

MINUTES OF THE CITY COUNCIL OF LAUREL

November 16, 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 November 16, 2010.

COUNCIL MEMBERS PRESENT:	Emelie Eaton	Doug Poehls
		Mark Mace
	Chuck Rodgers	Chuck Dickerson
		Norm Stamper

COUNCIL MEMBERS ABSENT:	Kate Hart
	Tom Nelson

OTHER STAFF PRESENT:	Sam Painter	Kurt Markegard
	Shirley Ewan	Rick Musson

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 November 2, 2010, 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: None.

PUBLIC HEARING:

- Ordinance No. O10-04: An ordinance amending Section 12.08.070 of the Laurel Municipal Code titled “Curb Cut Lengths” located at Chapter 12 of the Laurel Municipal Code. (First reading – 11/02/2010)

Mayor Olson asked Public Works Director, Kurt Markegard, to present the issue to the council.

Kurt stated that the ordinance changes the curb cut lengths for residential properties from 24-feet to 30-feet. The change would accommodate larger family dwellings, three-car garages and larger sized vehicles. The Public Works Committee reviewed the issue and recommended the council’s consideration for approval.

Mayor Olson read the rules governing public hearings and opened 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. O10-04 will be on the December 7th council agenda.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of October 2010.**
- **Approval of Payroll Register for PPE 10/31/2010 totaling \$165,738.48.**
- **Approval of Payroll Register of 10/29/2010 for termination of CAO totaling \$4,434.21.**

- **Receiving the Committee Reports into the Record.**

- Budget/Finance Committee minutes of November 2, 2010 were presented.
- Council Workshop minutes of November 9, 2010 were presented.
- Emergency Services Committee minutes of October 25, 2010 were presented.
- Park Board minutes of November 4, 2010 were presented.
- Laurel Airport Authority minutes of September 28, 2010 were presented.

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

Motion by Council Member Poehls to approve the consent items 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments:**

Public Works Committee:

Mayor Olson appointed Dan Koch and Tom Nelson to the Public Works Committee.

Motion by Council Member Mace to approve the Mayor's appointments of Dan Koch and Tom Nelson to the Public Works Committee, 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.

Emergency Services Committee:

Mayor Olson appointed Tom Nelson to the Emergency Services Committee.

Motion by Council Member Poehls to approve the Mayor's appointment of Tom Nelson to the Emergency Services Committee, 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.

- **Beartooth RC&D: Project Summary and Memorandum of Understanding**

Marvin Carter introduced Chris Mehus, the Economic Development Director, and Diana Spint, the Housing Director, to present what the RC&D does for the communities.

Chris Mehus stated appreciation for the yearly opportunity to provide a report of Beartooth RC&D's annual activities. He distributed copies of the 2010 Yellowstone County Project Summary brochure. Beartooth RC&D appreciates the continued support of the City of Laurel for their staffing and program activities. They also appreciate Marvin Carter's participation as the city's appointed representative on the Board of Directors. Marvin serves as the vice-chairman and has served in leadership for many years and has provided excellent guidance and counsel.

Beartooth RC&D is a non-profit economic development organization that works in a five-county region that includes Sweet Grass, Stillwater, Yellowstone, Carbon and Big Horn Counties. They have agreements for assessment funds with the cities and counties in the five-county jurisdiction. Each community pays its share of the assessment funds and Beartooth utilizes that money to get grant money to staff six positions in order to provide their services. Marvin Carter has a complete



list of the projects that Beartooth worked on this year. The brochure outlined the projects done in Yellowstone County. The area demographics on the front of the brochure came from the State Department of Commerce website. Beartooth covers three areas of public assistance, including Business Assistance, Community Development, and Natural Resources.

