

MINUTES OF THE CITY COUNCIL OF LAUREL

July 19, 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 July 19, 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: Noel Eaton, City Planner

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 Poehls to approve the minutes of the regular meeting of July 5, 2016, as presented, seconded by Council Member Nelson. 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.

Montana Department of Revenue: Application for one Original New Montana Retail On-Premises Consumption Beer and Wine License; High Water Casino, 817 West Main Street, Laurel, MT

Laurel Chamber of Commerce: Minutes of June 16, 2016; Agenda for July 14, 2016.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS.

PUBLIC HEARING.

CONSENT ITEMS:

- **Clerk/Treasurer Financial Statements for the month of June 2016.**
- **Approval of Payroll Register for PPE 07/03/2016 totaling \$204,709.13.**
- **Receiving the Committee/Board/Commission Reports into the Record.**

--Budget/Finance Committee minutes of July 5, 2016 were presented.

--Park Board minutes of July 7, 2016 were presented.

--Council Workshop minutes of July 12, 2016 were presented.

--Laurel Urban Renewal Agency minutes of June 20, 2016 were presented.

--Laurel Urban Renewal Agency minutes of July 11, 2016 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):

Jean Kerr, Laurel City Court Judge, distributed information with her actual budget totals at fiscal yearend 2016. The orange highlighted amounts that were given back to the General Fund were \$7,361.46 and \$6,863.83, for a total of \$14,216.29. She attended a previous workshop asking about approval to order a VisionNet system for \$7,298.51. If that is approved, she stated that Laurel City Court would still have returned \$6,916.78. Jean stated that she has basically been told by the CAO that it is up to the council to approve or not approve. She wanted the council to have the figures, and is wondering as far as procedure. The bid from VisionNet is only good until the end of this month. She wanted the council to have the true numbers as far as what Laurel City Court was allotted and spent and gave back to the city. She needs some direction as far as if she can order the VisionNet system, as she does not know what to do otherwise.

Mayor Mace stated that it was not on tonight's agenda. He asked Jean to get with the CAO and get it to the council as soon as possible.

Jean stated that the CAO has told her to bring it to the council, so she is bringing it. Basically, if she does not order it by the 31st, the cost goes up. So she has given it to the council.

Mayor Mace stated that she can get it on a work session and get it in front of the council.

Jean stated if the CAO allows it. She stated that the council has the numbers.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**
- **Reconsideration of Resolution No. R16-48**

Council Member Dickerson stated that after the city's legal counsel explained the ramifications of this resolution not passing and explaining more detail than he knew, he would like to make the motion to reconsider.

Motion by Council Member Dickerson to reconsider Resolution No. R16-48, seconded by Council Member McGee. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Poehls, Stokes, Mountsier, Nelson, Dickerson, McGee and Eaton voted aye. Council Member Herr voted nay. Motion carried 7-1.

- **Resolution No. R16-48: Resolution relating to \$1,700,000 Water System Revenue Bond (DNRC Drinking Water State Revolving Loan Program), Series 2016; Authorizing the issuance and fixing the terms and conditions thereof.**

Motion by Council Member McGee to approve Resolution No. R16-48, seconded by Council Member Eaton. There was no public comment.

Council Vice-President Nelson stated that it he would most likely change his vote and vote yes for this. He is only going to do that under protest and because it is probably minutely better in the interest of the citizens of Laurel that the city maintain its credit worthiness. If the funding was not secured at this time, that is a distinct possibility that we could see that down the road. In lieu of that, he has done hours and hours and hours of research. Throughout this whole issue, the council was told at workshops that the Governor's Office said this, and the Governor's Office said that. When it got down to within thirty to forty days out and they were not going to give the city any money, they city had to take this loan. Had he known all that he knows now, he would have done his homework at an earlier stage because what he has found is profoundly interesting. The Governor's Office has contradicted themselves to the CAO in meetings on several occasions. They have refused to obey statute that the lawmakers in Helena have written that the Governor is supposed to execute, and that is the law. The Governor is supposed to execute the laws, and he is not doing that. The Governor has written three letters to the President of the United States asking for Federal declarations of disaster because the State needs money to meet current Federal disasters that are open that the State

