

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

REGULAR COUNCIL MEETING February 24, 2015 7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 24, 2015, in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor Grenz called the meeting to order. Council Members present were Roxanna Brush, Sheena Martin, Dwayne Andrews, Mark Ahner, Ken Gardner, Jerry Partridge and John Hollowell. Susanne Galbraith was excused.

Also present were City Attorney Dan Rice, City Clerk Lorrie Pearce, Public Works Director Scott Gray, Public Utilities Director Al Kelm, Interim Fire Chief Cameron Duffin, Grant Administrator /Historic Preservation Officer Connie Muggli, Flood Plain Administrator Samantha Malenovsky, Planner-in-Training Dawn Colton and Deputy City Clerk/Minute Recorder Connie Watts.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 2/10/2015

****** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of February 10, 2015, seconded by Councilperson Brush and **passed** unanimously, 7-0.*

Finance Committee Meeting: 2/5/15

Finance Committee Meeting February 5, 2015

The Finance Committee met Thursday, February 5th, 2015, at 12:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson Susanne Galbraith and Committee Members John Hollowell, Dwayne Andrews and Sheena Martin.

Also present was Interim Fire Chief Cameron Duffin, Police Chief Doug Colombik, City Clerk Lorrie Pearce, Public Utilities Director Al Kelm, Mayor C.A. Grenz and Committee Recorder/HR/Payroll Officer Billie Burkhalter.

Committee Member Galbraith called the meeting to order.

1. REQUEST OF CITIZENS:

-None.

2. REVIEW AND MAKE RECOMMENDATION ON AMBULANCE BILL COLLECTION POLICY:

Chief Duffin presented an Ambulance Bill Collection Policy to the Committee. He explained that at the last Finance Committee meeting it was requested that he update the policy to reflect a minimum monthly payment of \$25.00 for any customer who cannot pay the bill in full. The City's ambulance billing agency, Solestone, also has this requirement.

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Committee Member Andrews suggested the following corrections to the presented policy:

- Under Ambulance Bill Collection Policy:
 - ✓ #3. Delete " patient" Add: "to the patients phone number"
 - ✓ #4. Add "certified"
- Under Private Pay:
 - ✓ #3. Add "throughout the daytime hours"
- Under Medicare/Medicaid:
 - ✓ #3. Add "requiring a 30 day payment"
 - ✓ #7 Delete "DCI Credit Services Inc." Add: "collection service"
- Under Payments:
 - ✓ #1. Delete "Solestone" Add: "the billing agency"

The Committee requested Chief Duffin make these changes to the policy and bring it back to the Finance Committee for its review.

3. REVIEW AND MAKE RECOMMENDATION ON PARK USE POLICY:

City Clerk Pearce explained that there is currently not a specific policy on the use of parks in the City, as everything that deals with the parks has already been passed by the City Council through Ordinance. The presented information on park use could be used more as a guideline.

City Clerk Pearce requested the Committee to not make any recommendations at this time. She explained that, due to the complexity of this issue, she would request that two members from the Finance Committee, Director Gray and herself work on the guidelines and bring back to the Committee when they are completed.

Chairperson Galbraith stated that the current fees to reserve the park are \$10, and to obtain an Alcohol Variance is \$25. She was informed by Parks Foreman Stone that these fees do not cover the park employees' time cleaning up after the groups or events have taken place. She would suggest the fees be increased to \$25 for a park reservation and \$50 for an Alcohol Variance.

Director Kelm disagreed with the proposed increases. He explained that the \$10 park reservation fee does not go towards park employees' wages but is just to reserve a specific area in the parks. He feels that people have already paid for the parks through their taxes and it would be like charging them twice. He further stated a fee of \$50 for an Alcohol Variance is excessive, as it is already required to obtain a million dollar insurance policy, which costs over a \$100. He believes with these increases it would discourage people from using the parks.

City Clerk Pearce stated she had researched other cities and towns for what their charges and procedures are for park use. She explained that most other places do charge \$25 for a park reservation or user fee that is non-refundable. There also are many places that charged a refundable deposit fee for clean-up.