Chris spoke regarding some Business Assistance projects specific to Laurel. The Laurel Movie Haus has been one of their big projects this year. They obtained a Big Sky Trust Fund Planning Grant to assist the developers to get some architectural and engineering plans for the development of the business opportunity. They also assisted Greg Nelson, the owner of the Lowriders Gallery on Main Street. He received some historic building assistance to identify some of the historic amenities of that property, some architectural plans and drawings, and recommendations to provide some structural improvements to the building.

Beartooth assisted the Mountain View Colony to get a Growth Through Agriculture Grant to help the colony expand their egg facility. The Colony, which moved into the Broadview area in 2002, pays property taxes and income taxes. There has been a misconception that the Colony does not do so. The religious facility on the property is the only building on which they do not pay taxes. They are hardworking people, have a good work ethic, and run a great business. With the expansion, they have 18,000 hens that produce about 18,000 eggs a day. They are selling all of those eggs in the three Wal-Mart stores in Laurel, Billings and the Heights, and also in Sam's Club. They have also purchased about \$85,000 worth of eggs from other area producers this year to sell at those markets. It has been an exciting and unique opportunity to be able to purchase fresh products that come straight from the farm.

Beartooth is helping the Montana Cattle Company, which is a corporation that purchased the old Montana Territory Meats processing facility on Thiel Road. They also have a contract on the facility next to the vet clinic and plan to do large scale meat processing there. This would create new jobs and get both operations running. The facility on Thiel Road is operational and processing some wild game. Beartooth helped them get grants to help with a business feasibility study to identify the market, identify some of the supply chains, and help with some planning so they can get more capital and more investment to finish remodeling the facilities and begin operation.

The Revolving Loan Fund is a gap financial tool. Beartooth does not compete with banks, but they assist the banks with lending to businesses. They can do a partnership loan with a bank or lend directly to a client if a bank is not interested or it requires too much exposure on the part of the bank. Beartooth has five loans in Yellowstone County. One of the loans is in Laurel with Northern Rockies Glass, and the loan is almost paid off. Northern Rockies Glass has moved to a larger facility now, so that is a good success story.

From the Community Development standpoint, Beartooth was involved in some planning and strategy development for the document for the Laurel Urban Renewal Agency for the downtown TIF District. Beartooth also participated in discussions regarding the regional transportation network. This would be an opportunity to link the different transit opportunities to get better flow between Billings, Laurel, Lockwood, and some outlying areas.

Chris asked Diana Spint to present information regarding the homebuyer education classes.

Diana Spint stated that she holds homebuyer education classes twice a month on Saturdays at the Best Western Hotel. Since the tax credit are no longer available, class size has gone down. To help sustain the program, she has begun a partnership with Homeward, which provides the homebuyer education in Billings, and with HRDC that has a financial fitness series for funding to get marketing media information out to the general public. About 80 percent of the participants in the homebuyer classes are within two weeks of closing, so the homebuyer education needs are not being met. It should be for people that are considering homeownership. Homeward is going to submit a grant application to the Billings Association of Realtors to try to get some funds. Diana has put some marketing materials together to distribute it to more people. Housing Counseling Services were provided for one foreclosure client, three credit counseling clients, and some current clients. A Haus of Realty has supported her and continues to send her clients that are not prepared for homeownership. Diana spoke to the council last spring regarding a down payment assistance program. However, the makeup of Beartooth RC&D did not meet Helena's guidelines to become a community development housing organization. Diana is trying to get approved directly through FHA and invited the City of Laurel to discuss the program. Diana is scheduling office days in the smaller communities in order to reach out to the public.



Chris Mehus explained that Beartooth RC&D has a good partnership with Big Sky Economic Development in Yellowstone County. They team up to provide services to the communities in Yellowstone County. BSEDA does most of the municipal work and Beartooth RC&D does most of the rural work. Chris and Steve Zeier worked together on the LURA documents recently. In December, Beartooth RC&D will submit their Memorandum of Understanding for approval by the council. Chris stated that the next board meeting is this Thursday at 6:00 p.m. at Briarwood.

