

MINUTES OF THE CITY COUNCIL OF LAUREL

September 1, 2015

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 Mark Mace at 6:30 p.m. on September 1, 2015.

COUNCIL MEMBERS PRESENT: Emelie Eaton Doug Poehls
 Bruce McGee Richard Herr
 Chuck Dickerson Scot Stokes
 Bill Mountsier

COUNCIL MEMBERS ABSENT: Tom Nelson

OTHER STAFF PRESENT: Shirley Ewan, Clerk/Treasurer
 Monica Plecker, Contracted Planning Director
 Kara Hergenrider, Ambulance Director

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

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

MINUTES:

Motion by Council Member Dickerson to approve the minutes of the regular meeting of August 18, 2015, as presented, 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.

CORRESPONDENCE.

Montana Department of Revenue: Application for one New Montana Retail On-Premises Consumption Restaurant Beer & Wine License for S&H Enterprises LLC, DBA Redneck Pizza.

Montana Department of Revenue: Application for Transfer of Ownership, KRS Management LLC-Sole Member: K.C. Henry DBA: The Palace Bar & Lanes.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS.

PUBLIC HEARINGS:

- **2015-2016 Preliminary Budget and Tax Resolutions**

Mayor Mace stated that this is the time and place set for the public hearing on the City of Laurel's Preliminary Budget for fiscal year 2015-2016 and tax resolutions.

Mayor Mace opened the public hearing and asked staff to present the item prior to hearing the public comments.

Clerk/Treasurer Shirley Ewan stated that the budget is ready to be passed, as there are no corrections or changes.

Shirley explained the tax resolutions. One property owner in SID No. 114 paid their assessment of \$713, which lowered this year's total assessment by \$103.82.

The assessments are: Light District No. 2 is \$47,591.26; Light District No. 3 is \$26,351.79; Sweeping District No. 1 is \$17,897.11; Street Maintenance District No. 1 is \$555,503.46, with expenditures at \$1,433,935, which includes the project on 8th Street and Pennsylvania Avenue; SID No. 111 on East Main is \$4,854.75; SID No. 112 on West Main is \$729.72; SID No. 113 on SE 4th Street is \$21,233.48; SID No. 114 in Elena Subdivision is \$6,333.02; SID No. 115 on 5th Avenue is \$6,436.48; SID No. 116 on Cottonwood is \$7,119.43; and SID No. 117 on 8th Street and Pennsylvania Avenue is \$15,142.81. Delinquent water, sewer and garbage assessments will be put

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on the property owners' taxes. The Elena Park Maintenance District assessment is \$52.64 per property, for a total of \$5,000. The assessment went down from \$6,500 last year. The assessment for the Sidewalk Replacement Program is \$8,231.13 and this is a five-year term.

The 2015-2016 General Fund levy is \$117.97 mills, at \$7,466/mill. Comprehensive Liability Insurance is at 1.75, PERS is at 10.59, Group Health Insurance is at 15.28, and Fire Disability Insurance, which pays the pension for the fire department, is at 9 mills. Airport Authority, which is a separate levying authority, is 3.30 mills. The Permissive Levy for health insurance is 28.46. Emergency Disaster is 2 mills, which is all that the State will allow.

Mayor Mace opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Mace asked if there were any proponents.

An audience member asked if this was the time to comment on the park maintenance. He was informed that was for the next public hearing.

Mayor Mace asked twice if there were any proponents. There were none.

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

Mayor Mace closed the public hearing.

- **Final Levy Assessment for Maintenance costs for Elena Park Maintenance District**

Mayor Mace stated that this is the time and place for the public hearing on the City of Laurel's final levy assessment for maintenance costs for Elena Park Maintenance District.

Mayor Mace opened the public hearing and asked staff to present the item prior to hearing public comments.

Shirley Ewan stated that the hearing is for the Elena Park Maintenance District. The city planted grass in the park two years ago and the maintenance district was created to take care of the park district. Some trees will be planted in the park soon. The maintenance assessment will be \$5,000, compared with \$6,500 last year.

Mayor Mace opened the floor for public comment and stated that copies of the rules governing the public hearing were posted in the council chambers.

Mayor Mace asked twice if there were any proponents.

