

MINUTES OF THE CITY COUNCIL OF LAUREL

JANUARY 11, 2022

A regular meeting of the City Council of the City of Laurel, Montana, was held in the Council Chambers and called to order by Council President Eaton at 6:31 p.m. on January 11, 2022.

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

COUNCIL MEMBERS ABSENT: None

OTHER STAFF PRESENT: Jean Kerr, City Judge
 Sherri Phillips, Court Clerk

Council President Eaton led the Pledge of Allegiance to the American flag.

Council President Eaton asked the Council to observe a moment of silence.

MINUTES:

Motion by Council Member Sparks to approve the minutes of the regular meeting of December 28, 2021, as presented, seconded by Council Member Wilke. 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:

- Resignation of Bill Mountsier from the Police Commission.
- Fire Monthly Report – December 2021
- Police Monthly Report – December 2021
- Building Department Monthly Report – December 2021

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS: None.

PUBLIC HEARING:

- Public Hearing – Resolution Of Annexation Of Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County, Montana.

Council President Eaton stated this is the time and place set for the public hearing on the City of Laurel's Resolution Of Annexation Of Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County, Montana.

Council President Eaton opened the public hearing and asked Staff to present the item.

Council President Eaton noted the memo from Planning Director Altonaga; see attached.

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

Council President Eaton asked if there were any proponents.

Lance Hull, 1009 Davis Circle, thank you for looking at my project. I'm just here for any questions you might have.

Council President Eaton asked two (2) additional times if there were any proponents. There were none.

Council President Eaton asked three (3) times if there were any opponents. There were none.

DW

Council President Eaton stated that he would not have Staff respond to questions as there were none.

Council President Eaton closed the public hearing.

CONSENT ITEMS:

- **Claims entered through January 7, 2022.**
A complete listing of the claims and their amounts is on file in the Clerk/Treasurer's Office.
- **Approval of Payroll Register for PPE 12/26/2021 totaling \$175,231.78.**

Council President Eaton asked if there was any separation of consent items. There was none.

Motion by Council Member Klose to approve the consent items as presented, seconded by Council Member Wilke. 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:

- Budget/Finance Committee Minutes of December 28, 2021.
- Emergency Services Committee Minutes of December 27, 2021.
- Library Board Minutes of August 10, 2021.
- Library Board Minutes of September 14, 2021.
- Library Board Minutes of October 12, 2021.
- Library Board Minutes of November 9, 2021.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT):

Steve Krum, 249 24th Avenue, commented on the water trucks leaving the water plant and spilling water over the highway. He was concerned about ice accumulation.

The attached email from Carah Ronan, 1721 Nicholas Lane, was read into the record.

SCHEDULED MATTERS:

- **Nomination and Voting of Council President and Vice President.**

Motion by Council Member Wilke to nomination and voting of the Council President and Vice President, 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.

Council President Eaton asked if there were any nominations for Council President.

Motion by Council Member Klose to nominate Council Member Eaton as Council President, seconded by Council Member Mountsier.

Motion by Council Member Herr to nominate Council Member Sparks as Council President, seconded by Council Member Wilke.

Council President Eaton asked if there were any other nominations. There were none. Council cast their vote via silent ballot. Ballots were collected and read aloud by Council President Eaton. The results are as follows: Council Member Eaton received three votes. Council Member Sparks received five votes; see attached ballots. Council Member Sparks will be Council President for the next two years at a vote of 5 to 3.

Council President Eaton asked if there were any nominations for Council Vice President.

Motion by Council Member Klose to nominate Council Member Stokes as Council Vice President, seconded by Council Member Mountsier.

Motion by Council Member Herr to nominate Council Member Wilke as Council Vice President, seconded by Council Member Mountsier.

Council President Eaton asked if there were any other nominations. There were none. Council cast their vote via silent ballot. Ballots were collected and read aloud by Council President Eaton. The results are as follows: Council Member Stokes received four votes. Council Member Wilke received four votes; see attached ballots. Council President Eaton, as acting Mayor, cast the deciding vote for Council Member Wilke. Council Member Wilke will be Council Vice President for the next two years.

- **Mayor's Committee Appointments**

Council President Eaton stated the Mayor requested this item be pulled. She clarified that until Council has voted on the Mayor's Committee appointments, the Committee assignments will stay as they were.

- **Resolution No. R22-01: Resolution Authorizing Owner's Request To Seek Annexation Of A One Acre Lot Located West Of 8th Avenue Between 1st And 2nd Streets Pursuant To The City Of Laurel Annexation Policy.**

Motion by Council Member Herr to approve Resolution No. R22-01, seconded by Council Member Wilke. 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. R22-02: Resolution Of Annexation Of Contiguous City-Owned Properties Into The City Of Laurel, Yellowstone County, Montana.**

Motion by Council Member Klose to approve Resolution No. R22-02, seconded by Council Member Herr. There was no public comment.

