

**MINUTES  
CITY OF LAUREL  
CITY COUNCIL WORKSHOP  
TUESDAY, NOVEMBER 27, 2018**

A Council Workshop was held in the Council Chambers and called to order by Mayor Tom Nelson at 6:30 p.m. on November 27, 2018.

**COUNCIL MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Matthew Lurker, Chief Administrative Officer  
Kurt Markegard, Public Works Director

**Public Input:**

There was none.

**General Items**

1. Airport Authority Appointment:  
Mark Webb  
Thomas Boyce  
James Swensgard

Mayor Nelson is reviewing the applicants and bringing forward his recommendation to Council. Council will still vote on the Mayor's recommendation.

It was questioned if any of these gentlemen currently sit on the board. It was clarified that when Doc Smith retired there was a vacancy. One of these applicants will fill that vacancy.

Mayor Nelson stated he is looking for someone who has airport experience, fly's, owns a plane, has a hanger at the airport, has business acumen, and lives in Laurel.

It was questioned if Council will only be asked to approve the Mayor's recommendation or if they can appoint any of the listed applicants. It was clarified that Mayor Nelson will bring forward his recommendation and that Council can choose to approve that appointment.

2. Appointment of Mardie Spalinger to LURA

Mayor Nelson stated that LURA would be busy over the coming months. He is looking into getting a person to work as a liaison between LURA and the City. With the West Laurel interchange going in, LURA will be looking at a second TIF District or a TED. This person would be paid out of LURA funds and would not be a full-time employee.

### **Executive Review**

3. Resolution - Move January 1, 2019 meeting to January 2, 2019.

This resolution is to move the City Council meeting from the New Year's Day holiday to the following day.

It was questioned if January first was a regular City Council meeting or a Workshop. The resolution states it is a Workshop when it is a City Council meeting. Clarification will be made with the City Attorney prior to next weeks Council meeting.

4. Arbor Day Proclamation 2019

The Mayor makes this proclamation early in the year to assist in applications for grants for the trees that will be planted for Arbor Day 2019. The City schedules its Arbor Day celebrations around the schedules of those who need to attend.

Mayor Nelson spoke of his experience being the Master of Ceremony's this past year.

It was questioned when the day would be. It was clarified that May 7, 2019, has been recommended by Tree Board.

5. Resolution - DNRC SED Basin Loan

This resolution is not to start drawing money from this loan but to do all the preparations for the loan. The City will only ask for what it needs to complete the project. It was clarified that this is a draw as you go type of loan. When the City receives an invoice, they request a draw from the loan. The loan is at a fixed 2.5% interest rate. This is a 20-year loan, once the project is complete Dorsey & Whitney will provide the City with a final amortization schedule.

It was questioned why on page B1 it states 2%. It was noticed towards the bottom of the page the interest is listed as 2.5% as previously stated. Mayor Nelson will get further clarification from the Clerk/Treasurer.

It was stated that it looks like an initial 2% and the .25% the surcharge for the return on reserves which is most likely rounded up to the 2.5%. Mayor Nelson will get further clarification from the Clerk/Treasurer.

It was questioned why the Johnson Controls was highlighted. It was clarified that the City still has a bond that has one more payment then it will be paid off. It was highlighted to note that it was reviewed during the process of bonding this project.

6. Resolution - Variance Request: George Eastman

Kurt Markegard, Public Works Director, stated the property owner is storing large rocks in the boulevard. He asked the Code Enforcement Officer to follow up with the owner of the property at 519 5<sup>th</sup> Avenue. The owner stated in his letter to the City Council that he is moving the rocks to his backyard. He also asked if he could put gravel in his boulevard. See attached LMC regarding this issue. The owner can request permission from City Council to place gravel in the boulevard. The concern would be that space would become a place to store items.

