



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers
And online at zoom.us*

*April 25, 2023
6:00 p.m.*

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES

A. Regular City Council Meeting 04/11/2023

2. SCHEDULE MEETINGS

3. REQUEST OF CITIZENS & PUBLIC COMMENT

Youth Softball Rec League- Request for Conex at Bender Park

4. STAFF REPORTS

5. CITY COUNCIL COMMENTS

6. MAYOR COMMENTS

7. NEW BUSINESS

A. **ORDINANCE NO. 1369 (*First Reading*) – AN ORDINANCE REVISING SECTION 11-77 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, SO AS TO ADOPT THE 2021 INTERNATIONAL FIRE CODE.**

B. **RESOLUTION NO. 4506 - A RESOLUTION APPROVING PLACEMENT OF FOUR-WAY STOP SIGNS AT ALL INTERSECTIONS BORDERING WASHINGTON MIDDLE SCHOOL.**

8. ADJOURNMENT

Public comment on any public matter that is not on the agenda of this meeting can be presented under Request of Citizens, provided it is within the jurisdiction of the City to address. Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on a matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings

Minutes

REGULAR COUNCIL MEETING April 11, 2023 6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, April 11, 2023, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana and online via zoom.us. Mayor John Hollowell called the meeting to order. Council Members present were Pamela Bovee, Ken Gardner, Rick Huber, Chris Grenz, Mathew Regan, and Roxanna Brush. Council Members Kathy Wilcox and Dwayne Andrews were not present.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Fire Chief Branden Stevens, Police Chief Doug Colombik, Public Utilities Director Tom Speelmon, Dispatch Supervisor Lyne Anderson, 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: 3/14/2023

** *Councilperson Grenz moved to approve the minutes of the Regular Council Meeting of March 14, 2023, subject to any changes, seconded by Councilperson Brush and passed unanimous, 6-0.*

Public Safety Committee Minutes: 3/27/2023

** *Councilperson Gardner moved to approve the minutes of the Public Safety Committee Meeting of March 27, 2023, subject to any changes, seconded by Councilperson Regan and passed unanimous, 6-0.*

SCHEDULE MEETINGS

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

Human Resources Committee Meeting April 20, 2023 @ 5:00pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Jeremy Harms, AAU football representative, requested to have a Conex box at Bender Park. He explained that there are currently four other Conex boxes there. Councilperson Huber requested that it go farther away from the fence than the other boxes because it blocks the view for people parking outside of the fence. There was a brief discussion about placement of the Conex box. Director Gray left the decision up to Council.

** *Councilperson Grenz moved to approve AAU Football placing a Conex box at Bender Park, seconded by Councilperson Bovee.*

Jeremy Harms asked for clarification on Conex placement. Council discussed whether it should go by the fence or another location and ultimately had no preference.

** *The main motion passed unanimously, 6-0.*

STAFF REPORTS

Councilperson Grenz requested that all meetings pertaining to the City be added to the clerk's staff report to keep Council better informed. He then asked following:

1- If he would be willing to use \$10,000 of his budget to fund police cars. Chief Stevens responded no.

2- Clarification on which Fire/Ambulance trucks were named what. Chief Stevens explained that truck 13 was a fire truck that was previously approved for purchase, and E-9 was a fire truck that already has over \$70,000 into it and still needs a rear engine gear box.

3- If Council is in charge of preparing the EMS mutual aid agreement. Chief Stevens stated that historically it has been compiled by emergency service organizations and presented to be approved by Council, but if Council would like to prepare it they can. Councilperson Grenz stated he would do it.

4- If they are still doing out of town transfers and assists. Chief Stevens responded yes to both.

5- How long have we been waiting to hear about grant. Chief Stevens explained that it was submitted in December and paperwork just recently came into the Mayor and Clerks offices.

6- If BRIC Grant is received after a tax levy is in place, would money be paid back to citizens.

Chief Stevens said it would lower the levy amount, but if there were excess funds it would be up to Council to make that decision.

7- There are only 21 transfers year to date. 39% of transfers are turned down. Chief Stevens went over the several reasons why transfers are turned down.

8- Will there be a walkthrough in the fence around the splashpad. Director Gray replied yes, there will be a gap between the two fences.

9- Was the purchased Tandem truck budgeted for. Director Gray stated yes.

10- Is the City working on a Capital Improvement Plan. Mayor Hollowell stated yes, it is in the works.

Chief Stevens presented Chris Kurkowski with his helmet shield and name

badge. He had passed probation on February 22nd, and did an amazing job in his first year. He went above and beyond, including taking the advanced EMT course.

