

**MINUTES  
COUNCIL WORKSHOP  
MARCH 29, 2016 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 March 29, 2016.

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

**OTHERS PRESENT:**

Heidi Jensen, CAO  
Kurt Markegard, Public Works Director  
Chad Hanson, Great West Engineering  
Rick Musson, Police Chief  
Travis Pitts, Police Officer  
Matt Wheeler, Maintenance Superintendent  
Brent Peters, Fire Chief

**Public Input**

Richard Klose, 511 Cottonwood Avenue, attended to talk about using TIFD money to finance a light pole for the Laurel Dodgers baseball stadium. A few months ago, he asked some members of the Laurel Urban Renewal Agency if it was possible to get some financing for a pole, which is about \$7,000. The members expressed that, even though the stadium is outside the TIFD area, TIFD money has been used in the past outside the area for different projects and they did not see a problem with it. The city allowed TIFD money to be used for the Laurel High School basketball floor. He learned that people in the city government have voiced their disapproval of using TIFD money for the stadium pole. Richard has the opinion that, since we are a democratic government, if the majority of the people are in favor of such a move even though the city may not be in favor of it, that they go along with the wishes of the majority. Richard stated that, the Laurel Dodgers will host the Northwest Region Tournament in August, which will draw a lot of people into town for several days and will benefit the merchants greatly. People are reserving blocks of motel rooms and restaurants for this event. Aqua Systems will provide water, Dynamic Design will provide t-shirts and caps, and St. Anthony's will host a pre-tournament dinner for 200 to 300 people. There will be a monetary impact for the community, so he thinks it is beneficial to have the amount be paid for this light pole. Richard requested that the city meet with the Laurel Urban Renewal Agency to try to get this resolved.

Heidi stated that the TIF District did not receive a formal request for the funds to be gifted to the American Legion, but the topic was discussed at length at the meeting on March 21<sup>st</sup>. The minutes will be available after the next LURA meeting. Heidi stated that the TIF District voted that they were not in favor of pursuing a light in the American Legion field at this time. She asked LURA if they wanted to table it until a formal request came in and they did not. As the minutes will state, they are

concerned that, while they gifted money in the past specifically to the school district, that was for such a large use and for many people inside and outside the city, but the American Legion is a specific organization. Heidi stated that LURA meets again on April 18<sup>th</sup> and then the minutes will be distributed. Should the council choose to move the request forward, it would need to be placed on an agenda for discussion. A formal written request from the American Legion for those funds would be needed should the council choose to pursue it.

Richard stated that he gave Dean Rankin two letters requesting funds in February.

Heidi stated that Dean Rankin did not bring any formal request to the LURA meeting, so she did not have anything to put in the file. It was discussed but LURA did not have any of those formal requests. If the council chose to put it on an agenda prior to the meeting, the American Legion would need to submit some sort of formal written request.

#### General items

- Appointments to the Laurel Ambulance Service

Chief Peters introduced Levi Vandersloot, Makayla Schessler, Chris Franklin and Justin Kostelecky. They serve as firefighters of the Laurel Fire/EMS and are requesting to be able to respond as EMT's for the Laurel Ambulance Service as well.

There was discussion regarding the Laurel Fire/EMS versus the Laurel Ambulance Service and Laurel Volunteer Fire Department.

#### Executive Review:

- Resolution - Vacate alley for Locomotive Fitness Center

Heidi mentioned the memo submitted by the Planning Department and stated that Kurt was available to answer questions. There are no concerns with this vacation, as it is in good favor for the city and should be pursued.

There was discussion regarding the photograph, the proposed vacated alley, the proposed public easement of lot 12, the issues for the garbage truck in this location, and the proposed manhole. The yellow box on the map is the right-of-way that the Locomotive Fitness Center will give to the city. The blue box is what they want to get rid of and the yellow is what the city would gain. They have to put in a sewer manhole, take over their private sewer line to their building, and give the city access to Railroad Street from the alley. The yellow box suits the city a lot better as far as getting in and out of that alley versus going in the blue where there were no options. The Locomotive Fitness Center would like to expand the building, but needed the alley vacated in order to do so.

