

City Council Meeting  
February 24, 2009

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

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

Mayor Williams called the meeting to order at 7:00 pm. Following the Pledge of Allegiance, City Clerk/Treasurer Richards called the Roll Call.

Consent Agenda:

Councilperson Ellison moved to approve the Consent Agenda. Councilperson Becker seconded the motion. Discussion: Councilperson Harbin asked about the State Entitlement Share payment on the revenue report. Clerk/Treasurer Richards explained the city will be receiving two more payments before the end of the fiscal year. Councilperson Harbin also asked about late fees charged for late utility bill payments. Clerk/Treasurer Richards explained the \$890.00 received in revenue account 5210-343029 was just in the month of January and is a combination of the \$5.00 late fee, \$15.00 termination notice fee, reconnection fees, service application fees, etc. for the water and sewer services. Motion carried with all in favor.

- a. Minutes of 2/10/09 Regular Meeting
- b. Claims Roster 2/20/09
- c. January Treasurer's Report

Departmental Reports:

Department Reports were given by Police Chief Reinlasoder , Zoning/Code Enforcement Officer/Building Inspector Morgan, City Attorney Ryder, and City Clerk/Treasurer Richards in addition to written reports provided in Council's packets.

Councilperson Harbin asked about the status of speed zone changes around town that were discussed at the same time as the school zone flashing lights. Police Chief Reinlasoder will visit with Public Works Supervisor Bleth about this.

Councilperson Ellison asked about the kids leaving their bikes at the intersection of Olive & Yucca. CPRD put a bike rack at the park nearest this intersection but the kids are not utilizing it.

Public Comment and Participation:

Mayor Williams opened the Variance Hearing at 7:31 pm for 3078 Cheyenne. Zoning Officer/ Building Inspector Morgan introduced the request and explained it is for a carport to extend less than the side setback requirement for this residential district. Mrs. Morgan recommends approval of the variance request. No public comment received. Mayor Williams closed the hearing at 7:32 p.m.

Mayor Williams opened the Variance Hearing at 7:32 pm for 3054 Cheyenne. Zoning Officer/ Building Inspector Morgan introduced the request and explained it is for a carport constructed in December that is less than the side setback requirement for this residential district. Mrs. Morgan recommends approval of the variance request. No public comment received. Mayor Williams closed the hearing at 7:33 p.m.

Councilperson Becker moved to approve the Variance Request for 3078 Cheyenne for a carport to extend six feet into the side setback requirement. Councilperson Hert seconded the motion. Discussion: Councilperson Ellison asked what the carport is made out of. Mrs. Morgan explained they are of permanent construction that meet building codes; probably made out of wood. Councilperson Harbin asked about the shed shown on the application drawing but not on the pictures submitted. Mrs. Morgan stated the shed is not in place yet but there will be one in the future. The shed does not require a variance. Motion carried with all in favor.

Councilperson Hert moved to approve the Variance Request for 3054 Cheyenne for a carport to extend six feet into the side setback requirement. Councilperson Harbin seconded the motion. Discussion: Councilperson Ellison is concerned about the vacant lot next door. Mrs. Morgan stated both properties requesting variances have vacant lots next door that could be bought and built on. Councilperson Harbin asked if there is a storage shed. Mrs. Morgan stated there is not; the photograph is misleading due to the angle. Motion carried with all in favor.

Lu Shomate, of the Schoolhouse History & Art Center, introduced the city's representative on the SHAC Board Paula Peplow and SHAC's new bookkeeper, Shannon Rust. Lu explained new programs SHAC is offering and also brought samples of pottery, stained glass and fused glass to show that were made in classes offered by SHAC. Lu reported SHAC was awarded funds to hire an architect to do an assessment on the building for historical purposes and a collections assessor to value the art, etc in the building. Lu also informed the council of upcoming events planned this year. Lu expressed SHAC's appreciation to the city for its continued support.

Jim Atchison, Executive Director of SouthEastern Montana Development, reported SEMDC is hosting a legislative town meeting this Friday at City Hall. Senator Taylor Brown and Representative Duane Ankeny have been invited.

Mayor's Communications:

Mayor Williams reported the Fire Department handled the extrication of victims involved in a fatal car crash last week. Councilperson Ellison asked about counseling for the firefighters.

Mayor Williams explained counseling services have been made available. Councilperson Harbin personally talked to and thanked one of the volunteer firemen.

Governor Schweitzer reappointed Mayor Williams to the Coal Board for another four year term. The board's next meeting is a teleconference scheduled for Friday, March 13<sup>th</sup>.

One of the bills before the Montana Legislature deals with the Coal Gross Proceeds Tax. Representative Ankeny is proposing some changes to the gross proceeds. The tax is distributed to the counties mining the coal; however none of the money goes to municipalities that are impacted.

#### Unfinished Business:

Councilperson Ellison moved to approve the Interlocal Agreement with Colstrip Park & Recreation District for the fountain located next to City Hall. Councilperson Hert seconded the motion. Discussion: Councilperson Hert noted a correction to the year. Councilpersons Hert, Ellison and Becker voted in favor. Councilperson Harbin abstained due to conflict of interest. Motion carried 3-0.

#### New Business:

Councilperson Harbin moved to approve the MET Tower Lease with PPL Montana. Councilperson Becker seconded the motion. No discussion. Motion carried with all in favor.

Councilperson Ellison moved to conduct this year's city election of two council members by Mail Ballot. Councilperson Harbin seconded the motion. Discussion: Councilperson Harbin asked about voter turnout with mail ballot election. Attorney Ryder suggested amending the motion as the city has not consulted with the Secretary of State's office or County Election Administrator on the legalities. Councilperson Ellison amended her motion to include "subject to review with the Secretary of State's Office". Councilperson Harbin seconded the amendment. Amendment carried with all in favor. Main motion as amended carried with all in favor.

#### Administrative Matters:

Councilperson Ellison thanked Mayor Williams for organizing the Health Fair for city employees and elected officials.

Councilperson Harbin thanked the city for allowing CPRD to utilize the Council Meeting Room/Court Chambers for their meltdown dinner.

Mayor Williams adjourned the meeting at 8:05 pm.

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Michelle Richards, City Clerk/Treasurer