Committee Member Martin agreed with the proposed increases. She further stated that charging \$50 for an Alcohol Variance would set precedence for responsibility. Chairperson Galbraith agreed.

Committee Member Hollowell stated that he would agree to a refundable cleaning deposit, but did not favor any increases to the park reservation or Alcohol Variance.

Committee Member Hollowell will meet with Public Works Director Gray and City Clerk Pearce to develop a more in depth guideline for park use.

4. REVIEW AND MAKE RECOMMENDATION ON CREDIT CARD POLICY:

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Chairperson Galbraith explained that the way the credit card policy is now, employees are not allowed to place business related hotel expenses on credit cards. A travel advance form needs to be filled out prior to the employee leaving and then they are given a check for the hotel expense.

Director Kelm stated he would recommend changing the policy to allow hotel expenses be placed on the credit card. He explained the hotel industry has changed a lot since this policy was originally adopted. Now, to make a hotel reservation, there has to be either a credit card on file or a cash deposit ranging anywhere from \$50 to \$100. This requires the employee to use their credit card or cash while they are away on City business. He explained being able to use the City credit card would simplify the process and make it easier on the traveling employee.

Committee Member Andrews suggested the following corrections to the presented policy:

- Under E. Reconciliation and Payment:
 - ✓ Delete in the third sentence "finance office" Add: "City Clerk's office"

****** *Committee Member Hollowell moved to recommend to City Council to approve the presented Purchasing Cardholder Policy, with corrections. The motion was seconded by Committee Member Galbraith and, on roll call vote, motion passed unanimously 4-0.*

5. REVIEW CELLULAR PHONE POLICY:

City Clerk Pearce explained that currently the City does not have a cell phone policy. In reviewing how employees are reimbursed for the use of their personal cell phones, she noted that there are major inconsistencies.

City Clerk Pearce requested that a committee be formed consisting of two people from the Finance Committee and two employees who could meet and work on a policy. Director Kelm and City Clerk Pearce will work on the information to present to the Committee at a later date.

6. CLAIMS REVIEW SCHEDULE:

Committee Member Andrews:	1 st Quarter (January – March)
Committee Member Martin:	2 nd Quarter (April - June)
Chairperson Galbraith:	3 rd Quarter (July – September)
Committee Member Hollowell:	4 th Quarter (October-December)

7. ADJOURNMENT

****** *Committee Member Hollowell moved to adjourn the meeting, seconded by Committee Member Andrews and passed unanimously, 4-0.*

The meeting was adjourned at 1:10 p.m.

****** *Councilperson Hollowell moved to approve the minutes of the Finance Committee Meeting of February 10, 2015, seconded by Councilperson Brush and passed unanimously, 7-0.*

Human Resources Committee: 2/11/15

Human Resources Committee February 11, 2015

The **Human Resources Committee** met Wednesday, February 11, 2015, at 6:00 p.m. in the Conference Room at City Hall. Present were Committee Members Roxanna Brush, Sheena Martin and Ken

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Gardner. Committee Member Mark Ahner was excused. Also present was HR/Payroll Officer /Committee Recorder Billie Burkhalter.

1. ELECTION OF CHAIRPERSON:

****** *Committee Member Gardner moved to nominate Committee Member Roxanna Brush for Chairperson of the Human Resources Committee. The motion was seconded by Committee Member Martin.*

After hearing no further nominations:

****** *Motion then passed unanimously.*

2. REVIEW BENEFITS/COMPENSATION OF ELECTED OFFICIALS:

Chairperson Brush stated that compensation and benefits for elected officials has not been reviewed in almost ten years. She would like the Committee to address this issue prior to the upcoming fiscal year budget meetings.

The Committee decided that, in conjunction with the Human Resource Officer they would research how other Cities and Towns compensate their elected officials along and with what benefits are received. This will be addressed at the next scheduled meeting.

3. REQUEST OF CITIZENS:

-None.

4. COMMITTEE MEMBER COMMENTS:

-None.

5. ADJOURNMENT:

The next Human Resource Committee meeting is scheduled for February 25, 2015, at 6:00 p.m.

