

City Council Meeting
November 9, 2010

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

Also Present: Building/Planning Official Jan Morgan, Fire Chief Ryan Reid, City Clerk/Treasurer Michelle Richards, Police Chief Larry Reinlasoder, City Attorney Gary Ryder and Public Works Director John Bleth

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 Becker moved to approve the Consent Agenda. Councilperson Stewart seconded the motion. Discussion: Councilperson Harbin had questions on the Journal Vouchers. On Journal Voucher 2011-01, he asked what the term “Retained Earnings” is. Clerk/Treasurer Richards explained this is another term for Fund Balance but in Enterprise Fund Accounting the term Retained Earnings is used instead of Fund Balance. Councilperson Harbin also asked about the special assessments. City Clerk/Treasurer stated the special assessments are for garbage collection. Councilperson Stewart asked about Claim #14985 to Black Mountain Software. He wondered if the amount was duplicated on accident. City Clerk/Treasurer explained the charges were split in half and equal amounts charged to the Water Fund and Sewer Fund. Motion carried with all in favor.

- a. Minutes of 10/26/10 Regular Meeting
- b. Claims Roster 11/05/10
- c. Journal Voucher 2010-08
- d. Journal Voucher 2011-01

Departmental Reports:

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

Public Comment and Participation: None.

Mayor’s Communications:

Mayor Williams provided council members with Resolutions adopted by the Montana League of Cities & Towns in preparing for the 2011 Montana Legislative Session. Also available is the league’s financial reports if anyone is interested.

Issues the city is experiencing with the Power Road Overpass and Water Main Failures is due to poor construction during the development of the power plant 30 years ago. Mayor Williams would like to contact the power plant owners since the owners are the ones who engineered and paid for the construction of these facilities. These failures are not due to normal wear and tear; it is poor construction techniques.

Mayor Williams and Public Works Director Bleth will be in Helena next Thursday for a meeting with the Department of Environmental Quality regarding violations of the Water Quality Act. Putting the clarifier back into use may be one option to resolve the issues.

Mayor Williams and Public Works Director Bleth met with representatives from PPL Montana on their dewatering wells that are emptying into the city's wastewater system. The costs of the city allowing this exceed the amount paid by PPL Montana.

The next Coal Board meeting is December 3rd in Billings. The city has a grant application for the board's consideration and a Council member needs to attend the meeting and represent the city. Councilperson Harbin stated he is willing to attend the meeting on behalf of the City but encourages the other council members to learn how the Coal Board works. Councilperson Stewart stated he may be able attend.

Unfinished Business:

The Council Chambers Use Policy has been finalized and is ready for City Council's consideration. Attorney Ryder will prepare a Resolution for adoption of the policy at the next meeting.

Mayor Williams gave Dale & Rochelle Green a sample lease agreement for leasing city property at a cost of \$1.25 per foot. Greens have requested the lease period be from April 1 – October 31 and asked if the lease payment is due upfront or could be paid monthly. The area they would like to put a sign on is not owned by the city.

New Business:

Councilperson Harbin moved to approve Resolution 2010-R15, adopting wages and compensation for elected officials and city employees for the 2010-2011 fiscal year. Councilperson Stewart seconded. Discussion: Councilperson Harbin requested the hourly rate for salaried employees also be shown on the compensation list. Councilpersons Stewart, Harbin and Jankowski voted in favor. Councilperson Becker abstained since he is an employee of the City. Motion carried.

Councilperson Jankowski moved to approve Resolution 2010-R16, authorizing the disposal of surplus equipment. Councilperson Becker seconded the motion. Discussion: Councilperson Harbin asked if the equipment would be donated to another government agency or disposed of. Mayor Williams stated it will be put out for bids. Motion carried with all in favor.

Councilperson Harbin moved to approve a 3 year contract with Olness & Associates for auditing services in the amounts of \$10,550.00, \$10,700.00, and \$10,850.00 respectively. Councilperson Stewart seconded the motion. Discussion: Councilperson Harbin feels it is important to use the same auditor as Rosebud County, which eliminates a lot of problems when balancing with the county's records and ensuring the City is receiving the appropriate share of funds. Motion carried with all in favor.

Executive Session:

The City Council went into Executive Session to discuss possible litigation resulting from the Police Commission ruling on a personnel matter.

Upon returning from executive session, Attorney Ryder recommends not pursuing an appeal of the Police Commission ruling. Councilperson Stewart moved not to pursue an appeal of the Police Commission's ruling. Councilperson Becker seconded the motion. Discussion: Councilperson Stewart stated that after reviewing the transcript of the hearing he does not feel it would be worthwhile and would be too expensive to appeal to District Court. No comments or objections received. Motion carried with all in favor.

Administrative Matters:

Councilperson Stewart will be absent from the next regular meeting.

Councilperson Harbin asked about a Christmas Party this year. Mayor Williams will ask the employees what they would like to do.

Adjournment:

Councilperson Jankowski moved to adjourn. Councilperson Stewart seconded the motion. Mayor Williams adjourned the meeting at 9:04 pm.