

**REGULAR COUNCIL MEETING December 12, 2017**  
**7:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, December 12, 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, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith. Excused was Dwayne Andrews

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Fire Chief Branden Stevens, Public Utilities Director Allen Kelm, Water/Wastewater Operator Tom Speelmon, EMS Officer Sarah Lewin, Acting Battalion Chief Mike Miller, Captain Edward Kanduch, Firefighters Taylor Lee, Jacob Richards, and Tanner Harbaugh, Probationary Firefighters Brad Davis, Jason Berry, and Ian DeMoney and Deputy City Clerk/Minute Recorder Linda Wilkins.

**PLEDGE OF ALLEGIANCE**

Mayor Hollowell led the Council in the Pledge of Allegiance.

**APPROVAL OF COUNCIL & COMMITTEE MINUTES**

**City Council Minutes: 11/28/2017**

*\*\*Councilperson Uden moved to approve the minutes of the Regular Council Meeting of November 28, 2017, subject to any changes, and seconded by Councilperson Huber. The motion passed by unanimous consent, 7-0.*

**SCHEDULE MEETINGS**

None

**REQUEST OF CITIZENS & PUBLIC COMMENT**

Kevin Oster, 11 Palmer presented to the City a plaque for their assistance to the Sweet Grass District of Montana, Quad District Spring Camporee at Spotted Eagle May 5-7, 2017.

**APPOINTMENTS**

Airport Commission: Phillip Emmons and Doug Phair

*\*\*Councilperson Uden moved to approve the appointment of Phillip Emmons and Doug Phair to the Airport Commission, and seconded by Councilperson Huber. On roll call vote, the motion passed, 7-0.*

Urban Renewal Board of Commissioner- Jeff Erlenbusch

*\*\*Councilperson Galbraith moved to approve the appointment of Jeff Erlenbusch to the Urban Renewal Board of Commissioners, and seconded by Councilperson Gardner. On roll call vote, the motion passed, 7-0.*

Mayor Hollowell administered the oath of office.

City Council: Dwayne Andrews

Fire Chief - Branden Stevens

*\*\*Councilperson Galbraith moved to approve the appointment of Branden Stevens as Fire Chief, and seconded by Councilperson Erlenbusch. On roll call vote, the motion passed, 7-0.*

Mayor Hollowell administered the oath of office.

**PROCLAMATIONS**

None

**STAFF REPORTS**

Acting Fire Chief- Firefighter Taylor Lee completion of Paramedic Training and Firefighters Jason Berry, Bradley Davis and Ian DeMoney completed academy

Chief Stevens presented to the Council year-to-date statistics for the Fire Department. He turned the floor over to Acting Battalion Chief Miller who introduced Probationary Firefighters Berry, Davis and DeMoney to the Council and commended them for completion of the Fire Academy. Chief Stevens commended there would be much more training for these individuals and welcomed them to the Miles City Fire Department. He turned the floor over to EMS Officer Lewin who congratulated and commended Firefighter Taylor Lee for completing the Paramedic Course at Montana State University – Billings.

**CITY COUNCIL COMMENTS**

None

**MAYOR COMMENTS**

The County Commissioners have requested a meeting to discuss the joint lease of the Airport. He asked for volunteers to meet with the Commissioners. Councilpersons Kassner, Galbraith and Gardner volunteered. They will coordinate a time with the Commissioners.

**STANDING COMMITTEE RECOMMENDATIONS**

None

**BID OPENINGS**

None

**BID AWARDS**

Lagoon Lease

*\*\*Councilperson Galbraith moved to accept Levi Gordons bid, which was the highest bid, as recommended by the Finance Committee, and seconded by Councilperson Wilcox. On roll call vote, the motion passed, 7-0.*

**PUBLIC HEARINGS**

- A. **RESOLUTION NO. 4117: A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2017-2018 to Increase the Budgeted Amount in Water Funds # 5210-22-430530-940, 5210-23-430550-940 and 5210-80-430540-940**

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. 4117: (Second Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2017-2018 to Increase the Budgeted Amount in Water Funds # 5210-22-430530-940, 5210-23-430550-940 and 5210-80-430540-940**

*\*\*Councilperson Gardner moved to approve the Resolution, read by title only and seconded by Councilperson Wilcox. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4117 passed.*

**NEW BUSINESS**

**A. ORDINANCE NO. 1317 (First Reading)- An Ordinance Revising Zoning Code Sections 24-90, 24-91, and Article V (Definitions), so as to Call For Review of Conditional Use Permits by City Council**

*\*\*Councilperson Kassner moved to approve Ordinance 1317 as read by title only, and seconded by Councilperson Gardner.*

- Attorney Rice stated that this Ordinance was drafted under the assumption that the Zoning Commission would approve the change. The Zoning Commission has recommended this Ordinance not be approved. There needs to be a change to the language on the 1<sup>st</sup> page under the 3<sup>rd</sup> whereas should be amended to show these changes were not approved by the Commission.