The City Attorney recommended Staff speak to concerns. Staff is cautioning the planting of trees over utilities (curb box, water, sewer, or gas lines). Other considerations would be to look at the height of trees if planting under power lines. There are areas in town that do have rocks in the boulevard. The ordinance could be reviewed to include a permitting process. Dry scaping could be an option and helps preserve water usage. In 2005 this ordinance passed and was needed to apply for Tree City USA designation. If the ordinance is redone a stipulation to not have trees near the water curb box should be considered. The Public Works Director spoke regarding the need call in utility locates prior to landscaping.

At the Leagues of Cities and Towns, there was a presentation to move away from planting Ash on the eastern half of the State as they are susceptible to emerald ash bore insects which will eventually kill these trees.

It was questioned what Staff's recommendation would be. Things for the Council to consider would be to coordinate landscaping with Staff. It was further questioned what the recommendation is for this particular case. Would this gentleman be grandfathered in for any future changes? All ordinances go into effect 30-days after Council approves them. The City cannot go back and fine someone for work done prior to the ordinance taking effect.

The Public Works Director asked for permission for Staff to provide a formal recommendation.

It was questioned if the rocks are currently over a curb box. Another Council Member stated that his house's curb box is located on the Avenue, not the Street. This Council Member lives near this property.

It was questioned if this request is to store the rocks in the boulevard while the owner finishes landscaping in the backyard and then to replace the grass with gravel. There are two requests. First to allow the ability to temporarily store rocks in the boulevard and then replace with small rock this spring. The ordinance requires Council permission.

It was questioned how long the rocks have been sitting there. It was clarified the City was notified in September.

By Council approving a variance, it is setting a precedent for further variance requests. It would be Staff's recommendation to follow code for storing in the boulevard.

It was stated that there is not a date when this needs to complete via this request. It was questioned why the Council would place an ordinance and have frequent variance requests.

It was stated this is a two-part decision and these requests should have been separated.

One Council Member felt that he would need to store this type of item in his backyard and not on the boulevard.

Penny Leatherman, 603 5th, stated there are ongoing issues. She stated she needed to go through the process to plant trees on her property. She has noticed this property owner when given an inch will take a mile. Ms. Leatherman stated she has had issues selling her home because of the look of the neighboring property.

It was questioned where it is stated that the boulevards must be kept in grass and trees with nothing parked in the location. Via LMC the only boulevard related ordinances were provided. Sidewalks are included in the boulevard areas; vehicles cannot be parked on sidewalks.

There was a concern how an ordinance was written so poorly. This ordinance is not specific enough. There was further concern over the amount of time has been spent so far in discussing this. This Council Member would like an enforceable deadline.

Mayor Nelson read LMC 12.32.020 to Council.

It was the recommended by Public Works Director that Council grant 30 days to store the large rocks.

It was expressed if Council does allow this request, Council needs to set a firm date.

Ms. Leatherman spoke to Council regarding her concern on the walkways being near the schools. Her concern was keeping children off the rocks as winter comes.

It was clarified that the Council could amend the resolution should they want to add a timeline, etc.

It was questioned if this resolution were to be voted down what would be the expected timeframe before the rocks would be moved. Would the property owner immediately remove the rock? It was clarified that typically a period of ten days to become compliant is the normal allowance. The Code Enforcement Officer will work with the owner on a reasonable timeframe.

It was questioned if this resolution is to allow the property owner to change his landscaping in the boulevard and was there anything regarding the storage of the rocks.

Staff has requested that the two requests be separated for next week's Council meeting or postponing the request. There is no submitted design for the boulevard area for the Council to consider at this time. Mayor Nelson clarified that Council could vote to table indefinitely until further clarification can be brought forward.

It was questioned what would happen if this item is postponed, what happens with the code violation. Mayor Nelson stated it has been in violation since the middle of September; two more weeks should not be an issue. The Council may choose to review the ordinance prior to reviewing the landscaping request. The process to postpone indefinitely was briefly discussed.

### **Council Issues**

#### **7. SED Basin Update**

There was a leak in the hot water line to the 2017 intake that had previously been brought to Council. The hot water line is repaired and up to 60 psi. Working on another dye test to ensure no other issues are present. The engineering firm was given miss information on how the pipe would shrink during temperature changes. They restrained the joint to keep the pipe together. The dye test will be to ensure the hot water is coming out of the intake and there are no other breaks in the line.

