

**REGULAR COUNCIL MEETING August 9, 2022
6:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, August 9, 2022, 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, Chris Grenz, Kathy Wilcox, Roxanna Brush, and Dwayne Andrews.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Public Utilities Director Tom Speelmon, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, Fire Chief Branden Stevens, 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: 7/12/2022

** *Councilperson Grenz moved to approve the minutes of the Regular Council Meeting of July 12th, 2022, subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 7-0.*

City Council Minutes: 7/26/2022

** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of July 26th, 2022, subject to any changes, and seconded by Councilperson Grenz. The motion passed by unanimous consent, 7-0.*

Flood Control Committee Minutes: 8/2/2022

** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of August 2nd, 2022, subject to any changes, and seconded by Councilperson Wilcox. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

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

Budget Continuation	8/11/2022	@ 2:00pm
Public Safety Committee	8/11/2022	@ 9:00am
Human Resources Committee	8/18/2022	@ 4:00pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Custer County Fund for Animals, a 501(c)(3) organization, requested that the Animal Shelter budget be increased \$7,750 more to cover urgent needs for the Hope for Helpless Pets project. They stated that Officer Winkley and Chief Colombik have a recent agreement with them to cover extra expenses for pets when there is no room at the shelter. They also stated that is Montana State Law requires spay or neuter prior to release of animals.

Councilperson Brush asked if there were an actual written agreement in place because she had not seen one, to which they responded that it was a verbal agreement.

Clerk Rowe voiced a citizen comment on behalf of Rene Dyba. She requested a stop signs be put in on the corner of Comstock and Earling because of the children crossing the street at that intersection. She asked that Council drive by that intersection to evaluate the need.

** Councilperson Wilcox moved to approve the banners going up at Bender Park, seconded by Councilperson Broell and passed unanimously, 5-0.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Chief Stevens announced that there was a public meeting on July 27th at Miles Community College and it had a very poor turnout, approximately 15-20 people. He also noted that Tester's office is involved now and will be writing a support letter on their behalf. Lastly, he will be talking with the wind farm before the end of August.

Director Speelmon gave an update on the North Haynes sewer line and the specs for the generator at the waste water treatment plant.

Director Gray stated that the frog pool and the oasis will be shutting down in two weeks, but that the splash pad would remain open until after Labor Day. The streets crew are painting crosswalks and doing ADA curbing.

Supervisor Anderson presented a draft interlocal agreement between the Miles City and Glendive for dispatch services. She noted that the 911 Board had not yet approved the agreement, but she wanted to let Council know what was in the works. Mayor Hollowell explained that this would come to Council in a Resolution form once it is time for Council to take action on the agreement.

CITY COUNCIL COMMENTS

None

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

Flood Control Committee- Recommendation to dissolve Flood Control Committee.

Councilperson Gardner stated that the Floodplain Administrator along with the flood steering committee update/alert the Council to anything regarding flood anyways, so the Flood Control Committee is not needed. Administrator Malenovsky reiterated that the Yellowstone, Tongue, and Slough all involve the County too and she will personally keep Council posted on all updates.

** *Councilperson Gardner moved to send the recommendation to Ordinance, seconded by Councilperson Brush and passed unanimously, 7-0.*

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. ORDINANCE NO. 1358 (Second Reading) – AN ORDINANCE AMENDING SECTION 12-53 OF THE CITY OF MILES CITY FLOOD CODE WITH RESPECT TO AGRICULTURAL STRUCTURES.**

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

- B. ORDINANCE NO. 1359 (Second Reading) - AN ORDINANCE AMENDING SECTION 22-124 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING U-TURNS IN SCHOOL ZONES.**

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

- C. ORDINANCE NO. 1360 (Second Reading) - AN ORDINANCE AMENDING SECTION 22-175 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING ANGLE PARKING.**

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

- D. ORDINANCE NO. 1361 (Second Reading) - AN ORDINANCE ENACTING SECTION 22-152 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO PROHIBITING THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.**

Mayor Hollowell called for comments from proponents three times, then opponents three times.

Opponent - Casey Dusatko, 21 Mastin Road, Kinsey, MT, stated that provision 1 doesn't apply to law enforcement, fire, or public government. He doesn't think it should be divided, citizens vs officials.

The hearing was closed.

UNFINISHED BUSINESS

A. ORDINANCE NO. 1358 (Second Reading) – AN ORDINANCE AMENDING SECTION 12-53 OF THE CITY OF MILES CITY FLOOD CODE WITH RESPECT TO AGRICULTURAL STRUCTURES.

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

Councilperson Grenz requested clarification regarding #4 dry flood proof and wet flood proof. Administrator Malenovsky explained that dry is designed by an architect and wet allows water to run through it. Grenz asked about water displacement, to which Mayor Hollowell explained the floodway needs to have an engineering report showing there is no rise in the base flood elevation, but in the flood fringe the engineering report is not needed, but it cannot drain onto neighboring property.

** *On roll call vote, the motion passed by unanimous consent, 7-0.*

B. ORDINANCE NO. 1359 (Second Reading) - AN ORDINANCE AMENDING SECTION 22-124 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING U-TURNS IN SCHOOL ZONES.

** *Councilperson Brush moved to approve the Ordinance, read by title only, seconded by Councilperson Gardner and passed unanimously, 7-0.*

C. ORDINANCE NO. 1360 (Second Reading) - AN ORDINANCE AMENDING SECTION 22-175 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING ANGLE PARKING.

** *Councilperson Grenz moved to approve the Ordinance, read by title only, seconded by Councilperson Wilcox and passed unanimously, 7-0.*

D. ORDINANCE NO. 1361 (Second Reading) - AN ORDINANCE ENACTING SECTION 22-152 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO PROHIBITING THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.

** *Councilperson Wilcox moved to approve the Ordinance, read by title only, seconded by Councilperson Brush.*

Enforcement, exceptions, cost, and placement of signage were discussed. It was noted that the Ordinance had not gone through a Committee yet.

** *Councilperson Wilcox moved to postpone until next meeting, seconded by Councilperson Brush, and passed unanimously, 7-0.*

NEW BUSINESS

A. APPROVAL OF JULY CLAIMS

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

** Councilperson Broell moved to approve July claims, seconded by Councilperson Brush, and passed unanimously, 7-0.

B. RESOLUTION NO. 4468 – A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2021-2022 TO INCREASE THE BUDGETED AMOUNT IN VARIOUS FUNDS FOR VARIOUS UNBUDGETED REVENUES AND EXPENDITURES.

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

Councilperson Grenz asked whether the permissive levy was overtaxed or undertaxed. Clerk Rowe explained that it was a previous accounting error and that the levy is a state set levy, so neither overtaxing nor undertaxing had occurred. He also asked where the additional revenue came from in the Library fund, which there were no library board members present to answer.

* On roll call vote, the motion passed by unanimous consent, 7-0.

ADJOURNMENT

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

The meeting was adjourned at 7:34 p.m.



John Hollowell, Mayor



Mary Rowe, City Clerk