

MINUTES OF THE CITY COUNCIL OF LAUREL

October 2, 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 October 2, 2012.

COUNCIL MEMBERS PRESENT:

Bruce McGee	Doug Poehls
Scot Stokes	Mark Mace
	Chuck Dickerson
	Bill Mountsier

COUNCIL MEMBERS ABSENT:

Emelie Eaton
Tom Nelson

OTHER STAFF PRESENT:

None

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

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

MINUTES:

Motion by Council Member Dickerson to approve the minutes of the regular meeting of September 18, 2012, as presented, seconded by Council Member Poehls. 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:

Laurel Chamber of Commerce: Minutes of August 23, 2012; Agenda for September 20, 2012.

Optimum: Letter of September 20, 2012 regarding franchise renewal notification.

PUBLIC HEARING:

- Environmental Assessment

Mayor Olson read the following Notice of Availability of Environmental Assessment and Public Hearing:

The City of Laurel, Montana is updating their information for the Treasure State Endowment Program (TSEP) grant from the Montana Department of Commerce (DOC). TSEP grants are a state action subject to the Montana Environmental Policy Act (MEPA). As required by the MEPA and DOC regulations, the City of Laurel, Montana has prepared a draft Environmental Assessment (EA) that evaluated the potential environmental effects and consequences of the proposed project. This notice announces the availability of the draft EA for public review and proposed project. This notice announces the availability of the draft EA for public review and comments. The proposed action generally consists of replacing the rotating biological contactors with a biological nutrient removal process, replacing the gas chlorination system with ultraviolet (UV) disinfection, installation of new return activated sludge pumps, piping renovations in the secondary processes, construction of a solids processing building with rotating drum thickener, polymer and ferric compound feed systems, a sodium hypochlorite feed system, general control system improvements, civil site improvements. The purpose of these improvements is to update the wastewater treatment plant in order to meet current and future DEQ discharge limits for effluent. Copies of the draft EA are available for review at the office of the City of Laurel, 115 West First Street, MT 59044. The City of Laurel will consider all substantive comments received in response to the draft EA and decide at a public meeting that will be held October 2, 2012 at 6:30 p.m. at the City offices.

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

Mayor Olson asked three times if there were any proponents. There were none.

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

Mayor Olson closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of September 2012 in the amount of \$720,400.01.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 09/16/2012 totaling \$166,108.02.**
- **Receiving the Committee Reports into the Record.**
 - Budget/Finance Committee minutes of September 18, 2012 were presented.
 - Public Works Committee minutes of September 10, 2012 were presented.
 - Council Workshop minutes of September 25, 2012 were presented.
 - Laurel Urban Renewal Agency minutes of August 20, 2012 were presented.
 - Tree Board minutes of August 29, 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 six council members present voted aye. Motion carried 6-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Aaron Wallace, 619 Locust Avenue, wanted to make a point about Resolution No. R12-80.

Mayor Olson stated that the opportunity to speak was for items not on the agenda and asked him to wait until the item was presented under scheduled matters.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**
- **Resolution No. R12-80: A resolution of the City Council accepting the East Railroad Street Traffic Study and recommending implementation of the 35 mile per hour speed zone change.**

Mayor Olson stated that the motion and second were made at the council meeting on September 18, 2012.

Mayor Olson asked for public comment.

Aaron Wallace, 619 Locust Avenue, works at a business down that road and sees a lot of customers and associates walking that way. His only concern is the safety hazard posed to the pedestrians if the speed limit is raised to 35 mph. Aaron stated that there should at least be a sidewalk installed first.

Mayor Olson asked for any other public comment. There was none.

Mayor Olson opened the council discussion.

Council Member Dickerson recently drove down East Railroad Street. He agrees with Council Member McGee that there is ample room on both sides of the road for pedestrians to walk on to keep out of the way of traffic. For as long as the city has been trying to get this item addressed, he hates to see it not go forward because there is not a particular sidewalk. He stated that there is more room to walk now, and if there is a sidewalk, a space is designated to be walked on. He questioned if the sidewalk would be a safe distance from the road. He suggested that future issues could be addressed, but right now the main issue is the 35 mph speed limit and what he feels is sufficient room for pedestrians.

