

# MINUTES OF THE CITY COUNCIL OF LAUREL

June 5, 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 Council President Poehls at 6:30 p.m. on June 5, 2012.

COUNCIL MEMBERS PRESENT:           Emelie Eaton           Doug Poehls  
  Bruce McGee           Mark Mace  
  Scot Stokes           Chuck Dickerson  
  Vacant

COUNCIL MEMBERS ABSENT:           Tom Nelson

OTHER STAFF PRESENT:               None

Council President Poehls led the Pledge of Allegiance to the American flag.

Council President Poehls asked the council to observe a moment of silence.

## WARD 4 COUNCIL VACANCY:

Council President Poehls asked for nominations for the Ward 4 council vacancy.

Motion by Council Member McGee to nominate William Mountsier to fill the Ward 4 council seat until the next election in 2013, seconded by Council Member Eaton.

Motion by Council Member Dickerson to nominate Zada Stamper to fill the Ward 4 council seat until the next election in 2013, seconded by Council Member Mace.

Council President Poehls distributed paper ballots to the council members to vote on the Ward 4 vacancy.

After Council President Poehls gathered the ballots and counted the votes, he stated that Mr. Mountsier would be contacted to fill the Ward 4 council seat.

Motion by Council Member McGee to appoint William Mountsier to fill the Ward 4 council seat until the next election in 2013, 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.

## SWEARING-IN CEREMONY:

Since Bill Mountsier was not at the meeting, Council President stated that the oath of office would be administered at the next meeting.

## MINUTES:

Motion by Council Member Eaton to approve the minutes of the regular meeting of May 15, 2012, as presented, 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.

## CORRESPONDENCE:

Big Sky Economic Development Authority: Letter of May 15, 2012 regarding Bakken trips on June 14-15 and July 10-11, 2012.

Laurel Chamber of Commerce: Minutes of May 10, 2012; Agenda of May 24, 2012.

Montana Department of Revenue: Letter of May 22, 2012 regarding Application for Corporate Structure Change of Montana Retail Off-Premises Consumption Beer and Wine License No. 03-999-9143-303, CVS Pharmacy #5305, 307 South East 4<sup>th</sup> Street, Laurel, Yellowstone County, Montana.



**PUBLIC HEARING:**

- Robertus' variance request – East 11<sup>th</sup> Street and Montana Avenue, Certificate of Survey 2039.

Council President Poehls read the rules governing the public hearing.

Council President Poehls opened the public hearing.

Council President Poehls asked if there were any proponents.

Sam Robertus, 1318 Pennsylvania Avenue, stated appreciation for the council's time. He requested that the council approve the variance without the requirement to face the house north to East 11<sup>th</sup> Street and asked that he make the decision how to place the house. Sam stated that, more than likely, the house would face north toward East 11<sup>th</sup>. There is also the possibility that, with the easement to the east, if something happened quickly, he could possibly face the house to the east. He would not like to have to readdress the council to make that change. Sam stated his request, along with the proposal from the City-County Planning Board, and asked the council to expedite the matter and vote tonight.

Council President Poehls asked if there were any questions.

Council Member Mace asked Sam if the City-County Planning Board heard his request to be able to face the house either east or north.

Sam stated that the Planning Board heard the request. He was not at the meeting and had someone represent him at the meeting. He is not sure why the Planning Board put the requirement in the recommendation. It is his opinion that the Planning Board did not want the house to face the alley, but he does not know why someone would want to face the house to the alley and be looking in the back of the other homes. His concern is that, if the easement is granted and the other street is built up to Colorado, it would be better to face Colorado than to face East 11<sup>th</sup>. Sam stated that the plan is probably to build this fall.

Council Member McGee stated that he is not sure the council can direct the variance. He understands the request for the option of facing the house and it makes sense to him. He questioned if the council could only approve the variance as it was submitted from the Planning Board.

Council President Poehls stated that the council has the right to strike anything from the variance.

Council Member Eaton stated that it was a Planning Board item.

Council President Poehls stated that the Planning Board recommended that "the house will face north toward East 11<sup>th</sup> Street in a normal fashion."

There was discussion regarding amending the resolution to reflect the change.

Sam stated that one of the original plans was the possibility of setting the house at an angle facing toward the alley and East 11<sup>th</sup> North, which would have been northwest. After reviewing it, he does not want to face the alley at all. The house would either face north or east, if the street would come up. He thinks it seems prohibitive to have the verbiage requiring the house to face north.

Council President Poehls state that the resolution could be amended to allow the house to face north or east.

Council Member Eaton asked regarding the council procedures to approve items after a public hearing.

Council President Poehls stated that, after the public hearing closed, he would entertain a motion to waive the rule to wait for two weeks and put the variance request on tonight's agenda, which requires a unanimous vote.

Council President Poehls asked three times if there were any other proponents. There were none.

Council President Poehls asked three times if there were any opponents. There were none.



Council President Poehls closed the public hearing.

Motion by Council Member Dickerson to waive the rule to wait two weeks and put the item on tonight's agenda, seconded by Council Member Mace. There was no public comment or council discussion. The vote was 5-1, with Council Member Eaton voting nay. Motion did not pass, as a unanimous vote was required.

