

# MINUTES OF THE CITY COUNCIL OF LAUREL

September 16, 2008

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by President Gay Easton at 6:30 p.m. on September 16, 2008. Mayor Olson was unable to attend the council meeting.

COUNCIL MEMBERS PRESENT:           Emelie Eaton           Doug Poehls  
                                                  Kate Hart               Mark Mace  
                                                  Gay Easton             Chuck Dickerson  
                                                  Alex Wilkins           Norm Stamper

COUNCIL MEMBERS ABSENT:           None

OTHER STAFF PRESENT:               Mary Embleton  
                                                  Sam Painter  
                                                  Bill Sheridan

President Easton led the Pledge of Allegiance to the American flag.

President Easton asked the council to observe a moment of silence.

## MINUTES:

Motion by Council Member Hart to approve the minutes of the regular meeting of September 2, 2008, as presented, 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.

## CORRESPONDENCE:

- Montana State University, Billings – Letter of September 4, 2008 regarding Water Forum on September 25-26, 2008.

President Easton stated that Montana State University is sponsoring a two-day Water Forum for discussion of proposed uses of water. Reservations need to be made by September 19<sup>th</sup>.

President Easton removed item 10. p. from the Scheduled Matters on tonight's council agenda, as further review is needed.

President Easton stated that Resolution No. R08-115 should be a four-year agreement instead of a three-year agreement.

## PUBLIC HEARINGS:

- 2008-2009 Preliminary Budget

President Easton asked Mary Embleton to present the issue.

Mary stated that an omission was found as she reviewed the budget again. The city plans to build sidewalks, curbs, and gutters on South First Avenue. That project will be funded mainly with CTEP funds, so she brought back the CTEP Fund and appropriated revenues and expenditures in the fund to include in this year's budget. This is the last budget change, and the appropriate budget sheets were distributed to the council. The total of the overall budget citywide is \$24,307,650 if the budget is approved as presented. There have not been any other changes to the mill numbers or the information given to the council between the Preliminary Budget presentation and the present time. The budget is subject to change if something comes up and can be done through a budget amendment. The process would be done with a resolution for the change, a public hearing, and final adoption of the resolution. Mary has received no calls or written comments regarding the budget from the public, and she recommended that the council adopt the budget. She explained that this Preliminary Budget public hearing encompasses all funds except the Permissive Medical Levy Fund,

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which has to be held separately. State law is specific that the public hearing for the Permissive Medical Levy Fund has to be advertised and held separately. This public hearing encompasses all other budgets and meets the requirements by statute to set the assessments for street maintenance and lighting districts and set the mills.

President Easton asked three times if there were any proponents. There were none.

President Easton asked three times if there were any opponents. There were none.

President Easton closed the public hearing.

- **Additional Mills Levied for Permissive Medical Levy Fund Budget for Fiscal Year 2008-2009**

President Easton asked Mary to present the issue to the council.

Mary stated that it has been beneficial for the city to take advantage of the 2001 legislation which allows the city to levy additional mills on the public without voter approval for increases in health insurance premiums for General Fund personnel. This year the total mills are 30.28, which will raise over \$190,000.

President Easton asked three times if there were any proponents. There were none.

President Easton asked three times if there were any opponents. There were none.

President Easton closed the public hearing.

**CONSENT ITEMS:**

- **Clerk/Treasurer Financial Statements for the month of August 2008.**
- **Approval of Payroll Register for PPE 09/07/2008 totaling \$144,291.74.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of September 2, 2008 were presented.

--Park Board minutes of September 4, 2008 were presented.

--Council Workshop minutes of September 9, 2008 were presented.

--Laurel Airport Authority minutes of July 22, 2008 were presented.

President Easton 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 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.

**CEREMONIAL CALENDAR:** None.

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

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

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**

Laurel Volunteer Ambulance Service:

President Easton appointed Hope Mager and Tammy Cozzens to the Laurel Volunteer Ambulance Service.

Motion by Council Member Poehls to approve the appointments of Hope Mager and Tammy Cozzens to the Laurel Volunteer Ambulance Service, seconded by Council Member Hart. 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.

