

# MINUTES OF THE CITY COUNCIL OF LAUREL

April 17, 2012

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 6:32 p.m. on April 17, 2012.

**COUNCIL MEMBERS PRESENT:**

Bruce McGee	Doug Poehls
Scot Stokes	Mark Mace
Tom Nelson	Chuck Dickerson
	Norm Stamper

**COUNCIL MEMBERS ABSENT:**

Emelie Eaton

**OTHER STAFF PRESENT:**

None

Mayor Olson asked Kyle Arneson to lead the Pledge of Allegiance to the American flag.

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

**MINUTES:**

Motion by Council Member McGee to approve the minutes of the regular meeting of April 3, 2012, as presented, 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 7-0.

**CORRESPONDENCE:**

Laurel Chamber of Commerce: Minutes of March 22, 2012; Agenda for April 12, 2012.

**PUBLIC HEARING:**

- Ordinance No. O12-02: An ordinance amending Chapter 8.12 titled "Nuisances" located at Title 8 of the Laurel Municipal Code.

Mayor Olson introduced the item to the council. He stated that staff has found that Chapter 8.12 titled "Nuisances" in the Laurel Municipal Code is not detailed enough and legal counsel found that it is not defensible. Consequently, staff has recommended changes to Chapter 8.12.

Mayor Olson opened the public hearing on this item and read the rules governing the public hearing.

Mayor Olson asked three times if there were any proponents.

Mary Ann Guenther, 412 Birch Avenue, read and submitted a copy of the following statement:

"To Members of the Laurel City Council,

We read your article in the *Laurel Outlook*. We are here to let you know it is very important to put teeth into the ordinances Sections 8.12 and 8.12.110 and also the other Nuisances Sections listed under Chapter 8.12 of Laurel's Municipal Code.

We have lived in the City of Laurel for 56 years and we have really seen a lot of neighborhood deterioration over the last 20 to 30 years due to Nuisances Ordinances with no teeth and or unwillingness on the part of the City to enforce the ones that are currently in effect. If this is dealt with now we may be able to slow and eventually stop the deterioration of our neighborhoods in Laurel. If it isn't dealt with now it will eventually spread to the so called better neighborhoods in the coming years."

Duane and Mary Ann Guenther



Duane Guenther, 412 Birch Avenue, stated that enforcement of the ordinances makes them count. When you try to sell a house and people drive through the neighborhood, which happened recently in his neighborhood, it definitely affects the sale of a property. He talked to realtors that say that it is a critical thing. If a couple neighbors let their property deteriorate, it affects everyone on the whole block. Duane thinks the council is on the right track. Once you start making examples out of people, people will start to cooperate. Just like anything else, if something is not enforced, people do not pay attention. He thanked the council for allowing them to speak.

Mayor Olson asked if there were any other proponents.

Jean Kerr, 1128 9<sup>th</sup> Avenue, is glad the city is looking at the nuisance ordinance. It has been hard for her in the court with the sentencing part. She has not read the ordinance and hopes there is consideration from the court's standpoint. She mentioned that the court receives phone calls regarding the noise curfew in the city. There are curfews for underage kids and curfews for the parks, but the city does not have a curfew for noise, such as mowing grass, outdoor parties, etc. Since people do not have common courtesy, the council might need to look at setting a noise curfew within the city.

Mayor Olson asked three times if there were any other proponents of this item. There were none.

Mayor Olson asked four times if there were any opponents. There were none.

Mayor Olson closed the public hearing.

**CONSENT ITEMS:**

- **Clerk/Treasurer Financial Statements for the month of March 2012.**
- **Approval of Payroll Register for PPE 04/01/012 totaling \$171,452.59.**
- **Receiving the Committee Reports into the Record.**

--Budget/Finance Committee minutes of April 3, 2012 were presented.

--Park Board minutes of April 5, 2012 were presented.

--Council Workshop minutes of April 10, 2012 were presented.

--Laurel Urban Renewal Agency minutes of March 6, 2012 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 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.

**CEREMONIAL CALENDAR:** None.

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

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

Jon Arneson, 721 Wyoming Avenue, owns and operates Road Watch Montana. Jon thanked Mayor Olson for granting permission for the 5K and 1 Mile Fun Run for Montana Autism on June 2<sup>nd</sup>. He invited Mayor Olson to start off the 5K and 1 mile Fun Run. There will be information on autism and Montana Autism Awareness available at the event. There will be food and games for the kids at the family event, which should last an hour and a half. Medals will be given to the winners in each age division. Montana Autism will participate in the 4<sup>th</sup> of July parade and hold a silent auction prior to the walk in September. There was a 5K Run last year during the walk, but this year it will be its own event. Jon distributed information about the event. All money goes to Montana Autism Awareness, which is a part of Autism Speaks. Seven hundred people attended the walk last September, and twice as many are expected this year. Susan Morrow, who has an autistic son, started the walk last year, and the national organization Autism Speaks is involved with advertising and funding this year.

**SCHEDULED MATTERS:**

• **Confirmation of Appointments:**

Yellowstone Historic Preservation Board:

Mayor Olson appointed Darrell Aaby to the Yellowstone Historic Preservation Board to fill a term ending December 31, 2012.

