

MINUTES OF THE CITY COUNCIL OF LAUREL

November 18, 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 Mayor Ken Olson at 6:30 p.m. on November 18, 2008.

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

COUNCIL MEMBERS ABSENT: Alex Wilkins

OTHER STAFF PRESENT: Mary Embleton Bill Sheridan
 Sam Painter Scott Wilm

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

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

APPOINTMENT TO FILL WARD 3 VACANCY:

Motion by Council Member Poehls to appoint Chuck Rodgers to fill the vacant Ward 3 council seat until the next General Municipal Election, at which time the appointment will expire on January 5, 2010, 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.

SWEARING-IN CEREMONY:

Mayor Olson performed the swearing-in ceremony for Chuck Rodgers as the Ward 3 council member. *(Chuck Rodgers was seated on the council immediately after the appointment and swearing-in ceremony.)

Mayor Olson thanked Chuck for stepping forward and stated that his contribution to the community would be greatly appreciated.

MINUTES:

Motion by Council Member Poehls to approve the minutes of the regular meeting of November 4, 2008, 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.

CORRESPONDENCE:

Laurel Chamber of Commerce: Minutes of October 23, 2008; Agenda of November 13, 2008.

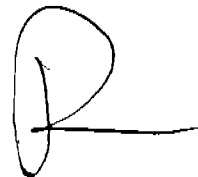
Montana Department of Commerce: Letter of November 7, 2008 regarding TSEP construction grants.

Department of Natural Resources and Conservation: Letter of November 10, 2008 regarding Laurel Water System Improvements.

PUBLIC HEARING: None.

CONSENT ITEMS:

- Clerk/Treasurer Financial Statements for the month of October 2008.



- **Approval of Payroll Register for PPE 11/2/2008 totaling \$154,996.22.**

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

--Budget/Finance Committee minutes of November 4, 2008 were presented.

--Council Workshop minutes of November 11, 2008 were presented.

--Laurel Airport Authority minutes of September 23, 2008 were presented.

The mayor 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 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Bill Camphor, 119 East 5th Street, moved to Laurel two weeks ago and plans to install a fence for his dog. He has noticed that no less than eight cats frequent his yard for use as a lavatory, and he does not know what to do about it. He is afraid that when the dog is out in the fence, the cats will wander in and the dog and/or cats will get hurt. He wanted to bring this to the council's attention so it can be dealt with in the correct way.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Human Relations Committee:

Mayor Olson appointed Emelie Eaton as the Member-at-Large on the Human Relations Committee.

Motion by Council Member Hart to approve the appointment of Emelie Eaton as the Member-at-Large on the Human Relations Committee, 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.

Big Sky EDA Nominating Committee:

Mayor Olson appointed Chuck Rodgers to the Big Sky EDA Nominating Committee for a term ending December 7, 2009.

Motion by Council Member Mace to approve the Mayor's appointment of Chuck Rodgers to the Big Sky EDA Nominating Committee for a term ending December 7, 2009, 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.

- **Resolution No. R08-125: A resolution approving the attached Task Order No. 9 authorizing Great West Engineering to engage in ongoing communications with the City as requested regarding the municipal water system intake structure.**

Motion by Council Member Stamper to approve Resolution No. R08-125, seconded by Council Member Eaton. 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. R08-126: A resolution approving the City of Laurel Cemetery Master Plan.**

Motion by Council Member Eaton to approve Resolution No. R08-126, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Mayor Olson stated that the review of the cat ordinance would be added to the November 25th council workshop agenda.

Mayor Olson stated that a past council member was involved with the Soil Conservation District. The Soil Conservation District is advertising for applications for the vacancy. Mayor Olson stated that it is the city's advantage to have a representative on this board when items relating to the river came forward, and he would like to see a council member apply for the position. The council secretary should be contacted for additional information.

UNSCHEDULED MATTERS:

Mayor Olson asked Chief Administrative Officer Bill Sheridan to explain an issue to the council.

Bill stated that there are some missing pieces to the intake structure at the potable water system and plant. The city hired Great West Engineering to work on a solution to the missing pieces or caps of the intake structure of the municipal water system. Bill introduced Pat Murtagh, of Great West Engineering, to give an overview of the past issues and the future needs for the intake structure and the caps on top of it.

Patrick Murtagh, Great West Engineering, stated that the city has been aware of the serious damage to the intake structure for a couple months. The intake structure visible when crossing the bridge is the old one. The walls are higher than the high water level, so the city never had to worry about debris falling in and hurting the intake before. The new intake is built more like a concrete submarine and is below the water. It used to be covered with five slabs of concrete, with each slab being six feet by six feet. Those completed the box that encased the screens. The screens have to be protected. If the screens get hit with debris, they will dent and start drawing some big stuff into the pumps. There are lots of theories why it happened, but all the lids were picked up and carried off by the river. This is six-inch concrete that is six-feet by six-feet, so it was pretty significant force. The original engineer has looked at it and said that there are some intakes along the Yellowstone and Missouri that do not have lids on them, so maybe it will be ok. They also note that the river is very, very harsh and unpredictable, which is obvious because we just saw the river take away all these concrete lids. Pat stated that there is a small timeframe if the city wants to get this fixed this year. Great West has decided to do a little improvement on the original design, and they would like to get a good construction company to fix it. Since there is not much time until the ice starts coming down, Pat does not think there is time to go through the full design review and bidding process, and he stated that the city's legal counsel would need to direct the council's next steps.

