

## City Council Meeting April 12, 2016

Present: Mayor John Williams, Councilpersons Tom Jankowski, Greg Koczur, Jolene Verlanic and Mike Esser

Also Present: City Attorney Gary Ryder, Public Works Director Bryan Swan, City Clerk/Treasurer Michelle Richards, Police Chief Cory Hert, Planning/Zoning & Code Official Denise Sisson and Fire Chief Rob Pontius

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

### **Consent Agenda:**

Councilperson Verlanic moved to approve the Consent Agenda. Councilperson Koczur seconded the motion. There was no discussion or public comment received. Motion carried with all in favor.

- Minutes of 3/22/16 Regular Meeting
- Claims Roster 4/7/16

### **Departmental Reports:**

Reports were given by Police Chief Hert, Fire Chief Pontius, Planning/Zoning & Code Official Sisson, City Attorney Ryder, Public Works Director Swan and City Clerk/Treasurer Richards.

Councilperson Esser moved to give Public Works Director Swan the authority to move forward with street repairs in the amount of \$14,000. Councilperson Koczur seconded. Discussion: Councilperson Jankowski asked how many repairs and the time frame. Public Works Director Swan explained there are five places around the town where the Public Works Dept. has dug into the street and needs repaired. Total Asphalt & Repair is available and ready to begin work. Motion carried with all in favor.

Pat Campbell, 4416 Remington, supports the use of a milling machine before doing any street overlays.

### **Mayor's Communications:**

The City will be submitting a Coal Board Grant Application for a portion of the engineering fees in regards to the Zone 3 Water Tank. Since John is the Chairman of the Coal Board, a City Council member will need to make the presentation to the Coal Board along with Public Works Director Swan and engineer. Public input is part of the process and we plan to have a Public Hearing next week.

Mayor Williams shared a letter from Governor Bullock regarding his intention to convene a working group to support the possible interest of NorthWestern Energy, or another party, to review whether a transfer of ownership of Colstrip Units 1, 2 and 3 is workable.

Steve Christian, 7411 Castle Rock Lake Drive, stated MMIA is denying liability on behalf of the City of Colstrip regarding damage to his properties due to a water leak. Mayor Williams will look into this and consult with City Attorney Ryder.

Mayor Williams received a letter from Talen Energy that the rate charged by the power plants for water for the City of Colstrip will decrease 17% beginning July 1, 2016. The annual cost of obtaining water is in excess of \$100,000 per year.

**Public Comment:**

Mayor Williams opened the Public Hearing at 7:31 pm for the Appeal of the Zoning Commission's approval of a Bed & Breakfast at 4019 Prospector Drive and the following comments were received from the public:

John Behles, 52 Snider Subdivision, asked about the appeal process. He stated there is information missing from the packet regarding the bed & breakfast's application and there is also information submitted from their first application last year and he is wondering why that was included.

Ed Buchholz, 4416 Remington Drive, apologized for his behavior at the last City Council meeting he attended. He is not thrilled with having a bed & breakfast across the street from his house. He would like to sell his house and he is concerned of the effect of having the bed & breakfast on the salability and value of his property. When he bought the property he did it because there is not supposed to be commercial businesses and hotels in that area. A lot of people in that area have large buildings but they were upfront about it, went through the proper channels and got permits. Mr. Vasicek told Mr. Buchholz that he had given up having the bed and breakfast but then moved forward. He is concerned about who would be staying at the bed and breakfast. He feels the purpose of the government is to uphold the rules. If there is enough people that don't want this, than the City Council should say no.

Denise Batey, 128 Woodrose, is a business owner in Colstrip for 30 years. She always hears the complaint that there is nothing here. She feels the bed & breakfast would be a very good asset to the community. People have been killed driving to Miles City or Forsyth after work because there is nowhere to stay in Colstrip during the power plant turn-around. It will also bring in business for all the other small businesses in Colstrip and compliment the town.

Lawretta Miller, 6912 Blackhawk Circle, is a member of the Zoning Commission and stated that Mr. Vasicek did submit a letter requesting to revise his application to 6 rooms instead of 3 rooms. He has met the city's requirements. The covenants for the neighborhood are not being actively enforced by the property owners and are not part of the city's codes. She doesn't agree with requiring a six-foot privacy fence and the Zoning Commission did not require or suggest one. If the neighbors wish to have a privacy fence, they should build it themselves. She is in support of this business.

Terry Olson, 4015 Prospector Drive, is opposed to the granting of a Conditional Use Permit for a bed and breakfast at 4019 Prospector Drive. This issue was already addressed last year by the City Council and denied. Attorney Ryder submitted a Memorandum to the Mayor and City Council last year recommending denial. Mr. Vasicek did not contact Mr. Olson, the Buchholzes or Mr. Davis, two of which are the closest neighbors and would be most impacted. The petition signed by the neighbors in support of the bed and breakfast stated it was for 3 bedrooms, not six. He thinks there will be enforcement issues related to the bed and breakfast. He also feels the Zoning Commission approved the permit based on personal feelings instead of codes and

covenants. There have been conversations between the Vasiceks and individual Zoning Commission members numerous times and is inappropriate.