*\*\*Councilperson Wilcox moved to amend the Ordinance to “did not recommend”, seconded by Councilperson Kassner and passed unanimously 7-0.*

*\*\*On roll call vote, the Ordinance passed as amended 7-0.*

**B. Approval on Outlaw’s request to move CABA’s Tournament to July 4<sup>th</sup> weekend**

*\*\*Councilperson Galbraith moved to send approval on Outlaw’s request to move CABA’s Tournament to July 4<sup>th</sup> weekend back to the Public Works Director, seconded by Councilperson Erlenbusch.*

- Councilperson Galbraith thought this issue should be worked out with the Public Works Director.
- Mayor Hollowell stated the Director was unable to attend the first meeting so he stepped in to assist.
- Councilperson Uden stated that Legion and Little League baseball were established long before these tournaments were scheduled. He thought we should stick with historic dates.
- Councilperson Erlenbusch stated that CABA made an attempt to work with the Legion. He thought it could be worked out.
- Councilperson Wilcox thought it could be worked out.
- Councilperson Huber thought the economics were good for the City and the children. The two tournaments should complement each other so let’s make it work.

*\*\*Councilperson Galbraith amended her motion to send both sides to the Public Works Director and come up with a solution, seconded by Councilperson Wilcox.*

- Chuck Notbohm, 298 Sunset Dr. spoke as a promoter. He has tried to work with MCYBA. CABA has attempted to address the concerns of MCYBA such as fundraising, the use of Tedesco Field, and invited MCYBA to participate in the tournament. He thought at this point mediation could possibly solve the issues, but stressed the urgency of coming to a settlement.
- Blayne Watts, 2815 Tompy stated that the conflict between the two tournaments had been settled with the issuance of the 2016 Park User Permit which is in effect for five years.

*\*\*On roll call vote the amended motion passed, 7-0.*

PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

**C. Approval on City paying for Black Mountain Software for TIFD taxes**

*\*\*Councilperson Galbraith moved to approve the City paying for Black Mountain Software for TIFD taxes and the County to pay for the yearly maintenance fees, and seconded by Councilperson Uden.*

- Todd Gillette, 213 N. 12<sup>th</sup>, Chairman of the Urban Renewal Board commented that the TIFD was just getting off the ground and thought the funds for the TIFD could be put to better use.
- Councilperson Galbraith commented that the General Fund would make the initial payment and arrangements would be made for TIFD to reimburse the money to the General Fund.

*\*\*Councilperson Wilcox amended the original motion to the City pay 50% and the County pay 50%, and seconded by Councilperson Kassner.*

- Councilperson Galbraith said the County had come to the City for a straw poll. The City said they would pay for the software.
- Councilperson Erlenbusch said it is not the duty of the City to collect taxes that is the responsibility of the County.

*\*\*Councilperson Kassner moved to table the approval until the next meeting to look into it a little deeper, seconded by Councilperson Wilcox. On roll call vote the motion passed, 7-0.*

**D. RESOLUTION NO. 4115- A Resolution Revising City of Miles City Personnel Policies Regarding Discipline and Discharge**

- Mayor Hollowell commented that when disciplinary action is taken the employee should have the opportunity to write a response to the action taken.

*\*\*Councilperson Wilcox moved to table the Resolution, seconded by Councilperson Erlenbusch. On roll call vote the motion passed by unanimous consent, 7-0.*

**E. RESOLUTION NO. 4120- A Resolution Approving a Memorandum of Understanding With the Local No. 600 Bargaining Unit Regarding Battalion Chief Hours of Duty and Vacation**

*\*\*Councilperson Uden moved to approve the Resolution, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4120 passed.*

**F. Approval of November claims**

*\*\*Councilperson Kassner moved to approve the November claims, seconded by Councilperson Wilcox. On roll call vote, the motion passed, 7-0.*

**ADJOURNMENT**

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

The meeting was adjourned at 8:32 p.m.



**John Hollowell, Mayor**



**Linda Wilkins, Deputy City Clerk**