

**REGULAR COUNCIL MEETING June 13, 2023**  
**6:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, June 13, 2023, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were Pamela Bovee (zoom), Rick Huber, Chris Grenz, Mathew Regan, Kathy Wilcox, Dwayne Andrews, and Roxanna Brush. Council Member Ken Gardner was not present.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Fire Chief Branden Stevens, Dispatch Supervisor Lyne Anderson, Contract Planner Joel Nelson, 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: 5/23/2023**

\*\* *Councilperson Grenz moved to approve the minutes of the Regular Council Meeting of May 23, 2023, subject to any changes, and seconded by Councilperson Brush. The motion passed by unanimous consent, 7-0.*

**Human Resources Committee Minutes: 05/03/2023**

\*\* *Councilperson Andrews moved to approve the minutes of the Human Resource Committee Meeting of May 03, 2023, subject to any changes, and seconded by Councilperson Regan. The motion passed by unanimous consent, 7-0.*

**SCHEDULE MEETINGS**

*The following meetings will be held in the City Hall Conference*

*Room:*

Finance Committee Meeting	June 20, 2023	5:00 pm
Public Service Commission	June 15, 2023	5:30pm

*Other meetings:*

911 Meeting @ Sheriff's Office June 21, 2023  
1:30pm

**REQUEST OF CITIZENS & PUBLIC COMMENT**

Angela Mendoza, Kiwanis President, presented Council with a handout displaying musical instrument play equipment. She explained that they are ADA compliant and that MCI<sup>2</sup> is in collaboration with them. They are raising the money to order and install the equipment in Wibaux Park, but they need approval from Council to move forward.

Attorney Rice stated there is a seven-step policy for donating equipment: concept, preliminary design, recommendation from Parks Director to Council, construction plan, budget, plan and budget approved by Council, then overall project approved by Council.

A brief discussion about noise level and equipment anchoring took place.

\*\* *Council unanimously voted to approve proceeding with the process, 7-0.*

Mary Catherine Dunphy announced that Montana Dakota Utilities had lowered their proposed rate increases from 19.2% down to 9%. She encourages people to attend the Public Service Commission meeting to decrease the proposed amount further.

**APPOINTMENTS**

None

**PROCLAMATIONS**

None

**STAFF REPORTS**

Chief Colombik presented an award to Council that he had received on the 24<sup>th</sup> in Helena. Six Montana cities recognized their emergency medical personnel. The award was for most lives saved in all of Montana. He explained that there are currently four police officers that are also EMT's; Matt Robb, Joey Kurkowski, Eric Slotsve, and Jared Devault. He is proud of all officers that regularly respond.

**CITY COUNCIL COMMENTS**

Councilperson Grenz asked that an Ordinance be drawn up stating that Council not enter into agreements until the budget is passed.

Councilperson Andrews asked for an update on the Transco railroad crossing, stated that the weeds need mowed at the Spotted Eagle trails and Milwaukee Park, and said that he would be gone for ten days starting Saturday. Mayor Hollowell explained that Transco is looking at abandoning the track line all together through that area as they do not use it. He will send an email after the meeting.

Councilperson Brush thanked everyone for her time on Council and resigned effective immediately due to medical reasons.

Councilperson Huber requested an update on the pigeons, Chief Colombik responded that there is a person working on it.

**MAYOR COMMENTS**

Asked Council if everyone was okay moving item "I" on the agenda to just after item "C" on the agenda as they go together. Council had no objections, item "I" was moved.

**COMMITTEE RECOMMENDATIONS**

None

**BID OPENINGS**

None

**BID AWARDS**

None

**PUBLIC HEARINGS**

None

**UNFINISHED BUSINESS**

None

NEW BUSINESS

A. ORDINANCE NO. 1370 (First Reading) – AN ORDINANCE ESTABLISHING NEW RATES FOR THE USE OF THE MILES CITY AMBULANCE.

\*\* Councilperson Andrews moved to approve the Ordinance, read by title only and seconded by Councilperson Brush.

Chief Stevens explained that this only adding blood draws to the Ordinance. They will be doing the blood draws for the Police Department, Sheriff Department, and Highway Patrol.

