

**MINUTES
COUNCIL WORKSHOP
JULY 12, 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 July 12, 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:

Sam Painter, Civil City Attorney
Heidi Jensen, CAO
Shirley Ewan, Clerk/Treasurer
Kurt Markegard, Public Works Director
Jean Kerr, City Judge

Public Input

Karl Dan Koch, 320 Colorado Avenue, spoke regarding the parking lot at the high school. This parking lot is an agreement between the school and the city. The amount of parking spaces that are required by ADA was based off the stadium. The stadium has to have so many seats, as well as so many parking places, and the school obviously forgot to include that in the design when they built the stadium. The entire lot is handicapped parking, but there is no big sign that says so. Mr. Koch thinks it would help the average person know not to park there. He has seen buses parked in there, which obviously did not have a handicap permit hanging. The city judge recently gave him a list of the 29 official citations written for parking violations in the lot since January 1st. There were only two cars parked there when the officer gave him a ticket. On the 4th of July, Officer Guy told him that a lot of people have complained about that parking area. Mr. Koch distributed copies of his proposal that he showed to the Public Works Committee last night, as he is a member of that committee. He thinks the changes would help everybody, and the only way it is going to get done is if somebody keeps complaining and working with the city, ADA and the school to get some kind of agreement. With possibly 15 football games that fill the stadium every year, and possibly 15 track meets every year, that's only 30 events out of 365 days. The requirement was based on the stadium, not the school, not the playground, not the baseball diamonds. Mr. Koch stated the need for an agreement for an efficient amount of parking for the stadium. He stated that the Public Works Committee passed a resolution that says money will be spent to put "enter" and "exit" signs, as well as one that says the entire lot is handicapped parking. He would like to see the blue painted there with the handicapped logo on each space. He had letters from people that came to town and got tickets stuck on their windshield that assumed they could park there. He thinks this needs to be fixed.

Jean Kerr, Laurel City Court Judge, distributed handouts regarding the VisionNet system that is in the court. It is a closed network system that allows Laurel City Court to arraign and communicate with

incarcerated prisoners in the Yellowstone County Detention Facility, as well as other facilities around the State of Montana including Montana Women's Prison and Montana State Prison. It allows the court to be able to communicate with prisoners that still have outstanding issues within the court. It allows the court to have communication across the state and has saved the City of Laurel and taxpayers' money every year. It limits transporting of prisoners and the police officers are able to stay on the streets.

Jean stated that the VisionNet system in Laurel is dying. It is an analog system and is no longer supported by any tech systems. The tech person in Great Falls recently evaluated the wiring. The walls are not stable enough to hold a flat screen, so a stand is needed for it. If the system quits, the Laurel Police Department will need to transport prisoners once again. The equipment is antiquated. The television in the court room only has white, yellow and red to plug in. She cannot plug a laptop into it and it only works with VHS, not DVDs. For several years, the Police Department has put all their information on DVDs and flash drives for viewing. The court currently uses the judge's laptop to view DVDs, and everyone gathers around to view it. Jean has to leave the bench and stand right along with the attorneys and the defendant.

Jean stated that she had a conversation last year with Heidi Jensen, CAO, about her concerns that the system might not last much longer. The system lasted for another year, but she does not trust it to last the rest of the year. She stated that she does not really know procedure as far as how to approach, so she came to this workshop. She bought a flat screen TV that is needed for the system, but did not purchase a smart TV because smart TVs can be hacked. The television went down \$200 since she priced it in January. She tried to buy the TV stand for the television on June 29th and 30th, but the Visa card was maxed out.

Jean asked the council to consider the need to update equipment and the VisionNet system for the court. She receive a price quote from Doug Nichols, the VisionNet contact in Great Falls. The cost for RealPresence Group is \$4,949.51 and \$670 for the first year of support. She found the TV on Amazon for \$399, instead of the \$1,200 in the quote. Some of the installation costs could be reduce if Jean does some of the work and freight costs could be cut by having it sent to Laurel City Court versus Great Falls. The total needed would be \$7,298.51.

