

MINUTES OF THE CITY COUNCIL OF LAUREL

September 6, 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 September 6, 2011.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Bruce McGee Mark Mace
 Chuck Rodgers Chuck Dickerson (6:38 p.m.)
 Tom Nelson Norm Stamper

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Shirley Ewan

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

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

MINUTES:

- **Council Minutes of August 16, 2011**

Motion by Council Member Nelson to approve the minutes of the regular meeting of August 16, 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.

- **Special Council Minutes of August 30, 2011**

Motion by Council Member Rodgers to approve the minutes of the special meeting of August 30, 2011, as presented, 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.

CORRESPONDENCE:

Montana Department of Revenue: Application of Issuance of One Original (NEW) Montana Retail Off-Premises Consumption Beer and Wine Licenses.

Laurel Chamber of Commerce: Minutes of August 11, 2011; Agenda of August 25, 2011.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Claims for the month of August 2011 in the amount of \$915,504.08.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 08/21/2011 totaling \$161,037.65.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of August 16, 2011 were presented.
 - Health Insurance Committee minutes of June 28, 2011 were presented.
 - Tree Board minutes of July 21, 2011 were presented.
 - Cemetery Commission minutes of August 8, 2011 were presented.



--Public Works Committee minutes of August 8, 2011 were presented.

--Park Board minutes of August 11, 2011 were presented.

--Council Workshop minutes of August 30, 2011 were presented.

--Laurel Urban Renewal Agency minutes of August 1, 2011 were presented.

--Laurel Public Library Board of Trustees minutes of June 14, 2011 were presented.

--Laurel Public Library Board of Trustees minutes of July 12, 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 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.

CEREMONIAL CALENDAR:

- Recognition of Eagle Scout Project

Mayor Olson asked Eagle Scout Logan Weidler to approach the podium. Mayor Olson outlined the Logan's Eagle Badge project. Logan approached him several months ago regarding the possibility of painting the outside of the council chambers. New windows were being installed in the building, and a paint job sounded like a wonderful idea. The council was charged with picking a color, and Mayor Olson has heard positive comments regarding the color scheme. Logan formed a committee of people to help, got the supplies, and coordinated the times for people to work on the project. Mayor Olson stated that the project turned out wonderful. He asked Logan to introduce the people who helped with the project.

Logan introduced Eagle Scouts Corey, John, and Brett and stated that Zach also helped. He then introduced his dad, grandparents, mother and sister, who also assisted with the project. Logan mentioned that Cindy Sellers also helped with the project. Logan's sister painted the bench in front of the council chambers.

Mayor Olson presented Logan with a certificate of recognition for service to the City of Laurel by painting the council chambers for an Eagle Scout Project. He congratulated Logan on a project that was well done and thanked everyone that helped with the project.

Council Member Stamper expressed congratulations and appreciation for the good job Logan and the Eagle Scouts did on the project.

Council Member Rodgers stated that the Eagle Scouts did an outstanding job and the community appreciates it.

Mayor Olson stated that he observed Logan's sister painting the park bench and thanked her for a beautiful job. Mayor Olson again thanked Logan and everyone that assisted with the project.

Council Member Dickerson arrived at 6:38 p.m.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments:** None.
- **Resolution No. R11-76: A resolution approving and adopting the Final Budget for the City of Laurel for the fiscal year 2011-2012.**



Motion by Council Member Poehls to approve Resolution No. R11-76, seconded by Council Member Mace. There was no public comment.

Council Member Poehls thanked everybody involved in the budget process this year, especially Shirley Ewan. The budget process was arduous at times and the department heads had a tough time at points, but everyone worked together and it looks like a good budget for this year.

Shirley Ewan stated that the two additional budget items she explained last week are in the final budget, including the \$300,000 from ExxonMobil and the \$6,000 for the trees. Budget books need to be returned to the clerk's office for the updates.

