

CUT BANK CITY COUNCIL  
JULY 5, 2022  
6:30 P.M. – CITY HALL & ZOOM

THIS MEETING WAS HELD VIA ZOOM & AT CITY HALL

CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE:

Mayor Kim Winchell called the meeting of the Cut Bank City Council to order at 6:30 PM, Tuesday, July 5, 2022. The following persons answered roll call: Mayor Winchell, Councilpersons Tim Curtiss, Doug Vermulm, and Kacie Fey. Also present were Building Inspector Jim Yeagley, City Attorney Smith, Police Chief Schutz, and Clerk Treasurer Burley. All present recited the Pledge of Allegiance.

VISITORS:

ABSENT: Councilperson Cesar Morales

ITEMS NOT ON THE AGENDA:

PUBLIC COMMENT:

Randy Flammond, 225 5<sup>th</sup> Ave SE, addressed the Council. He stated that he had been given two violations on one ticket and this is illegal so the court will throw it out. He stated it is his right to own as many vehicles as he wants and can have them anywhere in his yard. He also told the Council that police are not exempt from cellphone laws and quoted US 445-us-622. This is a ruling from 1980. Police Chief Schultz told Mr. Flammond that he was not issued a citation or a ticket, but was given a letter and it can legally address as many issues as needed. He also told Mr. Flammond that he can indeed own multiple vehicles but cannot have more than one that is a junk vehicle or collecting garbage or junk. The ruling from 1980 is a federal ruling and does

not apply to city code. Chief Schultz assured Mr. Flammond that all of his police vehicles now have Bluetooth, and he would speak with his officers about using the Bluetooth and not speaking on the phone while driving.

Dawn Hibl addressed the Council about the properties she purchased. The addresses are 234 6<sup>th</sup> Ave NE and 235 4<sup>th</sup> Ave NE. She was told by Royal Realty that the properties were not zoned, and anything could be put on the property, even mobile homes. She found out after purchasing the property that mobile homes were not allowed. She asked the Council if it could be changed to allow her to put mobile homes on the lots. It was explained that some of the property zoned as Residential II and III does not allow mobile homes and that it would be a lengthy process to change that. Re-zoning a couple of lots would be spot zoning and such spot zoning is not legal.

**CLAIMS: Councilperson Curtiss moved to approve the claims through June 30, 2022, for \$204,360.18 warrants 60353-60410. Councilperson Vermulm seconded the motion. A vote was called, and motion carried 3-0.**

ADDITIONAL ITEMS FOR DISCUSSION: None

CONSENT AGENDA:

**Councilperson Curtiss moved to approve the June 21, 2022, minutes, the payroll from June 23, 2022, for \$81,557.80. Councilperson Vermulm seconded the motion. Motion carried 3-0.**

DEPARTMENT HEAD REPORTS:

**City Attorney Smith** reported that he has been busy and is playing catch-up from when his secretary was gone. **Councilperson Fey moved to accept the City Attorney's report and Councilperson Curtiss seconded the motion. Motion carried 3-0.**

OLD BUSINESS: None

## NEW BUSINESS:

**Councilperson Curtiss moved to approve the City Attorney contract. Councilperson Vermulm seconded the motion.** City Attorney Smith explained that the contract is the same as the last year's contract but he included a 3% raise for himself. A vote was called and passed unanimously.

**First reading of Ordinance 16-02 Amendment. This amends the curfew to be the same all months of the year. It will be less confusing for everyone.**

**Councilperson Curtiss moved to approve Draw #3 (DLA Grant) for \$460.79, Draw #7 for \$2,755.25 (TSEP) and Draw #3 for \$141,604 (Loan Forgiveness).** The DLA grant is for the southwest lift station and the other two are for the water project. **Councilperson Vermulm seconded the motion that passed unanimously.**

**Councilperson Fey moved to appoint Councilperson Vermulm to the Port Authority Board. Councilperson Curtiss seconded. Motion carried 3-0.**

**Councilperson Curtiss moved to approve the AARP Community Living Grant and Councilperson Fey seconded the motion. Motion passed 3-0.**

CORRESPONDENCE: None

## WORK SESSION:

Mayor Winchell reported that the Beautification Committee is selling raffle tickets for funding of another mural in Cut Bank. The birdhouse to be raffled off is a 7-unit birdhouse. Tickets can be purchased from Committee members.

Mayor Winchell announced that the growth policy survey will begin on July 11, 202 and will run for 2 weeks.

COMMITTEE REPORTS: City Attorney Smith reported that he attended the Rocky Boy water meeting with Superintendent Suta. They received an update on the Kevin, MT, lawsuit.

The next Tri-City meeting will be July 21, 2022, in Conrad.

Brenda Schilling reported that the GCR Port Authority granted \$2,000 to Kristi's Creations. This is a painting and interior design business. They are currently hiring both season and permanent employees. The Authority also is revising its by-laws.

ADJOURNMENT: There being no further business to come before the Council, **Mayor Winchell adjourned the meeting at 7:22 PM.** The next regular meeting is scheduled for July 18, 2022, at 6:30 PM.

Attest:

Approve:

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Linda Burley, Clerk-Treasurer

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Kim Winchell, Mayor