Jean noted that she did not spend down the court's total budget, so the amount of money that was not spent on June 30th is now in the General Fund. She stated that this small investment pays for itself ten-fold when looking at everyone that it helps out. She does not know the process to get on a different agenda, but wanted to give the council this information to ponder. Chief Musson and Georgette Boggio, the prosecuting attorney for Laurel, said that they would either write letters or attend a meeting to answer any questions as to how VisionNet positively affects their department.

Executive Review

- Civil City Attorney - Discussion on council procedure

Sam Painter stated that he was not at last week's council meeting, but there was a little bit of confusion. It was important tonight to talk about the requirement that the city council approve any item of business by five (5) affirmative votes in case it happens again. The question that was presented was whether or not the resolution was approved or not by the 4-3 vote. When he started to investigate the matter, it got even a little cloudier. Council Member Dickerson had a change of heart and decided to change his vote. This council has adopted Roberts' Rules and whether or not one can change his or her vote as a councilman is governed by those rules. Sam then reviewed the record to

see what happened and if he could determine the actual outcome. The general rule is that a councilman can change his or her vote up to the time the vote is announced by the chair. For example, if everybody votes and they say the final tally was 5-3, then that is the final tally. At any time prior to that, a council person can ask for permission and notify everyone, the chair specifically, and say he or she is changing their vote. Sam stated that he listened to the minutes to determine if that happened. The typed draft minutes showed the first vote was a 5-2 and then Councilman Dickerson changed his vote to a no, and then the vote became a 4-3. There was some discussion later in the meeting as to whether or not the resolution was approved.

Sam thought this should be easy to fix but it really is not. He listened to the audio tape but could not clearly hear if the result was announced. He could hear rumbling and some low discussion and then he heard Councilman Dickerson. He was confused as to whether or not the final tally was announced. He looked through previous minutes and they all state the number of votes for and against each vote. They are consistent with those minutes.

Sam gave the following guidance to the council. If voting as a council member, remember that five affirmative votes are needed. If there are not five affirmative votes, then the resolution, regardless of the 4-3, actually fails. Even though the majority of the council supports it, there are not enough votes to approve it. It is kind of a nuance in the city code. Secondly, if a council person wants to change their vote, he would urge them to immediately announce to the chair that he/she would like to change their vote. He stated that it is critical that the result of the votes be announced at the conclusion of the votes as a way to finalize the action. Without that finalization, it is hard to tell. He spoke regarding the confusion over whether or not it was actually in time. If a council person misses the opportunity, under Robert's Rules they can ask for approval by the rest of the group to change their vote, so it is not a completely dead issue if they miss the timeframe, but it is a different procedure. The importance of it is that the minutes must be clear, as it is important to know exactly what the decision was so there is a legally defensible vote and decision in the minutes. For example, this particular item is substantially important for the city because it is a part of an overall \$8 million project for which the council has already awarded a contract. This is a substantial amount of money that is supposed to go to that project. Sam needs to know whether or not the resolution for the loan was approved or not approved because, if the city does not have the cash in the bank when the city has to start making payments on the project, the city may be in breach of a contract. This part of the cash was a part of the entire project. If the contractor reads the minutes of the meeting and sees that the city is not going forward with the \$1.7 million loan, they might question where the money will come from. If the contractor's attorney contacts the city's attorney requesting affirmation that the city intends to go through with this contract, Sam would review the minutes to see if the loan was approved. It is a little fuzzy in the minutes, so it is a good reason to have a clear, concise set of minutes to state the decision. In order to clear up the minutes, Sam suggested that the council reconsider the decision at the next council meeting. If it fails, it fails. If it gets brought up again, the council revotes and it passes, fair enough. At least he will have a clear decision in the minutes that he can defend and show as the actual decision. He stated that the council should clear it up, especially in light of the importance of the item.

