

# MINUTES OF THE CITY COUNCIL OF LAUREL

September 5, 2017

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 5, 2017.

COUNCIL MEMBERS PRESENT:           Emelie Eaton           Doug Poehls  
                                          Bruce McGee           Richard Herr  
                                          Chuck Dickerson      Scot Stokes  
                                          Tom Nelson            Bill Mountsier

COUNCIL MEMBERS ABSENT:           None

OTHER STAFF PRESENT:               Bethany Keeler, 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:

Motion by Council Member Nelson to approve the minutes of the regular meeting of August 15, 2017, as presented, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

**CORRESPONDENCE:** None.

**COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS:** None.

## PUBLIC HEARING:

- **2017-2018 Preliminary Budget and Tax Resolutions.**

Mayor Mace stated this is the time and place set for the public hearing on the City of Laurel's 2017-2018 Preliminary Budget and Tax Resolutions.

Mayor Mace opened the public hearing and asked Staff to present the item prior to hearing the public comments.

Bethany Keeler, Clerk/Treasurer, presented the Budget Message.

The mill value is \$7,795 this year, which is an increase of \$148/mill over last year. The mill value for 2016-2017 was \$7,647/mill, which is an increase of 1.06 percent in tax revenue.

Bethany presented the following changes in mill allotment: Comprehensive Liability Fund decreased .2 mills; PERS increased 6.47 mills; Group Health increased 4.06 mills; Fire Disability Fund had no change in mill allotment; and Airport Authority decreased .14 mills.

The Fire Disability Fund, which is used to pay the Firemen's Relief Association for pension payments, has an anticipated payment of \$75,000 this fiscal year.

The Airport Authority received a decrease in allotment of mills; however, due to the fact that the mill value increased, the Airport Authority will receive an additional \$642.16.

The Planning Fund has projected revenues of \$53,259 from the County. Revenues decreased by \$26,795, due to the \$18,000 CDBG grant.

The Emergency Disaster Fund will continue to be allotted 2 mills for the 2011 flooding event. The remaining approximately \$2 million in FEMA funds for the intake will be received in this fund.



The TIF District's revenues are calculated at \$656,933 for this fiscal year. The amount available for special projects for the district is \$1,089,884.

PERS received an increase of 5.47 mills to maintain reserves. The expenditures increased by 4 percent, due to additional amount added to PERS, from 8.37 to 8.47 percent.

The City Parking Fund currently has \$14,100 available for use in parking lot improvements.

Assessments will remain the same as last fiscal year for Light Districts Nos. 2 and 3.

The cash in the SID Revolving Fund is held for purposes of possible defaults on SID property payments. Due to the small number of property owners in SID No. 118, this SID also has a Reserve Fund. The only new SID Debt Service Fund is 3508 for SID No. 118.

The CIP Fund was budgeted the same as last year, and the General Fund will transfer \$113,084. The CIP Sidewalk Project will receive \$20,000.

The Water Fund's revenues are anticipated to decrease by \$18,177,865, due to FEMA and the Sedimentation Basin loan. The expense of \$6,475,000 for the Sedimentation Basin project has been removed. The cost of \$225,000 for the relocation of the Cherry Hills Booster Station remains in the budget.

The Sewer Fund's revenues are anticipated to be \$2,012,539. Budgeted items include a sludge press at \$720,000, a new sewer system camera & trailer at \$60,000, and miscellaneous sewer line replacements at \$600,000.

The Solid Waste Fund's revenues are anticipated to be \$838,361, and repayment of the loan for the FAP addition in the amount of \$27,507. The fund has budgeted the expense of a garbage truck for the amount of \$285,000.

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

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

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

Mayor Mace closed public hearing.

#### **CONSENT ITEMS:**

- **Claims for the month of August 2017 in the amount of \$217,993.73.**  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 8/13/2017 totaling \$182,131.74.**
- **Approval of Payroll Register for PPE 8/27/2017 totaling \$190,917.43.**
- **Receiving the Committee/Board/Commission Reports into the Record.**
  - Budget/Finance Committee minutes of August 1, 2017 were presented.
  - Budget/Finance Committee minutes of August 15, 2017 were presented.
  - City-County Planning Board minutes of August 3, 2017 were presented.
  - Public Works Committee minutes of August 7, 2017 were presented.
  - Park Board minutes of August 10, 2017 were presented.
  - Council Workshop minutes of August 29, 2017 were presented.
  - Laurel Urban Renewal Agency minutes of May 15, 2017 were presented.

