

**REGULAR COUNCIL MEETING July 11, 2017
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, July 11, 2017, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Chairperson Galbraith called the meeting to order. Council Members present were Brant Kassner, Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch, and Kathy Wilcox.

Also present were Public Works Director Scott Gray, Police Chief Doug Colombik, Fire Chief Gary Warren and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Chairperson Galbraith led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 6/27/2017

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of June 27, 2017, subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

Flood Control Minutes: 6/22/2017

**Flood Control Committee
June 22, 2017**

The **Flood Control Committee** met Thursday, June 22, 2017 at 5:15 p.m. in the City Hall Conference Room. Present were Committee members; Jeff Erlenbusch, Rick Huber and Brant Kassner. Committee member Ken Gardner was absent. Also present were Floodplain Administrator Malenovsky and Recorder Payroll/Claims Clerk Ally Capps.

1. **Request of Citizens/Public Comment**
-None-
2. **Committee Member Comments**
-None-
3. **Unfinished Business**
-None-
4. **New Business**

A. Recommendation to Council to approve the modification to the pending KLJ Master Services Agreement.

Floodplain Administrator Malenovsky explained the modification of the KLJ Master Service Agreement is by KLJ on the Task Order Edition, Article 1 – Service of Engineer 1.01 Scope; D. Task Orders executed as part of this agreement pertain to Engineer providing general on-call professional services related to flood control, floodplain management and associated tasks. These services may include, but are not limited to, assisting with the Army Corps of Engineers Section 205 Feasibility Study and subsequent related professional service requested by Owner for Task Order related to flood control and floodplain management as well as ancillary tasks and projects.

Committee Member Huber asked if the wording modification was going to cost the City more money or why this wording is needed to the agreement. Floodplain Administrator Malenovsky explained that KLJ omitted this wording to the contract originally and KLJ wanted to specify this contract was only for flood control/floodplain management.

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Committee Member Huber wanted it to be on record that this original omission was by KLJ.

*** Committee Member Kassner moved to recommend to Council the approval of the Modification of the Pending KLJ Master Service Plan seconded by Committee Member Huber, motion passed unanimously, 3-0.*

B. Recommendation to Council to approve the KLJ Task Order for WIK service relating to Section 205 study (Program Management and Misc. Engineering Services; Government Relations & Public outreach/involvement; Hazardous, toxic and radioactive waste (HTRW) investigation; interior drainage; and structure inventory.

Floodplain Administrator Samantha Malenovsky explained the modification to the pending KLJ Master Service Plan. Both the Program Management and Government Relations tasks will require KLJ providing some services that are not eligible for work-in-kind credit. The following list of initial Task Orders have been approved by the Flood Control Steering Committee and City Council during the Section 205 overall project scoping progress. The next step is to have KLJ and the City formally sign the Task Orders to authorize KLJ to begin the project.

Chairperson Erlenbusch asked if the Finance Committee had approved the agreement. Floodplain Administrator Malenovsky responded that the fees were associated with the Finance Committee approval. The approval was for the total dollar amount, the Task Order now has an appropriation of the fees.

*** Committee Member Huber moved to accept the motion; for recommendation to Council to approve the KLJ Task Order for WIK service relating to Section 205 study (Program Management and Misc. Engineering Services; Government Relations & Public outreach/involvement; Hazardous, toxic and radioactive waste (HTRW) investigation; interior drainage; and structure inventory, seconded by Committee Member Kassner and passed unanimously, 3-0.*

5. Adjournment

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

Next Flood Control Meeting set for July 18 2017, at 5:15 p.m. in the City Hall Conference Room.

There being no further business, the Committee adjourned at 5:30 p.m.

*** Councilperson Erlenbusch moved to approve the minutes of the Flood Control Committee Meeting of June 22, 2017, subject to any changes, and seconded by Councilperson Huber. The motion passed by unanimous consent, 8-0.*

SCHEDULE MEETINGS

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

- Flood Control: Wednesday, July 19th @ 5:15 p.m.
- Public Safety: Thursday, July 13th @ 5:30 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Jeanne Vetch, 214 North 11th Street, said there is a house on Orr Street that had been torn down and has sat over two years as rubble. It is a fire hazard, rats probably live in it, a serious health and safety problem.

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Chief Colombik said Code Enforcement Officer Winkley and Building Inspector Hirsch have been working on the problem. He recommended talking to City Attorney Dan Rice for more information.

Angie Brodston, 215 North 11th Street, called the State Tax Department and the resident was assigned to Jewel Chandler.

Councilperson Gardner said the problem is, if the house had asbestos, it would be impossible to guess the cost of disposal and burning the building is not an option.

Councilperson Huber thought that at the last Council meeting it was said that the problem would be taken care of in two weeks. He hopes a solution is found before school begins this fall.

Director Kelm reported that Inspector Hirsch and Enforcer Winkley had been in contact with Mr. Vosler, so communication is happening.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Chief Warren: As of Noon today the County is under stage one fire restriction.

Chief Colombik: All first responders did a great job last night. He thanked everyone involved and thought the City have very dedicated employees. Also the storm was the worst storm he had seen in twenty six years.