Chuck asked if all eight council members would vote at the next meeting, or if the seven that voted on originally should vote.

Sam answered that each council person would have their vote, as they do not forfeit their vote by not coming to the original meeting.

Tom stated that there are some considerations with reconsidering the motion. According to Robert's Rules, the prevailing side is the side that voted in favor of the motion if it was adopted or voted contrary to the motion if it was defeated. Reconsideration would have to be brought up by one of the three that voted against it because they would be the ones that were on the prevailing side.

Sam stated that was correct.

Tom stated that there is also the option to bypass that and the Mayor could bring it back to the council at the next regular business meeting under Renewal. Robert's Rules states that any motion that has passed or failed that has not been implemented can be brought back up to the council for reconsideration under the Renewal motion.

Sam stated that Robert's Rules is a wonderful item and can be argued any way you want. The problem with using the renewal motion, especially with an item like a contract, is as follows. The city negotiates a large number of contracts, including labor contracts. If the council approves a labor contract and comes back two weeks later and under the renewal request goes the other way, he thinks the city would be in a hard, hard place, regardless of whether or not it is in Robert's Rules. There is a certainty that is needed with conducting business and contracts. Sam stated that you cannot be dirty contract breakers. Contracts are contracts and you approve them or you don't. He does not think the renewal process is a good practice and would not recommend the council come back through any sort of renewal. It is not a good thing to do in the business world. If the council is going to revisit the issue, Sam recommended revisiting it through a reconsideration process, which would be the fairest way to do it. If all of the council attends, he thinks it would be even fairer because this is an important item. This is part of a contract that the council has already approved.

Sam stated that he was very concerned. This is a substantial amount of money, and he understands that there are competing interests, there are hard feelings, and there is a desire to go forward and try to get the money elsewhere, but he does not know if the process that is going to be used with this project was fully discussed. It is a reimbursement grant for an \$8 million project. That means the city has to have a substantial amount of money in the bank to pay for supplies and labor as it comes due. It will probably take sixty days to get reimbursement from FEMA. Starting a project \$1.8 million short is going to be substantially difficult. He is concerned and thinks the council should have a full reconsider discussion on this issue and have an analysis or at least some estimates as to what payments will be. The payments could be substantial and being short \$1.8 million is not good. Sam stated that the full eight members of the council should talk this through and reconsider this decision. Even if the council decides it does not want to do this, that is fine, but the decision needs to be absolutely clear in the minutes so nobody can actually challenge the decision and say it was not clear in the minutes. Sam urged the council to reconsider the issue.

Mayor Mace asked if there were any questions from the council.

Chuck asked if a motion for reconsideration could be made tonight for that to be on the agenda or if it would be put under another item once it is brought up next week at the meeting.

Sam explained that the practice has been to put a proposed motion on the agenda. Prior to any discussion, one of the three council members that voted against it has to make a motion to reconsider the item, followed by a second and a vote.

Chuck mentioned that Sam's email suggested that one of the four members who voted for the resolution must make a motion to reconsider it.

Sam stated that it should be one of the three that voted against it. He could probably argue both sides, but it is clearer that the motion failed and that seems to be the prevailing side. The minutes said the 5-2 motion carried and then it said 4-3 motion carried. The minutes were adjusted because the motion did not actually carry, as it did not have five affirmative votes. A second and a vote are needed to reconsider the item.

Bruce stated that, so the city council is clear, the council is not going to make a decision tonight at the council workshop meeting. Next week, if one of the prevailing council people bring up a motion to reconsider and it was seconded by anybody, the motion can be reconsidered.

Sam agreed that the council could then discuss the issue and have another vote.

