

**PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA**

**REGULAR COUNCIL MEETING May 11, 2021
6:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, May 11, 2021, 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, Kathy Wilcox and Stacy Broell. Council Members Rick Huber and Elizabeth Patten were not present.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Chief Doug Colombik, Police Captain Dan Baker, Fire Chief Branden Stevens, Planner in Training Ally Capps, Public Utilities Director Tom Speelmon and City Clerk/Minute Recorder Mary Rowe.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Public Service Committee Minutes: 4/22/2021

PUBLIC SERVICE COMMITTEE MEETING
April 22, 2021

The Public Service Committee met Thursday April 22nd, and online at zoom.us at 5:15pm in the City Hall Conference Room, 17 S. 8th Street, Miles City, Montana. Present were Committee Members, Dwayne Andrews, Ken Gardner, Kathy Wilcox, and Rick Huber.

Also present were City Planner-in-Training Ally Capps, City Clerk Mary Rowe, and Deputy City Clerk/Recorder Jody Kinsey.

Committee Member Andrews opened the meeting

1. Elect A New Chair Person

** *Councilperson Wilcox moved to nominate Dwayne Andrews to continue to be the chair person. Councilperson Huber seconded the nomination. The motion passed, 3-1 with Councilperson Andrews voting no.*

2. Request of Citizens

-None-

3. Committee Member Comments

-None-

4. Review and Recommend Ordinance 1346: An Ordinance revising city code sections 7-57 through 7-62 pertaining to the city of Miles City Urban Renewal District Board of Commissioners and providing for effective date thereof

Planner-in-Training Ally Capps explained to the Committee that the Resolution did not match the Ordinance. She stated that it was not in compliance with MCA. These changes were necessary to make the board compliant. The reporting will also now only need to be done once a year, in September.

** *Committee Member Wilcox moved to accept and recommend approving the Ordinance as read, and seconded by Committee Member Huber. The motion passed, 4-0.*

5. Adjournment

** *Committee Member Wilcox motioned to adjourn the meeting, seconded by Committee Member Gardner. Motion passed, 4-0.*

The meeting was adjourned at 5:23pm

Dwayne Andrews, Chairperson

Jody Kinsey, Deputy City Clerk

** *Councilperson Andrews moved to approve the minutes of the Public Service Committee Meeting of April 22, 2021, subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent. 5-0.*

Public Safety Committee Minutes: 4/22/2021

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**Public Safety Committee Meeting
April 22, 2021**

The Public Safety Committee met Thursday, April 22, 2021, at 6:00 pm via live attendance and Zoom Conferencing in the City Hall Conference Room, 17 S. 8th. Present were Committee Members Elizabeth Patten, Kathy Wilcox, and Ken Gardner. Also present were: Fire Chief Branden Stevens, Animal Control Officer Mark Winkley, Council Member Rick Huber, Council Member Dwayne Andrews, Custer County Fund for Animals Members – Cindy Conley, Kathryn Kellogg, Tracy Schwarzkopf, Kaitlyn Perkins, Dispatch Supervisor Lyne Anderson, Public Works, Police Chief Doug Colomblak, Director Scott Gray and HR Officer/Recorder Linda Wilkins.

Chairperson Patten called the meeting to order.

1. Request of Citizens for Public Comment

Custer County Fund for Animals thanked and recognized Officer Winkley for his work with animals.

2. Staff Comments

Chief Stevens reported that call volume is up; the department is taking a record number of transfers which consequently adds mileage to the ambulances. Tower 19 is out of service; there is concern over the stability of the ladder, which hopefully can be repaired. Custer County Fire Chief Peterson has requested the City to respond to County calls during the day; apparently there has been issue with response by the County volunteer firefighter. The interlocal agreement was discussed regarding an adjustment to charges for services provided by the City. He has discussed with the Montana Legislative Budget Chair regarding funding related to the issues with the department building. The City is ahead of the game because there is a Preliminary Architectural Report (PAR). A mold assessment report has been received and will be forwarded to the Public Safety Committee. The ridge cap on the roof has been repaired and replaced.

3. Committee Member Comments

Chairperson Patten stated that beginning July 1 Miles City and Sidney will become dispatch cities for prevailing wages which will help bring construction costs down.

4. Discussion and Recommendation regarding pigeon abatement

Officer Winkley stated the epicenter of the pigeon population is in the 300, 400 and 500 blocks of Main Street, the old Farmers Union Building and the BN Depot; he had done some research on options:

1. There an individual out of Billings who traps, spots and disposes of pigeons out of Billings.
2. There is an individual who traps pigeons to use for dog training. He had left a message for the Mayor and was waiting for his response. Chairperson Patten stated she would speak with the Mayor. Committee Member Wilcox suggested doing both options.