- **Waive rule and consider adoption of the 2008-2009 Final Budget resolutions**

Motion by Council Member Dickerson to waive the rule to wait one week or until the next scheduled council meeting and consider the adoption of the 2008-2009 Final Budget resolutions on tonight's agenda, seconded by Council Member Stamper. There was no public comment or council discussion. Motion carried 8-0.

- **Ordinance No. O08-08: An ordinance approving the recodification of ordinances adopted by the City Council that have been compiled as the "Laurel Municipal Code" in accordance with MCA § 7-5-107. Second reading.**

Motion by Council Member Eaton to adopt Ordinance No. O08-08, seconded by Council Member Wilkins. 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.

- **Ordinance No. O08-09: Ordinance creating the Laurel Urban Renewal Agency pursuant to MCA § 7-15-4232 and to codify the ordinance as Title 18 of the Laurel Municipal Code. First reading.**

Motion by Council Member Hart to adopt Ordinance No. O08-09, seconded by Council Member Eaton. 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.

- **Resolution No. R08-103: A resolution approving and adopting the Final Budget for the City of Laurel for the fiscal year 2008-2009.**

Motion by Council Member Eaton to approve Resolution No. R08-103, 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. R08-104: A resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2008.**

Motion by Council Member Wilkins to approve Resolution No. R08-104, seconded by Council Member Hart. 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. R08-105: 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 2008-2009.**

Motion by Council Member Stamper to approve Resolution No. R08-105, seconded by Council Member Mace. 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. R08-106: 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 2008-2009.**

Motion by Council Member Dickerson to approve Resolution No. R08-106, seconded by Council Member Poehls. 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. R08-107: 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 2008-2009.**

Motion by Council Member Mace to approve Resolution No. R08-107, seconded by Council Member Poehls. 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. R08-108: 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 2008-2009.**

Motion by Council Member Poehls to approve Resolution No. R08-108, seconded by Council Member Mace. 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. R08-109: A resolution levying and assessing the cost of street paving, curb and gutter, and storm drain facilities for Special Improvement District No. 110 within the City of Laurel, Montana, for fiscal year 2008-2009.**

Motion by Council Member Eaton to approve Resolution No. R08-109, seconded by Council Member Hart. 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. R08-110: 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 2008-2009.**

Motion by Council Member Hart to approve Resolution No. R08-110, 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. R08-111: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent water charges.**

Motion by Council Member Dickerson to approve Resolution No. R08-111, 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. R08-112: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent sewer charges.**

Motion by Council Member Wilkins to approve Resolution No. R08-112, seconded by Council Member Hart. 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. R08-113: 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 Stamper to approve Resolution No. R08-113, seconded by Council Member Wilkins. 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. R08-115: A resolution of the City Council approving a four-year agreement between the City of Laurel and the Local Union known as Local 303, American Federation of State, County and Municipal Employees, AFSCME.**

Chief Administrative Officer Bill Sheridan stated that it is a four-year contract, with a two-year consideration of wages and health benefits. At the end of two years, the city will negotiate again with the union on wages and health benefits. He provided the council with an estimate of the costs for the fiscal year and offered to answer any questions from the council. Bill stated that one additional item, longevity, needs to be discussed with the labor union and should be resolved soon.

Bill stated that, if the council approves the resolution and agreement tonight, the city will provide the retroactive benefits after Mary returns from vacation.

Motion by Council Member Mace to approve Resolution No. R08-115, seconded by Council Member Hart. 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.

President Easton stated that Resolution No. R08-114 would be on the September 30<sup>th</sup> council workshop for further discussion.

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

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

**COUNCIL DISCUSSION:**

Council Member Poehls will decide whether the Emergency Services Committee will meet on Monday and notification will be sent to the committee members.

Council Member Mace stated concern regarding the recent accident under the underpass. There was a coal train across Fifth and it virtually brought the city to a standstill as far as access. He stated that it is time for the city to do a couple of things. He would like to see the possibility of talking to MRL about closing off the pedestrian walkway as far as access into the driving lane. This is the second incident with a child involved in an accident in the underpass, and a youngster was killed in the first incident. It would not be too much to ask MRL to find a way to keep children from stepping or being pushed out in front of traffic. Council Member Mace stated that it is also time to find another kind of access across the railroad tracks, such as an overpass down towards Eighth. It seems like Laurel is at the mercy of the trains. It will be a tall order, but he thinks the city ought to at least try to bring it to light because a lot of towns have concerns. Helena is bad, but there are ways around Helena. There is no other way around Laurel, and he does not know of any other town that is totally sealed like Laurel. In this case, traffic was backed up almost out to the freeway. He stated that this is a poor setup and design and something needs to be done about it. The council is obviously the place to start that.

