

# MINUTES OF THE CITY COUNCIL OF LAUREL

NOVEMBER 26, 2019

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 Tom Nelson at 6:34 p.m. on November 26, 2019.

COUNCIL MEMBERS PRESENT:      Emelie Eaton      Heidi Sparks  
   Scot Stokes      Richard Herr  
   Richard Klose      Irv Wilke  
        Bill Mountsier

COUNCIL MEMBERS ABSENT:      Bruce McGee

OTHER STAFF PRESENT:      None

Mayor Nelson led the Pledge of Allegiance to the American flag.

Mayor Nelson asked the council to observe a moment of silence.

## MINUTES:

Motion by Council Member Eaton to approve the minutes of the regular meeting of November 12, 2019, as presented, seconded by Council Member Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

**CORRESPONDENCE:** None.

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

**PUBLIC HEARING:** None.

## CONSENT ITEMS:

- **Claims for the month of November 2019 in the amount of \$120,174.00.**  
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Clerk/Treasurer Financial Statements for the month of October 2019.**
- **Approval of Payroll Register for PPE 11/3/2019, totaling \$192,474.58.**

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 Sparks. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.

## CEREMONIAL CALENDAR:

- Arbor Day Proclamation.

Mayor Nelson read the 2020 Arbor Day proclamation.

## REPORTS OF BOARDS AND COMMISSIONS:

- Budget and Finance Minutes of November 12, 2019.
- Public Works Minutes of October 21, 2019.
- Emergency Services Minutes of October 28, 2019.
- Park Board Minutes of November 7, 2019.
- LURA Minutes of September 16, 2019.

- City-County Planning Board Minutes of October 30, 2019.

**AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):**

Mandi Crable stated her address is actually in Billings; her address here is 215 W. 1<sup>st</sup> Street. She states that with all sincerity because in the last 14 months, she has spent over 2000 hours here ensuring there is an ambulance. She stated that she is speaking tonight so that instead of outside influences that you [Council] will take to heart what actual boots on the ground have to say. For the past 14 months it has been an absolute privilege and honor to be able to serve the residents of Laurel. To be given the opportunities to continually learn to grow as a provider to give the citizens access to highly quality emergency medical staff when they need it. That being said it is not about her or any of her colleagues sitting behind her or anybody on the crew. They are here for the residents, and that is why they are speaking tonight. To take anything away from the residents is the most dangerous choice that can be made. It's been made clear from day one that the struggle for response has been on the EMS side that solution was put into motion to change that. The solution is to hire five full-time EMT's. Hiring five full-time EMT's will provide coverage every day as well as taking the burden of 24/7 response off our volunteers. As much as she or anyone else loves volunteering, it doesn't pay their bills, unfortunately. For the five available positions currently six of our volunteers have applied. She stated she is not saying that all will be hired, it is not her place to say who's going to be hired and who's not. She stated she does believe that it speaks volumes to their desire to the residents of Laurel that our residents have access to an experienced, dedicated, and compassionate crew. A crew who knows this City already, a crew who knows its citizens and interacts with them on a regular basis, a crew who already has a positive professional relationship with Police, Fire, and Medical Community. A crew ready to provide the best services possible responding from right here in Laurel. She implores you [Council] to stop listening to outside influences who do not have our best interests of our citizens at heart. She stated she is aware that as of this afternoon, they are back to the original plan of five full-time EMTs. She thanked the public in support of their efforts to ensure when they call 911 that an ambulance from Laurel is ready to respond. She reminded everyone that now is not the time to make rash choices as the past 24 hours have shown. Our citizens lives depend upon it.

Reverend Jayson Nicholson, 320 7<sup>th</sup> Avenue, stated he volunteers as both a Firefighter and EMT in our town. He stated that the words tonight are not his own but those of Riley Hutchens, Director of Emergency Services. He read the following attached letter.

