

MINUTES OF THE CITY COUNCIL OF LAUREL

August 22, 2023

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 Dave Waggoner at 6:32 p.m. on August 22, 2023.

COUNCIL MEMBERS PRESENT:

Michelle Mize	Heidi Sparks
Casey Wheeler	Richard Herr
Richard Klose	Irv Wilke
	Jodi Mackay

COUNCIL MEMBERS ABSENT:

Emelie Eaton

OTHER STAFF PRESENT:

Michele, Braukmann, Civil City Attorney (via phone)
Britney Moorman, Council Administrative Assistant
Stan Langve, Police Chief
Kelly Strecker, Clerk/Treasurer
Nancy Schmidt, Library Director
Travis Nagel, Assistant Fire Chief
Kurt Markegard, Planning Director

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

MINUTES:

- Approval of Minutes of August 8, 2023.

Motion by Council Member Wilke to approve the minutes of the regular meeting of August 8, 2023, 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.

- Approval of Minutes of August 12, 2023.

Motion by Council Member Sparks to approve the minutes of the regular meeting of August 12, 2023, as presented, seconded by Council Member Wilke. 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:

- Police Monthly Report – July 2023

COUNCIL DISCLOSURE OF EX PARTE COMMUNICATIONS:

Council Member Wilke stated that Council Member Eaton had asked for clarification on why he had asked if the City has a cat ordinance at the previous week's meeting. He provided her with clarification. This discussion did not change their intended votes.

PUBLIC HEARING: None.

CONSENT ITEMS:

- Claims entered through August 18, 2023.
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 February 2023.
- Clerk/Treasurer Financial Statements for the month of March 2023.

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- Clerk/Treasurer Financial Statements for the month of April 2023.
- Clerk/Treasurer Financial Statements for the month of May 2023.
- Clerk/Treasurer Financial Statements for the month of June 2023.
- Approval of Payroll Register for PPE 8/6/2023 totaling \$226,596.79.
- Council Workshop Minutes of August 1, 2023.

The Mayor 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 seven council members present voted aye. Motion carried 7-0.

CEREMONIAL CALENDAR: None.

REPORTS OF BOARDS AND COMMISSIONS:

- Budget/Finance Committee Minutes of August 8, 2023.
- Park Board Minutes of August 3, 2023.
- Public Works Committee Minutes of July 17, 2023.
- Library Minutes of June 13, 2023.
- Library Board Members of July 11, 2023.

AUDIENCE PARTICIPATION (THREE-MINUTE LIMIT): None.

SCHEDULED MATTERS:

- Resolution No. R23-51: A Resolution Of The City Council Approving The 2023-2026 Collective Bargaining Agreement Between The City Of Laurel And Local Union 316, American Federation Of State, County, And Municipal Employees, AFSCME.

Motion by Council Member Herr to approve Resolution No. R23-51, seconded by Council Member Wilke. 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.

- Resolution No. R23-52: A Resolution Of The City Council Approving A Memorandum Of Understanding For The 2023-2026 Collective Bargaining Agreement Between The City Of Laurel And Local Union 316, American Federation Of State, County, And Municipal Employees, AFSCME.

Motion by Council Member Mackay to approve Resolution No. R23-52, seconded by Council Member Wilke. 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.

- Resolution No. R23-53: A Resolution Of The City Council Authorizing The Mayor To Approve An Independent Contractor Service Contract With TLC Patriot Septic & Excavation.

This resolution is to fix the septic tank at the American Legion building.

Motion by Council Member Wheeler to approve Resolution No. R23-53, seconded by Council Member Wilke. 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.

- Resolution No. R23-54: Resolution Authorizing The Mayor To Approve An Agreement With Savage Cat Rescue, Inc.

Motion by Council Member Mize to approve Resolution No. R23-54, seconded by Council Member Mackay. There was no public comment.

Civil Attorney Braukmann briefly reviewed the attached email she sent to Council regarding Council Member Sparks' questions the previous week.

A roll call vote was taken on the motion. Council Members Mackay, Wheeler, and Mize voted aye. Council Members Sparks, Herr, Wilke, and Klose voted no. Motion failed 3-4.

ITEMS REMOVED FROM THE CONSENT AGENDA: None.

COMMUNITY ANNOUNCEMENTS (ONE-MINUTE LIMIT): None.

COUNCIL DISCUSSION:

At last night's Public Works Committee, there was feedback from the public regarding the S. 4th Street project. There was concern over speeding, not that all the potholes had been removed. They are looking at the options to add an additional stop sign and install speed bumps or tables.

