

REGULAR COUNCIL MEETING June 26, 2018

6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 26, 2018, 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 Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch, and Susanne Galbraith. Excused were Council Members Brant Kassner and Kathy Wilcox.

Also present were Public Works Director Scott Gray, Fire Chief Branden Stevens, Public Utilities Director Tom Speelmon, Building Inspector Dennis Hirsch, Dispatch Supervisor Lyne Anderson 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: 6/12/2018

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of June 12, 2018, subject to any changes, and seconded by Councilperson Huber. The motion passed by unanimous consent, 6-0.*

Finance Committee Minutes: 6/19/2018

Finance Committee Meeting

June 19, 2018

The Finance Committee met Tuesday, June 19, 2018 at 7:00 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rick Huber, Dwayne Andrews and Kathy Wilcox.

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

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:

2. Review and Recommendation on Resolution No. 4163- A Resolution Authorizing the City of Miles City to Contract With Dennis Hirsch for Building Inspection Services for Fiscal Year 2018-2019

Inspector Hirsch explained that the fund can only keep so much money at the end of the year. If the money is not spent, it goes to the State. He said that over the last few years he has bought computers, carpet and updated lighting in the upstairs offices. He felt with his request of a 10% increase of the gross amount of the fees, there would be enough money in the fund to continue buying supplies and pay for wages.

Clerk Pearce asked if item (b) in section two should be deleted. After a short discussion it was decided to recommend to Council to delete the item from the contract, but noted "inspector shall provide his own vehicle for travel and performance of his services hereunder" should be kept in the contract.

** *Committee Member Galbraith moved to recommend to Council to approve the resolution, seconded by Chairperson Wilcox. The motion passed 4-0*

3. Review and Recommendation on Resolution No. 4166- A Resolution Authorizing the City of Miles City to Enter Into an Agreement With the Montana Department of Transportation for Street Sweeping for Fiscal Year 2018-2019

Director Gray explained that he talked with District Administrator Mentz and the State did not have a problem with the labor and equipment increase.

** *Committee Member Andrews moved to recommend to Council to approve the resolution, and seconded by Committee Member Huber. The motion passed 4-0*

4. Adjournment

** *Committee Member Galbraith moved to adjourn the meeting, seconded by Committee Member Huber and passed unanimously, 4-0.*

The meeting was adjourned at 7:12 p.m.

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** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of June 19, 2018, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 6-0.*

SCHEDULE MEETINGS

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

- Finance Committee: Thursday, July 19th @ 6:00 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Citizen Rob Shipley, 603 South 4th Street, asked what was the status of his home burglary. Said four people spent six hours in his home, filling forty five plastic totes and multiple boxes. He asked for a hearing. Mayor Hollowell explained that it was a civil matter. Councilperson Uden recommended that he talk to the County Attorney on the matter.

APPOINTMENTS

Airport Commission- Bob Lunde

** *Councilperson Gardner moved to appoint Bob Lunde to the airport commission, seconded by Councilperson Andrews. The motion passed 6-0.*

PROCLAMATIONS

None

STAFF REPORTS

Branden Stevens- Reported that Brad Davis was promoted to Deputy Fire Inspector, all firework stands had been inspected and the testing of hydrant started this week. He added that a structural engineer was hired to evaluate the fire house and a report is expected next week.

Tom Speelmon- Explained that Ovivo will upgrade the membranes at no cost to the City. The City will need to pay for labor to reinstall them. He is still looking into buying a cover. South Gate water tank had another leak. He is in the process of getting quotes for the repair.

Dennis Hirsch- Reported that the lot on 11th and Orr is almost cleaned up.

Lyne Anderson- Reported that a civil test will be performed this Friday at 10 a.m.

CITY COUNCIL COMMENTS

John Uden- Reported a trailer parked on the old tennis court at Riverside Park. The City crew did an excellent job in removing the old cottonwood tree from the Oasis.

Rick Huber- While visiting the Oasis, he encountered two lifeguards that were giving out water wings. He said they were very helpful and excited about their job.

Ken Gardner- Reported that the North side siren does not work and hopes that the County is looking at repairing or replacing it. Supervisor Anderson said it was on the agenda for next fiscal year to apply for a grant to help pay for it.

MAYOR COMMENTS

Read the attached letter.

Greetings MLCT members,

We have great news for you! Last week, the MLCT Board voted to double the dues paid by the MLCT to join the National League of Cities' Affiliate Member Program. This vote means that every municipality in Montana with a population of 20,000 or less will become a member of the National League of Cities, effective July 1, 2018. With this affiliate membership, your community will have access to the NLC's

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prescription drug benefit, access to the NLC grants database, federal advocacy resources, technical assistance on local government issues, and member registration rates for conferences and meetings to connect and network with your municipal peers across the nation!

