

REGULAR COUNCIL MEETING January 28, 2020
6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, January 28, 2020, 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, Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Austin Lott and Kathy Wilcox. Councilperson Curtis Reese was excused.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Chief Doug Colombik, Fire Chief Branden Stevens, Public Utilities Director Tom Speelmon, Battalion Chief John Hoskins, Firefighter Casey Miller 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: 1/14/2020

** *Councilperson Kassner moved to approve the minutes of the Regular Council Meeting of January 14, 2020, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 7-0.*

Flood Control Minutes: 1/22/2020

**Flood Control Committee
January 22, 2020**

The Flood Control Committee met Wednesday, January 22, 2020, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members: Brant Kassner, Ken Gardner, John Uden, and Austin Lott. Also present were: Floodplain Administrator Samantha Malenovsky, City Attorney Dan Rice, Mayor John Hollowell, and Deputy City Clerk/Minute Recorder Mary Rowe.

1. Elect Chairperson:

** *Committee Member Uden nominated Committee Member Gardner and seconded by Committee Member Kassner.*

** *Committee Member Kassner called for nominations to cease and seconded by Committee Member Uden. On a roll call vote the motion passed, 3-1, with Committee Member Gardner voting no.*

** *Committee Member Uden move to appoint Committee Member Gardner as Chairperson and seconded by Committee Member Kassner. On a roll call vote the motion passed unanimously, 4-0.*

2. Request of Citizens / Public Comment:

-None-

3. Committee Members Comments:

-None-

4. Discussion on Violation at 1415 North 6th Street, Miles City, MT.

** *Committee Member Kassner moved to open discussion, seconded by Committee Member Lott.*

- *Committee Member Uden stated that the City of Miles City had received a letter from the Federal Emergency Management Agency (FEMA), dated January 17, 2020, signed by Thomas G. Birney, and it directly reflects upon what we are addressing in the meeting and could cause a very expensive outlay for the citizens of Miles City if nothing is done. He proceeded to read a few paragraphs from the letter to highlight his concern. The following paragraphs were read directly from the FEMA letter:*

- "44 Code of Federal Regulations 59.1 defines development as: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials."
- "The ramifications of Suspension from the NFIP are severe. When a jurisdiction is suspended from the NFIP, residents are unable to purchase new NFIP insurance policies, existing NFIP policies cannot be renewed, no Federal grants or loans for development may be made in identified flood hazard areas under programs administered by Federal agencies, and no Federal mortgages insurance or loan guarantees may be provided in identified flood hazard areas. This includes loans written by Federal Housing Administration, Veterans Affairs and others. Additionally, no Federal disaster assistance may be provided to repair insurable buildings located in an identified flood hazard area for damages caused by flood."
 - "Additionally, all NFIP policy holders will be charged additional \$50.00 probation surcharge."

Committee Member Uden then asked what the deadline was for response and inquired as to whether or not they need to have another meeting to make a recommendation to Council.

- Floodplain Administrator Sam Malenovsky gave a brief overview of the possible Citywide impacts from being suspended from the NFIP. The City would no longer be able to participate in the Community Rating System (CRS). Policy holders would lose their additional 10% discount. The United States Army Corps of Engineers (USACE) would no longer work on the section 205 project. She requested that there be another meeting scheduled to present a recommendation to Council. She believes that a "1316" needs to be done. United States Code, section 1316 (also in City Ordinance). The ordinance states, "Upon finding of a violation and failure of the owner to take corrective action as ordered, the Floodplain Administrator may submit notice and request a 1316 Violation Declaration to the Federal Insurance Administrator. The Federal Insurance Administrator has the authority to deny new and renewal flood insurance for a structure upon finding a valid violation declaration. (44 CFR 73.3)". The Floodplain Administrator shall provide the Federal Insurance Administrator with the five requirements. A "no-rise" engineering report would need to be done to show there was no change in base flood elevation (BFE). The property in violation would be unable to receive insurance now or in the future, including in the event of sale of property.

She closed by saying that she will contact Thomas G. Birney to verify what would be needed to satisfy the request from FEMA.