- Resolutions - LURA Large Grant Program Awards

Noel Eaton, City Planner, explained that the subcommittee of the Laurel Urban Renewal Agency met on April 27th to discuss the nine applications that were received for the Large Grant Request Program. Each year, the \$75,000 grant gets distributed between the applicants within the Tax Increment Finance District that are doing larger projects than the Façade Grant and the Technical Assistance Grant allow. Each eligible application was deemed eligible or ineligible by three different categories. First, did the project fall within the seven goals of LURA? Second, was the project an eligible project outlined within the application? Third, how much money was being requested from each applicant? Out of the eligible projects, each application was broken down from the total requested amount from each applicant and then by the percentage of each request from the total \$75,000. It was done very equally with each application. Some applicants asked for more, some applicants had smaller projects, and some applicants had very large projects. Out of the nine applications, three were ineligible and six are being recommended for awards.

Altana Federal Credit Union has done a lot of work with their sewer system. They had to remove some trees and redo the curb, gutter and sidewalk there. Their project total was \$21,479. They were eligible for \$10,739 and LURA is recommending \$2,235 to Altana Federal Credit Union.

Parks Real Estate did some improvements with their driveway and their parking lot, as well as their approach with new asphalt. Their project total was \$16,280. They were eligible for \$4,290 and LURA would be recommending \$892.

Rimrock Chevrolet is doing a lot of improvements to the old Burger King lot at 417 South 1st Avenue, including removal of vegetation, asphalt, curb, gutter, asphalt, landscaping and installing lighting. Their project total was \$278,639. They were eligible for \$117,910.50 and LURA is recommending \$24,562.

The Conomart C-Store did a lot of improvements to their curb, gutter and sidewalk. They installed new drainage and did repair and replacement of the street and asphalt. Their project total was \$57,304. They were eligible for \$28,652 and LURA is recommending \$5,962.

Building 1938, LLC, which is actually the Himalayan Salt Lamp Shoppe on First Avenue, is doing a lot of façade improvements on the outside and some work on the inside. Their project total is \$219,780.43. They requested \$109,890.43. LURA is recommending \$11,445 to the Himalayan Salt Lamp Shoppe and At 1 With the Earth . . . The Earth Spa. There is also the acquisition of 111 West Main Street for "Up Your Alley . . . Laundry" with a recommendation of \$11,445, which is contingent upon the purchase of that property. The property has not been purchased yet. One of LURA's eligible projects is the acquisition of land. The subcommittee split the request into two sections, giving \$11,445 for the façade improvements and \$11,445 for the purchase of 111 West Main Street. If the land is not purchased within 90 days of July 1st, the amount will be given back to the subcommittee to redistribute to the other applicants that are eligible for the Large Grant Program.

Homestake Homes is seeking the acquisition of the 300 block of West First Street for the future development of multi-family housing and commercial businesses. The project total is \$1,500,392. He requested \$88,567 and LURA is recommending \$18,451, again with a contingency upon the purchase of the property within 90 days of July 1st. If that property is not purchased, the money will go back to the subcommittee to redistribute to the other eligible applicants. Parks Real Estate is located on West Main Street and is Greg Nelson's old business location. Parks Real Estate just applied for a façade grant for a new sign.

- Resolution - Engagement Letter with Dorsey & Whitney LLP

Heidi explained that the Engagement Letter is for Dorsey & Whitney to be the bond counsel for the DNRC, Drinking Water State Revolving Loan Fund Program loan. It is awkward since the status of the loan has not been finalized, but it is needed in order to move the loan forward.

- Resolution - Amendment No. 7 to Task Order No. 26 with Great West Engineering

Heidi stated that the amendment is needed for additional services to relocate the control building and parcel location for the new water intake, as requested by Mr. Harkins, who is the new owner of the Howrey property.

Kurt Markegard explained that the location of the control building will be moved 108 feet to the east to allow Mr. Harkins to lease the neighboring property and have it conjoin his property to use for cattle operations.

Bruce stated that, because of the change and the way the city was bamboozled in the purchase, this is an additional \$15,300 that the city would not have had to spend.

Heidi answered that the \$15,300 will be added to the \$17,000, plus attorney's fees, that the city will seek from the Howreys.

