if Fish, Wildlife and Parks decided to install another boat ramp, as a boat ramp is an attractive addition to the park.

Mayor Olson stated that city staff has been very active in the last month trying to find an answer for the levee. Currently, the city does not have an answer for the levee but continues to work toward getting an answer, which will cost more than the city can afford. He stated that the DNRC is currently reviewing the city's application for restoration assistance for the levee. Heidi Jensen will attend a FEMA meeting tomorrow morning. Mayor Olson spoke on the phone with the COE (Corp of Engineers) on Title 14. They would be interested only if it is the north bank because the city has infrastructure in the water plant. The city might be able to use the money Cenex donated along with a grant to help alleviate the problem. The City of Laurel will continue to work hard to find ways to ensure the park is available next year.

There was discussion regarding the possibility of installing a water line to the park, the need to determine what is best for the City of Laurel, and the briefing at the Yellowstone County Courthouse tomorrow at noon.

**UNSCHEDULED MATTERS:** None.


**ADJOURNMENT:**

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

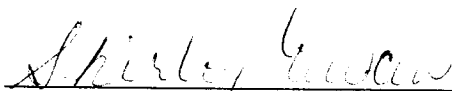
There being no further business to come before the council at this time, the meeting was adjourned at 7:04 p.m.

  
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 16<sup>th</sup> day of August, 2011.

  
Kenneth E. Olson, Jr., Mayor

Attest:

  
Shirley Ewan, Clerk/Treasurer