Council Member McGee questioned if the resolution was simply accepting the traffic study that was conducted by MDT and that the speed limit would not immediately be raised tomorrow.

Mayor Olson stated that the recommendation from the city council would go to the Montana Traffic Division for their approval to set the speed limit.

A vote was taken on the motion to approve Resolution No. R12-80. Council Members Poehls, Mace, Dickerson, Mountsier and McGee voted aye. Council Member Stokes voted nay. Motion carried 5-1.

- **Resolution No. R12-83: A resolution of the City Council authorizing the Mayor to sign a Memorandum of Understanding (MOU) with Residential Support Services for public transportation services.**

Motion by Council Member McGee to approve Resolution No. R12-83, 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. R12-84: A resolution accepting the bid and authorizing the Mayor to sign a contract with Rain for Rent to clean the City's old intake well.**

Motion by Council Member Stokes to approve Resolution No. R12-84, 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.

- **Rod and Gun Club's request to use the outdoor shooting range on Sundays from 1:00 p.m. to 4:00 p.m. through December 30, 2012.**

Motion by Council Member McGee to approve the Rod and Gun Club's request to use the outdoor shooting range on Sundays from 1:00 p.m. to 4:00 p.m. through December 30, 2012, seconded by Council Member Poehls.

Mayor Olson asked for public comment.

Irv Wilke, 1017 7th Avenue, is the vice-president of the Laurel Rod and Gun Club. He thanked the council for making the motion and passing it.

Mayor Olson stated that it is for discussion at this point.

Irv thanked the council for putting the task force together. He thinks that, within the next few weeks, something could be brought to the council that will resolve some of the identified issues. The club would like to move forward as quickly as possible.

Curt Lord, 418 West 12th Street, is the treasurer of the Laurel Rod and Gun Club. He pointed out that the club is asking for permission to use the trap range for shooting trap shot guns only, not the outdoor shooting range.

Mayor Olson stated that the wording of the motion might need to state that. He asked for other comments from the public.

Mayor Olson asked for council discussion.

Council Member Poehls stated two stipulations for the agreement. First, the need to state clearly that the shooting is for the trap range only. He stated a concern, which he had heard awhile back and

then got confirmation this week with a copy of an email from Lee Gustafson that stated that "since we will have observers, no beer. That will kill the deal for sure." Council Member Poehls has heard that guys have been down there shooting trap and drinking beer. That might be appropriate at certain times, but not with firearms. He would like to stipulate that there would be no alcohol while shooting events are occurring.

Mayor Olson stated that this is discussion.

Council Member Dickerson stated that there is a no open container law in the City of Laurel without permission or a request through city hall and approved by the police department. Riverside Park is a city park so there should not be any beer there without written permission.

Council Member Poehls stated that Riverside Park is city-owned property but it is not annexed to the city, so it is a gray area. He stated that a stipulation is needed that no alcohol is permitted at shooting events.

Council Member Dickerson agreed with Council Member Poehls on the issue.

Council Member Mace stated that the big picture in every use of public land is the lease agreements. The reason the clubs do not have clear knowledge is because there are no lease agreements. It is his recommendation that no alcohol be allowed at any actual shooting events or while there is discharge of firearms. If the clubs have a fund drive or other event, that is different.

Council Member Mountsier asked Mayor Olson if he could give a summary of his observations of the shooting event last Sunday.

Mayor Olson agreed.