It was questioned if there was a map of the locations of each property. It was further questioned why a City park was not annexed during the subdivision process. It was clarified the City owns all these properties.

A vote was taken on the motion. Council Members Sparks, Wilke, Mountsier, Klose, Stokes, Mize, and Eaton voted aye. Council Member Herr voted nay. Motion carried 7-1.

- **Resolution No. R22-03: A Resolution Of The City Council Authorizing The Mayor To Sign An Agreement With Daysel Consulting For Development Of Software To Assist With The Management And Operation Of The City's Riverside Park Camping And Recreation Program.**

Motion by Council Member Wilke to approve Resolution No. R22-03, seconded by Council Member Mize. 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 Sparks thanked Council for instilling confidence in her to be the Council President.

Public Works Committee has been canceled for January due to the holiday. The Public Works Committee for February has been moved to February 23, 2022, at 6:00 p.m.

There will be an in-person Hunter's Ed program this spring.

Cemetery Commission's next meeting will be on January 26, 2022, at 5:00 p.m. in Council Chambers.

Council Member Klose thanked those who helped pick up wreaths last Friday. There was City Staff out helping as well.

Council asked for clarification on if it is a conflict of interest for the Council President to break a tie vote; see the attached Attorney General's opinion.

Council requested a written opinion for the City Attorney on the process taken to temporarily fill the Mayor's chair and the Ward 1B position.

Recently the Council Secretary, Clerk/Treasurer, and Mayor attended training regarding parliamentary procedure. During that training, it was clarified that called to question is an actual motion that would need to be voted on, and the Council no longer needs to do this.

The Council President requested that the City of Laurel obtain a copy of the application and all supporting documents regarding the NorthWestern Energy activities.

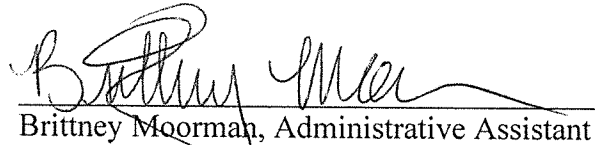
MAYOR UPDATES: None.

UNSCHEDULED MATTERS: None.

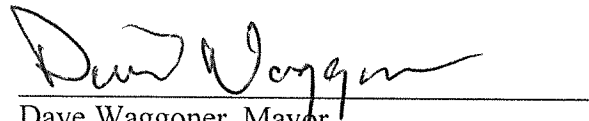
ADJOURNMENT:

Motion by Council Member Mize to adjourn the council meeting, seconded by Council Member Wilke. 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.

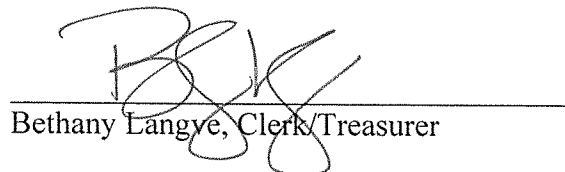
There being no further business to come before the Council at this time, the meeting was adjourned at 7:08 p.m.


Brittney Moorman, Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 25th day of January 2022.


Dave Waggoner, Mayor

Attest:


Bethany Langye, Clerk/Treasurer

Brittney Moorman

From: carah ronan <carahronan@yahoo.com>
Sent: Tuesday, January 11, 2022 4:00 PM
To: Brittney Moorman; Laurel City Planner; City Mayor; Ward 1A; Ward 1B
Subject: Pipeline

[Download Attachment](#)
[Available until Feb 10, 2022](#)

Dear Dave, Nick, Brittney, Heidi and Emelie-
Unfortunately, I will be unable to attend the city Council meeting this evening at 6:30 PM. It is my hope that this email and video that I am attaching the entered into the public record And if it all possible played for the city council members and members of the public that will be in attendance of the meeting tonight. The below video shows Northwestern energy putting in their pipeline at the end of our lane. They have not received permissions for their plant, they pulled their permitting from city Council consideration and according to emails from Nick they have pulled out their zoning request. So, my question to each of you is how is it that they are already putting in a pipeline that hasn't been approved? It makes me absolutely sick to my stomach to know that there will be two 90° bends in a pipeline less than a stones throw from our property where my 87-year-old grandmother lives and still there have been no questions answered as to when something goes wrong at these two week points how is it that the city plans on evacuating our families from the area? Is it simply that you're willing to risk the lives that live on the south side of the river and next to this tumultuous pipeline That is being built in secrecy and not going through the proper channels? You were leaving us a sitting duck's for the day when those two 90° bends break. And when they do and there's a loss of life know that each of you will have blood on your hands.
Carah Ronan
1721 Nicholas Lane
Juanita Rowland
1715 Nicholas Lane

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carah ronan
www.evolveyogaandfilm.com
406.570.8932 cell

CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

January 11, 2022

Regarding the Request by Lance Hull to Submit an Annexation Application for Property West of 8th Avenue between 1st and 2nd Streets.