- Laurel Urban Renewal Agency minutes of June 19, 2017 were presented.
- Library Board minutes of June 6, 2017 were presented.
- Library Board minutes of July 11, 2017 were presented.
- Tree Board minutes of August 17, 2017 were presented.
- Laurel Airport Authority minutes of February 28, 2017 were presented.
- Laurel Airport Authority minutes of April 25, 2017 were presented.
- Laurel Airport Authority minutes of June 27, 2017 were presented.

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

Motion by Council Member Eaton to approve the consent items as presented, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

**CEREMONIAL CALENDAR:** None.

**REPORTS OF BOARDS AND COMMISSIONS:** None.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):** None.

Dave Waggoner, 419 Maple Avenue, stated that, according to the last council workshop minutes, the Public Works Union contract is budgeted for a 2 percent wage increase. He questioned what would happen if the union did not agree to the 2 percent wage increase.

Mayor Mace stated that the City will get the information to him.

**SCHEDULED MATTERS:**

- **Confirmation of Appointments.**

Mayor Mace appointed Chase Rasmussen to the Laurel Police Department.

Motion by Council Member Poehls to approve the Mayor's appointment of Chase Rasmussen to the Laurel Police Department as a Laurel Police Officer, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

Chief Musson introduced Chase Rasmussen to the Council. Chase is from Helena and will graduate from the Law Enforcement Academy in March 2018.

Chief Musson, Officer Stan Langve and Captain Mark Guy read the Criminal Justice Code of Ethics with Chase.

Mayor Mace performed the swearing in ceremony for Chase Rasmussen.

Chief Musson presented Chase with Badge No. 108 and Captain Mark Guy presented the LPD color brass.

- **Motion to allow Council Member Mountsier to be absent from the City of Laurel for more than ten days (LMC 2.12.060)**

Motion by Council Member Dickerson to allow Council Member Mountsier to be absent from the City of Laurel for more than ten days, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-46: A resolution approving and adopting the Final Budget for the City of Laurel for the fiscal year 2017-2018.**

Motion by Council Member McGee to approve Resolution No. R17-46, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-47: A resolution levying taxes for general and specific purposes for the City of Laurel, Montana, for the fiscal year beginning July 1, 2017.**

Motion by Council Member Herr to approve Resolution No. R17-47, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-48: 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 2017-2018.**

Motion by Council Member Mountsier to approve Resolution No. R17-48, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-49: 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 2017-2018.**

Motion by Council Member Dickerson to approve Resolution No. R17-49, seconded by Council Member Nelson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-50: 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 2017-2018.**

Motion by Council Member Stokes to approve Resolution No. R17-50, seconded by Council Member McGee.

Dave Waggoner, 419 Maple Avenue, stated that the street sweeper position (3:00 a.m. to 7:00 a.m.) has been abolished and cars are parked on the streets when the streets are swept. He questioned if the streets are getting cleaned and if the property owners are getting their money's worth.

There was no council discussion. A vote was taken on the motion to approve Resolution No. R17-50. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-51: 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 2017-2018.**

Motion by Council Member Eaton to approve Resolution No. R17-51, seconded by Council Member Nelson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-52: 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 2017-2018.**

Motion by Council Member Herr to approve Resolution No. R17-52, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-53: 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 2017-2018.**

Motion by Council Member Nelson to approve Resolution No. R17-53, seconded by Council Member Mountsier. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-54: 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 2017-2018.**

Motion by Council Member Stokes to approve Resolution No. R17-54, seconded by Council Member Poehls. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-55: 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 2017-2018.**

Motion by Council Member Mountsier to approve Resolution No. R17-55, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-56: 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 2017-2018.**

Motion by Council Member McGee to approve Resolution No. R17-56, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-57: 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 2017-2018.:**

