

# MINUTES OF THE CITY COUNCIL OF LAUREL

January 5, 2016

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 January 5, 2016.

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

COUNCIL MEMBERS ABSENT:       None

OTHER STAFF PRESENT:           Judge Jean Kerr

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

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

## **SWEARING IN OF RE-ELECTED COUNCIL MEMBERS:**

Judge Jean Kerr performed the swearing in ceremony for Council Members Eaton, Herr, Stokes and Mountsier.

## **MINUTES:**

Motion by Council Member Dickerson to approve the minutes of the regular meeting of December 15, 2015, 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.**

- WBI Energy Transmission: Letter of November 30, 2015.

## **COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS.**

Council Member Eaton disclosed that, after last week's meeting, she contacted the State Chair of the Laurel Jaycees. She had concerns about the city entering into a lease with a group with which she was not certain whether or not they were active. She explained her concern to the State Chair that the only individual that had come forward to represent the Jaycees was an individual she thought was probably aged out of the organization. The Chair told her that the organization is active. Council Member Eaton stated that she is in favor of the lease and understands that the particulars of the lease amount need to be discussed, but she wants the lease to be signed by an active member of the organization.

## **PUBLIC HEARING.**

## **CONSENT ITEMS:**

- **Claims for the month of December 2015 in the amount of \$1,126,608.43.**  
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 12/20/2015 totaling \$170,756.55.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
  - Budget/Finance Committee minutes of December 15, 2015 were presented.
  - Park Board minutes of December 3, 2015 were presented.

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--City-County Planning Board minutes of December 3, 2015 were presented.

--Council Workshop minutes of December 29, 2015 were presented.

--Laurel Urban Renewal Agency minutes of November 16, 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 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.

**CEREMONIAL CALENDAR:** None.

**REPORTS OF BOARDS AND COMMISSIONS:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

Irv Wilke, 1017 Seventh Avenue, invited the council to participate in the Laurel Rod & Gun Club's turkey shoot on Saturday, January 9<sup>th</sup>, at Riverside Park.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**

Laurel Police Reserves:

Mayor Mace appointed Wesley Brutlag and Ryan Sedgwick to the Laurel Police Reserves.

Motion by Council Member McGee to approve the Mayor's appointments of Wesley Brutlag and Ryan Sedgwick to the Laurel Police Reserves, 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. R16-01: A resolution of the City Council authorizing the Mayor to execute an Easement Deed from M Diamond Land & Cattle LLC for the purpose of constructing, operating, maintaining, replacing and repairing of underground utilities.**

Motion by Council Member Poehls to approve Resolution No. R16-01, 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. R16-02: Budget amendment resolution amending appropriations and reserves for employer contribution - Permissive Medical Levy Fund for fiscal year 2014-2015.**

Motion by Council Member Herr to approve Resolution No. R16-02, 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. R16-03: A resolution of the City Council authorizing the Mayor to sign a lease agreement with the Laurel Jaycees for city property located on a portion of Riverside Park.**

Motion by Council Member Nelson to approve Resolution No. R16-03 with an annual lease amount of \$500.00, seconded by Council Member Mountsier.

Howard Rickard, 922 Sixth Avenue, stated that he is a Jaycee Senator, has a lifetime membership in the Laurel Jaycees, and has been officially designated by their bylaws and policies to manage the property (Jaycee Hall) that the Jaycees are leasing from the city. He stated that the Jaycees will abide by the recommendation of the \$500 fee, but up until one minute ago, they had been informed by many folks that the fee was going to \$100. He stated that the amount is a surprise to the Laurel Jaycees Chapter and the \$500.00 will have to be a fundraiser for the Laurel Jaycees for the lease,

even though the Jaycees is the only organization that has had an active lease for the last six years without any challenge whatsoever.

Council Member Poehls explained the reasoning behind the \$500.00/year lease amount. The Chamber leases a very small building and is strictly a not-for-profit organization that works for the businesses within the City of Laurel, benefits the community, and is always open to the public. The lease amounts for the Laurel Little League and the Laurel Dodgers were higher, but participants pay to be in their programs. They are actually a profit-making center with the concession stands. The Jaycees benefit the community but they also have fundraising events and/or allow events in the facility for which they charge a fee. The \$500/year fee for the Jaycees is somewhere between the fees charged for the previous two leases.

Council Member McGee stated that he read the lease agreement carefully over the last week and wanted to point out some things to the council. He is not opposed to the lease and understands the reasoning for the increase in the lease amount. He stated that the Jaycees are getting a large building in the park for less than \$50.00 a month, even at this lease price. He has no opinion about the amount and will agree to whatever the council decides. Council Member McGee pointed out that the lease specifically permits the Jaycees to use the building to host dances, auctions, celebrations, concerts and other community events and activities that are not prohibited by city ordinances, resolution or regulation. Since many of those activities involve serving alcohol, a provision in the lease agreement (page 2, item 3) states that "Lessee may apply for special event permits for activities where alcohol is available." If the permits are granted, they can have alcohol on the premises at that time. Council Member McGee emphasized to the council how extremely important it is that the lessee follow the requirement that alcohol is not served down there unless they have a permit. A violation of the lease agreement would be cause for termination of the lease agreement.