Mr. Mayor and City Council,

Mr. Lance Hull has submitted a request letter to allow him to submit an annexation application for a property located off of 8th Avenue, accessible by currently unbuilt portions of W 1st Street and W. 2nd St. Lance Hull met with me in October of 2021 to discuss his plans to develop the lot. He plans to update the zoning designation to Residential Multi-Family (RMF) and to develop four four-plex residential buildings, install landscaping, and add parking, as well as improve portions of W. 1st St and W 2nd St. to access the site. He hopes to annex the property into the city to access municipal water and sewer services.

His design concept is in-keeping with the strategic goals of the Laurel Growth Management Policy of 2020, by adding a diverse array of housing to the city, as well as locating high growth developments along high-volume roadways. This annexation would also expand the municipal utility system.

To be clear, this approval would only open up the possibility of Mr. Hull being able to submit an annexation application. He would be submitting his designs and engineering and other documents at that time. He would be able to update the zoning from Residential Tracts (RT) to the proposed Residential Multi-Family (RMF).

I support the approval of Mr. Hull's request to submit an application for annexation. His proposed development would be a positive addition to the city by creating more housing options and improving the road network as well as expand the city utility system. Thank you for your consideration of this request. Please let me know if you have any questions or concerns about this request.

Regards,

Nicholas Altonaga, CFM

Planning Director

CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

January 11, 2022

Regarding the Resolution of Intent for the Annexation of Contiguous Government Land

Mr. Mayor and City Council,

This letter will provide some detail on the accompanying legal descriptions that were provided with the resolution detailing the annexation of government land contiguous to the Municipal City Limits of Laurel.

The attached list of legal descriptions includes the city-owned property contiguous with, and immediately adjacent to the city limits of Laurel. The Annexation of these properties not only clears up the jurisdiction in which city property falls under, but also allows for the City to expand its zoning jurisdiction outwards. Extra-territorial zoning extends 1-mile outside the municipal city limits. This is important for long range planning activities as well as planned provision of public services and basic land-use management.

Please let me know if there are any questions or comments about the properties in question or the process that this will take. Thank you for your consideration of this matter.

Regards,

Nicholas Altonaga, CFM

Planning Director

To: Sam Painter <sam@thompsonpainterlaw.com>

Subject: Fwd: Mayor out Sick

Sam,

I asked Dan Clark about our Mayor being out, and he gathered up some MCA and Attorney General opinions. He is such an amazing man!! I don't know how long the Mayor is going to be out, but I foresee it being an extended time. I hope this information helps you, and let me know if you need anything from me.

This sucks a lot, and I hope he recovers soon.

Bethany

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From: Clark, Daniel <daniel.clark@montana.edu>

Sent: Monday, October 18, 2021 5:54:30 PM

To: Bethany Langve <cityclerk@laurel.mt.gov>

Cc: Kent, Ashley <ashleykent@montana.edu>; Sam Painter <sam@thompsonpainterlaw.com>

Subject: RE: Mayor out Sick

Bethany,

Here is what I have been able to find in the City of Laurel's Charter, Council Rules of Procedure and an AG Opinion. There is a reference in the MCA (7-3-113(1)(m) and 7-3-221(3), MCA) but it says the same basic information as the city's charter and rules of procedures. As you know, the order of supremacy is the City Charter, city ordinances, city policies and then the MCA.

The challenge here is the term "preside". It is the main word used to describe the council presidents role in the absence of the mayor and primarily in reference to voting rights. I suggest asking Sam Painter if the word "presides" includes carrying out the chief-executive role and duties of the mayor (i.e. day-to-day operations) while the mayor is absent/disabled. I am more comfortable with the Council President assuming the role and duties of the mayor in the mayor's absence than a staff person. Elected official performing an elected officials duties.

Here is what the city charter says:

Section 2.06 Chairman of the Council

The council shall have a chairman who shall be elected by the members of the council from among their own number for a term established by resolution. The chairman of the council, who may be called the president of the council, shall preside when the mayor is absent.