- Attorney Rice thinks that a recommendation is not necessary. FEMA just needs to be advised as to whether or not the property is compliant, and if the property is not, what actions the City has taken to bring the development into compliance. The City has taken action, citations were issued, and they are currently working on a further corrective action plan.
- Mayor Hollowell explained the financial impact of the \$50 probation surcharge to approximately nine hundred policyholders. It would be around \$45,000 affecting the community. Any grandfathered policies would be gone and the people would have to go to the new level, which could be an increase of several hundred dollars.
- Committee Member Kassner pointed out that approximately 75% of homes in Miles City have Federal Housing Administration (FHA) & The United States Department of Housing and Urban Development (HUD) loans through the bank system. If we were to lose the discount it would be detrimental to Miles City.
- A meeting was scheduled for Tuesday, February 4th, 2020 at 6:00pm

4. Adjournment

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

There being no further business, the Committee adjourned at 6:29 p.m.

** *Councilperson Uden moved to approve the minutes of the Flood Control Meeting of January 22, 2020, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

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

Human Resource
Flood Control
Finance Committee

February 20th @ 5:30 p.m.
February 4th @ 6:00 p.m.
January 30th @ 6:00 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Ron Slinger, 116 Atlantic Avenue introduced himself as the new President of Miles City Community College. He is looking forward to working and meeting with everyone.

Craig Dalakow, 814 Wells Street explained that one of his tenants had called the police to report that four men had broken into the apartment above him. No police showed up and he was wondering why no one has contacted him. Mayor Hollowell said he would look into it and call him on it.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Doug Colombik- Presented the 2019 crime statistics, the following is what was discussed:

- Felony charges were down sixty-five charges from last year, but the 2019 charges were more serious and felt that trend would continue
- K9 dog detected drugs on seven out of eight deployments, there were a few vehicles seized. Eight hundred dollars was recently deposited in the drug forfeiture fund. The K9 call outs vary
- The Animal Control/Code Enforcement Status was added for Council's information

Branden Stevens- Reported that the Miles City Fire Rescue responded to five structure fires in 2019. The buildings had a value of \$1,026,200, and the total fire loss was \$300,00, a total value savings of \$726,200. Ambulance 20 and 26 are waiting to go to the mechanics which means Ambulance 28 is being used a lot more than expected. The total of miles driven in 2019 was 60,814, which equates to approximately 2.5 times around the globe.

CITY COUNCIL COMMENTS

Ken Gardner- Reported that he will be gone the month of March.

** *Councilperson Uden moved to approve Mr. Gardner's absence, seconded by Councilperson Lott. The motion passed 6-1, with Councilperson Kassner voting no*

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. **ORDINANCE NO. 1336- An Ordinance Revising the Penalty Section for Buildings and Building Regulations Violations**

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

UNFINISHED BUSINESS

- A. **ORDINANCE NO. 1336- (Second Reading) An Ordinance Revising the Penalty Section for Buildings and Building Regulations Violations**

** *Councilperson Uden moved to approve the Ordinance, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 7-0. Ordinance No. 1336 passed.*

NEW BUSINESS

- A. **RESOLUTION NO. 4302- A Resolution Authorizing the City of Miles City to Enter Into a City Printing Contract With Boss Printing Company**

** *Councilperson Kassner moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed 7-0 Resolution No. 4302 passed.*

- B. **RESOLUTION NO. 4303- (First Reading) A Resolution Pursuant to § 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY2019-2020 to Increase the Budgeted Amount in the Funds for HB473 Fuel Tax, Police, Fire and Ambulance Unbudgeted Revenues and Expenditures**

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

Councilperson Andrews asked if the money is in their budgets to cover the expenses. Clerk Pearce explained that items 1 through 7 had revenue coming in to cover the expenses, but 8 through 10 will not receive additional revenues to cover the expenses.

* *On roll call vote, the motion passed, 7-0. Resolution No. 4303 passed first reading, and was referred to the Finance Committee*

- C. **RESOLUTION NO. No. 4304- A Resolution Approving a Memorandum of Understanding With the Local No. 600 Bargaining Unit Regarding Physical Examinations**

** *Councilperson Kassner moved to approve the Resolution, read by title only and seconded by Councilperson Huber.*

Chief Stevens explained that the original cost for physicals were about \$1,200 each, but Firefighter Casey Miller diligently looked into better prices. The

new cost for physicals will be between \$375-\$475 and went from getting physicals every two years to every year.

Mayor Hollowell said that the issue was left out of the union contract recently passed and the expense is in their approved budget.

* *On roll call vote, the motion passed by unanimous consent, 7-0.*
Resolution No. 4304 passed.

ADJOURNMENT

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

The meeting was adjourned at 6:25 p.m.


John Hollowell, Mayor


Lorrie Pearce, City Clerk