

**MINUTES  
COUNCIL WORKSHOP  
NOVEMBER 8, 2016 6:33 P.M.  
COUNCIL CHAMBERS**

A Council Workshop was held in the Council Chambers and called to order by Mayor Mark Mace at 6:33 p.m. on November 8, 2016.

**COUNCIL MEMBERS PRESENT:**

<input type="checkbox"/> Emelie Eaton	<input checked="" type="checkbox"/> Doug Poehls
<input 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  
Tim Reiter, Utilities Superintendent

**Public Input**

There was no public input.

**General items**

There were none.

**Executive Review**

- Resolutions - Land acquisition and conveyance of property with the Montana Department of Transportation for the West Laurel Interchange

Heidi asked Kurt Markegard to explain the interchange project.

Kurt explained that the State of Montana is going to put in a West Laurel interchange. The first phase of the three-year project will be realigning the bridges that go over West Railroad Street and the railroad tracks, as it has a tight curve. The current off ramp coming from the west and the current on ramp going to the west have to be removed in order to redo the bridges. They will build the approach off South 19<sup>th</sup> Street, coming from Old Highway 10 West going to the interstate. MDT will put dirt banks up so they can build an overpass over the top of the interstate. The interstate will stay low and there will be an overpass over the top to get to 19<sup>th</sup> Street. Originally, MDT was going to go through the middle of Figgins Pond and then come out at 19<sup>th</sup> Street. Because costs of land acquisition were prohibitive, they moved it next to Figgins Pond, which meant they needed a little bit of South Pond or Lions Family Park area.

Kurt pointed out the area for the additional right-of-way on the map. This additional right-of-way is needed to make the grade less steep. Kurt also pointed out the area in Figgins Pond that requires some alignment. When MDT takes this area, they will take the City of Laurel's only legal access to Figgins Pond. The city acquired the property, including South Pond, Lions Family Park and Figgins

Pond, after the interstate was built in 1964 or 1965. The legal access to Figgins Pond is out on 19<sup>th</sup> Street along the interstate and it is about 30 feet wide. MDT is proposing to give the city an approach now under the interstate.

Heidi stated that this is the best legal access the city has ever had. It cannot be used for recreational use at this time because Figgins Circle is a private road and one has to go through a private yard to get into the pond. This road would give the city the first physical access ever to make that a recreational site.

Kurt explained that the original easement was 30 feet wide and was actually a farm field. The city is losing a 30-foot access over to 19<sup>th</sup> and gaining a big, wide right-of-way. The east side of the road could be developed for future water, sewer, storm, etc. There are options for the city, not only getting to Figgins Pond, but also for the adjacent land that could eventually be annexed into the city. MDT has offered \$17,000 for one parcel and \$4,000 for the other.

There was a question regarding Figgins Pond and the overflow of Figgins Pond that goes to the Italian Drain.

Kurt gave an explanation of the Italian Drain, which comes in right below the Caboose Saloon by the city shops, goes through town and comes back behind Laurel Ford. That's where that culvert goes into. When MDT builds the off ramps, they will have storage ponds and a culvert on the off ramps that will cross the interstate and enter the Italian Drain. They should not be discharging any water into Figgins Pond.

Kurt explained that the Italian Drain, or the Italian Irrigation Ditch, was created to irrigate but it dead-ended outside of the city limits in the alkali flats. The Laurel Drain went down 8<sup>th</sup> Avenue and collected the water coming out of Cherry Hills and the cattails towards the golf course. In 1910 or 1911, Laurel built the Laurel Drain. From 8<sup>th</sup> Avenue, it went through where the Caboose Saloon is located, through the city shops, and the city has easements to cross underneath the railroad, under the county road that was south of Laurel, and then to the river. The Italian Irrigation Ditch has claimed water rights and water irrigation all the way to Laurel Ford, so they are essentially considered the Italian Irrigation District to the head gate behind Tractor Supply. The Laurel Drain, the Italian Drain and the Italian Irrigation District are all the same ditch.

- Discussion - Steven Anderson, living at 17 6<sup>th</sup> Ave, would like approval from the council to keep a service animal, which is a potbellied pig.

Heidi stated that the packets included a copy of LMC 6.16, some information from Council Member McGee and an email from the city attorney. She talked to the city attorney last week and found out that this issue was also discussed in 2005.

Elizabeth Rogers stated that the service pet, the pig, is prescribed to her. The pig is described as an emotional support animal and he helps her with feelings of anxiety. She has significant anxiety and she feels more relaxed and calmer when she is around him. She has had the pig for six years, so they have quite a significant bond. Her therapist, Kim Nygard, prescribed the pig for her.

There was a very lengthy discussion regarding service animals, the request to allow a pot-bellied pig as a service animal for Elizabeth Rogers, the need for a letter from the doctor and the requester, the

process to change an ordinance, the HUD and ADA regulations, the VA and PST issues, landlord requirements, the concerns of Elizabeth's landlord, and the need for the city to address service animals in Laurel Municipal Code.

Heidi will work with the city attorney to review the issue of addressing service and emotional support animals in Laurel Municipal Code, as per the appropriate guidelines and regulations.