Levi Vandersloot, Shepard, stated he is the Deputy Director for the Laurel Ambulance. He stated that he grew up in Laurel his whole life, but currently live out in Shepard. He stated he came here to support his fellow EMT's. She stated that he is one of the only three paramedics out in Laurel and one that's in a leadership position. He stated he can't tell you how proud he is of the EMT's that we have out here and how great of a service they have. It wasn't four years ago that he was in their position being a brand new EMT coming to this Council and asking for change, and it fell on deaf ears. He stated he is hoping that we have a plan moving forward and that we stick with this plan. If there are any doubts from outside sources or any doubts from within the Council or the Mayor's Office that you come to them to discuss these doubts because they can ensure them the service they can provide this community. Last night after he was informed by Riley about the Mayor's decision, he received 13 phone calls from citizens asking him about this after they posted in on their page. He received two more resignation letters from EMT's who were just heartbroken because they cannot continue on because they are not supported by the Council. He had to text an EMT late at night last night to ensure that they had plans to counter this and go from here. If you guy's intentions are the break the spirits of the volunteers, what the Mayor did last night is the way to do it. You will shatter EMTs that are volunteers that way, and we can't afford to do that. He stated he doesn't know most of Council's background, but other the years have met a lot of them through these meetings. He stated he has to tell them that they do not understand the emotional roller coaster that they get put through when on a call. It was three years ago when he was on a call. He spent 45 minutes on a scene by himself, 15 minutes into that call he knows the person he was with was going to die holding their hand because they didn't have a way of getting her there. They really have two options continue on what past leadership has done and ignore them and be added on another list of someone who has failed us or you guys can be the change they actually need to get this community what we need, which is a full-time service.

**SCHEDULED MATTERS:**

- **Ordinance No. O19-03: An Ordinance Amending The Laurel Municipal Code For The Purpose Of Changing City Park Hours Pursuant To 12.28.060.** First reading.

Motion by Council Member Eaton to adopt Ordinance No. O19-03, seconded by Council Member Wilke. There was no public comment or council discussion. A roll call vote was taken on the motion. Council Members Sparks, Herr, Wilke, Mountsier, Klose, and Stokes voted Aye. Council Member Eaton voted Nay. Motion carried 6-1.

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

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

**COUNCIL DISCUSSION:**

Council Member Sparks requested a discussion on next week's Workshop concerning both the Ambulance and the Fire Department. She also wished everyone a Happy Thanksgiving and safe travels.

Council President Eaton stated she had brought three [items]. One of them she was not aware of everything that had happened. She stated that she would still bring this up somewhat because it is still pertinent. It was pointed out to her that once again the Outlook errored in their report of last week's City Council meeting, last week she read a statement that she wrote. It was stated in the Outlook that the Mayor wrote it, he did not. In that statement she quotes statements from page four of the City's budget. The Mayor did write that statement. As a way of explanation every community budget by law has to include a statement either from the Mayor or the Treasurer or both regarding changes that are included in the budget. It is not an itemized listing of all of the changes within the budget. They, as the legislators are the ones who vote on the budget and they are the ones required to read the budget and ask questions about anything they do not understand or object to in that budget. In her statement last week she made three points, and she would like to repeat those. The Mayor alone has the authority to create, change, and staff positions. The Council's only opportunity to vote on staffing changes is when it affects the budget and vote to approve that budget and the placement of staff in positions that they are voting on at that time on that individual's capability to fill that position. Not on whether or not they agree with that position. The third thing that she brought up that she tried to make the point on last week was the Council was informed on as long ago as September 3<sup>rd</sup>, but certainly before that of pending changes to address staffing within the Fire and Ambulance Departments. This matter is ongoing and has been undergoing several changes since the Council first heard about the issue roughly two years ago when concerned community members talked to them at a series of Workshops.

She stated for the second item she has a handout, see attached. Some of you all [Council] received this in the Budget/Finance Committee. She stated this is pages 39, 40, 41, and 42 of the Personnel Policy Manual of the City of Laurel. She requested Council have discussion about what Council Member Sparks referred to at last week's Workshop with regard to all of the online statements being made. In particular she referenced page 41 of the handout when that discussion takes place at the next Workshop if it pleases the Mayor.

She stated the third thing she had if the Mayor has not changed his mind with regard to what is going to happen with next week's Workshop. As she understands it from the Public Works meeting KLJ will be coming to the next Workshop to discuss street improvements for the year 2020. She asked that Council Members bring the pavement management book; it will help as she understands it that it will help Council understand which streets are going to be improved and understand what the plan is.

**MAYOR UPDATES:**

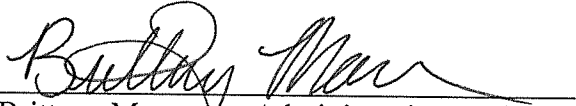
Mayor Nelson stated the City is moving forward with hiring EMT's. He was in the dark about what they were doing but has since been enlightened.

**UNSCHEDULED MATTERS:** None.


**ADJOURNMENT:**

Motion by Council Member Eaton to adjourn the council meeting, seconded by Council Member Klose. There was no public comment or council discussion. A vote was taken on the motion. All seven council members present voted aye. Motion carried 7-0.


There being no further business to come before the council at this time, the meeting was adjourned at 7:03 p.m.

  
Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 10<sup>th</sup> day of December 2019.

