

REGULAR COUNCIL MEETING October 9, 2018

6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, October 9, 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 Brant Kassner, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith. Council Member Dwayne Andrews was excused.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Chief Doug Colombik, Fire Chief Branden Stevens, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, 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: 9/25/2018

** *Councilperson Erlenbusch moved to approve the minutes of the Regular Council Meeting of September 25, 2018, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 7-0.*

Special City Council Minutes: 9/27/2018

** *Councilperson Galbraith moved to approve the minutes of the Special City Council meeting of September 27, 2018, and seconded by Councilperson Uden. The motion **passed** by unanimous consent, 7-0.*

SCHEDULE MEETINGS

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

- Human Resource: Thursday, October 18th @ 5:30 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Scott Gray- The water line on the Darling project is complete and the storm sewer is real close to being completed. He said the entire project should be completed by the first week in November.

Samantha Malenovsky- Corps of Engineers will hold a meeting updating the public on section 205 and talk about the slough project. The meeting is on October 30th at 5:30pm in room 106 at the Miles Community College.

Branden Stevens-

- Hired two firefighters, their start date is October 22. They have three to four weeks of training before they are certified to work on the floor
- Will submit an Assistance Firefighter Grant for the tender and will not know if the City will be awarded the grant until August of next year
- Received the four wheel drive ambulance last Friday

- Miles City ambulance is currently covering Prairie County for Emergency Medical transfers. He is meeting with the County Commissioners to work on a plan for the future
- Footing for the training center has been poured and delivery of the building is at the end of the month
- He is working with a corporation that is willing to donate \$100,000 to the reconstruction cost on the fire hall and secure housing for the employees while the project is in progress. Another corporation has committed to donating the equipment that will be used for the reconstruction. To continue on, the City will need a Preliminary Architectural Report
- Thanked the Public Works and Utilities for the help on the project

CITY COUNCIL COMMENTS

Rick Huber- Remarked that with all the doom and gloom, it is refreshing to hear teamwork is at the City.

Jeff Erlenbusch- Received a positive phone call on public nuisance. Said progress had been made in two areas and wanted to thank Officer Winkley for his hard work.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 4202- A Resolution Approving a State-Local Mitigation Grant Agreement With the State of Montana MT DES and the Federal Emergency Management Agency for the Miles City Slough Restoration Project

****** *Councilperson Galbraith moved to approve the Resolution, read by title only and seconded by Councilperson Erlenbusch. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4202 passed.*

B. RESOLUTION NO. 4203- A Resolution Approving Agreement Articles and Obligating Document With the Federal Emergency Management Agency for SCBA Equipment Grant

****** *Councilperson Uden moved to approve the Resolution, read by title only and seconded by Councilperson Erlenbusch. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4203 passed.*

C. RESOLUTION NO. 4204- A Resolution of the City Council of the City of Miles City, Montana Repealing Provisions Related to Administrative Fees and Charges for Processing Citations in City Court Previously Approved by Resolution 3717

****** *Councilperson Gardner 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. 4204 passed.*

D. RESOLUTION NO. 4205- A Resolution Approving a Lease Agreement Between Ronald L. Asking Drilling and the City of Miles City for the Lease of Real Property for Fire and EMS Storage and Use

****** *Councilperson Erlenbusch 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. 4205 passed.*

E. ORDINANCE NO. 1327- (First Reading) An Ordinance Changing the Zoning of Tract No. 2, Less Tract D & 160' x 180', of the Dyba Addition to the City of Miles City From General Commercial Zone to Highway Commercial Zone, and Providing for a Hearing Thereon

****** *Councilperson Galbraith moved to approve the Ordinance, read by title only and seconded by Councilperson Gardner.*

Mayor Hollowell read the criteria of what is allowed in a highway commercial area, which comes from the City's Code of Ordinance Article II, Section 24.

Councilperson Wilcox said there was inconsistency between the 2017 finding of facts/staff report and the current finding of facts/staff report even though the rezone is in the area. Attorney Rice said the 2017 was an amended finding of facts after the public hearing.

Director Gray explained that every time a rezone is presented (even though they may be in the same area/tract) it will be slightly different. Also, the Zoning Board asked for their 3-1 approval vote on the rezone be strongly considered in Councils consideration. (Just like it does with all other Committees recommendations). He also reminded Council that the Ordinances presented tonight are only for the rezone in that area. If these ordinances pass then the next step is approval of conditional use.

Councilperson Galbraith said that she will vote with what the Zoning Board recommended.

Attorney Rice said that the Ordinance is presented at this meeting only to set a public hearing and the opportunity for final approval or disapproval. The City's zoning code states that rezoning has to go to public hearing. By making revisions before the public hearing process would be inappropriate and procedurally improper. Two meetings from now when the public hearing is on the agenda that is when you will receive public comments. Revisions then can be made to the finding of facts and can be referred back to a committee for some well thought out wording of the revisions. The reason the letters were in the packets was because it was presented to the Zoning Board and Council gets all information that was presented to them to make their decision. He reminded Council again that this Ordinance is about rezoning not the business that is asking for the rezone. Highway commercial zoning could be very beneficial to the City in that area. Accepting businesses in that area is decided by a "Conditional Use" process, which would come after the passing of the Ordinances.

****** *Question was called by Councilperson Erlenbusch and second by Councilperson Uden and passed by roll call vote. 7-0*

*** On roll call vote, the main motion passed by unanimous consent, 7-0.
Ordinance No.1327 passed first reading**

F. ORDINANCE NO. 1328- (First Reading) An Ordinance Changing the Zoning of Lot F, Tract No. 2, of the Dyba Addition to the City of Miles City from General Commercial Zone to Highway Commercial Zone, and Providing for a Hearing Thereon

****** *Councilperson Gardner moved to approve the Ordinance, read by title only and seconded by Councilperson Erlenbusch. On roll call vote, the motion passed by unanimous consent, 7-0. Ordinance No. 1328 passed first reading*

G. ORDINANCE NO. 1329- (First Reading) An Ordinance Repealing Section 21 of the Code of Ordinances of the City of Miles City and Enacting a New Section 21 of Said Code of Ordinances of the City of Miles City, Adopting New Subdivision Regulations

****** *Councilperson Galbraith moved to approve the Ordinance, read by title only and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 7-0. Ordinance No. 1329 passed first reading*

H. Approval of September Claims

****** *Councilperson Uden moved to approve the September claims, seconded by Councilperson Wilcox and passed unanimously, 7-0.*

ADJOURNMENT

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

The meeting was adjourned at 6:55 p.m.


John Hollowell, Mayor


Lorrie Pearce, City Clerk