

# MINUTES OF THE CITY COUNCIL OF LAUREL

December 2, 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 December 2, 2008.

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

COUNCIL MEMBERS ABSENT:           None

OTHER STAFF PRESENT:               Mary Embleton        James Caniglia  
  Sam Painter           Bill Sheridan

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 18, 2008, as presented, seconded by Council Member Stamper. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

## CORRESPONDENCE:

Laurel Chamber of Commerce: Minutes of November 13, 2008; Agenda of November 25, 2008.

## PUBLIC HEARING:

- Zweifel zone change request from Agricultural Open to Residential Suburban for a 40-acre parcel at 2845 South Laurel Road

Mayor Olson asked City Planner James Caniglia to introduce the issue to the council.

James stated that Frank and Doyletta Zweifel want to rezone some property from Agricultural Open to Residential Suburban for 40 acres south of the railroad tracks on Magelssen and South Laurel Roads. The property owners want to break the 40 acres into five-acre lots. James recommended denial of the zone change request for various reasons. The Growth Management Plan offers insight into the goals in terms of development. The goals include supporting concentrated development with access to sewer and water, encouraging the preservation of good farmland and open space, and discouraging residential development in undesirable locations such as prime farmland or potential prime farmland. This land falls under that description, in his opinion. It is not a spot zoning type of zone change request. If it were spot zoning, it could be illegal by giving them favoritism with the zone change because there is no other Residential Suburban zoned property next to the property. If the zone change was allowed, the neighboring properties would also be able to get Residential Suburban zoning, which could result in a lot of five-acre lots surrounding the city. A nearby landowner attended the Planning Board meeting to voice his disapproval of the idea. The landowner feels a manufacturing type of zoning is best, and that is what he plans to do on the north end of his property. The refinery owns land directly west of this property, so there is the potential that the refinery may want that land at some point. If the land gets developed, it would be difficult for them to acquire it.

Mayor Olson 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.



**CONSENT ITEMS:**

- **Claims for the month of November 2008 in the amount of \$847,195.87.**  
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 11/30/2008 totaling \$145,847.70.**
- **Receiving the Committee Reports into the Record.**
  - Budget/Finance Committee minutes of November 18, 2008 were presented.
  - City-County Planning Board minutes of November 13, 2008 were presented.
  - Park Board minutes of November 13, 2008 were presented.
  - Council Workshop minutes of November 25, 2008 were presented.
  - Emergency Services Committee minutes of November 24, 2008 were presented.
  - Laurel Public Library Board of Trustees minutes of September 9, 2008 were presented.
  - Laurel Public Library Board of Trustees minutes of October 14, 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 eight council members present voted aye. Motion carried 8-0.

**CEREMONIAL CALENDAR:** None.

**REPORTS OF BOARDS AND COMMISSIONS:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

**SCHEDULED MATTERS:**

Mayor Olson removed Resolution No. R08-132 from the council agenda. Mayor Olson stated that some items have come forward and the resolution does not accurately represent what the city has in mind at this time. Questions will be addressed during council discussion.

- **Confirmation of Appointments.**

Yellowstone Historic Preservation Board:

Mayor Olson reappointed Emelie Eaton to a two-year term ending December 31, 2010 on the Yellowstone Historic Preservation Board.

Motion by Council Member Hart to approve the Mayor's reappointment of Emelie Eaton to a two-year term ending December 31, 2010, on the Yellowstone Historic Preservation Board, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

Police Commission:

Mayor Olson reappointed Wallace Hall to a three-year term ending December 31, 2011 on the Police Commission.

Motion by Council Member Poehls to approve the reappointment of Wallace Hall to a three-year term ending December 31, 2011 on the Police Commission, seconded by Council Member

Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

Budget/Finance Committee:

Mayor Olson appointed Kate Hart as chairman, Doug Poehls as co-chairman, and Chuck Dickerson on the Budget/Finance Committee.

Motion by Council Member Stamper to approve the appointments of Kate Hart as chairman, Doug Poehls as co-chairman, and Chuck Dickerson on the Budget/Finance Committee, seconded by Council Member Eaton. There was no public comment.

Mayor Olson stated that Council Member Mace is still a member of the Budget/Finance Committee.

A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

Public Works Committee:

Mayor Olson appointed Mark Mace as chairman, Chuck Rodgers as co-chairman, and Emelie Eaton on the Public Works Committee.

Motion by Council Member Eaton to approve the appointments of Mark Mace as chairman, Chuck Rodgers as co-chairman, and Emelie Eaton on the Public Works Committee, seconded by Council Member Hart. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

Cemetery Commission:

Mayor Olson appointed Chuck Rodgers as co-chairman and Wallace Hall to fill a term ending June 30, 2010 on the Cemetery Commission.

Motion by Council Member Wilkins to approve the Mayor's appointments of Chuck Rodgers as co-chairman and Wallace Hall to fill a term ending June 30, 2010 on the Cemetery Commission, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

Park Board:

Mayor Olson reappointed Norm Stamper and Mark Mace to four-year terms ending December 31, 2012 on the Park Board.

Motion by Council Member Rodgers to approve the reappointments of Norm Stamper and Mark Mace to four-year terms ending December 31, 2012 on the Park Board, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

Tree Board:

Mayor Olson appointed Chuck Rodgers to a term ending June 30, 2010 on the Tree Board.