5. Discussion and Recommendation of the Animal Ordinance regarding cats

Officer Winkley state there is currently no limit on the number of cats that can be owned by a household, currently three (3) dogs are allowed per household. There was discussion on the number of cats allowed per household ranging from 6 to 3. It was also discussed addressing the time frame for fostering or rescuing cats in a household beyond the number of cats allowed to be owned per household. A question arose regarding licensing cats; Officer Winkley will check and see if the current ordinance requires cats to be licensed. Committee Member Wilcox appreciates the amount of time dedicated to the enforcement of the current ordinance and suggested a draft be prepared for the next meeting addressing licensing and the number of cats per residence. Members of the community are also trapping cats which also needs to be addressed. Officer Winkley stated he would do research regarding the number of cats' other city's allow per residence and licensing. Chairperson Patten stated trapping also needs to be addressed.

6. Update on if Prairie County will join Southeastern Montana Dispatch, potential timeline, and what this will look like for future staffing

Supervisor Anderson received notification Tuesday that Prairie County will be joining dispatch on July 1, 2021. There is a lot of transition work to be done. She would like to have two (2) additional dispatchers added, but one (1) by July 1. There will be an additional \$100,000 of revenue for dispatch talking on Prairie County.

7. Discussion and Recommendation regarding new Truck Route

Chairperson Patten stated that the change in the route would alleviate large numbers of trucks passing through town and use the Interstate as much as possible for truck traffic. Director Gray stated there is a large volume of truck traffic routing through town going north to hauling wind farm construction material and road construction trucks for the change to the highway going north. The route through the City will use Pacific Avenue instead of Bridge Street. The Montana Department of Transportation (MTDOT) has placed signage up to direct truck traffic down Garryowen Road to Pacific. The redefinition of the truck route will also alleviate truck traffic past the high school and residential areas, sharp turns that have often knocked fire hydrants down. The City will need to pass a new truck ordinance with routing directions. New signage will be placed for the truck route in town and start the process for funding from MTDOT.

***Committee Member Patten moved to recommend and proceed with the Ordinance for the new truck route, seconded by Committee Member Wilcox.*

Committee Member Gardner commented he like the new route.

***The motion passed unanimously. 3-0*

8. Update on MC PD remodel timeline

Hardy Construction was here on Tuesday, at 1:00 p.m. they were advised the City would not be able to provide staff or exterior demolition; Hardy will be providing a budget for interior and exterior demolition. The architectural plans are being worked on, the mechanical engineers report will be out at the end of April. The fire sprinkler system is out for bid.

9. Adjournment

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***Committee Member Gardner moved to adjourn the meeting, seconded by Committee Member Wilcox and passed unanimously; 3-0.*

The meeting was adjourned at 7:10 p.m.

Chairperson Elizabeth Patten

Recorder Linda Wilkins

- **** *Councilperson Gardner moved to approve the minutes of the Public Safety Committee Meeting of April 22, 2021, subject to any changes, and seconded by Councilperson Andrews. The motion passed by unanimous consent. 5-0.*

SCHEDULE MEETINGS

None

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

Ward IV Council Member

One letter of interest was received from Steven Palmeri.

Councilperson Wilcox asked Mr. Palmeri why he would like to be on City Council. He said to give back to the community and help make Miles City better. He noted that he was also on the MCI² Board for the same reasons.

- **** *Councilperson Kassner moved to appoint Steven Palmeri, seconded by Councilperson Andrews and passed unanimously, 5-0.*

Zoning Commission

- **** *Councilperson Andrews moved to appoint Amber Trenka, Leif Romning, Leroy Meidinger, and Nancy Mitchell, seconded by Councilperson Wilcox and passed unanimously, 5-0.*

Planning Board

- **** *Councilperson Andrews moved to appoint George Luther Jr. as the County Commissioner Recommended Planning Board Member, seconded by Councilperson Kassner and passed unanimously, 5-0.*

Police Commissioner

- **** *Councilperson Gardner moved to appoint Don Neese, seconded by Councilperson Andrews and passed unanimously, 5-0.*

PROCLAMATIONS

Mayor Hollowell declared May 15th, 2021 as Kids to Parks Day

STAFF REPORTS

Chief Colombik reported that crime rates have gone down; there were only a couple felonies. He also stated that Finance had met on Thursday to discuss Adult Probation and Parole (P&P) housing in the new Police Department Building. Captain Baker said the square footage needed by P&P is about 1340 square feet.

Mayor Hollowell inquired about additional cost to the City and made it clear that Council needed to approve any additional costs. He asked Architect Branden Janshen to get together a rough cost estimate.

Architect Branden Janshen stated that an Architect needed to be decided on, the architect would need to meet with P&P to set square footage requirement, floor print, and budget prior to preparing an estimate. He added that it should be done before setting a lease.

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CITY COUNCIL COMMENTS

None

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

A. File # CV 2020-01 - Preliminary Plat Review of City View Subdivision, a Proposed Subsequent Minor Subdivision of Lot 2 of Block 5 of the Amended Plat of Southgate Meadows Subdivision

Mayor Hollowell opened the hearing according to the subdivision review process from City of Miles City 2015 growth policy regulations under public hearings on subdivision proposals.

