

**MINUTES
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, FEBRUARY 18, 2025**

A Council Workshop was held in Council Chambers and called to order by Mayor Dave Waggoner at 6:30 p.m. on February 18, 2025.

COUNCIL MEMBERS PRESENT:

<input checked="" type="checkbox"/> Tom Canape	<input checked="" type="checkbox"/> Heidi Sparks
<input checked="" type="checkbox"/> Michelle Mize	<input type="checkbox"/> Jessica Banks
<input checked="" type="checkbox"/> Casey Wheeler	<input checked="" type="checkbox"/> Irv Wilke
<input checked="" type="checkbox"/> Richard Klose	<input checked="" type="checkbox"/> Jodi Mackay

OTHERS PRESENT:

Brittney Harakal, Administrative Assistant
Michele Braukmann, City Attorney (via phone)
Stan Langve, Police Chief

Public Input:

Michael Hammer, 508 6th Avenue, read the attached statement into the record.

General Items

1. Appointment of Austin Gearhart to the Laurel Police Department.

The Police Chief stated that with the hire of Mr. Gearhart the department will have 15 officers. He briefly reviewed the hiring process.

It was questioned if this hire will make the department fully staffed. It was stated yes all 15 positions will be filled.

It was questioned if Mr. Gearhart had been through the academy. It was stated that he has been through the academy. It was further questioned if he will still receive field training. It was clarified that all new hires go through the same field training process.

A Council Member noted that Police Captain Anglin had reached 10 years of service. They asked if Captain Anglin would be presented with his star at next week's meeting. It was clarified that Captain Anglin has already received his 10-year star.

2. Appointment of Gaurav Thakur to the Laurel Urban Renewal Agency - Advisory for the remainder of a four-year term ending December 31, 2027.

Council requested that Mr. Thakur be present at next week's meeting. No other discussion on the item.

Executive Review

3. **Mayor:** Resolution - Resolution Of The City Council Of Intent To Adopt An Official Schedule Of Fees And Charges For The City Of Laurel And Repealing All Previous Resolutions That Set Fees Or Charges That Conflict With The Schedule Attached Hereto Upon Its Effective Date.

Council questioned why solar panels were removed from the Schedule of Fees and Charges. It was clarified that those inspections are done by the State.

Council Issues

Council Member Mize read the attached statement into the record.

Council Member Mackay echoed Council Member Mize's concerns. She found it highly unlikely that this entire body and Staff did not notice there was no second. She asked that this item be brought back in front of Council.

Council Member Klose noted that when you table a resolution you have to set a date in which the item is to be brought back. That motion should not have been voted on.

Council President Sparks echoed both Council Members Mize and Mackay. She agreed that this entire room did not miss there was not a second, regardless of what is picked up on the audio. We have technical issues in the past. Agree that the motion should have been passed and tabled. Also agree that it should be brought back at the next Workshop cycle.

Council Vice President Wilke echoed Council Members Mize, Mackay, and Sparks that this should come back to Council and do it right.

Council President Sparks added that it is the fair thing to Mr. Markegard as well. He should not have this hanging over his head going into this position. Council Members Wilke, and Mackay agreed with this statement.

Mayor Waggoner thanked Council for their input. He has moved forward with the contract. It is signed, it is a binding contract with Mr. Markegard. He is moving forward with appointing Mr. Markegard as CAO and he will not bring it back to Council.

Council Member Klose requested discussing moving the Court to a Court of Record. Would like this brought to our next Council Workshop. Would also like to look at the benefits.

Council Member Mackay stated that she finds it really disturbing and an abuse of power to ignore what the Council has stated.

Council Member Mize seconded.

Mayor Waggoner responded that it is not an abuse of power. He presents Council with a contract. Council does not call Staff and tell them what you want them to do.

Council Member Mackay stated I think you made your point.

Mayor Waggoner stated that's enough.

Council Member Mackay stated do not point your finger at me.

Mayor Waggoner stated you cannot tell me when to stop. I run this meeting.

Mayor Waggoner continued on to state that Council should refer to Roberts' Rules of Order.

He was interrupted by Council Member Mize who called a point of order.

Mayor Waggoner stated denied. He continued on to say that Council should have called the point of order the night of the mistake. He made a mistake by saying it needed a super majority. Council should have called the point of order. Without a point of order being called you cannot go back and change anything that was passed. Which means that resolution was passed and Council cannot change that. The CAO was given a contract and it will be followed through with.

Other Items

There were none.

Attendance at Upcoming Council Meeting

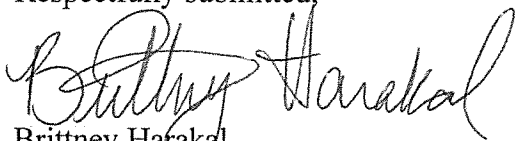
All Council Members present plan to be in attendance at next week's meeting.

