

**MINUTES
COUNCIL WORKSHOP
OCTOBER 10, 2017 6:30 P.M.
COUNCIL CHAMBERS**

A Council Workshop was held in the Council Chambers and called to order by Council President Doug Poehls at 6:30 p.m. on October 10, 2017.

COUNCIL MEMBERS PRESENT:

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

OTHERS PRESENT:

Heidi Jensen, CAO
Noel Eaton, City Planner
Kurt Markegard, Public Works Director
Rick Musson, Chief of Police

Public Input

There were none.

General Items

There were none.

Executive Review

- Special Review of allowable use in Residential Professional Zoning

Noel Eaton, City Planner, presented the special review application for an allowable use in residential professional zoning. The affected property is 301 First Avenue, correction 309 First Avenue. This property is commonly known as the old A-Haus building. Maurer Chiropractic would like to purchase the property dependent on this review. The east side of First Avenue between Third and Fourth Streets is zoned as residential professional. The surrounding zoning is residential 6000. The staff report is attached to these minutes.

The City/County Planning Board held a public hearing on October 5, 2017. There were no opponents at the public hearing. There were proponents at the public hearing. There was also one letter from the Community Wellness Partnership, located on the corner of First Avenue and Fourth Street, in support of local businesses in that zoning district.

The City/County Planning Board voted to recommend conditional approval with no subsequent public hearing. There are four staff suggested conditions of approval:

1. The property shall be kept free of noxious weeds.
2. The special review shall only be for this applicant at this address.
3. A building permit must be approved by the building department for any remodeling.

4. A current business license must be on file with the City.

Chuck questioned if the businesses current business license is transferable to the new location.

Noel responded yes.

- Resolution – Change Order No. 1: Southeast 4th and Washington – Striping and Reconciliation of Asphalt

Heidi stated that in the past the City has painted the striping on Southeast Fourth Street, the painting did not last. The City would like to use epoxy to stripe the street as it is expected to last for three years. Also the asphalt for the project has been extended to repair any existing pot holes or failing asphalt.

Kurt Markegard, Public Works Director, stated while working to tie in Southeast Fourth Street and South Washington Avenue the City needed to address a six inch grade difference between the streets which would have resulted in a significant bump.

Kurt stated that Southeast Fourth Street had been painted last fall and by spring most of the striping had faded. The City did work with the contractor to see if there is a warranty available, there was not. The company the City used, Arrow, does not do painting anymore. The contractor subcontracts with Highmark and they will do the striping. The City did wait to stripe all of Southeast Fourth Street until after this project was complete to ensure all markings line up with the new work that has been completed.

Chuck questioned why the resolution was not listed as Change Order No. 1. He requested that the number be added to clearly identify that this is the first change order for this project.

Heidi responded that this would be the only change order as this will close out this project, however, she can have this change made.

Tom asked for clarification on the total for the change order and if the value was for both the paint, epoxy, and asphalt.

Heidi responded that the value is listed in the third paragraph for \$67,915.56 and does include both the epoxy and asphalt. She stated this also included the paint in downtown as well, and funded from the TIF District.

Tom questioned if there is a warranty on the epoxy.

Kurt responded that there will not be any warranty on paint as brand new asphalt takes 30 days to cure. The City will make sure the street is clean prior to painting to help increase the life expectancy of the epoxy.

Heidi stated that the epoxy is supposed to last for three years. The TIF District will continue the maintenance every three years. In three years the City will evaluate how the epoxy held up and determine if the City will use epoxy again or if the City will explore additional options.

Chuck questioned if the street will be chip sealed, and if so how will this affect the epoxy.

Kurt explained that chip sealing is done about three to four years after the original asphalt has been laid. The City would coordinate the chip sealing and striping schedules. South Washington Avenue is not included in the project at this time as there are not enough businesses to warrant the painting of the center lane.

- Resolution – To award Rock Weir Removal

Heidi stated that the bid is to remove the rock weir from in front of the 2003 intake. The City has been waiting for the water levels to decrease in order to remove the weir. The City received three bids, the lowest bid was Wilson Brothers for \$29,000. The Army Corps of Engineering did grant the City a temporary extension should the City not be able to complete the weir project by the end of this winter. The extension would allow the City to remove the weir up until September 2018. The City requested the extension to insure that the contractor had enough time to remove the weir should there be excessive ice or the water level is too high to complete work.