Bruce stated that he was really glad to hear that, as it was additional expense incurred by the city because of them.

Kurt explained that originally the building was placed toward neighboring properties behind the barn so it would not be obstructive. The barn was used as a shield for neighboring properties because the city wanted to be a good neighbor.

- Resolution - Change Order No. 1, SE 4th Street Crosswalk and Striping Improvements

Kurt explained that the Southeast 4th Street crosswalk and striping project included some steel pedestrian visionary where people can see there is a crosswalk and a safe zone. The plan followed Billings' standard. It is essentially a metal railing that was painted yellow that was supposed to go into the concrete. However, if a car were to hit it and bend it off at the concrete, it could rust out in the concrete and would need to rebore it to fix it and incur more expense. At Kurt's suggestion, it was recommended not to do that. The contractor is waiting for the council to consider this change, which would have the railing flush mounted with stainless steel anchors instead of having it mounted in the concrete. The majority of the cost is for the stainless steel anchors. Kurt highly recommended going with the flush mount system versus putting them down in the concrete. This would also help if traffic were to hit it, as it would break off at the bolts instead of being a dead end stop.

- Resolution - Contract with A-1 Drilling

Kurt stated that this is part of the water intake project. In order to make it through the winters with frazzle and slush ice on the river, he would like the intake to have a boiler system to flush it with hot water. A water supply is needed in order to have that, but there is not municipal water available there. The contract for a water well driller was split out of the contract for the water intake. Great West Engineering solicited four quotes and A-1 Drilling submitted the lowest reasonable quote. The quote is for mobilization, drilling and installing the well. The city needs to know how much water the well will produce in order to finalize the boiler and finish the final plumbing in the building for the boiler. Because the well is in close proximity to the river, Kurt thinks there will be plenty of water.

- Resolution - Easements for the new control building parcel location

Heidi explained the two resolutions for easements for the new control building and parcel location. With the change order for the survey, the building was moved 108 feet to the east to accommodate Mr. Harkins' request to use the cattle barn. The change lessened the amount of pipe that will be used but lengthened the amount of road to get to the building. These resolutions are needed to permanently clear up the issue. Mr. Weaver, the city's engineer at Great West, is very thorough and this is the proper way to go about making sure that this is filed correctly.

- Resolution - CDBG Grant Contract with CTA Architects for Subdivision Regulations Update

Heidi explained the resolution for the CDBG Grant with CTA Architects for Subdivision Regulations Update. The city's subdivision regulations are over ten years old and in dire need of updating. The city received a \$25,000 CDBG Grant that is matched by the city. The city went out for bids and only received one proposal back from CTA Architects. The planner at CTA Architects will be in charge of rewriting the city's subdivision regulations with this contract.

- Resolution - Contract with Dr. Jedediah Walker (Medical Director for Laurel Ambulance Service)

Heidi spoke regarding the contract with Dr. Jedediah Walker to become the new Medical Director for the Laurel Ambulance Service. Dr. Thomas Bennett has been the Medical Director for the Laurel Ambulance for a long time, but does not wish to continue. She tasked the fire and ambulance department with finding a new medical director and they are very pleased with Dr. Walker. He plans to be very engaged and involved with this department and to help them move forward with becoming a more advanced EMT services. Heidi does not know Dr. Walker, so she trusts their judgment and hopes that he will be a good addition to the city.

- Resolution - Reimbursement from the State of Montana for the \$1.7 million loan

Heidi stated that the civil city attorney did not actually write a resolution, so he would like to find out what the council is interested in having in that resolution.