These next two sections are from the City's Council Rules of Procedures:

2.08.090 Meeting – Presiding officer.

The presiding officer of the council shall be the mayor who shall decide all tie votes of the council but have no other vote. The chairman of the council (called the president) shall preside if the mayor is absent. The vice chairman of the council (called the vice president) shall preside if both the mayor and vice president (??) are absent (Ord. 1009, 1992 prior code §2.12.030) [you may want to check this section as it should say "council president" or "president" instead of "vice president"].

2.10.020 Duties of the presiding officer

A. The presiding officer of the council shall be the mayor who shall arrange the meeting agenda coordinate the affairs of the council and preside at all meetings of the council.

B. In the absence or disability of the mayor the president of the council shall serve as its presiding officer and may vote as other members of the council. The clerk of the council shall record and maintain the minutes of the council proceedings showing the vote of each member upon every question or if failing to vote indicating that fact shall keep records of its examinations and other official actions shall summarize briefly and accurately the substance of all matters proposed discussed or decided shall record the names and addresses of all persons appearing before the council shall subject to the direction of the council and presiding officer conduct the correspondence of the council shall file said minutes and records in the office of the council which minutes and records shall be a public record and shall be the custodian of the files and records of the council. (Ord 98-1§ 2(part), 1998)

MT Attorney General Opinion:

Number of Town Council Members Necessary to Constitute Quorum When Mayor Resigns: Regarding the question of what constitutes a quorum of municipal council members when the mayor resigns and the mayoral duties are assumed by one of the municipal council members, at common law, the general rule is that the total number of all of the duly elected and qualified members of the municipal council is taken as the basis. Although the mayor or chief executive may be included in the count under some statutes, the mayor is not made a member of the council and is not included in the number on which a quorum is reckoned. However, even though the mayor is not counted in the determination of a quorum, a member of the municipal council who acts as mayor or **presiding officer pro tempore** in absence of the mayor is counted in determining whether a quorum is present and retains the right to vote as a member of the council. Thus, the president of the council, when serving as **acting mayor** in the absence of the mayor, may vote on a measure with the other members of the council and then, as acting mayor, cast the deciding vote in case of a tie. 47 A.G. Op. 20 (1998).

The online "legal-dictionary" gives a definition of "pro tempore" or pro tem as: A person who acts as a temporary substitute serves pro tem. The term is often used to describe the acting head of a governing body, such as the president pro tem of the Senate, who presides over the Senate when the vice president is unable to do so.

pro tem: 1) adj. short for the Latin "pro tempore", temporarily or for the time being. In law, judge pro tem normally refers to a judge who is sitting temporarily for another judge or to an attorney who has been appointed to serve as a judge as a substitute for a regular judge. When an appeals justice is not available or there is a vacancy, a lower court judge is appointed Justice Pro Tem until a new Justice is appointed. Small claims cases are often heard by an attorney serving as Judge Pro Tem. 2) n. short for a temporary judge as "Sam Collins is Pro Tem today."

I suggest the City of Laurel create an ordinance or policy that defines the duties of the Council President in the absence or "disability" of the mayor (different than if the mayor is out of town for 2 or 3 days or misses a meeting). For example, in Homer, Alaska, they have used more detail in their rules of procedure: **"Council's Operating Manual: Mayor Pro Tem.** A Mayor Pro Tem shall be elected by the majority of the Homer City Council. The term of the Mayor Pro Tem shall be until the call for election by the Homer City Council of a New Mayor Pro Tem. The Mayor Pro Tem shall, in the absence of the Mayor, act as Mayor of the City of Homer as though they themselves had taken the Oath of Office of Mayor with all duties, responsibilities and powers of the Office of the Mayor of the City of Homer."

I hope you find this information helpful.

Dan

Dan Clark
Director
MSU Local Government Center
Culbertson Hall 235-A
P.O. Box 170535
Bozeman, MT 59717
Office: 406-994-7756
Cell: 406-570-4259
email: daniel.clark@montana.edu
Website: msulocalgov.org

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From: Bethany Langve <cityclerk@laurel.mt.gov>
Sent: Monday, October 18, 2021 9:39 AM
To: Clark, Daniel <daniel.clark@montana.edu>
Subject: Mayor out Sick

Dan,

Our Mayor is in the hospital and will be for quite some time. He is unable to do his mayor duties. The seat is not vacant because we expect him to return. According to MCA would the City Council President step in until he can return? That is what we are doing right now but I don't know what MCA rules say.



Bethany Langve
Clerk/Treasurer
City of Laurel, Montana
(406) 628-7431 extension 6669

Hindi
Sparke
Pres

Quickly

Hide

Heidi

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12/12