

MINUTES OF THE CITY COUNCIL OF LAUREL

September 4, 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 6:30 p.m. on September 4, 2012.

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

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Heidi Jensen Shirley Ewan

Mayor Olson led the Pledge of Allegiance to the American flag.

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

MINUTES:

- **Council Minutes of August 21, 2012.**

Motion by Council Member Eaton to approve the minutes of the regular meeting of August 21, 2012, as presented, 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.

- **Special Council Minutes of August 24, 2012.**

Motion by Council Member McGee to approve the minutes of the special meeting of August 24, 2012, as presented, 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.

- **Special Council Minutes of August 28, 2012.**

Motion by Council Member Stokes to approve the minutes of the special meeting of August 28, 2012, as presented, seconded by Council Member McGee. 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 August 9, 2012; Agenda of August 23, 2012.

PUBLIC HEARINGS:

- **2012-2013 Preliminary Budget and Tax Resolutions**

Heidi Jensen stated that the first public hearing is for the 2012-2013 Preliminary Budget and tax resolutions. She reviewed the changes, which were previously presented to the council.

Mayor Olson opened the public hearing and read the rules governing 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.

Mayor Olson closed public comment.



Motion by Council Member Poehls to waive the council rule and place the 2012-2013 Budget and tax resolutions on tonight's council agenda, seconded by Council Member McGee. 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. O12-04: An ordinance amending Section 5.08.040 of the Laurel Municipal Code titled "Contractor's license and bond requirements" located at Chapter 5 of the Laurel Municipal Code.**

CAO Heidi Jensen stated that the ordinance amends Section 5.08.040 of the Laurel Municipal Code titled "Contractor's license and bond requirements" located at Chapter 5 of the Laurel Municipal Code.

Heidi explained that the ordinance replaces language that required anyone that came into the city to provide proof of commercial or comprehensive liability insurance, automobile insurance and workers' comp insurance. At this time, staff would like to remove those requirements from this code, as it is inhibiting business within the City of Laurel and causing code enforcement problems. Trying to get contractors to get a license is more detrimental to the homeowner than if the homeowner had just asked the contractor if he had obtained these insurances himself. In order to increase business licenses in general in the city, staff recommends striking the language in 5.08.040 and just requiring contractors to obtain a business license, not a specific contractor's license.

Mayor Olson opened the public hearing and read the rules governing 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.

Mayor Olson closed the public hearing.

Mayor Olson informed the council that a different public hearing format was being used. On both of the public hearing issues, he failed to ask for council discussion. At this point, he asked if there was any council discussion regarding the city's budget. There was none.

Mayor Olson asked for council discussion regarding the contractors' license and bond requirements.

Council Member McGee stated that he understands what staff is trying to do and is supportive of that in changing the rules concerning the licensing. However, he is concerned that the city might be incurring a liability by not requiring proof of the insurances. He does not know if there is verbiage that could keep the city from being responsible for what other people are doing when they hire contractors.

Heidi explained that staff checked with other cities that do not require any insurance and asked the city's insurance carrier. No one seems to have a problem with placing the burden on the homeowner. If the contractor cancels his insurance the day after he finished the work or the day he starts the work, there is nothing that they could come back on the city for if the city did not require them to have insurance to begin with.

Council Member Eaton asked which communities were contacted.

Heidi stated that the City of Belgrade, the City of Bozeman, the City of Helena and the City of Billings were contacted. None of the cities require the insurance that Laurel required and the cities have not had a problem in the past.

Council Member Dickerson asked regarding making the homeowners aware that they are responsible to make sure everything is in order.

Heidi explained that this would be like a business license, not a specific contractor's license. If someone enters a retail business and falls and breaks a leg, they would go after the business. The city does not check with businesses to make sure they have liability insurance. If someone fell off a roof while working on a house, it would be their responsibility.

Mayor Olson stated that the ordinance was changed three or four years ago to make the requirements more restrictive. However, the changes have been found to be counterproductive because business was being conducted in the City of Laurel without the business licenses. He spoke regarding the need for a process.