Doug explained that, even though he voted affirmative last week, he wished he could have voted and actually said yes in distress. He is very distressed about this \$1.7 million issue. He feels that the Governor's Office has essentially betrayed the city in their requirements. Mr. Nelson has done a great amount of research on this and he complimented him on that. Some things bother him, including some Montana Code Annotated, some statements that were made by the Governor and some letters to FEMA from the Governor's Office. For instance, one portion of MCA 10-3-311, refers to federal funds available for emergency and disaster require either matching state funds or specific expenditures prior to eligibility for assistance under federal law. Further on it states that the Governor is charged with the implementation of this program. It is a law that the Governor is supposed to implement a program that takes care of those funding issues. Doug stated that our Governor has basically sidestepped the issue, and said he is not making a decision because he and the legislature's last session could not agree on anything, even though he has the ability to do it. With the resolution, Doug wants something more substantial than the promise that the city will go to the legislature and Mr. Ricci and another legislator are willing to carry a bill for the City of Laurel. Doug questioned if the city could sue the Governor if he does not make some decisions.

Sam stated that he understands the frustration, as everyone is frustrated. The city is trying to get water for the city and has been moving forward with the project. The second part of it is how to get the money back, as the city felt entitled because there were federal disaster funds and the city had a disaster. Sam explained that falling through the cracks of a change in administration is what they argued early on, as the Governor's Office changed from Schweitzer to the current governor. It is not very satisfying to the city or to citizens.

Doug stated that it is not a legal argument.

Sam explained that governments are generally immune from lawsuits. Governments have sovereign immunity unless they agree to allow someone to sue them. The state Tort Claim Act is similar to the federal Tort Claim Act, and that needs to be reviewed. Regardless of what statute may be on the books, if the state does not say you can sue them through their Tort Claim Act, you cannot. Cities used to enjoy that power, but the State took it away so that is why cities get sued. The State of Montana only gets sued under their Tort Claim Act when they say a citizen or other entity can sue them for the following.

Sam stated that the research he is being asked to do is to look into the State Tort Claim Act to see if he can find a method to go after the state government. By saying no you cannot sue the governor directly, he does not think there is a statute or way to get at the governor personally or as an individual governor. You may be able to get at the state government through some sort of a tort claim if they had a nondiscretionary duty to provide funds. If the council wants to investigate that, he will do so. He encouraged the council not to do an inflammatory resolution, as sending a resolution without having legal authority to back it up is not a good idea. Never threaten anybody unless you can follow through would be his advice. The legislative process is a difficult situation. He suggested investigating a legal avenue and looking at all the facts before filing anything or going on record with anything. If the city has to take out a loan and then ends up recovering some funds later, the city can pay off your loan early. If the mayor directs him, Sam is willing to look at some sort of tort claim.

Tom asked which department, whether it was the Governor's Office or the DES Office, sent the official statement to the City of Laurel from Helena as to why they were not going to provide us with \$1.7 million as part of the 25 percent state matching funds from the FEMA emergency.

Heidi answered that there has never been an official statement and she has been unable to get an official statement from the Governor's Office.

Tom questioned that they have not told her why.

Heidi stated that is correct. She has received nothing on official letterhead, or the council would have received a copy.

Tom asked if they have in conversation.

Heidi stated that is correct.

Tom asked Heidi to tell the council what they told her.

Heidi stated that, over the last five years on a bimonthly basis, she has told the council about the meetings, that it was not budgeted, and that the Governor does not have the discretionary authority to give the city the \$1.7 million. The city's only action or recourse was to go to the 2015 Legislature. Unfortunately, the city got the news at a date that was too late for the city to be on its own bill, which allowed the city to be placed into other bills and then into the large infrastructure bill, which obviously did not pass. That was the only recourse the city was given. Heidi stated that, once the legislature failed, the council saw the emails from Director Villa's office with his proposed monies. Unfortunately, that contingency money was all spent. The city went to the Coal Board but the Coal Board did not grant any funds. The only option that was left is this three-year interest free loan from the State Revolving Loan Fund and any loan forgiveness that the city could receive in the 2017 Legislature if the city is sponsored in a bill.

Tom stated that he would have asked them how they would budget for an emergency that has not happened yet. Tom does not understand that they did not budget for the emergency. He is having a hard time grabbing that. He asked Heidi if that is what they told her.