Emergency Services Committee's next meeting is Monday, August 28, 2023, at 6:00 p.m. in Council Chambers.

This is a 5 Tuesday month, so there is no scheduled meeting next week.

There will be a 9/11 ceremony held on Monday, September 11, 2023, at 11 a.m. at the Firemen's Memorial.

Construction for the splash park is scheduled for Monday and should take about 30 days to complete.

MAYOR UPDATES:

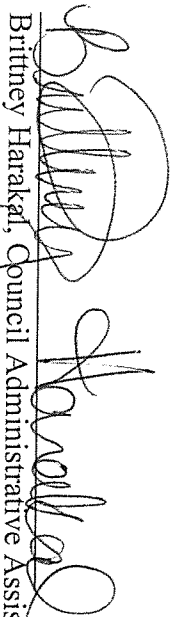
The Police Department has asked for a surplus auction. A surplus list will be placed on the next Council agenda. They will be getting rid of guns, empty brass, and ammo.

UNSCHEDULED MATTERS: None.


ADJOURNMENT:

Motion by Council Member Sparks 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 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 6:56 p.m.

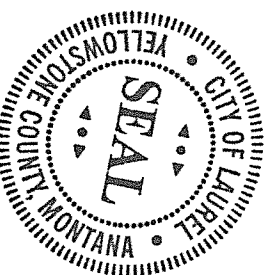

Britney Harakal, Council Administrative Assistant

Approved by the Mayor and passed by the City Council of the City of Laurel, Montana, this 12th day of September 2023.


Dave Waggoner, Mayor

Attest:


Kelly Strecker, Clerk/Treasurer



Brittney Moorman

From: Ward 1A
Sent: Tuesday, August 22, 2023 6:31 PM
To: Brittney Harakal
Subject: FW: Question from tonight's meeting

For the minutes

Thank you!

Heidi Sparks- Council Memberbt
City of Laurel- Ward 1
406-671-0911
Ward1a@laurel.mt.gov

From: Civil Attorney <civilattorney@laurel.mt.gov>
Sent: Tuesday, August 22, 2023 12:15 AM
To: Ward 4A <ward4a@laurel.mt.gov>; Ward 1A <ward1a@laurel.mt.gov>
Cc: Ward 1B <ward1b@laurel.mt.gov>; Ward 2B <ward2b@laurel.mt.gov>; Ward 4B <ward4b@laurel.mt.gov>; Ward 2A <ward2a@laurel.mt.gov>; Ward 3A <ward3a@laurel.mt.gov>; Ward 3B <ward3b@laurel.mt.gov>; City Mayor <citymayor@laurel.mt.gov>; Kelly Strecker <kstrecker@laurel.mt.gov>
Subject: RE: Question from tonight's meeting

CM Mackay and All:

Thank you for your thoughtful response. I appreciate it. I wish that I was present in person for questions tomorrow, but I am in Baker tonight on a 2-day long hearing on other client matters. So, I will do my best to respond to your comments.

I want to FULLY STATE first, that this is your and CC's decision. I have no opinion one way or the other, nor should I. This is not my decision. This is yours. I expressed my response to President Spark's questions on the nature of agencies that are charitable. Going down the road of road of supporting charitable organizations can be, in my experience, difficult. I recommend against it. Not because I don't want to support charitable agencies, but because of what I know will result. Today, it's cats, tomorrow it's another endeavor. If we're going down that road as a City, I just want our CC Members to be fully prepared for what will happen. We will support cats today, and in six months, you will be asked to support other charitable endeavors, and I want you to fully understand that. But, so long as you understand that, that is your decision, and fully your decision to make.

I want to state that I do believe there is a cat problem in Laurel. What you want to do with that is up to you. No different than any other problem in Laurel. Because, in my experience in Laurel, there are many, many problems, and they extend far beyond cat problems. We have street problems, parking problems, public use space problems, emergency response problems, public safety problems, etc. The problems in this City are enormous, and for all of us working on them, they never seem to end.

With regard to the context of what is being proposed here, this is not equitable to VVAS, with all due respect. I have tried to pull it within that parameter, by way of drafting a similar contract, but it is a stretch, to say the least. The dogs impounded for VVAS are actually impounded. The City takes control and responsibility of these animals, and then contracts out to VVAS to handle them. That's a wildly different scenarios than here, with cats. The City has nothing to do here with impoundment or reporting. In fact, the City does nothing here, other than, other than other this contract,

pay someone to trap and take care of cats. That's not like the VVAS or any other contract that the City has right now. Nor is it consistent with our laws and requirements in Laurel. That said, I have stretched this contract to include some parameter of that, and I feel comfortable that, if you adopt it, it's fine.

