

**CITY OF COLSTRIP
CITY COUNCIL**

Regular Meeting
July 22, 2008

Mayor Williams called the meeting to order at 7:00 p.m. Following the Pledge of Allegiance City Clerk/Treasurer Richards called the roll. The following were:

Present: Mayor John Williams, Councilpersons Dan Becker, Betty Jo Ellison, Rick Harbin and Susan Hert

Also Present: City Attorney Gary Ryder, Fire Chief Ryan Reid, Police Chief Larry Reinlasoder, Zoning/Code Enforcement Officer/Building Inspector Jan Morgan and City Clerk/Treasurer Michelle Richards

Consent Agenda:

Councilperson Ellison moved to approve the Consent Agenda. Councilperson Becker seconded the motion. No discussion. Motion carried with all in favor.

- a. Minutes of 6/24/08 Regular Meeting
- b. Minutes of 7/11/08 Regular Meeting
- c. Claims Roster 7/18/08
- d. Journal Voucher No. 08-04
- e. Journal Voucher No. 08-05

Departmental Reports:

In addition to written information included in the council's packets Zoning/Code Enforcement/Building Inspector Morgan, Fire Chief Reid, Police Chief Reinlasoder, City Attorney Ryder and City Clerk/Treasurer Richards gave departmental reports.

Public Comment and Participation:

Cheryl Fulkerson, 39 Yucca, submitted a petition signed by over 100 city residents requesting the City Council reconsider the current ordinance regarding the sale and use of fireworks. Specifically the petition asks the following issues be considered: length of time fireworks may be used and sold, sale to and use by minor children without supervision, and the litter and noise created by the fireworks. The Public Safety Committee will meet on this issue and submit a recommendation to the City Council.

Jim Atchison, Executive Director of Southeastern Montana Development Corporation, recapped the previous year's activities and the benefits of being a member of SEMDC. Blayr Bernard, Director of the Small Business Development Center, reported on the number of clients served, jobs created, and jobs retained during the past year. Mr. Atchison asked the City Council to continue the working relationship between SEMDC and the city and renew its membership.

Mr. Atchison also asked the City Council to consider co-sponsoring the Social Mixer and Dinner for the Energy Open again this year. The Energy Open will be August 14-15 in Colstrip. Councilperson Harbin moved to cosponsor the social mixer and dinner for the Energy Open. Councilperson Ellison seconded the motion. No discussion. Motion carried with all in favor.

The Public Hearing for a variance at 1647 Vista Drive was opened at 7:30 p.m. Zoning/Code Enforcement Officer/Building Inspector Morgan explained the variance is to place a patio on the side of their property that would extend five feet into the side setbacks and to enlarge their garage over the 1200 square feet limitation. No comments or objections from the public were received. The hearing was closed at 7:32 p.m.

The Public Hearing for a variance at 2544 Lariat Court was opened at 7:33 p.m. Zoning/Code Enforcement Officer/Building Inspector Morgan explained the variance is for a garage to exceed the 1200 square feet limitation. However, Jan miscalculated the size of the garage and it will actually be under the limitation. No comments or objections from the public were received. The hearing was closed at 7:35 p.m.

New Business:

Councilperson Hert moved to approve a Variance to side setback requirements and garage size limitation for 1647 Vista Drive to allow placement of a patio within 5 feet of the property line and a 1,296 square foot garage. Councilperson Becker seconded the motion. Discussion: Councilperson Harbin asked if this property is next to Piedmont Park. Mrs. Morgan confirmed it is. Councilperson Harbin asked how close the buildings will be to parkland. Mrs. Morgan stated they are more than 10 feet away. Motion carried with all in favor.

Councilperson Harbin moved to approve a Variance to garage size limitations at 2544 Lariat Court and refund the Variance Fee, if one was paid, since a variance was not necessary. Councilperson Ellison seconded the motion. No discussion. Motion carried with all in favor.