Council President Poehls stated that the item would not be on tonight's agenda, but will be on the June 19<sup>th</sup> council agenda.

**CONSENT ITEMS:**

- **Claims for the month of May 2012 in the amount of \$346,868.05.**  
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 05/13/2012 totaling \$160,514.59.**
- **Approval of Payroll Register for PPE 05/27/2012 totaling \$169,766.22.**
- **Receiving the Committee Reports into the Record.**
  - Budget/Finance Committee minutes of May 15, 2012 were presented.
  - City-County Planning Board minutes of May 3, 2012 were presented.
  - Park Board minutes of May 3, 2012 were presented.
  - Health Insurance Committee minutes of May 8, 2012 were presented.
  - Cemetery Commission minutes of May 17, 2012 were presented.
  - Emergency Services Committee minutes of May 21, 2012 were presented.
  - Council Workshop minutes of May 29, 2012 were presented.
  - Tree Board minutes of April 19, 2012 were presented.
  - Laurel Urban Renewal Agency minutes of May 7, 2012 were presented.

Council President Poehls 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 six council members present voted aye. Motion carried 6-0.

**CEREMONIAL CALENDAR:** None.

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

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

Steve Krum, 249 24<sup>th</sup> Avenue West, asked to begin the process of requesting the council to allow the Laurel Rifle Club to shoot the Big Sky State Games at Riverside Park on the outdoor range. Big Sky State Games are scheduled during the third weekend in July.

Council President Poehls placed the request on the June 12<sup>th</sup> council workshop agenda for discussion.

Steve will verify the date for the outdoor small bore shoot with the Big Sky State Games and will submit the information to city hall.

Council Member Dickerson asked regarding insurance concerns.



Steve will provide the city with a copy of the \$2 million liability insurance carried by the Laurel Rifle Club, which is promoting the event in conjunction with the Big Sky State Games.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**

Laurel Urban Renewal Agency:

Council President Poehls stated the Mayor's appointment of Linda Frickel to the Laurel Urban Renewal Agency as a voting member to fill a term ending December 31, 2015.

Motion by Council Member McGee to approve the Mayor's appointment of Linda Frickel to the Laurel Urban Renewal Agency as a voting member to fill a term ending December 31, 2015, 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.

Council President Poehls stated the Mayor's appointment of Dirk Frickel as an advisory member on the Laurel Urban Renewal Agency to fill a term ending December 31, 2015.

Motion by Council Member Dickerson to approve the Mayor's appointment of Dirk Frickel as an advisory member on the Laurel Urban Renewal Agency to fill a term ending December 31, 2015, 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.

- **Resolution No. R12-28: A resolution of the City Council authorizing the Mayor to sign renewal agreements with BlueCross BlueShield of Montana, Delta Dental and VSP for the provision of the Employee Health Insurance Program.**

Motion by Council Member McGee to approve Resolution No. R12-28, 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.

- **Resolution No. R12-29: A resolution of the City Council authorizing an interfund loan from the City's Solid Waste Fund to the CIP Fund for the Ambulance Addition to the FAP Building.**

Motion by Council Member Stokes to approve Resolution No. R12-29, 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.

- **Resolution No. R12-30: A resolution of the City Council adopting a job description for Custodian.**

Motion by Council Member Eaton to approve Resolution No. R12-30, 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.

- **Resolution No. R12-31: Resolution of the City Council accepting two parcels of property conveyed by Quit Claim Deed to the City of Laurel pursuant to a donation by the Richmond Family Trust and to authorize the Mayor to execute and accept the transfer on the City's behalf.**

Motion by Council Member Mace to approve Resolution No. R12-31, 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.

- **Resolution No. R12-32: A resolution of the City Council authorizing the Mayor to sign an agreement with the Montana Department of Transportation (MDT) for street sweeping.**



Motion by Council Member McGee to approve Resolution No. R12-32, 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:**

- Review of Monthly Reports: Police, Fire, Ambulance, and Code Enforcement: None.

Council Member Eaton asked for discussion and review of the procedures and the policies regarding reserving park shelters at the June 12<sup>th</sup> council workshop.

Council Member Mace stated his excitement about the land donation that was approved tonight. As chairman of the Park Board, he stated the need for funding to make the land into a park. The people that donated that land expect it to look as good as possible. The city needs to work on a park maintenance district to fund development of new parks and maintenance of trees, playground equipment, etc., in the current parks. In the fall of 2013, the city needs to go to a vote to find out if residents want to support a park maintenance district.

**UNSCHEDULED MATTERS:** None.

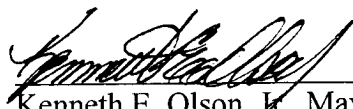
**ADJOURNMENT:**

Motion by Council Member Dickerson 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 6:54 p.m.

  
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Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19<sup>th</sup> day of June, 2012.

  
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Kenneth E. Olson, Jr., Mayor

Attest:

  
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Shirley Ewan, Clerk/Treasurer