Again, if CC wants to approve this, this is your choice. I have drafted the best possible contract for you to do that. If you all agree, and want to approve this contract, that is your choice. I am not counseling you against doing that. I have given candid responses to the issues raised, and if you choose to accept them or discard them, that is your choice.

I want to be clear here:

1. I have drafted a contract that I absolutely feel is legal and capable of being confirmed by CC related to this issue.
2. I don't believe any other needs have to be addressed to get this approved. It is up to CC if you have enough majority to approve this.
3. I have been straightforward in response to all questions posed to me, in relationship to overall impact, etc.
4. I accept that this is a concern of the community. I accept that this is a concern of CC. So, if that is the case, my suggestion is that this Resolution, which I have proposed, and corresponding contract, etc be submitted for vote. You all can vote on it, and that is the deciding factor.

I recognize and respect all of your rights and obligations to vote as respective CC Members.

Best Regards,

Michele L. Braukmann

Michele L. Braukmann

Civil City Attorney

City of Laurel

Cell Phone: 406.671.3963

civilattorney@laurel.mt.gov

From: Ward 4A <ward4a@laurel.mt.gov>

Sent: Monday, August 21, 2023 9:12 PM

To: Civil Attorney <civilattorney@laurel.mt.gov>; Ward 1A <ward1a@laurel.mt.gov>

Cc: Ward 1B <ward1b@laurel.mt.gov>; Ward 2B <ward2b@laurel.mt.gov>; Ward 4B <ward4b@laurel.mt.gov>; Ward 2A <ward2a@laurel.mt.gov>; Ward 3A <ward3a@laurel.mt.gov>; Ward 3B <ward3b@laurel.mt.gov>; City Mayor <citymayor@laurel.mt.gov>; Kelly Strecker <kstrecker@laurel.mt.gov>

Subject: RE: Question from tonight's meeting

Attorney Braukmann,

Thank you for your well thought out response. I agree that there is always a risk / benefit with everything that is put before us, especially when we are talking about taxpayer dollars.

I do want to point out that both VVAS and Riverstone Health are nonprofits and each receive City dollars on a contract basis. VVAS provides similar services to Laurel for dogs as what SCR is proposing to provide for cats. At some point, someone must have decided that dogs were a problem that City government needed to fix. Is that because there's an ordinance? I do not know what the protocols were for nuisance / loose dogs in city limits were prior to Laurel signing a contract with VVAS.

We have heard from a lot of constituents that loose / nuisance / feral cats are an issue. Two of our own City Council members and / or their families have had direct contact with SCR about nuisance cats in their neighborhoods. We have been asked by our community to address the issue. Unfortunately, I feel at a dead end due to funding constraints.

Thank you for your time,

CM Mackay

From: Civil Attorney <civilattorney@laurel.mt.gov>
Sent: Saturday, August 19, 2023 9:40 PM
To: Ward 1A <ward1a@laurel.mt.gov>
Cc: Ward 1B <ward1b@laurel.mt.gov>; Ward 2B <ward2b@laurel.mt.gov>; Ward 4B <ward4b@laurel.mt.gov>; Ward 2A <ward2a@laurel.mt.gov>; Ward 3A <ward3a@laurel.mt.gov>; Ward 3B <ward3b@laurel.mt.gov>; Ward 4A <ward4a@laurel.mt.gov>; City Mayor <citymayor@laurel.mt.gov>; Kelly Strecker <kstrecker@laurel.mt.gov>
Subject: RE: Question from tonight's meeting

CC President Sparks:

I want to first apologize on my uber-delayed response to this email. It was a very intense week. We had the NWE oral argument, as you saw, and then numerous other City matters, plus me trying to handle my private law firm clients, in addition to Laurel. But, I never mean to make excuses. I have been back at City Hall today since 7 am, and I'm still here in my office, working. I want to always make sure my clients' needs are met. That said, I'm not proud of my delayed response this week, and I will continue to remain committed to being as responsive to you as I can.

I think the issue you raise is valid, and it is likewise a concern of mine. Cities are not meant to subsidize non-profits. There a million "good causes" that exist in this World. Taxpayers get to choose, by way of how they spend their money, what they want to donate to/not donate to. But, that methodology does not involve their taxpayer dollars. When we begin blurring boundaries of where Cities can potentially subsidize non-profits, things can become very problematic. City tax dollars HAVE TO be spent on legitimate City needs. These needs are obvious, to many of us, as personnel, but also to the public. Roadways, emergency response services, finance, infrastructure, etc. These demands never seem to end, and rightfully so, because Cities are always growing and changing. But, when we begin asking a City to handle responses for things that our law does not contemplate, or that we are not legally required to address, or that are not the most emergent needs, I think any seasoned attorney would tell their CC that there are serious problems in going down this road.