A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R11-77: A resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2011.**

Motion by Council Member Eaton to approve Resolution No. R11-77, seconded by Council Member Dickerson. 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. R11-78: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 2 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2011-2012.**

Motion by Council Member McGee to approve Resolution No. R11-78, seconded by Council Member Rodgers. 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. R11-79: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 3 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2011-2012.**

Motion by Council Member Dickerson to approve Resolution No. R11-79, seconded by Council Member Stamper. 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. R11-80: A resolution levying and assessing the cost of sidewalk improvements for Special Improvement District No. 111 within the City of Laurel, Montana, for fiscal year 2011-2012.**

Motion by Council Member Stamper to approve Resolution No. R11-80, seconded by Council Member Dickerson. 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. R11-81: A resolution levying and assessing the cost of sidewalk improvements for Special Improvement District No. 112 within the City of Laurel, Montana, for fiscal year 2011-2012.**

Motion by Council Member Nelson to approve Resolution No. R11-81, seconded by Council Member Rodgers. 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. R11-82: A resolution levying and assessing the cost of street improvements for Special Improvement District No. 113 within the City of Laurel, Montana, for fiscal year 2011-2012.**

Motion by Council Member Rodgers to approve Resolution No. R11-82, seconded by Council Member Nelson. 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. R11-83: A resolution levying and assessing the cost of street maintenance and/or improvements for Street Maintenance District No. 1 that**



constitutes all streets and alleys embraced within the City of Laurel, Montana, for fiscal year 2011-2012.

Motion by Council Member Mace to approve Resolution No. R11-83, seconded by Council Member Dickerson. 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. R11-84: Being a resolution levying and assessing all of the property embraced within Street Sweeping District No. 1 of the City of Laurel, Montana, for the purpose of the sweeping of streets in the downtown or business district for the fiscal year 2011-2012.**

Motion by Council Member Poehls to approve Resolution No. R11-84, 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. R11-85: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent water charges.**

Motion by Council Member Eaton to approve Resolution No. R11-85, seconded by Council Member Dickerson. 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. R11-86: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent sewer charges.**

Motion by Council Member McGee to approve Resolution No. R11-86, seconded by Council Member Rodgers. 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. R11-87: A resolution levying and assessing a special tax against certain property designated as garbage districts in the City of Laurel, Montana, for the removal of garbage and refuse.**

Motion by Council Member Dickerson to approve Resolution No. R11-87, seconded by Council Member Stamper. 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. R11-88: Resolution relating to up to \$336,000 Special Improvement District No. 113 Bonds; Authorizing the issuance and private negotiated sale thereof and authorizing the pledge of the Revolving Fund to the security thereof.**

Motion by Council Member Stamper to approve Resolution No. R11-88, seconded by Council Member Dickerson. 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. R11-89: A resolution authorizing the Mayor to execute a revised contract for city attorney civil legal services between the City of Laurel and Elk River Law Office P.L.L.P.**

Motion by Council Member Nelson to approve Resolution No. R11-89, 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. R11-90: A resolution of the City Council to accept a study of the City's existing water and sewer rate structure and recommendations for any necessary modifications to the existing rate structure prepared by Great West Engineering.**

Motion by Council Member Rodgers to approve Resolution No. R11-90, seconded by Council Member Nelson. 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. R11-91: A resolution of the City Council authorizing the Mayor to sign a contract with Bradford Roof Management to repair the roof at Laurel City Hall.**

Motion by Council Member Mace to approve Resolution No. R11-91, seconded by Council Member Dickerson. 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. R11-92: A resolution authorizing the Mayor to sign an agreement between the City of Laurel and the Drug Enforcement Administration "DEA" assigning a Laurel police officer to the Billings Resident Office Task Force for a one-year period.**

Motion by Council Member Poehls to approve Resolution No. R11-92, 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.

- **Ordinance No. O11-08: An ordinance amending Chapter 12.36 of the Laurel Municipal Code relating to Special Improvement Districts to comply with changes made to Montana Law by the 2009 Montana Legislature. First reading.**

Motion by Council Member Eaton to adopt Ordinance No. O11-08, seconded by Council Member Dickerson. There was no public comment or council discussion. A roll call vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

The public hearing of Ordinance No. O11-08 will be on September 20, 2011.