Council Member McGee asked if it is code enforcement's responsibility to check to see if a building permit and a business license had been obtained for a construction project.

Heidi stated that code enforcement does so and that is how staff found this to be a problem. Instead of making one trip to the city for a business license, contractors were making multiple trips. The cost to obtain a workers' compensation certificate was \$120. With the changes, the homeowner would be responsible to make sure the contractor had the necessary insurance.

Council Member Dickerson asked if the city still requires a contractor to post a building permit in a conspicuous place so the code enforcement officer can see it.

Mayor Olson agreed that the building permit is to be posted in a visible place.

There was no further discussion.

- **Ordinance No. O12-05: An ordinance amending Section 2.10.080(A) of the Laurel Municipal Code titled "Public Hearing" located at Title 2 of the Laurel Municipal Code.**

Mayor Olson introduced the item to the council and stated that the proposal was brought forward to help eliminate the possibility of ex parte communications.

Mayor Olson opened the public hearing and read the rules governing 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.

Mayor Olson closed the public comment.

Mayor Olson opened the council discussion. There was none.

Mayor Olson closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of August 2012 in the amount of \$239,028.83.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 08/19/2012 totaling \$161,886.51.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of August 21, 2012 were presented.
 - Council Workshop minutes of August 28, 2012 were presented.
 - Laurel Urban Renewal Agency minutes of August 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 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.



AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**
- **Resolution No. R12-63: A resolution approving a mill levy appropriation for damage sustained to the City's water front during the 2011 flooding.**

Motion by Council Member Nelson to approve Resolution No. R12-63, 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. R12-64: A resolution approving and adopting the Final Budget for the City of Laurel for the fiscal year 2012-2013.**

Motion by Council Member Mountsier to approve Resolution No. R12-64, seconded by Council Member Dickerson. There was no public comment.

Council Member Eaton stated that, for the record, it is astounding how much work staff goes through every year. If the council decides to change something in the budget, it results in pages of paper that reflect one changed item. She stated that it is a very patient and thorough individual who can produce a budget, and she thinks that it deserves a public nod.

Mayor Olson stated that he would pass that on to the staff.

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

- **Resolution No. R12-65: A resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2012.**

Motion by Council Member Dickerson to approve Resolution No. R12-65, 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. R12-66: A resolution levying and assessing all of the property embraced within Special Improvement Lighting District No. 2 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2012-2013.**

Motion by Council Member Mace to approve Resolution No. R12-66, 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. R12-67: A resolution levying and assessing all of the property embraced with Special Improvement Lighting District No. 3 of the City of Laurel, Montana, for the entire cost of maintenance and electrical current for the fiscal year 2012-2013.**

Motion by Council Member Poehls to approve Resolution No. R12-67, 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. R12-68: A resolution levying and assessing the cost of sidewalk improvements for Special Improvement District No. 111 within the City of Laurel, Montana, for fiscal year 2012-2013.**

Motion by Council Member Eaton to approve Resolution No. R12-68, 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. R12-69: A resolution levying and assessing the cost of sidewalk improvements for Special Improvement District No. 112 within the City of Laurel, Montana, for fiscal year 2012-2013.**

Motion by Council Member McGee to approve Resolution No. R12-69, 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. R12-70: A resolution levying and assessing the cost of street improvements for Special Improvement District No. 113 within the City of Laurel, Montana, for fiscal year 2012-2013.**

Motion by Council Member Stokes to approve Resolution No. R12-70, seconded by Council Member Nelson. 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. R12-71: Being a resolution levying and assessing all of the property embraced within Street Sweeping District No. 1, of the City of Laurel, Montana, for the purpose of the sweeping of streets in the Downtown or Business District for the fiscal year 2012-2013.**

Motion by Council Member Nelson to approve Resolution No. R12-71, seconded by Council Member McGee. 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. R12-72: A resolution levying and assessing the cost of street maintenance and/or improvements for Street Maintenance District No. 1 that constitutes all streets and alleys embraced within the City of Laurel, Montana, for fiscal year 2012-2013.**

Motion by Council Member Mountsier to approve Resolution No. R12-72, seconded by Council Member McGee. 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. R12-73: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent water charges.**

Motion by Council Member Dickerson to approve Resolution No. R12-73, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. Council Members Poehls, Mace, Dickerson, Mountsier, Eaton, Stokes and Nelson voted aye. Council Member McGee voted nay. Motion carried 7-1.

