

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, APRIL 09, 2019**

A Council Workshop was held in the Council Chambers and called to order by Mayor Tom Nelson at 6:33 p.m. on April 9, 2019.

COUNCIL MEMBERS PRESENT:

| | |
|---|--|
| <input type="checkbox"/> Emelie Eaton | <input checked="" type="checkbox"/> Heidi Sparks |
| <input checked="" type="checkbox"/> Bruce McGee | <input checked="" type="checkbox"/> Richard Herr |
| <input type="checkbox"/> Scot Stokes | <input checked="" type="checkbox"/> Irv Wilke |
| <input checked="" type="checkbox"/> Richard Klose | <input checked="" type="checkbox"/> Bill Mountsier |

OTHERS PRESENT:

Nick Altonaga, City Planner
Bethany Langve, Clerk/Treasurer
Stan Langve, Police Chief
Travis Pitts, Interim Captain

Public Input:

There was none.

General Items

1. Appointment of Travis Pitts to Police Captain.

Chief Langve has recommended Travis Pitts, Interim Captain, be promoted to Captain. Chief Langve read the attached letter of recommendation.

It was questioned if this promotion will open another position for an officer. It was clarified that the Police Department is fully staffed at this time.

Mayor Nelson stated when he was first appointed to office; he went on ride alongs with various officers in the Police Department. One of those Officers the Mayor road with was Officer Pitts.

Executive Review

2. Resolution - A Resolution Of The City Council Requesting Distribution Of Bridge And Road Safety And Accountability Program Funds.

Bethany Langve, Clerk/Treasurer stated this resolution is in regard to House Bill 473 or new gas tax. Council saw this process for the first time last year. This is the first year to request a full 12 months for a total of \$98,822.94. This amount is already budgeted for and will go into the gas tax fund to be used for streets.

It was questioned Council would need to do this process each year. It was clarified that a request for funds needs to occur between March 1st and November 1st each year.

It was questioned if these funds have to be designated for a project. It was clarified that these funds are designated through the budget for street maintenance.

Council Issues

3. Ordinance 19-01: An Ordinance Amending Title 2, Chapters 2.08, 2.12, And 2.60 Of The Laurel Municipal Code For The Purpose Of Clarifying That Current City Employees Are Not Eligible To Serve As Members Of City Committees And Commissions Or To Serve As Elected City Officers In Accordance With Montana Law. (First Reading _____, Second Reading _____)

The changes requested by the Council have been made. Police Officers have expressed an interest in allowing ambulance drivers, etc., there is an exception for that. There is an allowance for Council Members to serve as Reserve Officers.

A Council Member expressed their appreciation in the effort to redraft this ordinance.

Mayor Nelson clarified that the version included in tonight's packet was incorrect. The correct version was handed out prior to tonight's meeting and attached to these minutes.

4. Resolution R19-07: A Resolution Of The City Council Authorizing The Developer Of Iron Horse Station Subdivision To Install A Stormwater Pond Within Dedicated Parkland Within The Subdivision Pursuant To LMC 16.40.040.

Marvin Brown, 26 Stanford Ct., Billings, MT, stated he was done spending money on this project. There are a few issues that he is not happy with one of which is the issue with this project is draining water into park land. Mr. Brown requested to change his proposal as he does have permission to drop stormwater in the Nutting Drain Ditch. He was told the drain ditch does not have the capacity. Mr. Brown does not agree with the conclusion that there is no capacity for storm water. He wants to contest the right to dump stormwater into the Nutting Drain Ditch. He is also calling for an audit of the Nutting Drain Ditch as he questions if the funds are being used properly, see attached letter.

A few years go Mr. Brown hired Morrison Maierle to survey the lots and found that the lots were not staked. Morrison Maierle advised the subdivision was likely not valid and Mr. Brown confirmed this fact with an attorney. A City Official was spoken to about this matter. Mr. Brown sent a bill to the City for \$400,000 at the suggestion of legal counsel that was unanswered. He is now an additional \$100,000 into this project to get the easement across the Nutting Drain District legally filed. Mr. Brown handed out a cost sheet on what he has invested in this project, see attached.