Heidi stated that is what she has been told, and she mentioned that Mr. Schaffer from the Governor's Office came and told the council the same thing.

Sam stated that there are substantial numbers of documents around.

Heidi stated that there is no formal letter from the State that says the State did not budget the \$1.7 million and there is no help except the loan.

Sam stated that, typically, when there is an emergency and it is two or three years down the road looking backwards, it is a good defense to say that it was not in the budget for this year. The burning question that the city would like an answer to is what happened to the money the year it happened and in subsequent years.

Heidi stated that she has asked that question as they did have the 2011 Legislature and the 2013 Legislature to amend their DES budget when they found out that Laurel's project was not going to be finished in one or two steps, but three steps were needed. She has asked that question but they are not required to give her an answer.

Tom stated that he would like to make one statement for the record. He spent the weekend looking into this situation. For the record, he would like to note that the Governor of Montana on May 12, 2016, sent a letter to the President of the United States asking for an emergency to be declared by the President. In doing so, the Governor stated the Executive Orders that are already out, that have been declared by the Governor's Office, and the federally declared fire disasters. Then he stated that the State of Montana is still in the recovery phase for presidential declarations that remain open and have liabilities against them from the State General Fund. In listing those presidential declarations, he lists the FEMA-1996-DR-MT, which is the 2011 flooding for 48 counties and six reservations that Laurel's current emergency in the funding from FEMA is being administered under.

Heidi stated, that, unfortunately, there is not a lot the city can do about him issuing that letter.

Doug questioned if that states that he acknowledges that he is still liable for those flooding events.

Heidi does not know how many events are under FEMA-1996-DR-MT.

Doug stated that it includes Laurel's event.

Heidi stated that she has done everything she can to get this funding. She can ask the Governor's Office to come back down here and talk to the council again. At any point in the last five years, council members could have gone to the Governor's Office with her. She does not know what additional information to present, but she is willing to ask them to come back.

Doug stated that he does not want them to come back unless they come back with viable suggestions. So far they have given us none.

Richard asked what happens in August when the river dries up. He questioned if the city has to declare another emergency.

Heidi explained that the city is operating under the same emergency. All of the regulatory agencies understand that the city is still operating under the 2011 emergency. If there is an emergent situation in the late summer months, the city would contact FEMA, like the city did in the winter when it was necessary to put rock in the river, and get a permit to do what is necessary to maintain flow over the top of the intake.

- Council Issues:
 - Motion sequence (Chuck Dickerson)

Chuck suggested that the council member in the same ward should fill in for a council member on the motion sequence if one member is absent from the meeting.

- Discussion regarding noise ordinance (Emelie Eaton)

Emelie explained that a constituent in Ward 1 contacted her regarding some construction going on at 5:30 a.m. near her home. She had complained about it and was told that there is no noise ordinance in

the City of Laurel. She requested that Emelie propose putting a noise ordinance in the community. Emelie told her that the process was not that easy, but she would refer it to the proper committee for discussion and recommendation to the council. Emelie researched noise ordinances in the State of Montana and found out that Great Falls, Livingston, Lewistown, Bozeman and possibly Belgrade do not have noise ordinances. Missoula has a noise ordinance and she distributed the information to the council. Emelie requested that the Emergency Services Committee review the issue. She pointed out the concern that this was because of fireworks when she mentioned it at last week's meeting. There is a provision in Missoula's noise ordinance excepting the sound of fireworks during the 4th of July.

Doug will put the item on the next Emergency Services Committee agenda for consideration.

- Lease Task Force update

Heidi stated that there was nothing to report at this time.

- Update on 2011 Yellowstone River flooding event

Heidi mentioned that the Army Corps of Engineers sent notice that the city would receive a 404 Permit with about 20 conditions. Some of those conditions were things that the city did not feel were necessary or fair, so suggestions were made back to the Army Corps. The Army Corps has been receptive of those changes and will hopefully make them and reissue the permit. Once the Corps Permit is issued, the DEQ Permit will follow and the city will be completely permitted for the new intake at that time.