Bill Hagman, 1011 Davis Circle, had a question on the maintenance funding for the Elena Subdivision Park. He questioned if all the other parks in Laurel are funded with special improvement districts or if this park is being handled differently than the others.

Mayor Mace asked Shirley to address the question.

Shirley explained that, when the subdivision was created, property owners signed a no protest waiver that they would pay for the upkeep if the city wanted to do a park in the subdivision. Elena Subdivision is the only subdivision that is paying this park maintenance assessment, but the money goes only to Elena and cannot be used any place else.

Bill asked if the property owners in the subdivision also pay maintenance on other parks in Laurel.

Shirley stated that they do through the taxes that come through the General Fund, as it is part of everybody's property taxes.

Bill stated that it makes him wonder, if he is paying for maintenance on the other parks, why the people in those areas are not also paying maintenance on the park in Elena Subdivision.

Shirley explained that they are not paying maintenance on the park in Elena, but the Elena residents are paying maintenance on the rest of the parks. The city proposed a Park Maintenance District to

combine all of the parks, including Elena Subdivision, into one Park Maintenance District, but the public voted it down.

Bill stated that it does not seem very equitable to him that the Elena residents pay for their park and other city parks, but not vice versa.

Mayor Mace asked if there were any opponents.

Peggy Miller, 1007 Duval, did not understand where the \$5,000 comes from and asked how many homes are being assessed the \$52.64 per year.

Shirley responded that 94 properties are assessed the \$52.64/property, which totals \$5,000.

Peggy asked why the park is being watered so much, as it is watered anywhere from one to two hours a night.

Shirley explained that the watering is on a timer. When the trees are planted out there, they will need that much water. She stated that the maintenance assessment does not include the water, as the city is absorbing the cost of the water. Property owners are charged for maintenance of the park and some additional landscaping that is planned.

Peggy stated that the Canadian thistles are terrible in the park.

Shirley will inform the Public Works Department of the concern.

Peggy thought there was supposed to be a building in one area to store the equipment. She thought the first letter sent to property owners stated something about a building.

Shirley did not recall anything about a building for the equipment. The equipment is currently kept at the city shop. Shirley will check on this and get back to Peggy.

Mayor Mace asked twice if there were any opponents. There were none.

Monica Plecker stated that she was part of the initial SID's and could provide some clarity on the comments regarding the building. The first year that the city assessed, the property owners were assessed for the cost of a lawnmower. At the public hearing and also outside of that meeting, there was some discussion from some of the property owners that had proposed that a building be placed there so that the equipment could be stored there since, in their eyes, it was being deemed as their equipment since they are paying for it with their assessment. Monica explained that it was never a part of the actual assessment cost to place a structure on the park land in Elena Subdivision.

Mayor Mace closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of August 2015 in the amount of \$378,997.88.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 08/16/2015 totaling \$187,709.94.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
 - Budget/Finance Committee minutes of August 18, 2015 were presented.
 - Park Board minutes of August 20, 2015 were presented.
 - Council Workshop minutes of August 25, 2015 were presented.
 - Laurel Urban Renewal Agency minutes of August 3, 2015 were presented.

The mayor asked if there was any separation of consent items. There was none.

Motion by Council Member Eaton to approve the consent items as presented, seconded by Council Member McGee. 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

Laurel Volunteer Ambulance:

Mayor Mace appointed Deb Senn to the Laurel Volunteer Ambulance Service.

Kara Hergenrider, Ambulance Director, introduced Deb Senn to the council. Deb has been affiliated with the Ambulance Service for many years, has helped with training and refresher courses, and wants to actively serve on the Ambulance Service.

Motion by Council Member Poehls to approve the appointment of Deb Senn to the Laurel Volunteer Ambulance, seconded by Council Member Dickerson. 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.

- **Reconsideration of Rimrock Chevrolet's sign code variance** (Affirmative vote triggers immediate public hearing).

Motion by Council Member McGee to reconsider Rimrock Chevrolet's sign code variance request, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. Council Members McGee and Poehls voted aye. Council Members Herr, Stokes, Mountsier, Dickerson and Eaton voted nay. Motion failed 2-5.