Mr. Brown stated the only way he is interested in moving forward is to place a modular park on half the property and a mobile home park on the other while keeping the stormwater on the property. He stated he could get approximate 60 to 70 units on the property. He would also want to do a PUD next time and make a gated community like on Shiloh. Mr. Brown advised the council that if the council is not interested in his proposal he will walk away.

It was questioned what a PUD stood for. It was clarified that PUD stands for Planned Unit Development. The developer would be responsible for plowing the roads and maintaining the streets inside the gates.

Mayor Nelson asked that Mr. Brown work with the City Planner and have an answer by mid next week regarding his proposal.

Mr. Brown clarified that the PUD would be like starting over. The subdivision was platted in 2005. At that time there were islands on Maryland with signs placed stating Iron Horse Station with a locomotive. He was asked to remove the signs by the city, then put them back in, then remove them

again. Each time was very costly. This lead to the downfall of this project. Mr. Brown stated he was unaware of the issues with stakes until the survey in 2014. He stated the engineers were not liable because the statute of limitations has run. Mr. Brown was disappointed in the City when he was sending bills and did not hear back from any City Staff member. Mr. Brown stated his attorney at Crowley advised that he was surprised nobody at the city contacted him regarding his bill.

It was questioned what happened to the bill that had been sent, and further was it paid or not. The City does not have \$400,000 to pay if responsible for payment.

Mayor Nelson stated he would have staff look into the issue. He asked that the City Planner work with Mr. Brown and report back if this item is ready to move forward at the next Workshop.

Other Items

The Elected Officials Workshop will be held in Bozeman the first week of May. Council Members who are interested should fill out the registration form and return to the Administrative Assistant by April 16th.

Review of Draft Council Agendas

5. Draft Council Agenda for April 16, 2019.

There were no changes.

Attendance at Upcoming Council Meeting

Council Member Klose will be absent. All other in attendance will be present at next weeks Council meeting.

Announcements

6. April 2019 Employee Recognition

Mayor thanked employees and volunteers for their years of service.

Public Works Committee scheduled for April 11th has been canceled.

The council workshop adjourned at 7:06 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.



LAUREL POLICE DEPARTMENT

215 West 1st Street, Laurel, MT 59044 Phone: 406-628-8737 Fax: 406-628-4641

Chief of Police Stanley J Langve

April 3rd 2019

To: Mayor Tom Nelson

From: Chief Stanley J Langve

Re: Promotion of Travis Pitts to Captain

Dear Sir,

This letter is to recommend the promotion of Travis L Pitts to the position of Captain.

On March 22nd 2019 I posted a notice to the members of the Laurel Police Department, requesting letters of interest for the position of Captain. Letters of interest were to be turned into the Office of the Chief of Police by April 2nd at 0800 Hours. I received one letter of interest and that was from Travis Pitts.

Travis began his Law Enforcement career in April of 1988 as a Reserve Deputy with the Carbon County Sheriffs Department. After receiving his Bachelor Degree in Criminal Justice, Travis was hired as a Deputy Sheriff with Carbon County in July of 1993.

Travis came to the City of Laurel Police Department November 13th 1996 and worked as a patrolman until August of 2003 when he was assigned as a member of the Eastern Montanan High Intensity Drug Trafficking Area Task Force for a year and a half. He was then assigned as a Task Force Officer with Drug Enforcement

Administration for 11 years. During this time Travis served with distinction and was highly regarded amongst his peers, receiving the Task Force Officer of the year for 2010 in the Rocky Mountain Division.

In April of 2016 Officer Pitts returned to patrol and worked all shifts. During this time, he worked closely with now retired Captain Mark Guy, learning the requirements and duties of the Captains position. Upon my assumption of the Chiefs duties in November of 2018, Travis has served as acting Captain. He has excelled at this position. Travis has over 1,200 hours professional development P.O.S.T certified training and possesses his Advanced Certificate. Travis's training covers a large scope of law enforcement areas to include leadership training.