****** *Committee Member Gardner moved to adjourn the meeting. The motion was seconded by Committee Member Martin and passed.*

The meeting was adjourned at 6:10 p.m.

****** *Councilperson Brush moved to approve the minutes of the Human Resources Committee Meeting of February 11, 2015, seconded by Councilperson Gardner and passed unanimously, 7-0.*

Flood Control Committee: 2/17/15

Flood Control Committee February 17, 2015

The **Flood Control Committee** met Tuesday, February 17, 2015, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members John Hollowell, Dwayne Andrews, Ken Gardner and Sheena Martin. Also present was Floodplain Administrator Sam Malenovsky, KLJ Engineer Project Manager Carl Jackson, County Commissioner Jason Strouf and Recorder HR/Payroll Officer Billie Burkhalter.

1. Election of Chairperson:

****** *Committee Member Andrews moved to nominate Committee Member John Hollowell for Chairperson of the Flood Control*

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Committee. The motion was seconded by Committee Member Gardner.

After hearing no further nominations:

****** *Motion then passed unanimously.*

2. Request of Citizens/Public Comment:
-None.

3. Committee Members Comments:
-None.

4. Recommendation to Council for approval of Flood Hazard Mitigation contract:

Administrator Malenovsky explained the City already has the FEMA Grant for the Flood Hazard Mitigation contract; it just needs to be approved by the City Council. This contract will help towards points for the CRS (Community Rating System). The purpose of this contract is to help determine what the City currently has for weak points along the dike. KLJ Project Manager Carl Jackson added that there is not any out of pocket expense for the City.

****** *Committee Member Martin moved to recommend to Council to approve the Flood Mitigation Contract. The motion was seconded by Committee Member Gardner and, on roll call vote, motion carried unanimously.*

5. Recommendation to Council for option of Flood Assessment Study:

Administrator Malenovsky explained there are five options for the City to choose from:

1. Do Nothing
2. LOMRs ~ Letter of Map Revision
3. Letter of Map Change by using a 2D model
4. 100-Year Flood Control Structure
5. 500- Year Flood Control Structure

She explained the response she has received from the public has been in support of the levee being constructed. Committee Member Gardner stated he has talked to his constituents and that most are in favor of rebuilding the levee. Committee Member Andrews stated after reviewing the study it only made sense to go with the 500 year levee. He added that it may cost more, but it offers more protection to the City. Committee Member Martin agreed.

Administrator Malenovsky noted that there is always a potential that the Federal government could change the requirements for the levee and the 500 year option would give the City more flexibility to modify or extend the dike.

Administrator Malenovsky stated she has a meeting with representatives from Congressman Ryan Zinke's office and will exhaust all avenues of funding sources to be able to complete this project.

County Commissioner Jason Strouf stated he has met with Administrator Malenovsky and KLJ Project Manager Carl Jackson concerning the floodplain issue in Miles City. He explained the County Commissioners believe that it would be beneficial if the City and County did a joint resolution in support of the proposed levee and that it would

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only make sense financially to go with the 500 year levee option. He further stated that the County has a grant writer who would be very willing to look at available grants once the option has been chosen.

****** *Committee Member Andrews moved to recommend to Council to approve and move forward with the option of: "500- Year Flood Control Structure". The motion was seconded by Committee Member Martin and, on roll call vote, the motion carried unanimously.*

6. Recommendation to Council for Ad hoc Committee to oversee option chosen:

Chairperson Hollowell explained that this Ad hoc Committee would be set up to oversee the recommendation the Council approved and to explore funding options.

Administrator Malenovsky stated this committee would be made up of agencies that the City has to work and collaborate with to accomplish the project. The potential members would include, but are not limited to, people from DNRC, KLJ, City, County, FEMA, Army Corp, Fish Wildlife and Parks, and the Conversation District. This committee would develop a plan, purpose and objective to oversee the option chosen.