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 spoke regarding the task force concerning Pacific Steel and the possibility of a car crusher plant in Laurel. The gentleman from Pacific Steel would like to meet with the task force on Monday, September 19th, at 6:00 p.m. in the council chambers. The information has been e-mailed to the task force members.

Council Member Mace asked regarding the weed problem around the storage pond off 9th behind the Rock Church.

Mayor Olson stated that there has been water in the pond for quite some time. Work has been identified, not only with the pond, but with the small irrigation drain ditch that dumps into 8th Avenue by Spruce Grove. Both of those projects are on the docket for the Public Works Department. Currently, the city does not have a machine or excavator to clean the irrigation ditch out, so when an excavator is available and there is time, the city will clean up the ditch and address the weeds that are growing in the pond at that same time.

Council Member Mace asked if that is the city's responsibility.

Mayor Olson stated that it has been the city's responsibility. The city approached the Baptist Church long ago when the 30 cfm of discharge needed to be contained. Kirk Spalding, Engineering, Inc., talked to the church originally, and it was included with the 8th Avenue project, which was held up until the 30 cfm of water was addressed. The contract stipulates that the church allowed the land to be there and the city would landscape and maintain it.

Council Member Mace stated that he needs to inform the resident that something will be done.

Mayor Olson again stated that the Public Works Department will address the issue this fall when an excavator is available and there is time.

Council Member Dickerson asked regarding the Mayor's discussion with the County Commissioners about the walk bridge.



Mayor Olson stated that he had lunch with Commissioner Ostlund today, after which they reviewed the area at the Gay Easton Bridge. Commissioner Ostlund sees what has been envisioned and acknowledges that there is a safety issue there. Mayor Olson informed him that the subcommittee identified an \$800 cost for closure of the gap in the fence. If the city goes forward with the project, Commissioner Ostlund agreed that the County Commissioners would donate \$400 to the project. Mayor Olson stated that an individual will donate the gravel and the fabric for the area around the park. Mayor Olson and Council Members Eaton and Rodgers will meet to discuss plans to go forward with the project. Staff has discussed the possibility of the property owners giving the property to the county and then the city acquiring the property. That would be the council's decision, but Mayor Olson is hesitant because the city already has seventeen parks that cannot be developed. Even if the county bestowed the property to the city for a park, the city would have to be mindful of the ditch rider and make sure that the ditch takes first priority. The city could not move dirt without first finding out if it would in any way impact the ditch. Mayor Olson will keep Commissioner Ostlund informed, and will provide more information to the council after the committee meets.

Council Member Dickerson stated that, some time ago, he mentioned that the fire department had done a practice burn in the area north of the bridge down to Valley Drive. It seemed to help for a couple years, and he questioned about that being a possibility again this year with the dry weed situation. Council Member Dickerson asked for discussion at the next council workshop.

Council Member Stamper stated that the Park Board recently unanimously voted to recommend to the council that the \$15,000 a year from ExxonMobil for the easement at Riverside Park be dedicated to parks. He was careful not to say park maintenance, because the Park Board would like to see some way that money could be used for maintenance and/or capital. Council Member Stamper stated that the Park Board has scheduled an informational meeting regarding the spray park for the public on Thursday, September 29th, at 5:30 p.m. in the council chambers. The Park Board wants to get some public feedback, and it will be advertised in the *Outlook* and flyers will go out to the school children and their parents. There will be a special Park Board meeting on Monday, September 26th, at 5:30 p.m., to prepare for the public meeting. Council Member Stamper requested that Sam Painter prepare a written opinion regarding use of the endowment money for a spray park prior to the meeting.

Mayor Olson will contact the city attorney regarding the request.

Council Member Stamper stated that the city currently has \$117,000, and rough estimates to construct a spray park are between \$140,000 and \$150,000. Within the next few months, the Park Board hopes to ask for the council's permission to go forward with the engineering and hopes to have the spray park constructed this spring for use next summer.