Travis Pitts is highly respected amongst his peers in the Law Enforcement Community and especially amongst his co-workers. Travis has shown himself to be an excellent Officer and leader, whose character, ethics, and judgment are superior.

It is with highest regard that I recommend Travis L Pitts be promoted to the position of Captain of the Laurel Police Department.

Sincerely,

Stanley J Langve

Chief of Police

ORDNANCE NO 019-__

AN ORDINANCE AMENDING TITLE 2, CHAPTERS 2.08, 2.12, ~~AND 2.60, 2.64, and 2.76~~ OF THE LAUREL MUNICIPAL CODE FOR THE PURPOSE OF CLARIFYING THAT CURRENT CITY EMPLOYEES ARE NOT ELIGIBLE TO SERVE AS MEMBERS OF CITY COMMITTEES AND COMMISSIONS OR TO SERVE AS ELECTED CITY OFFICERS IN ACCORDANCE WITH MONTANA LAW AND FOR OTHER PURPOSES.

WHEREAS, the City Council desires to keep the Laurel Municipal Code current by modifying and updating chapters, sections and subsections to address situations and problems within the City and to remain in accordance with Montana law; and

WHEREAS, Montana law specifically prohibits employees of a city, town or county from serving in elected positions since the positions of employees and elected officials are incompatible as a matter of law; and

WHEREAS, the City of Laurel's LMC requires an amendment to clarify the Montana law as related to the doctrine of incompatible positions to avoid future issues; and

WHEREAS, upon request of the Mayor, the ordinance amendments were prepared to be adopted and incorporated into the existing Title 2 as noted herein and the Mayor hereby recommends the same to the City Council for their full approval as follows:

2.08.240 Standing committees.

At the first regular meeting of the council, after the first Monday in January following a city election, the mayor shall appoint standing committees as follows:

- A. Public Works;
- B. Budget and Finance;
- C. Emergency Services;
- D. Human Relations.

Each committee shall consist of not more than four councilpersons and such other private individuals as the mayor shall appoint. All appointments shall be approved by a majority of the council. City employees are not eligible to serve as members on City Standing committees. (Ord. 99-24, 1999: Ord. 1012, 1992: prior code § 2.12.170)

2.08.250 Special committees.

The mayor shall from time to time appoint such other standing or temporary committees of the council as shall be authorized, for any purpose by a majority vote of the council. City employees are not eligible to serve as members on City Special committees. (Prior code § 2.12.180)

2.12.020 Elective and appointive offices.

The ~~elective officers/offices~~ of the city consist of one mayor, two aldermen from each ward, and one city judge, who must be elected by the qualified electors of the city as provided in M.C.A. § 7-4-4102. There may also be appointed offices that are appointed by the mayor, with the advice and consent of the council, one city clerk-treasurer, who is ex officio city assessor, director of public works, assistant director of public works, engineer, maintenance director, public utilities director, and any other officer necessary to carry out the provisions of this title. The city council may prescribe the duties of all city officers and fix their compensation subject to the limitations contained in the city ordinances and state law. (Ord. 02-7, 2002: Ord. 97-2 § 1, 1997: Ord. 1000, 1991: prior code § 2.04.020)

2.12.030 Eligibility to elective office.

Except as specifically provided in 2.60.070, 2.64.120, and, 2.76.080, No no person is eligible to any elective office who is a current employee of the city, not a citizen of the United States ~~and or~~ who has not resided in the city or an area which has been annexed thereto for at least two years immediately preceding his election and who is not a qualified elector thereof. (Prior code § 2.04.030)

Ordinance No. 016019- LMC, Title 2, Chapters, 2.08, 2.12, and 2.60, 2.64, and 2.76

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2.60.070 Reserve and auxiliary police forces.

The chief of police shall recommend and the council shall approve membership in the reserve police force and the auxiliary police force. The number of persons enrolled in the reserve police force and auxiliary police force shall be set by the council. Notwithstanding 2.12.030, aldermen and non-police officer city employees may serve as individual members of the reserve or auxiliary police force.

