

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

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, July 11, 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, Ken Gardner, Rick Huber, Chris Grenz, Mathew Regan, Kathy Wilcox, and Dwayne Andrews.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik 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: 6/13/2023**

\*\* *Councilperson Grenz moved to approve the minutes of the Regular Council Meeting of June 13, 2023, subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 7-0.*

**City Council Minutes: 6/27/2023**

\*\* *Councilperson Regan moved to approve the minutes of the Regular Council Meeting of June 27, 2023, subject to any changes, and seconded by Councilperson Bovee. 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	7/13/23 @
5:00pm	
Human Resources Committee Meeting	7/20/23 @
5:00pm	
Public Safety Committee Meeting	7/19/23 @
6:00pm	

**REQUEST OF CITIZENS & PUBLIC COMMENT**

Pamela Menne, 336 N. Sunday Creek Road, requested the location of prior Council minutes, to which the Mayor responded, they are on the website.

John Goff, 249 Sunset Drive, stated that the minutes are not current on the website.

**APPOINTMENTS**

Ward IV City Council Member

A letter of interest from Donald Simpson was received and reviewed.

\*\* *Councilperson Regan moved to appoint Donald Simpson to the Ward IV Council seat, seconded by Councilperson Grenz, and passed, 6-1, with Councilperson Andrews voting no.*

**PROCLAMATIONS**

None

**STAFF REPORTS**

Staff reports were reviewed.

**CITY COUNCIL COMMENTS**

Councilperson Andrews went for a ride along with Officer Winkley and recommends getting him some summer help. He asked about the status of the new police car. Chief Colombik responded that it is ordered and will be here next fall. He added that he will have other grant results this summer and will be applying for another coal board grant this fall.

Councilperson Huber pointed out that there is a burn trailer on Horizon Parkway and it has been there for a while. He also stated that he spoke with Amber Trenka and Jody Menyhart and he would like to see John Goff appointed to the Health Board. Mayor Hollowell explained that he cannot appoint him as he is not a medical doctor, which is a requirement of the vacancy. It was then referred to Public Safety.

Duane Chapman, 270 Reynolds Road, stated that he has also seen the burn trailer and it has been on Silversage Drive for weeks.

Chief Colombik stated that Officer Winkley is working on the trailer and that the owner is currently incarcerated.

**MAYOR COMMENTS**

Mayor Hollowell read a appreciation letter from the 4<sup>th</sup> of July Committee.

**COMMITTEE RECOMMENDATIONS**

None

**BID OPENINGS**

None

**BID AWARDS**

None

**PUBLIC HEARINGS**

- A. **ORDINANCE NO. 1368 - (Second Reading) AN ORDINANCE AMENDING SECTION 2-86 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING ELECTIVE AND APPOINTIVE OFFICERS.**

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. 1368 - (Second Reading) AN ORDINANCE AMENDING SECTION 2-86 OF THE CODE OF ORDINANCES OF THE CITY OF MILES**

**CITY REGARDING ELECTIVE AND APPOINTIVE OFFICERS.**

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

Councilperson Grenz stated that only one position was discussed at the Human Resources Committee Meeting. He is opposed to this change because he believes that the Police Chief is more active in 911 than the Mayor, and he liked it the way it was.

Mayor Hollowell stated that only the one position is changing in the proposed Ordinance and that he is regularly attending the 911 meetings.

Councilperson Huber noted that the Public Works and Public Utilities Directors are replacing the City Engineer in the Ordinance too.

\*\* *On a roll call vote the motion passed, 4-3, with Councilpersons Huber, Grenz, and Regan voting nay. Ordinance No. 1368 passed.*

**A. CO-ED ADULT SOFTBALL REQUESTING ALCOHOL VARIANCE FOR MULTIPLE DATES AT BENDER PARK.**

\*\* *No motion was made, the variance request failed.*

**NEW BUSINESS**

**A. REVIEW & APPROVE HOME OCCUPATION PERMIT.**

\*\* *Councilperson Wilcox moved to approve the Home Occupation Permit, seconded by Councilperson Bovee, and passed unanimously, 7-0.*

**B. DISCUSSION ON BUSINESS LICENSES.**

A long discussion took place about if the vendors inside Vintage and Rustics each have to have their own business license.

Councilperson Huber brought up the farmers market participants and non-profits like keep miles city beautiful, wanting to know if they met the requirement. He then questioned the enforcement of the business licenses.

Councilperson Andrews does not want to see the license fee be applied to small family friendly events such as farmers market and/or Vintage and Rustics vendors.

Councilperson Grenz questioned where the money goes and added that a variance should be in place for the farmers market.

Mayor Hollowell replied it goes into the general fund and

gave a brief history of what it had funded in the past, including SEMDC and Miles City Chamber. He then recommended a better definition of business be added for more clarity on tonight's questions. He also explained that several people will be enforcing business licenses including himself, police, building inspector, and fire captain. He also noted that Council could create a variance process.

Eddie Pulecio, 1205 Knight St., also questioned Vintage and Rustics vendors and requested a list of licensed businesses be available to the public. He also questioned whether a business that is state licensed is subject to the City licensing requirement. Finally, he asked if all businesses had to get the required signatures like the home occupation license. It is only a requirement to have a home occupation.

Duane Chapman, 270 Reynolds Road, questioned why the fee was \$85 and not \$45, who decided on the amount. Finance Committee set it.

John Goff, 249 Sunset Drive, recited city code section 6-26. He stated that his business does not meet the criteria because he does not personally conduct business, his employees do, he only makes the deposit at the bank. He stated that council needs start over. First is to stop charging for business licenses immediately, and give credit to those who have already paid to use for the upcoming year. He asked if the City had paid for a business license. He asked about insurance requirements, Clerk Rowe said that there is currently only an insurance requirement for contractors. He stated that the City is only punishing Chamber members, to which Clerk Rowe replied that the chamber list was only recently added to the system, but there were hundreds of businesses entered in and paid in the prior year.

Attorney Rice explained that if the state requires a professional license, like an electrician, attorney, doctor, etc., the city can not charge an additional license fee to the professional license, but still can charge a fee for the business itself. He also explained that council has the authority to revoke licenses if they fail to meet building, planning, zoning, or fire standards.

Pamela Menne, 336 Sunday Creek, asked that the website be kept up to date so she can be kept up to date. She wanted to know if changes are decided would it go back to a committee, which Mayor Hollowell responded yes. She thanked the Mayor and Council for their hard work and stated that they were elected because people trust them to make the right decisions. She asked that Council reach out to local high schools, colleges, etc. to get help with things like website design, or ride alongs for education.

Trish Holmes, 4 Pioneer Circle, stated that she is a hobby crafter and that she would be happy to pay the \$85 per year, even if she didn't make that much, just to be a part of the community and help support it.

It was decided to either create an ad-hoc committee to review section 6 of the City code of Ordinances, or refer it back

to the Finance Committee for review. Councilperson Wilcox requested it be added to the next agenda.

**ADJOURNMENT**

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

The meeting was adjourned at 7:46p.m.



John Hollowell, Mayor



Mary Rowe, City Clerk