Motion by Council Member Dickerson to approve Resolution No. R17-57, seconded by Council Member Nelson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-58: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent water charges.**

Motion by Council Member Poehls to approve Resolution No. R17-58, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-59: A resolution levying and assessing a special tax against certain property in the City of Laurel for delinquent sewer charges.**

Motion by Council Member Nelson to approve Resolution No. R17-59, seconded by Council Member Dickerson. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

- **Resolution No. R17-60: 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 Mountsier to approve Resolution No. R17-60, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

*MAN*

- **Resolution No. R17-61: Resolution relating to Special Improvement District No. 118; preliminary levy of special assessments on property within the district for the purpose of financing the cost of certain local improvements.**

Motion by Council Member Eaton to approve Resolution No. R17-61, seconded by Council Member McGee. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

**ITEMS REMOVED FROM THE CONSENT AGENDA:** None.

**COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT):** None.

**COUNCIL DISCUSSION:**

Council Member Poehls thanked those who worked on the Budget this year.

Council Member Mountsier asked that Kurt Markegard address the no parking areas near the intersection of 8<sup>th</sup> Street and 1<sup>st</sup> Avenue. It is hard for drivers to see, especially with the pedestrian traffic at this intersection.

Council Member Mountsier asked for an update on the tree near the Railside Diner.

Mayor Mace stated that he turned the issue over to the Tree Board and will get back to Council Member Mountsier.

Council Member Mountsier thanked the Council for approving his leave from the City.

Council Member Nelson echoed Council Member Poehls' statement and thanked the Clerk/Treasurer for her work on the Budget.

Council Member Nelson requested that committee minutes be submitted in a timely manner.

Council Member Nelson stated that the Cemetery Commission will meet on September 12<sup>th</sup> at 5:00 p.m.

Council Member Dickerson also thanked the staff for their work on the budget.

Council Member Dickerson requested that those who second a motion raise their hand to help identify themselves for the minutes.

Council Member McGee stated that the Riverside Park Master Plan Committee would like to know if, after a large public turnout at the open house, the Council intended to have further discussion regarding shooting in Riverside Park. The Mayor's memorandum might answer that question, but the Master Plan Committee needs to know either way to be able to move forward.

Council Member McGee received a complaint regarding the weeds around town. He had taken pictures around town of areas he knew were an issue and created a handout he gave to the Mayor.

Council Member Eaton stated that she noticed a subdivision off of Thiel Road. She noticed curb boxes but did not believe the area had been annexed.

Council Member Eaton was not sure if the Public Works Committee would meet this month, but committee members will be notified.

**UNSCHEDULED MATTERS:**

- **Mail in ballot for municipal election**

Mayor Mace addressed an email from Bret Rutherford, Election Administrator, regarding the municipal election this fall. Mayor Mace read the following statement from Mr. Rutherford:

"In accordance with 13-19-203, I have initiated a mail ballot election for three reasons. First, participation by electors is greatly increased with mail ballot elections compared to traditional polling place elections. Second, a mail ballot election will cost your jurisdiction



up to 33% less than a polling place election. And finally, 75% of the active electors in Laurel have already requested an absentee ballot.”

Mayor Mace also read a statement from the City Attorney stating, “If there is no objection by the Council, the City does not have to respond and the election will be held as provided.”

- **Memorandum from Mayor Mace to City Council regarding the buildings in Riverside Park**

Mayor Mace read a memorandum to the City Council regarding the structures and shooting issues in Riverside Park. A copy of the memorandum is attached to these minutes.

**ADJOURNMENT:**

Motion by Council Member Poehls to adjourn the council meeting, seconded by Council Member Eaton. There was no public comment or council discussion. A vote was taken on the motion. All eight council members present voted aye. Motion carried 8-0.

There being no further business to come before the council at this time, the meeting was adjourned at 7:29 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 19<sup>th</sup> day of September, 2017.

