

**REGULAR COUNCIL MEETING January 10, 2017
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, January 10, 2017, 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 Brant Kassner, Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Public Utility Director Allen Kelm, Police Officer Charles Farrington, Fire Chief Gary Warren, Planner II Dawn Colton, 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

City Council Minutes: 12/27/2016

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

Finance Committee Minutes: 12/22/2016

Finance Committee Meeting

December 22, 2016

The Finance Committee met Thursday, December 22, 2016 at 12:00 p.m. in the City Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rick Huber and Dwayne Andrews. Committee Member Kathy Wilcox was excused.

Also present were Public Works Director Scott Gray, Planner II Dawn Colton, Building Inspector Dennis Hirsch and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:
None

2. Discussion and Recommendation on Ordinance No. 1092: An Ordinance Amending to Ordinance No. 796 to Increase the fee Required for Applications For Amendments to the Zoning Regulations and Providing an Effective Date Thereof

Planner Colton explained that the department would like to raise fees and get rid of the site plan review fee and add a new fee for conditional use which would be in a form of a resolution. Consultant Dave DeGrandpre had intentionally left out the fee rates in the new zoning ordinance to make it easier to change those rates through a resolution. For Ordinance 1092, the zoning fee was \$200 and would like to raise it to \$300 and add a \$300 fee for the conditional use to cover administrative, advertising, posting of notices and others items that have increase on the cities end.

** *Committee Member Andrews moved to recommend to Council to raise the zoning fee to \$300 and add a fee of \$300 for the conditional use, seconded by Committee Member Galbraith and passed 3-0*

3. Discussion and Recommendation on Ordinance No. 1158: An Ordinance Establishing fees for Applications for Zoning Variances and For Issuance of Letters of Zoning Compliance, and Setting Public Hearing Thereon

** *Committee Member Galbraith moved to recommend to Council to raise the Board of Appeals fee to \$375, seconded by Committee Member Huber*

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

Inspector Hirsch said that there used to be a \$75 charge for the Board of Appeals. Mayor Grenz did not think it was necessary and got rid of it in 2012. The fee is approved by State law 56-203 to cover administration fees, staff time, postage and notifications. He suggested charging \$375.

Committee Member Andrews felt that the increase from \$75 to \$375 seemed high and suggested \$300.

Inspector Hirsch explained that the raise would cover the expenses associated to signs, notifications, legal notices, professional recording and certified mail.

Planner Colton said that the floodplain administrator may also submit a fee charge. Inspector Hirsch said that if it happens, it should be the same as the Board of appeals charge. Committee Member Andrews asked if someone came in for a variance, do both of the fees have to be paid. Inspector Hirsch said no.

**** Committee Member Galbraith amended her original motion from \$375 to \$300, seconded by Committee Member Huber. The original amended motion was passed 3-0.**

4. Discussion and Recommendation on Ordinance No. 1306: An Ordinance Repealing and Replacing "Chapter 24- Zoning" of the Code of Ordinances of Miles City, Montana, for the Purpose of Implementing a Revised Zoning Code

No action was necessary

5. Discussion and Recommendation on Resolution No. 3140: A Resolution Establishing fees for Review of Subdivision Plats, Examination of Proposed Divisions of Land and Review of Site Plans and Providing for a Hearing Thereon

Planner Colton said she would like to delete "and review of site plans" from the title, raise A,B,C and D by \$100 each to cover inflation and delete G.

**** Committee Member Galbraith moved to recommend to Council to raise A,B,C and D by \$100 and strike out G, seconded by Committee Member Andrews.**

Committee Member Andrews asked why the City has a main charge and then an additional charge per lot. He thought it was nickeling and diming the public. Planner Colton said the charges were typical and with more lots, it is more work because the City is dealing with more streets and sewer. She added that the City of Miles City's charges were low compared to others and hasn't been raised since 2007. The increase would be to cover inflation.

**** The motion passed 2-1 with Councilperson Andrews voting no**

6. Discussion and Recommendation on Resolution No. 4016: Miles City/Custer County Interlocal Agreement for Services FY 2016/2017

**** Committee Member Galbraith moved to recommend to Council to approve the resolution, seconded by Committee Member Andrews.**

Committee Member Galbraith explained the changes on the agreement:

- (B) 2 years the water charges for the fairground were waived because the City had charged the County to much. It was added back into the agreement this year
- (C) The 911 board did not transfer as much money to Dispatch because there was no Supervisor. The decrease of that transfer caused an increase to the County, according to the formula used. The difference increased from \$70,000 to \$90,000
- (E) Charge for ambulance usage was raised from \$115 to \$145 to cover the wear and tear of the ambulance driving over County roads. County may not approve the increase.
- Deleted the reference of transferring prisoners to another jail.

**** On roll call vote, the motion passed 3-0**

7. Adjournment

**** Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Huber and passed unanimously, 3-0.**

The meeting was adjourned at 12:50 p.m.

** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of December 22, 2016, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

SCHEDULE MEETINGS

The following meeting will be held in the City Hall Conference Room:

- Public Safety: Tuesday, January 17th @ 5:15 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Authorize Community Transformation- Presentation on local option tax for 2017 legislative

ACT representatives John Brewer and Dan Brooks summarize the Local Option Tax:

- Allows Montana cities to apply community-tailored solutions for critical infrastructure problems
- Maximum tax amount is 4%
- Tax on the retail value of all goods and services sold, except for goods and services sold for resale, by hotels, restaurants, bars, destination recreational services, and luxury goods and services
- 5% maximum of taxes collected would be returned to vendors
- State legislature must pass HB to authorize cities to proceed
- Local voters must approve the option through a majority vote
- Local option could have a sunset date, be tied to a bond payoff, or end when a project is completed. Lasts as long as the voters approve it to
- Approximately 20 cities have vowed to support it

APPOINTMENTS

Standing Committees:

- Finance Committee** – Susanne Galbraith, Dwayne Andrews, Kathy Wilcox, Rick Huber
- Public Safety Committee**- Ken Gardner, John Uden, Brant Kassner, Jeff Erlenbusch
- Public Services Committee**- Dwayne Andrews, Ken Gardner, John Uden, Kathy Wilcox
- Human Resources Committee**- Kathy Wilcox, John Uden, Susanne Galbraith, Jeff Erlenbusch
- Flood Committee**- Ken Gardner, Jeff Erlenbusch, Brant Kassner, Rick Huber

** *Councilperson Uden moved to approve the standing committee established by the Mayor and set forth by the minutes, seconded by Councilperson Kassner and, on roll call vote, passed unanimously, 8-0.*

Local 600- Labor Management Committee (2)

Mayor Hollowell explained that Councilperson Galbraith and he had met with local 600, so he felt the committee should stay the same unless Councilperson Galbraith did not want to be on it. Councilperson Galbraith agreed to stay on.

** *Councilperson Andrews moved to approve Susanne Galbraith and John Hollowell, seconded by Councilperson Uden and, on roll call vote, passed unanimously, 8-0.*

PROCLAMATIONS

None

STAFF REPORTS

Director Gray: A report was handed out to Council explaining what Public Works spent in 2016 for main projects:

- ADA Corners- total of 26 corners installed for an amount to \$68,694
- Curbing- total of approximately 9 blocks for an amount of \$76,000
- Paving- A total of \$361,874.30 was spent on street paving, and an additional \$26,036 for miscellaneous concrete street and alley repair

He also thanked his employees for all the hours they put in recently for snow removal.

Director Kelm: Announced that this year the Mike Certalic award was presented to Mike Wade, from Miles City, who is an outstanding water or wastewater operator that was attending the 82nd Fall Water School held on the campus of Montana State University in Bozeman. This award is presented by MT DEQ and the City of Bozeman in honor of Mike Certalic for excellence in operations, professionalism, and community involvement.

Planner Colton: Industrial Park sale of land- The next step, to give the option to buy the land to Tire Rama and United Parts, is to extend the June 30th deadline. The City cannot complete the subdivision by then. Director Kelm said that if the City started to sell off the land the City would be responsible for the water and sewer because it would be City property.

Clerk Pearce: Audit was completed last week. There were a few more findings than normal and she will give all Councilpersons a copy of them with the City's response.

Chief Warren: Reported that there were 1318 runs from January to December 2016. 80% were for ambulance and 17 others. Councilperson Uden asked the City Attorney and Fire Chief to look into fining establishments that make an extensive amount of calls in one month.

CITY COUNCIL COMMENTS

Dwayne Andrews: Asked if a policy was in process to follow for Council Vacancies. Councilperson Wilcox said the first draft was reviewed last week at the Human Resource meeting.

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. RESOLUTION NO. 4021: 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 # 4000-501-410100-940 and to Fund the Purchase of one Police Vehicle

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. 4021:** *(Second 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 # 4000-501-410100-940 and to Fund the Purchase of one Police Vehicle

** Councilperson Uden moved to adopt the Resolution, read by title only, seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 8-0. Resolution No. 4021 was adopted.

NEW BUSINESS

A. **Election of Council President**

** Councilperson Andrews moved to nominate Susanne Galbraith as the Council President seconded by Councilperson Huber.

** Councilperson Uden moved to cease the motion, and seconded by Councilperson Gardner. The motion passed unanimously 8-0.

** On roll call vote, the main motion passed unanimously, 7-1, with Councilperson Galbraith voting no

B. **RESOLUTION NO. 4022:** *(First Reading)* A Resolution Establishing Fees for Review of Subdivision Plats, Examination of Proposed Divisions of Land, Zoning Amendments, Appeals to the Board of Adjustment and Providing for a Hearing Thereon

** Councilperson Galbraith moved to approve the Resolution, read by title only, and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4022 passed first reading

C. **RESOLUTION NO. 4024:** A Resolution Approving a Contract Amendment With the Montana Department of Commerce for Extension of Time to Complete Transportation Plan Contract Services

** Councilperson Erlenbusch moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4024 was adopted

D. **RESOLUTION NO. 4025:** A Resolution Correcting the Legal Description for Certain City Lands Leased by Custer Post No. 5 of the American Legion of Miles City, Montana in What is Known as Tourist Park

** Councilperson Uden moved to approve the Resolution, read by title only and seconded by Councilperson Galbraith.

Attorney Rice said the Resolution was an administrative correction to correct the land surveyed for the Rocks building.

* On roll call vote, the motion passed by unanimous consent, 8-0.
Resolution No. 4025 passed.

E. **ORDINANCE NO. 1308: (First Reading) An Ordinance Amending Ordinances 1073, 1262, 1277 and 1295, Revising "Administration Rules of the City of Miles City Water and Sewer Services, Accounts, Delinquencies and Termination"**

** Councilperson Gardner moved to approve the Ordinance, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0. Ordinance No. 1308 was passed on first reading and the Mayor referred it to Finance Committee

F. **Approval of December Claims**

** Councilperson Andrews moved to approve the December claims, seconded by Councilperson Kassner and passed unanimously, 8-0.

ADJOURNMENT

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

The meeting was adjourned at 8:25 p.m.



John Hollowell, Mayor



Lorrie Pearce, City Clerk