

MINUTES OF THE CITY COUNCIL OF LAUREL

October 19, 2010

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 October 19, 2010.

COUNCIL MEMBERS PRESENT:

Kate Hart	Doug Poehls
Chuck Rodgers	Mark Mace
Tom Nelson	Chuck Dickerson
	Norm Stamper

COUNCIL MEMBERS ABSENT:

Emelie Eaton

OTHER STAFF PRESENT:

Bill Sheridan	Kurt Markegard
Sam Painter	James Caniglia

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

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

Mayor Olson removed item 10. f., Resolution No. R10-120, from Scheduled Matters.

MINUTES:

Motion by Council Member Rodgers to approve the minutes of the regular meeting of October 5, 2010, as presented, 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.

Motion by Council Member Dickerson to approve the minutes of the special meeting of October 8, 2010, as presented, seconded by Council Member Stamper. 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.

Motion by Council Member Stamper to approve the minutes of the regular meeting of October 12, 2010, 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:

Montana Historical Society: Letter of September 29, 2010 regarding Laurel Downtown Historic District listed in the National Register of Historic Places on September 16, 2010.

Local Emergency Planning Committee: Minutes of September 9, 2010; Agenda of October 14, 2010.

Montana Department of Revenue: Application for Issuance of One Original (NEW) Montana Retail Off-Premises Consumption Beer and Wine License No. 03-999-9523-303, FASTLANE C-STORE, 815 East Main Street, Laurel, Yellowstone County, Montana.

PUBLIC HEARING: None.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of September 2010.**
- **Approval of Payroll Register for PPE 10/03/2010 totaling \$168,820.71.**
- **Receiving the Committee Reports into the Record.**



- Budget/Finance Committee minutes of October 5, 2010 were presented.
- Council Workshop minutes of October 12, 2010 were presented.
- Emergency Services Committee minutes of September 27, 2010 were presented.
- Laurel Airport Authority minutes of August 24, 2010 were presented.
- Cemetery Commission minutes of September 23, 2010 were presented.
- Park Board minutes of October 7, 2010 were presented.

The mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Hart 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: None.

REPORTS OF BOARDS AND COMMISSIONS:

- 2010 Urban Forestry Excellence Award

Public Works Director Kurt Markegard stated that the City of Laurel received a 2010 Urban Forestry Excellence Award for the efforts in tree care and forestry efforts in the community. Kurt and Mayor Olson recently attended the Montana League of Cities and Towns meeting to receive the award on behalf of the city. Kurt presented the award and read part of the letter received from Jamie Kirby, the Program Coordinator for the Montana Urban and Community Forestry at the DNRC.

“Congratulations on your 2010 Urban Forestry Excellence Award. As a recipient of the 2010 award, the City of Laurel is entitled to a \$1000 grant award for use on an urban forestry project in the community. The project may include tree planting, tree maintenance, and/or program development activities such as performing a tree inventory or urban forestry management plan. If you have any questions about the limitations associated with this grant, please contact me at the information listed above.

The deadline to complete all work for this grant is June 15, 2011. Please complete the application and return it to the Montana Urban and Community Forestry Program office by November 8, 2010.

Thank you so much for making such a valuable contribution to urban forestry in both Laurel and the State of Montana. We look forward to receiving your completed grant application.”

Kurt expressed thanks for the city’s efforts on behalf of the Public Works Department. He stated that some council members and the Tree Board have worked hard to take an interest in the trees in Laurel and to work toward a progressive goal of tree maintenance and planning for the future. Last year’s Tree Conference at Riverside Park was sponsored by the City Council and the Tree Board, along with the DNRC. Part of the grant application includes program development grants. The Tree Board took on that role last year and Emelie Eaton spearheaded the grant effort. The City of Laurel received over \$11,000 in grants to improve Lions Family Park. With donations from the Lions Club to meet the city’s 50/50 match, the city received the grant money. Kurt stated that Council Member Eaton played a large part and he recognized her efforts, as well as the Tree Board. Past members of the Tree Board include Gay Easton and Lois Markegard. The current members are Pat Hart, chairperson, Sue Carter, Emelie Eaton and Chuck Rodgers. Supporting staff includes Cheryll Lund, Matt Wheeler, and previous Public Works Director Steve Klotz had a lot to do with it. Kurt stated that the city council’s approval of an annual budget for tree care has allowed improvement of the trees and forestry efforts in Laurel.

Mayor Olson recognized Pat Hart and Sue Carter for their service on the Tree Board, and a picture was taken at this time.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Police Department:

Chief Musson introduced Jeff Childers and stated that the background check and testing have been completed.

Mayor Olson appointed Jeffrey Childers as a police officer on the Laurel Police Department.