Supervisor Anderson announced that this week is telecommunications week to celebrate dispatchers, or the “first, first responders”. She thanked dispatchers here and three others counties that we work with.

Director Gray thanked Stockman Bank, MCI², and the community for their generous donations for the park fencing. He also announced that the Oasis will be filled on Monday.

CITY COUNCIL COMMENTS

Councilperson Gardner asked if there had been any decisions made on the fountain, to which Director Gray stated no, it was just an idea presented to Council and he will not move forward without direction to do so.

Councilperson Huber asked what kind of timeline Director Gray was looking at for the fountain project. Director Gray said the project would not start for a couple years, but a decision to move forward or abandon the project all together is needed first.

Councilperson Grenz stated that he did not believe it to be legal to use gas tax money to build a fountain and presented council with a handout of MCA 15-70-101 regarding disposition of funds. He stated that he is opposed to spending money that was saved for streets on the fountain. He then asked where we were at with a City/County Planner.

A long discussion took place regarding policy, procedure and employment for a City/County Planner and/or City/County Planning Board. It was decided to refer the creation of a City/County Planning Board to the Public Service Committee.

Councilperson Huber asked for an update on the Building Inspector. More specifically if he is certified, is there a backup plan in place, and who oversees the Building Inspector. Mayor Hollowell explained that there is a residential certification test tomorrow and yes, a backup plan is being looked at. Attorney Rice explained that the City was in good standing with the state until the other day when the City became decertified. Since that occurred no further building permits can be issued.

Councilperson Bovee announced that the filing dates are April 20th thru June 19th to file for the election.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

Public Safety Committee recommends four way stop signs surrounding Washington Middle School.

****** *Councilperson Grenz moved to go forward to Resolution, seconded by Councilperson Huber.*

Supervisor Anderson explained that traffic flow would be greatly hindered if four-way stops were surrounding the school. She asked why this is being considered without talking to the school, or even getting a general consensus of the public. She does not believe that the City should be catering to one person. She also noted that in the last ten years there has not been a single complaint filed; not from the public and not from the School.

Chief Colombik stated that he is all about child safety, but there have not been any complaints or accidents for years there. He also noted that he does not have the man power to watch over all of the schools all of the time to ensure that every person is stopping at every stop sign.

Jeremy Harms, 519 Washington St, stated that he lives by Garfield School where there are no stop signs. He stated that child safety is more important than traffic flow.

Mayor Hollowell noted that studies have shown that a flow in traffic actually increases safety.

Councilperson Brush stated that if the school was that concerned about it they would have implemented crossing guards.

Tim Bastian, Washington Middle School Principal, stated that he does not see the need for four way stops at all corners of the school. The corner of 9th and Palmer would be the only corner that could need one.

Councilperson Gardner noted that the Public Safety Committee as a whole decided that it is needed.

****** *The main motion passed unanimously, 6-0.*

BID OPENINGS

No bids were received.

NEW BUSINESS

A. VARIANCE REQUEST FOR 805 NORTH 7TH STREET.

****** *Councilperson Huber moved to approve the variance, seconded by Councilperson Regan.*

Mayor Hollowell explained that this variance would still meet Federal regulations, it would only be a variance of State regulations, which we have the authority to do.

Councilperson Gardner read that the staff recommend approving the request with conditions and read the conditions.

A long discussion about whether the conditions should be included or not took place, along with a fourteen-minute recess.

****** *Councilperson Gardner moved to amend the main motion to include “with staff report as findings of facts and include conditions”, seconded by Councilperson Grenz.*

Mayor Hollowell explained that the conditions were listed because they were not included in the variance request specifically so they were not reviewed during the variance request process. They simply mean that it must remain compliant with the law.

****** *On roll call vote, the amended motion **passed 5-1** with Councilperson Regan voting no.*

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

B. APPROVAL OF MARCH CLAIMS

****** *Councilperson Grenz moved to approve March claims, seconded by Councilperson Brush and **passed unanimously, 6-0.***

ADJOURNMENT

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

The meeting was adjourned at 7:52 p.m.