Emelie stated that the yellow box will officially become an alley and questioned what the blue box will become.

Kurt explained that it will become private property of the Locomotive Fitness Center. There is a small parcel in the back corner and legal access was essentially the alley and there was public right-of-way. They are going to aggregate their parcels so the small house to the north and the other one will become one property. They have some work to do to aggregate the lot of the house north of them.

- Resolution - Amendment No. 6 to Task Order No. 26 - New Water Treatment Plant Intake

Kurt stated that Great West attended to explain the amendments to the task order to get the new water plant intake in the river. Amendments to the task order are needed because the city did not know exactly where the project was going to go. Permitting and the right-of-ways are done, so now Great West can focus on what is needed to get the project to construction and completion.

Chad Hanson explained that DEQ is currently reviewing the final draft for the water intake project. He will respond to the comments soon after they are received. Great West hopes to have approved plans by the end of April, have the permitting in place to go to bid in May, and hopefully start construction in mid-July. FEMA only lets the project go so far in the process. Great West had to do preliminary design and then final design, but is only contracted through bidding the project. The bulk of this amendment is for construction management of the six-month project that would include the inspectors, project management reviewing submittals, updates for the city, etc. The city recently changed the communication system, which Great West is revising the electrical design to incorporate to the future plans for the city to go to microwave system versus the fiber optic, which will actually save some money in construction.

- Resolution - Award bid for SE Fourth Street improvements

Heidi mentioned that the city went to bid for this project twice last year, but no bids were received. -

Kurt explained that this project was identified in the Laurel Gateway Plan as one of the first projects to go forward. The project involves putting a turn lane in SE 4<sup>th</sup> Street and striping all the driveway approaches to make sure there is no parking within the driveway approaches, which will limit parking to the south side. Crosswalks with solar panel lights are also included in the project. Solar panel lights are expensive, but the street will not need to be cut, a meter installed or a monthly charge paid. The crosswalks will provide a safety area with a pedestrian refuge in the middle.

Chad stated that the crosswalk at First Avenue and SE 4<sup>th</sup> Street will be repainted and brought up to standards. There will be another crosswalk at the intersection of Washington Avenue and SE 4<sup>th</sup> Street. There will be two mid-block crosswalks, one by Tractor Supply and one in front of the SEG Credit Union. The crosswalks will have the raised median, fences, flashing solar lights and the pedestrian refuge, similar to those on Central and King on the west end of Billings. The solar lights were bid at twice the cost that the engineers were told to estimate by the manufacturers and suppliers. They cost \$5,000 each instead of \$2,500.

Kurt stated that the contractor, Wharton Asphalt, has been paving a lot of projects in Laurel lately and know exactly what is expected.

There was a question regarding repaving SE 4<sup>th</sup> Street. Chad explained that SE 4<sup>th</sup> Street had a leveling course, an overlay, and a chip seal.

Chuck stated concern regarding the humps in the street by Subway.

Kurt will look at it further.

- Resolution - Small Service Contract with Industrial Communications & Electronics, Inc.

Heidi explained that Chief Musson, Officer Pitts and Matt Wheeler have been working hard with Industrial Communications to fulfill a CIP award out of last year's budget for some cameras in Kiwanis Park.

Chief Musson spoke regarding the need for cameras in the parks, at the city shop, the perimeter of city hall and the FAP, as well as inside the FAP. Matt Wheeler was recently given the CIP project to install cameras in Kids Kingdom at Kiwanis Park. Thomas and Justin, from Industrial Communications, were contacted regarding the technology available for this project.

