

MINUTES OF THE CITY COUNCIL OF LAUREL

September 6, 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 September 6, 2016.

COUNCIL MEMBERS PRESENT:

Bruce McGee	Doug Poehls
Chuck Dickerson	Richard Herr
Tom Nelson	Scot Stokes
	Bill Mountsier

COUNCIL MEMBERS ABSENT:

Emelie Eaton

OTHER STAFF PRESENT:

Shirley Ewan, Clerk/Treasurer

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

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

MINUTES:

- **Special Council Minutes of August 16, 2016.**

Motion by Council Member Dickerson to approve the minutes of the special meeting of August 16, 2016, as presented, seconded by Council Member Nelson. 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.

- **Council Minutes of August 16, 2016.**

Motion by Council Member McGee to approve the minutes of the regular meeting of August 16, 2016, as presented, 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.

CORRESPONDENCE.

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS.

PUBLIC HEARING:

- **Preliminary Budget for Fiscal Year 2016-2017 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 2016-2017 and the 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 council previously received the budget book and was encouraged to read the Budget Message. She asked if anything need clarification.

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

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

Mayor Mace asked two times if there were any opponents.



Shirley Ewan read the first two paragraphs of a letter that was received from Irv Wilke, 1017 7th Avenue.

“To start out with I have no heart burn with the budget itself as it seems to be straight forward although somewhat high with little explanation as little as I understand mills. I respectfully urge that the city council separate the pay raise issue and the budget as their first order of business before voting on either issue.

With that I will try to explain why I believe that a pay raise of some \$6 - \$10 thousand dollars for a single individual in a single year is unacceptable. Now I am not against an honest evaluated raise of a more modest figure awarded over several years. Making this kind of one time one year pay raise because other cities of our size pay that or because the Mayor doesn't want to lose the current CAO is a poor reason. This just does not look kosher.”

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

Mayor Mace closed the public hearing.

CONSENT ITEMS:

- **Claims for the month of August 2016 in the amount of \$1,552,417.65.**
A complete listing of the claims and their amounts is on file in the Clerk-Treasurer's Office.
- **Approval of Payroll Register for PPE 08/14/2016 totaling \$177,537.28.**
- **Approval of Payroll Register for PPE 08/28/2016 totaling \$215,878.34.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
 - Budget/Finance Committee minutes of August 16, 2016 were presented.
 - Council Workshop minutes of August 30, 2016 were presented.
 - Cemetery Commission minutes of August 9, 2016 were presented.
 - Laurel Library Board minutes of May 10, 2016 were presented.
 - Laurel Library Board minutes of June 14, 2016 were presented.
 - Laurel Library Board minutes of July 12, 2016 were presented.
 - Laurel Airport Authority minutes of May 24, 2016 were presented.
 - Laurel Airport Authority minutes of June 28, 2016 were presented.
 - Laurel Airport Authority minutes of July 26, 2016 were presented.

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

Motion by Council Member Poehls to approve the consent items as presented, 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.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS: None.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Dave Waggoner, a taxpayer at 419 Maple Avenue, asked what is going to be done about the traffic from the refinery that is destroying the south side. They are tearing up Southwest 4th Street and people cannot get out. When the refinery workers go to work or when they come home from work, they block the roads. People have to drive four blocks to get around them because they have no



courtesy and they speed. Dave has lost two vehicles that were hit by two refinery workers, which their insurance paid off. He stated that something has to be done about the traffic from the refinery.

SCHEDULED MATTERS:

- **Confirmation of Appointments.**

- Laurel Ambulance Service: Christopher Lamb and Katie Grass

Motion by Council Member Nelson to approve the Mayor's appointments of Christopher Lamb and Katie Grass to the Laurel Ambulance Service, 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. R16-76: A resolution approving and adopting the Final Budget for the City of Laurel for the fiscal year 2016-2017.**

Motion by Council Member Poehls to approve Resolution No. R16-76, seconded by Council Member Nelson. There was no public comment.

Council President Poehls stated that there has been discussion in the past about possibly amending the budget. He explained that, if anyone wants to amend the budget, they need to state a motion to amend the budget and state the reason and the dollar figure very succinctly so the council can make a decision on the amendment before voting on the Final Budget.

Motion by Council Member McGee for an amendment to the Final Budget that would change the CAO's salary to increase by \$2,291.20, seconded by Council Member Herr.

Dave Waggoner, 419 Maple Avenue, stated that although that is still higher than he would like to see as a taxpayer, he could live with that.

There was no council discussion.

A roll call vote was taken on the motion for an amendment to the Final Budget that would change the CAO's salary to increase by \$2,291.20. Council Members Herr, Stokes, Mountsier, Dickerson and McGee voted aye. Council Members Poehls and Nelson voted nay. Motion carried 5-2.

A roll call vote was taken on the motion to approve Resolution No. R16-76, as amended. All seven council members present voted aye. Motion carried 7-0.