The backwash tank has come down. The new tank will be put back up in with a cobalt blue color verse the forest green option. The contractor is finishing the pour on the SED Basin walls and then will work on the backfill. They will be working on putting all piping into the building before completing the building. They are working on a settled water line. The raw water line to CHS needed to be shut down in order to tie into the line.

#### **8. Discussion - Council Member Representation on Police Commission**

It was previously questioned why there was no Council representation on the Police Commission. LMC states the Police Commission will have three members. There is no current opening on the Police Commission. It has been questioned if a sitting Council Member can sit on the Police Commission, or if due to the nature of the work and its relationship to Council that was not a possibility. Mayor Nelson will clarify with the City Attorney.

It was questioned if there may be a conflict of interest. There may, that is what the City Attorney's opinion is for.

It was questioned what the Police Commission does. It was clarified that the LMC 2.60.100 talks about all their duties.

It was questioned if the Police Commission serves as a Police Shooting Board. It was clarified that they are part of the process but do not complete the entire process.

It was requested to have the MCA's regarding this topic as well. Mayor Nelson stated those would be provided.

9. Discussion - Update on Pintler/Centron

Pintler and Centron are two separate companies. The City's contract with Pintler is not dependent on the contract with Centron. Pintler is starting to bring in revenue to the City. The City Attorney is reviewing the contract with Centron. The previous ambulance billing lumped all payments into one. Pintler does not lump all payments together and clearly identifies what claim these payments were for. The previous company has 192 unprocessed claims.

It was questioned why it had been so long before seeing the Centron contract, and if the City explored other options. The CAO stated the delay was due to him but that the contract has been routed to the City Attorney. The City has not looked at other collection's agencies. Our current billing company has an established relationship with Centron. Other Cities are using Centron for their collection's services. For example, the City of Great Falls uses Centron. They are also using Centron for collecting court fees.

It was questioned what is happening with the 192 accounts currently being processed by the previous billing company. It was clarified that the previous company was given 90 days to finish processing these accounts. At the end of the 90-day period, which is the end of January, anything not processed will be transferred to Pintler. Any transferred accounts would start over in the process.

It was questioned if patients can pay only a lump sum or make payment arrangements with the billing company. Patients are able to make either arrangement. It was further questioned if there is a way for the City to track what has been submitted and what has been paid out on. In the past, no, the City's current company will be giving a comprehensive end of month report each month. This report will also list any accounts that do not have all the documentation submitted.

It was questioned how this process works when not everything is submitted. It was clarified when the ambulance drops off a patient at the hospital there is a face sheet and transport form, both these documents are needed to process the claim. These documents are submitted to the billing company. If there is any missing documentation, Pintler will contract the Ambulance Service. If they do not have the documentation, the billing company follows up with the hospital that received the patient. The Assistant Ambulance Director is able to log into the system and see where each claim is in the process.

**Other Items**

There were none.

**Review of Draft Council Agendas**

10. Draft Council Agenda 12.4.2018

There were none.

**Attendance at Upcoming Council Meeting**

All Council Members will be in attendance. Mayor Nelson will be out of state attending a meeting.

**Announcements**

It was requested that there be sporadic updates on the current job openings. Mayor Nelson stated he would bring an update to the next Workshop.

The council workshop adjourned at 8:14 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brittney Moorman", with a long horizontal flourish extending to the right.

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.**

## CODE ENFORCEMENT FIELD NOTES

Date: 10/16/2018

No.: 18-10207

Location: **519 5<sup>th</sup> Avenue**

Legal Description: Township: 02 S Range: 24 E Section: 09

Subdivision: Laurel Heights Block: 14 Lot(s): 11-12

Geo Code: 03-0821-09-3-38-07-0000 COS: Tax ID: B00695

Owner: George H & Joey D Eastman 406-281-0122

Address: 519 5<sup>th</sup> Avenue Laurel, MT 59044-2311

1<sup>st</sup> Inspection: 10/16/18; Inspection finds that the piles of rock that had been reported on September 25, 2018 still remain on the boulevard constituting storage on the boulevard in violation of LMC §12.32.010.