- **Resolution No. R15-77: A resolution of the City Council granting a variance from Chapter 15.40 of the City's Sign Code for the property located at 202 SE 4th Street to allow the removal and replacement of a freestanding pole sign with an electronic controlled sign which is currently prohibited.**

Since the motion to reconsider the variance failed, no public hearing was held and the council did not consider or take action on Resolution No. R15-77.

- **Resolution No. R15-78: A resolution approving and adopting the Final Budget for the City of Laurel for the fiscal year 2015-2016.**

Motion by Council Member Herr to approve Resolution No. R15-78, seconded by Council Member Mountsier. 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.

- **Resolution No. R15-79: A resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2015.**

Motion by Council Member Stokes to approve Resolution No. R15-79, seconded by Council Member Mountsier. 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.

- **Resolution No. R15-80: 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 2015-2016.**

Motion by Council Member Mountsier to approve Resolution No. R15-80, seconded by Council Member Dickerson. 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.

- **Resolution No. R15-81: A resolution levying and assessing all of the property embraced within 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 2015-2016.**

Motion by Council Member Dickerson to approve Resolution No. R15-81, seconded by Council Member McGee. 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.

- **Resolution No. R15-82: 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 2015-2016.**

Motion by Council Member Eaton to approve Resolution No. R15-82, seconded by Council Member Poehls. 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.

- **Resolution No. R15-83: 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 2015-2016.**

Motion by Council Member Poehls to approve Resolution No. R15-83, seconded by Council Member McGee. 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.

- **Resolution No. R15-84: 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 2015-2016.**

Motion by Council Member Herr to approve Resolution No. R15-84, seconded by Council Member Dickerson. 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.

- **Resolution No. R15-85: 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 2015-2016.**

Motion by Council Member Stokes to approve Resolution No. R15-85, seconded by Council Member McGee. 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.

- **Resolution No. R15-86: 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 2015-2016.**

Motion by Council Member Mountsier to approve Resolution No. R15-86, 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.

- **Resolution No. R15-87: A resolution levying and assessing the cost of park improvements for Special Improvement District No. 114 within the City of Laurel, Montana, for fiscal year 2015-2016.**

Motion by Council Member Dickerson to approve Resolution No. R15-87, seconded by Council Member Poehls. 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.

- **Resolution No. R15-88: A resolution levying and assessing the cost of sidewalk improvements for Special Improvement District No. 115 within the City of Laurel, Montana, for fiscal year 2015-2016.**

Motion by Council Member Eaton to approve Resolution No. R15-88, seconded by Council Member Dickerson. 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.

- **Resolution No. R15-89: A resolution levying and assessing the cost of sidewalk improvements for Special Improvement District No. 116 within the City of Laurel, Montana, for fiscal year 2015-2016.**

Motion by Council Member Poehls to approve Resolution No. R15-89, seconded by Council Member Mountsier. 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.

- **Resolution No. R15-90: A resolution levying and assessing the cost of sidewalk improvements for Special Improvement District No. 117 within the City of Laurel, Montana, for fiscal year 2015-2016.**

Motion by Council Member Herr to approve Resolution No. R15-90, seconded by Council Member Poehls. 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.

- **Resolution No. R15-91: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent water charges.**

Motion by Council Member Stokes to approve Resolution No. R15-91, seconded by Council Member Mountsier. 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.

- **Resolution No. R15-92: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent sewer charges.**

Motion by Council Member Mountsier to approve Resolution No. R15-92, seconded by Council Member Poehls. 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.

- **Resolution No. R15-93: 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 Dickerson to approve Resolution No. R15-93, seconded by Council Member McGee. 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.

- **Resolution No. R15-94: Resolution relating to Special Improvement District No. 114; Final levy of special assessments for maintenance costs on property within the District for the purpose of paying the costs of maintaining certain local improvements.**

Motion by Council Member Eaton to approve Resolution No. R15-94, seconded by Council Member McGee. There was no public comment.

Council Member McGee stated that he is amazed at how people can sign closing documents making commitments to certain things as homeowners and then come to the city council and say it is not fair. He thinks it is fair, as the Elena residents have a park that was in the development. He wanted to say this for the record. He understands that citizens should be allowed to say what they want to say every year, but it dumbfounds him that people sign on for things if it bothered them.

Mayor Mace asked what happens when the property changes hands.