- **Resolution No. R12-74: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent sewer charges.**

Motion by Council Member Mace to approve Resolution No. R12-74, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. Council Members Poehls, Mace, Dickerson, Mountsier, Eaton, Stokes and Nelson voted aye. Council Member McGee voted nay. Motion carried 7-1.

- **Resolution No. R12-75: A resolution levying and assessing a special tax against certain property designated as garbage districts in the City of Laurel, Montana, for the removal of garbage and refuse.**

Motion by Council Member Poehls to approve Resolution No. R12-75, seconded by Council Member Nelson. 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. R12-76: 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 for a one-year period.**

Motion by Council Member Eaton to approve Resolution No. R12-76, seconded by Council Member McGee. 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. R12-77: A resolution authorizing the Mayor to execute an employment contract for the provision of the City's civil matters for a term and appointment of two years.**

Motion by Council Member McGee to approve Resolution No. R12-77, seconded by Council Member Nelson. 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.

Council Member Eaton asked for discussion at the next workshop regarding the line item for a transportation study in the community. She also asked for discussion regarding changing the ordinance that puts decisions for signage from the police chief to the Public Works Department based on the fact traffic studies deal with engineers.

Council Member Stokes mentioned that the next council workshop agenda includes discussion about park hours and curfews. He stated that there has been a lot of tagging going on in town and asked for discussion at the workshop.

There was discussion regarding tagging (spraying), whether they are gang symbols, the need to have them analyzed, and the suggestion to take pictures to the Billings Police Department for review.

Council Member Nelson asked if the council would consider a resolution of support for the city staff's hard work. There will be discussion on the September 11th council workshop agenda.

Mayor Olson commented on the number of time-consuming issues that the staff has had to deal with in the last year and a half. There are a lot of things happening within the community and other natural events have put a lot of added workload on the staff. He feels that the city is blessed with the staff.

Council Member Dickerson stated that the Park Board will meet on Thursday at 5:30 p.m. in the council chambers to hear the public's comments regarding the skate park.

There was discussion regarding attendance by council members, possible controversy with the location in Kiwanis Park, the need for input from the police department as to how many complaint calls are received from residents in the area, the amount of room available on the east and west ends of Kiwanis Park, and the need for council members to interact with the public if they attend the meeting.

Mayor Olson stated that MMIA and the Local Government Center have scheduled free municipal training in Big Timber on Thursday, November 15th. He encouraged the council to attend the meeting.

Mayor Olson suggested that the council schedule a council retreat for discussion of annexation issues and policies on Tuesday, October 23rd. The meeting would be posted and open to the public, as with all council meetings.

There was discussion regarding the need to review the annexation process, the importance of long-range planning, and the need to follow the city's growth plan. The council agreed to schedule the retreat on October 23rd. Mayor Olson will ask the city planner to present some of the planning rules and regulations to the council on October 9th.

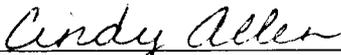
UNSCHEDULED MATTERS: None.

ADJOURNMENT:



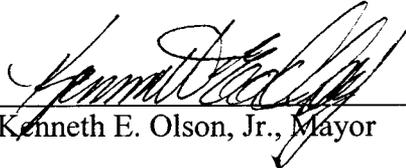
Motion by Council Member Stokes to adjourn the council meeting, seconded by Council Member Nelson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:29 p.m.



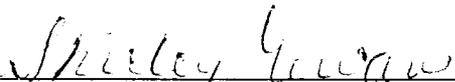
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 18th day of September, 2012.



Kenneth E. Olson, Jr., Mayor

Attest:



Shirley Ewan, Clerk/Treasurer