Announcements

There were none.

The council workshop adjourned at 6:55 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brittney Harakal". The signature is fluid and cursive, with the first name "Brittney" written in a larger, more prominent script than the last name "Harakal".

Brittney Harakal

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.

Thank You council members and mayor for your service. I'm amazed by the complexity of matters coming to you that take serious grappling.

Recently, I am appalled while observing the CAO debacle.

I never expected small town Laurel, MT to enter the big-league divisiveness and corruption we see in politics throughout our nation. But that is what is happening here in the CAO process.

I attended 2/4 when a council member showed courage to call out falsehood put forth by our mayor the week before. On review of the youtube recording:

On 1/28, vice president, Wilki, motioned to table the CAO discussion. A 4 second pause in audio playback follows before the mayor announces, "It's been moved and seconded". He adds the false assertion it will require a super majority. 2 other council members go on to express agreement with the motion to table. The 2nd speakers closing remark is, quote, "I am also in favor of tabling". Let me give you a 1-word translation of that statement, "Second!" Our mayor is heard giving a 2nd acknowledgement that he received, quote "Motion and a 2nd to table". He takes the vote. It comes in 5 to 3 to table. The mayor announces, "the motion does not pass."

Then voting authorizing the mayor to execute an employment agreement for the position of CAO passes 5 to 3.

So, on 2/4: the mayor and attorney are confronted with Robert's rules of order stating a motion to lay on the table requires only a majority vote. The member asserts "to follow Robert's rules of order, our tabling last week actually stands." The city lawyer admits she may have been mistaken. Then questions but is assured there was a majority vote. She openly states (quote) "I will discuss with the executive branch what needs to be done to remedy that." No public follow up has occurred to let the people of Laurel know what is being done to "remedy" that. So, let me paraphrase what our city lawyer apparently meant, "Let me confer with the liar who made the false assertion, he may yet try to force his agenda on the people." Seems the strategy arrived at is to cover-up and ignore rather than "remedy."

1 50

I spent hours viewing council meetings. Mr. Mayor, I came away impressed with your knowledge and insights into the handling of many other complex issues. My impression is you are competent and doing a fine job.

Interim CAO Markegard told us he did not agree with your appointing him. But he accepted the role. He later quotes papa telling him, "Do no Harm." Yet he ~~has~~ allowed himself to be a pawn in your ~~corrupt~~ coercion for the CAO position. As such, he perpetuates great harm by strengthening your ~~corrupt~~, corrupt and dishonest methods.

I've seen council members vote contrary to constituents' urgings and even contrary to their own expressed concerns.

I am saddened by the sense that one man's dishonesty is infecting others.

I publicly call you out, Mr. Mayor. Please honestly "remedy" your wrongful disregard of the vote to table moving forward on the CAO matter.

It may still be that Markegard becomes CAO properly. His qualifications and dedication to the city give me a sense of confidence.

It would be nice to have my confidence restored in all parties: council members, attorney, CAO, and especially you Mr. Mayor to act with integrity and show mutual respect, regardless of differing views or opinions.

I need to bring into the public eye tonight some things that have transpired over that last few weeks behind the scenes- I.e. through email, because I believe in transparency and the public's right to be involved in representative government.

On January 28th at our Council meeting we were discussing the contract for the apt of CAO Markeguard. Mr Wilke moved to table and I seconded the motion. ^{The mayor states there is a motion by a 2nd} Then 5 of the 8 council members voted to table, but we were told that we had to have a super majority, and the chair told us the tabling had failed.

^{Feb 4th} The following week, after much research, I asked where in the LMC a supermajority was required and was told this was simply following Roberts Rules of Order. However, Robert's Rules simply require a majority vote, and when I asked The City attorney about this she promised to look into it.

^{Later} That evening the city council received this email- ^{from the city attorney} which I will quote in part but not in whole in the interest of time.

"I am following up on the issues raised by CM Mize at the Meeting tonight.

There is nothing that I can say other than that I am incredibly sorry, but I made a mistake in advising the Mayor that a super-majority (versus simple-majority) was needed to pass the Motion to Table made by CC Mize. ...But, simply put, my advice was not supported by either Robert's Rules of Order or the LMC or the Charter. The Motion to Table should have been considered on a majority vote basis.

Therefore, since 5 CC Members voted to pass the Motion to Table, it should have been considered passed...

My advice is that the proper way to handle this is to recognize the passage of the Motion to Table, and for us to amend the Minutes to reflect that the Motion to Approve the Resolution should not then have been voted on. With a Motion to Table, the Resolution moves to the next scheduled Meeting to be voted on. Therefore, it is my opinion that the Resolution (as tabled) is due to be voted on next Tuesday, and all CC Members should be permitted to recast whatever vote they determine appropriate on the Resolution at this upcoming meeting.