Motion by Council Member Dickerson to approve the appointment of Chuck Rodgers to a term ending June 30, 2010 on the Tree Board, seconded by Council Member Stamper. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Request from Randall Swenson to submit an application for annexation of less than one city block to the City-County Planning Board.**

Motion by Council Member Mace to approve the request from Randall Swenson to submit an application for annexation of less than one city block to the City-County Planning Board, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R08-127: A resolution authorizing the Mayor to sign an agreement between the City of Laurel and the Drug Enforcement Administration "DEA" assigning a Laurel police officer to the Billings Resident Office Task Force.**

Motion by Council Member Hart to approve Resolution No. R08-127, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R08-128: Resolution of the City Council amending the Purchase and Procurement Policy for the City of Laurel.**

Motion by Council Member Poehls to approve Resolution No. R08-128, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R08-129: A resolution approving a small construction contract between the City of Laurel and Winkler Excavating for installation of two storm water inlets at West Maryland Lane and 13<sup>th</sup> Street.**

Motion by Council Member Stamper to approve Resolution No. R08-129, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R08-130: A resolution approving a Small Services Contract between the City of Laurel and Alpine Plumbing, Heating and Cooling for installation of a hot water heater at the City of Laurel Fire, Ambulance and Police (FAP) building.**

Motion by Council Member Eaton to approve Resolution No. R08-130, seconded by Council Member Hart. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R08-131: A resolution approving Change Order No. 3 with COP Construction, providing for additional labor, equipment and materials for the South Laurel Storm Water and Sewer Improvement Project and authorizing the Mayor to execute the attached Change Order No. 3 on the City's behalf.**

Motion by Council Member Wilkins to approve Resolution No. R08-131, seconded by Council Member Rodgers. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

**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.

Mayor Olson spoke regarding Resolution No. R08-132, which was removed from tonight's agenda. The city was informed during today's department head meeting that no divers are available for the project, as the divers who were going to do it were booked. Since COP Construction could not find divers, it was determined that a barricade may be needed to prevent ice from hitting the divers if they went in later in the year. The cost would be considerably more than indicated in the resolution. In a conference call with Pat Murtagh today, he indicated that other divers might be available for the project. Mayor Olson asked Bill Sheridan to report on his efforts of contacting people for the diving portion of the project.

Bill Sheridan stated that he made several phone calls and contacted a business in Rapid City, South Dakota. The divers are working in Glendive right now and expect to be finished by the end of next week so it would fit well for the divers to come over here. Bill intends to contact the engineers and COP Construction tomorrow to make sure they contact this company. Bill stated that it will be very difficult and very expensive to go into the wintertime, and there is a real concern as to whether there will be enough water. He will pursue this as diligently as possible.

Mayor Olson stated that if COP Construction makes an agreement with these divers and resubmits another contract, the contract will be brought to the city and forwarded to legal counsel for review. Upon approval by legal counsel, Mayor Olson will sign the contract and report to the council as soon as possible. He stated that time is of the essence. The city is trying to allow the divers to be in the water without the ice, which would eliminate putting in the protective structure. If ice starts to flow on the river when the divers are working, the protective wall would be necessary, and the cost would increase. Mayor Olson again stated that, as soon as he receives notification from legal counsel that the contract meets the specifications and scope of work, he will sign it and then get word to the council as quickly as possible.

Council Member Poehls requested that the Cenex Mutual Aid contract be placed on the December 9<sup>th</sup> council workshop agenda. The Emergency Services Committee recently approved the contract. This will finalize everything dealing with Cenex regarding fire and mutual aid. He will e-mail the final contract to the council secretary.

Council Member Wilkins stated that it is good to be back. He went to Wichita Falls, Texas, to get back seat certified to fly an F-15 and completed a year of flight training in three weeks. Then he went to New Orleans, where he was on standby. After a jet was shot down in Pakistan, they were going to go recover it, but the UN Ambassador to Pakistan would not sign for them to go in. So he was able to return home early.

Mayor Olson expressed gratitude for Council Member Wilkins' service to the country. Mayor Olson stated that his input was missed during his absence.

Council Member Eaton asked that a report on Riverside Park be added to next week's council workshop agenda. She would like the following five points addressed: progress on the sign that the Yellowstone Historic Society spoke about in September; the Nez Perce kiosk; the chain link fencing around the majority of the buildings; an update on the land survey; and an update on the comprehensive plan for Riverside Park. Council Member Eaton assumed that Morrison-Maierle would present another update on the lift station to the council. She asked if Mary could provide any financial changes that have resulted regarding the grant, loan, and rate increases.

Council Member Eaton reminded the council that the Christmas to Remember events are scheduled on Sunday, December 7<sup>th</sup>. The events include a tour of two grand homes in Laurel.

Mayor Olson encouraged everyone to attend the events and to reflect on the heritage of the community.

Mayor Olson stated that Carl Anderson would give a presentation regarding the proposed wastewater project at the next council workshop.

Mayor Olson invited the council to an open house at his home on December 14<sup>th</sup> from 2:00 to 5:00 p.m.

Mayor Olson stated that council workshops are scheduled on December 9<sup>th</sup> and 30<sup>th</sup> and a council meeting on December 16<sup>th</sup>. There will not be a meeting on December 23<sup>rd</sup>, as there are five Tuesdays in the month.

**UNSCHEDULED MATTERS:** None.

**ADJOURNMENT:**

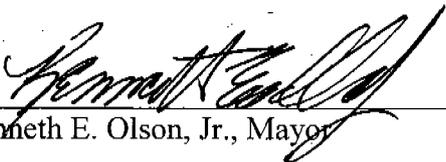
Motion by Council Member Stamper to adjourn the council meeting, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:05 p.m.

  
Cindy Allen, Secretary



Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 16<sup>th</sup> day of December, 2008.

  
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Kenneth E. Olson, Jr., Mayor

Attest:

  
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Mary K. Embleton, Clerk-Treasurer