John Hollowell, Mayor

Mary Rowe, City Clerk

Staff Reports



MILES CITY POLICE DEPARTMENT
Doug Colombik, Chief of Police

419 N. 7th Street
Miles City, MT 59301
Phone: (406) 232-3411
Fax: (406) 234-4270

To: City Council

From: Chief Colombik

Ref: Monthly Council Report

Please see below the April 2023 monthly council report:

We have two new officers starting on the 24th and the 25th. They are Jesse Berg and Bailey Estell. Both will be in field training for approximately three months. Both are currently living in Miles City. Officer Matthew Robb is attending the Montana Law Enforcement Academy Basic 12-week session in Helena. He is in the second week of training. The MCPD is currently sitting on one vacancy but we have a POST certified officer applicant who has applied and will be here in May to interview. He is originally from eastern Montana.

The department is currently sitting at 37 felony cases for the year.

1. Theft
2. Child porn
3. Child porn
4. Assault with a weapon
5. Child porn
6. Burglary
7. Child porn
8. Assault with a weapon
9. Assault on a minor
10. Child porn
11. Theft
12. Burglary
13. Sex assault
14. Theft
15. Sexual intercourse without consent (SIWOC)
16. Partner/family member assault

MILES CITY POLICE DEPARTMENT

Doug Colombik, Chief of Police

17. Child abuse
18. Animal cruelty
19. Theft
20. Child abuse
21. Criminal child endangerment
22. Child abuse
23. Theft
24. Burglary
25. Child abuse
26. Burglary
27. Theft
28. Aggravated burglary
29. Sexual assault
30. PFMA strangulation
31. Assault with a weapon
32. Elder abuse
33. Criminal endangerment
34. SIWOC
35. Theft
36. Criminal Mischief
37. Fraud

As always, if you have any questions please contact me at work or 853-1802. You are always welcome to stop by the building and visit (I encourage it). Thank you.

Doug Colombik
Chief of Police
Miles City Police Department

New Business

ORDINANCE NO. 1369

AN ORDINANCE REVISING SECTION 11-77 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, SO AS TO ADOPT THE 2021 INTERNATIONAL FIRE CODE.

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. Section 11-77 shall be amended to read as follows:

Sec. 11-77. - International Fire Code adopted.

(a) Pursuant to MCA 7-5-108 and 7-5-4202, there is hereby adopted by reference, by the City of Miles City the International Fire Code (IFC), ~~2012~~ 2021 Edition, including all appendices. At least one copy of such Code, including appendices, shall be filed in the office of the city clerk, and kept there, for use, inspection, and examination by the public. Such copies shall be filed with the city clerk at least 30 days prior to final adoption of this section.

(b) All ordinances, resolutions, and sections of this Code of Ordinances inconsistent herewith, are hereby repealed.

(c) If there is any conflict between the ~~2012~~ 2021 International Fire Code, as adopted herein, and the Montana Code Annotated, the provisions of the Montana Code Annotated control.

(d) Any person who violates the provisions of the International Fire Code, ~~2012~~ 2021 Edition, or of any of the appendices herein adopted, or fails to comply with any order made thereunder, shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct such violation within a reasonable time. When not otherwise specified, each ten days that the violation continues shall constitute a separate offense. The application of the penalty set out in this section shall not be held to prevent the enforced removal of the prohibited conditions.

(e) If any section, subsection, sentence, clause or phrase of this section, adopted herein by reference, is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The city council of the City of Miles City hereby declares that it would have passed this section, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 2. Upon the passage of the first reading of this Ordinance, the City Clerk shall publish the following Notice of Intent to Adopt the International Fire Code, 2021 Edition, as required by MCA 7-5-108: "NOTICE IS HEREBY GIVEN that the City Council of the City of Miles City will be considering the adoption of the International Fire Code, 2021 Edition, at the regular City Council Meeting of May 9th, 2023, to take place at 6:00 p.m. at City Hall, Miles City, Montana. A copy of said International Fire Code, 2021 Edition, and all appendices, shall be filed with the City Clerk for inspection by the public prior to such meeting."

Section 3. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 25th day of April, 2023.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 9th day of May, 2023.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4506

A RESOLUTION APPROVING PLACEMENT OF FOUR-WAY STOP SIGNS AT ALL INTERSECTIONS BORDERING WASHINGTON MIDDLE SCHOOL.

WHEREAS, the City of Miles City has received concerns from members of the public, and the principal at Washington Middle School, regarding through intersections surrounding Washington Middle School;

AND WHEREAS, the City finds that placement of four-way stop signs at all intersections immediately adjacent to Washington Middle School, is advisable;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The Public Works Director is directed to erect signage to create a 4-way stop intersections at all intersections bordering Washington Middle School.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 25TH DAY OF APRIL, 2023.

John Hollowell, Mayor

ATTEST:

Jody Kinsey, Deputy City Clerk