1 photo taken

10/24/18: Call from George stating that he was taking out the grass and replacing it with gravel and rock on his boulevard along the W. 6<sup>th</sup> Street side back to the alley. I stated that he would need to send letter to City Council to get permission to allow him to do so as this is what the LMC states. He stated that he would do so and requested an extension until he finds out if possible. Extension granted.

11/9/18: Per Brittney Moorman the request has been placed on the 11/27/18 agenda for City Council.

Notice Sent: 10/17/18 Follow-Up Date:

## 2<sup>nd</sup> Inspection:

Notice Sent: \_\_\_\_\_ Follow-Up Date: \_\_\_\_\_

Certified: \_\_\_\_\_

**Follow-Up:**

Violation Resolution: \_\_\_\_\_ Compliance: \_\_\_\_\_ Citation: \_\_\_\_\_

No Violation: \_\_\_\_\_



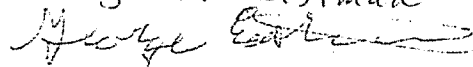
Dear Sir or Madam,

I am writing to ask permission to keep my landscape rocks on the boulevard at 519 5th Ave. on the 6th Street side.

I am currently doing some landscaping in my front and back yard. The large rocks are for finishing the back yard. They are very heavy and I would like to only have to move them once. I plan to be finished with the landscaping by mid-spring of 2019. I plan to work on it through the winter, weather permitting.

I would also like to ask permission to ~~remove~~ place ground cover on the boulevard and cover it with gravel. I also plan to plant some trees if it may.

Thank you for your time and consideration.

George H. Eastman  


9-2-18

## Chapter 12.32

## TREES AND BOULEVARDS\*

## Sections:

- 12.32.010 Boulevards to be kept in grass and trees.
- 12.32.020 Boulevards—Regulation of trees on.
- 12.32.030 Cottonwood trees prohibited.
- 12.32.040 Definitions.
- 12.32.050 Creation and establishment of a city tree board.
- 12.32.060 Term of office.
- 12.32.070 Compensation.
- 12.32.080 Duties and responsibilities.
- 12.32.090 Operation.
- 12.32.100 Tree species to be planted.
- 12.32.110 Spacing.
- 12.32.120 Distance from curb and sidewalk.
- 12.32.130 Distance from street corners and fireplugs.
- 12.32.140 Utilities.
- 12.32.150 Public tree care.
- 12.32.160 Pruning standards.
- 12.32.170 Tree topping.
- 12.32.180 Pruning and corner clearance.
- 12.32.190 Dead or diseased tree removal on private property.
- 12.32.200 Protection of trees.
- 12.32.210 Interference with the city tree board.
- 12.32.220 Arborist's license and bond.

12.32.230 Authority of adjoining property owner to plant or care for trees on boulevard or parkways.

12.32.240 Removal, cutting and injury.

12.32.250 Interference with trees by house mover, permit required.

12.32.260 Procedure for temporary removal.

12.32.270 Insects and diseases—Declared nuisance.

12.32.280 Spraying.

12.32.290 Review by the city council.

12.32.300 Violation—Penalty.

\* Prior code history: Prior code §§ 11.36.010, 20.12.010 and 20.12.020.

