

City Council Meeting
August 9, 2011

Present: Mayor John Williams, Councilpersons Evan Stewart, Gale Palmer, and Tom Jankowski

Absent: Councilperson Dan Becker

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

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 Jankowski moved to approve the Consent Agenda with a correction to the minutes on page 1; Councilperson Becker voted nay on the motion to approve the Consent Agenda. Councilperson Palmer seconded the motion. Discussion: Councilperson Palmer asked what Claim #15776 to American Water Leak Detection was for. Public Works Director Bleth explained a home on Primrose Drive has had water leaking into their basement for several years and the owners have been requesting the city find the leak. The only way to prove that it is not a city problem is to see if the water main is leaking. American Leak Detection's inspection revealed the water main is not leaking. Motion carried with all in favor.

- a. Minutes of 7/26/11 Regular Meeting
- b. Claims Roster 8/5/11
- c. Journal Voucher Nos. 2011-07 & 08

Departmental Reports:

Reports were given by Chief Reinlasoder, Building/Planning Official Morgan, Fire Chief Reid, Attorney Ryder, Public Works Director Bleth and City Clerk/Treasurer Richards.

Mayor's Communications:

The final Administrative Order of Consent was signed and sent back to the Montana Department of Environmental Quality. A plan of action to comply with the order is in the process of being developed.

A Deer Management Meeting has been scheduled for August 22nd at 6:30 at City Hall. This meeting is open to the public and is to address the harvesting of deer within city limits.

There are two items of significant value proposed in the budget for the 2011-2012 fiscal year. One is to replace a 30-year old fire truck and the other is construction of a new city shop. The deadline for submitting grant applications to the Montana Coal Board is for consideration at their next meeting is the end of August. Even though the budget has not been finalized, in order to have grant applications ready to meet this deadline staff must begin preparing the applications as soon as possible. Councilperson Palmer is in favor of the fire truck but not in favor of the shop building. He feels the city should put this off for a year or two. Councilperson Stewart had indicated during the Budget Committee he wasn't totally comfortable with proceeding with the shop building but after more consideration he is willing to allow the process to move forward in case the shop building is approved. Councilperson Jankowski is okay with moving forward with the grant applications also.

Mayor Williams would like to move forward with requesting bids for an Early Warning System. Councilperson Stewart would like to know what the plan will be for who will be in charge of the system, where a shelter will be located, etc. Mayor Williams explained there are only a couple of places available in town and there is an Emergency Plan already in place with the county. Police Chief Reinlasoder reported he is working on a policy of who will be in charge of and when the public will be alerted of emergencies. Council had no objections to moving forward.

The Montana Public Employees Association (MPEA) notified the Mayor that a group of city employees had voted in favor of forming a bargaining unit. They would like to begin discussions immediately. Councilperson Stewart asked if MPEA had responded to the situation of a city employee serving on the city council whose position is included in the union. Mayor Williams stated MPEA has not discussed that situation with him.

Public Comment and Participation:

Jim Atchison, 7405 Castlerock Lake Drive and representing the SouthEastern Montana Development Corporation, gave a presentation regarding the activities and services provided by SEMDC. Mr. Atchison reminded everyone of the Energy Open being held this Thursday and Friday in Colstrip.

Bill Neumiller, 4030 Prospector and President of the Colstrip Park & Recreation District Board, spoke in favor of Resolution No. 2011-R15 to transfer the used 2001 Transportation Bus from the city to CPRD. The bus would benefit their programs greatly in transporting youth to the lake, after-school program and other activities. CPRD also has an employee that is handicapped and CPRD currently does not have a vehicle equipped with a wheelchair lift. CPRD also donated \$5,000 to each of the two buses purchased by the city for the senior citizens.

Unfinished Business: None

New Business:

Councilperson Stewart moved to approve the Special Events Permit for the Strength for Sydney event on August 12, 2011 at Obert Rye Park. Councilperson Jankowski seconded the motion. Discussion: Councilperson Stewart stated this is a great event for the Hedges family along with

other events that have been held to provide financial support to the Hedges family. No other comments or objections were made. Motion carried with all in favor.

Councilperson Palmer moved to approve the Special Events Permit for the Freedom Walk on September 11, 2011, from Fireman's Park to the CPRD Pavilion. Councilperson Stewart seconded the motion. Discussion: Councilperson Palmer stated this is a great thing to do. No other comments or objections were made. Motion carried with all in favor.