Richard questioned if a few rocks could be placed on the bank to deter people from driving on the bank.

Heidi and Kurt responded that the City cannot leave any rocks in the flood way or flood plain. In order to change the contour of the flood plain/way the City would need to obtain a permit. The City had to certify where it will store the rock to insure it is not located in the flood plain/way.

Kurt did remind Council that the City does have an ordinance to not drive on the grass at Riverside Park. He also stated that signs need to be posted.

Bruce asked if the City will need to put the weir back in the river again.

Heidi responded that the City will not need to place a weir back in the river. That the City will need to go back into the river to further lower the intake to comply with the permit, but the City does not have funds at this time.

Tom questioned if FEMA was helping pay for any of this project.

Heidi responded that FEMA will pay 75 percent of the project.

Kurt clarified that when the City sent this project out for bid they included two alternative additive projects. One was to clean the mud chambers, the other was to create a rock peninsula to allow the City to clean the pond themselves. The figures for this part of the project were not consistent. The City choose to keep the rock weir as a stand-alone project to not have issues with FEMA funding. The cleaning of the pond will be brought back as a stand-alone project in the near future. In the past the City has used a drag line to clean the pond. Currently there are no certified companies or operators in our area.

- Resolution – CHS Easement

Kurt explained that CHS Refinery has been working with the Montana Department of Environmental Quality (DEQ) for a few years to find an appropriate place to locate a new outfall for treated waste water discharge into the Yellowstone River. The best location for this outfall is next to the BBWA canal. CHS would like to use the head gate of the BBWA canal and put the outfall behind it. The city

owns the property directly behind the head gates, therefore, CHS has asked for an easement. Kurt introduced a representative from CHS, Brandon Gauthier.

Brandon Gauthier, a CHS representative, spoke to the Council and explained what CHS is asking for. CHS has been working with the DEQ to find a new location for the treated waste water discharge. The requirements for location are that it must be below the City intake, including the City's secondary intake, and below the Billings Bench Water. The location of the outfall is just downstream from the Billings Bench Water.

The outfall will consist of a forced main 14 inches in diameter that will cross city property. Then there will be an outfall structure, a concrete box located on the bank side just below the low water mark. This will discharge water into the Yellowstone River.

CHS is planning construction next summer after high water. Construction will start after they receive easements and permits needed to complete the project.

Heidi clarified the City Attorney's requested changes. The City Attorney requested the current Clerk/Treasurers name be used on all documents. He also requested the term arbitration be replaced with mediation or court. CHS's legal team will review proposed changes and have a final document to the Council by next week.

- Council Issues:

- Update on 2011 Yellowstone River flooding event

Kurt stated that the Army Corps of Engineers (ACOE) were here recently. The ACOE completed an audit of the intake project to ensure the City has complied with the permit. The ACOE surveyed both the new intake and the bank located at Riverside Park. The ACOE did find things they needed clarification on from the City's engineering firm.

Kurt stated that recently a river bottom survey was completed. This survey is to make sure that the City did not damage or change the river in any way while building the new intake. The survey looked at 200 feet up and downstream of the new intake. The City's intake is still located in the deepest spot in the river.

- Cat issue on the south side of Laurel – Tom Nelson

Chief Musson gave an update of the feral cat issue on the south side of the City of Laurel. This issue was discussed at the last Emergency Services Committee meeting. The committee agreed to allow the Animal Welfare League to humanely trap the cats. The Animal Welfare League did start trapping cats, but has since ceased trapping due to threats of bodily harm. It is believed that some houses have upwards of 20 to 50 cats inside. The City's ordinance allows for two pets, two dogs or two cats or one of each. The Police Department is unable to obtain a search warrant to verify the number of cats in these homes. Officers have gone door to door asking for residents to not feed the cats, however, some are still feeding the cats. The City at one time loaned out traps to residents to trap problem cats. The resident was responsible to humanely deal with any trapped animals. If the City traps the animals then the City is responsible to take care of them. This would include the cost of the Veterinarian and possible euthanasia. Unsure if the City could find a Veterinarian willing to take on this project. When the City approached Veterinarian's in the past regarding dogs most did not want to only euthanize the animals.

