

# MINUTES OF THE CITY COUNCIL OF LAUREL

September 20, 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 20, 2011.

COUNCIL MEMBERS PRESENT:           Emelie Eaton           Doug Poehls  
  Bruce McGee           Chuck Dickerson  
  Chuck Rodgers  
  Tom Nelson

COUNCIL MEMBERS ABSENT:           Mark Mace           Norm Stamper

OTHER STAFF PRESENT:           Chief Rick Musson   Jan Faught  
  Sergeant Mark Guy

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 September 6, 2011, as presented, 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.

## CORRESPONDENCE:

Tim Bronk, Superintendent of Laurel Public Schools: Letter of thanks for repairs to 6<sup>th</sup> Street.

ExxonMobil Pipeline: Landowner Updates, September 1, 2011.

Department of Natural Resources and Conservation: Letter of September 12, 2011 regarding ExxonMobil's application for a Land Use License.

Invitation to the 90<sup>th</sup> Anniversary Celebration of the founding of the Church of the Nazarene on Sunday, October 2, 2011, at 10:00 a.m.

Yellowstone County Election Administrator: Letter of September 9, 2011, regarding November 8<sup>th</sup> Municipal General Election.

## PUBLIC HEARING:

- 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 – 09/06/2011)

Mayor Olson asked Clerk/Treasurer Shirley Ewan to introduce the item to the council.

Shirley stated that the ordinance follows state statute. There have been many past SID's that have gone under, and now cities have the opportunity to charge five (5) percent up front and up to ten (10) percent for SID's. The city did SID No. 112 and SID No. 113 at five (5) percent. The SID's are fully developed, but some of the SID's in the state are not fully developed properties, so they often go broke. The state increased the percentage from just five (5) percent to five (5) percent up to ten (10) percent.

Council Member Poehls asked if the city has set a definite number between five (5) and ten (10) percent.



Shirley explained that the city needs to consider how well the property is developed and how well the property owners pay their taxes in the particular area. If it is poor taxing, the city could go up to ten (10) percent just to have enough to pay the bonds. If the property is fully developed and the people in the district pay their taxes on time, the city could use the five (5) percent. The ordinance states that the fee would be between five (5) to ten (10) percent.

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

Mayor Olson asked four times if there were any proponents. There were none.

Mayor Olson asked four times if there were any opponents. There were none.

Mayor Olson closed the public hearing.

The second reading of Ordinance No. O11-08 will be on the council agenda of October 4, 2011.

**CONSENT ITEMS:**

- **Clerk/Treasurer Financial Statements for the month of August 2011.**
- **Approval of Payroll Register for PPE 09/04/2011 totaling \$167,345.00.**
- **Receiving the Committee Reports into the Record.**
  - Budget/Finance Committee minutes of September 6, 2011 were presented.
  - Council Workshop minutes of September 13, 2011 were presented.
  - Emergency Services Committee minutes of August 22, 2011 were presented.
  - Park Board minutes of September 1, 2011 were presented.

The mayor asked if there was any separation of consent items.

Council Member Rodgers stated a correction to the Council Workshop minutes of September 13, 2011. Page seven of the council workshop minutes will be corrected to read: "The budget included \$133,000 for the project," instead of "\$180,000 for the project."

Motion by Council Member Poehls to approve the consent items as presented, with the correction to the September 13, 2011, Council Workshop minutes, seconded by Council Member Dickerson. 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.**
  - Laurel Police Department: Jeremiah Johnson

Chief Rick Musson stated that he was happy to be here for the council's approval of the Mayor's appointment. After the appointment, Judge Kerr will perform the swearing in ceremony and Chief Musson and Sergeant Guy will read the Code of Ethics with Jeremiah Johnson. Chief Musson thanked the Johnson family for attending the event. One of Jeremiah's second cousins came from Florida to attend tonight. Jeremiah served as a Laurel Police Reserve and has been trying to get on the department. Chief Musson stated that the department is excited to have Jeremiah and recommended his appointment tonight.

Laurel Police Department:

Mayor Olson appointed Jeremiah Johnson to the Laurel Police Department.

Motion by Council Member Eaton to approve the Mayor's appointment of Jeremiah Johnson to the Laurel Police Department, seconded by Council Member Dickerson. There was no public comment.