  
Thomas C. Nelson, Mayor

Attest:

  
Bethany Langve, Clerk/Treasurer

Dear City Council, Mayor, and Citizens:

It has been a roller-coaster of emotion over the last 24 hours. I apologize I could not be here to speak before you in person tonight.

I write this letter for two functions. The first is to explain my decision to notify the public of the change of plans.

I went to work yesterday with the intention of coming out this morning to review applications we had received. There was no question in my mind that our plan to proceed with full-time hiring was going to be halted. I received an email, after no prior discussion, from Mayor Nelson which stated we were not proceeding with hiring full-time employees. In this email, he described sending applicants (and I quote) "thanks, but no thanks letters". The Mayor also described his concerns for being able to hire firefighters in the future if we hire EMTs now. There was no statement to suggest the cessation of this plan was only temporary. In fact, I interpreted permanency from his words. To be quite honest, I felt as if someone had struck me in the chest with a 2x4.

Seeing as how the citizens were so hopeful for this plan, and there was a lot of civic engagement regarding our future, I felt it was in the public's best interest to notify them the plan had been stopped. **I do not regret this decision in the least.** This community has a right to know the actions its appointed and elected representatives are taking. The decision not to proceed with hiring EMTs is a direct threat to public safety, and compromises the health and welfare of our most vulnerable citizens. For many elderly, disabled, homeless, and child citizens, we in EMS are some of the only people they have advocating for them to ensure their rights are protected and they are safe. It was important that they knew what was happening. My intention was not that the citizens storm City Hall with pitch forks and knives, but instead be informed. I believe we thoroughly accomplished that task.

After telephone consultation with Mayor Nelson today - he has had a change of mind. Upon erasing some question marks from his mind today, he has agreed to proceed with

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hiring five EMTs as per our agreement on November 11th. We are very pleased with this outcome.

The second function of this letter is to state my intentions and future with the City of Laurel. Let me be clear in saying I have no intentions of outright abandoning the volunteers who sacrifice so much for this service. Truth of the matter is that I have been dealt a lot of blows in this city the last few years. Sometimes it is hard to find the motivation to stand up and square up for another. I am suspending my resignation for the time being to see that this project gets completed, so long that all of you will have me. God and I have a lot of catching up to do - so I cannot tell you what the future truly looks like at this time. When I know, I will let all of you know.

I would like this debacle to serve as a reminder to everyone in the city that transparency is key. Your constituents have a right to know your thoughts, intentions, desires, and actions. All of us live in a glass house when we are a member of this city. There is no expectation of privacy in government. In short, if you decide you want to throw rocks in our glass house, you better be prepared for the shards of glass that start to fall on you. You have a duty to see to it that this plan gets done. Let's get it done.

Best,

**Riley Hutchens, NREMT**

**EMS Director**

Laurel Emergency Medical Services

### **Computer, Internet and E-mail Usage**

The City recognizes that use of the Internet has many benefits for it and its Employees. The Internet and e-mail make communication more efficient and effective. Therefore, Employees are encouraged to use the Internet appropriately. Unacceptable usage of the Internet can place the City and others at risk. This policy discusses acceptable usage of the Internet.

#### **Guidelines**

The following guidelines have been established for using the Internet and e-mail in an appropriate, ethical and professional manner.

1. Internet and e-mail access may not be used for transmitting, retrieving or storing of any communications of a defamatory, discriminatory or harassing nature or materials that are obscene or X-rated. No messages with derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. Harassment of any kind is prohibited.
2. Disparaging, abusive, profane, or offensive language; materials that would adversely or negatively reflect upon the City or be contrary to the City's best interests; and any illegal activities - including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access to any computers on the Internet or e-mail - are forbidden.
3. Copyrighted materials belonging to entities other than the City may not be transmitted by Employees on the City's network. All Employees obtaining access to other companies' or individual's materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only. If you find something on the Internet that may be interesting to others, do not copy it to a network drive. Instead, give the URL (uniform resource locator or "address") to the person who may be interested in the information and have that person look at it on his/her own.
4. Do not use the system in a way that disrupts its use by others. This includes excessive sending or receiving many large files and "spamming" (sending e-mail messages to thousands of users.).
5. The Internet is full of useful programs that can be downloaded, but some of them may contain computer viruses that can extensively damage our computers. Be sure to virus-check downloaded files immediately. Instructions on how to check for viruses are available through your supervisor. Also, many browser add-on packages (called "plug-ins") are available to download. There is no guarantee that such will be compatible with other programs on the network and such may cause problems; therefore, please refrain from downloading such plug-ins.
6. Passwords to City systems are provided in order to protect sensitive information and messages from unauthorized use or viewing. Such passwords are not intended to prevent appropriate review by City management. Under NO circumstances should you provide any co-worker or non-city personnel your password and user codes.
7. At no times should networked workstations with Internet access be left in an accessible state that could potentially allow unauthorized access.