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

B. ORDINANCE NO. 1371 (First Reading) - AN ORDINANCE REPEALING SECTIONS 3-26 THROUGH 3-36 AND AMENDING SECTION 6-26 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING CITY LICENSE REQUIREMENTS FOR STATE ORIGINATED LICENSES.

\*\* Councilperson Wilcox moved to approve the Ordinance, seconded by Councilperson Brush and passed unanimously, 7-0.

C. APPROVE PROVIDING 90-DAY TERMINATION NOTICE TO MONTANA EMERGENCY HEALTH CARE CONSULTANTS, INC., A MONTANA CORPORATION DOING BUSINESS AS SOLESTONE REIMBURSEMENT SERVICES.

\*\* Councilperson Andrews moved to approve the termination notice, seconded by Councilperson Regan and passed unanimously, 7-0.

I. RESOLUTION NO. 4514 – A RESOLUTION AUTHORIZING AMBULANCE BILLING SERVICE AGREEMENT BETWEEN THE CITY OF MILES CITY AND PINTLER BILLING SERVICES, LLC.

\*\* Councilperson Wilcox moved to approve the Resolution, seconded by Councilperson Brush and passed unanimously, 7-0.

D. RESOLUTION NO. 4509 - A RESOLUTION APPROVING A REAL PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF MILES CITY, AND TODD NEIFFER AND ELIZABETH NEIFFER, FOR CERTAIN REAL PROPERTY OWNED BY MILES CITY, MONTANA.

\*\* Councilperson Wilcox moved to approve the Resolution, seconded by Councilperson Brush.

Attorney Rice explained that maintenance terms and taxes are included in the current leases.

Planner Nelson explained that he had added that the annual payment will update annually with updated lease rates passed by Council.

Councilperson Huber asked if there was a animal to square footage ratio, to which Planner Nelson was unsure but stated there is a good husbandry clause. Huber also stated that they are the only lessees who have animals and thinks we should keep it an industrial site instead of agricultural land. He also noted that it should be changed to a one-year lease.

Todd and Elizabeth Neiffer stated that if they were only guaranteed a one-year lease then they would no longer maintain the property and make improvements just to lose it in a year. They also noted that weeds would be uncontrollable if they were not currently maintaining them.

**\*\*** *Councilperson Huber moved to amend the lease term to one year, seconded by Councilperson Andrews, and failed 3-4, with Councilpersons Wilcox, Brush, Grenz, and Bovee voting no.*

**\*\*** *Councilperson Grenz moved to amend the lease term to three years and remove the option to auto-renew, seconded by Councilperson Regan and passed 6-1, with Councilperson Huber voting no.*

**\*\*** *On roll call vote the amended main motion passed, 6-1, with Councilperson Huber voting no.*

**E. RESOLUTION NO. 4510 – A RESOLUTION TO CORRECT LEGAL DESCRIPTIONS IN RESOLUTION NO. 4118 AND RESOLUTION NO. 4119, TO AGREE TO RENEW A LEASE AGREEMENT WITH THE ASSIGNED TENANT IN THE ASSIGNED TENANT’S NAME, AND TO APPROVE A NEW LEASE AGREEMENT BETWEEN THE CITY OF MILES CITY AND CENTER AG SUPPLY, LLC, FOR CERTAIN REAL PROPERTY OWNED BY MILES CITY, MONTANA.**

**\*\*** *Councilperson Wilcox moved to approve the Resolution, seconded by Councilperson Brush.*

Planner Nelson explained that this agreement only corrects the legal description and rates. There is still one more five-year option to renew in the existing lease agreement.

Jeremy Keifler of Center Ag Supply stated that there is a change in the purpose of sublet in the new agreement and he does not want to be limited as to what he can do with the property if BNSF is no longer subletting it. He requested that be changed to sublet to BNSF or personal business use.

Attorney Rice explained that protections of the original lease are fully enforceable by law. If both parties agree to the changes then he gives the go ahead.

\*\* Councilperson Wilcox moved to amend the agreement to add personal business use to the purpose portion of the agreement, seconded by Councilperson Brush, and passed unanimously, 7-0.