Steve Christian, 7411 Castle Rock Lake Drive, is neutral to the bed & breakfast but wanted to share his personal experience. There is a bed & breakfast across the street from his home. He initially led a petition drive to deny it and was against it at the beginning. He had the same concerns such as noise, strangers, and increased traffic. However, he has not had one issue with the bed & breakfast.

Denise Batey, 128 Woodrose, addressed the covenants. Colstrip has never had a proper business district because the town was poorly laid out by Montana Power Company. Nobody complained about the people that are against this bed and breakfast when they did things contrary to the rules.

Ed Buchholz, 4416 Remington, stated the big difference is that what they did was upfront and got the permits necessary before and did not lie about what they wanted to do. The property covenants in that area are active according to the lawyers he has spoken to.

City Attorney Ryder explained the City of Colstrip is not a party to the covenants. They are a separate issue and are not enforceable by the City. The City only has jurisdiction on Zoning Regulations, not covenants.

Pat Campbell, 4417 Remington Drive, doesn't care what people do with their property. He stated there are a lot of businesses in homes in Colstrip. He also does not want a privacy fence.

Mayor Williams closed the Public Hearing at 8:21 pm.

#### **New Business:**

Councilperson Koczur moved to uphold the decision of the Zoning Commission for approval of a 6-unit Bed & Breakfast at 4019 Prospector Drive. Councilperson Jankowski seconded the motion.

Discussion: Councilperson Jankowski asked about the covenants. Attorney Ryder explained the covenants are active and in place but is not the City of Colstrip's responsibility to enforce them.

Councilperson Verlanic asked if the Vasiceks had a business plan prior to requesting a Conditional Use Permit and if their home loan prohibits renting rooms or use as a bed and breakfast. She is familiar with bed and breakfasts and done research and has not found any evidence of a decrease in property valuation due to the presence of a bed and breakfast and actually have a tendency to increase property values in some cases. Mr. Vasicek stated they have no business plan and the lender has no problem with the bed and breakfast.

Public Comment: Lawretta Miller, 6912 Blackhawk Circle, stated this is not a casino or strip joint and there won't be illegal activities. The Vasiceks have met all of the codes and requirements of the City of Colstrip. She does not want to have the permission of neighbors to do things with her property. She asked where is the line drawn when the neighbors get to dictate what people get to do with their property.

Pat Campbell, 4417 Remington Drive, would like to see a resolution to this issue tonight and concurs with Lawretta Miller's comments.

Richard Vasicek, 4019 Prospector Drive, stated he will put up a fence but doesn't want any complaints from the neighbor about the snow.

Terry Olson, 4015 Prospector Drive, did not suggest or request the six foot privacy fence. He commented about the motels in town having loud trucks running with diesel engines. There should not be any commercial vehicles allowed.

Councilperson Koczur moved to amend the motion to include the condition that state laws are met. Councilperson Jankowski seconded. Discussion: Councilperson Jankowski stated there is more under state law to comply with than city codes. Councilpersons Jankowski and Verlanic voted against. Councilpersons Esser and Koczur voted in favor. Mayor Williams voted in favor. Motion carried.

Councilperson Jankowski moved to approve Resolution No. 2016-R06, intent to increase the Dewatering Well Rates from \$46.00 per month to \$60.00 per month. Councilperson Koczur seconded the motion. Discussion: Councilperson Verlanic asked if this would add \$672 per year to the sewer fund. Clerk/Treasurer Richards verified that is correct. Councilperson Jankowski asked if this is the first increase in the dewatering well rate. Mayor Williams confirmed this is the first rate increase since the rate was established. Public Comment: None received. Motion carried with all in favor.

Councilperson Verlanic moved to approve Resolution No. 2016-R07, in support of the Colstrip Power Plants. Councilperson Koczur seconded the motion. Discussion: None. Public Comment: None received. Motion carried with all in favor.

Councilperson Esser moved to approve the purchase of a 2014 CAT CB34B Roller-Compactor from Tractor & Equipment Company in the amount of \$37,500 minus an equipment trade-in valued at \$12,000 for a net cost of \$25,500. Councilperson Verlanic seconded the motion. Discussion: None. Public Comment: None received. Motion carried with all in favor.

Councilperson Verlanic moved to approve a five-year Contract for Services with the Schoolhouse History and Art Center. Councilperson Jankowski seconded the motion. Discussion: Councilperson Jankowski stated SHAC is a wonderful place for all kinds of cultural activities and improves the quality of life in Colstrip. Public Comment: Pat Campbell, 4417 Remington Drive, stated it is a good deal. Motion carried with all in favor.

#### **Administrative Matters:**

Councilperson Verlanic asked about voting membership in the Montana Infrastructure Coalition. Voting membership is \$5,000 per year. Mayor Williams suggests starting as an associate member before considering voting membership.

Councilperson Jankowski asked for an update at the next City Council meeting regarding the Christian’s claim and asked about the City’s Goodwill Policy.

**Adjournment:**

Councilperson Jankowski moved to adjourn the meeting. Councilperson Esser seconded the motion. Mayor Williams adjourned the meeting at 9:02 pm.

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Michelle Richards, City Clerk/Treasurer

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