8. Each Employee is responsible for the content of all text, audio or images that he/she places or sends over the City's Internet and e-mail system. No e-mail or other electronic communications may be sent which hide the identity of the sender or represents the sender as someone else.
9. E-mail is not guaranteed to be private or confidential. All electronic communications are the City property. Therefore, the City reserves the right to examine, monitor and regulate e-mail messages, directories and files, as well as Internet usage. Also, the Internet is not secure so do not assume that others cannot read - or possibly alter - your messages.
10. Internal and external e-mail messages are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the City.
11. Use of Instant Messaging, either with internal Employees or persons outside the office must fall within City guidelines.

#### **The City's Right to Monitor and Consequences**

All City-supplied technology, including computer systems and City-related work records, belong to the City and not the Employee. The City routinely monitors usage patterns for its e-mail and Internet communications. Although encouraged to explore the vast resources available on the Internet, Employees should use discretion in the sites that are accessed.

Since all the computer systems and software, as well as the e-mail and Internet connection, are owned by the City, all City policies are in effect at all times. Any Employee who abuses the privilege of the City's facilitated access to e-mail or the Internet may be denied access to the Internet and, if appropriate, be subject to disciplinary action, up to and including termination.

Department Administrators are responsible for ensuring that assigned personnel understand Internet acceptable use policy.

City management reserves the right to periodically monitor Employees' use of any computer systems or network.

#### **Questions Regarding the Use of the Internet or E-mail**

If you have questions regarding the appropriate use of the Internet or E-mail, contact your supervisor.

#### **Social Media Policy**

The City understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all Employees of the City of Laurel.

#### **Guidelines**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content



of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication.

The same principles and guidelines found in the City's policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City or the legitimate business interests of the City may result in disciplinary action, up to and including termination.

#### **Know and Follow the Rules**

Carefully read these guidelines, the City Statement of Ethics Policy, the City Customer and Confidentiality Policies and the Discrimination & Harassment Prevention Policy, and ensure your posting are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may be subject you to disciplinary action, up to including termination.

#### **Be Respectful**

Always be fair and courteous to fellow Employees, customers, members, suppliers or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your coworkers or by utilizing our Problem Resolution Procedure than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticisms, avoid using statements, photographs, video or audio that reasonable could be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, gender, disability, religion, or any other status protected by law or the City policy.

#### **Be Honest and Accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted posting can be searched. Never post any information or rumors that you know to be false about the City, fellow Employees, citizens, suppliers, or people working on behalf of the City or competitors.

#### **Post Only Appropriate and Respectful Content**

Do not create a link from your blog, website or other social networking site to the City website without identifying yourself as a City Employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an Employee and make it clear that your views do not represent those of the City, fellow Employees, members, customers, suppliers, or people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City. It is best to include a

disclaimer such are "The postings on this site are my own and do not necessarily reflect the views of the City."

#### **Using Social Media at Work**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your department Administrator or consistent with the City's Computer, Internet, and E-mail Usage Policy. Do not use the City email addresses to register on social networks, blogs, or other online tools utilized for personal use.

#### **Retaliation is Prohibited**

The City prohibits taking negative action against any Employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any Employee who retaliates against another Employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

#### **Media Contacts**

Employees should not speak to the media on the City's behalf without contacting the CAO or Department Head.

All media inquiries should be directed to them.

#### **For More Information**

If you have questions or need further guidance, please contact your department Administrator or the City CAO.

#### **Job Descriptions**

All job descriptions must be approved by the Mayor or CAO, no exceptions.

## **Compensation**

The City observes pre-determined pay period/pay days. When you receive your paycheck, review your paycheck stub to be certain your name, address and other pertinent information are correct. Please make sure to review your hours every pay period to assure all hours worked have been properly recorded and paid. If you observe an error on your check, please report it immediately to the City Payroll Clerk. If you cannot resolve the problem, contact your supervisor for assistance.

#### **Paydays**

The pay period is biweekly. Payday is the Friday following completion of the pay period. Paychecks will be available by 9:00 a.m. on payday. There shall be NO pay advances under any circumstances. Checks may be mailed if authorized by the employee. No other person be allowed to pick up an Employee's payroll check, without prior written authorization of the Employee on file with the City.

\* LVFD member's expense reimbursement will be once a month, on or before the 10th of the following month.