

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

REGULAR COUNCIL MEETING May 10, 2016
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, May 10, 2016, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were John Uden, Rachel Sloan, Dwayne Andrews, Susanne Galbraith, Brant Kassner, Jeff Erlenbusch, Ken Gardner and Kathy Wilcox.

Also present were Police Chief Doug Colombik, Public Utilities Director Allen Kelm, Fire Chief Gary Warren, Public Works Director Scott Gray, Fire Captain Mike Miller, Firefighter/EMT Taran Harbaugh, Firefighter/EMT Eric Hartse and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Special City Council Minutes: 4/27/2016

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of April 27, 2016, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 8-0.*

Public Safety Committee Meeting Minutes: 4/19/2016

Public Safety Committee Meeting
April 19, 2016

The Public Safety Committee met Tuesday, April 19, 2016, at 7:00 pm in the City Hall Conference Room. Present were Committee Members John Uden, Kathy Wilcox, Jeff Erlenbusch, and Ken Gardner. Also present were Councilperson Brant Kassner, Police Chief Doug Colombik and Committee Recorder/Deputy City Clerk Linda Wilkins.

1. Request of Citizens

None

2. Committee Member Comments

Committee Member Wilcox requested a future discussion regarding the position of shared Detective. She requested Police Chief Doug Colombik be present at that meeting to provide possible alternatives to a shared detective.

3. Review and consider recommendations regarding Citizens maintain bee hives with the city limits

Committee Member Erlenbusch stated that about one month ago Citizen Kelly Thibault called him regarding the animal section of the city ordinances and its impact on keeping bee hives within the city. He didn't know, but contacted Jim Simpson of Simpson Honey Farms to find out what he knew about keeping bees within the city limits. He discovered there is not an ordinance prohibiting keeping hives within the city limits. He was concerned with the liability

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destroyed. He pointed out keeping bees helps to beautify yards. He suggested that Miles City pattern any ordinance after the Billings ordinance. Honey bees are not aggressive bees, his concern is really not the keeping of the hives themselves, but the curiosity of children and upsetting the hives.

Citizen Jim Simpson stated that honey bees are not aggressive and a scout bee goes out early in the morning to find a nectar source, then returns to the hive to lead the other bees to the source. School yards would not be a problem, there is not a good source for nectar at any of the school yards and bees fly at a height above where children would be playing. Bee hives should be concealed and this would help with any curiosity from children. It is also important that an adequate source of water is kept for the bees near the hive.

Committee Member Wilcox was concerned over citizens who may suffer from bee allergies and being stung severe enough to cause anaphylactic shock.

Committee Member Gardner commented that honey bees are not aggressive; he thought it would be good to determine citizen concern or lack thereof. Possibly look at the proximity of the hives to a joining neighbor, the amount of land needed per hive. Possibly licensing hives as a tracking mechanism for the city. He agreed that it is important for the city to be proactive not reactive in address this issue.

Citizen Simpson asked if Billings specified the number of hives per household. Committee Member Uden stated that it did.

Citizen Kelly Thibault made the point that if a person was severely allergic to bees that they would know this and in most instances would carry an Epi-pen with them to counter anaphylactic shock. He also stated that there have been bee hives in the city for years.

Committee Member Gardner thought it may be a good idea to have Epi-pens available to police officers or on the ambulance.

Chief Colombik stated that they have two EMT's on the Police Department. He said they have more issues with vicious dogs. He would like to review the ordinance that Committee Member Uden has and thought it would be a good idea to step back and review ordinances and do things the right way.

Committee Member Uden said that issues of maintaining bees had never been an issue, but since it had been brought up if the committee would like to see an ordinance drafted the committee certainly could.

Citizen Dawn Steig stated that bees are for production of honey and that it makes sense to regulate. She thought some simple training would be good for the public.

Committee Member Erlenbusch thought it would be good to look at and adopt an ordinance that would be user friendly. Because there was not forage on school yards as a source of nectar for the bees having hives near these areas would not present a problem.