A City is not a non-profit organization. Some Cities have many for communities, although sadly, Laurel has few. But yes, your question is valid. Are cats more important than our homeless population, not being served by any non-profits, or if it is, very little? How about our disenfranchised Veterans? What about the kids not being served after school? How about the elderly in our community that have no transport options? Do we have people that cannot reach the Shelters in Billings to get food, and if so, are we intended to subsidize them? What about our pregnant young teens? And, for our elderly population, are we providing them resources? I state all of this to basically note what I think your question was.

Yes, if we go down this road, am I concerned about the impact? Yes, I am. Today, it's cats. Tomorrow, it's teens, and the elderly, and the homeless, and our vets. ALL VERY VIABLE things that we should be concerned about, but that's not a Cities' job. These are constituent's jobs. It is up to our community to decide how they want to spend their resources. I am concerned about the fact that, if this is such a big problem to so many Laurel residents, then why are our Laurel residents not contributing to this organization?

I will state that I think there is probably some sort of cat problem in Laurel. But, if that exists, I'm unsure how that has now become the problem of the City of Laurel. No different than Cities cannot solve homelessness, teen pregnancy, veteran issues, elderly transport and response issues, a City is not charged with "fixing human problems." We have to recognize our boundaries as a municipality. Can we contract on this issue? Yes. Will it result in other things coming up, in my opinion? Yes. If we open up this Pandora's Box, then yes, I fully believe it will create problems.

Cities are not human welfare agencies. Cities can only use taxpayer dollars for things that benefit all constituents, in a manner that is responsible and serves all constituents.

So, this is my answer to whether I think this is a wise decision for CC to make. I think opening up this door will absolutely be dangerous. And, I'm concerned that we can even justify this contract based upon what we know, right now. I want to state that I FULLY UNDERSTAND the concerns about this issue. But, Cities cannot solve every single thing for its constituents. Most Cities do not even remotely regulate cats, for the very reasons we are talking about. We have to be responsible citizens for our tax payer dollars. If CC decides this is how tax payer dollars should be spent, that is your decision. I never intend to, nor would, usurp on that. I just think some gentle caution about the "slippery slope" here is well-advised.

All of that said, it was apparent to me that several CC Members, maybe more, wanted to move this matter forward, so I drafted an appropriate contract. I'm fully comfortable with this contract, should CC adopt it. I think it covers exactly what we need.

I hope that this answer your questions. As I said, I'm not present next week, or the following. I'm in Baker next week for a hearing, and the following week taking my son to college. I am happy to answer any other questions in advance, and I invite any CC Members to reach out to me, before the meeting, so that you have the information that you need to make an informed decision.

Best Regards,



Michele L. Braukmann

Civil City Attorney

City of Laurel

Cell Phone: 406.671.3963

civilattorney@laurel.mt.gov

From: Ward 1A <ward1a@laurel.mt.gov>

Sent: Tuesday, August 15, 2023 7:52 PM

To: Civil Attorney <civilattorney@laurel.mt.gov>

Cc: Ward 1B <ward1b@laurel.mt.gov>; Ward 2B <ward2b@laurel.mt.gov>; Ward 4B <ward4b@laurel.mt.gov>; Ward 2A <ward2a@laurel.mt.gov>; Ward 3A <ward3a@laurel.mt.gov>; Ward 3B <ward3b@laurel.mt.gov>; Ward 4A <ward4a@laurel.mt.gov>; City Mayor <citymayor@laurel.mt.gov>

Subject: Question from tonight's meeting

CA Braukmann-

I raised a question at tonight's council meeting regarding the contract for Savage Cat Rescue. My question on this is what precedent does this potentially set for the City to be obligated to enter into contracts with other non-profit organizations? The full context of the question can be viewed in the video from tonight's workshop, which did have audio this week 😊. But the just of the question is, this is a non-profit serving our community. All non-profits serve a need in the community and most are serving a need that the municipality is unable to provide and fund for their citizens. If we were to approve this contract, could this open the door for other non-profits to come to the City asking for a contract for services to our community, and would this set precedent that we would be obligated to move forward?

Looking forward to your thoughts, and happy to discuss.

Thank you!

Heidi Sparks- Council Member
City of Laurel- Ward 1

406-671-0911

Ward1a@laurel.mt.gov
