

# MINUTES OF THE CITY COUNCIL OF LAUREL

December 18, 2007

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 18, 2007.

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

COUNCIL MEMBERS ABSENT:           None

OTHER STAFF PRESENT:           Sam Painter             Kurt Markegard  
  Bill Sheridan           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.d., Resolution No. R07-107, from Scheduled Matters on the council agenda. The applicant requested that the item be removed and rescheduled for consideration on the council workshop on January 8, 2008.

## MINUTES:

Motion by Council Member Eaton to approve the minutes of the regular meeting of December 4, 2007, as presented, 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.

## CORRESPONDENCE:

Montana Department of Transportation: Notice of public hearing and open house for the Draft Environmental Impact Statement for the proposed Rockvale to Laurel Highway Reconstruction project.

Laurel Chamber of Commerce: Board Meeting Minutes of November 21, 2007; Board Meeting Agenda of December 13, 2007.

Yellowstone County Commissioners: Letter of December 10, 2007, requesting permission to drill a test well.

**PUBLIC HEARING:** None.

## CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of November 2007.**
  - **Approval of Payroll Register for PPE 12/02/2007 totaling \$164,571.86.**
  - **Receiving the Committee Reports into the Record.**
- Budget/Finance Committee minutes of December 4, 2007 were presented.
- City-County Planning Board minutes of December 6, 2007 were presented.
- Council Workshop minutes of December 11, 2007 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:**

- **Confirmation of Appointments.**

Police Commission:

Mayor Olson reappointed Brett Lund to the Police Commission for a three-year term ending December 31, 2010.

Motion by Council Member Poehls to approve the reappointment of Brett Lund to the Police Commission for a three-year term ending December 31, 2010, 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.

- **Ordinance No. O07-12; An ordinance of the City of Laurel, Montana, establishing load limits on city streets; providing for truck routes and for loading and unloading; establishing exceptions; providing enforcement procedures and definitions; and providing for a penalty. Second reading.**

Motion by Council Member Dickerson to adopt Ordinance No. O07-12, seconded by Council Member Stamper.

Mayor Olson asked for public comment.

Dave Siljestrom, 702 Second Avenue, spoke at the council meeting two weeks ago regarding the proposed truck route, hazardous materials, the dangers, the 90,000 to 100,000 pound weight of the trucks at Ricci's gas station, and the use of the residential streets to access the property. The next morning in a Boston suburb, a semi-truck loaded with fuel taking a short cut through a residential neighborhood was involved in an accident and spilled 9,400 gallons of gasoline. Ten to twelve families lost their homes and there were some minor injuries. He thinks it is important that the truck route be passed and carried to the extent of the law to keep hazardous and overloaded trucks out of residential neighborhoods. Dave stated a complaint regarding law enforcement. Federal law states that truck drivers must stop at uncontrolled intersections when hauling hazardous materials, but the drivers are not doing so at Ricci's. He stated that this needs to be addressed. He does not have anything against Ricci's, but he enjoys his house and where he lives. At the previous council meeting, he commented on the poor condition of the streets surrounding Ricci's Express. Dave stated that the streets are not highway grade pavement and are not going to take this kind of weight. At some point, the street will deteriorate and the city will ask the residents that live there to pay their share of fixing the street. He will say respectfully and politely that he will not pay it, as he does not have semis coming to his house. He does not have semis that are using residential streets, and that is why he feels the city is doing the right thing by passing this ordinance. There needs to be teeth in it and the city needs to look at residential situations and keep the trucks out. He realizes that trucks go to the Evergreen, but they are not hauling hazardous material. He thinks that is a key issue when deciding what streets will and will not be truck routes.

Mayor Olson asked if there was any other public comment. There was none.

Mayor Olson asked if there was any council discussion.

Council Member Dickerson asked regarding the timeframe for installation of truck route signs if the ordinance is adopted tonight.

Mayor Olson stated that the signage would be installed as quickly as the crew can do it.

Council Member Dickerson requested that the issue regarding the requirement for trucks carrying hazardous materials to stop at uncontrolled intersections be placed on the December 26<sup>th</sup> council workshop agenda.

A roll call vote was taken on the motion to adopt Ordinance No. O07-12. All eight council members present voted aye. Motion carried 8-0.

Mayor Olson stated that Ordinance No. O07-12 would become effective in thirty days.

- **Letter of support for Comprehensive Economic Development Strategy presented by Beartooth RC&D**

Motion by Council Member Stamper to approve the letter of support for the Comprehensive Economic Development Strategy presented by Beartooth RC&D, 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. R07-108: A resolution of the City Council approving Yellowstone County's request to drill a water test well on a small portion of the Laurel Cemetery to determine the existence of usable water for irrigation of the future Veterans' Cemetery.**

Motion by Council Member Easton to approve Resolution No. R07-108, 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. R07-109: A resolution of the City Council consenting to Thomae Lumber Sales' assignment of the Encroachment Permit previously approved by the City Council to Newkirk Real Estate-Montana, LLC.**

Motion by Council Member Wilkins to approve Resolution No. R07-109, 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.

- **Resolution No. R07-110: A resolution of the City Council approving a change to the agreement between the City of Laurel and Interstate Engineering, Inc.**

Motion by Council Member Mace to approve Resolution No. R07-110, 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.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):**

Chuck Rodgers, 626 West 13<sup>th</sup> Street, presented a plaque to the city council on behalf of Laurel Aviation and Technology Week to honor the council for its community service and support.

Mayor Olson stated that this was an unexpected pleasure and should actually be the other way around. He stated that the amount of work that the Aviation and Technology Week group does to present the opportunity to Laurel's youth and to the community is greatly appreciated. Mayor Olson asked Chuck to extend thanks to the committee.