Council Member Mountsier observed the trap shooting at the club on Sunday. He saw the club's rules that were posted in the clubhouse, but the rules were not posted out on the apron, which is one of his recommendations. The first rule is that if you drink before or after, do not even bother shooting because you are not going to. The problem he sees is the enforcement and who is responsible for enforcing that and how to make sure it will be enforced. Council Member Mountsier noticed some other things down there. There is no fence around the range area, and that is something that should be required, but safety precautions have not been done. If somebody wanders up on that range when they are shooting, they could potentially get hit with pellets. The shotgun range is somewhat mitigated because the range is probably a maximum of 100 yards and there is a berm there. But they need to fence that area in. They need a main gate so they can control who is coming and who is going. The crowd of people there was mostly shooters, and the ones that were not sat towards the rear of the aprons where they were firing. They were courteous and were not loud or obnoxious. Council Member Mountsier saw no safety violations at all. He stated that the alcohol problem is going to have to be addressed. As far as the actual safety goes, the shooters followed protocols. They require that guns are unloaded, they only load one round at a time while they are shooting, and they have two people behind the apron right behind the shooters. One person maintains the score and the other one operates the clays coming out. That person is responsible for who is on the range and what happens on the range. Overall, he stated that, with the exception of some of the enclosures, he thought it went fairly well. Council Member Mountsier commented that his 28 years of law enforcement on the street tells him that the whole thing was staged for his benefit when he was down there. One of the problems is that there is nobody there to take the responsibility for enforcement.

Mayor Olson asked if there were any more comments. There were none.

Mayor Olson stated the two concerns were that the request was for the trap range, not the outdoor shooting range, and that no alcohol would be allowed.

Motion by Council Member Poehls to amend the motion for the trap range only and that no alcohol is allowed during shooting events, seconded by Council Member Dickerson.

Mayor Olson stated the motion and second to amend the motion to read the trap shooting range and not to allow any alcohol during a shooting event. He asked for public comment.

Irv Wilke, 1017 7th Avenue, asked to respond to Council Member Mountsier's comment. In his mind, Sunday's shooting event was not staged and was normal. The person doing the scoring is in

charge of the range while it is being shot. It is his responsibility to score the shoot, to squad the shooters, to call them to the line with their firearms and their ammunition, and to tell them in which position they are going to start. He has absolute control of the five shooters. Everyone behind the shooters is very quiet because some shooters are practicing for competition and get cranky if they are disturbed with loud noises. He again stated that, to his knowledge, the event was not staged.

Council Member McGee stated that past councils have been negligent in allowing a lease to be so expired as this one. While he is in favor of this council resolving a lease or no lease with the Rod and Gun Club for continued shooting, he does not think it is fair to penalize the citizens because the council does not seem to be able to get that done.

Council Member Mace stated that he understands that the person behind the shooters is in charge. He asked who handles things that happen within the trap area or outside of that person's view.

Mayor Olson asked Irv Wilke to answer the question. He stated that the best way to address it is that every shooter on the line is a range officer. If something is seen that is unsafe, they immediately call cease fire, which is standard for any range. It can happen with an animal or kids being in the way. It has happened there when there are other activities at the Jaycee Hall. If they are about ready to shoot or are shooting when something happens, they cease fire and get that corrected. They have many eyes keeping track of any safety problems that might arise. If something happens on the range while they are shooting, the person in charge of the round calls the cease fire. Sometimes there is a need to call the cease fire to reload the traps. Irv stated that he made a proposal to the task force to correct that, as they do not have a device that identifies the range being closed while they are loading the traps. The guns are unloaded and put back in the racks where they belong, but there is nothing that visibly shows that the range is closed, and they are going to correct that.

Mayor Olson asked Irv if it would be a true statement that, before a lease is signed, all of the protocols, rules and regulations would be brought to the council for their purview after they have been reviewed by the insurance and legal channels.

Irv agreed that would be the case.

There was no further council discussion.

Mayor Olson stated that the council would first vote on the amendment to the motion and then vote on the amended motion. The amendment to the motion would change from the outdoor shooting range to the trap shooting range and state that no alcohol would be allowed during shooting times.