(Prior code § 2.20.120)

2.60.100 Police commission—Appointment—Terms and conditions of office.

The mayor shall nominate, with the consent of the council, three residents of the city, who shall have the qualifications required by law to hold a city board to be known by the name of "police commission," and who shall hold office for three years. City employees and individuals serving in city elected offices are not eligible to serve as Police commission members. One member of such board must be appointed annually at the first meeting of the council in May of each year. (Prior code § 2.20.150)

2.64.120 Volunteer fire department.

There shall be a volunteer fire department to aid the regular fire department in the protection of the city property from fire. The members of the volunteer fire department shall be appointed by the fire chief with the consent of the council. The total number of volunteer members shall be set by the council. Notwithstanding 2.12.030, aldermen and city employees may serve as individual members of the volunteer fire department. (Prior code § 2.24.130)

2.76.080 Volunteer ambulance service— Appointments.

Appointments to the volunteer ambulance service shall be made by the mayor upon recommendation of the ambulance committee and confirmed by the council. Notwithstanding 2.12.030, aldermen and city employees may serve as individual members of the volunteer ambulance service.

(Prior code § 20.06.020)

This Ordinance shall become effective thirty (30) days after final passage by the City Council and approved by the Mayor.

Introduced and passed on first reading at a regular meeting of the City Council on _____, 2019, by Council Member _____.

PASSED and ADOPTED by the Laurel City Council on second reading this ____ day of _____, upon motion of Council Member _____.

APPROVED BY THE MAYOR this ____ day of _____, 2019.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

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1430 Country Manor Blvd Ste 5
PO Box 80661, Billings, MT 59108
406-259-6666 • Fax: 406-259-2133

April 9, 2019

Laurel City Council
Laurel, MT 59044

Re: Nutting Drain Ditch

Dear Council Members:

Iron Horse Station and Myself, as a concerned citizen, are hereby requesting a full audit of the Nutting Drain Ditch including copies of the books, balance sheets, tax revenue income and expenditures for the last 10 years.

The purpose of the audit is to assure that all tax levied funds have been appropriately used to maintain, monitor, clean and improve the ditch according to their established rules and regulations of the organizational charter.

It has come to my attention that certain portions of the Ditch are plugged and not operational, i.e. the culvert at the end of Great Northern Road where it crosses the ditch that was in ill repair and collapsing and I had to remove to keep the houses at Iron Horse from flooding. This was to insure the health and safety of the residents of Laurel.

I will personally pay for Eide Bailly to review the numbers and information and report back to the Committee.

Respectively submitted,



Marvin Brown

Iron Horse Station, LLC
2110 Overland Avenue, Suite 122
Billings, MT 59102
259-6666

INVOICE

| | | |
|----------------|-------|----------|
| Bill To: | Date: | 4/9/2019 |
| City of Laurel | | |

| Project: | Amount |
|---|----------------------|
| Description | |
| 1. Sewer/Water Upgrades on Alder Street- Laurel, MT | \$ 35,000.00 |
| Plus accrued interest since 2005 - 6 1/2% apr | \$ 49,520.60 |
| 2. Looping water from Main Street to Roundhouse Drive per Curt Markegard request. | \$ 100,000.00 |
| Interest since 2005 at 6 1/2% | \$ 141,487.42 |
| 3. Access fee across private land with no easement | \$ 49,400.00 |
| \$3,800.00 annually since 2005 | |
| 4. Road maintenance taxes under protest for 11 years | \$ 117,503.98 |
| \$10,682.18 per year | |
| 5. Engineering charges - Morrison - Maierle | \$ 35,946.89 |
| 6. Crowley Fleck PLLC - Nutting Drain easement | \$ 4,413.00 |
| 7. Engineering charges - Territorial Landworks | \$ 40,723.55 |
| 8. Montana Department of Environmental Quality Fees | \$ 8,820.00 |
| Total Due | \$ 582,815.43 |