

City Council Meeting  
April 28, 2009

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

Also Present: Public Works Supervisor John Bleth, City Attorney Gary Ryder, City Clerk/Treasurer Michelle Richards and Police Sgt. Cory Hert

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

Mayor Williams presented a plaque to the family of U.S. Marine Sgt. Trevor Johnson who was killed in the line of duty in Afghanistan in support of Operation Enduring Freedom.

**Unfinished Business:**

Councilperson Harbin moved to approve Resolution 09-R08, adopting the Revised and Restated Employee Benefits Program Agreement with Montana Municipal Interlocal Authority. Councilperson Ellison seconded the motion. No discussion. Councilpersons Harbin and Ellison voted in favor. Councilpersons Becker and Hert abstained due to conflict of interest. Mayor Williams voted in favor. Motion carried.

Mayor Williams left the meeting at 7:15 p.m. Council President Harbin presided over the remainder of the meeting.

**Consent Agenda:**

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

- a. Minutes of 4/14/09 Regular Meeting
- b. Claims Roster 4/24/09
- c. March Treasurer's Report

**Departmental Reports:**

Department Reports were given by Police Sgt. Hert, Public Works Supervisor Bleth, Attorney Ryder and City Clerk/Treasurer Richards in addition to written reports provided in Council's packets.

**Public Comment and Participation:**

Darrin Waples asked if the city owns the road that goes by the rodeo club to the Snider Ranch. The club wants to use gates there but can't if it is a city street. Public Works Supervisor Bleth stated the city does not maintain the road as it is not a city street and he believes the road is owned by the power plant owners.

Council President Harbin opened the Variance Hearing for 2668 Zane Grey at 7:30 p.m. Council President Harbin explained the variance request is to the side and rear setbacks for the purpose of building a garage and replacing a mobile home with a modular home including a covered deck and storage shed in the back of the lot. Colstrip Park and Recreation District has greenbelt property along the property and their only concern is that all structures and the fence be on private property and not on the greenbelt. The current fence is on CPRD land.

Mr. McCulloch, owner of the property, stated the current fence will be removed and the new fence will be put on the property line. The fence will be a wooden privacy fence. The exact garage location is not known yet, it will depend on placement of the home. Mr. McCulloch stated the lot will be cleared by June 12<sup>th</sup>.

Councilperson Ellison stated she has a problem with people encroaching on CPRD land. The land is for public use and not private use.

No other comments were received regarding the variance request.

Council President Harbin closed the hearing at 7:39 p.m.

Council President Harbin called a recess at 7:40 p.m. The meeting reconvened at 7:43 p.m.

**Mayor's Communications:**

On behalf of Mayor Williams, Council President Harbin reported that the recommendation from the city's engineers Kadrmas, Lee & Jackson has been sent to PPL Montana regarding the dewatering stations and we are awaiting their response.

**New Business:**

Councilperson Becker moved to approve the Variance Request for 2668 Zane Grey to the side and rear setbacks on the condition the fence is removed from the greenbelt and onto the owner's property. Councilperson Hert seconded the motion. No discussion: Councilpersons Hert and Becker voted in favor. Councilperson Ellison voted nay. Councilperson Harbin abstained due to being employed by the Colstrip Park and Recreation District. Motion carried 2-1.

Councilperson Ellison moved to approve the Invitation to Bid for Street work for the Sweetgrass Paving Project. Councilperson Hert seconded the motion. No discussion. Motion carried with all in favor.

Councilperson Hert moved to approve the Equipment Rental Policy with the addition of a charge for equipment rental requests received during non-business hours. Councilperson Becker seconded the motion. Discussion: Attorney Ryder stated the policy would be incorporated into the rental agreement form that he has already developed unless Council gives other direction. Motion carried with all in favor.

After much discussion Council President Harbin moved for an additional parking area on the west side of City Hall that would end at the entrance doors to accommodate handicap parking. Councilperson Ellison seconded the motion. No discussion. Councilpersons Ellison, Harbin and Hert voted in favor. Councilperson Becker voted against. Motion carried 3-1. Council requested after the design is finalized based on the council's decision to submit the design for their review.

Councilperson Hert moved to reject the bid from Western Municipal Construction for \$263,677 due to cost. Councilperson Ellison seconded the motion. No discussion. Motion carried with all in favor.

Public Works Supervisor Bleth reported the city is negotiating with JEM and Colstrip Electric Inc. to replace the Orchard Lift Station for a combined cost of approximately \$200,000. The bid submitted by Western Municipal was \$80,000 over the engineer's estimate. Due to the emergency situation and substantial savings to the City, Attorney Ryder feels it appropriate for the City Council to proceed with contracting with JEM and CEI to complete the work. Completion should be completed within 30 days after approval.

Councilperson Hert moved to award a contract for the Orchard Lift Station Replacement to JEM Contracting, Inc. for \$206,178 minus a change order in the amount of \$26,000 for a total of \$179,578. Councilperson Becker seconded the motion. No discussion. Motion carried with all in favor.

Councilperson Becker moved to contract with Colstrip Electric Inc. for electrical and controls for the Orchard Lift Station not to exceed for \$20,000. Councilperson Hert seconded the motion. No discussion. Councilperson Ellison abstained due to conflict of interest; she is employed by CEI. Councilpersons Harbin, Becker and Hert voted in favor. Motion carried.

**Administrative Matters:**

City Attorney Ryder reported he has jury duty the week of May 11<sup>th</sup> and may be unavailable.

Council President Harbin adjourned the meeting at 8:40 p.m.

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Michelle Richards, City Clerk/Treasurer