

**CITY OF FORSYTH
REGULAR MEETING MINUTES OF JANUARY 13, 2020
STATE OF MONTANA**

Mayor Dennis Kopitzke called the meeting to order at 7:00 p.m.; officials in attendance were; Council Members Chris Purkett, Carole Raymond, Ethan Bell, and John Hill, Clerk – Treasurer Doris Pinkerton, Public Works Director Richard Thompson, Water Wastewater Director Pat Zent, Pool Manager Jason Forberg, and Sergeant Josh Jonas and Attorney Weldon. Unable to attend was Building Inspector Ron Ball.

PUBLIC COMMENT: Mayor Kopitzke asked if there was anyone present from the public that wish to comment on items not on the agenda. There will be no discussion of personnel. The Council will take no formal action at this point in the agenda.

Mayor Kopitzke wanted to make a comment prior to hearing public comment, he apologized to the City Council for the last meeting. He said he was caught flat footed, unaware that there was a group of people coming, did not have a clue, that a group was coming to the meeting, no one had the courtesy to let us know, which is fine. No one had the courtesy to give notice they were coming. In the six(6) years he has been here we have tried to answer every question that was asked during public comment that people have raised, some could be answered, some could not. There has been an honest attempt to answer every question that has been raised for six (6) years without fail. The last meeting was a good example of where we failed, didn't work. He apologized because he was not prepared, he will not be caught flat footed again, there were times when questions could not be answered, did not have answers, there were no documents, no notes, didn't have a chance to provide answers to questions, a lot of questions went unanswered. He went back and read a lot of literature on meetings and he will follow best practices, if you have a comment, make your comment, he will not ask any questions, he will make no comments, if the council want to ask questions they can, he will not interrupt, it means exactly that, public comment, you will have your chance three (3) to five (5) minutes to make your public comment. If you have questions he will and the council will answer every question, but the question needs to be in writing, he is not going to take oral questions anymore, there will not be any confusion, about his answers or what the council is going to answer. If anyone has a question, put it in writing, put it on the table tonight, or drop it off tomorrow or any other day of the week, put it in his basket, he will make every reasonable attempt to answer any questions in a reasonable time. If there are questions tonight you will have an answer before the end of the week or certainly before the next meeting. He is not going through what happened at the last meeting, it was an embarrassment; he apologized to community members and council, a lot of questions did not get answered, filthy language, he tolerated it, not a productive meeting, a lot of you are here tonight, he hopes you get on Facebook, he would appreciate it, and pass the word.

He then opened the meeting up for public comment, he asked that the people come forward to the podium. Mr. Craig Steinbach said he is having difficulty with people blocking his driveway when they are at the dentist office. He wondered what recourse he has, what can he do? Sergeant Jonas told him he is welcome to call the Sheriff's office.

Mr. Claude Krueger said in the minutes of the last meeting his wife Nina said number of days; not as the minutes stated. He said there is a "no U turn sign" on Tenth Avenue that has been there for quite some time, they are of no use. He explained that cars will make a U turn using his boulevard and sometimes going onto Arvin Posts property. He has paid for the sidewalk out of his own pocket, improved the city's boulevard, and people make a U-turn to get to the Post Office. He also had an issue with the snow removal at the Senior Citizens Center, snow is piled up; people parallel park, and no one shovels the sidewalk. He also felt the publication in the paper was not well stated and that the people at the last meeting didn't know and it caused animosity; they thought they were going to have a say in whether the code was changing from criminal to civil. Mayor Kopitzke said that he will respond in writing to the issues that Mrs. Krueger has on the citizen issue form. Mr. Krueger asked if there was a committee that goes and looks at properties in violation, Mayor Kopitzke said there is no committee to go out and look at every junk vehicle or piece of property. Mr. Krueger asked what it takes to change the city code, Mayor Kopitzke responded that anyone can get the code book, find the code, get the wording and rewrite it, suggest how it should read and bring it to the city, the city will look at it, and if reasonable it will be given to the City Attorney to look at. The information would be reviewed, if needed put in the proper form, then just as this process is, it would go through the public hearing process, advertised so the public could comment, if any changes were suggested, there may be changes, it would go through the first public hearing, it could be approved on first reading, advertised again and a second public hearing would be held; the hearing is held as the first one, anyone has a chance to suggest changes, if everything is what is wanted then it could be approved on second reading. Then thirty days after that, which is still a time when the public can come forward with suggestions or changes, if no changes then it could become part of city code. After the thirty days, it is sent to the codifiers, they review the information, and then it is codified and put into City Code.

Council Member Purkett said it is defined by public feedback, if (for instance) one (1) or two (2) people want something doesn't necessarily mean that it will happen.
Mayor Kopitzke asked if anyone else had any other comments, on items on or not on the agenda, none were heard.

PUBLIC HEARING(S):

Mayor Kopitzke recessed the regular meeting at 7:18 p.m. and opened the public hearing for Ordinance No. 02 - 2019 which amends the City Code as follows, noting this is the second reading for the Ordinance.

