

**MINUTES
COUNCIL WORKSHOP
MARCH 31, 2015 6:30 P.M.
COUNCIL CHAMBERS**

A Council Workshop was held in the Council Chambers and called to order by Mayor Mark Mace at 6:36 p.m. on March 31, 2015.

COUNCIL MEMBERS PRESENT:

<input type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Doug Poehls
<input checked="" type="checkbox"/> Bruce McGee	<input checked="" type="checkbox"/> Richard Herr
<input checked="" type="checkbox"/> Chuck Dickerson	<input type="checkbox"/> Scot Stokes
<input type="checkbox"/> Tom Nelson	<input checked="" type="checkbox"/> Bill Mountsier

OTHERS PRESENT:

Heidi Jensen, CAO
Shirley Ewan, Clerk/Treasurer
Kurt Markegard, Public Works Director
Brent Peters, Fire Chief

Public Input (three-minute limit):

Irv Wilke, 1017 Seventh Avenue, reported on the Laurel Rod & Gun Club's turkey shoot on March 15th. It was a phenomenal day with 31 rounds of turkey competition, two full rounds of trap, which is five shooters shooting five rounds for five positions, and two Annie Oakley rounds. There were 37 different shooters, about 50 people were present throughout the day, and the shooting ended at 4:00 p.m.

General items:

• Appointments:

- Laurel Fire Department – Mike Hernandez

Chief Peters introduced Mike Hernandez, who previously served four years on the Laurel Volunteer Fire Department. Mike had moved out of the area, recently moved back and applied and was unanimously voted in by the department. Mike will be the 39th member of the LVFD. The department is down six positions and is going through interviews now to fill the positions.

- Laurel Ambulance Service – Travarious Thompkins

The appointment will be on the April 7th council agenda.

Executive Review:

- Laurel Rod & Gun Club – Request for annual membership party on May 16, 2015

Heidi stated that the letter of request was in the council's packets and Mr. Wilke attended to answer any questions. There was no discussion.

- Discussion – Modification to Light District No. 2

Shirley Ewan explained that Montana Annotated Code 7-12-4354 gives the city permission to modify light districts if it is a minor modification. For a minor modification the increase of the average

assessments within the maintenance district must be 3 percent or less in a fiscal year. To add Foundation Avenue into the Light District No. 2 would be an increase of 1.2 percent, so it qualifies. Light District No. 2 currently has \$70,000 available for maintenance and repairs. The representative from NorthWestern Energy informed Shirley today that they could possibly do it for \$60,000 to \$70,000. NorthWestern Energy needs to complete the design in order to provide the final dollar figure. The proposal is for 100-watt lights every 100 feet, which would be 7 or 8 lights for the 750-foot street. The cost for each property is estimated to be \$25 to \$30 at \$.37/square foot of property. NorthWestern Energy would install 20-foot poles 100 feet apart and would bore through the boulevard with no wiring overhead.

There was a brief discussion regarding the draft letter and the cost. The council encouraged Shirley to continue with the process.

- Resolution – Right-of-Way Rental Fee

Shirley explained that the right-of-way charge had been going into the general fund. Two years ago, half of the money went to the street department and last year the whole amount went to the street department. The resolution is for a 3 percent increase each year to go to the street department for the small caps projects for fiscal years 2013-2014 through 2020-2021. The right-of-way charges come from the water and sewer departments. Water and sewer mains go up and down every street, and when they are torn up, they are supposed to be replaced. The city charges a right-of-way fee for having the water and sewer lines underneath the street because the street department ultimately has to fix and repair the streets. The water and sewer funds pay the General Fund.

There was further discussion regarding the right-of-way charges and the process of approval.

- Resolution – Award bid for 8th Street East Culvert Project

Kurt Markegard stated that the city planned to do a small caps project at First Avenue and East 8th Street in front of the high school. The project will connect a waterline that was put in 1961 when the school opened and the waterline was extended all the way to the back of the gym. It is a dead end line. With the small cap projects, there is consideration as to where the most funds can be used to replace water and sewer lines and repair streets. East 8th Street is totally destroyed and is a good street for total reconstruction. Kurt spoke regarding Bobbie Olson's ditch, which was left out of a special improvement district to cover the ditch in the early 1980's because her husband protested it. The ditch needs a culvert. This project was scheduled for June, July and August so it could be completed while school was not in session. However, the ditch is an irrigation ditch for the CHS Refinery's land and has to have a culvert in order to make the street wider. The agreement from CHS Refinery stated that the work must be done before April 15th, so this part of the project had to be separated from the project. Great West Engineering contacted some companies to get quotes for the project. Wilson Brothers and Castlerock Excavating submitted quotes by the deadline, and the engineers have recommended accepting the bid from Wilson Brothers Construction.