  
Mark A. Mace, Mayor

Attest:

  
Bethany Keeler, Clerk/Treasurer

CITY HALL  
115 W. 1<sup>ST</sup> ST.  
ADMIN: 628-8456  
WATER OFC.: 628-7431  
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FAX 628-2241

# City Of Laurel

P.O. Box 10  
Laurel, Montana 59044



Office of the Mayor

## MEMORANDUM

To: City Council Members  
From: Mayor Mark Mace *Mark Mace*  
Date: September 5, 2017  
Re: Riverside Park Issues: Structures and Shooting

Please be advised I am writing this memorandum to clarify what has been the City's position regarding the structures and shooting at the City's Riverside Park. It appears there is a substantial amount of misinformation being spread throughout the community by the Laurel Rod and Gun Club ("LRGC") and the local press. I believe it is necessary to provide this information as a reminder to the elected leaders that the staff and administration have worked through these issues continuously and have provided you and members of the LRGC consistent information regarding the condition of the structures. If you would like an update on the current condition of the structures, please advise and I will instruct staff to prepare a slide show detailing the horrendous condition of the structures, as well as the City's intention to demolish the structures that are beyond a reasonable cost of repair. In addition, please know the current false claims and reports by the LRGC and local press are completely unfounded based on the following facts:

1. The LRGC was advised in May, 2013 that shooting was going to sunset (completely end) in five years. The LRGC and City Council memorialized this fact by including a provision directly in their Lease Agreement ("Lease"). In fact, the Lease contains the following provision:

Shooting Events Prohibited. Lessee may sponsor or conduct its outdoor shotgun shooting activities and events pursuant to this agreement until this agreement expires. Thereafter, Lessee acknowledges and understands the City will no longer allow or agree to allow shooting activities anywhere in the City-owned Riverside Park.

2. As a member of the City Council in May, 2013, I recall it was expressly agreed the LRGC was going to relocate to a new location outside the City Limits in Yellowstone County since City Ordinance bans shooting within the City Limits. The LRGC has had this knowledge for over four years and appears to have taken no action whatsoever to relocate. Based on the comments made by club members and misstatements printed by the local press, it appears the LRGC's intent is to personally attack City Staff, rather than working to relocate their operations, as they previously agreed. I am absolutely disappointed in their conduct and actions to discredit



the City. I remain firm that the best interest of the City is to remove the structures rather than spending public funds on structures that are too expensive to repair.

3. In regard to the cost to repair the structures in Riverside Park, and specifically the Club House identified in the Lease with the LRGC, the City does not have discretionary funds available to pay for the necessary repairs. Furthermore, I do not believe the LRGC appreciates how much the actual repair would cost due to many related and unrelated factors.

4. Reportedly, the City obtained a quote from a company for repairs for the building on or about December 2012. However, the report was wrong. The estimate provided was merely to pay to remove and remediate the mold that was caused by the flooding. The estimate amount did not include the costs to remediate the dangerous levels of lead present in the Club House and cost to purchase and install a specialized HVAC System that will remove the lead dust during shooting events. Further, the estimate did not include the repair of the interior and exterior damages to the walls and structure, replacement of the roof, and the costs to repair the plumbing. As you are all aware, the Club House has no running water and no working septic system due to the flood damage. Simply stated, the cost to repair the Club House plainly exceeds the City's ability to pay for the repairs.

5. Another problem with repairing the structures is the actual location of the structures. City Staff has consistently pointed out the fact that the structures are located in the flood plain. Since the structures are in the flood plain, the structures themselves would each have to be raised to a height of at least two (2) feet above the base flood elevation of Riverside Park, which has never been completed. The cost of this portion of the reconstruction is currently unknown. However, the cost to comply with flood plain construction is certainly well above the City's ability to pay at this point. I see no reason or purpose to spend more of the City's limited funds even investigating the costs at this point since to me it appears pointless.

In closing, I would remind the City Council that the LRGC acknowledged and agreed to vacate Riverside Park over four years ago. Shooting in Riverside Park stops in May 2018 regardless of the pointless attacks LRGC continues to make. It is unfortunate the floods have damaged the structures to the point they are not economically salvageable. The City frankly does not have funds available to repair them and LRGC needs to relocate as previously agreed.

Cc: Laurel Rod and Gun