

City Council Meeting  
March 22, 2011

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

Absent: Mayor John Williams

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

Council President Stewart called the meeting to order at 7:05 pm. Following the Pledge of Allegiance, Clerk/Treasurer Richards called the Roll Call.

**Consent Agenda:**

Councilperson Jankowski moved to approve the Consent Agenda. Councilperson Becker seconded the motion. Discussion: Councilperson Stewart noted several department accounts that are over-expended, particularly in Supplies and Purchased Services. Motion carried with all in favor.

- a. Minutes of 3/8/11 Regular Meeting
- b. Claims Roster 3/18/11
- c. February Treasurer's Report

**Departmental Reports:**

Department Reports were given by Police Chief Reinlasoder, Building/Planning Official Morgan, Fire Chief Reid, 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:**

Council President Stewart opened the Public Hearing regarding Water and Sewer Rate Increases at 7:29 pm.

Ted Stimac, 122 Olive, understands the funds have been falling behind and need to pay correct monies. Mr. Stimac asked if the General Fund has been subsidizing the Water and Sewer Funds will the taxpayers see a decrease in taxes with the higher water and sewer rates.

Lorrie Stinchfield, 2132 Chisholm, owns Skookumchuck's Laundromat & Laundry Services. She stated she is a realist when it comes to talking about services that need to be paid for. She is wondering how did we suddenly get into this poor of shape in our water and sewer funds. Ms. Stinchfield explained water is the life blood of her business and without small incremental increases it will impact her customers, which are mostly poor working families. Also, with no overhaul this past year it really hurt the small local businesses.

Shelly Wayne, 1610 Vista, heard that a sewer lift station caused the rate increases. She noted that the lift station by the fire department has a poster on it that says it was paid for by the Recovery Act. Public Works Supervisor Bleth responded we only received \$46,000 from that program but the replacement cost was over \$300,000. Mrs. Wayne commented that the water tastes like crap and with a 47% increase in cost it should taste like 'Dasani' bottled water. She also commented that in the summer time her laundry smells like the surge pond.

Jerry McPherson, 1626 Vista, asked what surrounding towns pay for their water and sewer services. Council President Stewart stated a list of what Montana cities and towns charge for water and sewer rates is provided on the back table and if additional copies are needed, please ask.

Lorrie Stinchfield, 2132 Chisholm, also wanted to say she is incredulous and flabbergasted that Mayor Williams is not here tonight. Council President Stewart explained Mayor Williams had a family emergency and is unable to be here.

Mary Ann Demaray, 1728 Vista Drive, asked why are we having such a big jump and why can't it be drawn out. She stated everybody's having a hard time and this is a big increase. Ms. Demaray understands the services are necessary but it would be easier to swallow if the increase is drawn out.

Becky May, 1149 Laramie, asked what will the water increase do to CPRD; for example the swimming pool takes 270,000 gallons of water to fill.

Wendy Smith, 28 Crocus Drive, asked how much consideration was given to the older folks on a fixed income. She feels this major increase will affect them tremendously.

Shelly Wane, 1610 Vista, asked about grant opportunities. City Clerk/Treasurer Richards explained the City of Colstrip is not eligible for most grants because of the high median family income, which is used to calculate what the minimum water and sewer charges should be for the community. For Colstrip, these charges would have to be increased to at least \$120.00 per month. Mrs. Wayne also asked if the amount paid to PPL for raw water is set in stone. City Attorney Ryder responded the fee was negotiated and the original proposal from PPL was much higher.

Ted Stimac, 122 Olive, wanted the City Council to be aware that as a small business owner of apartments this increase will almost be 10% for his customers.

Wendy Smith, 28 Crocus Drive, commented that Colstrip will become very ugly because people will not be able to water their yards.

Council President Stewart closed the hearing at 7:51 pm.

**Unfinished Business:**

Council President Stewart presented and read Resolution 2011-03, increasing water and sewer rates. Councilperson Harbin moved to table Resolution 2011-03 to consider the public testimony received, the Public Rate Supply Fee increase and consider phasing in the rate increases. Councilperson Becker seconded the motion. Discussion: Councilperson Harbin appreciates everyone that is here and their civility. In accordance with state statutes, all expenses to operate the water and sewer systems are paid out of water and sewer rates. The City Council has a fiduciary responsibility to ensure the products are safe and appropriate, plus pay the cost of delivery and set money aside for capital improvements. Councilperson Harbin stated the City Council needs to consider phasing in the increases due to public comment. But the City will still have another lift station to replace and stressed we are playing catch up in the Sewer Fund and need to stay in compliance with bond covenants so that we can continue borrowing money. Councilperson Harbin addressed the quality of the city's water and explained you have to consider the source of the water. The City also has an issue with the Montana Department of Environmental Quality and trying to work with them to reduce the impact to the ratepayers. Councilperson Becker commented all of the sewer lift stations were put in place over 40 years ago and are shot and needed replaced. Council President Stewart stated he feels postponement is appropriate based on the public comment received tonight. This proposal does not take into account the issues with DEQ and the issues with city finance over the past 10 years that need to be looked at. Councilperson Harbin stated that the first question the Coal Board will ask is 'Have you levied the maximum amount of mill levies?' If not, they probably will not be willing to give you money. Councilperson Stewart moved to amend the motion to postpone until the next meeting instead of "table" Resolution 2011-03. Councilperson Harbin seconded the amendment motion. No Discussion. Motion carried with all in favor. Main motion carried as amended.