A vote was taken on the motion to amend the motion to change the outdoor shooting range to the trap shooting range and that no alcohol be allowed during shooting events. All six council members present voted aye. Motion carried 6-0.

A vote was taken on the motion, as amended, to approve the Rod and Gun Club's request to use the trap shooting range on Sundays from 1:00 p.m. to 4:00 p.m. through December 30, 2012, with the stipulation of no alcohol during shooting events. 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 Mace talked to the president of the Laurel Little League last week. They thought that the Park Board was going to make a recommendation to the council to allow the Laurel Little League to use the north half of Fir Park, or Fir Field. The Park Board did not make that recommendation to the council at the last meeting. Council Member Mace contacted the Park Board members and everybody was in agreement that would make sense. It is a good location and the Laurel Little League has a design and recommendations as to who handles the water, electrical, etc. Council Member Mace stated the recommendation to the council to allow the Laurel Little League to use the field. A lease agreement will be needed. It will be a three-year proposition for them to get it up and running, and they plan to do it in stages starting this fall, if possible.



Mayor Olson stated that the item would be put on the council workshop agenda for discussion.

Council Member Dickerson stated that some potholes need to be filled on West 12th Street, between First Avenue and Valley Drive. He asked for an update on the status at the next workshop.

Council Member Dickerson reminded everyone about the Fire Department's Safety Day on Saturday, October 6th, at the Laurel High School.

Council Member Mountsier stated that the crosswalk at the stadium complex is almost non-existent and needs to be repainted. He stated that nothing has been done with the signs, which were supposed to be posted three weeks ago. When he drove by there today, there was a car parked right in front of the fire hydrant again.

Mayor Olson thanked him for his patience and stated that it would be accomplished.

Council Member McGee mentioned the council's invitation from RiverStone Health to attend the 2012 Fall/Winter RiverStone Health update and luncheon on Tuesday, October 16th, from 12:00 to 1:30 p.m. He recommended that the council attend the event, as the City of Laurel participates in RiverStone Health and it is an opportunity to see how it benefits the health of the members of the community.

Mayor Olson mentioned that Council Member Eaton and CAO Heidi Jensen are attending the League meeting in Kalispell this week.

Mayor Olson stated that the lease task force met with Irv Wilke, the Rod and Gun Club's representative, last night. Some ground rules were set and a list of discussion items was determined. The task force will address the first three items at the next meeting on Wednesday, October 10th, at 6:30 p.m. The three items include the fencing issue, proper signage, and area security. The task force asked him to ask MMIA representative, Alan Hulse, to attend a meeting. The task force will meet on Wednesdays to work to complete one lease at a time.

Mayor Olson, Kurt Markegard and Heidi Jensen will have another conference call with FEMA tomorrow. Things are moving forward with FEMA, and the city has been relegated to a different branch of FEMA. Great West Engineering will respond to them. Mayor Olson will report back to the council as information is available. He spoke regarding the impact of the bendway weir, the tragedy of the fire at Laurel Auto Parts, CHS Refinery's 2.5 million gallon tank of static water, and the city's resolve to find the appropriate ways to get through the current issues.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

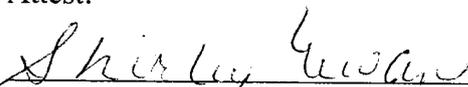
Motion by Council Member Dickerson to adjourn the council meeting, seconded by Council Member Mace. There was no public comment or council discussion. A vote was taken on the motion. All six council members present voted aye. Motion carried 6-0.

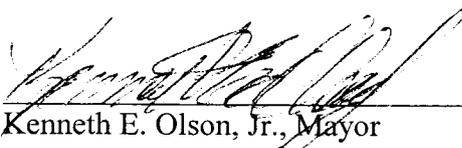
There being no further business to come before the council at this time, the meeting was adjourned at 7:12 p.m.


Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 16th day of October, 2012.

Attest:


Shirley Ewan, Clerk/Treasurer


Kenneth E. Olson, Jr., Mayor