

**MINUTES
COUNCIL WORKSHOP
AUGUST 25, 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 6:30 p.m. on August 25, 2015.

COUNCIL MEMBERS PRESENT:

<input checked="" 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 checked="" type="checkbox"/> Tom Nelson	<input checked="" type="checkbox"/> Bill Mountsier

OTHERS PRESENT:

Heidi Jensen, CAO
Shirley Ewan, Clerk/Treasurer
Monica Plecker, Contracted City Planner
Gary Colley, Code Enforcement
Michelle Braukmann

Public Input (three-minute limit)

Irv Wilke, 1017 Seventh Avenue, reported on the trap shoot event the Laurel Rod and Gun Club held for the Brotherhood of Locomotive Engineers on August 18th.

General items

- Laurel Volunteer Ambulance Appointment – Deb Senn
The appointment will be on the September 1st council agenda.

Executive Review

- Reconsideration of Rimrock Chevrolet's sign code variance (Immediate PH if CC chooses to reconsider)

Monica Plecker stated that this variance request originally came before the council in May. Rimrock Chevrolet has stated that there was information they did not provide initially that they think should be reconsidered. The city attorney recommends that the council reconsider in the sense that the council gives Rimrock Chevrolet an opportunity to present the new information. That does not say that the reconsideration goes either way, but just that the council should reconsider.

Monica explained that, since there is not a Board of Adjustments, staff worked to form a process for reconsideration. Monica did not go through the staff report, as she will present that if there is a public hearing next Tuesday. At this point, she explained the process.

In June, Rimrock Chevrolet told the city that they had more information and would like to have the variance reconsidered. On August 18th, Rimrock submitted a letter that formally asks for reconsideration and addresses the seven criteria for the pole sign. The letter includes information about Rimrock not using the sign in an animated way and some of their thoughts on the city's sign

code. The information will be forthcoming at the public hearing. The request for reconsideration will come before the council for a motion next Tuesday. If the council votes "yes" to reconsider, it will trigger an immediate public hearing, at which time Monica will enter her staff report with her new findings and the applicant will be present to provide more information.

Property owners within 300 feet were notified of the potential public hearing if the council decides to reconsider the request. The council received copies of the public hearing notice that was certified mailed and published in the paper 15 days prior to the September 1st. Once the public hearing is held, the council will consider and vote on a resolution that includes conditions of approval. Monica will present any new findings or information at the public hearing.

Chuck asked if the council could recommend putting this on the agenda for the next meeting.

Monica stated that the item is already on the agenda under scheduled items. If the council votes not to reconsider the variance request, there will be no public hearing and resolution.

Monica explained that it is a three-step process. The motion to reconsider would be step one. That would trigger step two, which would be the public hearing. Step three would be the vote on the resolution.

Bill asked for a brief summary of what they submitted now compared to what they submitted initially.

Monica explained that Rimrock has submitted more detailed information. In the initial request, Monica recommended that the seven criteria had not really been addressed, as they had one sentence responses that did not say much. The new information talks about the way they plan to use the sign. They have provided language that leads staff to believe that it is not necessarily an animated sign, but is a controlled variable message sign. Some language in the code could support that, assuming that there are some conditions that do not allow use of its animated capabilities. Monica stated that Rimrock takes some positions on ideas in the sign code, but they are just opinions on what they think the city's sign code was intended to mean. If the sign code originated in 1997 and some of the language still applies today, but technology was different in 1997, it does not necessarily mean that the ordinance did not stand the test of time. There have been discussions at the Planning Board level, it was reconsidered by the city council, and there have been updates occasionally. Monica encouraged the council to read through all of the information, which includes her staff report, the letter submitted by Rimrock Chevrolet on August 18th, the previous application information, and the council minutes from May 5th.

Bill asked if the city has enforcement capabilities regarding the sign, if the council chose to approve the request.

Monica explained that, if a conditional use permit, a special review or a variance is approved with conditions, the code enforcement department can remedy the situation with anything that is considered to be a zoning violation regarding those conditions.

- Resolutions – 2015-2016 Preliminary Budget and Tax Resolutions (PH on September 1, 2015)

Shirley Ewan stated that the Preliminary Budget was distributed to the council last week. She explained that there was a new assessment over the property in Montana this year. A mill value is \$7,466 this year, compared to \$6,734 last year, which is \$732 higher than last year. The General All

Purpose Mills went down to 154.59, compared with 164.40 last year. With this increase, the city will see \$47,000 additional dollars. The entitlement share came in at 2.7 increase. Between the two, the city will receive \$70,476 more dollars this year from taxes.