Council Member McGee also pointed out that the use of RVs in Riverside Park has been an issue since camping is not allowed in the park any longer. He sees this as a back door approach to it and wanted it noted as such. He would personally like to see camping allowed in the park again. The Jaycees are in favor of allowing camping, and he thinks the council should work side-by-side with the Jaycees to get camping back in the park. He thinks that is a worthwhile goal and wanted to go on record that he thinks everyone should work towards that. Camping is not currently allowed, but now the council is going to allow two RVs to be parked in the park overnight in designated areas as approved by the Public Works Department prior to an event. He pointed out that the rule must be followed and that no overnight sleeping will be allowed. Permission for the RVs to be parked will be granted by the Public Works Department with some type of signage. Council Member McGee has no problem with this back door approach to the exceptions in this lease, as long as it does not cause the police department any consternation about what is taking place in Riverside Park.

Lastly, Council Member McGee pointed out that the city, as the grantors of the lease for this property, has some responsibility to occasionally inspect the property, after providing a 24-hour notice. He would like to have a regular biennium inspection by the Public Works Department for these properties. The city may be asking the Jaycees to pay a higher amount of money, but the city is agreeing to replace the roof on the building, per the contract. The roof is near the end of its lifespan, if it is not already beyond its lifespan. Page 6, Article VII, of the contract states that the examples of major repairs that are the responsibility of the city will "include, but are not limited to, re-roofing the structure, replacement of the mechanical heating system," which has already been done on the city's nickel. Council Member McGee wanted the council to know what the lease requires, and he stated that a \$10,000+ roof job will be needed soon. The Jaycees are a good group that does a lot of good things for the community, and they might work together with the city to come up with a lower cost to reroof the structure. Council Member McGee pointed out these issues in case other council members did not peruse the lease as closely as he did.

Council Member Nelson stated his agreement with Council Member McGee's comments. The council needs to pay attention to a lot of things in the lease, with the roof being one of those. At \$42 a month, he feels that the \$500 per year lease would be very reasonable. The city can use the lease money for repairs and upkeep, although the city will pay for the roof sooner than it will recoup any money. He referred to the Park Board minutes of December 3, 2015. The Riverside Park Plan and the Park Master Plan include a list of items that the Park Board is currently working on, one item being to reestablish camping in Riverside Park. The Jaycees would oversee that, and Council Member Nelson thinks that would be a great benefit for the Jaycees, for the park and for the community itself.

There was further 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. R16-04: Resolution of the City Council authorizing the Mayor to sign an agreement with Yellowstone County to provide office space at city hall for motor vehicle licensing services for a period of five (5) years.**

Motion by Council Member Mountsier to approve Resolution No. R16-04, seconded by Council Member Eaton. There was no public comment.

Council Member McGee stated that this is a great thing for the city. He asked if the city pays the electric bill because the office is located in city hall.

Mayor Mace acknowledged that is true.

Council Member McGee stated that providing the DMV office space in city hall is not without some cost to the city, but it is a worthwhile service to the citizens.

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:**

Council Member Poehls spoke regarding the updated committee list and asked the council members to give him their proposals to combine the committees. Proposals can be emailed to him or placed in his mailbox in city hall.

Council Member Dickerson asked if his suggestions in previous council minutes would be taken into consideration.

Council Member Poehls asked him to provide a written proposal.

Mayor Mace requested that the city attorney and Local Government Center in Bozeman be involved in the process, and Council Member Poehls agreed.

Council Member Herr asked about the situation with the weir and the water intake.

Mayor Mace mentioned that there is quite a bit of ice there, but he has not heard about any problems from the CAO or the Public Works Director.

Council Member Herr asked regarding the other easements.

Mayor Mace stated that the council approved an important one tonight. Heidi should have an update at next week's council workshop.

Council Member Herr asked regarding the dealership sign.

Mayor Mace stated that there would be more information from Heidi at the next council workshop.

Council Member Stokes will be gone for the next two meetings.

Council Member Nelson mentioned that the Cemetery Commission will not meet on January 12<sup>th</sup> but will meet on February 9<sup>th</sup>.

Council Member McGee stated that the Park Board will meet on Thursday, January 7<sup>th</sup>, at 5:00 p.m. in the council chambers.

Council Member Eaton stated that the Public Works Committee will meet on Monday, January 11<sup>th</sup>, at 5:30 p.m. in the council chambers.

**UNSCHEDULED MATTERS:** None.

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**ADJOURNMENT:**

Motion by Council Member Stokes 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 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 7:02 p.m.

*Cindy Allen*  
Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19<sup>th</sup> day of January, 2016.

*Mark A Mace*  
Mark A. Mace, Mayor

Attest:

*Shirley Ewan*  
Shirley Ewan, Clerk/Treasurer