Councilperson Becker moved to approve the contract with C&C Sealcoating to sealcoat Olive Drive in the amount of \$13,000. Councilperson Hert seconded the motion. Discussion: Councilperson Ellison asked if this project was put out for bids. Mayor Williams stated it was not since it was not required by law. Councilperson Harbin stated he hopes the city is requiring the documentation of the insurance requirements contained in all contracts and that the city be listed as a certificate holder also so that the city will be notified whenever a contractor's insurance is cancelled. Councilpersons Harbin, Hert and Becker voted in favor. Councilperson Ellison voted against. Motion carried 3-1.

Councilperson Harbin moved to approve a contract with Colstrip Electric, Inc. for electrical work for the installation of the UV Disinfection System at the Wastewater Treatment Plant, not to exceed \$12,500. Councilperson Hert seconded the motion. Discussion: Councilperson Hert asked if the costs would need to exceed \$12,500 would pre-approval be obtained by the City Council. Mayor Williams confirmed it would. Councilperson Ellison abstained since she is employed by Colstrip Electric. Motion carried with all other members voting in favor.

Councilperson Becker moved to approve a contract with Sagebrush Industries to install the UV Disinfection System at the Wastewater Treatment Plant, in an amount not to exceed \$49,750. Councilperson Hert seconded the motion. No discussion. Councilperson Ellison abstained since she is employed by Sagebrush Industries. Motion carried with all other members voting in favor.

Attorney Ryder and Mayor Williams previously met with Police Chief Reinlasoder on his claim that previous state and local government employment be counted for the purposes of determining the amount of vacation leave to be accrued. A compromise was reached to have the city adopt a policy similar to the state to be effective retroactive to January 1, 2008. Details of the policy will need to be determined. A committee comprised of Councilperson Harbin, Councilperson Ellison, Mayor Williams, City Attorney Ryder and City Clerk Richards will meet on July 29th at 1:00 p.m.

Councilperson Ellison moved to amend the Policy on Shift Differential Pay for the Police Department specifying the shift differential pay for police officers will be based on their night shift of 7:30 pm – 7:30 am. Councilperson Becker seconded the motion. Discussion: Councilperson Harbin asked why the officers' night shift is different than the dispatchers' 6:00 pm – 6:00 am shift. Police Chief Reinlasoder explained the 7:30 pm – 7:30 am shift works better for the police officers and the dispatchers chose the 6:00 pm – 6:00 am shift. Motion carried with all in favor.

Councilperson Ellison moved to approve the Memorandum of Understanding with Rosebud County for the VoIP System. Councilperson Harbin seconded the motion. Discussion: Attorney Ryder noted the termination clause is six months, which is pretty long, and there is no warranty provision. Motion carried unanimously.

Mayor Williams called a recess at 8:05 p.m. Mayor Williams reconvened the meeting at 8:12 p.m.

Councilperson Becker moved to approve Resolution No. 08-R08 declaring surplus property and authorizing its disposal. Councilperson Ellison seconded the motion. No discussion. Motion carried with all in favor.

Councilperson Harbin moved to approve the purchase of Extrication Equipment from Heiman Fire Equipment in the amount of \$21,615.00. Councilperson Ellison seconded the motion. Discussion: Councilperson Harbin asked if the department has backup hoses, fittings, etc on hand in case something fails and can they be purchased locally. Chief Reid stated it is specialized equipment and there are no consumables with the equipment. Motion carried with all in favor.

Mayor's Communications:

Harry Whalen of Montana Rural Water Systems was here today to discuss the city's sewer rates and the need to re-evaluate those rates as costs are exceeding revenue in the Sewer Fund. Mr. Whalen will complete a rate study and notify the city of his recommendation.

Councilperson Harbin asked if the city has received a response to the lighting request on Pine Butte Drive. Mayor Williams responded the county is working with NorthWestern Energy on the city's request.

Mayor Williams adjourned the meeting at 8:20 p.m.

Michelle Richards, City Clerk/Treasurer