Project Manager Jackson explained that it is going to take a lot of heavy financial lifting to get this kind of project going. He would recommend the Flood Committee members start thinking about people in the Community that would passionately champion this project. These people would need to be willing to write letters of support to the Senator's office and the Governor's office, as well as be willing to go to political meetings to represent Miles City and be an advocate for the project and the City.

****** *Committee Member Gardner moved to recommend to Council to have Floodplain Administrator Malenovsky organize an Ad hoc Committee to oversee the 500 Year structure option. The motion was seconded by Committee Member Andrews and on roll call vote, motion carried unanimously.*

7. Recommendation to Council to pursue a contract with KLJ for chosen Flood option, funding options:

Chairperson Hollowell explained this is a request to pursue a contract with KLJ and their Government Relations Specialist, Becky Bey, for the chosen flood option.

****** *Committee Member Martin moved to recommend to Council to pursue a contract with KLJ for the flood and funding options in regards to the chosen 500 year levee option. The motion was seconded by Committee Member Andrews.*

Administrator Malenovsky explained that KLJ's Government Relations Group would help search for funding for the 500 year flood control structure. She stated that this group would be a great resource to the City, saving time and money, as they already have established contacts for funding options.

KLJ Project Manager Jackson explained that the Government Relations group would work in collaboration with the City to find funding sources. He stated this group has been very successful in the past, bringing tens of millions of dollars to KLJ clients through their proactive grant writing and networking.

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****** *On roll call vote, motion carried unanimously.*

8. Adjournment

KLJ Engineer Project Manager Jackson stated that he could not thank Administrator Malenovsky enough for all of her hard work. He explained that the contract with his firm and the City is almost complete and hopes this partnership continues in the future. He thanked the Committee for the support and trust that they placed in KLJ.

****** *Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Gardner and passed unanimously, 4-0.*

There being no further business, the Committee adjourned at 6:55 p.m.

****** *Councilperson Hollowell moved to approve the minutes of the Flood Control Committee Meeting of February 17, 2015, seconded by Councilperson Gardner and passed unanimously, 7-0.*

SCHEDULE MEETINGS

- Economic Development Council: 2/26/15 @ 5:30 p.m.
- Health Board Meeting: 3/2/15 @ 5:15 p.m.
- Human Resources Committee: Previously to be held on Feb. 25, 2015; rescheduled for 3/3/15 @ 6:00 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Carl Jackson, KLJ Engineering: Thanked Flood Administrator Malenovsky, the Flood Control Committee members and the Council for the opportunity to work with the City. He is looking forward to helping out as needed through the next stages. He also said he would be happy to try to answer any questions that may come up at this meeting.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Planner-in-Training Dawn Colton: Tongue River Railroad Environmental Impact Statement

Planner-in-Training Colton said she understood that Councilpersons Andrews and Partridge had been working on a response to the Surface Transportation Board's January 28, 2015, letter. Councilperson Andrews said he had emailed a response to Mayor Grenz.

Planner Colton said she had been in contact with the Montana Division of the Federal Highway Administration, and they do not want to have a conversation specifically with the Council, since they will be holding public hearings in this area in early summer. She said there will be plenty of time for the Council to register its concerns.

Public Utilities Director Allen Kelm: "2014-2015 Outstanding System of the Year Award"

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Public Utilities Director Kelm reported that Public Works Director Scott Gray, Plant Foreman Dave Harris, and he attended the annual Rural Water Conference recently, where Miles City, out of over 400 organizations, was awarded the “2014 System of the Year Award” by the Montana Rural Water Systems.

Director Kelm thanked Planner Colton for her efforts in securing grants for the various projects that helped to make the award possible. He then distributed a copy of the certificate to the Council, read the text of the certificate, and presented the plaque to the Mayor, who congratulated the entire department.

CITY COUNCIL COMMENTS

Mark Ahner: Noted that, over the twelve years he has been on the Council, he has been very impressed with the Public Utilities director and staff.

Ken Gardner: Said that when he was a member of the Flood Control Committee, he had been very impressed with the people from KLJ. He said they were very professional, courteous and explained everything patiently and clearly. He thanked them for their hard work and for making a difficult issue easier to deal with.