12.32.010 Boulevards to be kept in grass and trees.

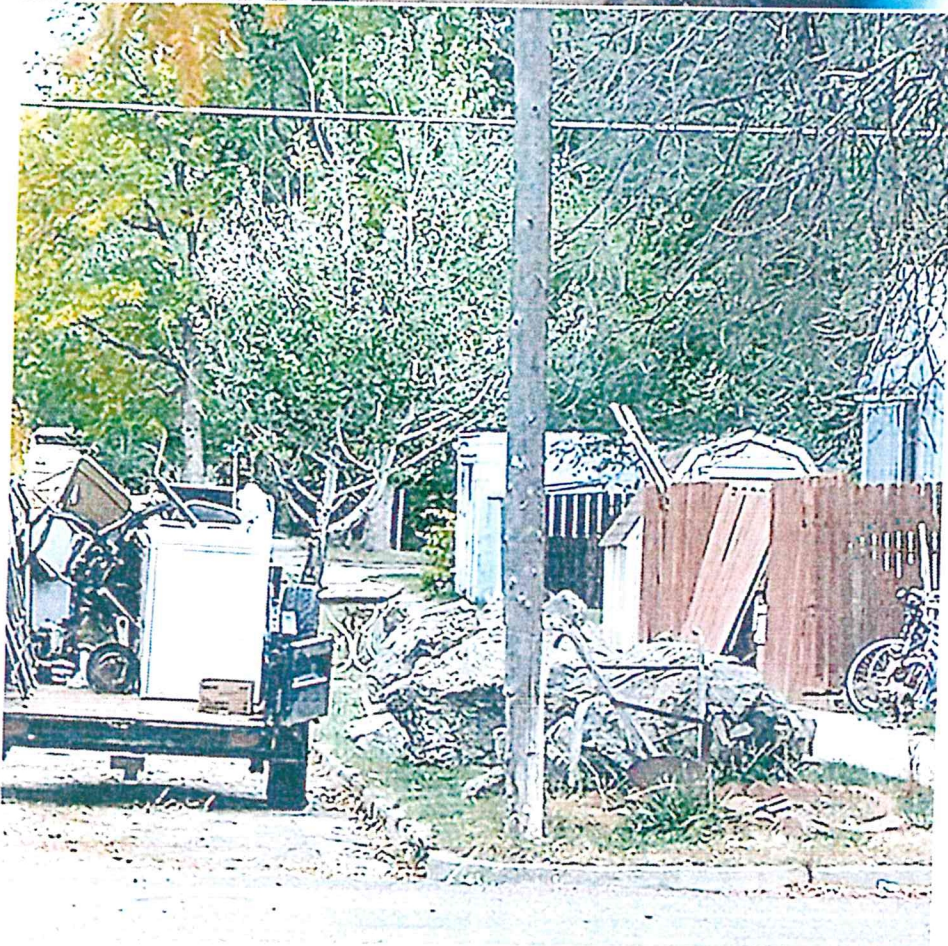
All boulevard areas must be kept in grass and trees unless specific permission is granted by the city council for other purposes. Any person failing to comply or violating the provisions of this section shall be deemed guilty of a misdemeanor. (Ord. 05-1 (part), 2005)

12.32.020 Boulevards—Regulation of trees on.

The owner of property adjoining a boulevard shall be responsible for the care and maintenance of the boulevard and he shall keep the trees planted thereon trimmed and in a condition so that the same shall not be a public nuisance; and, if necessary for the city to remove any trees from such boulevard, the costs of such removal shall be assessed against the abutting property owner. (Ord. 05-1 (part), 2005)

12.32.030 Cottonwood trees prohibited.

No cottonwood trees shall be planted or allowed to grow on private property or



**12.16.010 - Encumbering or obstructing streets—Permit required.**

No person shall encumber or obstruct, or cause to be encumbered or obstructed, any street, sidewalk, alley or other public place in the city by placing therein or thereon any building materials, trash, vehicle, earth, garbage, rubbish, debris, or accumulated snow and ice removed from an adjoining private premises, without first having obtained permission in writing from the city clerk-treasurer, or other responsible city official.

(Ord. 97-2 § 4 (part), 1997; prior code § 11.12.010)

**12.16.020 - Removal of obstruction—Authority to order.**

The city engineer or chief of police is authorized to order any article or thing, of the kind mentioned in Section 12.16.010, which encumbers, litters or obstructs any street, sidewalk, alley or other public place within the city, to be removed. If such removal shall not be made within six hours after notice to the owner or person in charge thereof, or if the owner cannot be readily found for the purpose of the notice, the city shall cause the same to be removed to some suitable place to be designated by such official, at the expense of the person responsible therefor.

(Prior code § 11.12.020)