

City Council Meeting December 13, 2011

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

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

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 Stewart asked about Claim #16172 for a computer for the police department; is this a replacement or an additional computer? Police Chief Reinlasoder responded this was a replacement for the single computer shared by the police officers. Councilperson Palmer asked about Claim #16154 for a \$332.00 light for the fire department. Fire Chief Reid explained this is a security light at the training center that needed replaced. Motion carried with all in favor.

- a. Minutes of 11/22/11 Regular Meeting
- b. Claims Roster 12/09/11
- c. November Financial Report

Departmental Reports:

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

Mayor's Communications:

An inspection report of the City Shop has been received from the Montana Safety & Health Bureau of the Department of Labor & Industry. Issues included in the report are the presence of asbestos and the facility is not structurally sound. Mayor Williams has responded to their letter. The state has not replied in writing yet but verbally indicated they still feel there is definitely an issue with asbestos. One of the items on the agenda tonight is to hire a structural engineer for a determination on the structural integrity of the building. The city has contacted Terracon to provide an estimate for the abatement of asbestos.

The city was notified yesterday by the Montana Department of Environmental Quality on the Administrative Order of Consent. Some of the timelines contained in the plan are not acceptable to them and have given the city 60 days to respond.

Public Comment and Participation:

Mike Esser asked about his daughter's sewer claim not being paid. Mayor Williams responded the city turns all claims over to Montana Municipal Interlocal Authority for determination of whether the city is liable or not. The City has no say in whether they accept liability on behalf of the city. Mayor Williams invited Mr. Esser to meet with him to further discuss this issue.

Kiersten Shahan addressed Richard Burnett's request to purchase property that her business is located on and they have a lease with the City for. In April when Mrs. Shahan addressed the City Council there was no indication the property was for sale and that the city would not continue leasing the property to them for their business. If the property is sold, Mrs. Shahan is concerned about customer's access to her business from both sides of the building. Mrs. Shahan also asked if the property is put up for sale, is it available to the public or exclusively for Mr. Burnett since she and her husband are interested in purchasing the property. Mrs. Shahan requested the City Council keep the issue tabled.

Janetta Dudley, 6820 Cimarron, is concerned about the possibility of selling the parking lot adjacent to City Hall. She feels City Hall already has limited parking and the City of Colstrip needs to consider the future and possible expansion of our community. Ms. Dudley asked the city not to sell any property it owns.

Lawretta Miller, 6912 Blackhawk Circle, does not understand why selling this property was even brought up. It is public property and should continue to be available for public use. Mrs. Miller asked why selling this property is even being considered. She does not think it is a good idea to sell the property.

Glenda Brabec, 3213 Appaloosa Drive, read a statement from both her and her husband. They oppose the sale of the parking lot next to City Hall. They have not seen any advertisement from the City for a public hearing regarding the sale of the property. There are state laws requiring public notice to be published in the newspaper. They have attended several meetings at City Hall and appreciate the off-street parking available.

Shanna White, 2566 Chisholm Drive, is opposed to the sale of the property to the south of City Hall. She has used the lot several times for parking and pointed out that the City expended funds for improvements to the property. She is not comfortable with a verbal commitment about the continued use of the property by the public if sold to a private entity.

Mary Kay Bullard, 609 Poplar Drive, commented that proper legal procedure needs to happen. So far this is happening very quickly without proper notice to the public as required by state law.

Unfinished Business:

Councilperson Palmer moved to remove from the table Richard Burnett's request to purchase city property. Councilperson Becker seconded the motion. Discussion: Councilperson Palmer noted that Mr. Burnett has provided additional information to the City Council. Mr. Burnett was not present at the council meeting when it was tabled but he is present at this meeting. Councilperson Stewart commented that the additional information provided is still not adequate. No public hearing has been held as required by state law and it would be awkward to enter into any agreement to sell the property prior to the public hearing. Since this is the last formal meeting of the year and a new administration

will be taking over, Councilperson Stewart suggested waiting and letting the new City Council deal with the issue. Councilperson Palmer's main issue is that another person inquired about purchasing city property earlier this year and the city obtained an appraisal for it. Attorney Ryder pointed out only an appraisal was done, no commitment was made by the City to sell the property. Councilperson Becker commented that the only issue tonight is whether or not to remove the issue from the table and the next council will decide what to do. Councilperson Becker also stated that during his term on the City Council, there has been a lot of talk about economic development. There is no land available to buy for economic development due to PPL. Mayor Williams reopened public comment. Kiersten Shahan pointed out to the City Council that there is already an established business on this property. Richard Burnett commented that he was the only bidder on the former Cherry Street Mall but the city decided not to sell the property. He stated he told the council then that he needed the property to expand his motel and there is no other property to develop in Colstrip. He stated it is ridiculous for anybody to say that the parking lot is needed by the city and he feels it never will be needed. Attorney Ryder recommended an appraisal be obtained to be fair and consistent with the other request to purchase city property. Councilperson Stewart feels obtaining an appraisal gives the perception the city is seriously considering selling the property and instead a public hearing needs to be held and resolution passed declaring the property as surplus prior to obtaining an appraisal. Mayor Williams commented a policy needs to be formally adopted by the City Council regarding the sale of city property. Councilpersons Palmer, Becker and Jankowski voted in favor. Councilperson Stewart voted nay. Motion carried.

