

City Council Meeting March 13, 2012

Present: Mayor Rose Hanser, Councilpersons Tom Jankowski, John Williams, Evan Stewart and Lawretta Miller

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

Mayor Hanser 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. Motion carried with all in favor.

- a. Minutes of 2/28/12 Regular Meeting
- b. Claims Roster 3/7/12
- c. February Treasurer's Report

Departmental Reports:

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.

Mayor's Communications:

Mayor Hanser reported the Personnel Committee met prior to the City Council meeting and agreed that an update needs to be made to the Employee Policies and Procedures Manual.

Public Comment and Participation:

Jim Atchison, Southeastern Montana Development Corporation, reported the Environmental Protection Agency approved the City Shop Building as eligible to apply for a \$10,000 Brownfield Grant for asbestos abatement. The grant has a 20% match requirement.

Mayor Hanser opened the Variance Request Hearing for 2466 Chisholm at 7:26 p.m. Building/Planning Official Morgan introduced the request and explained the request is for a 1408 square foot garage that would exceed the 1200 square foot size limitation in the R-1 Residential District. Tony Goyette, 2466 Chisholm Drive, stated that in addition to Building/Planning Official Morgan's comments that his request is to allow off-street parking instead of parking personal and recreational vehicles on the street or in public view and to house a furnace room for both the house and garage. He will still be able to meet all of the setback requirements. Councilperson Stewart asked Mr. Goyette what kind of recreational vehicles he has. Mr. Goyette explained he has a boat and cars for bump-n-run races. No objections to the variance request were received. Mayor Hanser closed the Variance Hearing at 7:32 p.m.

New Business:

Councilperson Jankowski moved to approve the Variance Request for 2466 Chisholm Drive for a garage to exceed the 1200 square foot limitation. Councilperson Miller seconded the motion. Discussion: Councilperson Jankowski commented that the setbacks would still be met with the larger garage and similar requests have been approved in the same area. Councilperson Williams explained the city went through a lot of expense and time in developing its building and zoning codes and there was a lot of public involvement in the process. Prior to the incorporation of the city, residents were concerned about overcrowding, property values and safety of our residents and these concerns were a large factor in the decision to incorporate. Allowing exceptions lessens the integrity of the codes and the intention of those codes. For those reasons he cannot support the granting of this request. Councilperson Miller went to the property and looked at the home and stated there would not be an issue with overcrowding or safety of the neighbors due to the way the house is positioned. She doesn't feel this would create a hazard or an eyesore. Councilperson Stewart commented this is a hard decision for him; he does understand wanting to house the vehicles inside and not have them parked along the street. He feels it is a reasonable request but a hardship has not been shown, which is part of the requirement for granting variances, and he cannot support it due to the rules in place. Councilperson Jankowski pointed out the increase is only 8.5% over the code limitation and other variances previously approved were more than that. Councilpersons Williams and Stewart voted nay. Councilpersons Miller and Jankowski voted in favor. Mayor Hanser voted in favor. Motion carried.

No bids were received for the Early Warning Siren System. Police Chief Reinlasoder reported he was contacted last week by a vendor but does not know why they did not submit a bid. The bid invitation will be re-advertised.

Councilperson Stewart moved to approve Resolution No. 2012-R07, approving budget transfers for the 2011-2012 fiscal year. Councilperson Jankowski seconded the motion. Discussion: Councilperson Stewart commented that this is in-line with the union contract changes and the equipment previously approved for purchase by the City Council. No other comments or objections were made. Motion carried with all in favor.

Councilperson Jankowski moved to approve Resolution 2012-R08, declaring surplus equipment. Councilperson Stewart seconded the motion. Discussion: Councilperson Jankowski stated the items are either no longer needed or are no longer operable. No other comments or objections were made. Motion carried with all in favor.

Councilperson Stewart moved to approve Resolution 2012-R09, adopting an updated and restated Flexible Benefits Plan Document. Councilperson Jankowski seconded the motion. Discussion: Councilperson Stewart stated the flexible benefits provided to the employees stay the same and this only updates the city's plan to conform with IRS regulations. No other comments or objections were made. Motion carried with all in favor.

Councilperson Williams moved to give Mayor Hanser the authority to have the Employee Policy and Procedures Manual updated, including the procurement of outside resources. Councilperson Jankowski seconded the motion. Discussion: Councilperson Williams stated the Personnel Committee is recommending the update and we also need to recognize the two employee bargaining

groups that were recently formed. No other comments or objections were made. Motion carried with all in favor.

Councilperson Jankowski moved to approve the Amendment to Engineering Task Order #5/City Shop with Kadrmas, Lee and Jackson. Councilperson Stewart seconded the motion. Discussion: Councilperson Stewart asked if this is for work already completed. Public Works Director Bleth explained this is an amendment to the original task order and is for additional work that needs to be done; work approved in the original task order has already been completed. Councilperson Williams clarified this amendment is for an additional \$91,110. Motion carried with all in favor.

Mayor Hanser requested to waive the reading of Ordinance 2012-01 and asked for a motion. Councilperson Stewart moved to approve the first reading of Ordinance 2012-01, to Reconstitute the Police Commission. Councilperson Miller seconded the motion. Discussion: Councilperson Stewart stated this is in line with state statute regarding the terms of police commissioners and needs to be done. No other comments or objections were made. Motion carried with all in favor.

Mayor Hanser requested waiving the reading of Ordinance 2012-02 and asked for a motion. Councilperson Stewart moved to approve the first reading of Ordinance 2012-02, establishing the procedure of veto by the Mayor. Councilperson Miller seconded the motion. Discussion: Councilperson Stewart commented the City Charter authorizes the Veto Power and state statute requires 2/3 majority to override a veto and this ordinance requires three of the four council members to override so it is not in conflict with state statute. No other comments or objections were made. Motion carried with all in favor.

Councilperson Stewart moved to approve a part-time Court Clerk position as requested by the City Judge. Councilperson Jankowski seconded the motion. Discussion: City Judge Beckham addressed the City Council and explained she would like a part-time clerk for 10-12 hours per week and recommends an hourly rate of \$11.00-\$13.00 per hour. She would like a clerk a minimum of 4 hours on both Tuesdays and Thursdays and, if possible, additional hours for court hearings and jury trials. Councilperson Jankowski asked if the City Employee Union Representative had been contacted since it was discussed during contract negotiations that if a Court Clerk was hired, the City Judge position would not be included in the union. Judge Beckham stated she would be exempt from being a part of the union if a clerk is hired since she would be the supervisor. Councilperson Williams asked if the Judge would work less hours if a clerk is hired. Judge Beckham responded she probably would not work less hours due to the backlog and she would probably continue working the same amount of hours due to her case load. Councilperson Williams asked if this is for consideration for the new budget and if not, where would the money come from to fund this position for the remainder of this fiscal year. Judge Beckham said she has money in her Jury Trial budget that will probably not be used. Councilperson Williams made a motion to amend to hire a temporary part-time clerk to help the City Judge get caught up with her caseload with the understanding that if it is prudent to continue with the position it would be addressed at budget time through the budget process to decide whether to change it to a permanent part-time position. Councilperson Jankowski seconded the motion. Amendment carried with all in favor. Main motion as amended carried with all in favor.

Adjournment:

Mayor Hanser adjourned the meeting at 8:23 pm.

Michelle Richards, City Clerk