Motion by Council Member Poehls to approve the Mayor's appointment of Jeffrey Childers as a police officer on the Laurel Police Department, 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.

Chief Musson and Jeff Childers read the Criminal Justice Code of Ethics together.

Judge Jean Kerr performed the swearing-in ceremony for Jeff Childers.

Chief Musson stated that Jeff has a great medical background as a paramedic and has wanted to get into law enforcement for a few years. Jeff will spend twelve weeks in field training, spend twelve weeks at the Police Academy, and will then finish training with the department. At this time, Chief Musson presented Jeff with Badge 115 and his LPD collar brass and the Oath of Office was signed.

- **Resolution No. R10-116: A resolution of the City Council approving a Façade Improvement Grant Program proposed by the Laurel Urban Renewal Agency.**

Motion by Council Member Mace to approve Resolution No. R10-116, seconded by Council Member Hart. 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. R10-117: A resolution of the City Council authorizing the Mayor to sign a contract with Blair Unlimited, Inc. providing for bus and bench advertising revenue through the City of Laurel's Transit Authority.**

Motion by Council Member Dickerson to approve Resolution No. R10-117, seconded by Council Member Stamper. 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. R10-118: A resolution approving Amendment No. 2 to the previously adopted Task Order No. 16 of the Agreement for Professional Services dated June 5, 2007 between the City of Laurel and Great West Engineering, Inc., for identifying the source of high level hydrogen sulfide and investigating concerns regarding inflow and infiltration at the Elm Lift Station as part of the Water System Improvements Project.**

Motion by Council Member Nelson to approve Resolution No. R10-118, seconded by Council Member Hart. 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. R10-119: A resolution authorizing the Mayor to execute a Sale and Purchase Agreement between the City of Laurel and Yellowstone Bank for a parcel of property located in the Solid Foundations Subdivision in the City of Laurel.**

Motion by Council Member Rodgers to approve Resolution No. R10-119, seconded by Council Member Hart. 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.

- **Water rates**

Motion by Council Member Hart for the Council to reconsider the City's bulk water resale rate, 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.

Motion by Council Member Dickerson, based on the advice of legal counsel and the testimony provided at the public hearings, to remove the bulk water resale rate from the City's Water Utility Service Rates and Charges so that resale customers will pay the same charges as the other customers, seconded by Council Member Hart. 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.

Motion by Council Member Poehls to direct the Mayor to retain a consultant to perform a complete study of the City's entire water system in order to develop a fair and equitable rate design for the City Council's consideration, seconded by Council Member Stamper. There was no public comment.

Council Member Poehls stated that the council received a letter from him via e-mail. His concern regarding reconsidering the issue is that the city needs to have an exhaustive study of the costs incurred related to high volume water users, whether they are bulk resalers, Cenex, Rutt's or the school system. Council Member Poehls stated that the intake was designed to take in 7 million gallons of water a day, even though city residents only need 2 million gallons of water a day. He asked regarding the additional cost for the extra 5 million gallon capacity needed to handle high volume water users like the refinery, bulk water resalers and the school system. He stated the need to review and determine what those additional costs have actually cost the city over the years and to equate that to what a gallon of water costs the city. At this point, Council Member Poehls gave Larry Tanglen, *Laurel Outlook*, a copy of his letter, and stated that he would rather be quoted right than wrong. He stated that the engineering company needs to review every aspect of the city's water system.

A vote was taken on the motion to direct the Mayor to retain a consultant to perform a complete study of the City's entire water system in order to develop a fair and equitable rate design for the City' Council's consideration. All seven council members present voted aye. Motion carried 7-0.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):

Bob Graham, 1200 Cedar Crest Circle, stated: "it goes back to the water rates and as a teacher, quite often I was, parents would come up to me and say, thank you, Bob, for teaching my children. And I always replied to them, thank you for thanking me, but I was simply do what teachers do and that's to educate students. So when I thank you, ladies and gentlemen, for your time and your consideration, I mean that sincerely even though you were doing what you are paid to do. One other comment I need in the paper, you are humble people. In order to be a humble person, you must have humility and to have humility, you must have the ability to admit and to see that you might be doing something wrong. One time George Washington was reprimanding a junior officer and he told this officer that you had to have humility and humbleness to be a good officer. The officer said to him, why? Because in order to have humility to become humble, you must have courage. And you people here showed that you have that courage to see, to look for, to doing what possibly may be right or wrong. I thank you. Thank you, Mayor."

COUNCIL DISCUSSION:

Council Member Poehls stated that he would send the Emergency Services Committee agenda items to the secretary tomorrow.

Council Member Mace stated that the Public Works Committee met last night and discussed several items that need to go forward to the next council workshop agenda.

Mayor Olson thanked Council Member Nelson for filling the Ward 4 position.

