

**REGULAR COUNCIL MEETING April 25, 2017  
7:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, April 25, 2017, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> 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 Utility Director Allen Kelm, Fire Chief Gary Warren, Planner II Dawn Colton, Building Inspector Dennis Hirsch, Fire Captains Eddy Kanduch, Matthew Spiess, Mike Miller 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: 4/11/2017**

\*\* *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of April 11, 2017, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

**SCHEDULE MEETINGS**

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

- Finance Committee: Thursday, May 4<sup>th</sup> @ 6:00 p.m.
- Human Resource: Tuesday, May 2<sup>nd</sup> @ 5:30 p.m.
- Flood Control: Thursday, May 4<sup>th</sup> @ 5:15 p.m.

**REQUEST OF CITIZENS & PUBLIC COMMENT**

Community/Citizen 4<sup>th</sup> of July Committee representative Mark Ahner- Request approval to close Main Street on July 4<sup>th</sup> from 8am to noon, use of Riverside Park all day, a police escort for the parade and use City signage/barricades to implement closure

Representative Ahner asked Council for permission to close Main Street on July 4<sup>th</sup> from 8am to noon, City provide signage/barricades for street closure, use Riverside Park and the Pavilion (Ryno shell) instead of the gazebo, police escort from First Interstate Bank to Riverside Park, fees waived for the use of the park and City purchases and pays for the liability insurance on the event. The parade starts at 11 am.

Clerk Pearce said the insurance cost about \$300 and is split between the Mayor and Council fund.

\*\* *Councilperson Uden moved to approve Mr. Ahner's request to close Main Street from 8am to Noon, use Riverside Park all day, all fees associated with the event be waived, insurance be paid by the City, use the Pavilion, provide police escort for the parade and City signage/barricade be utilized for the closure of Main Street. The motion was seconded by Councilperson Gardner and on roll call vote, passed unanimously 8-0.*

PROCEEDING OF CITY COUNCIL  
MILES CITY, MONTANA

Ben Holman, 2713 Pleasant Street, asked Council for permission to purchase land at the Airport or be granted an easement. He would like to build a shop on the land he owns. The land he is interested in purchasing would be the road to the building. The tract is about 600 feet and could not be used for much of anything else because it has a steep ravine and is full of sagebrush. The Airport Manager had verified that the Airport does not have use for it.

Mayor Hollowell said the Airport Manager had verified that the Airport does not have use for it and it will be discussed at their next meeting on May 8<sup>th</sup>. Then it would go through a Committee and back to Council for approval.

Attorney Rice said if the City sold the land it would have to follow City policy, which meant that it would need to be posted in the paper for highest bid. He thought an easement would be more appropriate.

\*\* *Councilperson Wilcox moved to refer the issue to the Finance Committee for further review, seconded by Councilperson Andrews and passed unanimously 8-0,*

**APPOINTMENTS**

Dennis Hirsch- County Representative to the City Planning Board

\*\* *Councilperson Uden moved to approve Dennis Hirsch as the County Representative to the City Planning Board, seconded by Councilperson Wilcox and passed unanimously 8-0,*

Mayor Hollowell swore in Dennis Hirsch as the County Representative to the City Planning Board

**PROCLAMATIONS**

Arbor Day- April 28, 2017- Mayor Hollowell proclaimed April 28, 2017 as National Arbor Day

**STAFF REPORTS**

*Attorney Dan Rice:* Thought Rob Shipley had given a genuine effort in keeping his yard cleaned up and it has improved a lot.

**CITY COUNCIL COMMENTS**

*Susanne Galbraith:* There is a house on Orr and 1<sup>th</sup> Street that is condemned. Inspector Hirsch said he was having trouble contacting the owner to get it cleaned up. Attorney Rice said the issue should be filed in City Court. Councilperson Gardner said he drove past the house a couple of days ago and there were two pickups being loaded with material.