- **Resolution No. R16-77: A resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2016.**

Motion by Council Member Herr to approve Resolution No. R16-77, 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. R16-78: 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 2016-2017.**

Motion by Council Member Stokes to approve Resolution No. R16-78, 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. R16-79: 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 2016-2017.**

Motion by Council Member Mountsier to approve Resolution No. R16-79, 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. R16-80: 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 2016-2017.**

Motion by Council Member Nelson to approve Resolution No. R16-80, 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. R16-81: 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 2016-2017.**

Motion by Council Member Dickerson to approve Resolution No. R16-81, 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. R16-82: 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 2016-2017.**

Motion by Council Member McGee to approve Resolution No. R16-82, 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. R16-83: 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 2016-2017.**

Motion by Council Member Poehls to approve Resolution No. R16-83, 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. R16-84: 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 2016-2017.**

Motion by Council Member Poehls to approve Resolution No. R16-84, 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. R16-85: 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 2016-2017.**

Motion by Council Member Herr to approve Resolution No. R16-85, 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. R16-86: 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 2016-2017.**

Motion by Council Member Stokes to approve Resolution No. R16-86, 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. R16-87: 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 2016-2017.**



Motion by Council Member Mountsier to approve Resolution No. R16-87, seconded by Council Member Nelson. 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. R16-88: 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 2016-2017.**

Motion by Council Member Nelson to approve Resolution No. R16-88, 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. R16-89: 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 2016-2017.**

Motion by Council Member Dickerson to approve Resolution No. R16-89, 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. R16-90: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent water charges.**

Motion by Council Member McGee to approve Resolution No. R16-90, 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. R16-91: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent sewer charges.**

Motion by Council Member Poehls to approve Resolution No. R16-91, 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. R16-92: 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 Poehls to approve Resolution No. R16-92, 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. R16-93: A resolution of the City Council authorizing the Mayor to sign a Fifth Amendment to Street Lighting Agreement with NorthWestern Energy for Light District No. 2.**

Motion by Council Member Herr to approve Resolution No. R16-93, seconded by Council Member McGee. There was no public comment or council discussion.

Shirley Ewan stated that NorthWestern Energy will start installing the underground wiring on Foundation and will order the lights as soon as they receive a copy of the signed resolution and the Fifth Amendment. Since it takes 18 weeks to get the lights, NorthWestern Energy will install the lights in January 2017.

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

- **Resolution No. R16-94: A resolution authorizing the Mayor to sign Change Order No. 1 with Wilson Brothers Construction for the Water Treatment Plant Intake Project constituting a decrease of \$3,217.12.**

Motion by Council Member Stokes to approve Resolution No. R16-94, 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. R16-95: A resolution authorizing the Mayor to sign Change Order No. 3 with Wilson Brothers Construction for the Water Treatment Plant Intake Project constituting an increase of \$7,850.00 for additional work.**

Motion by Council Member Mountsier to approve Resolution No. R16-95, seconded by Council Member Nelson. 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. R16-96: A resolution authorizing the Mayor to sign Change Order No. 4 with Wilson Brothers Construction for the Water Treatment Plant Intake Project constituting a decrease of \$13,605.25.**

Motion by Council Member Nelson to approve Resolution No. R16-96, 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. R16-97: A resolution authorizing the Mayor to sign an agreement between the City of Laurel and the Drug Enforcement Administration "DEA" assigning a Laurel police officer to the Tactical Division Squad Task Force.**

Motion by Council Member Dickerson to approve Resolution No. R16-97, 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. R16-98: A resolution of the City Council authorizing the Mayor to sign an agreement with Industrial Communications and Electronics for E-911 Services and Support.**

Motion by Council Member McGee to approve Resolution No. R16-98, 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. R16-99: A resolution of the City Council authorizing the Mayor to sign the Water Supply Agreement with CHS Inc.**

Motion by Council Member Poehls to approve Resolution No. R16-99, 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.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):

Jean Kerr, Laurel City Court, informed the Mayor and Council that the Court was recently audited by the Department of Justice Criminal Identification Bureau and passed with flying colors. The court procedures are intact and the paperwork has been properly reported to the State. Jean explained that there is a big concern that proper reporting is not always being done by different courts when crimes are committed or that the paperwork cannot be read. Jean stated that the court clerks, Sheri Phillips and Monica Salo, were the main part of the audit. Since Sheri and Monica attended the council meeting, she wanted to tell the council publicly how well the Court did because of the clerks.

Mayor Mace congratulated the court clerks and the city judge.

COUNCIL DISCUSSION:

Council Member Mountsier stated that a subcontractor replanted the grass after the Pennsylvania Avenue project was done last year, but he does not think they did a very good job. The contractor said he would look at it, but Council Member Mountsier has not heard back from him. He wanted his statement on the record, as it appears that the homeowners are going to have to plant grass to fill in the spots.

Mayor Mace stated that he would pass the information on to the Public Works Director.



Council Vice-President Nelson gave an update about his meeting with the Governor's Chief Legal Counsel and his Policy Director in Helena. Since the individuals do not have email addresses, he assumes that they do not want to communicate by email, so he will continue to communicate by phone and to leave messages. It is his goal to get a response by the end of the week, as he told the Governor's representatives that the city needs to determine its options and an answer from them would be appreciated.

Council Vice-President Nelson asked for discussion at the next council workshop regarding a crosswalk for the school children at the intersection of East Eighth Street and Wyoming Avenue. Robert Wetch, who lives right there, called him about this recently. After seeing the intersection, he agrees that there are some issues that the council should discuss.

Mayor Mace asked Council Vice-President Nelson if he wanted to have the recurring item on the workshop agenda regarding the water intake.

Council Vice-President Nelson stated that he would.

Council Member Mountsier asked Council Member Nelson if he is documenting the contacts he is attempting to make with the Governor's Office.

Council Member Nelson stated that he is doing so.

Council Member Dickerson informed the council that the Park Board requested allowing the Public Works Department to apply for a matching funds grant through the Montana Tourism Grant Program and that the Budget/Finance Committee approved needed funds for a matching grant program, which would then be forwarded to the council for final approval. The Park Board really wants to see Riverside Park become functional as a tourist attraction again, but the only way to do this is to obtain funds from various entities.

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 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 7:15 p.m.


Cindy Allen, Council Secretary

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 20th day of September, 2016.


Mark A. Mace, Mayor

Attest:


Shitley Ewan, Clerk/Treasurer