We will follow up with detailed information about the affiliate member program in the next few weeks. Have a great week!

Tim Burton
Executive Director

Kelly A. Lynch, JD, AICP
Deputy Director/General Counsel

Montana League of Cities and Towns
P.O. Box 7388
Helena, Montana 59604
406-442-8768 office
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COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. **RESOLUTION NO. 4160- A Resolution Approving the Work Plan and Budget For Fiscal Year 2018-2019 for Business Improvement District No. 101, to Include an Increase in Bed Tax From \$1 to \$2, and providing for Hearing Thereon**

Mayor Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

- B. **ORDINANCE NO. 1326- An Ordinance Granting a Cable Television Franchise to Cable & Communications Corporation, and Providing an Effective Date Thereof**

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. 4160- (Second Reading) A Resolution Approving the Work Plan and Budget For Fiscal Year 2018-2019 for Business Improvement District No. 101, to Include an Increase in Bed Tax From \$1 to \$2, and providing for Hearing Thereon**

** *Councilperson Uden moved to approve the Resolution, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed, 6-0. Resolution No. 4160 passed.*

- B. **ORDINANCE NO. 1326- (Second Reading) An Ordinance Granting a Cable Television Franchise to Cable & Communications Corporation, and Providing an Effective Date Thereof**

** *Councilperson Gardner moved to approve the Ordinance, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed, 6-0. Ordinance No. 1326 passed.*

- C. **Approving an Alcohol Variance in Wibaux Park for MCI²**
Pulled by request of MCI²

NEW BUSINESS

- A. **RESOLUTION NO. 4163- A Resolution Authorizing the City of Miles City to Contract With Dennis Hirsch for Building Inspection Services for Fiscal Year 2018-2019**

**** Councilperson Galbraith moved to approve the Resolution as read and to delete all of Section 2b except the last sentence stating the inspector will supply their own vehicle and seconded by Councilperson Uden. On roll call vote, the motion passed, 6-0. Resolution No. 4163 passed.**

- B. **Resolution NO. 4165- A Resolution Pursuant to §16-48 of the Miles City Code of Ordinances, Establishing Dates, Times and Locations for Discharge of Fireworks Within the City Limits for the Year 2018**

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

**** Councilperson Gardner amended his original motion to strike the verbiage “and 10:00 am to 10:00 pm on Thursday, July 5, 2018” and strike the following location Riverside Park, seconded by Councilperson Andrews.**

Councilperson Erlenbusch explained that the Public Safety Committee recommends removing Riverside Park for safety reasons. They are afraid that someone will be seriously injured, because it has become a war zone on the 4th. They felt that Jaycee, Bender and Tedesco field would be adequate space to light fireworks. They also recommended removing discharging the fireworks on the 5th. It was felt that since the 4th of July is in the middle of the week, that it would affect citizens going back to work on Thursday and Friday. Councilperson Galbraith said she would like to see the fireworks on the 4th at Riverside Park. Maybe cut back the hours to 8:00 pm, because it does get a little crazy.

**** On roll call vote, the motion ended with a tie, 3-3, with Councilpersons Galbraith, Huber and Andrews voting no.**

Mayor Hollowell explained that if he is forced to break the tie, he will vote no and the resolution will not pass and the issue is dead. If the City wanted to allow fireworks this year, a special council meeting would need to be scheduled. He encouraged Council to go back to discussion and try to come to an agreement. Council agreed.

Councilperson Galbraith said that she would like to keep Riverside on the location list but shut the fireworks down at 8:00 pm. and add July 5th back into the resolution. Councilperson Uden felt that if the fireworks are shut down before the firework display provided by the Veterans of Foreign War, that it would be very hard to patrol and nobody would be willing to stop lighting them. Councilperson Gardner agreed. Councilperson Erlenbusch said that it has been a long time since he witnessed the firework display, but thought taking Riverside Park out would get rid of the chaos. The committee felt that it had to start somewhere, and that is why Riverside Park was taken out of the locations.

**** Councilperson Gardner called to question. Mayor Hollowell stated that Council would be voting on Removing Riverside Park, not allow fireworks on July 5th and shutting down the fireworks at Riverside Park at 8pm. seconded by Councilperson Erlenbusch. The call to question motion passed unanimously.**

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****** *On roll call vote, the motion was tied 3-3, with Councilpersons Galbraith, Huber and Andrews voting no.*

Again Mayor Hollowell asked Council to go back to discussion until an agreement was met.