\*\* On roll call vote, the amended main motion passed unanimously, 7-0.

**F. RESOLUTION NO. 4511 - A RESOLUTION APPROVING A REAL PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF MILES CITY, AND DAVID P. JERREL, FOR CERTAIN REAL PROPERTY OWNED BY MILES CITY, MONTANA.**

\*\* Councilperson Brush moved to approve the Resolution, seconded by Councilperson Regan.

Attorney Rice stated that in Article 9, paragraph D it states that there is a binding effect, which binds and benefits tenant. It gives the estate authority to transfer the estate to a new name. He also noted that they have preferential right to the new lease based on improvements.

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

**G. RESOLUTION NO. 4512 - A RESOLUTION APPROVING A REAL PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF MILES CITY, AND HUGO MUGGLI INC., FOR CERTAIN REAL PROPERTY OWNED BY MILES CITY, MONTANA.**

\*\* Councilperson Huber moved to approve the Resolution, seconded by Councilperson Grenz.

A conversation about denying versus defaulting a lease took place. Attorney Rice informed Council that they cannot deny continuation of the lease at this time, but rather would need to default the lease at a later date if needed, in which Hugo Muggli, Inc. would need to remove the building or forfeit it. Planner Nelson gave an update to the cleanliness of the property and stated that he would work with Attorney Rice, Mayor Hollowell, and Director Gray if defaulting became the only option. Councilperson Huber requested this lease change to a one-year term too. He stated that the property is a mess and he has had ample time to clean it up.

\*\* Councilperson Wilcox moved to amend section 5, letter A, to strike "personal farm equipment repair and personal auto storage and repair", and also change section two "initial term" to a one-year term, seconded by Councilperson Brush, and passed unanimously, 7-0.

\*\* On roll call vote, the amended main motion passed unanimously, 7-0.

H. RESOLUTION NO. 4513 - A RESOLUTION OF THE CITY COUNCIL OF MILES CITY, MONTANA SUBMITTING TO THE QUALIFIED ELECTORS OF MILES CITY THE QUESTION OF ISSUING GENERAL OBLIGATION BONDS IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO THREE MILLION NINE HUNDRED FORTY-FIVE THOUSAND AND NO/100 DOLLARS (\$3,945,000) FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF DESIGNING, CONSTRUCTING, EQUIPPING, AND FURNISHING A NEW CITY FIRE AND RESCUE STATION ON CITY-OWNED PROPERTY LOCATED AT 2800 MAIN MILES CITY, MONTANA; AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS

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

Chief Stevens explained that this Resolution is the same as the one that was passed months ago, except the dates have been updated to the general election instead of having a special election, which will lower our overall costs.

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

J. RESOLUTION NO. 4515 - A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN INTERLOCAL AGREEMENT WITH CUSTER COUNTY FOR FISCAL YEAR 2022-2023.

\*\* Councilperson Brush moved to approve the Resolution, seconded by Councilperson Grenz.

Mayor Hollowell explained that part of this agreement was negotiated by a Council Member and a Commissioner with additional changes added by himself, including the suggestion of addressing both fiscal years 21-22, and 22-23 at the same time. The cost for services and term of contract were discussed.

\*\* Councilperson Wilcox moved to amend letter E to replicate letter C language, seconded by Councilperson Brush and passed unanimously, 7-0.

\*\* Councilperson Brush moved to amend the amendment to add language that extends the 21-22 agreement to 22-23, moving forward to 23-24 the terms in this agreement shall be followed, seconded by Councilperson Bovee, and passed unanimously, 7-0.

\*\* On roll call vote the amended main motion passed unanimously, 7-0.

**K. APPROVAL OF MAY CLAIMS**

- \*\* Councilperson Huber moved to approve *May claims*, seconded by Councilperson Brush and passed **unanimously, 7-0.**

**ADJOURNMENT**

- \*\* Councilperson Huber moved to adjourn the meeting, seconded by Councilperson Brush and passed **unanimously.**

The meeting was adjourned at 8:20 p.m.

  
John Hollowell, Mayor

  
Mary Rowe, City Clerk