Director Kelm: The fire, police, public works, public utilities crews were all out working very hard.

CITY COUNCIL COMMENTS

Dwayne Andrews: Reported that the bat houses were installed at Spotted Eagle, Bender Park and Water Works. At Bender Park there is property by the soccer field with a road that heads to the river. The road heads north and then just to the East, there is property that has been over grazed to bare ground. If GPS is correct, access to the house goes across city property. He asked if someone could look into the land to see if it is City property.

Susanne Galbraith: Muriel Rost called her and was taken back on the fireworks being shot off at all times in the night. She had to take her dogs to twelve mile to settle them down. Councilperson Galbraith thought the fireworks were out of control at Riverside Park. The City buys insurance for the day activities, but not the fireworks and is scared the City may get into a big lawsuit if it does not get it under control

John Uden: Several years ago the city had to shut down fireworks for being too dry. He was disappointed in himself and the Council for not shutting down the sales of fireworks and shooting them off in the city. It was very fortunate that there were no fires.

Brant Kassner: It was a war zone at Denton Field and ending up leaving early.

MAYOR COMMENTS

Chairperson Galbraith read the thank you letter from the 4th of July Committee.

STANDING COMMITTEE RECOMMENDATIONS

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Finance Committee: Send an amount of \$16,283.30 to collections for the Ambulance fund

** *Councilperson Andrews moved to approve sending \$16,283.30 to collections for the Ambulance fund, seconded by Councilperson Wilcox and, on roll call vote, passed unanimously 8-0.*

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. RESOLUTION NO. 4073- 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 Various Funds for Various Unbudgeted Expenditures
- Chairperson Galbraith called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.
- B. ORDINANCE NO. 1312- An Ordinance Revising Section 2-51 of the Code of Ordinances of the City of Miles City, Montana, So as Revise Provisions Regarding the Salaries of City Council Members
- Chairperson Galbraith called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.
- C. ORDINANCE NO. 1313- An Ordinance Revising Section 16-48 of the Code of Ordinances of the City of Miles City, Montana, so as Revise Provisions Regarding the Use of Fireworks Within the City Limits
- Chairperson Galbraith called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

UNFINISHED BUSINESS

- A. **RESOLUTION NO. 4073-** (*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 Various Funds for Various Unbudgeted Expenditures**
- ** *Councilperson Wilcox moved to approve the Resolution, read by title only, seconded by Councilperson Kassner and on roll call vote, passed unanimously 8-0. Resolution No. 4073 passed*
- B. **ORDINANCE NO. 1312-** (*Second Reading*) **An Ordinance Revising Section 2-51 of the Code of Ordinances of the City of Miles City, Montana, So as Revise Provisions Regarding the Salaries of City Council Members**
- ** *Councilperson Wilcox moved to adopt the Ordinance, read by title only, seconded by Councilperson Kassner and, on roll call vote, passed unanimously, 8-0. Ordinance No. 1312 was adopted.*
- C. **ORDINANCE NO. 1313-** (*Second Reading*) **An Ordinance Revising Section 16-48 of the Code of Ordinances of the City of Miles City, Montana, so as Revise Provisions Regarding the Use of Fireworks Within the City Limits**

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** Councilperson Huber moved to adopt the Ordinance, read by title only, seconded by Councilperson Uden.

** Councilperson Uden moved to amend the Ordinance by eliminating July 2nd for a day of discharge, seconded by Councilperson Huber.

** After a long discussion, on roll call vote, the amended motion passed unanimously, 8-0.

** On roll call vote, the original motion passed 8-0
Ordinance No. 1313 was adopted.

NEW BUSINESS

A. **RESOLUTION NO. 4076-** A Resolution Authorizing the City of Miles City to Enter Into a Grade Crossing Signals Tri-Party Agreement With the Montana Department of Transportation and BNSF Railway Company

** Councilperson Gardner moved to approve the Resolution, read by title only, seconded by Councilperson Erlenbusch and, on roll call vote, passed unanimously, 8-0. **Resolution No. 4076**

B. **RESOLUTION NO. 4077-** A Resolution Authorizing the City of Miles City to Enter Into a State Maintained Route Construction Agreement With the Montana Department of Transportation

** Councilperson Erlenbusch moved to approve the Resolution, read by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 8-0. **Resolution No. 4077 passed**

A. **RESOLUTION NO. 4078-** A Resolution Granting a Revocable License to Custer County District High School For an Encroachment Upon City of Miles City Right of Way For Fort Street, For the Benefit of Block 19 and The South Half of Blocks 13 and 14 of the Miles Addition to the City of Miles City

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

Councilperson Andrews thought something should be added to item 2 to specify the grounds are maintained where the benches are installed.

** After a short conversation Councilperson Uden amended his motion to include in item 2 "including the ground the benches are on", seconded by Councilperson Gardner. On roll call vote, the motion and amended motion passed by unanimous consent, 8-0. **Resolution No. 4078 passed on first reading.**

ADJOURNMENT

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

The meeting was adjourned at 7:45 p.m.


Susanne Galbraith, Chairperson


Lorrie Pearce, City Clerk