

City Council Meeting
August 24, 2010

Present: Councilpersons Evan Stewart, Tom Jankowski, Dan Becker and Rick Harbin

Absent: Mayor John Williams

Also Present: City Clerk/Treasurer Michelle Richards, Building/Planning Official Jan Morgan, Police Chief Larry Reinlasoder, Assistant Fire Chief Rob Pontius and Public Works Director John Bleth

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

Consent Agenda:

Councilperson Becker moved to approve the Consent Agenda. Councilperson Stewart seconded the motion. Discussion: Councilperson Stewart asked about Claim #14744 to Johnson Plumbing for a valve repair at the jail. He asked if Rosebud County should pay since they are the landlord of the property. Police Chief Reinlasoder replied that according to the agreement with the county, the city must pay expenses for wear and tear to the facility. Councilperson Harbin asked about the claim to PPL Montana for Raw Water Delivery; is this with the new rate. City Clerk/Treasurer Richards responded the invoice does use the new rate. Motion carried with all in favor.

- a. Minutes of 8/10/10 Regular Meeting
- b. Claims Roster 8/20/10
- c. Journal Voucher No. 2011-02

Departmental Reports:

Department Reports were given by Public Works Director Bleth, Police Chief Reinlasoder, Assistant Fire Chief Pontius, Building/Planning Official Morgan, and City Clerk/Treasurer Richards in addition to written reports provided in Council's packets.

Councilperson Becker moved to declare the Power Road situation an emergency and directed Public Works Director Bleth do what needs to be done. Councilperson Jankowski seconded the motion. Discussion: Councilperson Becker stated Power Road needs closed until the problem is fixed and since it is a major route for truck traffic to the power plant the road needs fixed as soon as possible. Council President Harbin requested the Mayor be contacted and updated on the situation and the emergency declaration. Motion carried with all in favor.

Public Comment and Participation:

Council President Harbin opened the Variance Hearing for 210 Cedar at 7:24 pm. Building/Planning Official Morgan introduced the request at 210 Cedar Avenue for a variance to the front setbacks for a 1,200 square foot garage, storage room and bathroom. The request is

made for public safety reasons since without the variance the garage would have to be built facing Olive Drive, a well traveled road. Turning the garage towards Cedar Avenue would be more aesthetically pleasing and would enter/exit onto a less traveled road. A variance would not be needed for the less desired option of the garage facing Olive Drive. Councilperson Becker commented that the variance would give a better view for drivers entering Olive Drive from Cedar Avenue. Councilperson Stewart stated according to the floor plan submitted for the property a garage already exists that appears not to be in compliance with setbacks; was a previous variance granted for this. Building/Planning Official Morgan stated the City granted a variance for the existing garage previously.

Bernie Svihovec, 210 Cedar Avenue, explained the building would be 27 feet from Cedar Avenue if the variance is granted but only 15 feet from Olive Drive if a variance is not granted. This would give 20 feet for backing out of the garage. Without the variance, Mr. Svihovec would be backing onto the busiest street in town and backing out of the garage could interfere with school buses and other traffic. Councilperson Stewart asked if the other garage would be left alone or changed into something else. Mr. Svihovec stated the existing garage would continue to be used as a garage. Councilperson Harbin asked if this proposed garage would be within the square foot limitation for garages. Building/Planning Official stated it would be. No objections were made to the variance request. Council President Harbin closed the hearing.

Lu Shomate, representing the Schoolhouse History and Art Center, stated an audit was completed as requested by the city and there were no findings. A copy of the audit report will be provided to the city. Lu reported Rosebud County has denied their request for funding. SHAC employee Carol Oberth suffered a stroke but is doing well. Tammy Venne has stepped in to help during Carol's absence. Lu also reported on upcoming events at SHAC.

Jim Atchison, representing SouthEastern Montana Development Corporation, thanked the City for sponsorship of the supper for the Energy Open last week in Colstrip. There were over 50 attendees participating in the event. Senator Baucus will be hosting an Economic Development Summit in Butte in September with numerous out-of-state and foreign companies there looking at Montana for economic development. Mr. Atchison reported that EPA is hosting several public hearings around the country on classifying coal ash as a hazardous material which would impact the economy of Southeastern Montana. There will also be a hearing in October at Isabel Bills Learning Center regarding the Air Force base in Rapid City, SD expanding their Powder River Training Complex fly zone in Southeastern Montana.

Bill Neumiller, 4030 Prospector and Colstrip resident of 27 years, and Keith Little of 4322 Ballantine submitted a written request for paving and run-off control in the Sweetgrass Acreage Tracts. There are currently 33 houses in the tracts with only 3 empty lots left. The residents would like the City to place the streets of Prairieview, Sweetgrass, Ballantine, Remington and Prospector on a 5 year schedule for paving and run-off control. Mr. Neumiller stated traffic has increased considerably during the past few years and there are plans for a playground on parkland located at the corner of Sweetgrass and Prospector. There is also increased traffic due to the use of the horse corrals, which can only be accessed through these neighborhood streets.

Mayor's Communications:

Council President Harbin reported on the Mayor's behalf that a Deer Management Plan meeting was held last week with all parties involved represented except one. There is discussion of maybe adding 100 additional doe tags. During the archery season, hunters can wear camouflage without orange inside city limits, but outside city limits hunters must wear orange.

A Memo from Mayor Williams was distributed by Council President Harbin stating the city's Charter establishes a Mayor-Council form of government with the Mayor as Chief Executive Officer. The Budget/Finance Committee meeting held on August 20 may have been in violation of the city's charter. It is the Mayor's responsibility to prepare the preliminary budget and may or may not include department heads and council members. Council President Harbin stated only the preliminary budget submitted by the Mayor will be adopted or not adopted at the meeting tonight. Any amendments or changes to the Mayor's budget will have to wait until the Mayor is present.

Unfinished Business: None.

New Business:

Councilperson Jankowski moved to approve the Variance Request at 210 Cedar for a 12 foot variance to the front setback requirement. Councilperson Stewart seconded the motion. Discussion: Councilperson Jankowski thanked the property owners for considering public safety in their plans and feels their plans will aesthetically improve the property with both garages. No objections or comments were made. Motion carried with all in favor.

Councilperson Jankowski moved to approve Resolution 2010-R07, declaring two snow plows and a min-bus as surplus property. Councilperson Becker seconded the motion. Discussion: Councilperson Jankowski stated the equipment has served their use and the city has purchased a new senior citizens transportation mini-bus. No objections or comments were made. Motion carried with all in favor.

Council President Harbin asked for a motion on the 2010-2011 Preliminary Budget. Council President Harbin called for a motion two more times. No action was taken.

Administrative Matters:

Councilperson Stewart feels a Special Meeting is necessary regarding the budget and would like a meeting scheduled next week with the Mayor and City Attorney present. Council President Harbin asked that Mayor Williams be contacted to schedule a meeting so that it can be posted.

Adjournment:

Councilperson Stewart moved to adjourn. Councilperson Becker seconded the motion. Council President Harbin adjourned the meeting at 7:51 pm.