

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

REGULAR COUNCIL MEETING December 14, 2021

6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, December 14, 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 Stacy Broell, Ken Gardner, Rick Huber, Elizabeth Patten, Kathy Wilcox. Brant Kassner arrived at 5:50pm. Dwayne Andrews and Roxanna Brush were not present.

Also present were Public Works Director Scott Gray, Police Chief Doug Colombik, Fire Chief Branden Stevens, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, 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

City Council Minutes: 11/23/2021

** *Councilperson Wilcox moved to approve the minutes of the Regular Council Meeting of November 23, 2021, subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 5-0.*

Public Service Committee Minutes: 11/24/2021

**PUBLIC SERVICE COMMITTEE MEETING
November 24th, 2021**

The Public Service Committee met November 24th in the City Hall Conference Room, 17 S. 8th Street, Miles City, Montana. Present were Committee Members, Dwayne Andrews, Kathy Wilcox, Ken Gardner, and Rick Huber.

Also present was Deputy City Clerk/Recorder Jody Kinsey. Chairperson Andrews opened the meeting

1. **Request of Citizens**
-None-
2. **Committee Member Comments**
-None-

3. Request to Abandon City Easement on Private Property at 918 Bridge Street

Jeff Williams (1611 Tompy) is the owner of the property at 918 Bridge. He is requesting that the easement on the property be abandoned so that he can put an addition on his property. He explained that the front of the building and the North side are the only parking areas so he can't expand in that direction. The city has an eighty foot right of way on Bridge street. Behind the building is on the property line for the other lot he owns. If he were to expand that way it could affect any future sale of the properties. The only way to expand the building would be to the south where the easement currently is. He would like to expand his building ten feet, which would give him five hundred square feet of additional floorspace.

** *Committee Member Wilcox moved to recommend approving abandoning the easement, seconded by Committee Member Gardner. Committee Member Andrews called for a roll call vote. Vote passed unanimously 4-0.*

4. Adjournment

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

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

The meeting was adjourned at 9:15am.

** Councilperson Gardner moved to approve the minutes of the Public Service Committee Meeting of November 24, 2021, subject to any changes, and seconded by Councilperson Wilcox. The motion **passed** by unanimous consent, 5-0.

Finance Committee Minutes: 12/07/2021

**Finance Committee Meeting
November 7, 2021**

The Finance Committee met Monday, November 7, 2021 at 6:00 p.m. in the City Hall Conference room. Present were Committee Chair Stacy Broell and Committee Members Roxanna Brush and Elizabeth Patten. Committee Member Brant Kassner was not present.

Also present were Fire Chief Branden Stevens, Captain Jake Richards, Public Utilities Director Tom Speelmon, Public Works Director Scott Gray, and City Clerk/Recorder Mary Rowe.

Chairperson Broell called the meeting to order.

1. Requests of Citizens and Public Comment

None

2. Discussion and Recommendation Regarding Apparatus Truck and Equipment

Chief Stevens explained that the \$321,000 was approved through an InterCap loan at a term of seven years, but this amount can be adjusted if need be. The amount was determined by ladder truck status (used) and annual payment amount previously discussed. He gave the Committee a budget handout showing a breakdown of additional costs that may arise with the purchase of the truck.

Clerk Rowe stated that she was inquiring if the presented costs could be included in the overall loan amount, but had not received an answer yet.

** Committee Member Patten moved to accept the InterCap loan and move forward with the purchase of the ladder truck, seconded by Committee Member Brush and **passed unanimously, 3-0.**

3. Discussion and Recommendation of 2022 Dump Truck Bid Acceptance

Director Gray stated that there were two bids received, Tri-State and I-State, they were less than \$1000 difference. I-State had an expected delivery of 9-12 months and Tri-State's was 12-16 months. He recommends I-State's bid of \$168,000 for the freightliner, which is a split cost between Public Utilities and Public Works.

** Committee Member Brush moved to recommend accepting I-State bid of \$168,000, seconded by Committee Member Patten and **passed unanimously, 3-0.**

4. Discussion and Recommendation on Resolution 4444

Director Speelmon explained that this Resolution corrects the first Resolution for the American Rescue Plan Act (ARPA) guaranteed match funds. The original Resolution stated 2.5 million dollars, but we were awarded 2 million dollars, so it is adjusted accordingly.

