

Public Safety Committee Meeting October 20, 2017

The Public Safety Committee met Friday, October 20, 2017 at 4:30 pm in the City Hall Conference Room. Present were Committee Members Jeff Erlenbusch, Brant Kassner and Ken Gardner. Also present were City Clerk Lorrie Pearce, Acting Fire Chief Branden Stevens, Mayor John Hollowell, Fire Captain Edward Kanduch, Council Member Kathy Wilcox and Committee Recorder Linda Wilkins. Excused was Committee Member John Uden.

Chairperson Gardner called the meeting to order.

1. Request of Citizens
None

2. Request of Committee Members
None

3. Review and Recommend – Action on Public Nuisance

***Committee Member Kassner moved to recommend to City Council for approval an Ordinance Amending Chapter 15 of Miles City, Montana, with Regards to Weeds, and the Enforcement of Nuisances, seconded by Committee Member Erlenbusch.*

Committee Member Erlenbusch saw a typo error on page 2 third full paragraph in the middle change “to” to “...through the office of the City...” He asked who is going to look up and find out who the owners are of the property. City Clerk Pearce pointed out that the ordinance does say that the code enforcement officer was assigned this task. Chairperson Gardner thought it best to put the assignment of duties outlined in this ordinance into the Mayor’s hands. Committee Member Erlenbusch thought maybe the general office clerk in the Police Department would be able to handle this task; this of course would go through the Chief of Police. He also thought that under the second bullet, second line the words “...by personal service...” should be deleted since most times the person at the address being served may only be the renter of the property. Chairperson Gardner would like to talk to the police chief about this topic and take some of the load off the code enforcement officer. Mayor Hollowell commented that the title searches would probably go through Security Abstract and Title and more than likely there will be a charge for these searches. Committee Member Erlenbusch asked has the city attorney looked at this public nuisance ordinance. Chairperson Gardner answered yes he is the one that drew it up. Council Member Wilcox commentated that in section 15-5 where it says “unsightly appearance” this is a subjective comment. Mayor Hollowell stated that usually it’s a citizen complaining about weeds and is a pretty good indicator that something needs to be done.

***Committee Member Kassner amended the motion to review and recommend amended language, seconded by Committee Member Erlenbusch.*

Clerk Pearce asked where the money was going to come from for the costs associated with implementing this process. Mayor Hollowell said that this would be a recuperation process, but it would be good to put the money into a special fund so funds are available for the process. Clerk Pearce also pointed out that the Treasurer needs to be specifically mentioned in the seventh bullet down on the second page where it mentions liens. She thought a lien would go through taxes and the treasurer would know how this works. Committee Member Erlenbusch asked about restitution, would we need to make a revision to this ordinance or in another ordinance for fees. He also commented that it is the end goal to do this ordinance correctly. He thought the answers to their questions should come from the City Attorney. Clerk Pearce said the ordinance is on the next Council agenda but the item can be postponed. Chairperson Gardner commented that this will be a process and having it go on to City Council will help with any changes that may be needed, but he is happy with the movement forward.

***On roll call vote the amended motion passed 3-0.*

4. Review & Recommend – Fire Protection Contract with the Miles City Fire Department and Out of District Property Owners Resolution 4113

***Committee Member Kassner moved to recommend to City Council for approval the Fire Protection Contract with the Miles City Fire Department and Out of District Property Owner Resolution 4113, seconded by Committee Member Erlenbusch.*

Chairperson Gardner stated that Attorney Rice has approved the contract and asked Acting Fire Chief Stevens to discuss the contract and the need for a water tender truck for the fire department. Acting Chief Stevens said the fire contract offers protection for structures outside the city limits, but one of the main reasons is so businesses and residents can take advantage of the City's ISO ratings. The contract's coverage area is about 10 miles out from the city limits. The Fire Department was servicing wildland fires for the county, but the contract is being changed to take out fighting wildland fires. He has some concerns about the department's ability to effectively service these contracts. People are buying a service that he feels cannot effectively be delivered. If the contracted property is not 1500 feet from a fire hydrant, there is not an adequate water supply to fight the fire. In order to have an adequate water supply available at all fires the department would need to buy a water tender truck. He put together a handout of tender trucks they would like to look at, in the future. He thought the fire department could find a quality water tender truck in the price range of \$75,000 to \$150,000 that would service the department for about 15 years. The properties serviced in this contract are usually serviced by both the City and County Fire Departments. The County has water tender trucks, so there is usually not an issue when the county tender trucks are available; however, this summer at times these trucks were out 60 miles fighting wildfires. This could have posed a serious problem had any fires broken out in the contract areas. Acting Chief Stevens said he could not in good conscience dispatch his firefighters to fight a fire under these circumstances. Councilperson Wilcox asked for a recommendation. Acting Chief Stevens recommended the fire department continue doing what they are doing, the contract does provide for the discretionary right of the Fire Department not to respond to a fire. What usually occurs is the City Fire Department

responds and the County Fire Department is right behind with their water tender trucks. Most people purchase the contract for the insurance rating not necessarily the protection, but he wants to make sure we are offering fire protection. A tender truck with the department will also help with the City's ISO rating. The modification of this contract only involves taking out wildland fires which Acting Chief Stevens stated needs to be moved on to council.

***On roll count vote the motion passed 3-0.*

5. Review & Recommend – Traffic Mirror at the corner of Stower St., Missouri Ave., S. Montana and S. 8th St.

Chairperson Gardner has some concerns with placing the mirror at this intersection.

**Committee Member Gardner moved to recommend the traffic mirror at the corner of Stower St., Missouri Ave., S. Montana and S. 8th St., seconded by Committee Member Erlenbusch.*

Mayor Hollowell stated the request comes from Nancy Mitchell. She feels so strongly about this that she is willing to pay for the mirror. The Mayor has researched this and this is not an uncommon practice. He thought it would be good to investigate the issue a bit further in consultation with Public Works Director Gray. Committee Member Erlenbusch said the state keeps records that could be investigated to see what accidents have happened at this intersection.

***On roll count vote the motion passed 3-0.*

6. Review Cowtown BBQ Parking on Park St.

- Chairperson Gardner spoke with Scott Thompson, who organizes the parking for the Cowtown BBQ. If parking occurs along Park Street the fire department needs about 11 feet of fire lane to get through on this street. He told Mr. Thompson there would need to be at least 15 feet so fire trucks can get through.
- Committee Member Erlenbusch suggested that the pull outs on the campers face in toward the park.
- Committee Member Kassner thinks the police department needs to crack down harder.
- Committee Member Erlenbusch stated the City gave permission to use the streets, but someone needs to make sure that the small fire lane does not happen again.
- Chairperson Gardner told Mr. Thompson that he would need to get in touch with Battalion Chief Stevens to have him inspect the fire lane. He will also stay in touch with Mr. Thompson and will make sure there is not an issue with the fire lane on Park Street.
- Committee Member Erlenbusch thought the committee should find out from Director Gray where the campers will be located.
- Chairperson Gardner thought we needed to stay on top of it this year and if it gets any bigger maybe they should look for a different venue.

- Committee Member Kassner suggested possibly closing off Main Street, this would help the businesses downtown.

7. Adjournment

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

The meeting was adjourned at 6:40 p.m.

Respectfully Submitted,



Ken Gardner, Chairperson



Linda Wilkins, Recorder