Chief Musson spoke regarding the project, the technology available, and the need to build a system that can grow with future needs and available funding. The current and first project is for a camera in Kiwanis Park, but the system could be expanded to the city's phone system, a mesh system to allow computers in the police cars and for the SRO's, and moving the repeater site at River Road and Thiel Road to the city's property at the reservoir. These projects could save money for the city, but it has to start with the base station, which is the project Matt was directed to do.

Matt stated that this project is for a camera at Kids Kingdom, but the other potential projects are huge. The water intake is now involved with this. It is a very viable way to save money, and the different departments could buy a camera and have it beamed back to the police station.

Kurt explained the vandalism issues that have occurred at Kids Kingdom for years. The city sends two employees up there daily to check for vandalism. A camera with a chip was previously suggested, but that would be reactive. This system would allow dispatch to monitor Kids Kingdom and send an officer to catch vandals in the act. Having cameras and catching vandals in the act, putting them through the court system and getting some restitution and community service might change the attitude in the community. Kurt is in favor of it and hopes the council is, too.

Chief Musson mentioned that this quote is for two fixed cameras, but more technical cameras are available that will pan, tilt and zoom.

Justin, Industrial Communications, explained that a voiceover IP telephone system is much like a cell phone, which uses voiceover IP technology today. The system would have advantages for the city offices. Employees could dial the last four digits of any office in the City of Laurel and get that office from another city office. This would be at a lower price point than what the city pays for lines from CenturyLink because it uses voiceover IP technology. The equipment used is very robust and is used in Rosebud County.

There was discussion regarding backup systems, the backup generator at the FAP, the mesh network, and the possibility of grant funding.

Thomas Miller stated that Industrial Communications is not a phone company and has no interest in selling the phones. That is a separate part of the project. He also emphasized that the same system that would handle the city's phone traffic would also handle the internet, the cameras, and the mesh system.

There was further discussion regarding TCT, which is a reputable phone company, the 10 to 12 year lifespan of the technology, the advantage of having cell phone access to the camera system, the need

for a camera system at the new water intake, the enthusiasm for the project, and the need to provide the cost savings to the council.

- Council Issues:

- Rental registration ordinance (Bruce McGee)

Bruce hopes there is interest in the rental registration ordinance, as he thinks it is something that would work to advance the city. He thinks the ordinance has a lot of validity and would serve citizens in a much different capacity than just simply a background check for landlords. He hopes everyone does not get bogged down in the minutia and does not realize the entire impact that this could have to be beneficial to the whole rental population, both landlords and tenants.

Heidi stated that she had asked Chief Musson to stay for this discussion. She gave the city attorney a copy of the binder Bruce distributed to the council, and he issued an opinion based on the information in the binder late today.

There was a lengthy discussion regarding the need for an actual analysis to see if anything in Montana law prohibits or allows it, the suggestion for the Emergency Services Committee to review it, the need for the analysis before the committee reviews it, the fact that CJIN rules do not allow the Laurel Police Department to enter into any kind of background check, other ways to perform background checks, and the FBI repository for background checks for gun permits.

Bruce stated that this simple ordinance is structured so the inspections are done by code enforcement. If the entity is a large enough complex that requires more than that, it is done by the fire department. They are just safety issues and things that would make for normal acceptable housing for individuals. It does not work its way into the parameters of fees or what landlords charge, but it is simply making it safe for tenants. That is the impetus of the registration program. The program must pay its own way with the necessary fees for the extra services that the city workers have to do and does not make the city money. There is concern about stress being placed upon the city employees, and that issue would have to be addressed.

Mayor Mace will pass this on to the city attorney for review.

Heidi stated that the civil attorney will review it and MMIA will be called to make sure they will insure the city for this.

- Lease Task Force update

There was no information to present.

- Update on 2011 Yellowstone River flooding event

Heidi stated that Chad spoke about the increase in engineering costs to go to construction, the bid timeline and where the permits are at this time. A conference call is scheduled tomorrow with Great West to talk about increasing the funding request to the Coal Board.