Council Member Dickerson thanked the Johnson family for attending this special occasion.

A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

Judge Jean Kerr performed the swearing in ceremony for Jeremiah Johnson.

Chief Musson, Sergeant Mark Guy and Jeremiah Johnson read the Code of Ethics together.

Mayor Olson expressed his appreciation for the service that the Chief has brought forward to the community tonight. He stated that the attendance of many members of Jeremiah's family tonight gives him and the council a visual amount of the support he will need as he goes forward in a very stressful, but yet rewarding profession. Mayor Olson welcomed Jeremiah to the City of Laurel.

- **Resolution No. R11-93: A resolution of intent to increase the City of Laurel's water and sanitary sewer rates and charges to become effective on November 10, 2011, and setting a date and time for a public hearing.**

Motion by Council Member Nelson to approve Resolution No. R11-93, 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.

- **Resolution No. R11-94: A resolution accepting the bid and authorizing the Mayor to sign a contract with Riverside Sand and Gravel, Inc., for the Southeast 4<sup>th</sup> Street Pavement Rehabilitation Project for the City of Laurel.**

Motion by Council Member Rodgers to approve Resolution No. R11-94, 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.

Mayor Olson stated that there is a group of supporters for this project, and he thanked the city staff for their work on the project.

- **Resolution No. R11-95: A resolution approving the attached Task Order No. 22 authorizing Great West Engineering to evaluate potential alternatives to stabilize the Yellowstone River banks along Riverside Park.**

Motion by Council Member McGee to approve Resolution No. R11-95, 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.

- **Resolution No. R11-96: A resolution authorizing the Mayor to execute a Community Transportation Enhancement Program "CTEP" Agreement between the City of Laurel and the State of Montana Department of Transportation for the City of Laurel's East Main Street Sidewalk Project.**

Motion by Council Member Eaton to approve Resolution No. R11-96, 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.

- **Resolution No. R11-97: Resolution relating to \$8,808 Special Improvement District No. 112 Bond; Fixing the form and details and providing for the execution and delivery thereof and security therefor.**

Motion by Council Member Dickerson to approve Resolution No. R11-97, 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.

- **Resolution No. R11-98: Resolution relating to \$336,000 Special Improvement District No. 113 Bonds; Fixing the form and details and providing for the execution and delivery thereof and security therefor.**

Motion by Council Member Poehls to approve Resolution No. R11-98, seconded by Council Member Dickerson. 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.

- **Resolution No. R11-99: Resolution relating to Special Improvement District No. 112 and Special Improvement District No. 113; Preliminary levy of special assessments on property within the districts for the purpose of financing the cost of certain local improvements.**

Motion by Council Member Eaton to approve Resolution No. R11-99, 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.

- **Resolution No. R11-100: A resolution awarding High Tech Construction an Alternative Project Delivery Contract to construct the ambulance addition to the City's Fire, Ambulance and Police (FAP) building and authorizing the Mayor to execute the contract on the City's behalf.**

Motion by Council Member Nelson to approve Resolution No. R11-100, seconded by Council Member Dickerson.

Darci Waldo, 206 2<sup>nd</sup> Avenue SE in Park City, is an EMT on the ambulance. She stated that it is great to know that the ambulance service has people backing them and it will be great not to have to sit in a little janitor's closet all day while at work.

Council Member Dickerson stated that the council is excited about the project, which has been a long time coming. He hopes the ambulance department will enjoy the space they have needed and deserved for a long time.

A vote was taken on the motion to approve Resolution No. R11-100. All six council members present voted aye. Motion carried 6-0.

Mayor Olson stated that the project has been a long time coming. There are still a few issues going forward, but they will be addressed. He invited everyone to enjoy fresh doughnuts provided by the Chief of Police when the project is completed.

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

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

**COUNCIL DISCUSSION:**

Council Member Poehls stated that the Emergency Services Committee would not meet on Monday, September 26<sup>th</sup>.

Council Member Dickerson suggested that, since the tree has not yet been planted in Murray Park to replace the dead tree, the staff should wait until next spring to plant the tree. He stated that the tree might have a better chance of surviving if planted next spring.