- Resolution – Amendment No. 4 to Task Order No. 26

Kurt explained that Task Order No. 26 deals with the flooding of 2011. As part of the requirements for permitting, the Army Corps of Engineers needs the delineation of the wetlands and the acreage that is affected. All that is required in the permit is reimbursable by FEMA.

- Resolution – Contract with Billings YMCA

Kurt mentioned that the council recently approved the purchase of a new pump and a ladder for the pool. Stevens Brothers Mechanical will install the ladder and the city is going forward with the necessary repairs to open the pool. The Billings YMCA has operated the pool for the last two years and Kurt asked the council to consider having the YMCA manage the pool and provide swimming lessons again this year. Shawna Herzog, YMCA, attended the meeting to answer any questions.

There was discussion regarding the great job the YMCA does to manage the pool, the need for the pool in the community, the importance of providing swimming lessons, the suggestion to educate the public about the advantages of having a membership to the YMCA, and the budget for the pool.

- Ordinance – Sign Code (Move Chapter 15.40 to Chapter 17.42)

Heidi explained that the ordinance moves the sign code from LMC 15.40 to LMC 17.42. Signage is a zoning issue and should have been in Chapter 17 from the beginning. Building, zoning and planning enforce the sign code and everything else that they enforce is in Chapter 17. A few other minor changes were made to the ordinance, including that the “Director” means the Director of Planning.

- Resolution – Approving Reese and Ray’s Façade Improvement Grant

Heidi stated that Reese and Ray’s IGA has done an excellent job of redoing the front of their building. Businesses located in the TIF District that put money into their façade and/or remodeling are encouraged to seek funds from the TIFD. Reese and Ray’s completed the work and then submitted the bills to LURA and asked for reimbursement. The total bill was \$84,000. Other projects that have been completed with the façade grant dollars have been around \$10,000 mark and LURA is asking the council to grant a \$10,000 reimbursement to Reese and Ray’s. LURA can approve any project for \$5,000 and under, but projects over \$5,000 need council approval. LURA and city staff thought this was a very worthy project to move forward for a larger amount.

- Council Issues:

- Park Board’s inquiry regarding groups taking ownership of buildings and property (Bruce McGee)

Bruce stated his request for guidance for the Park Board whether or not entities could acquire buildings that sit on city land.

When Heidi talked with the city attorney about it today, he responded with the following information:

“As he understands the issue, a council member asked if it were legal for the City to sell or convey a City-owned park and/or building. The short answer is YES the City can sell a City-owned park, land or building so long as there are no deed restrictions prohibiting such sale. Specifically, the Montana Code Annotated provides the following:

7-16-4101. Municipal authority to establish, alter, and maintain parks. The city or town council has power to lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve parks and to vacate the same.

7-8-4201. Disposal or lease of municipal property. (1) Subject to the provisions of subsection (2), the city or town council may sell, dispose of, donate, or lease any property belonging to the city or town. The lease, donation, or transfer must be made by an ordinance or resolution passed by a two-thirds vote of all the members of the council.

Alternatively:

(3) If a city or town owns property containing a historically significant building or monument, the city or town may sell or give the property to nonprofit organizations or groups that agree to restore or preserve the property.

The contract for the transfer of the property must contain some provisions. Be advised, any proceeds from the sale of a park must be utilized for park purposes.”

Bruce requested a copy of the information for the Park Board meeting on Thursday.

o Discussion of safety mill levy (Doug Poehls)

Doug spoke regarding a formal letter submitted by the Emergency Services Committee. The Emergency Services Committee was tasked to look at a possible safety mill levy for the City of Laurel. The committee reviewed this for over a year and had committee members review each department. Last month, the Emergency Services Committee recommended that the council proceed with putting the safety mill levy on the November 2015 ballot. The main concern is the safety of the citizens in Laurel and the safety of the emergency personnel.

Doug explained the following requests included in the safety mill levy.

• Laurel Police Department: \$500,000 total/annually

Two cops per shift, 24/7/365 and coverage for sick and vacation days; 6 more patrol officers - \$450,000

One car on a yearly rotation - \$40,000

Equipment: weapons, software, miscellaneous - \$5,000

• Laurel Fire Department: \$268,000 total/annually

PPE – 10 sets per year (total replacement in 5-year cycle) - \$23,000

SCBA's – 10 units per year (total replacement in 5-year cycle) - \$40,000

Trucks (Pumper, Brush, Ariel) - \$175,000

Miscellaneous equipment - \$30,000

• Laurel Ambulance Service: \$158,000 total/annually

Two full-time attendants and one volunteer per 12-hour shift - \$100,000

Ambulance and quick response vehicle (5-year rotation) - \$48,000

Cots, monitors and miscellaneous - \$10,000

Doug stated that the total for the safety mill levy would be \$926,000 annually. He asked Bruce to explain the comments he made to the Emergency Services Committee.

