

REGULAR COUNCIL MEETING May 12, 2020**6:00 p.m.****CALL TO ORDER**

The Regular Council meeting was held Tuesday, May 12, 2020, by remote means Zoom.us, Mayor John Hollowell called the meeting to order. Council Members present were Brant Kassner, Dwayne Andrews, Ken Gardner, Rick Huber, Austin Lott, Kathy Wilcox and Curtis Reese.

Also present were City Attorney Dan Rice, Public Utilities Director Tom Spielmon, Police Chief Doug Colombik, Fire Chief Branden Stevens, Planner in Training Ally Capps, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, Eddy Kanduch Fire Inspector 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: 4/28/2020**

** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of April 28, 2020, and seconded by Councilperson Lott. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

The following meetings will be held in the City Hall Conference Room:
Human Resource Committee May 21st @ 4:15 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Mark Ahner representative for the 4th of July Committee explained that the Committee is going forward on planning the fourth of July parade and events in the Park. He asked for the City to provide signage, street closure from 5th Street to Montana Street, Police escort for the parade, a non-alcoholic park use permit that includes the usage of the Pavilion at no cost to the committee the City to provide and pay for the Special Event liability Insurance. Due to uncertainty, the Council has the discretion to cancel the event at any time up to Tuesday, June 23rd.

** *Councilperson Andrews moved to approve the event and requests, seconded by Councilperson Huber. The motion passed unanimously*

Councilperson Andrews said that he was contacted by Harvey Wolf from the Veterans of Foreign Wars Club. He wanted advise on purchasing fireworks for the fourth of July display. Councilperson Andrews asked for the issue to be added to the next Council meeting to discuss and Mr. Wolf could explain his concerns.

APPOINTMENTS

None

PROCLAMATIONS

Mayor Hollowell proclaimed May 16, 2020 as Kids to Parks Day.

STAFF REPORTS

Branden Stevens- Reported that there is a confirmed Corona case in Custer County. The person was considered an essential worker and is from another state. He was sent back to his home state. Meanwhile, five of his co-workers were tested for Corona,

with four having a negative result and one testing positive. That person is being isolated and will be leaving Custer County. The project has been shut down and everyone involved will be returning to their home state. Health officers are monitoring the situation. Also, six sets of firefighter turnouts were destroyed on a hazmat call. He has sent an invoice to their insurance company for a total amount of \$17,592. In addition, the City will have their ISO evaluation on June 2nd.

Doug Colombik- He updated the year to date crime stats and they are place in each Councilpersons box at City Hall.

Tom Speelman- Reported that there is a preconstruction meeting on the Darling project tomorrow at City hall, and an open house meeting Thursday night at Wibaux Park from 6 to 7 p.m.

Lyne Anderson- Advised that a grant for \$103,000 will be submitted to purchase data terminals for Miles City police officers, Garfield Sheriff department and Custer County Sheriff department. The terminals will improve communication between dispatch and police officers.

CITY COUNCIL COMMENTS

Austin Lott- Reported that there is a small discrepancy in the Building Inspectors Fund. There is a difference of approximately \$6,000 when you compare the Revenue versus the expenditure and the seventy percent that is paid to the inspector. He had been claiming one hundred percent of the plan reviews and per his contact it should have been seventy percent. The Council discussed its options and thought that Councilperson Lott should visit with the inspector and see if the City could deduct the amount owned from his monthly payment.

Rick Huber- He thought the new street sweeper was a good selection and it looks like it is doing a fine job.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

Portable Asphalt Recycling Machine

One Bid was received as follows:

Swanton Equipment- Total bid was \$214,900, with a \$20,000 trade in and \$13,300 extended warranty available. A bid bond was included.

*** Councilperson Wilcox moved to refer the bid to the Finance Committee to review, seconded by Councilperson Reese. The motion passed unanimously*

BID AWARDS

None

PUBLIC HEARINGS

- A. **ORDINANCE NO. 1340- An Ordinance Amending Section 1-8 of the Code of Ordinances of Miles City, Montana, Revising the Legal Description of the Corporate Limits of the City of Miles City**

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. 1340- (Second Reading) An Ordinance Amending Section 1-8 of the Code of Ordinances of Miles City, Montana, Revising the Legal Description of the Corporate Limits of the City of Miles City with the amendment provided by the Auto Cad Tech**

- ** *Councilperson Lott moved to approve the Ordinance as read by the Mayor, and seconded by Councilperson Andrews.*

Administrator Malenovsky explained that there is an additional section which was included in the Ordinance on the second reading. The additional information removes the area between the New Hunan and Zip Trip from the corporate limit because they are not in the City limits.

- ** *On roll call vote, the motion passed by unanimous consent, 7-0. Ordinance No. 1340 passed.*

NEW BUSINESS

- A. **ORDINANCE NO. 1341- (First Reading) An Ordinance Repealing Article III in Chapter 18, Including Sections 18-51, 18-52 and 18-53, of the Code of Ordinances of the City of Miles City, Pertaining to Police Advisory Committees**

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

Chief Colombik said the Ordinance was written years ago and does not follow the current policies of the City. The old Ordinance gives the advisory committee the power to hire, fire, appoint, promote and discipline police officers. He said all those powers are up to the Mayor. He recommended to approve the Ordinance.

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

- B. **RESOLUTION NO. 4324- A Resolution Authorizing the City of Miles City to Enter Into a Montana Department of Commerce Coal Board Contract for Grant Funding Relating to the Frank Wiley Field Miles City Airport Improvement Project**

- ** *Councilperson Gardner moved to approve the Resolution, read by title only, and seconded by Councilperson Lott. On roll call vote, the motion passed 7-0. Resolution No. 4324 passed.*

- C. **Discussion and Recommendation for sale of leased Airport land to lessee**

Mayor Hollowell said the land in question is currently being leased to Ben Holman. Mr. Holman has leveled some land and built a road into his property, for an amount of approximately \$6,000. He asked Council if they felt that would constitute as a substantial improvement to the property. If it was considered a substantial improvement then the Airport could sell the land to Mr. Holman without putting the purchase out for bid. He added that the land had been assessed at a market value of \$7,000 to \$8,000.

Councilperson Andrews felt that the City should not sell any land because the value will increase over time.

- ** *Councilperson Wilcox moved to refer the issue to the Finance Committee and revisit at the next Council meeting, seconded by Councilperson Lott. The motion passed unanimously 7-0*

- D. **Approval of April Claims**

*** Councilperson Kassner moved to approve the April claims, seconded by Councilperson Lott. The motion **passed** unanimously 7-0*

ADJOURNMENT

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

The meeting was adjourned at 7:00 p.m.



John Hollowell, Mayor



Lorrie Pearce, City Clerk