

MINUTES OF THE CITY COUNCIL OF LAUREL

October 6, 2009

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 Doug Poehls at 6:30 p.m. on October 6, 2009.

COUNCIL MEMBERS PRESENT:	Emelie Eaton	Doug Poehls
	Chuck Rodgers	Mark Mace
	Alex Wilkins	Norm Stamper
COUNCIL MEMBERS ABSENT:	Kate Hart	Chuck Dickerson
OTHER STAFF PRESENT:	Bill Sheridan	Derek Yeager
	Sam Painter	James Caniglia
	Kurt Markegard	Mark Guy

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

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

President Poehls stated that a change order for paving on East 8th Street needed to be added to tonight's council agenda under unscheduled matters.

Motion by Council Member Stamper to add the East 8th Street paving change order to tonight's council agenda under unscheduled matters, seconded by Council Member Mace. 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.

MINUTES:

Motion by Council Member Eaton to approve the minutes of the regular meeting of September 15, 2009, as presented, 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.

Motion by Council Member Stamper to approve the minutes of the special meeting (1) of September 22, 2009, as presented, seconded by Council Member Mace. 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.

Motion by Council Member Rodgers to approve the minutes of the special meeting (2) of September 22, 2009, as presented, seconded by Council Member Wilkins. 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:

Montana Municipal Interlocal Authority: Memorandum of September 14, 2009 regarding MMIA Board of Directors Elections.

PUBLIC HEARING:

- Ordinance No. O09-10: Ordinance to amend the official zoning map of the City of Laurel, Montana, to change the zoning designation of a parcel of property located in Yellowstone County from Residential Manufactured Home to Light Industrial Zoning. (First reading – September 1, 2009)

President Poehls asked City Planner James Caniglia to introduce the issue.

James stated that the zone change request from Residential Manufactured Homes to Light Industrial is for Tract A2, which is one acre, and Tract 1, which is 1.96 acres. The tracts lie between South 9th Street and I-90 between South 8th Avenue and Yellowstone Avenue. The applicant, CHS, requested

a larger zone change a few months ago, but these two lots were not listed on the original application. As the original application had already been publicly advertised, CHS had to request these two parcels separately for the zone change. The zone change to Light Industrial was approved for the large tract. These two tracts are surrounded by Light Industrial and Heavy Industrial zoning, so it is a fitting zoning for the tracts. James stated that the Planning Board recommended approval and did not have any concerns.

President Poehls opened the public hearing and read the rules governing the public hearing.

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

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

President Poehls closed the public hearing.

The second reading of Ordinance No. O09-10 will be on the council agenda on October 20, 2009.

CONSENT ITEMS:

- **Claims for the month of September 2009 in the amount of \$530,902.91.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 09/20/2009 totaling \$153,731.97.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of September 15, 2009 were presented.

--Cemetery Commission minutes of September 15, 2009 were presented.

--Public Works Committee minutes of September 14, 2009 were presented.

--Emergency Services Committee minutes of September 23, 2009 were presented.

--Council Workshop minutes of September 29, 2009 were presented.

--Laurel Public Library Board of Trustees minutes of June 9, 2009 were presented.

--Laurel Public Library Board of Trustees minutes of July 14, 2009 were presented.

--Laurel Urban Renewal Agency minutes of August 24, 2009 were presented.

--Laurel Urban Renewal Agency minutes of September 14, 2009 were presented.

President Poehls 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 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Phil Rolen stated that he is a field representative for Congressman Denny Rehberg, a Texas transplant to Montana, and a veteran of Operation Iraqi Freedom. Phil moved to Laurel after he was discharged in 2005 and now serves as part of the House Wounded Warriors Program at the pleasure of Congressman Rehberg in the south central region of Montana. He would like to make himself as accessible as possible to the City of Laurel in the course of his duties. He is available to assist with any opportunities for appropriations or issues that the Congressman could mitigate and to answer any questions or concerns. Phil thanked the council and stated appreciation for the council's work.

SCHEDULED MATTERS:

• **Confirmation of Appointments.**

Laurel Ambulance Service: Bill Lorenz

President Poehls stated the Mayor's appointment of Bill Lorenz to the Laurel Ambulance Service.