** Committee Member Patten moved to recommend approving Resolution 4444, seconded by Committee Member Brush and **passed unanimously, 3-0.**

5. Approval to Re-Appropriate Funds and Purchase a Dump Box

Director Speelmon said that the dump truck needs a new box, so Director Gray and himself have opted to remove other equipment from their budgets to purchase this instead. It will not increase the budget at all, just re-appropriate the money to different equipment.

** Committee Member Brush moved to approve the re-appropriation of funds to purchase a dump box, seconded by Committee Member Patten and **passed unanimously, 3-0.**

6. Discussion and Recommendation Regarding 12 Feet of Veterans Park

Clerk Rowe stated that Blake Mollman had called earlier that day to request that the encroachment be reviewed at this point in time so that he may repair his wall as it is getting very cold and address the full twelve feet at a later date. She also noted that on the deed to the property it does not state that there was an intent for the property, but that she had not found the minutes from the Parks Advisory Committee from 1991 to review the creation of Veterans Park to date.

Director Gray said he has some of the Parks Advisory Committee Minutes and will get them to Clerk Rowe. He stated that the encroachment could be granted now for the requested repairs.

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

*** Committee Member Patten moved to recommend approving encroachment on Veterans Park to repair exterior wall, seconded by Committee Member Brush and passed unanimously, 3-0.*

7. Discussion of Revision of Business Licensing Ordinance

All previous fees were discussed and narrowed. Director Speelmon said he would look into the water/sewer rates and make necessary adjustments. Clerk Rowe stated that she would have Attorney Rice draw up a draft Ordinance to include all areas discussed and present it to the Committee upon completion for review and revision.

8. Adjournment

*** Committee Member Brush moved to adjourn the meeting, seconded by Committee Member Patten and passed unanimously, 3-0.*

The meeting was adjourned at 7:15 p.m.

*** Councilperson Patten moved to approve the minutes of the Finance Committee Meeting of December 07, 2021, subject to any changes, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 5-0.*

SCHEDULE MEETINGS

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

*** Councilperson Wilcox moved to cancel the December 28, 2021 Council Meeting, seconded by Councilperson Gardner and passed unanimously, 5-0.*

REQUEST OF CITIZENS & PUBLIC COMMENT

Jim Atchison from SEMDC presented an appreciation plaque to the City of Miles City along with a poster board sized display of Miles City.

APPOINTMENTS

Ward IV Council Member ~ Roxanna Brush

*** Councilperson Patten nominated to appoint Roxanna Brush to Ward IV, seconded by Council member Gardner and passed unanimously, 5-0.*

PROCLAMATIONS

None

STAFF REPORTS

Chief Stevens presented Tanner Gordon with his badge.

Chief Colombik gave a brief update on the Police Department Building with an expected move in date of December 20th. He then went over monthly stats.

CITY COUNCIL COMMENTS

Council Member Patten added to the Police Building update that they have a final punch list in place to address the different issues found during inspections. She thanked Council for the time she has spent with them.

Council Member Wilcox inquired about the month end financials to which Clerk Rowe said she would send them out.

MAYOR COMMENTS

Applauded Council Member Patten for her time and effort on Council and Lyne Anderson as she is being asked to take on more counties with Dispatch services.

COMMITTEE RECOMMENDATIONS

Finance Committee Recommends:

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

1. Accepting Intermap Loan and move forward with purchase of the ladder truck

Mayor Hollowell offered a motion to accept the Intermap loan contingent on City Attorney approving language.

** *Councilperson Broell moved to accept motion as stated, seconded by Councilperson Patten and passed unanimously, 6-0.*

2. Approving encroachment on Veterans Park to repair exterior wall

Council Member Patten said that it would consist of 2 inches of spray foam and a tin covering.

Attorney Rice stated that repairs can be approved by motion, but he has not seen the details yet. For the encroachment it would need to go to Resolution.