Jean Kerr, 1128 Ninth Avenue, asked the council to look at this issue and proceed with caution. She has done research on this and there are different definitions. A support animal is like a seeing-eye dog, which is trained to perform a service. Therapy animals are like the dog one takes into a nursing home to provide comfort. An emotional support animal is not covered under ADA. They are not granted public access rights and they are not protected under the Americans with Disabilities Act. She spoke about Fair Housing rules and stated that city and county governments and landlords may deny the rights for emotional support animals. ADA has defined emotional support animals as dogs and miniature horses. In the case of other service animals, a doctor has to explain specifically why a different kind of animal should take the place of a dog or a horse. The ADA was started in 1990 and it says that pigs cannot be recognized as service animals. The licensed physician, therapist or psychiatrist needs to write a letter of recommendation stating that the person needs that animal with them and why they do not have to fall under the dog or horse rule. People have tried for a long time to use the emotional support animal to skirt local exotic animal ordinances. She stated that pigs are considered to be livestock. Jean again asked the council to proceed with caution.

- Update regarding the sewer dumping station (Emelie Eaton)
  - Is it operational and are we receiving enough revenues to pay for the investment?

Heidi asked the Public Works Director and the Utilities Superintendent to give an update.

Chuck questioned why this issue would be addressed since Emelie was not at the meeting. When he recently had an item on a council workshop agenda and then was not at the meeting, he was told that it was not discussed because he did not attend that particular meeting. He thinks that it needs to be established what will be done in similar cases.

Kurt explained that the septic dump station at the sewer treatment plant has been problematic. The station was done before the rest of the plant was completed but could not accept sludge until the nitrogen and ammonias were down. Once the station started, Cotter's Squatters, Roto-Rooter and Frank's Septic Tank Services were dumping. Shortly after, the pump started overheating, plugging up and kicking out.

There was discussion regarding the items that people put into septic tanks, the ways the city tried to fix the station, and the issues with the pump.

Kurt explained that the pump was installed for DEQ compliance. The city wanted to dump it right into the headworks, but DEQ did not want to see the system being upset. A DEQ requirement is that the city cannot feed more than 10 percent of the flow in at any one time.

Kurt then explained the remedy for the problem, which is to replace the current pump with a grinder pump that will chew up everything and pump it through, allowing the trash to be collected at the headworks. A contract for \$2,654 is ready for Heidi's signature so Kurt can order the grinder pump.

There was further discussion regarding some complaints by the haulers, the time it takes to unload in Laurel versus the time it takes to drive to the septic station in Billings.

Heidi stated that the clerk/treasurer indicated that the city is receiving enough monthly revenue to pay for the initial investment. Cotter's Squatters has been billed for about \$800/month. Getting the other haulers back will increase that amount.

- Council Issues:

- Update on 2011 Yellowstone River flooding event

Heidi stated that the construction meeting will be held tomorrow. The contractor would like the ground to freeze so it would be easier to install the pipe from the intake to the water treatment plant. The nice weather has been phenomenal for putting the intake in the river. There will be a sizeable credit of \$75,000 coming to the council for a new idea on how to move some pipe within pipe for 327 feet. The deed has been transferred from the Harkins property so the city owns the property.

Heidi stated that the river was up due to the melting snowpack. A needed engineering feat will probably eat up the \$75,000 credit. The original plan was to put in some large pillars to bolt into the bedrock, but the bedrock has a 10 percent slope in the area in which it was to be bolted. The engineers are working on a new way to ensure that the pillars will not move.

The clerk/treasurer has been sending the required information to DNRC to close on the SRF loan. The first draw for \$2.4 million was submitted to DES two weeks ago. The new clerk/treasurer is having good communication with DES and Tim Thennis hopes the money will be released in the next week. Great West Engineering is preparing the second draw to DES. The best estimate to SRF was that about 47 percent of the total project supplies have been delivered and 32 percent of the project has been constructed.

Other items

There were none.

Review of draft council agenda for November 15, 2016

There was no discussion.

Attendance at the November 15, 2016 council meeting

Mayor Mace and Tom will not attend the council meeting.

Announcements

Doug thanked Heidi for her report on the intake project.

Tom will give an update regarding his trip to the Governor's Office at the next council workshop.

Recognition of Employees

- John Volmer 31 years of service on November 29<sup>th</sup> WTP
- Geralyn Stevens 26 years of service on November 19<sup>th</sup> Library
- Mark Guy 22 years of service on November 12<sup>th</sup> Police Captain
- Neva Hall 22 years of service on November 14<sup>th</sup> Accounts Payable
- Susan Canape 21 years of service on November 10<sup>th</sup> Police Dispatch

Council Workshop Minutes of November 8, 2016

- |                     |  |                  |
|---------------------|--|------------------|
| • Travis Pitts      | 20 years of service on November 13 <sup>th</sup> | Police Officer   |
| • Jay Hatton        | 18 years of service on November 4 <sup>th</sup>  | City Shop        |
| • Monica Salo       | 15 years of service on November 2 <sup>nd</sup>  | City Court       |
| • Jessica McCartney | 9 years of service on November 1 <sup>st</sup>   | Police Dispatch  |
| • Roy Voss          | 7 years of service on November 9 <sup>th</sup>   | City Shop        |
| • Jason Shovar      | 4 years of service on November 13 <sup>th</sup>  | Code Enforcement |
| • Mike Mudd         | 3 years of service on November 18 <sup>th</sup>  | City Shop        |
| • Dylan Ceaser      | 3 years of service on November 18 <sup>th</sup>  | WTP              |
| • Justin Bickford   | 2 years of service on November 5 <sup>th</sup>   | Police Officer   |
| • Brandon Corey     | 2 years of service on November 12 <sup>th</sup>  | WWTP             |

The council workshop adjourned at 7:38 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.**