**COUNCIL DISCUSSION:**

Council Member Mace expressed appreciation to work with the council at this level and asked Mayor Olson to express appreciation to the city staff. He wished everyone a Merry Christmas and Happy New Year.

Council Member Dickerson also extended holiday wishes.

Council Member Dickerson expressed concern regarding the next city-county joint meeting scheduled on Wednesday, January 9<sup>th</sup>, from 11:30 a.m. to 1:00 p.m. He asked for the council's thoughts and suggested that a letter should be written.

Council Member Easton stated that people that work during the day will have a hard time attending a meeting during the noon hour. It was set up for the benefit of Laurel in the past to accommodate some of the people that work during the day. He thinks that a letter would help to state the council's feelings, as it may not have been considered.

Council Member Dickerson stated that the meetings have been held in the evenings for the last two years. The fact that there was no previous contact whether this would be a problem or a possibility seems inappropriate. He stated that it is not possible for everyone to get to a noon meeting, and staff and council could attend the evening meetings.

Mayor Olson stated that there was discussion in prior meetings regarding the date and time for the meetings. It was agreed at one meeting to schedule the joint meetings on a specific Thursday in certain months. He stated that the whole body discussed it at that time, but it appears that this decision was made outside the body of the whole. He would hope that thought could be expressed in a letter, if the council chose to do so.

Council Member Dickerson recommended that a letter be sent in regard to this issue.

Motion by Council Member Dickerson to send a letter from the mayor and council regarding setting the time and date for the scheduled joint city-county meetings, seconded by Council Member Stamper.

There was further discussion regarding the issue and the difficulty for council members and staff to attend meetings during the day. Council Member Hart stated that members of the Billings City Council must have the same conflict. Council Member Poehls stated that the letter implied that people should respond with questions. He mentioned that the one agenda item is a planning board mill levy issue that would include Laurel because it is for Yellowstone County. The item to be discussed affects Laurel's citizens, but council members are unable to attend the meeting. Council Member Poehls stated that he thinks an injustice is being done to Laurel with the scheduling of the meeting.

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

Several council members and Mayor Olson expressed holiday greetings.

Council Member Easton mentioned the Christmas tree recycling program. The dumpster will be located at the elevator and the chippings will go to the Lions Park. The city pays \$250 towards the recycling program. He stated that credit must be given to Kurt Markegard for his efforts for this program.

Council Member Easton stated that Peg Arnold's retirement party is scheduled on Thursday, December 20<sup>th</sup>, from 3:00 to 5:00 p.m. at the Laurel Library.

Council Member Eaton attended the Yellowstone Historic Preservation Board meeting this morning. Two people were acknowledged for their service on the Board. One individual served the maximum number of years allowed. The other individual resigned one year short of the maximum term allowed due to other commitments. There are two openings on the board, and Council Member Eaton encouraged anyone from Laurel who is interested in historic matters to consider being a part of the board. She stated that an individual spoke during the roundtable at the end of the board's scheduled business. He asked what it would take for the board to talk about something other than the Montana Avenue and Minnesota Avenue historic areas. This comment brought a lot of good discussion regarding the board's budget and how it is spent and some issues about the duties of the board and what the board is supposed to achieve.

Mayor Olson thanked Council Member Eaton for her participation on the Yellowstone Historic Preservation Board.

**UNSCHEDULED MATTERS:**

Mayor Olson stated that there were three additional items for council discussion. Resolution No. R07-111 includes a description of the Deputy Director of Public Works position. The position will be accountable to the Public Works Director. Two positions will be formed from the public works director, public utilities director, and maintenance superintendent positions.

Motion by Council Member Poehls to place Resolution No. R07-111 on tonight's council agenda, 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. R07-111: Resolution of the City Council to create a new position called the Deputy Director of Public Works and to adopt a job description for the Deputy Director of Public Works position.**

Motion by Council Member Dickerson to approve Resolution No. R07-111, 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.

Mayor Olson stated that the next action would be the appointments of William J. Sheridan as the Public Works Director and Kurt Markegard as the Deputy Public Works Director.

Motion by Council Member Hart to place the appointments of the Public Works Director and the Deputy Public Works Director on tonight's council agenda, 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.

- **Confirmation of Appointments.**

Public Works Director:

Mayor Olson appointed William J. Sheridan as the Public Works Director for the City of Laurel.

Motion by Council Member Hart to approve the Mayor's appointment of William J. Sheridan as the Public Works Director for the City of Laurel, 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.

Deputy Public Works Director:

Mayor Olson appointed Kurt Markegard as the Deputy Public Works Director for the City of Laurel.

Motion by Council Member Dickerson to approve the Mayor's appointment of Kurt Markegard as the Deputy Public Works Director for the City of Laurel, seconded by Council Member Poehls. There was no public comment.

Council Member Mace thanked Kurt Markegard for his service as the interim public works director and stated that he did a great job.

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

Mayor Olson thanked the council for their consideration of the matters. He stated that Kurt did a great job in the position as interim public works director.

Mayor Olson wished everyone a joyous holiday. The next council workshop is scheduled for Wednesday, December 26<sup>th</sup>, at 6:30 p.m.

**ADJOURNMENT:**

Motion by Council Member Eaton 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 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 7:13 p.m.

Cindy Allen  
Cindy Allen, Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 2<sup>nd</sup> day of January, 2008.

Kenneth E. Olson, Jr.  
Kenneth E. Olson, Jr., Mayor

Attest:

Mary K. Embleton  
Mary K. Embleton, Clerk-Treasurer