Mayor Olson stated that he would certainly take that into consideration. He stated that staff is working with the arborist, Fred Bicha, to find out a good time to plant the tree.

Council Member Dickerson asked that the status of the top to be put over the generator at Murray Park be added to the workshop agenda.

Mayor Olson stated that a contract was signed and awarded to Montana Linx Manufacturing, but he does not know when the work will be done.



Council Member Dickerson asked if the damaged gate would be addressed in the contract or if it has to be addressed separately.

Mayor Olson will email the answer to the council.

Council Member McGee stated that the Church of Christ on Fifth Street has scheduled its second annual clothing giveaway for people on Saturday, October 15<sup>th</sup>. He stated that this is a very good event for the community and the surrounding area during these difficult economic times.

Council Member Eaton stated that the task force formed regarding Pacific Recycling coming to Laurel met yesterday. She thought that it was a positive and encouraging meeting, even though nothing definitive came out of the meeting.

Council Member Eaton asked regarding the date for the council retreat.

Mayor Olson recently talked to Dan Clark, the Executive Director for the Local Government Center in Bozeman. Dan would like to have the retreat on October 15<sup>th</sup>, instead of October 8<sup>th</sup>. There was a brief discussion and it was decided to schedule the retreat on October 15<sup>th</sup>. The council will work on the walk bridge project the afternoon of the same day. Mayor Olson will contact Dan Clark tomorrow.

Mayor Olson stated that Dave Kingston and Malcolm South of ExxonMobil came to his office last week and presented a proposal they would like to have before the council. ExxonMobil would like the council to reconsider their right-of-way easement for construction at Riverside Park. The proposal is for the right-of-way easement for the park to be extended from December 1<sup>st</sup> to March 1<sup>st</sup>. They would also like to have more of the park restricted to their activity. The request was precipitated by the federal agency that wants the pipe taken out of the river. Since the river has the lowest water table in December and January, ExxonMobil would retrieve the pipe and place it in Riverside Park under their guard and care for inspection by the regulating agencies. The area would be off limits and in their easement. Also in consideration is property just east of the water treatment plant. When the city had the lids repaired three years ago, the area was used to access the river. Exxon would like to use that area to access the river and have their machinery pull the pipe out. In consideration for that, ExxonMobil has proposed payment of \$1,200 a day for closing the park. Mayor Olson stated that the proposal would be presented and considered at a special council meeting at 6:30 p.m. next Tuesday, September 27<sup>th</sup>. Mayor Olson is currently asking ExxonMobil to be more definitive. The City of Laurel needs to access the river in its preliminary planning for levee replacement. Even though the city gives the easement for construction to ExxonMobil, the city will require them to have consideration for construction and design of the levee at the same time. The agreement will be distributed to the council as soon as possible.

Council Member McGee asked if Mayor Olson had expressed to ExxonMobil the desire to do the levee work simultaneously to their project and if that was acceptable to them.

Mayor Olson stated that it is incumbent upon the council to understand that the city needs to be in the river to do the levee work. He stated that legal counsel is in contact with ExxonMobil officials to voice the city's concerns and to identify the needed verbiage in the contract.

There was discussion regarding which council members could attend the special council meeting.

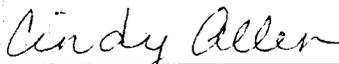
Mayor Olson stated that the agenda for the special council meeting on September 27<sup>th</sup> would be posted soon. Another special council meeting is scheduled on October 11<sup>th</sup> for the public hearing for the proposed levy of a special assessment for SID No. 112 and 113.

**UNSCHEDULED MATTERS:** None.

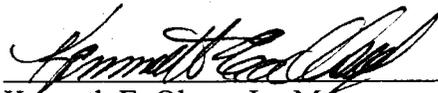
**ADJOURNMENT:**

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

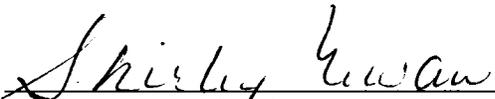
There being no further business to come before the council at this time, the meeting was adjourned at 7:16 p.m.

  
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 4<sup>th</sup> day of October, 2011.

  
Kenneth E. Olson, Jr., Mayor

Attest:

  
Shirley Ewan, Clerk/Treasurer