Other items

There were none.

Review of draft council agenda for April 5, 2016

Several changes are needed to the calendar of events. The City-County Planning Board meets on Thursday, April 7<sup>th</sup>, the Park Board meets on Thursday, April 7<sup>th</sup>, and the Public Works Committee meets on Monday, April 11<sup>th</sup>.

Attendance at the April 5, 2016 council meeting

All council members will attend.

Announcements

Scott asked regarding an obstruction with a tree at the drive thru by Taco Bell.

Heidi and Kurt looked at it recently and determined that the line of sight is fine right now, but they will keep an eye on it.

Scott asked regarding the hands-free cell phone ordinance that he suggested a month ago.

Heidi explained that the city attorney has requested input from other cities. The item has not been forgotten.

Tom stated that the Cemetery Commission will not meet in April, but will meet on May 10<sup>th</sup>.

Emelie will poll the members of the Public Works Committee to see if a meeting is needed on April 11<sup>th</sup>.

Mayor Mace received a letter stating that the City of Laurel is the tenth safest city in the State of Montana. No city larger than Colstrip was included in the list. He will forward the letter to the council members.

Kurt stated that the Tree Board recently discussed combining the Tree Board, Park Board and Cemetery Commission. The Tree Board has trouble getting a quorum and is in favor of combining the boards.

Mayor Mace stated that the Local Government Center is reviewing this issue.

The council workshop adjourned at 7:51 p.m.

Respectfully submitted,

Cindy Allen  
Council Secretary

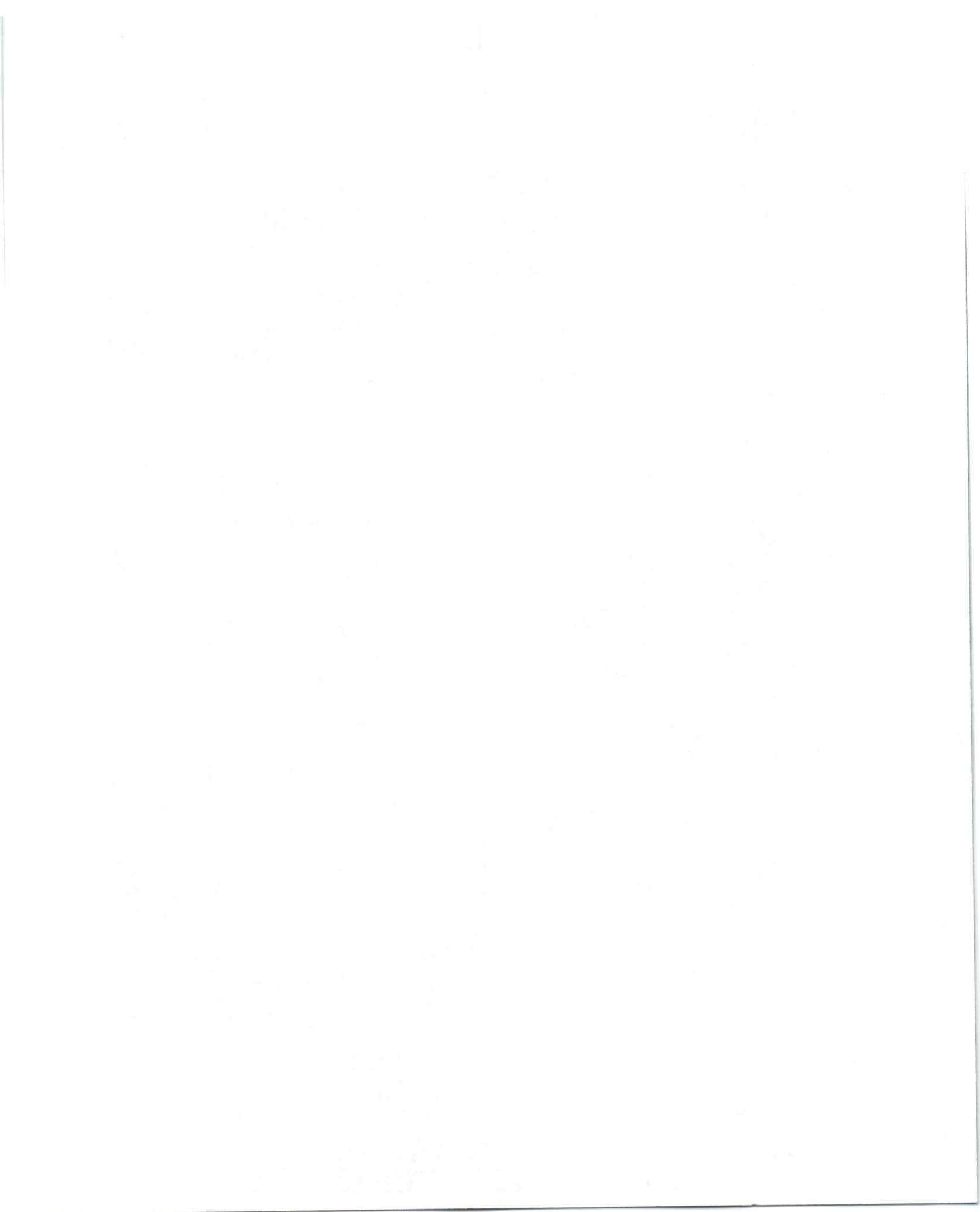
**NOTE: This meeting is open to the public. This meeting is for information and discussion of the Council for the listed workshop agenda items.**