Committee Member Uden stated he would investigate this subject further on behalf of the committee. He would contact Mayor Tom Hanel of Billings to obtain a copy of their ordinance and at a future meeting this information can be reviewed by the committee for further action. The committee could then have City Attorney Dan Rice draft an ordinance to be presented to city council. He thanked Jim and Michelle Simpson for attending the meeting and providing their professional input on the subject of beekeeping.

4. Adjournment

Committee Member Erlenbusch moved to adjourn the meeting, seconded by Committee Member Wilcox and passed unanimously, 4-0.

The meeting was adjourned at 7:55 p.m.

Respectfully Submitted:

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SCHEDULE MEETINGS

Human Resource May 18, 2016 at 5:15pm
Finance Committee May 18, 2016 at 6:00pm

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

Marvin Starck, 1214 Hwy 59S- to the Board of Appeals

** *Councilperson Gardner moved to approve the appointment of Marvin Starck to the Board of Appeals, and seconded by Councilperson Uden. On Roll call vote, the motion passed 8-0*

PROCLAMATIONS

Mayor Hollowell proclaimed the month of May as Building Safety Month, and May 21, 2016 as Kids to Parks Day.

STAFF REPORTS

Fire Captain/Training Officer Miller updated Council on training in the last year at the Fire and Ambulance Department.

- One person trained and graduated from Paramedic class, which involved 1700 hours of training
 - One more person is ready to graduate as a Paramedic and two others are ready for training. The employees do pay for the training and volunteer their time for the training
 - Fire training- #1 level Certification- The entire staff will be certified in a week
- #2 In-house training will start in January. This training will bring all employees up to standard. All employees do the training on their time off
- Pump operator class- Employees are receiving certification to lower liability risk and risk to citizens and themselves
 - 12 employees (the entire staff) are certified in swift water rescue
 - 4 employees are certified in ice rescue
 - 3 employees are certified in confined space rescue
 - A few employees are certified for Airport fire rescue. It's not as important now as it was in the past
 - Majority of employees are certified in Defensive driving
 - 2 employees have received the National Fire Academy certification
 - Hazmat training - increased from awareness to operational
 - 1 certified as building inspector

Captain Miller added the Fire Department is working with the Custer County volunteer fire department in building a training center for fire fighters. This would help with a more realistic scenario as far as going in homes that are engulfed. He said the trailer is a great tool, but once you have gone through it a couple of times, you tend to memorize it.

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- 17 percent of the calls were for Fire/Non-EMS

Citizen Jim Diggins, 107 North Center thought the City should purchase a used tow truck to remove abandoned vehicles from the streets. He felt that vehicles that were abandoned had to be controlled. Mayor Hollowell said the City could look into that.

CITY COUNCIL COMMENTS

Councilperson Gardner reminded everyone that this weekend is Keep Miles City Beautiful cleanup day. He said it would be nice to see some people volunteer for it.

Councilperson Uden asked how the issuing of tickets for vehicles, abandoned trailer and so forth were going. Mayor Hollowell said that about 90 to 95 percent of tickets issued were taken care of. He added the process is to give a warning with a certain amount of time to take care of the issue. After that time if the issue is not taken care of then they would go to court, and a fine is added and possible jail time. Councilperson Gardner added in his area one burned trailer had been torn apart but still in a pile, one other trailer house had received a public nuisance ticket and the trailer on Wells street had been removed.

Chief Colombik said the Judge and Prosecutor make the decision and every complaint had to start over. Mayor Hollowell said he is working on getting that changed.

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

Lease of land-Wastewater Treatment Plant/Old Lagoon

Clerk Pearce opened the bids received:

1. Robert Smith for an amount of \$1,888.00
2. James Diggins for an amount of \$2,227.50, noted that he would like to add a well

*** Councilperson Uden moved to approve the lease of the land at waste water treatment plant and old lagoon to Mr. Diggins bid for an amount of \$2,227.50 a year, Councilperson Erlenbusch second the motion.*

Director Kelm questioned if the highest bid was at the minimum bid advertised.

