

REGULAR COUNCIL MEETING September 13, 2016
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, September 13, 2016, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. City Mayor Hollowell called the meeting to order. Council Members present were John Uden, Dwayne Andrews, Susanne Galbraith, Brant Kassner, Jeff Erlenbusch, and Kathy Wilcox. Councilperson Ken Gardner was excused.

Also present were Attorney Dan Rice, Police Chief Doug Colombik, Public Utilities Director Allen Kelm, Fire Chief Gary Warren, Planner II Dawn Colton, Fliplain Adm/AutoCad/Asst. PWPV Samantha Malenovsky, Firefighter Jake Richards 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

Regular Council Minutes: 8/23/2016

- ** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of August 23, 2016, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 6-0*

Finance Committee Meeting Minutes: 8/23/2016

**Finance Committee Meeting
August 23, 2016**

The Finance Committee met Tuesday, August 23, 2016 at 6:30 p.m. in the City Conference. Present were Committee Chairperson Susanne Galbraith and Committee Members Kathy Wilcox, Rachel Sloan and Dwayne Andrews.

Also present were Public Utilities Director Allen Kelm and Recorder Lorrie Pearce
Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:
None

2. Review and Recommendation on bids received for installation of 20" waterline on Tongue River

Director Kelm said that all bids covered all items in the bid and bid bonds were correct. John Muggli Contracting was the lowest bid received. With the recommendation of KLL, he recommend to the committee to award the bid to John Muggli Contracting LLC.

- ** *Committee Member Andrews moved to recommend to Council to approve John Muggli Contracting bid for the installation of the 20" waterline on Tongue River, seconded by Committee Member Sloan. The motion **passed** 4-0*

3. Adjournment

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

The meeting was adjourned at 6:38 p.m.

**PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA**

** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of August 23, 2016, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 6-0.*

Public Service Meeting Minutes: 8/11/2016

**Public Services Committee Meeting
August 11, 2016**

The Public Services Committee met Thursday, August 11, 2016, at 5:00 pm in the City Hall Conference Room. Present were Committee Members Dwayne Andrews, John Uden, Brant Kassner, and Ken Gardner. Also present were Judge Al Homme, Mayor John Hollowell, Building Inspector Dennis Hirsch and Committee Recorder/Deputy City Clerk Linda Wilkins.

1. City council chamber re-model

Committee Member Andrews asked Inspector Hirsch to explain what the City is getting into when remodeling the City Council Chambers to a Courtroom.

Inspector Hirsch explained that to remodel the City Council Chambers to a Courtroom changes the occupancy to an A3, designed for a Courtroom from a B. A Courtroom is more restrictive; the current occupancy is for business. The change in occupancy would require a sprinkler system, additional fire exits, and substantial remodeling.

Several options were discussed including, converting the conference room, looking at space in the basement of the County Courthouse that is currently set up as a courtroom and a remodel of Council Chambers.

More information needs to be gathered. Mayor Hollowell will contact the County Commissioners regarding the existing courtroom in the basement of the courthouse and Recorder Wilkins offered to see if she can get an estimate to install a sprinkler system. Once additional information is gathered another meeting will be called.

****Committee Member Uden moved to table the issue, seconded by Committee Member Kassner. On roll call vote the motion passed unanimously, 4-0.**

2. Public Comment
None

3. Adjournment

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

The meeting was adjourned at 5:45 p.m.

** *Councilperson Andrews moved to approve the minutes of the Public Service Meeting of August 11, 2016, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 6-0*

SCHEDULE MEETINGS

Finance Committee Meeting
Human Resource Meeting

September 22, 2016 at 6:00pm
September 21, 2016 at 5:15pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Proposal for City to quitclaim Marion Street property (S28,T08N,R47E) to Paul R. Peterson and Helen Martin

Paul Peterson, 1603 Palmer Street, explained the area is not developed and close to the slough. He added that the property would be split 40 feet to Helen Martin and 40 feet to him and would be a benefit to the City because they would pay taxes on it.

PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

****** *Councilperson Uden moved to refer to the Public Service Committee, and seconded by Councilperson Galbraith. The motion passed by unanimous consent, 6-0*

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Clerk Pearce announced that Miles City Economic Development had given the City a scholarship for one Councilperson to attend the Leadership training. She said she would need to know by September 15 if anyone was interested. Also two letters had been received for the Council vacancy.

Chief Warren introduced Jake Richards, a new member to the fire department.

Planner Colton said she was getting close to submitting the analysis on the subdivision for Industrial Park.

Administrator Malenovsky said the America Corp issued a draft on its scope of work including cost estimates. She would need all comments to her soon because she needed to submit them to the Corp by September 29. America Corp will have a public meeting in Miles City on October 18; she suggested that Council meets with them earlier that day if there were any concerns or comments. She asked Council to keep thinking of ways to use the “in kind match” for the flood study.

CITY COUNCIL COMMENTS

Councilperson Uden said he would be out of town for about 8 days, but could be reached by phone.