still has obligations to from against the State General Budget. They list Laurel's Federal disaster FEMA 1996-DRNT as one of those that is open. Council Member Nelson has been invited to go to Helena with Representative Ricci to meet with someone in the Governor's Office. He is going to take all of his information, as he thinks he has the information needed to present a case that the money should have been dispersed from the emergency fund, since the emergency is still open. The Governor said that it is still open in his letters to the President of the United States up until as recently as May.

Council President Poehls agreed with Council Member Nelson. He will vote yes under protest and for the same reason. The City of Laurel needs drinking water and needs a good supply of it. He knows what is going to happen in August when it will be necessary to put rocks back in the river to raise the level of the river again, just like has been done for the last few years. He stated that is just throwing money away to add rocks to the river and then remove the rocks from the river. From what he learned at last week's meeting, he thinks a two-pronged approach is needed. He stated that Council Member Nelson's visit to the Governor's Office is one of the first prongs to the approach to try to get the money reimbursed by the State. The second prong is to have the city attorney look into tort law to pursue the State to get reimbursement of money from the State of Montana, not the Governor personally. Council President Poehls suggested that the attorney should be directed to pursue that. He stated that one of the council's highest priorities is the safety and health of the citizens.

Council Member Nelson asked to suspend the standard rules of the council and ask for a voice vote on this resolution.

Mayor Mace agreed to do so.

A roll call vote was taken on the motion. Council Members Poehls (under protest), Stokes, Mountsier, Nelson (under protest), Dickerson (under protest), McGee and Eaton voted aye. Council Member Herr voted nay. Motion carried 7-1.

- **Resolution No. R16-52: A resolution of the City Council authorizing the release of funds from the Tax Increment Financing District Fund from the LURA Large Grant Request Program for landscaping, sidewalk and sewer improvements for Altana Federal Credit Union.**

Motion by Council Member McGee to approve Resolution No. R16-52, 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. R16-53: A resolution of the City Council authorizing the release of funds from the Tax Increment Financing District Fund from the LURA Large Grant Request Program for asphalt, parking lot, and driveway approach improvements for Parks Real Estate.**

Motion by Council Member Dickerson to approve Resolution No. R16-53, 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.

- **Resolution No. R16-54: A resolution of the City Council authorizing the release of funds from the Tax Increment Financing District Fund from the LURA Large Grant Request Program for asphalt, curb, gutter, lighting and landscaping improvements for Rimrock Chevrolet.**

Motion by Council Member Nelson to approve Resolution No. R16-54, 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.

- **Resolution No. R16-55: A resolution of the City Council authorizing the release of funds from the Tax Increment Financing District Fund from the LURA Large Grant Request Program for asphalt, curb, gutter, sidewalk and street storm drainage improvements for Conomart C-Store.**

Motion by Council Member Mountsier to approve Resolution No. R16-55, 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. R16-56: A resolution of the City Council authorizing the release of funds from the Tax Increment Financing District Fund from the LURA Large Grant Request Program for façade improvements and property acquisition for Building 1938, LLC.**

Motion by Council Member Stokes to approve Resolution No. R16-56, 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. R16-57: A resolution of the City Council authorizing the release of funds from the Tax Increment Financing District Fund from the LURA Large Grant Request Program for property acquisition for Homestake Homes.**

Motion by Council Member Herr to approve Resolution No. R16-57, 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. R16-58: A resolution authorizing the Mayor to sign an Engagement Letter with Dorsey & Whitney, LLP as Bond Counsel for the Water System Revenue Bond (DNRC Drinking Water State Revolving Loan Program) for the Intake Project.**

Motion by Council Member Poehls to approve Resolution No. R16-58, 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.