**Blue= Proposed vacated Alley**

**Yellow= Proposed public easement of lot 12**

**Green= Proposed Manhole**





## Heidi Jensen

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**From:** Sam Painter - Thompson Painter Law <sam@thompsonpainterlaw.com>  
**Sent:** Tuesday, March 29, 2016 5:26 PM  
**To:** Heidi Jensen  
**Subject:** Rental Property Registration Ordinance

Heidi,

I reviewed the materials submitted by one of the Council Members who is working to create an ordinance requiring the City to inspect and approve all residential rental properties within the city limits. While I understand the intent, I do have a couple of concerns that must be resolved prior to dedicating a substantial amount of work creating the actual ordinance. First, I have not located any similar ordinances in the State of Montana. I will continue to search. Second, I have not located any legal authority in Montana that provides local jurisdictions to create and enforce this type of an ordinance. I appreciate the fact communities in other states have adopted and implemented ordinances similar to the Councilmember's proposal. The fact is there has not been an analysis of such an ordinance under Montana law. I have some initial concerns regarding privacy, private property rights, searches, condemnation and taking issues, however until an actual analysis under Montana law is performed, pursuing the proposed ordinance is premature. Third, I would not recommend pursuing the ordinance unless the City could actually administer it. As I understand it, the City is short staffed, underfunded and struggling to provide services. Adding additional services may not be possible at this time especially if the general fund is going to pay for the program. Be advised, I note the packet alludes to the program actually becoming a profitable or money making venture. Be advised, Montana law restricts local governments ability to raise revenue. Any fee charged for a service must proportionately pay for the cost of providing the service. In other words, the inspection fee could not exceed to City's cost for the inspector plus some minor administration charge for processing and issuing the permit. A program that charged more than the City's cost would certainly be ripe for a legal challenge.

Nevertheless, if the Mayor and Council wants to pursue an ordinance like this, I would suggest they request a legal opinion regarding the constitutionality and/or legality of such an ordinance under Montana law. If allowable, the Mayor/Council can next proceed to the next step, creating an ordinance with specific attention to the purposes of the ordinance. I hope this helps you in your discussion.

Sincerely,

*Sam S. Painter*

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