Page 10 in the budget book shows the tax levy schedule for the City of Laurel. The General All Purpose Mills are 154.59, the Permissive Levy is for the health insurance, and there is a separate mill levy for the Airport Board. The emergency mill will be levied as there is still a \$125,000 deficit there.

Shirley mentioned that Tom found that a page was missing in the 4000 Fund under the cemetery in the budget book. The cemetery has \$9,000 budgeted for capital improvements. The page will be inserted into the budget books.

Total mills this year is 188.35, compared to 208.23 last year. The mills went down because the mill value went up. Yellowstone County has received over 900 protests. When the County receives protests, they collect the taxes but do not disperse them until the protest has been resolved, which could cause cash flow problems through the taxes.

Shirley encouraged the council to read the Budget Message starting on page 21. The budget includes \$15 million for the intake, \$5 million in the Water Fund for the sed basins, and some extra money to complete the sewer rehab project.

Some capital projects have not been finished this year. The project on 8th Street and Pennsylvania Avenue has not been finished so the money has been rolled over. A roll-off truck was not purchased last year, so the funds were rolled over into the Solid Waste Fund.

There was a brief discussion regarding the 900 protests received by the County, the impact on the City of Laurel, and the expected personal tax increase.

A public hearing on the Preliminary Budget and the tax resolutions will be held next Tuesday, September 1st.

Shirley reviewed the tax resolutions.

The Light Districts are assessing the same amounts as last year. Light District No. 3 is \$26,351.79. The city planned to add Foundation to the lighting district, but NorthWestern Energy is not ready yet, so they will be added next year. Light District No. 2 is \$47,591.26.

The Street Sweeping District is in the Street Department now because it does not make enough revenue in assessments to cover it. It will collect \$17,897.11 this year.

Street Maintenance District stayed the same as last year. This year, the expenditures will be \$1,433,935 to finish the project on Pennsylvania Avenue and Eighth Street. There is money in the reserves to pay for this small cap project.

There was a question regarding Street Sweeping District No. 1 and Street Maintenance District No. 1. Shirley explained that they are separate districts.

Shirley spoke regarding the assessments for the Special Improvement Districts. SID No. 111 for East Main is \$4854.75; SID No. 112 for West Main is \$729.72; SID No. 113 for SE 4th Street is \$21,233.48; Sid No. 114 for Elena Subdivision is \$6,436.84; SID No. 115 for Fifth Avenue is \$6436.48; SID No. 116 for Cottonwood Avenue is \$7,119.43; and SID No. 117 for Pennsylvania Avenue and Eighth Street is \$15,142.81. This is the first year assessment for SID No. 117.

Shirley reviewed the resolutions for delinquent water, sewer and garbage charges. The assessments are put on the property owner's taxes.

- Resolution – Assessments for the City of Laurel's Sidewalk Replacement Program

Shirley explained that the assessments for the Sidewalk Replacement Program are for people that chose to have their sidewalks replaced and the assessment put on their taxes. There will be a 5 percent interest fee and the term is for five years.

- Resolution – Final Levy of Elena Park Maintenance District Assessment (PH on September 1, 2015)

Heidi stated that the resolution is for the final levy of the Elena Park Maintenance District assessment. The city will levy \$5,000 this year and use the remaining \$1,000 from last year to plant trees out there.

Shirley stated that 94 letters were sent to the property owners in Elena Subdivision and one protest has been received.

- Resolution – Septic dumping fees

Heidi explained that the fees are for the septic dump station that was added to the sewer plant improvement project. Staff wanted to be competitive with the City of Billings, and the Public Works Committee and the Public Works Director discussed this and determined a \$40 mandatory minimum charge for 1,000 gallons and \$.04/gallon for additional gallons. A cleanup fee of \$40 is also included for any spillage or release of materials that creates a mess at the dumping station. The fees would be added to the Schedule of Fees and Charges.

Bruce suggested that \$40 seemed low, considering the material that would need to be cleaned up.

Heidi stated that the Public Works Director felt this was a fair amount, as most of the people are not going to spill. It would be caught quickly and they would have to clean up their mess and the city would charge the fee.