- **Resolution No. R16-59: A resolution approving Amendment No. 7 to the previously adopted Task Order No. 26, authorizing Great West Engineering to provide additional services relating to the new Water Treatment Plant Intake for the City of Laurel.**

Motion by Council Member Eaton to approve Resolution No. R16-59, seconded by Council Member Mountsier. 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. R16-60: A resolution approving Change Order No. 1 to the previously adopted Task Order No. 35, to mount the pedestrian rail surface for the Southeast 4th Street Crosswalk and Striping Project and authorizing the Mayor to execute the attached Change Order No. 1 on the City's behalf.**

Motion by Council Member McGee to approve Resolution No. R16-60, 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. R16-61: A resolution accepting the bid and authorizing the Mayor/Chief Administrative Officer to sign a contract with A-1 Drilling to drill the water supply well at the control building for the Water Treatment Plant Intake Project.**

Motion by Council Member Dickerson to approve Resolution No. R16-61, seconded by Council Member Nelson. 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. R16-62: A resolution of the City Council vacating a portion of a previously recorded easement to enable that portion of the easement to be relocated for the purpose of constructing, operating, maintaining, replacing and repairing of underground utilities for the City's Water Intake Project.**

Motion by Council Member Nelson to approve Resolution No. R16-62, seconded by Council Member Mountsier. 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. R16-63: A resolution of the City Council authorizing the Mayor to execute and accept an easement and buy/sell agreement between the City of Laurel and Adventure Projects, LLC for the purpose of relocating an existing easement and constructing, operating, maintaining, replacing and repairing underground utilities and purchasing .2 acres of property for placement of a control building.**

Motion by Council Member Mountsier to approve Resolution No. R16-63, 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.

- **Resolution No. R16-64: A resolution authorizing the Mayor to sign a contract with CTA Architects Engineers for developing amended subdivision regulations that conform to the Montana Subdivision and Platting Act.**

Motion by Council Member Stokes to approve Resolution No. R16-64, seconded by Council Member Mountsier. 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. R16-65: A resolution of the City Council authorizing the Mayor to sign a contract with Dr. Jedediah Walker for the Medical Director position for the Laurel Ambulance Service.**

Motion by Council Member Herr to approve Resolution No. R16-65, seconded by Council Member Mountsier. 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

Council Member Herr stated that he voted yes on items, j, k., m, n and o. He questioned if these are all additional monies to be spent for the Water Treatment Plant that are over the \$1.7 million. He asked for clarification, as it is more money all the time.

Mayor Mace stated that they all pertain to those items.

Council President Poehls stated that these are all budgeted items within the construction project, so \$1.7 is part of that whole \$8 million project.

Council Member Stokes asked that VisionNet be on the workshop next week for Judge Kerr.

Council Member Nelson stated that he probably will not attend the workshop next week due to his employment.

Council Member McGee stated his concern about the VisionNet acquisition for the court and wonders if this should have been before an Emergency Services Committee meeting much sooner. He thinks the council is behind the ball on this, perhaps because they do not understand how things are supposed to develop. He sees a reoccurring problem for committees and individuals that want to bring something to the council. If the staff is not really on board for them, the items seem to get pushed back, and he would like that stopped. The council may have to go through a workshop and have legal counsel review the VisionNet request in order for it to come up as a resolution. At the next council workshop, he is going to suggest that, if necessary, the council have a special council meeting for this one item in order to take care of it before the end of July.

Mayor Mace stated that he will be out of state from July 22nd through August 8th. Council President Poehls will be acting mayor.

UNSCHEDULED MATTERS: None.

ADJOURNMENT:

Motion by Council Member Poehls to adjourn the council meeting, 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.

There being no further business to come before the council at this time, the meeting was adjourned at 7:07 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 2nd day of August, 2016.

Mark A. Mace
Mark A. Mace, Mayor

Attest:

Shirley Ewan
Shirley Ewan, Clerk/Treasurer