

City Council Meeting
September 27, 2011

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

Also Present: City Clerk/Treasurer Michelle Richards, Police Sergeant Cory Hert, 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 Stewart moved to approve the Consent Agenda. Councilperson Jankowski seconded the motion. Discussion: Councilperson Palmer asked about Claim #15923 to Montana Legislative Services; he wonders why we need two copies of the new code. Mayor Williams explained one copy is for City Hall and the other copy for the Police Department. Motion carried with all in favor.

- a. Minutes of 9/13/11 Regular Meeting
- b. Claims Roster 9/23/11
- c. August Financial Report
- d. Journal Voucher No. 2011-09

Departmental Reports:

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

Mayor's Communications:

Mayor Williams reminded everyone of the Montana Coal Board meeting this Friday in Billings. The city has a grant application request for the fire truck. Councilperson Stewart and Fire Chief Reid will be representing the City at the meeting.

Mayor Williams stated as resolutions are adopted by the City Council, many times there are questions from employees. Mayor Williams explained that it his job as Mayor to carry out what the City Council has adopted and is the employees' job to follow and enforce those policies.

Councilperson Palmer asked about the current status of the union being formed by city employees. Mayor Williams has not received any notification that they are ready to begin negotiating a contract.

Public Comment and Participation:

Rick Harbin, on behalf of CPRD Kids and CPRD, thanked the City for the gift of the bus. Mr. Harbin presented a picture of the kids with the bus. Mr. Harbin also thanked the police department for their quick response to the vandalism recently on CPRD property.

Richard Burnett addressed the city's snowbird rate. Mr. Burnett owns several mobile homes that are abandoned and/or uninhabitable and are being charged the snowbird rate. He is also being billed for a trailer that he has partially torn down with a backhoe and left the rest on the frame. He doesn't consider these trailers residential structures since they are not livable. Since he isn't paying the bills on some of these properties, the water to his motel is going to be turned off tomorrow. He would like something done about it tonight.

Mr. Burnett also complained that his property manager can't get ahold of the City Judge. She won't return his telephone calls. He wonders if this is due to her new job in Forsyth.

Kenneth Stokes, 11 Sage Court, wondered if there will be a "Meet the Candidates" night prior to the city election. He thinks this is a good idea. Mayor Williams believes an organization is already planning this event on October 17th.

Unfinished Business:

Councilperson Stewart, member of the Public Works Committee, explained the recommendation from the committee to establish a "Senior Resident Snowbird Rate" for senior citizens who travel during the year yet pay the full water and sewer base rate. Attorney Ryder said he will prepare a resolution for adoption of the new rate if the City Council wishes to pursue this. Councilperson Stewart feels the age requirement should be stricken and offer the rate to anyone who meets the other qualifications. Councilperson Stewart was in favor of eliminating the reduced snowbird rate previously in place and still is, but is not opposed to this because it should not impact the water and sewer funds. Councilperson Stewart asked if a new resolution would void the previous resolution adopted in 2001 defining the term "snowbird". Attorney Ryder will reference the previous resolution and policy that it is still in effect. Councilperson Palmer mentioned that the name is Senior Resident Snowbird Rate because it is meant for people over age 60. Changing it could impact revenues and he recommends retaining the minimum age requirement. Other council members indicated they would like to retain the minimum age requirement. The Public Works Committee also discussed having a Public Hearing. Councilperson Stewart moved to have a Public Hearing regarding the adoption of a Senior Resident Snowbird Rate. Councilperson Palmer seconded the motion. Discussion: Councilperson Stewart feels it appropriate to have a Public Hearing due to the large turnout at the last public hearing regarding utility rate changes. It is important to minimize misunderstandings, inform the public, allow public review and comment and answer any questions that may arise. No objections or other comments were made. Motion carried with all in favor.

New Business:

Councilperson Palmer moved to approve Resolution No. 2011-R22, approving Budget Transfers for the 2010-2011 fiscal year. Councilperson Jankowski seconded the motion. No discussion. Motion carried with all in favor.

Police Sergeant Hert explained the request to purchase six new in-car video camera systems for the Police Department vehicles. Councilperson Stewart asked if the cameras had already been purchased. Sergeant Hert reported they have already been purchased by Police Chief Reinlasoder and received. Councilperson Palmer moved to approve the purchase of in-car video cameras for the police department from WatchGuard, Inc. Councilperson Becker seconded the motion. Discussion: Councilperson Palmer feels the cameras are needed and an important tool for the police officers to have but objected to the purchase being made prior to approval by the council. Councilperson Stewart stated he agrees they are a necessary tool for prosecution but to have been purchased without prior authorization from the City Council is in violation of the purchasing policy. He realizes it will be inconvenient to return them but due to the significant violation of the policy he will object to the motion. Councilperson Becker doesn't feel they need to be returned but disciplinary action is in order. Councilperson Palmer agreed with Councilperson Becker. Councilpersons Becker, Palmer and Jankowski voted in favor. Councilperson Stewart voted nay. Motion carried.

Councilperson Becker feels the Mayor should be treated the same as council and fill out a claim form and be reimbursed for actual expenses incurred instead of having a spending allowance. Councilperson Palmer agrees with Councilperson Becker and feels now is the time to do it and the next City Council can change it back if they would like to. Councilperson Stewart asked whether this is on the agenda for discussion or action. Attorney Ryder felt this should only be for discussion tonight since no information was available prior to the meeting. Councilperson Stewart stated comments from the public are that no change is necessary and feel it should be left alone. There is no solid basis to make this change and wonders if this proposal is based on personal disagreements. Councilperson Palmer doesn't agree that it's a personal issue. Councilperson Becker said there is nothing personal about it; he just feels everyone should do the same thing. Councilperson Stewart asked if there is any documentation of any misuse or problem with the current policy since it was instituted. Mayor Williams said there is not. Attorney Ryder offered to draft a resolution for council's consideration to be effective January 1, 2012.

Administrative Matters:

Councilperson Palmer feels the City Council should address Mr. Burnett's comments. Mayor Williams reminded everyone that there is a grievance process available and Mr. Burnett has already been given this information. Councilperson Palmer asked about holding off on turning the water off to Mr. Burnett's hotel. Mayor Williams said that can be done and advised Mr. Burnett that he needs to prepare and submit a written grievance request.

Councilperson Becker thinks the city should come up with an abandonment clause for trailers. Attorney Ryder wonders about a county-wide solution to deal with this type of situation, but does feel the landowner has a responsibility also. Mayor Williams commented that any costs borne by the city have to be paid by everyone else and impacts others.

Councilperson Becker asked about the request from the owner of *A Cheyenne Voice*. Mayor Williams explained the owner requested the council wait until the first meeting in October to consider the request.

Councilperson Becker commented on personal attacks at public meetings. For the remainder of his term he will not allow this to happen to him or any other council member. Attorney Ryder reminded any council member could have called for Point of Order. The city also has a policy regarding conduct at council meetings.

Adjournment:

Councilperson Stewart moved to adjourn the meeting. Councilperson Jankowski seconded the motion. Mayor Williams adjourned the meeting at 8:05 pm