- Title 3-2-2 Tree Board – Term of Office
- Title 7-3-2 Animal Control – Running at Large
- Title 7-6-8 Vehicles on Private Property – Violation and Penalty
- Title 9-5-6 Motor Vehicles and Safety – Parking Regulations
- Title 10-0-1 Water and Sewer Violations

He explained the basic changes are to change the violations from misdemeanor to municipal infractions. He asked if anyone had any questions, later on the agenda the council will vote on the second reading, and if passed the code will go into effect in thirty days. Someone asked what the penalty is, Attorney Weldon responded that the first fine for a municipal infraction would be a certain amount; he thought \$25.00; after that it would be up to the City Judge to determine. Mrs. Pearl Hein asked if that is for private property, she wants to know what the fine would be for the stuff on her private property. Mayor Kopitzke said he has not issued a ticket to her or Hein Repair, all he has done in six years is to ask them to clean up their areas, the letters are respectful, but to the point, following city code, he respects their personal property, he has not issued one citation. Mrs. Pearl Hein asked if Mayor Kopitzke was trying to run them out of Forsyth, he responded with losing Units 1 and 2 from Colstrip, he said everything you read is to clean up property to encourage business. He would be happy to provide copies of the letters he has sent, excluding the properties that the Attorneys are working on, he has just ask to have the areas cleaned up. Mrs. Hein asked what would be done if she could not pay here fines, Mayor Kopitzke said it would go to court. After hearing the comments, and asking if anyone had anything else to say, Mayor Kopitzke recessed the hearing at 7:27 p.m.

Mayor Kopitzke opened the public hearing to solicit comments regarding the submission of a grant application to the Montana Coal Board for a high efficiency boiler for the pool and to determine if the grant application qualifies for a Categorical Exclusion to an Environmental Review and Assessment as there is no impact to the environment, hearing no comments he closed the hearing at 7:28 p.m. He explained this is an agenda item for council consideration later in the meeting.

REVIEW – REVISE AGENDA: Mayor Kopitzke said he has two (2) items to include on the agenda, under Citizens Section B. New Business, 2.; a request from the Lariat Bar and Item 3 a request from the Iron Horse Saloon for open container permits for January 24, 25 and 26 for a 900 Block Dart Tournament.

CONSENT AGENDA

Mayor Kopitzke presented the consent agenda for approval:

Council Member Purkett made a motion to approve the consent agenda, which included claim numbers 20908- 20948 in the amount of \$33,347.01; and check numbers 19767 – 19813 in the amount of \$179,582.23 for prior approved claims. The motion to approve the consent agenda was seconded by Council Member Raymond.

Mayor Kopitzke asked the written letter received from Ms. Nancy May be included into public record, and also Mr. Krueger's correction noted in the Public Comment portion of the meeting.

Council Member Purkett amended his motion to include the letter and correction, the amendment was seconded by Council Member Raymond. City Clerk Pinkerton called roll; the motion carried 4-0.

CITIZENS

Unfinished Business: None

New Business: Mr. and Mrs. Bob Beals – 235 N. 6th Avenue – Cedar Street Drainage: Mayor Kopitzke noted that Mr. and Mrs. Beals were present to address the City Council on drainage on Cedar Street. They explained that they have water issues in their finished basement, they use sump pumps to drain the water. They feel that surface water has increased, and feel that the French Drain has silted in and could be the problem. Public Works Director Thompson said he would like to try to vacuum and pump out the French Drain with the Vac Truck as much silt as possible to see if that would help, try to get down to where it was in the beginning. The truck the Water Wastewater Department has, will pull out a lot of material. Mr. Beals wondered if it would be of benefit to do a community survey to find out if other citizens are getting water issues. Mayor Kopitzke said to try the plan that Richard has suggested and then determine if a survey would be appropriate.

Lariat Bar Request for an Open Container Permit for January 24th at 5:00 p.m. to 1:30 a.m.; January 25th from 9:00 a.m. to 1:30 a.m. and January 26th from 10:00 a.m. to 10:00 p.m. for a Dart Tournament. Mayor Kopitzke presented the permit for consideration.

Council Member Raymond made a motion to approve the permit, the motion was seconded by Council Member Purkett. City Clerk Pinkerton called roll; the motion carried 4-0.

Iron Horse Saloon request for an Open Container Permit for January 24th through January 26th for the same dart tournament. Mayor Kopitzke presented the permit for consideration.

Council Member Raymond made a motion to approve the permit, the motion was seconded by Council Member Purkett, City Clerk Pinkerton called roll; the motion carried 4-0.

OLD BUSINESS

Levee (Dike) Update: Public Works Director Richard Thompson said he had nothing new to report.

Ordinance No. 02-2019 – Amending Title 3-2-2, Title 7-3-2 & 7-6-8; Title 9-5-6; and Title 10-0-1 – Second and Final Reading:

Mayor Kopitzke presented Ordinance No. 02-2019; noting this is the second reading for City Council consideration.