That is what I am advising the Mayor, Kurt, and all of CC.

Please let me know if you have any objection to the suggested approach " (end quote)"

I know that 3 members of the City Council responded to the email asking that instead of it being put forth to be voted on the 11th, that we put it on the next council Workshop- ^(Feb 18) so we could continue to get new information to help us with our vote. (I even made some suggestions to information I would like to have included at that time).

^{Agenda} So, Last week, when the CAO was not on the resolution, I thought this meant our concerns had been heard, and we would get a chance to revisit ^{the issue} this whole thing, on the record, tonight.

Unfortunately, that is not the case.

On the Morning of February 12th, when I logged into my council email to work on a tree planting grant, I was very discouraged to see another email from the attorney. It said, and I quote "

"Following up on the issues raised last week at the CC Meeting, regarding the Motion to Table, and the email communications between CC Members since then... I am providing you the present status of the CAO appointment issues.

What came to our attention in the review of everything was that the Motion to Table was not seconded by any CC Members. The Motion was made, and CC then moved straight into voting on the Motion to Table. This was a substantive procedural error. All CC Motions require a second before they can be voted on. Since the Motion to Table was not seconded, it formally died at that moment, and any vote thereafter is null and void, from a legal standpoint. Thereafter, then, consideration goes back to the Original Motion (which was a Motion to Approve the CAO Appointment). That Motion was voted on and passed. Therefore, the legal effect is that the Resolution put in front of CC was approved at that time.

City Staff and I are all in agreement that this is the practical outcome of how the Meeting unfolded, and that the passage of the Resolution to Approve the CAO Appointment stands. "

end quote

So, we are to understand, that even though 5 members of the CC voted to table this item, that none of them seconded the motion? We are further to believe that the attorney, the clerk, the interim CAO, the mayor, the assistant to the mayor, and 8 members of council all missed this fact? When, we have often caught this kind of problem in the past? It seems more probable to me that the motion was seconded but that a microphone was not utilized or that there were some technical difficulties.

^{fact}
In addition, I am confident that I seconded this motion, what I can not remember is if I pushed my microphone button. I confess that I am not always vigilant about that. I am sorry about that. However, ~~my intention is clear per my follow up comment about the issues I have with the contract as it stood, and the things I hoped could be addressed by tabling.~~ But You can hear the mayor clearly state he heard a 2nd.

I want to make it clear, technical difficulties are often a problem in the council meetings and other places. We have had many times where the live stream has not worked. We have other meetings that cut in and out. On 12.23.24 Tom Canape begins to make a motion- but you can not hear it, you only hear the 2nd and the mayor repeat for the record what has happened. Does that mean he never made his motion?

During special council meeting 12.17.24 all audio cuts out between minutes 15:25-and 15:59. Should we assume that any actions taken during that time are nullified?

On 12/10/24 a motion is made to approve minutes, but there is no audio for a second.

Also on 12/10 there was a vote on the partnership with RC and D. you can hear the ayes, but the audio doesn't pick up on anyone saying "no" However, the mayor goes on to say that there has been one no vote, and because of a smaller council that night the issue is voted down, 4 to1. Should we go back and change that action? Or do we trust that the mayor is correct when he says he heard a no vote?

Then, that same night, a motion is made for Resolution R 24-98 to adjust the compensation for the Volunteer Ambulance. You can not hear a second. Presumably because a microphone is not utilized. You can hear the mayor say it has been moved and seconded. Should we go back and remove their pay increase? ^{assume this is a mistake}

And that's just the meetings from DECEMBER!!! I had trouble even finding some of the older meetings- I am curious, if there's no recording did our meeting never happen?

So, either we can trust the mayor- when he says something has been moved and seconded. Or we can trust the recordings that sometimes do not pick up on our every word. I would rather trust the mayor, and the others on the bench, and in the room. I would rather admit technical difficulties happen, BUT we don't let them ~~take down~~ ^{stand in the way of} due process. We can't have it both ways, picking and choosing when the technical issues ~~help~~ support our position.

I am willing to admit that there is chance that this item could be returned to the table- further information presented to council and in the end the outcome might be the same- with the appointment of a CAO. So, why am I forcing this issue?

Because I believe the process matters. I believe honoring Roberts Rules ^{if order} and the Laurel Municipal code matters. I believe showing respect to the other, CO EQUAL branches of government matters. I believe being open and transparent for the public who have been watching this process matters.

It matters. It matters that we are consistent, and follow the process so that we don't end up with future legal issues. It matters because this is how we earn and keep the trust of the citizens of Laurel. It matters because respect between branches of Government allows us to work together for the flourishing of our community.

I urge you tonight to return ~~the~~ resolution ~~R-25-13~~ a resolution authorizing the Employment agreement for the Position of Chief Administrative Officer to the C.C agenda on March 4th. 2025 - so we can do this The Right way

Thank you.