Council President Stewart presented and read Resolution No. 2011-04, a resolution increasing miscellaneous charges and fees relating to the operation of the Water and Sewer Utility Services. Councilperson Harbin moved to approve Resolution No. 2011-04. Councilperson Jankowski seconded the motion. Discussion: Councilperson Harbin stated these fees are for actual costs incurred for turning on and off of services, making new connections, etc and are appropriate and reasonable. No objections were made. Motion carried with all in favor.

Councilperson Becker moved to instruct City Attorney Gary Ryder to assist the City Council in preparing a response to Police Chief Reinlasoder's written report of Police Case #210CR000138. Councilperson Harbin seconded the motion. Discussion: Councilperson Becker explained there is a lot of unexplained issues that need looked into. Councilperson Harbin asked what the time frame would be on completing this. City Attorney Ryder said he could have a draft ready before

the next council meeting. Council selected Councilperson Stewart to work with Attorney Ryder on this issue. Motion carried with all in favor.

**New Business:**

Councilperson Harbin moved to approve Engineering Task Order #1 with Kadrmas, Lee and Jackson for the Power Road Bridge Repairs in the amount of \$67,100. Councilperson Becker seconded. Discussion: Councilperson Harbin stated this is a public safety issue and we need to get moving on this. Councilperson Stewart asked if this task order is to prepare the project and go out for bid. Public Works Director Bleth responded it also includes administration during construction. Motion carried with all in favor.

Councilperson Becker moved to approve Engineering Task Order #3 with Kadrmas, Lee and Jackson for the Wastewater Treatment Plant Discharge Plant Permit in the amount of \$15,500. Councilperson Jankowski seconded. Discussion: Councilperson Becker explained this is necessary as the Montana Department of Environmental Quality (DEQ) is reviewing the city's discharge permit and the City is hoping to get DEQ to lower the parameters. Councilperson Harbin asked if this is a continuation of something that has already been done or is this something new. Public Works Director Bleth explained every 5 years the city has to renew its permit with DEQ to discharge water and that nitrogen is the big issue. Motion carried with all in favor.

Councilperson Harbin moved to approve Engineering Task Order #4 for On-Call Engineering Services with Kadrmas, Lee and Jackson. Councilperson Jankowski seconded the motion. Discussion: Councilperson Harbin asked what this agreement covers. Public Works Director Bleth explained this agreement covers small items that don't require an individual task order and are of minimal cost, like surveying lots. Councilperson Harbin stated the method of charges is not attached; it references 'Method B' but does not explain what that is. Carl Jackson of Kadrmas, Lee and Jackson explained that 'Method B' is from the Master Contract approved by the City Council last year. Councilperson Harbin requested 'Method B' be attached to the task order for clarification. Councilperson Stewart asked about the five year length; is this industry standard or is there a reason for five years. Public Works Director Bleth explained the previous contracts were only for 3 years and that is too short for continuity and flow of projects. The Master Contract is also for five years. Motion carried with all in favor.

Council President Stewart stated information was included in council's packets from Mayor Williams on adopting a Citizen Complaint Process for the police department. Police Chief Reinlasoder also submitted an Internal Affairs Policy adopted by the department in 2008 but neither City Council nor City Hall was aware of the policy. Attorney Ryder explained there have been recent complaints from citizens regarding police officers and it was not clear how those complaints should be handled. The process received from the Billings Police Department seems more user-friendly. Councilperson Harbin moved to refer to the Public Safety Committee to develop a Citizen Complaint Policy for police officers. Councilperson Jankowski seconded the motion. Discussion: Councilperson Becker stated he agrees with Councilperson Harbin and after reading through the information provided feels that are a few items that need to be

tweaked to suit Colstrip. Councilperson Stewart feels Chief Reinlasoder's policy is a good template to use. Councilperson Stewart stated there has been discussion at the last couple of council meetings about policies versus procedures and according to the City's Charter, all policies are to be approved by the City Council. Hopefully this issue will be on the council's agenda soon to discuss and maybe department heads can be given authority to adopt departmental procedures. Regarding the complaint process, Council President Stewart feels the City Council doesn't necessary need all the details but does need to be made aware of any complaints filed and a summary of how it was dealt with. Councilperson Harbin commented that the Police Commission may be a part of this and that there is currently a vacancy on it. Motion carried with all in favor.

**Administrative Matters:**

Council President Stewart explained the proposed Police Union Contract was provided to council members and will be on the next agenda for Council's consideration. It has not been ratified by the union yet.

**Adjournment:**

Councilperson Jankowski moved to adjourn. Councilperson Becker seconded the motion. Council President Stewart adjourned the meeting at 8:42 pm.

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Michelle Richards, City Clerk/Treasurer