Council Member Purkett made a motion to approve the second reading of Ordinance No. 02-2019, the motion was seconded by Council Member Raymond.

Mayor Kopitzke asked for public comments, hearing none he asked City Clerk Pinkerton to call roll.

City Clerk Pinkerton called roll; the motion carried 4-0.

NEW BUSINESS

Resolution No. 2020-R01 Adopt the 2018 International Residential Code: Mayor Kopitzke read Resolution No. 2020-R01, which is adopted by the Department of Labor and Industry, then the certified community must adopt, for council consideration.

Council Member Bell made a motion to approve Resolution No. 2020-R01, the motion was seconded by Council Member Raymond. Mayor Kopitzke asked for comments, hearing none, he asked City Clerk Pinkerton call roll; the motion carried 4-0.

Resolution No. 2020-R02 Riverview Villa Insurance Coverage: Mayor Kopitzke presented Resolution No. 2020-R02 the Resolution if approved would include the Riverview Villa property on the city's insurance.

Council Member Raymond made a motion to approve the Resolution, the motion was seconded by Council Member Purkett.

Mayor Kopitzke asked for discussion and Mr. Martelle, Forsyth Development Foundation Chairman was present, he explained that when the renewal was received for the River View Villa property that the premium cost almost doubled and the deductible left the property without adequate coverage. The property is owned by the city, and the Foundation Board felt that they need to cover the city's interest. He contacted insurance agencies in Forsyth and Milledgeville, and has not received any responses. So the question was posed to City Clerk Pinkerton to inquire about coverage under the city, she has contacted Montana Municipal Interlocal Authority (MMIA) and they are willing to include the Villa, thus resulting in the Resolution being posed to the City Council. Council Member Purkett had asked City Clerk Pinkerton earlier about claims effecting the city's policy, if there was a coverage issue with the Foundation Board, and he felt he had his questions answered. City Clerk Pinkerton noted the city belongs to a pool of cities and towns and everyone share in the good and the bad, but resulting in better coverage at better cost.

With no other discussion, Mayor Kopitzke asked City Clerk Pinkerton to call roll; the motion carried 4-0.

Coal Board Application Pool Boiler Replacement – Resolution No. 2020-R03 Environmental Assessment Determination:

Mayor Kopitzke presented Resolution No. 2020-R03, for council consideration. This is a process that is required when applying for a Coal Board Grant. Council Member Purkett noted there was a mistake in the resolution.

Council Member Purkett made a motion to approve the Resolution with the correction, the motion was seconded by Council Member Bell. City Clerk Pinkerton called roll; the motion carried 4-0.

Garbage Truck Replacement Review Bid(s): Mayor Kopitzke noted there was one (1) bid received from Kois Brothers Equipment Company in the amount of \$215,424.75. He explained that the specifications will be reviewed by Public Works Director Richard Thompson and he will have a recommendation. Richard said he may request a telephone poll vote of the council if the bid is in order.

Committee Appointments: Mayor Kopitzke said that he had provided a list of the 2020 committee assignments and wondered if everyone was satisfied with those.

Council Member Purkett made a motion to accept the committee appointments, the motion was seconded by Council Member Bell. City Clerk Pinkerton called roll; the motion carried 4-0.

Council President: Mayor Kopitzke noted that the City Council would need to elect a Council President for 2020. Council Member Purkett nominated Council Member Raymond as Council President, the motion was seconded by Council Member Bell. City Clerk Pinkerton called roll; the motion carried 4-0.

Clerk/Treasurer Appointment: Mayor Kopitzke made a recommendation to appoint Mrs. Doris Pinkerton to continue as Clerk/Treasurer.

Council Member Raymond made a motion to accept the recommendation to appoint Mrs. Doris Pinkerton as Clerk/Treasurer, the motion was seconded by Council Member Purkett. City Clerk Pinkerton called roll; the motion carried 4-0.

Video/Recording Equipment: Mayor Kopitzke noted Council Member Purkett suggested the city look into getting video recording equipment for City Hall. Council Member Purkett said there are several options to consider and will provide contact information.

REPORTS: Mayor Kopitzke presented his report, other reports were provided by City Clerk/Treasurer Pinkerton, Public Works Director Thompson, Water Wastewater Director Zent, Pool Manager Forberg, Judge Busch and Sheriff's department.

COUNCIL COMMITTEES/COMMISSIONS: None

NEXT MEETING DATE: January 27, 2020

Public Comment: Mayor Kopitzke asked for public comment after each topic, if comments are made; those comments are recorded as part of the official minutes.

Agenda Items for the Next Meeting: Returning to the Agenda is Levee, Garbage Truck Bid, and Coal Board Application

With no other business to discuss, Mayor Kopitzke adjourned the meeting at 8:09 p.m.

Mayor Dennis Kopitzke

City Clerk Doris Pinkerton