*** Councilperson Galbraith moved to send the bids to Finance, seconded by Councilperson Sloan. After a brief discussion the motion passed by roll call vote. 8-0*

BID AWARDS

PUBLIC HEARINGS

- A. RESOLUTION NO. 3903- A Resolution of Intent and Final Resolution Levying an Amended Assessment upon Benefited Property in the City of Miles City, Montana, Special Improvement District 211, to Defray the Cost of the Paving of Arrowhead Lane
Mayor Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.
- B. RESOLUTION NO. 3915- A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase the Budgeted Amount in the General Fund for Various Unbudgeted Expenditures
Mayor Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

UNFINISHED BUSINESS

- A. RESOLUTION NO. 3903- (Second Reading) A Resolution of Intent and Final Resolution Levying an Amended Assessment upon Benefited Property in the City of Miles City, Montana, Special Improvement District 211, to Defray the Cost of the Paving of Arrowhead Lane

** Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Gardner. On roll call vote passed 8-0.
Resolution No. 3903 passed

- B. RESOLUTION NO. 3914- A Resolution Approving an Agreement With Ovivo, USA, for Goods and Special Services Pertaining to the Miles City Wastewater Improvements Phase II Project

** Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Sloan. On roll call vote passed 8-0.
Resolution No. 3914 passed

- C. RESOLUTION NO. 3915- (Second Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase the Budgeted Amount in the General Fund for Various Unbudgeted Expenditures

** Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Andrews. On roll call vote passed 8-0. Resolution No. 3915 passed

NEW BUSINESS

- A. RESOLUTION NO. 3917- A Resolution Approving an Agreement With Trojan Tech, for Goods and Special Services Pertaining to the Miles City Wastewater Improvements Phase II Project

** Councilperson Galbraith moved to send the resolution to Finance for

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motion passed 8-0

*** Councilperson Galbraith moved to reconsider our action on Resolution No. 3917, a resolution approving an agreement with Trojan Tech, for goods and special services pertaining to the Miles City wastewater improvements phase II project, seconded by Councilperson Andrews. On roll call vote, the motion passed 8-0*

*** Councilperson Galbraith moved to change "a resolution approving an agreement with Trojan Tech, for goods and special services pertaining to the Miles City wastewater improvements phase II project" to "a resolution approving an agreement between the City of Miles City and Trojan Technologies for wastewater ultraviolet disinfection equipment", seconded by Councilperson Andrews. On roll call vote, the motion passed 8-0*

B. AMENDMENT – Interlocal agreement between the City of Miles City and Custer County, regarding the 5th position on the Health Board

Mayor Hollowell said the amendment had been assigned to Resolution No. 3921.

*** Councilperson Uden moved to approve the Amendment, by title only, seconded by Councilperson Kassner.*

Councilperson Galbraith asked if the only change were to strike out having a doctor on the committee, and hadn't there always been a doctor on the board? Mayor Hollowell said the position was hard to fill with a doctor, that is why the change.

Councilperson Wilcox suggested that some licensed practitioner or someone with a medical license be on the board.

Councilperson Uden said the reason why a doctor had always been on the board is that in the event of a communicable disease they are the only ones who had the authority to shut down a home.

Councilperson Erlenbusch said that MCA, Section 50-2-106 does not require a board member to be a medical doctor and the County Commissioners had signed off on it.

Councilperson Wilcox added that a medical provider can work under the supervision of a physician who could order the quarantine.

Councilperson Erlenbusch said the City Council has the authority to appoint two members and one of them could be from the medical field.

*** On roll call vote passed 8-0.*

C. APPROVAL OF APRIL CLAIMS

*** Councilperson Sloan moved to approve April claims, seconded by*

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** *Councilperson Wilcox moved to adjourn the meeting, seconded by Councilperson Andrews, and passed unanimously.*

The meeting was adjourned at 8:05 p.m.



John Mollowell, Mayor



Lorrie Pearce, City Clerk