Motion by Council Member Poehls to approve the Mayor's appointment of Bill Lorenz to the Laurel Ambulance Service, 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.

Laurel Volunteer Fire Department:

President Poehls stated the Mayor's appointments of Mark Cloud, Dave Jones and Mike Hernandez to the Laurel Volunteer Fire Department.

Motion by Council Member Wilkins to approve the Mayor's appointments of Mark Cloud, Dave Jones and Mike Hernandez to the Laurel Volunteer Fire Department, seconded by Council Member Mace. 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.

City-County Planning Board:

President Poehls stated the Mayor's appointments of David Schreder to a term ending June 30, 2010 and Don Brown to a term ending June 30, 2011 on the City-County Planning Board.

Motion by Council Member Eaton to approve the Mayor's appointments of David Schreder to a term ending June 30, 2010 and Don Brown to a term ending June 30, 2011 on the City-County Planning Board, 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.

Laurel Urban Renewal Agency:

President Poehls stated the Mayor's appointment of Bruce McGee to a term ending December 31, 2009 on the Laurel Urban Renewal Agency.

Motion by Council Member Stamper to approve the Mayor's appointment of Bruce McGee to a term ending December 31, 2009 on the Laurel Urban Renewal Agency, seconded by Council Member Wilkins. 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.

Park Board:

President Poehls stated the Mayor's appointments of LuAnne Engh to a term ending December 31, 2010 and Shawna Herzog to a term ending December 31, 2012 on the Park Board.

Motion by Council Member Rodgers to approve the Mayor's appointments of LuAnne Engh to a term ending December 31, 2010 and Shawna Herzog to a term ending December 31, 2012 on the Park Board, seconded by Council Member Mace. 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.

Public Works Committee:

President Poehls stated the Mayor's appointment of Marvin Carter to the Public Works Committee.

Motion by Council Member Mace to approve the Mayor's appointment of Marvin Carter to the Public Works Committee, 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.

Emergency Services Committee:



President Poehls stated the Mayor's appointment of Clete Knaub to the Emergency Services Committee.

Motion by Council Member Mace to approve the Mayor's appointment of Clete Knaub to the Emergency Services Committee, 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.

- **Resolution No. R09-98: A resolution of the City Council accepting a crime scene investigation vehicle from the City of Billings.**

Motion by Council Member Wilkins to approve Resolution No. R09-98, 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.

- **Resolution No. R09-99: A resolution authorizing the Mayor to sign a City/State Storm Drain Agreement with the Montana Department of Transportation (MDT) to establish the City's share for the project known as the Federal Aid Project No. ARRA 6905(2), Eighth Avenue-Laurel-Main to Ninth.**

Motion by Council Member Eaton to approve Resolution No. R09-99, seconded by Council Member Mace. 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. R09-100: A resolution accepting the bid submitted by Engineered Structures, Inc., and authorizing the Mayor to negotiate and execute a contract with Engineered Structures, Inc., for the Phase 2A1 of the Wastewater Project.**

Motion by Council Member Stamper to approve Resolution No. R09-100, seconded by Council Member Mace. 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. R09-101: A resolution of the City Council authorizing the Mayor to accept a permanent waterline easement from CHS, Inc.**

Motion by Council Member Rodgers to approve Resolution No. R09-101, seconded by Council Member Eaton. 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. R09-102: A resolution of the City Council authorizing the expansion of the Laurel Volunteer Fire Department.**

Motion by Council Member Mace to approve Resolution No. R09-102, 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.

- **Resolution No. R09-103: A resolution of intent for the City Council to declare a thermal imager used by the Fire Department as surplus property and authorize its sale to the Molt Fire Department.**

Motion by Council Member Mace to approve Resolution No. R09-103, 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.

- **Resolution No. R09-104: Resolution relating to financing of certain proposed projects; establishing compliance with reimbursement bond regulations under the Internal Revenue Code.**

Motion by Council Member Wilkins to approve Resolution No. R09-104, 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.

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 the Public Works Committee met last night and made a recommendation regarding the item to be discussed under scheduled matters.

Council Member Stamper thanked Phil Rolen for attending the council meeting and, as another Iraqi Freedom veteran, he thanked Phil for his military service. He stated that Laurel is very supportive of its veterans and asked Phil to let him know if there is anything Laurel can do to help him.