Councilperson Stewart asked what the next step is. Attorney Ryder advised his legal opinion is that an appraisal needs to be done so the City knows what the property is worth before entering into any agreement to sell the property. Councilperson Jankowski commented his understanding for the reason to remove this issue from the table is to develop a policy. Councilperson Stewart responded this issue is particular to one person and one particular piece of property and has nothing to do with developing a policy.

Councilperson Palmer made a motion to put on the City Council's first meeting agenda in January to have an appraisal of the property Richard Burnett has requested to purchase. Councilperson Becker seconded the motion. Discussion: Councilperson Stewart asked if this City Council can bind the next Mayor and City Council to accept this. Attorney Ryder stated any decision made by this City Council is binding. Councilperson Palmer made a motion to amend his motion to put it on the agenda for the December 22, 2011 meeting. Councilperson Jankowski seconded the motion. Discussion: Councilperson Stewart noted that two council members will be absent from the next meeting so an issue of significant public interest will be decided by only two council members. Councilpersons Palmer and Becker voted in favor. Councilpersons Jankowski and Stewart voted against. Mayor Williams voted against to break the tie. Amendment failed. Councilpersons Becker, Jankowski and Palmer voted in favor of the main motion. Councilperson Stewart voted nay. Motion carried.

Councilperson Stewart moved to award the fire truck bid to Heiman Inc. in the amount of \$385,170.00. Councilperson Becker seconded. Motion carried with all in favor.

New Business:

Councilperson Stewart moved to approve amendment to Task Order No. 1 with Kadrmas, Lee and Jackson for additional engineering services for the Power Road Bridge Repair in the amount of \$7,900.

Councilperson Becker seconded the motion. Discussion: Councilperson Palmer asked what this was for. Public Works Director Bleth explained this was for the project engineer to spend additional time monitoring the project. Motion carried with all in favor.

Councilperson Becker moved to approve amendment to Task Order No. 3 with Kadrmas, Lee and Jackson for additional engineering services for the Wastewater Treatment Plant Discharge Permit Renewal in the amount of \$2,700. Councilperson Jankowski seconded the motion. No discussion. Motion carried with all in favor.

Councilperson Becker moved to approve amendment to Task Order No. 5 with Kadrmas, Lee and Jackson for structural engineering services on the City Shop in the amount of \$5,000. Councilperson Jankowski seconded the motion. Discussion: Councilperson Palmer objected since he did not receive a copy of the report and it should have been addressed during the budgeting process. No other comments were made. Motion carried with all in favor.

Councilperson Jankowski moved to approve amendment to Task Order No. 7 with Kadrmas, Lee and Jackson for additional engineering services for the Plum Court Drainage Project in the amount of \$6,600. Councilperson Becker seconded the motion. No discussion. Motion carried with all in favor.

Councilperson Stewart moved to authorize the purchase of a police department vehicle in the budgeted amount of \$36,500. Councilperson Jankowski seconded. Discussion: Councilperson Becker noted in the Chief's justification he mentioned the sale of the 2003 Ford Explorer; the value of the vehicle needs to be determined and brought back to the City Council prior to selling it. Mayor Williams confirmed that would be done as the City Council would have to declare the vehicle surplus prior to selling it. Motion carried with all in favor.

Administrative Matters:

Councilperson Palmer feels Mr. Esser's concerns on the sewer backup issue should be put on the next full City Council agenda. Mayor Williams explained this is not a city council issue since the city's liability insurer and risk management agency handles the claims.

Councilperson Palmer commented on Councilperson Stewart's article in "A Cheyenne Voice". Councilperson Palmer feels there are inaccuracies in it and is unprofessional. Councilperson Palmer feels at the very least Councilperson Stewart should receive risk management training. Councilperson Stewart responded his comments are all factual and his opinion. He did not request the publisher to put the title of "Colstrip Council President" nor intend to speak on behalf of the City Council. He has been providing information to the public for over a year. Councilperson Stewart invited anyone who has a concern or problem with his comments to let him know.

Mayor Williams will be closing City Hall on December 23rd and giving the city employees a paid day off, with City Council's permission. No objections were made by the City Council.

Adjournment:

Councilperson Jankowski moved to adjourn the meeting. Councilperson Becker seconded the motion. Mayor Williams adjourned the meeting at 8:54 pm.