Council Member Nelson requested an update from the fire department regarding the fire hydrant testing and the relationship between that and the city's insurance. He also requested a status update within the next three to four weeks from ExxonMobil about the project they are doing in Riverside Park.

Mayor Olson stated that ExxonMobil drilled under the river, which only took four to five days instead of ten days to two weeks. Now they are welding their pipe on the south in the park and will pull that through going the other way. Staff has been down there to see the progress, and Mayor Olson plans to do so soon. If the council desires to go down, they would be asked to provide information and adhere to the hard hat policy there. Mayor Olson will speak to ExxonMobil representatives and get a report back to the council.

Council Member Eaton stated that, at the previous council workshop, the city attorney had not been able to contact the attorney for the estate regarding the pool endowment. She requested that the information be presented at the next council workshop. She also asked if Council Member Rodgers and Mayor Olson could meet following the council meeting regarding the Gay Easton Bridge.

Mayor Olson stated that Sam Painter will attend the council workshops. The question has been asked if he would attend public hearings at regularly scheduled council meetings. Mayor Olson explained that the subject matter of the public hearing would be appraised to see if it would be in the city's best interest to have the city attorney attend. Sam will be available via telephone during council meetings that he does not attend.



Mayor Olson talked to High Plains and High Tech today regarding the ambulance addition project. They are reviewing the items that came in on the spec sheet. On the preliminary spec sheet, there was one number and a different number on the final spec sheet, so the architects are calling back the different jobbers to find out the reason for the increase. This can be done because of the council's willingness to go forward with this alternative bidding system. High Plains, High Tech, the city's building inspector, the ambulance director, the police chief, and a fire department representative will meet tomorrow afternoon to review the project again. The council authorized \$330,000 for the construction and design of the building and \$30,000 for the architectural design, for a cap of \$360,000. They are about \$20,000 over, so further review is needed to keep costs within budget and to resolve those issues to be favorable to the architect, the construction and the city.

Mayor Olson stated that the council approved the resolution for Bradford Roofing to complete work on the city hall roof. They will install a decorative strip on the front of the building that will match the stripping around the windows. He spoke regarding the siren, relocation of the siren, its current use as a backup system for fire calls, and a proposed system that would incorporate a callback 911 system for a secondary backup device. Bradford Roofing has assured him they could put the structure back up with a vibrating system that would keep it from cracking.

Mayor Olson mentioned the need for a council retreat to address the needs in the General Fund. Since Dan Clark will be at the League of Cities and Towns Conference on October 5th to 7th, he would be available for a retreat on Saturday morning, October 8th. There was discussion regarding possible dates. Mayor Olson asked the council to look at their calendars and try to make a determination at the next council workshop. Mayor Olson and Council Members Mace, McGee and Tom Nelson plan to attend the League meeting.

Jim Green, a representative of the group that promotes Amtrak's southern route for the railroad passenger line, recently informed Mayor Olson of a meeting at the Owl Café on October 22nd at 2:00 p.m. He asked Mayor Olson to sit on a discussion panel representing the City of Laurel. Discussion regarding the council's support of the southern route will be on the next council workshop.

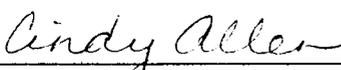
Stefan Streeter and other MDT representatives will attend the council workshop on September 27th. Any questions the council has for MDT should be submitted to the council secretary by September 13th.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member McGee 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 eight council members present voted aye. Motion carried 8-0.

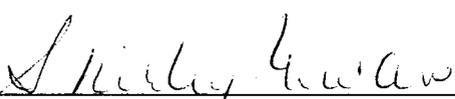
There being no further business to come before the council at this time, the meeting was adjourned at 7:27 p.m.


Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 20th day of September, 2011.


Kenneth E. Olson, Jr., Mayor

Attest:


Shirley Ewan, Clerk/Treasurer