Chuck questioned if there were any resources available from the County.

Chief Musson stated that while the County does have jurisdiction in the City of Laurel they have plenty of work to conduct within the County. Currently the City is out of viable options. Animal Welfare League was about to trap eight cats, however, two females had recently given birth and were released to return to their litters.

Chief Musson reiterated that all residents need to stop feeding the cats.

Bruce asked for clarification on the City's ordinance allowing residents to trap and humanely take care of feral cats.

Chief Musson responded that that is correct.

- Discussion regarding 506 Birch – Chuck Dickerson

Chief Musson stated that the residence at address 506 Birch came to the police's attention many years ago after a homicide. This house has been a known flop house for transients since. The owner is renting out every space possible, including but not limited to the front porch and back yard. While the City's current ordinance does address these issues, it does not however allow for any citations to be written.

Doug stated that this area is zoned as residential multi-family. He questioned what this means exactly.

Noel clarified that the zoning I predominately used when these homes are built. After homes are built the Code Enforcement Officer addresses any issues.

Heidi added that the current ordinance does not have any ability to fine the homeowner. She stated that the Code Enforcement Officer is working on rewriting the ordinances with a corresponding fine. The Code Enforcement Officer is working with the City Judge to establish an appropriate fine schedule.

Richard questioned if those inhabiting the backyard in trailers are going into the house for restroom needs. He brought up the example of the gentleman on the south side of town dumping black water in the city sewer. He questioned if these people are not using the houses facilities where the black water is going.

Heidi stated the City runs by a complaint basis and can only address those issues brought to its attention.

- Update on garage sale signs – Chuck Dickerson

Heidi reiterated what was stated at the last Workshop meeting. There was an article in the brochure sent out with the water bills and the local Boy Scouts have been notified of a potential project.

Chuck questioned if there will be a fine considered by the City.

Heidi stated that they are currently working on the ordinances in a variety of different ways to help beautify the City.

- o Update on striping on SE 4th and straightening of the railing on the west crosswalk – Chuck Dickerson

The railing has been straightened prior to last week's Council meeting. The striping of Southeast Fourth Street was discussed with the Change Order listed under Executive Review.

Other Items

There were none.

Review of draft council agenda for October 17, 2017.

There were no changes made to the draft council agenda for October 17, 2017.

Attendance at the October 17, 2017 council meeting

All Council Members present will be in attendance at the next Council Meeting.

Announcements

Tom asked for the consolidation of Park Board and Cemetery Commission.

Heidi responded that it has been in the queue and waiting for the final draft from the City Attorney to move forward.

Tom responded that the Cemetery Commission discussed at their last meeting if this was the best option to move forward.

Bruce announced the next Master Plan Committee and Emergency Services Committee meetings will be held on Monday October 23, 2017.

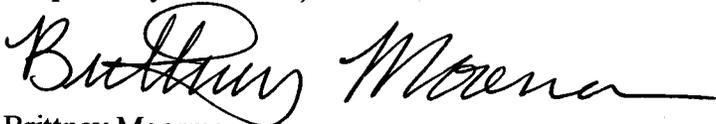
Chuck reminded the Council that there are five Tuesday's this month and there will not be a meeting on October 24th.

Recognition of Employees

- | | | |
|------------------|---|------------------|
| • Nancy Schmidt | 22 years of service on October 17 th | Library Director |
| • Joel Sauter | 20 years of service on October 14 th | Police Officer |
| • Fred Gregory | 10 years of service on October 15 th | Police Officer |
| • Justin Baker | 5 years of service on October 9 th | City Shop |
| • Fred Lyons | 4 years of service on October 28 th | Laurel Library |
| • Noel Eaton | 2 years of service on October 26 th | City Planner |
| • Bethany Keeler | 1 year of service on October 19 th | Clerk/Treasurer |

The council workshop adjourned at 7:25 p.m.

Respectfully submitted,



Brittney Moorman
Administrative Assistant

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