Councilperson Jankowski moved to approve Resolution No. 2011-R15, a resolution of intent to transfer a 2001 Ford passenger vehicle to the Colstrip Park & Recreation District. Councilperson Stewart seconded the motion. Discussion: Councilperson Jankowski stated the bus has served our senior citizens well and there is a need for the vehicle by CPRD. Mayor Williams commented that the Coal Board approved the transfer between the governmental units and were extremely supportive. Motion carried with all voting in favor.

Councilperson Palmer moved to approve Resolution No. 2011-R16, a resolution for an initiative to amend the City Charter to add a fifth member to the City Council. Councilperson Jankowski seconded the motion. Discussion: Councilperson Palmer believes it would be beneficial to have five people on the council. Many times before there has been a tie vote and the Mayor had to break the tie. He feels the people would be represented better with five members on the council. Councilperson Stewart doesn't feel having a fifth council member will help, and may actually weaken the governmental process. He does feel it beneficial to have the executive branch break a tie when the four members of council have a tie vote. Councilperson Stewart feels the people are well represented and the process is a checks and balance system to have the executive branch weigh in. He is not persuaded by the argument that decisions have not gone the way some council members want and the motivation seems to be current differences between the legislative and executive branch. Councilperson Palmer feels it is appropriate to let the voters decide. Councilperson Palmer requested that section 2.08 of the proposed amendments to the City Charter be amended to include the phrase "if the Mayor is absent". Councilperson Stewart reiterated he feels it is a disservice of the elected officials to put this out to the public unless there is glaring problem or deficiency or a request from the public to do so. Attorney Ryder explained a statement from those in favor and opposed has to be prepared and submitted along with the ballot statement. Councilperson Stewart asked if the comments should be submitted to the council prior to approval of the resolution. Attorney Ryder explained under state statute the City Attorney prepares the comments and submits to the Election Administrator. Mayor Williams commented that there is a requirement to ask the electorate every 10 years if they wish to conduct a Local Government Review. The last time this was on the ballot the voters in Colstrip voted in favor of a review and elected three citizens to conduct the review. This is the appropriate process to utilize to request a change to the government structure and/or its services. Mayor Williams asked members of the council to consider that there is already a process in place for the public to review the government. Councilperson Stewart voted nay. Councilpersons Palmer and Jankowski voted in favor. Motion carried.

Councilperson Palmer finds it interesting that we look around at other communities when talking about zoning issues, water and sewer rates, etc but not regarding compensation of elected officials. He does appreciate all the time the Mayor has spent over the years but doesn't feel the need for a full-time Mayor. His understanding is that the general standard around the state is the Mayor is paid two and one-half times the amount of the council. Councilperson Palmer proposes changing the compensation of the Mayor to two and a half times the amount of the city council, eliminating the expense account of \$750 per month and that a resolution be written and submitted to council. Councilperson Palmer stated the city has very capable department heads and employees that do a good job. Attorney Ryder asked if the resolution would become effective the first of the year. Councilperson Palmer stated he would like it effective immediately but wouldn't oppose waiting until the first of January. Mayor Williams clarified he doesn't have a \$750 expense account; there is a spending allowance to offset the cost of using his personal vehicle for city business, out-of-town travel expenses and not having health insurance and other benefits that the city employees receive. A resolution will be prepared for the next regular council meeting.

Councilperson Jankowski moved to approve the Plum Court Landscaping/Drainage Improvements in the amount of \$11,943.00. Councilperson Palmer seconded the motion. Discussion: Councilperson Jankowski stated the drainage problem has been a problem for quite some time and has been reviewed by the city's engineers. Councilperson Jankowski moved to amend his motion to include an additional amount of \$2,500.00 for change order contingency. Councilperson Palmer seconded the motion. Discussion: Councilperson Jankowski explained the contingency was recommended by the engineers in case of unforeseen issues that could cause delays. Councilpersons Stewart, Jankowski and Palmer voted in favor of the amendment. Motion to amend carried. Councilpersons Jankowski, Palmer and Stewart voted in favor to approve the motion as amended and motion carried with all in favor.

Administrative Matters:

Councilperson Stewart moved to adjourn the meeting. Councilperson Jankowski seconded the motion. Mayor Williams adjourned the meeting at 8:15 pm.