Planner-in-Training Capps gave an overview of the proposal which include four subsequent lots that are vacant and undeveloped that range from 9.92 acres to 11.198 acres. She stated that the Planning Board recommends approval to the proposed subsequent minor subdivision of the amended plat and two variances. She also noted that a correction was made to page 46, number seven, changing “76-3-607 (7)” to “76-3-604 (7)”

Mayor Hollowell opened to public for comments.

Councilperson Andrews had reviewed the report and noted that the soil profiles need to be landscaped with vegetation that is saline tolerant, the ones that are listed will not grow in the current environment. He also stated concern that two of the five natural minor drainages have been eliminated and pointed out that mother nature created them for a reason. Mayor Hollowell assured him that the Department of Environmental Quality (DEQ) will be reviewing and approving the drainage.

There being no further comments, the hearing was closed.

UNFINISHED BUSINESS

NEW BUSINESS

A. ORDINANCE NO. 1348 (First Reading) – AN ORDINANCE AMENDING SECTION 22-245 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY ESTABLISHING REVISED TRUCK ROUTES.

*** Councilperson Wilcox moved to approve the Ordinance, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 5-0. Ordinance No. 1348 passed.*

B. RESOLUTION NO. 4402 - A RESOLUTION APPROVING A REAL PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF MILES CITY AND BIG SKY CREMATION SERVICES L.L.C., LOCATED WITHIN THE INDUSTRIAL SITE OWNED BY THE CITY OF MILES CITY.

*** Councilperson Gardner moved to approve the Resolution, read by title only*

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and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 5-0. Resolution No. 4402 passed.

- C. RESOLUTION NO. 4403 - A RESOLUTION APPROVING A SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES WITH KADRMAS, LEE & JACKSON D/B/A KLJ, FOR THE PROVISION OF ENGINEERING SERVICES TO THE CITY OF MILES CITY FOR A 5-YEAR PERIOD.

Mayor Hollowell removed item C. from the agenda. He and Council decided on a Consent Agenda for items D-H.

- D. RESOLUTION NO. 4404 - A RESOLUTION APPROVING A SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES WITH BROSZ ENGINEERING, INC. FOR THE PROVISION OF ENGINEERING SERVICES TO THE CITY OF MILES CITY FOR A 5-YEAR PERIOD.

- E. RESOLUTION NO. 4405 - A RESOLUTION APPROVING A SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES WITH ROBERT PECCIA & ASSOCIATES, FOR THE PROVISION OF ENGINEERING SERVICES TO THE CITY OF MILES CITY FOR A 5-YEAR PERIOD.

- F. RESOLUTION NO. 4406 - A RESOLUTION APPROVING A SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES WITH GREAT WEST ENGINEERING, INC. FOR THE PROVISION OF ENGINEERING SERVICES TO THE CITY OF MILES CITY FOR A 5-YEAR PERIOD.

- G. RESOLUTION NO. 4407 - A RESOLUTION APPROVING A SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES WITH INTERSTATE ENGINEERING, INC., FOR THE PROVISION OF ENGINEERING SERVICES TO THE CITY OF MILES CITY FOR A 5-YEAR PERIOD.

- H. RESOLUTION NO. 4408 - A RESOLUTION APPROVING A STANDARD ABBREVIATED FORM OF AGREEMENT BETWEEN OWNER AND ARCHITECT FOR PROFESSIONAL SERVICES WITH SDI ARCHITECTS + DESIGN, FOR THE PROVISION OF ARCHITECTURAL SERVICES TO THE CITY OF MILES CITY FOR A 5-YEAR PERIOD.

** *Councilperson Wilcox moved to approve Resolutions 4404, 4405, 4406, 4407, and 4408, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 5-0. Resolution No. 4404, 4405, 4406, 4407, and 4408 passed.*

- I. RESOLUTION NO. 4409 - A RESOLUTION APPROVING A TASK ORDER BETWEEN THE CITY AND INTERSTATE ENGINEERING, INC. FOR SERVICES RELATED TO THE 2021 TRANSPORTATION ALTERNATIVES PROGRAM CAPITAL IMPROVEMENT PROJECT

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

Director Gray explained that the State has opened the Transportation Alternative Program (TSEP) for sidewalks, bike paths, etc. He spoke with Department of Transportation (DOT) about the Southgate to roundabout sidewalk and came

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up with an approximate 80-90 thousand dollar match requirement for the guesstimated 600-700 thousand dollar project. He said this is a good starting point and will continue the "safe routes to school".

** On roll call vote, the motion passed by unanimous consent, 5-0.
Resolution No. 4022 passed.

**J. APPROVAL OF CITY OF MILES CITY PLANNING BOARD
PRELIMINARY PLAT APPLICATION FOR THE CITY VIEW
SUBDIVISION**

** Councilperson Kassner moved to approve the plat application and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 5-0.

K. APPROVAL OF APRIL CLAIMS

Item K was postponed until next Council Meeting.

ADJOURNMENT

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

The meeting was adjourned at 6:50 p.m.


John Hollowell, Mayor


Mary Rowe, City Clerk