Council Member Mace asked regarding the covers. Pat stated that one cover was located, but the others are gone. The original covers were set down on some dowels, so they just sat on the posts. There was nothing to stop them from being lifted up and out, which is what happened. Great West is looking at doing two major changes. First, the covers would be bolted down. Instead of just having a washer on a bolt, it would be a small four-inch plate that will actually link the different sections of concrete. So they will be bolted to the structure itself and also linked. If one starts to bump up, the others would have to go with it, which probably would not ever happen. They want to avoid a ledge situation where something can clip a piece of concrete and pull it out. In addition, they will drill some small holes in at an angle facing downstream so that the air that builds up underneath the covers will not cause a lift, which the engineers think may have contributed to the loss.

Council Member Poehls asked regarding an estimate of the cost and any companies that would be willing to do the project.

Pat stated that the cost has not been negotiated with anybody yet. He thinks that COP Construction was the only bidder when the intake was originally constructed. COP Construction is already

working for the city on the south side and he would suggest using them again as they are best suited for it since they built the first one. COP built it correctly, but the river was hard to predict.

Council Member Stamper asked if it was faulty design or an unforeseen event.

Patrick answered that it was a good question that he could not really answer.

Council Member Dickerson asked if the city was going to pursue it.

Mayor Olson stated that the city is reviewing the issue to determine whether or not it would have a claim.

Patrick stated that the city would have to show that industry standards were not met. The design does not have to be perfect, but it has to meet the industry standard degree of attention.

Mayor Olson explained the process needed. The declaration of an emergency has to be brought to the floor by a council member and approved unanimously by the council in order to place the item on this agenda. Then the question would be discussed and a three-quarters majority vote would be needed to declare the said emergency. The city would then go forward to find a contractor to do the work. Mayor Olson read the statement in the Procurement Policy regarding the process with a declaration of emergency. The declaration does not approve a plan or appropriation, but it will allow the process to move forward. Before a plan or appropriation is implemented, a special council meeting would be called.

Sam Painter spoke regarding the issue. After he was approached with the problem, he researched to find the statute to deal with emergencies. The procurement requirement for cities and towns is that anything over \$50,000 has to be publicly bid. The engineer, being aware of that, pointed out in his letter that this is a different situation. If the screens are damaged, this issue has the potential for the entire city to be without water, and that is serious. Sam stated that this constitutes an emergency and he recommends that the council take the action appropriate to address it. An issue with procurement is that angry contractors will come back and threaten and say that they should have gotten the job. The statute is an exemption from the process of procurement. Sam recommended that the council declare the emergency by motion tonight. The plan of action will be brought back to the council for consideration.

Motion by Council Member Mace to place the declaration of an emergency on the agenda, 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 with a unanimous vote of 7-0.

Mayor Olson stated that he would call for a special council meeting as soon as a plan is ready.

Motion by Council Member Poehls to declare an emergency for the water intake lids, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried with a unanimous vote of 7-0.

Bill Sheridan stated that the city has an excellent potable water system and treatment plant. The city's largest customer is the CHS Refinery. From time to time, the refinery has to operate a fire water flow test to satisfy their insurance company, which is interested in what would happen if there was a fire in the refinery. Tomorrow, November 19th, Cenex intends to pursue the water flow test. The city has prepared as best as possible to provide caution in not only providing all the water that can be provided them, but also in the shutting down of the water so there are not problems with the distribution system.

Patrick Murtagh stated that Great West is trying to find a way to minimize the amount of surge that runs through the system when Cenex starts closing or opening valves very quickly. Cenex met with the engineers and showed them the facilities. Cenex has not made any changes to one mechanism where they fill their cistern, and this is providing a danger to the city's water system. It allows a lot of water to rush through it and then it turns off rather quickly. The water moving down the pipe is still moving down the pipe when the valve is shut because the water upstream does not know that the valve is shut and it travels at the speed of sound when it figures it out. When you start compressing water which is physically not supposed to happen, the result is a huge pressure spike. Five water main breaks happened the last time the test was done, so the engineers are trying to minimize that.

Cenex has been good to talk with Patrick, but they have not done any major changes to the refinery but will try to move things more slowly. After this is done, Cenex plans to do a search study and a water system analysis. The test is done every two years.

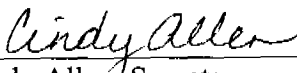
Bill stated that the city can shut the system down if something goes wrong. He thinks Cenex understands the city's concern about this so it does not continue. Bill has spoken with Cenex regarding the need for their own storage facilities, which they could put at the refinery, or they could help the city with additional storage. The city does not want to rely on Cenex for all the expense of storage facilities, but Cenex is the major consumer that needs to be aware of the problems. If Cenex can contribute some funding for a variety of things, we are all much better off. Bill is hopeful that the dialogue will continue and that eventually storage will be established at the Cenex facility or the city's facilities.

Mayor Olson stated that it is good to inform the council regarding issues and certainly this issue is important. When the fire occurred last time, many days were spent afterwards correcting and getting things back to normal. He was pleased when Bill made the first attempt to talk to Cenex, as recognizing the problem is one of the first steps in trying to find a solution.

ADJOURNMENT:

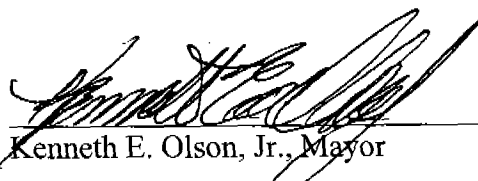
Motion by Council Member Dickerson to adjourn the council meeting, seconded by Council Member Hart. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:06 p.m.




Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2nd day of December, 2008.



Kenneth E. Olson, Jr., Mayor

Attest:



Mary K. Embleton, Clerk-Treasurer