Council Member Rodgers stated that, through the work of the Cemetery Commission, the City of Laurel has a contract with Brookstone Monument to straighten the headstones in the veterans' section of the Laurel Cemetery.

Council Member Eaton stated that last week's Tree Convention was successful. A follow-up meeting will be scheduled to review the particulars. From the comments heard, the conference was well received by those that attended.

UNSCHEDULED MATTERS:

- East 8th Street paving change order

Council President Poehls asked Kurt Markegard to explain the issue with the East 8th Street project.

Kurt explained that the City of Laurel is currently replacing about 3,200 feet of waterline in the city. Work is being done on East 8th Street between Pennsylvania and Wyoming to add a waterline that needed to be upsized for the fire hydrant for fire flows in that neighborhood and to supply the new stadium with an adequate fire flow. On a recent Friday, the contractors dug the trench to replace the old waterline and left the trench open for the weekend, as they do with any kind of construction. That Sunday morning about 1:00 a.m., there was a waterline break on Pennsylvania. The Utility Plants Superintendent called out a crew and three employees worked from 1:00 a.m. until 11:00 a.m. When Kurt arrived at 11:00 a.m., the crew had just finished repairing the waterline. Kurt explained that the water went down a half a block, filled the trench for the waterline, saturated the soils and the subgrade for the street, and saturated all the dirt that was supposed to go back in the hole upon completion of the waterline. The saturated soil was removed and imported fill was brought in. When that was being done, the street did not hold up to the heavy loads of removing the soil and bringing in fresh dirt to fill the hole. The pavement outside of the trench restoration now needs some repair. The SRF loan will not pay for anything outside of the trench restoration, which is up to 12 feet. The street was originally paved to 24 feet and 12 feet of it was removed for the trench for the waterline replacement. The contractor is now asking the city what to do since there is nothing to patch to as the rest of the street is broken up. They could try to patch it, but then there would be 12 feet of fresh asphalt with no particular lines and 12 feet of destroyed street. Kurt stated that he met with the Mayor and the contractors to come up with some resolve to the situation. The contractors presented the city with a total cost of \$48,731.04 to repave the other 12 feet and to finish restoring the 12-foot trench on the other side, which is included in the cost. The project would receive a \$13,104 deduction at the end of the project because the city would not have them do the full trench restoration. This separate change order would have the contractor pave the full 24-foot width of the original street. After the street is paved, the Public Works Department will take some millings received off the Main Street project and provide the parking lane back in rotomillings for the residents to the north. Right now, Kurt would not be comfortable opening the street back up to traffic even if the 12-foot restoration was completed. He stated that Chad Hanson, with Great West Engineering, recommended repairing the street. It is Kurt's recommendation to address the issue, as it is time-sensitive with the cold weather coming and the contractor would like to get started right away. He asked the council to consider a motion to allow the mayor to negotiate a change order with COP Construction to get this repaired.

Council Member Mace stated that the Public Works Committee met last night and recommended that the council approve a change order and keep it with the rest of the work being done by the contractor. Council Member Mace asked Kurt to explain the funding for the change order.

Kurt stated that there are enough funds in the Street Maintenance Fund to pay for the change order. There will be a question in the future if the waterline that broke up the street created the mess. It is like the perfect storm where there is an open trench to do one project, but when the valves are shut down, there is a blowout in another line. The replacement of 3,200 feet of waterline is needed to alleviate future problems.

Motion by Council Member Rodgers to authorize the Mayor to execute a change order for COP Construction for the repair and paving on East 8th Street for a sum not to exceed \$48,731.04, seconded by Council Member Wilkins. 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.

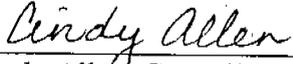
Council Member Rodgers welcomed Marvin Carter back to the council's committees. He is sure Marvin has a lot of good input from past years.

Sergeant Guy stated that he understood he would receive the keys to the crime scene investigation vehicle tonight. However, the City of Billings was not represented at the meeting and the van was not delivered.

ADJOURNMENT:

Motion by Council Member Eaton 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 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 7:01 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 October, 2009.



Kenneth E. Olson, Jr., Mayor

Attest:



Mary K. Embleton, Clerk-Treasurer