Council Member Rodgers stated that the Cemetery Commission would not meet this month.

Mayor Olson stated that the next workshop agenda has the \$1,000 grant for tree preservation. He asked Kurt Markegard to step forward, and stated that he had not yet spoken to Linda Frickel.

Several audience members started to leave the meeting. At this point, Mayor Olson stated: "Before people leave, I'm going to state one of the things that I was going to save until last. And I can see that some people have an agenda that doesn't require that they stay the full time, as we do every time

when we are called into session. That's to really put forward. You have seen in your miniscule time the interaction with this council and with one issue its full process. And it has come to a consideration. I hope that you take from this what these people put in on a daily or on a weekly basis. You only captured a small amount of that. They put in countless hours on many issues. Although they may not be as important as you feel your issue was to you, they have the same consideration for every issue that comes before them on a consistent basis and I consistently applaud, not only their effort, but their ability to stand and sift through whatever it takes to make a decision and make sure that they have the risk of the element presented and then make their decision based on that. And for those who just take a wink at us, we appreciate the comments, but I think the council and I understand that it's not just that wink that we appreciate, but it's that enduring thought. Now when we leave here, our next time, our next session, our next issue will get the same type of consideration. And for that is what I thank the council for. And I thank you very much. "

Mayor Olson again stated that he was unable to talk to Linda Frickel and he asked Kurt to present some information.

Kurt explained that the city must submit an application with an eligible project for the \$1,000 grant award by November 8th. Through the local community, there was an effort to beautify a corner near the underpass that is seen by most Laurel residents. Kurt and Linda Frickel recently discussed the possibility of putting some green space there that would be seen all year. The Garden Club put in grass and plants and they are now considering planting some bushes in the area by the Welcome to Laurel sign. Since they were looking for donations, Kurt recently mentioned to Mayor Olson that money might be available to help fund the project. Kurt asked if the council would consider a tree planting project to provide green space in this area.

Council Member Stamper stated that, whenever a group or a citizen does something as remarkable as that project turned out, the city needs to support them financially if possible.

Mayor Olson asked if Council Member Stamper recommended putting the issue on the next workshop agenda, and Council Member Stamper agreed that was his recommendation.

Chuck Dickerson spoke regarding the large pine tree in the Town Square. The tree is causing some problems with the sidewalk, and he questioned if it could be moved and planted by the caboose and replaced with another tree that would not disfigure the curbing and sidewalk in the Town Square.

Kurt stated that the Tree Board will meet on Thursday to discuss the issues and should have a recommendation for the council next week.

Council Member Hart stated that the Town Square is not a city park and the pine tree is a memorial tree.

Council Member Dickerson stated that there is not a plaque by the tree.

Mayor Olson stated that his family bought the tree as a memorial for his dad, and the plaque has not been put up yet. The family would have to discuss and consider the possibility of relocating the tree. If the Tree Board would want to consider that, he hopes there would be further discussion.

Kurt stated that the Tree Board would make a recommendation for the council's consideration after the meeting on Thursday. He mentioned the hard work and the donations that went into the project south of the underpass. The rock, the time, and the landscaping were all donated for the project. The Garden Club maintained the area for years. It was railroad property leased by the State of Montana and is now leased by a group of concerned citizens that are trying to beautify Laurel. Kurt thinks it would tie into the project and speak very well for the city to participate.

Mayor Olson recently contacted the extension service at Montana State University to find a facilitator for a council retreat, and the Local Government Center has agreed to do so on a Saturday in late January or early February. Any topics for discussion should be submitted to the council secretary.

Mayor Olson stated that the city has been served by an individual with tireless effort that has brought forth the greatest of work, professionalism and education, but it is his decision to move on. Mayor Olson regretfully announced that October 31st would be the last day the City of Laurel employs CAO Bill Sheridan.



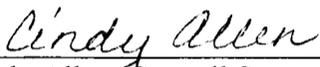
Mayor Olson stated that Big Sky EDA asked Laurel to participate in a study regarding the impacts that TIF Districts have on a community, and he signed a \$1,000 contract for that study. Other participants include the City of Billings, which contributed \$8,000, and the BSEDA, which contributed \$1,000.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

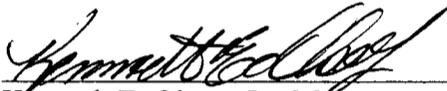
Motion by Council Member Mace to adjourn the council meeting, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:13 p.m.



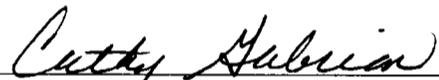
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2nd day of November, 2010.



Kenneth E. Olson, Jr., Mayor

Attest:



Cathy Gabrian, Deputy Clerk