MAYOR COMMENTS

- Noted that the City had received an award from MMIA a few months ago for the best Work Comp record for the year.

STANDING COMMITTEE RECOMMENDATIONS

Flood Control: 2/17/2015:

- Recommend to approve and move forward with 500-Year Flood Control Structure
- Recommend approval for Floodplain Administrator Malenovsky to organize an Ad hoc Committee to oversee the 500-Year structure option
- Recommend approval to pursue a contract with KLJ for the flood and funding options in regards to the chosen 500-year levee option

Councilperson and Chairperson of the Flood Control Committee John Hollowell explained the three recommendations and why the Committee has recommended their approval. The cost difference between the 100-year and 500-year plans for dike improvement was approximately three million dollars. Although a lot of money, it was a fairly small percentage of the whole project, so the Committee felt it would be best to go with the 500-year plan. A current estimate is \$41,580,000. If the City is not able to build the structure, it is estimated Miles City residents would pay \$55 million over the next 30 years.

The Ad Hoc Committee was recommended to oversee the project, as it was felt a project of this size required the input of key individuals, including engineers and representatives in various fields.

The Committee felt it was necessary to approve pursuing the contract with KLJ as soon as possible in order for the Committee to obtain the proper information needed for further discussion and decisions. Flood Plain Administrator Sam Malenovsky explained that an option had to be chosen in order to know what funds are available.

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There were many people in the audience concerned about flood issues. Administrator Malenovsky said the construction design could be completed in five to seven years, and the search for funding will include levies and grants. She said FEMA currently does not even recognize that Miles City has a dike, which is why the flood insurance is so high. The rates are expected to increase in April, and Administrator Malenovsky said she feels they will go up every year. She noted that Miles City has more flood insurance policies than anyplace else in the State.

****** *Councilperson Hollowell moved to accept the recommendations of the Flood Control Committee, seconded by Councilperson Gardner and passed unanimously. The Flood Committee Recommendations were approved.*

Finance Committee Meeting of 2/19/15:

- **Recommend approval of a minimum \$15/month payment for an ambulance bill**

Chairperson Galbraith received a request for ambulance bill assistance, as the charges had been denied by Medicaid. The individual is currently a patient at the State Hospital, has been denied by Social Security Disability and has no income or assets. The Fire Chief felt this is an account that probably will not get paid. It could be written off or the City could accept low payments. The Committee recommended accepting payments of \$15 per month.

- **Recommend approval of up to \$2000 for furniture and miscellaneous moving expenses for Police Department**

Police Chief Colombik explained that the Police Department is in the process of moving to the larger Veteran's Administration hospital building. The offices will be located in the entire right wing of the building, at no charge to the City. As compensation, the Police Department will provide security for the VA building.

The offices and available storage areas are much larger. Basic furniture is needed, such as chairs and bookshelves. He estimates no more than \$1500 or \$2000 will be required. The Committee recommended approval of up to \$2,000.

- **Recommend to not waive reconnection fee on a customer's water bill**

Mayor Grenz explained that he received a phone call after 6:00 p.m. on a Friday evening from a customer whose water had been shut off Friday morning. The customer had made a payment on-line late that afternoon, but it had not been received by the water office until Monday.

After service has been disconnected, the customer is then responsible for paying a \$35 reconnect fee, which had not been paid with the online payment. Friday evening the mayor called Dispatch, who then contacted the Public Utilities Director. Upon learning the Mayor had requested the water service restored, the water was turned back on.

Mayor Grenz has requested waiver of the reconnect fee. After the Finance Committee recommended the fee not be waived, Mayor Grenz said he would pay the reconnect fee for this customer.

****** *Councilperson Andrews moved to accept the Finance Committee's recommendations, seconded by Councilperson Hollowell and, on roll call vote, passed unanimously, 7-0. The Finance Committee's recommendations were approved.*

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BID OPENINGS/AWARDS

None.