Council Member McGee explained that, unless the contract specifies that the SID will be paid off by the present owner, the SID goes with the property and transfers just as any other taxes do. Most

contracts have a box that is checked that the SID will be paid off by the owner of the property, and oftentimes it is paid off by the proceeds of the sale, depending upon the size of it. Sometimes the sellers do not pay it off, as the new owners will continue to enjoy the park. Like other taxes associated with owning the property, the maintenance assessment would transfer to the new owner.

Mayor Mace stated that this particular assessment cannot be paid off early, as it is an annual assessment for park maintenance.

Council Member McGee explained that the current year's assessment could be paid, but the ongoing maintenance costs would continue with the Park Maintenance District. When an individual purchases property in Elena Subdivision, they sign a specific document at closing that says they agree to pay the SID on the park for the subdivision. It does not specify that they also pay taxes to help support the other parks that have already been established, but the explanation for that is easy. When the other parks were established, they were established by those subdivisions and developers in conjunction with the city. When Elena Subdivision was developed, the maintenance assessment became a necessity in order for the neighborhood to have a park. Given its distance from town, having a park is an excellent idea. Because they have more land than money, it is a common practice with developers to give up land for the park requirements. If the developer made improvements for the park, they would have been associated with the cost of buying lots and building out there and the residents of the subdivision would have still paid the costs.

A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R15-95: A resolution levying and assessing the annual cost of sidewalk improvements for residential properties pursuant to the City's Residential Sidewalk Replacement Program within the City of Laurel, Montana, for fiscal year 2015-2016.**

Motion by Council Member Poehls to approve Resolution No. R15-95, seconded by Council Member Dickerson. 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.

- **Resolution No. R15-96: A resolution of the City Council creating a septic dump fee to be incorporated into the City of Laurel's Schedule of Fees and Charges.**

Motion by Council Member Herr to approve Resolution No. R15-96, seconded by Council Member Poehls. 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.

- **Resolution No. R15-97: A resolution authorizing the Mayor to execute a Special Counsel Contract with Thompson Painter Law for the provision of legal services in all matters relating to the City's effort to secure rights-of-way over privately owned properties for the City's new Water Intake Project.**

Motion by Council Member Stokes to approve Resolution No. R15-97, seconded by Council Member Mountsier. 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.

- **Resolution No. R15-98: A resolution of the City Council authorizing the settlement of the pending litigation between the City of Laurel and Bette and Randy Strever.**

Motion by Council Member Mountsier to approve Resolution No. R15-98, seconded by Council Member McGee. 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Herr asked if the septic dump station is open since the council approved Resolution No. R15-96 tonight.

Mayor Mace stated that he understands that some physical things need to be fixed there yet, including paving. The resolution for the charges needed to be approved before the septic dump station could open.

Council Member Eaton explained that the septic dump station is not open yet, as they are still working on some things and getting the pavement corrected. When it opens, everyone will know the fees. A tour of the wastewater treatment plant has been scheduled on Tuesday, September 22nd.

Council Member Herr recently attended the Fire Department's feed and it was really good. He stated that it would have been nice if there had been more representation from the council.

Council Member Stokes stated a Park Board meeting is scheduled on Thursday at 5:30 p.m. in the council chambers.

Council Member Mountsier said it looks like Eighth Street is completely paved and the cement contractors were installing the curbs on Pennsylvania Avenue today.

Council Member McGee asked regarding a letter from MDT about the city's capability to provide input in the statewide planning process. He questioned if the council needed to pay attention to it and support it or if the council members should view the document themselves. Comments are due by December 4th.

Mayor Mace suggested putting the issue on a council workshop agenda for further discussion.

Council Member Eaton stated that the Public Works Committee will meet on Monday, September 14th, at 5:30 p.m. in the council chambers.

Council Member Eaton mentioned that the grand opening for the sewer plant will be on Tuesday, September 22nd. Details will be finalized soon.

Mayor Mace mentioned that Dan Clark, Local Government Center, will present information regarding committees at the council workshop on September 8th at 5:30 p.m.

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 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 7:24 p.m.



Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 15th day of September, 2015.



Mark A. Mace, Mayor

Attest:



Shirley Ewan, Clerk/Treasurer