Other items

There were none.

Review of draft council agenda for July 19, 2016

Item q., a resolution for reimbursement from the State of Montana, will be removed from the scheduled matters.

Attendance at the July 19, 2016 council meeting

Richard stated that he wished he had known this was happening because he planned to be out of town.

Announcements

Scot stated that the Park Board wants to be in the July 26th council workshop agenda to discuss possibly taking back lease negotiations, as per Laurel Municipal Code.

Chuck asked regarding Jean Kerr's request about VisionNet, it appears that she is working on a time constraint for the end of July. He questioned if it would be necessary for her to submit a purchase requisition to the Budget/Finance Committee to approve or disapprove, since that is the last business meeting in July.

Heidi stated that the item was not added to the budget. Heidi and the clerk/treasurer met with Judge Kerr, but she did not attend the CIP meeting and request that VisionNet be placed in a capital improvements project, which is where projects over \$5,000 need to be requested. Heidi stated that she explained that to the judge. The judge was going to see if she could get a better rate for installation, for freight, and for the equipment. The clerk/treasurer and Heidi have not seen an updated amount, and this is the first time she has seen anything since their discussion in the spring.

Chuck spoke regarding the updated amount.

Heidi stated that this is not an updated amount. It is the same amount she saw back in the spring. The clerk/treasurer did not have funds for this and it was not budgeted. Heidi can ask the clerk/treasurer to see if she can find \$7,000 in the General Fund to move into the budget for the court.

Jean responded and said that she was not invited to the CIP meeting. There was a general email sent with a possible date, but no one invited her and she was not confirmed to be there.

Emelie stated that Mr. Koch misspoke in his earlier presentation when he was talking about the parking lot and the Public Works Committee meeting. The committee did not pass a resolution. The committee made a motion for staff to look into some of the requests regarding adding some signage and painting the area. There was not a resolution, and she wanted to clarify that did not happen.

Emelie stated that she has been asked why the minutes of the last meeting included a request for a review of an item that is not on today's agenda. She thanked the mayor for sending her an email and read a portion of the email so it is on the record for future consultations with constituents. The email reads:

“Dear Council Member Eaton,

I write to inform you that upon review of the agenda I am not allowing the council to get into a discussion of a personnel matter that is purely within the purview of the Mayor. The CAO's contract is specific in that the CAO performs the duties contained in the CAO Job Description, and the CAO reports directly to the Mayor. The CAO is evaluated by the Mayor and any raise is negotiated by the Mayor. The position is purely administrative, and the Council has no authority to review the CAO's performance. Again, this is an administrative function. As we have discussed many times, the role of the Council is to legislate, and the role of the Mayor is to administer the government. Be advised, the CAO's salary is contained in the annual budget. IF there are budget concerns, the matter can be voted during the annual budget process, not during council discussion in a workshop.”

Emelie stated her appreciation to be able to refer to this if she continues to receive telephone calls on this matter.

Recognition of Employees

- | | | |
|--------------------|--|-----------------|
| • Sheri Phillips | 19 years of service on July 1 st | City Court |
| • Fran Schweigert | 18 years of service on July 6 th | City Shop |
| • Nathan Herman | 16 years of service on July 10 th | WTP |
| • H.P. Nuernberger | 14 years of service on July 30 th | WTP |
| • Calvin Lovshin | 4 years of service on July 16 th | Custodian |
| • Patty McGahan | 3 years of service on July 1 st | Library |
| • Anna Contreras | 2 years of service on July 16 th | Police Dispatch |

Mayor Mace mentioned that a couple of the employees, Fran Schweigert and Sheri Phillips, attended tonight's meeting. He thanked them for their service.

The council workshop adjourned at 7:50 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Cindy Allen".

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.