** *Councilperson Kassner moved to approve going forward with a Resolution, seconded by Councilperson Gardner and passed unanimously, 6-0.*

BID OPENINGS

- Current Production Model Truck Mounted Sewer Jetter
Two bids were received:

1. Kois Brothers - \$275,755 purchase price and they are bonded.
2. SWS Equipment - \$231,650 purchase price and they are bonded.

** *Councilperson Wilcox moved to refer to Finance, seconded by Councilperson Patten and passed unanimously, 6-0.*

BID AWARDS

- Current Production Model Dump Truck

Finance Recommends accepting I-State bid for 2022 Dump Truck at \$168,000.

** *Councilperson Huber moved to accept I-State bid at \$168,000, seconded by Councilperson Patten and passed unanimously, 6-0.*

PUBLIC HEARINGS

- A. **ORDINANCE NO. 1351 - AN ORDINANCE AMENDING SECTION 21-14(b)(7) OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO SUBDIVISION IMPROVEMENTS AGREEMENTS, BIDS, AND GUARANTEES.**

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. 1351 (Second Reading)- AN ORDINANCE AMENDING SECTION 21-14(b)(7) OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO SUBDIVISION IMPROVEMENTS AGREEMENTS, BIDS, AND GUARANTEES.**

** *Councilperson Patten moved to approve the Ordinance, read by title only and seconded by Councilperson Huber. On roll call vote, the motion passed by unanimous consent, 6-0. Ordinance No. 1351 passed.*

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

NEW BUSINESS

A. FLOODPALIN VARIANCE REQUEST AT 1103 PHILLIPS

** *Councilperson Patten moved to approve the Variance Request and seconded by Councilperson Gardner.*

Administrator Malenovsky explained that this request is for an attached garage that is below BFE. She recommends approving the request at BFE, which meets federal regulations, and to deny the request if it is under BFE.

** *Councilperson Wilcox moved to amend main motion to modify the variance request to establish garage floor allowed to be at BFE, seconded by Councilperson Patten and passed unanimously, 6-0.*

** *On roll call vote, the amended main motion passed, 6-0.*

B. RESOLUTION NO. 4443 - A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN ONIX NETWORKING GOVERNMENT CUSTOMER AGREEMENT WITH ONIX NETWORKING CORPORATION.

** *Councilperson Kassner moved to approve the Resolution, read by title only and seconded by Councilperson Patten. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4443 passed.*

C. RESOLUTION NO. 4444 - A RESOLUTION COMMITTING CERTAIN FUNDS FOR THE N. 7TH/MT59 WATER, SANITARY SEWER AND STORMWATER UTILITIES RECONSTRUCTION PROJECT.

** *Councilperson Wilcox moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4444 passed.*

D. RESOLUTION NO. 4445 - A RESOLUTION APPROVING A PARK USE PERMIT FOR THE MILES CITY YOUTH BASEBALL ASSOCIATION AUTHORIZING USE OF CONNORS, JAYCEE, AND TEDESCO FIELDS

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

Director Gray stated that the five-year contract changed to coincide with other permits.

Mayor Hollowell requested that on Exhibit C, page 8 of 9, Stanley Field be added.

** Councilperson Patten moved to amend main motion to add Stanley Field, seconded by Councilperson Wilcox and passed unanimously, 6-0.

** *On roll call vote, the amended main motion passed by unanimous consent, 6-0. Resolution No. 4445 passed.*

E. RESOLUTION NO. 4446 - A RESOLUTION OF THE CITY OF MILES CITY APPROVING A TASK ORDER WITH KADRMAS, LEE & JACKSON, INC. RELATED TO THE MILES CITY FLOOD

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

PROTECTION PROJECT

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

Administrator Malenovsky explained that this resolution is in regards to the ARPA money for the design phase of the project. This will utilize the minimum allocation funds and another grant for the slough.

** On roll call vote, the motion passed by unanimous consent, 6-0.
Resolution No. 4446 passed.

F. APPROVAL OF NOVEMBER CLAIMS

** Councilperson Patten moved to approve November claims, seconded by Councilperson Kassner and passed unanimously, 6-0.

ADJOURNMENT

** Councilperson Patten moved to adjourn the meeting, seconded by Councilperson Kassner and passed unanimously, 6-0.

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


John Hollowell, Mayor


Mary Rowe, City Clerk