

City Council Meeting  
November 10, 2009

Present: Mayor John Williams, Councilpersons Dan Becker, Betty Jo Ellison, Rick Harbin and Evan Stewart

Also Present: City Attorney Gary Ryder, City Clerk/Treasurer Michelle Richards, Police Chief Larry Reinlasoder, Assistant Fire Chief Rob Pontius, Public Works Supervisor John Bleth and City Judge Gail Beckham

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 requested a moment of silence in recognition of the victims and families of the recent shooting at Food Hood, Texas.

**Consent Agenda:**

Councilperson Ellison moved to approve the Consent Agenda. Councilperson Becker seconded the motion. Discussion: Councilperson Harbin had questions on some claims: Claim # 13713 to Childers includes a battery for \$247.00 and Claim #13717 to Farmers Brothers Coffee for \$167.98. Councilperson Harbin asked how long of a period does this coffee purchase cover. Public Works Reinlasoder explained the battery is a heavy duty battery for street equipment. Police Chief Reinlasoder responded the police department purchases coffee from Farmers Brothers Coffee for their 24 hour/7 day per week operation on a monthly basis. Mayor Williams responded he will be reviewing this issue with Chief Reinlasoder. Councilperson Harbin also asked about the claim to Greg Koczur; is this for three months of service on the fire board. Mayor Williams explained it is for several months of fire board meetings. Councilperson Harbin asked what Claim #13739 to St. Vincent Healthcare is for. City Clerk/Richards explained it was for medical services provided in conjunction with a case under investigation by the Colstrip Police Department. Councilperson Stewart had a question on the October Expenditure Report; the Mayor's salary amount is larger than before. Clerk/Treasurer Richards explained due to the City Council increasing the Mayor's Salary from \$1,000 per month to \$1,200 per month retroactive to July 1 that the difference in salary from July – October was paid in October. Motion carried with all in favor.

- a. Minutes of 10/27/09 Regular Meeting
- b. Claims Roster 11/06/09
- c. October Treasurer's Report
- d. Journal Voucher 09-14 & 09-15

**Departmental Reports:**

Department Reports were given by Police Chief Reinlasoder, City Judge Beckham, Assistant Fire Chief Pontius, Public Works Supervisor Bleth, City Clerk/Treasurer Richards and Attorney Ryder in addition to written reports provided in Council's packets.

Attorney Ryder asked for direction on the issue of a city employee serving on the City Council due to the receipt of a Letter of Advice from the Montana Attorney General's Office reiterating the two positions are incompatible. Councilperson Ellison stated she felt this issue should have been handled two years ago when an employee was elected to the City Council and it is a conflict of interest for the employee to serve on the council. The Attorney General's opinion from 1998 states that employment with the City Public Works Department is incompatible with service as member of the City Council.

Councilperson Becker stated he has done his homework and this Letter of Advice deals with the issue of two employees. He would like to quit beating a dead horse and get on with business. Attorney Ryder asked Councilperson Becker if he intends to continue serving on the council, to which he answered he does.

Councilperson Stewart would like to pursue creating policy to prevent this from happening in the future and to allow Councilperson Becker to finish his term. Councilperson Stewart does not feel, in accordance with the city's charter, that the council can remove him from office.

Councilperson Ellison stated it is not fair to a department head to have an employee they supervise allowed to be on the City Council. Councilperson Harbin has a conflict with key decisions being made by only two council members during the past few years because the other two council members were not able to vote due to a conflict of interest. There are four elected positions and all four should be deliberating and deciding the issues.

Councilperson Harbin moved to direct Attorney Ryder to prepare an ordinance that prohibits city employees as serving as city council members or mayor. Councilperson Ellison seconded. No discussion. Councilperson Becker voted against. Councilpersons Ellison, Harbin and Stewart voted in favor. Motion carried 3-1.

**Public Comment and Participation:**

Joe Oberth, 7439 Castle Rock Lake Drive, understands that Attorney Ryder has received a letter from the Attorney General's office regarding Councilperson Becker's service as a council member. Mr. Oberth is disturbed that it took two years for an opinion to be requested after the City Council directed Attorney Ryder two years ago to request an opinion. Mr. Oberth asked why has it taken so long? He feels it has opened up the city to possible litigation. Mr. Oberth read from the attorney general's opinion that states the office of city council member and city employment is incompatible. Mr. Oberth is very disappointed in Attorney Ryder.

**Mayor's Communications:**

Mayor Williams met with representatives from PPL Montana regarding the Raw Water Delivery Agreement with them to provide water to the City of Colstrip. PPL has indicated an increase in the fee charged to the city that would result in a \$100,000 yearly increase to the city. City Clerk/Treasurer Richards has been working on a water rate analysis based on this increase. Mayor Williams will come back to council with a recommendation.

Councilperson Ellison moved to approve Mayor Williams' appointment of Terry Currier to the Tree Board. Councilperson Stewart seconded the motion. No discussion. Motion carried with all in favor.

**Unfinished Business:** None.

**New Business:**

Councilpersons Stewart and Becker volunteered to sit on a committee that will discuss the development of an ordinance requiring house numbers be displayed on properties.

**Administrative Matters:**

Councilperson Ellison reported there will be a Fountain Committee meeting at 11:00 am this Friday.

Councilperson Stewart reported he will be absent from the 11/24/09 city council meeting.

Mayor Williams adjourned the meeting at 8:00 p.m.

---

Michelle Richards, City Clerk/Treasurer