- **Resolution No. R10-126: A resolution approving the attached Task Order No. 19 authorizing Great West Engineering to update the City's Pavement Management System.**

Motion by Council Member Stamper to approve Resolution No. R10-126, 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. R10-127: A resolution approving the attached Task Order No 20 authorizing Great West Engineering to prepare a study of the City's existing water rate structure and preparing recommendations for any necessary modifications to the existing rate structure.**

Motion by Council Member Eaton to approve Resolution No. R10-127, 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. R10-128: Budget amendment resolution amending appropriations and reserves for various funds for fiscal year 2009-2010.**

Motion by Council Member Rodgers to approve Resolution No. R10-128, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Poehls stated that the Emergency Services Committee will not meet this month.

Council Member Mace asked Dan Koch to provide his e-mail address to the secretary in order to receive the Public Works Committee agendas.

Council Member Dickerson requested an update on the status of cleaning culverts and grates in the city before the first snowstorm hits. This will be added to the November 30th council workshop agenda.

Mayor Olson stated that the joint meeting with the County Commissioners is on December 9th at 5:00 p.m. at the Metra grandstand. The six council members present plan to attend the joint meeting. Mayor Olson spoke regarding the agenda items, which include the fireworks issue, signage for speed limits on Buffalo Trail and East and West Railroad Streets. The city wants to notify the County Commissioners of the city's intent to stabilize the levee in Riverside Park to ensure that the Commissioners understand possible ramifications with the various refineries. The TIFD issue is another proposed agenda item. Mayor Olson stated that the possible relocation of the motor vehicle office will also be discussed. This is needed in order to alleviate some congestion between the court and the DMV office.

Council Member Dickerson stated that he previously commented about the hand-free device ordinance adopted in the City of Billings recently. He asked if the council wanted to discuss the possibility of a countywide hands-free device ordinance with the County Commissioners.

Council Member Rodgers agreed that there should be discussion and suggested that the City of Laurel should consider an ordinance even if the county does not.



Mayor Olson stated that this item would be added to the proposed agenda items.

Mayor Olson stated that there has been a lot of activity with the project on Third Avenue between Seventh and Ninth Streets and on Seventh Street between Third and Fifth Avenues. He asked Kurt Markegard to give an update on the project.

Kurt stated that the waterline installation project is complete except for two valves that are failing and will be replaced. One valve is on Fifth Avenue by Ninth Street and the other one is at West Fourth Street and Fifth Avenue. Kurt stated that the contractor attempted to pave yesterday in order to get ahead of the weather. Kurt inspected the site for completion of compaction of the base material. It was not satisfactory to him so he stopped the project to hold off paving until they could come up to compliance with the standards of compaction on base material. Kurt stated that the city should not accept unsatisfactory performance just to try to get ahead of the weather, as they were trying to shortcut things and get the paving done. With the time and money spent on the project, Kurt thinks the city should stick to the standards and what is known to be a long-term solution for that road. As far as progress on the project, the valves will be replaced on Thursday. The trench restoration and the paving will be next, and the contractor plans to pave on Third Avenue on Thursday if the weather meets the standard of 40 degrees and rising. If the weather prevents the paving from being done, the backup plan has been to put millings in or a gravel base that can be repaved next spring. At this point, Kurt recommends rejecting the asphalt and getting the base compacted so it is sufficient to hold the weight of any load. Fischer Sand and Gravel is the supplier for the asphalt for this project, and they will continue to keep asphalt on hand until Thanksgiving just for this project.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

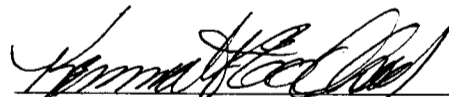
Motion by Council Member Poehls to adjourn the council meeting, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:07 p.m.



Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 7th day of December, 2010.



Kenneth E. Olson, Jr., Mayor

Attest:



Cathy Gabriel, Deputy Clerk