*John Uden:* Thanked Attorney Rice for his comment earlier and said there are still other properties just as bad and felt the City needed to make the same effort for those. Councilperson Erlenbusch said there were several in his ward, and will get a list to the Mayor.

*Brant Kassner:* Thought if the City acquired the old BN Depot through a grant and remodel it, City Hall staff could move into it. Councilperson Uden thought it was too close to the train tracks and Councilperson Andrews thought it would be too expensive. Councilperson Kassner added that Grant Writer Muggli is looking to see if there are grants available for the project. Councilperson Huber said that there might be an opportunity to lease rooms at the VA.

*Ken Gardner:* Thanked Director Gray for taking care of a problem in his ward and asked if there were any other options to get a condemned trailer moved out of his ward. Attorney Rice said it has to go through due process.

**MAYOR COMMENTS**

None

**STANDING COMMITTEE RECOMMENDATIONS**

**Finance Committee- Recommend approval to go forward on the fire training center**

Captain Miller explained the information received on the Fire Training Center:

- Senator Tester’s staff found a low interest loan with a 30 year payback plan. Approximately \$250,000 would be needed for the center at a cost of \$10,000 a year payback for principle and interest.
- The \$10,000 would be paid from the money saved in the training, hotels, meals and travel expenditure lines. With the center being in Miles City there would be no need to go out of town for training. Employees travel two to three times a year for each training such as rope and water rescue training. It would also cover confined space training and the training needs of water and sewer employees
- First initial site considered for building was at the Waste Water Treatment Plant, now considering it behind the fire hall. He has talked with Planner Colton and the area behind the fire hall is General Commercial and would fit with the height restriction needed. It would cost less to build it by the fire hall because electricity and water are already there and the engineering cost alone to build at the treatment plant was astronomical. If built at the fire hall employees could practice every day and accessibility to the area is much easier and wouldn’t cause possible harm to City vehicles

Battalion Chief Steven explained the Insurance Services Office rating (ISO)

- ✓ Miles City Fire Rescue is currently at an ISO rate of 4 (greater than 60 points). A fire training center would help achieve an ISO class of 3 (70 points or greater) by providing the opportunity to increase our score from 62.52 to 67.96
- ✓ Move the Battalion Chief to day time. This would take the City from a 2.63 for on duty personnel to a total of 3.00, which scores a 3.78 in the ISO for command response. With this change, it would give the fire department 1.15 more points. The department gets points taken away for having the Battalion Chief respond to calls on the fire engine and not in a command vehicle
- ✓ With the training center and the Battalion Chief response change, it would bring the department to a 69.11 and with divergence fraction of the fire department and water supply, it would total over 70.00 points and increase the ISO rate to a 3
- ✓ A ISO rate of 3 would save citizens who own a \$250,000 home approximately \$166 dollars a year

**\*\*** *Committee Member Andrew moved to approve the fire training center move forward, seconded by Committee Member Huber. On roll call vote, it passed 8-0*

**Finance Committee- Recommend denial on James Dighans request to add “storage of pallets” to his Industrial Park lease and to remove all items that are not on the lease within 30 days**

Councilperson Andrews felt Mr. Dighans had broken the lease by storing a travel trailer, flatbed trailer and stacks of pallets on the land.

Mr. Dighans said the pallets are recycled and the camper trailer is on State land. He agreed the lease did say garden, green house, and sheep, but how many business are knocking on Miles City’s door.

Councilperson Huber said what is in the lease, is in the lease, and felt it was wrong to place those items on the land without permission. He would like the City to look at how many pallets Mr. Dighans could have and how high they could be stacked if kept organized.

Councilperson Gardner felt the City needed to follow the language in the lease.

Councilperson Wilcox thought Mr. Dighans was taking liberty as to what was approved though the lease. She felt he proceeded and then asked for permission. She added that when the lease comes up for renewal the pallets could be added to the list for approval and felt if the City approved the pallets at this time it would be sending a wrong message to enforce codes.

Councilperson Erlenbusch agreed with Councilperson Huber to look into revising the lease at a later date.

