

MINUTES OF THE CITY COUNCIL OF LAUREL

June 29, 2012

A special 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 5:32 p.m. on June 29, 2012.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Bruce McGee Mark Mace
 Chuck Dickerson
 Tom Nelson Bill Mountsier

COUNCIL MEMBERS ABSENT: Scot Stokes

OTHER STAFF PRESENT: Fire Chief Brent Peters
 Police Chief Rick Musson

SCHEDULED MATTER:

- **Emergency Ordinance No. O12-03: An Emergency Ordinance of the City Council adopted to temporarily ban the discharge, firing and use of fireworks within the City limits authorized by Chapter 8.16 of the Laurel Municipal Code.**

Motion by Council Member Mace to adopt Emergency Ordinance No. O12-03, seconded by Council Member Poehls.

Mayor Olson asked Fire Chief Peters to present the issue to the council.

Chief Peters stated that, at last week's Emergency Services Committee meeting, he informed the members that Yellowstone County had imposed Stage 1 fire restrictions. The County was looking at going to Stage II fire restrictions and possibly abandoning fireworks within the County for the 2012 season. Currently, the fire conditions are high, as the temperatures are high and the humidity levels are extremely low, with single digit humidity levels. That means that vegetation is not absorbing the moisture as it normally does. This can be seen at nighttime when the humidity levels rise to about 12 to 17 percent when the normal levels are 35 to 50 percent this time of year. Chief Peters has driven through neighborhoods in the City of Laurel and there is green grass out there. His concern is that the green grass crunches when it is walked on, as it is not holding the water content. There are large fires in the Roundup area, the Ashland area and other parts of the state right now and 63 homes have been lost in the Musselshell fire since Monday. The second concern is that, if Laurel is the only place in Yellowstone County that people can shoot fireworks since the County banned fireworks, people will come to Laurel. Chief Peters stated that it is our responsibility to protect our communities, and if we allow everyone from Yellowstone, Stillwater and Carbon Counties to shoot fireworks, we are not doing that. He is a proud member of the Laurel Fire Department that puts on a great fireworks show, and he thinks the community can celebrate the birthday of our country through that show and the activities and not put the dangers of our neighborhoods inside the city limits.

Mayor Olson informed the council of some ex parte communications he had regarding this issue. He attended the County Commissioners' meeting yesterday where a ban on fireworks was brought forward and he heard several people speak to the County Commissioners. Several people spoke to the Commissioners about the amount of money they had invested into their fireworks stands. Some fire department people spoke in favor of the ban. When the vote was taken, Commissioner Ostlund and Commissioner Reno voted aye and Commissioner Kennedy was absent.

Mayor Olson received a phone call this morning from June Buckingham, 915 Second Avenue, who wanted the ban except for the firemen's display. Mayor Olson called the council members to inform them of tonight's special meeting. He talked to Scot Stokes, who could not attend but said that he is in favor of the ban. Mayor Olson had asked the city clerk, the police dispatcher, and the public works secretary to document any calls they received. People that called in favor of the ban include Teresa Nelson, 715 Locust, LeRoy Metzger, 207 Forrest Avenue, Diana Shope and Casey Power. Tom Canape called in opposition to the fireworks ban. Cheryl Hill also called and stated that she would be in favor of not seeing the ban put in place because of the amount of money that she has invested, along with other



people, in a voluntary non-profit position for selling fireworks. Mayor Olson stated that was the end of his ex parte declarations for the council. He asked for public input at this time.

Cheryl Hill, 815 8th Avenue, asked if there was any way that the ban could be in effect except for the 4th. She stated that people are going to light off fireworks and she suggested allowing fireworks on the 4th from 8:00 to 11:00. She thinks a temporary lift of the ban on the 4th would be safer because people are safer in their homes and in their neighborhoods, versus if they are out of the city limits.

Mayor Olson stated that public comment was being accepted. Before he closed public comment, he read Emergency Ordinance No. O12-03 for the record.

EMERGENCY ORDINANCE NO. O12-03

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL ADOPTED
TO TEMPORARILY BAN THE DISCHARGE, FIRING AND USE OF FIREWORKS
WITHIN THE CITY LIMITS AUTHORIZED BY
CHAPTER 8.16 OF THE LAUREL MUNICIPAL CODE.**

WHEREAS, the State of Montana is currently experiencing extreme fire danger due to the lack of moisture and extremely hot temperatures; and

WHEREAS, the State of Montana is currently battling a substantial number of wild fires resulting in the State Fire Marshall's plea for a complete ban on open burning and fireworks throughout the State of Montana; and

WHEREAS, the Yellowstone County Commissioners officially banned open burning and fireworks due to the extreme fire danger that currently exists; and

WHEREAS, the City's Fire Chief has recommended the City Council consider a similar ban due to the extreme fire danger that exists in and near the City of Laurel; and

WHEREAS, the City Council has determined that in order to protect the health, safety and welfare of the Citizens of Laurel and individuals who reside adjacent to the City of Laurel, the discharge, firing and use of fireworks within the City Limits must be banned for the 2012 Fourth of July Celebration; and

WHEREAS, pursuant to § 7-5-104 Montana Code Annotated, the City Council is authorized to adopt an Emergency Ordinance to immediately protect the public's property, health and/or safety for a period not to exceed 90 days; and

WHEREAS, the Ordinance can be effective upon passage if 2/3 of the whole Council votes to approve the Emergency Ordinance.