President Easton stated that the lack of crosswalks across First Avenue South is also a concern.

Council Member Mace stated that a six-foot chain link fence could be set in very easily and inexpensively.

Council Member Dickerson, President Easton, Council Member Mace, and Bill Sheridan reviewed the signage issue on First Avenue South by Burger King today. They came up with an idea, and Bill will write a letter to MDT with the suggestion for that situation.

Council Member Dickerson stated that residents have contacted him about the ditch situation on Washington Avenue. He asked that this item be on the September 30<sup>th</sup> council workshop agenda for discussion. He explained that the children going north walk down the sidewalk, but then they have to go into the street and traffic to get around the ditch area because there is no bridge and it is too wide to jump over. There are safety concerns with this situation. The item will be on the September 30<sup>th</sup> council workshop agenda.

Council Member Stamper agreed that it would be worthwhile to address the issues regarding open ditches at the next council workshop.

A meeting is scheduled with the County Commissioners on Thursday morning, September 18<sup>th</sup>, at 9:00 a.m. for discussion of the Maintenance Agreement with the City of Laurel for the Yellowstone County Veterans' Cemetery. Norm will try to attend the meeting, as he is the chairman of the Laurel Cemetery Board.

President Easton reported on a meeting in Livingston last weekend with the Soil Conservation District. They met with the River Council, had a train ride with MRL from Livingston to Columbus to view the river, and had presentations from different organizations. The Corp of Engineers, a representative from the Governor's Office, and nine MRL representatives attended the meeting. They saw everything that is happening along the river and what could happen in the future. At a meeting the next day, he took an eight-mile trip up the Paradise Valley. They also went to Big

Timber, where a 54-acre recreational park is being built on the Boulder River where it meets the Yellowstone River. It is a \$2 million project. He communicated with the Corp of Engineers regarding available funding for projects. The first thing the city needs to do is to get the master plan done, and the land survey in Riverside Park needs to be completed.

Council Member Dickerson asked that discussion regarding a date and time for a tour of Riverside Park be placed on the September 30<sup>th</sup> council workshop agenda.

Council Member Mace asked for an update on Mayor Olson and President Easton explained the current situation.

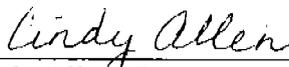
Bill Sheridan distributed a document explaining the timetable for the South First Avenue project. On Monday, the city provided a Notice to Proceed to COP Construction. COP will start hard construction on September 22<sup>nd</sup> and will put in traffic control. COP will remove the asphalt on South First Avenue, but will continue to allow vehicular traffic. The contractor will install an eight-inch sewer line, deal with water main replacement, and install fire hydrants in a couple areas. COP will temporarily restore the surface and then start on South 4<sup>th</sup> Street close to Wal-Mart. The project's start date has been September 15<sup>th</sup> and the finish date is expected to be no later than December 1<sup>st</sup>. COP Construction is a very good contractor and the city hopes that the project can be completed by December 1<sup>st</sup>. The completion date is a critical situation because of the backfill. After that date, there is not enough time for standard backfill to be considered. COP has assured the city that they are going to be able to meet that schedule. Bill offered to answer any questions from the council. He stated that this is a major improvement and there is a lot of work involved, but the city has a good contractor and it is a good time of year for the project.

**UNSCHEDULED MATTERS:** None.

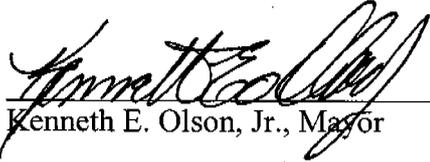
**ADJOURNMENT:**

Motion by Council Member Poehls to adjourn the council meeting, seconded by Council Member Mace. 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 7:16 p.m.

  
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Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 7<sup>th</sup> day of October, 2008.

  
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Kenneth E. Olson, Jr., Mayor

Attest:

  
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Mary K. Embleton, Clerk-Treasurer