

City Council Meeting December 08, 2009

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

Also Present: City Attorney Gary Ryder, City Clerk/Treasurer Michelle Richards, Police Chief Larry Reinlasoder, Fire Chief Ryan Reid, Public Works Supervisor John Bleth 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, Clerk/Treasurer Richards called the Roll Call.

Consent Agenda:

Councilperson Ellison moved to approve the Consent Agenda with an additional claim to Elizabeth Dudley for \$1,466.00 for the Fire Department's Christmas Party. Councilperson Harbin seconded the motion. No discussion. Motion carried with all in favor.

- a. Minutes of 11/23/09 Regular Meeting
- b. Claims Roster 12/04/09

Departmental Reports:

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

Attorney Ryder submitted an opinion explaining the difference between the city's zoning and protective covenants. This opinion was written due to the numerous questions raised by city residents and real estate agents.

Public Comment and Participation:

Mayor Williams opened the Public Hearing at 7:30 pm for the Variance Request at 3236 Appaloosa Drive. Zoning/Code Enforcement Officer Morgan introduced the request explaining the request is for a variance to the garage size limitation. The landowner was not present but submitted a letter explaining his request. No comments or objections were received. Mayor Williams closed the hearing at 7:34 pm.

Mayor's Communications:

Mayor Williams complimented everyone who was involved in the Christmas Stroll held last Thursday. It was very well received and a success.

Items collected for the local service men and women serving both abroad and state side have been sent out. The city employees and Senior Citizens packaged four boxes each for the 4 people overseas and 14 gift cards for the stateside personnel will be sent using the cash donations received.

The Chamber of Commerce met this morning and elected new officers. Terry Currier is the new President, Helen Shaw is the new Vice President and Kathy LaDuke will continue to serve as Secretary/Treasurer.

Unfinished Business:

Ordinance No. 09-01, restricting city employees from serving as a council member or Mayor, was presented for second reading. Attorney Ryder made a minor language change by clarifying that the restriction only applies to political offices in Colstrip's city government. Councilperson Stewart moved to approve the second reading and adoption of Ordinance No. 09-01 with the clarification. Councilperson Ellison seconded the motion. Discussion: Councilperson Becker stated he will never vote for anything that denies anyone their civil liberties. Councilpersons Ellison, Stewart and Harbin voted aye. Councilperson Becker voted nay. Motion carried 3-1.

New Business:

Councilperson Becker moved to approve the Variance Request at 3236 Appaloosa Drive to exceed the garage size limitation by 96 square feet. Councilperson Harbin seconded the motion. Discussion: Councilperson Harbin asked if there are two issues at hand. Zoning/Code Enforcement Officer Morgan replied there is, one for the front steps to the trailer house and the other is the size of the garage. Councilperson Stewart does not feel this request meets the hardship requirement. Councilperson Harbin suggested separating the two issues as he doesn't have a problem with allowing the steps. Zoning/Code Enforcement Officer Morgan recommends dealing with the steps as a conditional use instead of a variance. Councilperson Harbin also doesn't feel the garage is a hardship. Councilperson Harbin moved to amend the motion to change from a variance request to a conditional use permit for a 4' stairwell for the trailer facing Cheyenne Drive and not allow the additional square footage for the garage. Councilperson Stewart seconded the amendment. No discussion on the amendment motion. Councilpersons Ellison, Stewart, and Harbin voted aye. Councilperson Becker voted nay. The amendment was approved 3-1. There was no further discussion. Councilpersons Harbin, Stewart and Mayor Williams voted in favor of the motion as amended and Councilpersons Ellison and Becker voted nay. Amended motion approved.

Councilperson Ellison moved to approve the Coal Board Grant Application in the amount of \$23,244.65 for an air foam system for the Fire Department. Councilperson Becker seconded the motion. No discussion. Motion carried with all in favor.

Councilperson Harbin moved to approve the Urban and Community Forestry Grant Agreement with Montana DNRC in the amount of \$15,387.00. Councilperson Ellison seconded the motion. No discussion. Motion carried with all in favor.

Administrative Matters:

Councilperson Ellison complimented the city and CPRD, especially Rick Harbin, for the beautiful fountain and rocks at the Cherry Street Plaza.

Mayor Williams adjourned the meeting at 7:53 p.m.

Michelle Richards, City Clerk/Treasurer