WHEREAS, Chapter 8.16 specifically exempts all Professional Firework Displays when conducted by licensed and bonded pyrotechnic operators and as a consequence the annual fireworks display sponsored by the City of Laurel's Volunteer Fire Department is not banned, impacted or affected by this Emergency Ordinance.

NOW THEREFORE BE IT ORDAINED AND ORDERED, that the discharge, firing and use of fireworks within the City Limits of Laurel currently authorized by Chapter 8.16 is hereby banned for the 2012 Fourth of July Celebration; and

BE IT FURTHER RESOLVED, the Laurel Police Department is hereby authorized to enforce the ban through seizure of the fireworks and citation to the Laurel City Court; and

FINALLY BE IT RESOLVED, anyone who violates this Emergency Ordinance is subject to a fine of up to \$500 per charge or occurrence.

This Ordinance shall become effective immediately upon adoption by a 2/3 Majority Vote of the City Council and shall expire ninety (90) days after final passage by the City Council and approval by the Mayor.

PASSED and ADOPTED by 2/3 Majority Vote of the Laurel City Council on first reading during a Special Meeting on this 29th day of June, 2012, upon motion of Council Member _____.

Mayor Olson asked if there were any other public comments.

Richard McFate, owner of Montana Fireworks south of Laurel, agreed with the ban, which would put a hard financial situation on our family because they sell fireworks. Emotionally, he would plead for personal things but for the public good, he thinks the ban is probably wise. He would like to see the ban changed if there was a change in the weather.

Mayor Olson asked for council discussion.

Council Member Eaton spoke with someone about this today and thought their words were exceptional. His comments were that in this day and age, people's insistence that they shoot off fireworks to show their patriotism pales in the possibility for damage to property, to livelihood and even potentially lives, and he thought that it was about time that Laurel took this step to ban fireworks.

Council Member Dickerson asked for the police chief's comments, since the police department would have to enforce the ban on fireworks.

Mayor Olson stated that the police department has limited resources and the chief always has a depleted force by the end of the 4th, due to the activities on July 3rd and 4th.

Chief Musson stated that he is torn between having and not having the fireworks ban. The fire chief said that the chances of people coming into Laurel to shoot fireworks, if they are allowed, will be more than normal and there are already a lot of fireworks going off. As the mayor said and everyone knows, the police department can only get to so many fireworks. They try to get to every complaint we have, but the crowds and traffic prevent that at times. No one is naïve enough to think they are going to be stopped if Laurel bans fireworks. The police will try to enforce the best they can. Chief Musson is concerned about the safety of folks in town. As the fire chief said, on the surface the grass looks green, but things are turning brown rapidly. People will shoot off fireworks and the department will do the best it can with the manpower it has to enforce the law.

Council Member Poehls stated that, if Yellowstone County bans fireworks and Laurel is the only place that does not ban fireworks, a disservice will be done to the citizens. Everyone knows how Laurel swells on the 4th of July. If something happened on the 4th, it would be necessary to evacuate 25,000 to 30,000 people instead of the 7,000 citizens. He cannot imagine what would happen if there was an emergency in Laurel because of a fire that got out of control. Council Member Poehls stated that, in this case, he thinks the council would best serve the citizens by supporting the ban this year because of the fire conditions.

Council Member Mace stated that some news media was in the crowd. There are news stories regarding burning houses that are not far from Laurel. Last year, there was a different issue, as it was raining up until July 1st. Montana is an extreme state, and it is dry right now. He agreed that he cannot get enough water on his lawn and it crunches when he walks across it. He thinks that the council owes it to the county, to the state, and to all of the people in Laurel to stand up and take the reins.

Council Member Dickerson agreed and thinks that, no matter which way the council votes, everyone can only pray and hope for the best outcome. The weather would have to change drastically for the conditions to change. He knows that a lot of money has gone into the fireworks stands and the fireworks display. He hopes people heed the information the new media is putting out to people and that any losses will be averted.

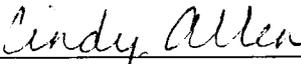
Council Member Nelson stated that the ordinance allowing fireworks by the public has been in effect for a year. When the council granted it, the council left the ability to remove that on conditions and with the current conditions, fireworks is just a small portion of any problem that this city might have with the outlying areas bordering grassy fields, ditch areas, and unimproved lots. It is unfortunate that the council has to discuss restricting freedom for individuals but sometimes the council has to be responsible for other people and property.

A roll call vote was taken on the motion to adopt Emergency Ordinance No. O12-03. All seven council members present voted aye. Motion carried 7-0.

ADJOURNMENT:

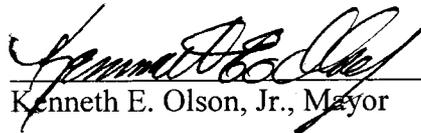
Motion by Council Member Mace to adjourn the council meeting, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

There being no further business to come before the council at this time, the meeting was adjourned at 5:55 p.m.



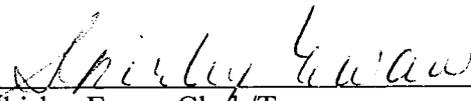
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 17th day of July, 2011.



Kenneth E. Olson, Jr., Mayor

Attest:



Shirley Ewan, Clerk/Treasurer