Bruce explained his feelings that, if it is important to the community to be an extremely safe community and it is important to the city council and the employees of the City of Laurel to have a very safe community, the citizens ought to have an opportunity to make it such. Right now there are some weaknesses and some inherent dangers that could come about. His thought process was that, before the city asks for less, it should at least give the citizens an opportunity to say whether or not they would like more. If a clear understandable honest message could be conveyed to the citizens of Laurel concerning this need, he thinks the majority of citizens would support it. If for some reason

the mill levy is turned down by the voters, Bruce stated that something different should be presented to the voters at a different time.

Doug stated that the important thing is that the citizens need to know what the council and departments need to keep the city safe. Whether they choose to accept that is another matter. From now until November, the Emergency Services Committee will become the "marketing firm" to essentially sell the mill levy to the citizens.

- Update on 2011 Yellowstone River flooding event

Heidi updated the council on the legislative process to get funding into a bill. The city has had tremendous support from the Yellowstone County delegation, including Kelly McCarthy (Democrat) who sits on the appropriations committee. Vince Ricci (Republican) has done a phenomenal job of lobbying everyone else in the House. Heidi stated that this is a non-partisan issue, as it is what is right for the community, what is right for the residents of Yellowstone County, and what is right for the citizens of Laurel. An amendment was passed unanimously by the House into House Bill 6 this week and House Bill 6 passed its third reading in the House today and will move on to the Senate. House Bill 6 is a very large infrastructure bill and currently holds all of the \$125,000 DNRC grants that go along with the TSEP Grants. TSEP Grants have already been passed. Laurel is in that bill, which created some confusion at the Legislature when they saw Laurel listed twice. Laurel was listed twice for very different projects. The \$2.7 million for the water intake has nothing to do with Laurel's TSEP Grant and is not something that the ratepayers of Laurel should have to pay. The \$2.7 million is the responsibility of the State and is their 25 percent match for Laurel's FEMA Grant.

Heidi hopes that House Bill 6 will pass the Senate and then make it to the Governor's desk. He had been a strong opponent to House Bill 6, as it was a breakdown of House Bill 5, which was his large infrastructure bill that he originally introduced at \$377 million. A lot of it went to eastern Montana to make up for what happened to the 2013 legislature. At this point, it is late in the session and an infrastructure bill has to be passed. Heidi is hopeful that the bill will make it through the Senate and that the Governor will approve the bill or use his line item veto ability to leave Laurel in there. Laurel is also scheduled to be in Senate Bill 416, which is a compromise bill that is being introduced by Senators Keen (Butte) and Brenden (Garfield County).

Heidi thinks things are moving along in a good direction and she is optimistic that one of these bills will be signed by the Governor to allocate the funding. The city got a revised FWP 124 Permit today that states that the old intake (2003) that is currently being used needs to be lowered. The information will be submitted to FEMA for some reallocation of funds there so that can be done in the final project. The 60 percent plans should be done in May.

- Lease Agreements

Heidi stated that the council approved the Dodgers lease and the Dodgers signed the lease. Laurel Little League still has not signed the lease agreement. According to an email she received today, Little League is seeking a legal opinion on the lease itself. Some other parties are interested in taking the lease and feel that the \$500 is a steal. Heidi would like to move forward with the Chamber of Commerce's lease next.

Bruce asked if the Little League was aware that somebody else is interested in acquiring their lease.

Heidi stated that she made that clear to Mr. McIlvain on Friday when he came in to pick up a copy of the lease. She told him that this was an unusual situation, as the council generally requires the lease to be signed by the lessee before they are even granted a lease at the council level. Little League has already had a week and a half to sign the lease. Since the Little League board meets on Sundays, Heidi waited for their decision on Monday.

There was further discussion regarding a deadline for the lease to be signed, the right to impose a "no lease, no use" policy, the suggestion to write a letter requiring a response by a certain date, and Heidi's need to defer to the city attorney for direction.

Other items

There were none.

Review of draft council agenda for April 7, 2015

There was no discussion.

Attendance at the April 7, 2015 council meeting

All council members present will attend.

Announcements

Doug asked regarding the procedure for the Emergency Services Committee's recommendation for the mill levy to go forward. Heidi stated that the letter will be attached to the council workshop minutes and staff can move it forward.

Bill thanked the administration and staff for the work that will be done on the culvert outside the stadium, as it has been an eyesore and he often worries about the safety of children.

Chuck echoed Bill's comments. He thinks the staff and crew have been doing an excellent job to keep the city looking good and keeping up the work that needs to be done. Chuck asked that a word of thanks be passed along.

The council workshop adjourned at 7:28 p.m.

Respectfully submitted,



Cindy Allen
Council Secretary

NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.