Councilperson Gardner thought the City needed to follow the lease.

Attorney Rice said a lease could be revised at any time.

**\*\* Committee Member Andrew moved to approve the denial on James Dighans request to add “storage of pallets” to his Industrial Park lease and to remove all items that are not on the lease within 30 days, seconded by Committee Member Galbraith. On roll call vote, it passed 8-0**

**Finance Committee- Recommend sending ambulance bills to collection for an amount of \$12,104.21**

**\*\* Committee Member Galbraith moved to approve sending ambulance bills to collection for an amount of \$12,104.21, seconded by Committee Member Andrews. On roll call vote, it passed 8-0**

**Finance Committee- Recommend to forgive Water Works 2013, 2014 and 2015 insurance billing and to invoice for 2016**

**\*\* Committee Member Galbraith moved to approve forgiving Water Works 2013, 2014 and 2015 insurance premium billing and to invoice for 2016, seconded by Committee Member Andrews. On roll call vote, it passed 8-0**

**BID OPENINGS**

None

**BID AWARDS**

None

**PUBLIC HEARINGS**

None

**UNFINISHED BUSINESS**

**A. RESOLUTION NO. 4044- A Resolution Adopting a Long Range Transportation Plan for the City of Miles City (Tabled from April 11<sup>th</sup> meeting)**

**\*\*** *Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Kassner.*

Jan Pratt, 29 Broken Bow Lane, representative of Council on Aging Coordinator and leader of Custer County Transit was concerned the plan did not bring enough attention to the availability of transportation for the aging in the inner city.

Planner Colton said her comments received during the study process were recorded in the back of the report and it was just a plan and could be changed at any time.

Councilperson Erlenbusch did not think it talked enough about the flow of traffic, specifically South Gate's access.

**\*\*** *On roll call vote, passed unanimously 8-0. Resolution No. 4044 passed*

**NEW BUSINESS**

**A. Discussion and Approval to Establish a Working Group to Address Annexation and Incremental Monetary Transfers From County to City**

Councilperson Andrews explained who the working group membership would include:

- One County Commissioner
- Mayor of Miles City
- One homeowner from a subdivision not within the city limits
- One homeowner who is a Miles City resident
- Two City Council members
- One member of the Custer Water & Sewer District
- Miles City Public Utilities Director
- Miles City Public Works Director
- Miles City Planner II

Councilperson Andrews explained the member-working group agenda that should be followed:

- **Mission Statement:** The mission is to find acceptable alternatives to Annexation and to lessen the impacts of transition from the government of Custer County to the government of the City of Miles City
- Identify the issues related to annexation and find solutions that meet the needs of the City of Miles City and Custer County Commissioners
- Consider implementation of an action plan that will satisfy the parties in lieu of Annexation and if Annexation were to occur develop a schedule that would incrementally transfer the tax burden from County to the City of Miles City over a 5-year period for the affected property owners. For example on \$500: First year the City would receive \$100 and the County receives \$400, second year the City would receive \$200 and the County receive \$300, and so forth for the five years.

# PROCEEDINGS OF CITY COUNCIL

## MILES CITY, MONTANA

He would like the deadline to be June 15, 2017 and recommended himself and Councilperson Huber as the City Council representatives.

Councilperson Galbraith thought the only money the County would lose is the 27.7 mills paid to road maintenance.

\*\* *Councilperson Uden moved to approve the establishment of a working group to address annexation, incremental monetary transfers from County to City and Dwayne Andrews and Rick Huber represent the City on the working group, seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 8-0. Approval to Establish a Working Group passed*

**B. RESOLUTION NO. 4048- A Resolution Approving a “Joint Application For Proposed Work in Montana’s Streams, Wetlands, Floodplains, and Other Water Bodies”**

\*\* *Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Erlenbusch. On roll call vote, the motion passed 8-0*

### ADJOURNMENT

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

The meeting was adjourned at 8:35 p.m.

  
John Hollowell, Mayor

  
Lorrie Pearce, City Clerk