Councilperson Andrews asked for the decision on what room to use as the Courtroom to be put on the next agenda.

****** *Councilperson Andrews moved to put on the next agenda, a decision by Council as to where the City wants the Courtroom located, seconded by Councilperson Uden. The motion passed 6-0*

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 3970- A Resolution Authorizing the City of Miles City, Montana to Enter Into A Memorandum of Understanding With St. Vincent Healthcare for AED Deployment and Training Assistance

PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

****** *Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0*

B. RESOLUTION NO. 3971- A Resolution Approving a “Joint Application For Proposed Work in Montana’s Streams, Wetlands, Floodplains, and Other Water Bodies”

****** *Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0*

C. RESOLUTION NO. 3972- (First Reading) A Resolution Approving the Work Plan and Budget for Fiscal Year 2016-2017 For Tourism Business Improvement District No. 101, and Providing For Hearing Thereon

****** *Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0*

D. RESOLUTION NO. 3973- (First Reading) A Resolution Pursuant to

§7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 For the Downtown Urban Renewal Agency Fund 2310 and Providing For Hearing Thereon

****** *Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Uden. On roll call vote, the motion passed 6-0*

E. RESOLUTION NO. 3974- (First Reading) A Resolution Pursuant to

§7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase the Budgeted Amount in Fund # 1000-013-460433-121 and 134

****** *Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0*

F. RESOLUTION NO. 3975- A Resolution Authorizing the City of Miles City, Montana to Enter into an Agreement With John Muggli Contracting LLC for Replacement of Water Main Line Under the Tongue River

****** *Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Erlenbusch. On roll call vote, the motion passed 6-0*

G. RESOLUTION NO. 3976- (First Reading) A Resolution Pursuant to

§7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase the Budgeted Amount in Fund # 2510-107-430220-111, 121 and 134

****** *Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0*

H. RESOLUTION NO. 3977- (First Reading) A Resolution Pursuant to

§7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase the Budgeted Amount in Fund # 2520-108-430220-121

****** *Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the*

motion passed 6-0

J. ORDINANCE NO. 1304- (First Reading) An Ordinance Amending Section 15-4 of the Code of Ordinances of the City of Miles City, Montana, With Regards to Enforcement of Public Nuisances

**** Councilperson Uden moved to approve the Ordinance, by title only, seconded by Councilperson Erlenbusch.**

Mayor Hollowell explained that the ordinance would make both the Code Enforcer and Police officers able to write violations.

Attorney Rice said Section 15-2 Penalty for violation of chapter needed to be added to the Ordinance.

Mayor Hollowell added that by adding the section, the City would be able to charge for our services, such as clean up.

**** On roll call vote, the motion passed 6-0**

Mayor Hollowell referred the ordinance to the Public Safety Committee.

K. Approval on Boundary Line Adjustment (Horizon Park, Lot F1)

**** Councilperson Galbraith moved to approve the Boundary Line Adjustment (Horizon Park, Lot F1), seconded by Councilperson Erlenbusch. On roll call vote, the motion passed 6-0**

L. Discussion of extension agreement with Custer County Water and Sewer District

Don Bundy Chairperson Board of Committee explained some of the District background.

- o Started in the late 1970's or early 1980's to help funding of the sewer treatment plant, later water was added. Residents did not want the water because of the cost, CCWSD#1 went bankrupt.
- o CCWSD#2 was established and helped pay for:
 1. \$45,000 in material for Carbon Hill project that went under the interstate
 2. \$10,000 for Carbon Hill water line repair
 3. \$50,000 for Carbon Hill water tank
 4. \$50,000 for Carbon Hill water tank extension
- o The District serves the residents in Aye, Michaels and Richland Park Addition, North and South Haynes and Baker Highway. Invested \$50,000 in the Valley Drive water line, and not sure if will be able to recoup its investment because of Bakken shutting down.
- o District had 25-30 years of good relationship with the City and would like to continue with the relationship.

Jerry Backlund, 603 Eichler, had tried to get a meeting scheduled with no success. The District is financially sound, and generates money for the City. He requested that the District Board and the City sit down and talk about renewing the agreement. He said the City had talked about annexation and that would be a good thing to bring to Miles City citizens.

Uden felt that it was imperative that the Council works with the District to satisfy both sides. He felt that it was important to call a meeting to discuss the

issues.

Mayor Hollowell said that two board members have met with him and the City is trying to figure out a proposal. He was not looking at short cutting the District with time. Anytime after September 26th would be a good time for a meeting.

M. APPROVAL OF AUGUST CLAIMS


****** *Councilperson Galbraith moved to approve the August claims, seconded by Councilperson Uden. On roll call vote, the motion **passed** 6-0*

ADJOURNMENT

****** *Councilperson Uden moved to adjourn the meeting, seconded by Councilperson Kassner, and **passed** unanimously.*

The meeting was adjourned at 8:00 p.m.


John Hollowell, Mayor


Lorrie Pearce, City Clerk