Councilperson Galbraith said she would like July 5th from 10:00 am to 10:00 pm to be added back into the resolution. Councilperson Andrews agreed.

****** *Councilperson Galbraith moved to change the time for fireworks at Riverside Park from 10:00am to 8:00pm only on July 4th, seconded by Councilperson Andrews. The motion passed 5-1 with Councilperson Gardner voting no*

C. RESOLUTION NO. 4166- A Resolution Authorizing the City of Miles City to Enter Into an Agreement With the Montana Department of Transportation for Street Sweeping for Fiscal Year 2018-2019

****** *Councilperson Galbraith moved to approve the Resolution, read by title only and seconded by Councilperson Uden. On roll call vote, the motion passed, 6-0. Resolution No. 4166 passed.*

D. RESOLUTION NO. 4167- (First 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 Fund # 2420-048-430263-533

****** *Councilperson Galbraith moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed, 6-0. Resolution No. 4167 passed on first reading.*

E. RESOLUTION NO. 4168- (First 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 Fund # 2400-046-430263-341 & # 2400-046-430263-533

****** *Councilperson Gardner moved to approve the Resolution, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed, 6-0. Resolution No. 4168 passed on first reading.*

F. RESOLUTION NO. 4169- A Resolution Authorizing the City of Miles City to Enter Into an Agreement Entitled “Interlocal Agreement for Montana Firefighters Testing Consortium” With Certain Cities and Fire Districts in the State of Montana

****** *Councilperson Uden moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed, 6-0. Resolution No. 4169 passed.*

G. Discussion and approval on accepting property located on Hawley Street donated to the City

Mayor Hollowell explained that a party is interested in donating two pieces of land by the dike to the City. This would benefit the City in the future as to the dike and purchasing land. The City would burn the building on Hawley Street if the asbestos test results allow us to. The other piece of land would be the property that benefits the City.

****** *Councilperson Galbraith moved to approve moving forward on the City accepting two properties, one on Hawley Street and the other*

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property owned by the same party, seconded by Councilperson Andrews. On roll call vote, the motion passed, 6-0.

H. Discussion and approval on the conclusion of the BNSF Depot project

****** *Councilperson Uden moved to open the floor for discussion, and seconded by Councilperson Erlenbusch. The motion passed 6-0.*

Councilperson Uden explained that the City has been dealing with the depot for over 10 years. Since then there has been no improvements to the building, he felt the building has deteriorated to a point that it is a public safety and health hazard issue. He felt that all interest of the City should be terminated and the Mayor write a letter to BNSF to demolish the building as soon as possible.

Councilperson Galbraith hated to see the building torn down and would like to see if others are interested in it.

Councilperson Erlenbusch said the problem is that working with BNSF, there are promises made and nothing is followed through.

****** *Councilperson Uden moved to notify BNSF in writing that the city is divesting its interest in the depot and recommend to BNSF to demolish the building at their earliest convenience, seconded by Councilperson Huber.*

Ted Schieffert, 152 Balsam Street was of the understanding a couple years back there was grant money for the project. Mayor Hollowell said there was grant money to look at the structure of the building. That was not completed and as of now the City does not have permission to enter the building. Mr. Schieffert stated that he would like the City to try and save the building. He said it was a sound building, needing a new roof and some tender loving care. He thought there was grant money to proceed with the project. With a new Director, they could possibly try to get money from grants to go forward with the building. It is a beautiful building and would hate to see it torn down. He thought the Historic Preservation or Chamber of Commerce could help.

Councilperson Galbraith would like to contact members of the committee that started the project to see if there is still interest and if they would be willing to write some grants. Mayor Hollowell said the lease is the problem. BNSF would only lease it to the City and there was stipulations in the lease that were not beneficial to the City.

Councilperson Gardner thought it was a unique building. He didn't know if the City should take itself out of the loop. He thought the City should take a little more time to look into it.

Inspector Hirsch said the building is deteriorating. There are several leaks in the roof, the floor has deteriorated and dry rot is present. The structure would need a major overhaul to revamp it. The building is on the verge to being condemned.

****** *Councilperson Andrews amended the motion to add a deadline of two years from the date of the letter to respond. If BNSF has not responded by then the City would ask them to demolish the building, seconded by Councilperson Uden. The motion passed by unanimously vote.*

****** *The original motion passed 4-2, with Councilperson Galbraith and Councilperson Gardner voting no*

ADJOURNMENT

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

The meeting was adjourned at 8:42 p.m.


John Hollowell, Mayor


Lorrie Pearce, City Clerk