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

- A. **RESOLUTION NO. 3775:** A Resolution Adopting A Purchasing Cardholder Policy For The City Of Miles City, Montana

****** *Councilperson Gardner moved to adopt Resolution No. 3775, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion **passed 6-1**, with Councilperson Ahner voting no. **Resolution No. 3775 was adopted.***

- B. **RESOLUTION NO. 3777:** A Resolution Approving An Amendment To Engineer-Owner Agreement With Kadrmas, Lee & Jackson, Inc., For Development Of A Flood Mitigation Plan In Relation To The Miles City Flood Control Feasibility Study

****** *Councilperson Hollowell moved to adopt Resolution No. 3777, read by title only and seconded by Councilperson Martin. On roll call vote, the motion **passed** by unanimous consent, 7-0. **Resolution No. 3777 was adopted.***

- C. **RESOLUTION NO. 3778: (First Reading)** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2014-2015 To Increase The Budgeted Amount In Fund # 2510-107-430233-350 To Fund Overage Expenses For The Tatro Street CTEP Project

****** *Councilperson Hollowell moved to adopt Resolution No. 3778, read by title only and seconded by Councilperson Brush.*

Public Works Director Gray explained that this is an overage on the Tatro Street CTEP project. The contract stated that, although the City would pay for them, the State was obligated to notify the City of all overages as they occurred. The overages, amounting to \$18,691, are being paid by the City under protest. The State has threatened to send the City to collections and withhold all monies for future State funded projects if the amount is not paid.

City Attorney Rice said there is a chance these charges could be reduced or eliminated, as the State technically breached the contract by not notifying the City of the overages.

***** *On roll call vote, Councilperson Hollowell's motion **passed 6-1**, with Councilperson Ahner voting no. **Resolution No. 3778 was adopted.***

- D. **RESOLUTION NO. 3779:** A Resolution Approving An Easement For Road Purposes Granting Access Across City Owned Property To Landmark Land Company, LLC

****** *Councilperson Hollowell moved to adopt Resolution No. 3779, read by title only and seconded by Councilperson Gardner.*

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Bryant Martin, attorney for Landmark Land Company LLC, explained the easements to the Council. In 2012, both easements were approved by the Airport Commission and signed by Lee Richardson, who was the chairperson of the Airport Commission at that time. They were recorded and returned to Mr. Martin. It seems that was done improperly; the Airport Commission chairperson does not have authority to sign an easement for City property. Mr. Martin would like the City Council to approve the easements and the Mayor to sign them, as should be properly done.

The map for the first easement, “*for road purposes*”, was shown to the Council by Mr. Martin and he explained that this gated “two-track” road is presently an emergency access road only. The primary access is through Prima Vista. The purpose of this easement is “...for the residential ingress and egress to and from Grantee’s lands. The easement is private and is limited to the use of Grantee, its agents, guests, service companies, and the parties’ successors and assigns.” The Airport Commission had not asked for any compensation for the two easements, as it is for a “non-exclusive use,” and the grantee is required to maintain the road. The City may grant other easements along this same road.

* *On roll call vote, the motion passed 6-1, with Councilperson Ahner voting no. Resolution No. 3779 was adopted.*

E. **RESOLUTION NO. 3780:** A Resolution Approving And Granting An Easement For Access And Utilities Across City Owned Property To Landmark Land Company, LLC

** *Councilperson Hollowell moved to adopt Resolution No. 3780, read by title only and seconded by Councilperson Brush.*

The purpose of the second easement, “*for access and utilities across City owned property*” is “...for the residential access and utilities to and from Grantee’s lands. This easement is private and is limited to the use of Grantee.....successors and assigns.” There is nothing in the area of the proposed easement at this time.

Councilperson Ahner felt the utility companies, rather than Landmark Land Company, should request an easement from the City.

* *On roll call vote, the motion passed 5-2, with Councilpersons Ahner and Hollowell voting no. Resolution No. 3780 was adopted.*

ADJOURNMENT

** *Councilperson Gardner moved to adjourn the meeting, seconded by Councilperson Partridge and passed unanimously.*

The meeting was adjourned at 8:20 p.m.


C.A. Grenz, Mayor


Lorrie Pearce, City Clerk