- Resolution – Accept quote for concrete work on SE 4th Street
- Resolution – Accept quote for striping work on SE 4th Street

Heidi asked Mayor Mace to remove the two items from the agenda. The city went out to bid for the project on SE Fourth and received zero bids back, which completed the requirements for the advertisement and bidding process with the State and city policies. The city requested quotes from companies. No one is able to do any concrete work this fall, so the city will have to push this project to next spring and receive quotes in December or January. The striping cannot be done until the concrete work is completed, so both projects will be done next spring.

- Resolution – Contract with Thompson Painter Law for eminent domain work for pipeline easements on the Yellowstone River

Heidi explained that the eminent domain process is outside the scope of work that the city has with Thompson Painter Law. This special agreement is needed for the attorney to complete the work. Any work and the billable hours would be reimbursable through FEMA and the 25 percent from the State. This contract would get the eminent domain process moving. The city has not been successful with the two property owners from which easements are needed. Eminent domain is everyone's last resource and option, but the city is being pushed in that direction.

- Council Issues:

- Update on 2011 Yellowstone River flooding event

Heidi stated that the city is being forced into an eminent domain situation with the two property owners down there. Eminent domain is a six-month process from the time that the final offer has been rejected to having some sort of an agreement from the arbitrator. The city does not have the Army Corps permit, as they are now asking the city to seek a national permit. Shannon Johnson, who was the local Army Corps contact, moved and a new gentleman, Robert Cole, is here. Heidi has contacted Robert to figure out why he thinks a Federal permitting process is needed. She also reached out to Mr. Cole's supervisor, Todd Tillinger, in Helena. The plans are ready to go and FEMA is waiting on the city now. As soon as the easements and the Corps permits have been obtained, the project is ready to go.

Doug asked regarding financing.

Heidi explained that the city submitted an application for a \$269,000 grant from the Coal Board. She has not heard from the State regarding financing for a few weeks.

Tom asked if there was a time limit for the process for the water intake.

Heidi stated there has been no indication that way. The project has not stalled, and as long as it is moving forward, FEMA is ok with it.

- Lease Agreements

Heidi stated that Mollie Conrad has been designated as the person the Chamber designated to negotiate the lease.

Other items

- Resolution – Accept settlement of the pending litigation between the City of Laurel and Bette and Randy Strever

Heidi spoke regarding a resolution to accept a settlement between the City of Laurel and the Strevers for an ambulance accident. The attorney, Michelle Braukmann, attended to explain.

Michelle Braukmann has handled municipal liability defense through the MMIA, the self-funded entity that insures the City of Laurel, for about 17 years. This particular case relates to a motor vehicle accident that occurred on the frontage road at the corner of Frontage and Seitz Ronan. It came into her office in May or June last year and she has been defending it since then.

Ms. Braukmann gave a brief presentation regarding the accident, the discovery and deposition processes, the medical bills and HIPAA issues, the mediation process, and the resolution presented to the council to accept the settlement.

There was a brief discussion regarding the possible effects on the city's insurance premiums, loss ratio issues, and that the settlement would be funded by the MMIA.

The resolution will be on the September 1st council agenda.

Chuck mentioned that the Park Board held a special meeting on Thursday, August 20th, to discuss improvements at Riverside Park. He asked the council to read the Park Board minutes. As a result of the discussion, Kurt and Matt were asked to contact a company in Billings to remove some leftover metal from the park. The Planning Director was asked to look at the process for making improvements and if they could be approved in the CLOMR, Conditional Letter of Map Revision. Possible improvements include chain link fence, playground equipment, permeable path material for a trail, etc.

Review of draft council agenda for September 1, 2015

- Public Hearing: 2015-2016 Preliminary Budget and Tax Resolutions
- Public Hearing: Final levy of assessment for Elena Park Maintenance District

Emelie stated that a date for September's Public Works Committee meeting will be determined by next week.

Attendance at the September 1, 2015 council meeting

Mayor Mace asked if anyone planned to be gone.

Bruce McGee will be returning from a trip and does not know if he will be back in time. Tom Nelson will be out of town.

Mayor Mace spoke regarding attendance at council meetings, the need to notify someone of an absence, the importance of having a quorum for meetings, and the issues of cancelling meetings for lack of a quorum. He said, "If you are going to be gone and if you are only half dead, get down here".

Announcements

Doug was away last week on an anniversary trip with his wife.

Bruce apologized for being gone last week and not noticing the council about that. He suggested that rules need to change and the council needs to give two weeks' notice if they are going to die.

The council workshop adjourned at 7:27 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.