

**City of Choteau**  
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OFFICIAL MINUTES OF THE OCTOBER 4, 2016 MEETING  
OF THE CITY COUNCIL

Present were Mayor Jack Conatser, Council Member Dan Lannen, Council Member Stewart Merja, Council Member Jill Owen and Council Member Rose Crawford.

Staff present was Deputy Clerk Mary Corey and Public Works Director Mike Maples. Finance Officer Jodi Rogers was excused.

Citizens present were Melody Martinsen of the Choteau Acantha, Kevin Johnson & Jim Patterson of DOWL and Rich Lusky.

CALL TO ORDER

Mayor Conatser called the meeting to order at 7:00 p.m.

APPROVAL OF THE MINUTES

A motion to approve the minutes of the September 20, 2016 meeting was made by Council Member Lannen, seconded by Council Member Crawford. The motion passed with all in attendance voting aye.

REQUESTS TO BE OUT OF STATE

None

UNFINISHED BUSINESS

WASTEWATER TREATMENT PLANT UPDATE

Jim Patterson reported that Williams Brother Construction has completed areas B & C. The pay request covers work completed on the overflow and sludge ponds, pump building, headwaters building, electrical work and covers for the clarifiers. There are quite a few subcontractors working on heating and cooling, plumbing and hanging cement fiberboard. He reported that they are 81 percent complete on money spent and 87 percent for time.

Kevin Johnson reported that the contractor made a mistake on the project. They submerged five pumps in the pump building. The manufacturer has indicated to DOWL that they cannot provide the required manufacturer's warranty for those pumps, knowing they have been submerged. They also will not authorize a startup on those pumps, which is also a requirement of the contract for a manufacture authorized representative to be there when they start the pumps.

Mr. Johnson further reported that to date, two letters have been sent to Williams Brother Construction, specifically stating that the pumps cannot be accepted until the manufacturer is able to restore the warranty. The manufacturer has stated that they want the pumps back in their shop in Salt Lake City before they can do what they need to in order to be able to provide the warranty and certification as new. There are no other options that he is aware of. He explained that the contractor has been working with a pump vendor doing some kind of testing on them. Mr. Johnson stated that they can do all the testing they want but we will require a warranty from the manufacturer. He suggests the city needs to address this as soon as possible. The city's leverage is to withhold payment and he feels legal counsel needs to be involved.

Council Member Merja asked how long the pumps would need to be gone? Mr. Johnson replied that he does not know. They will need to be taken apart and dried.

Mayor Conatser stated that he spoke with Public Works Director Maples and our City Attorney. She is in the process of drafting a letter to Williams Brother Construction letting them know the city will not accept the pumps until they are certified by the manufacturer with a full warranty.

Rich Lusky asked where the water came from. Mr. Patterson replied that Williams Brother Construction was testing the oxidation ditch and a valve did not get closed all the way allowing the water to submerge the pumps.

## NEW BUSINESS

### VOTE ON PAY REQUEST #14 - WILLIAMS BROTHER CONSTRUCTION

A motion to approve Pay Request No. 14 in the amount of \$555,514.36 was made by Council Member Merja, seconded by Council Member Lannen. The motion passed with all in attendance voting aye.

### VOTE TO APPROVE DESTRUCTION OF RECORDS PER STATE RETENTION SCHEDULE

Deputy Clerk Corey explained that the State of Montana has a records retention schedule for all municipal records. It used to be we would send destruction requests to the state for permission to

destroy common records. The state has changed that requirement and has given the authority to local governments. In the council packet is a list of records that are scheduled to be destroyed.

Mayor Conatser stated that shortly after he became mayor, another mayor put on the listserv that there were all kinds of boxes with records in them and he just got rid of them, much to the chagrin of everyone on the listserv. Deputy Clerk Corey replied that all records are required to be inventoried. Common records need only be kept for 5 years then can be destroyed, other records have longer retention and some are permanent.

A motion to approve the request was made by Council Member Owen, seconded by Council Member Crawford. The motion passed with all in attendance voting aye.

#### SPEED LIMIT SIGNS FOR SCHOOL ZONE

Mayor Conatser explained that the city, schools and Sheriff's Office have been receiving complaints about speeding in the school zones. Sheriff VanSetten found a grant that will cover \$4,000 of the cost of two flashing speed limit signs. The school and city would like to split the rest of the cost. They will be stationary signs. He hopes that the signs will deter speeding in that area and prevent a tragedy.

Council Member Owen asked if anyone looked into the cost of mobile signs in case they were needed elsewhere. Deputy Clerk Corey replied that the cost would be twice as much.

A motion to proceed with the signs for the school was made by Council Member Lannen, seconded by Council Member Owen. The motion passed with all in attendance voting aye.

#### CLAIMS

A motion to pay the claims for September in the amount of \$637,797.70 was made by Council Member Owen, seconded by Council Member Crawford. The motion passed with all in attendance voting aye.

#### PUBLIC WORKS DIRECTOR'S REPORT

Public Works Director Maples reported that the crew has been busy patching potholes, tidying up the gravel pit, finished the driveway approaches on 5<sup>th</sup> Avenue NE, graded alleys, worked on the shop improvement project, prepared for leaf pickup and picked up branches. He explained that there will be an ad in the paper showing residents where to rake their leaves to and not to rake them into the gutters. He has also decided not to hire a seasonal person for the leaf pickup. He will shuffle crew members to help Greg Crabtree.

Public Works Director Maples stated that he sent the Opencut Mining Permit to the DEQ. He also spent a few days in Bozeman attending the Water and Wastewater Conference. He stated that we are down to approximately a 6% water loss per month.

Council Member Owen stated that she had someone come in and tell her the recycling bins were full. Public Works Director Maples replied that it has been taken care of.

#### FINANCE OFFICER'S REPORT

Mayor Conatser reported that Finance Officer Rogers is at the League of Cities and Towns Conference in Missoula. He reported that she has been coordinating the loan closing.

#### MAYOR AND COUNCIL REPORTS

Council Member Lannen stated that he will be leaving for the League of Cities and Towns Conference in Missoula tomorrow.

#### ZONING PERMIT REPORT FOR AUGUST 2016

Name	Address	Description
Lila & Terry Dunn	209 9 <sup>th</sup> Avenue SW	Fence
C. James Smith Post	33 1 <sup>st</sup> Street NW	Remodel Bathroom

#### PUBLIC COMMENT

None

#### ADJOURNMENT

A motion to adjourn the meeting at 7:34 p.m. was made by Council Member Merja, seconded by Council Member Lannen. The motion passed with all in attendance voting aye.

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John W. Conatser, Mayor

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Mary E. Corey, Deputy Clerk