Motion by Council Member Nelson to approve the Mayor's appointment of Darrell Aaby to the Yellowstone Historic Preservation Board to fill a term ending December 31, 2012, 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. R12-23: A resolution approving Amendment No. 1 to the previously adopted Task Order No. 23, approving the bidding, construction and post-construction phases of the Cemetery Irrigation Project for the City of Laurel.**

Motion by Council Member Poehls to approve Resolution No. R12-23, 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.

- **Resolution No. R12-24: A resolution amending Resolution No. R05-102 to annex the public rights-of-way located adjacent to Amended Tracts "A" and "B" of corrected Certificate of Survey No. 2039 to the City of Laurel, Yellowstone County, Montana.**

Motion by Council Member Stamper to approve Resolution No. R12-24, 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:**

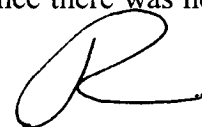
Council Member Mace stated that the Public Works Committee meeting was canceled this month.

Council Member Nelson stated that this month's Cemetery Commission meeting has been cancelled. The next meeting is scheduled on May 24<sup>th</sup> at 5:30 p.m. He expects to have some information from Great West Engineering by that time.

Council Member Nelson reported on last week's meeting with the Laurel Rod and Gun Club and the Laurel Rifle Club for discussion of the current situation in the park, the leases, and the city's concern about the outdoor shooting in the park in past years. The city's task force members are Mayor Olson and Council Members Nelson and McGee. Council Member Nelson stated that there was good discussion and there might be alternatives for the outdoor shooting enthusiasts to pursue. They discussed the fact that the park is not open for business right now, due to issues with building maintenance, plumbing, and the septic systems. Anybody that gets permission to use the buildings has to provide a port-a-potty for the function. The Rod and Gun Club wants to hold its annual membership drive meeting at the Jaycees Hall next month and that includes shotgun shooting. The clubs agreed to attend next week's workshop to present information to the council. The task force told the Rifle Club that the council has concerns about indoor shooting and that they should bring information on safety and liability issues concerning indoor and outdoor shooting.

There was discussion regarding providing minutes of the task force meetings with the various clubs. Since the task force cannot take any action or make any decisions and further discussion would be scheduled at a council workshop, the task force is not required to provide minutes. The task force will try hard to clearly communicate to the council what transpired at each meeting.

Mayor Olson explained two additional items that were discussed at the meeting. The task force informed the clubs that the septic systems in all of the buildings are subject to question. Money needs to be invested in the systems, and the council will need to make a determination on that. Currently, there is no running water in the park, as it was turned off at the water plant since there was no way to keep the



water running. There was running water in the buildings when people occupied them and furnaces were turned on in the winter months. When the heat was taken out, the water lines were blown out and the lines were secured.

Council Member Nelson stated that the discussions were about the buildings, and the clubs were informed that the council has concerns about the shooting issues. At the meeting, Council Member Nelson read the city attorney's conclusion regarding shooting in the park and informed them that the city's insurer, MMIA, has great concerns about shooting in the park. Most of the club's concerns were about the buildings. The meeting included discussion regarding the possibility of the city offering that the Rod and Gun Club move the building to a different location. The club asked whether the city would give them the park. At that point, Mayor Olson informed them that Riverside Park is designated as a city park. No decisions were made other than to ask them to come to the workshop next week to talk to the council about their concerns.

Mayor Olson spoke regarding the city's current lease form, which he will distribute to the council members. The lease form will be used for every city building, including the Riverside Park buildings and the fire department's building.

Council Member Nelson asked the council to bring their copies of the April 10<sup>th</sup> presentation to next week's workshop. Copies were distributed to the club members at the meeting last week.

Mayor Olson reported on the levee restoration issues. Charlie Baird, the FEMA representative, and Heidi Jensen spoke on the phone briefly today and neither one had anything new to report. The comment period for the Army Corps closed last Friday, but the city did not receive any notification. Spencer Gray, from Max Baucus' office, called last Friday afternoon to ask if the city had any information. Mr. Gray then contacted the Senator and called back later to inform the city that the Army Corps had set this Friday for the decision on the city's permit. Commissioner Kennedy called Mayor Olson this morning while on his way to Helena to meet with Richard Opper, the Director for the Montana DEQ. Mayor Olson informed Commissioner Kennedy that, after the city gets the permit from the Army Corps, the city will ask the DEQ for a 404 Permit for the project. Commissioner Kennedy agreed to mention that to the DEQ.

Council Member Poehls mentioned that he sent a letter to Denny Rehberg's office on Friday. The letter expressed his frustration with the Army Corps of Engineers and their lack of contact and returning phone calls. He also expressed the fact that the Army Corps dragged their feet, which means that the City of Laurel will probably not be able to do the work this year because of high water. The council received a copy of the letter via email.

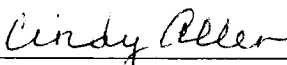
Mayor Olson stated that it is encouraging to have the council make statements, as he and Heidi are regularly involved. Mayor Olson thanked Council Member Poehls for his letter and stated that several council members responded positively about the letter.

**UNSCHEDULED MATTERS:** None.

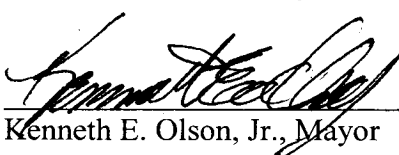
**ADJOURNMENT:**

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 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 7:10 p.m.

  
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 1<sup>st</sup> day of May, 2012.

  
Kenneth E. Olson, Jr., Mayor

Attest:

  
Shirley Ewan, Clerk/Treasurer