

CUT BANK CITY COUNCIL
JULY 3, 2023
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, Monday, July 3, 2023. The following persons answered roll call: Mayor Winchell, Councilpersons Tim Curtiss, Doug Vermulm (via Zoom), Kacie Fey, and John Reynolds. Also present were Building Inspector Jim Yeagley, City Attorney Smith, and Clerk Treasurer Burley. All present recited the Pledge of Allegiance.

VISITORS: Vernon Thomas, Tom Shock, Pauline Nygaard, Justin Perry, Scott Weinrich, Trish Weinrich, and Gavin Weinrich.

ABSENT: Superintendent Suta, Police Chief Schultz

PUBLIC HEARING FOR AMENDMENT OF ORDINANCE 7-04

City Attorney Robert Smith opened the public hearing on comments on the proposed amendment to Ordinance No. 7-04. He explained that the only change was the deletion of the mandatory jail sentence for residents who harbor vicious animals. Clerk-Treasurer Burley was sworn in and asked her role in the amending of ordinances. She stated that she is responsible for the publishing of the notice of public hearing in the local newspaper and that it had been published twice in accordance with the law. She also reported that she received an affidavit of publication proving her compliance. When asked by City Attorney Smith if she had received any comments prior to the hearing, she answered that she had not.

After asking for public comment two times and receiving none, City Attorney closed the public hearing.

REGULAR MEETING

PUBLIC COMMENT: Vernon Thomas asked if anyone had talked with the County about the possible marijuana store being opened on Railway. Mayor Winchell explained that public comment is for comment and not a question-and-answer session. This question would be more appropriately asked after the meeting.

CLAIMS: Councilperson Reynolds moved to approve the claims through June 29, 2023, for \$916,872.66 warrants 61227-61316. Councilperson Curtiss asked if he was correct in assuming most of the claims amount was in payment to the contractor installing the new water tank. He was answered by Clerk-Treasurer Burley that he was correct. Councilperson Fey seconded the motion. A vote was called, and motion carried 4-0.

CONSENT AGENDA: **Councilperson Fey moved to approve following:**

Minutes from June 5, 2023

Payroll from June 8, 2023 – \$89,008.91

Payroll from June 22, 2023 - \$93,174.91

February Financials - \$9,994,99.36

March Financials - \$9,879,952.92

April Financials - \$9,428,642.86

May Financials - \$8,978,845.18

Councilperson Curtiss seconded the motion. Motion carried 4-0.

DEPARTMENT HEAD REPORTS:

City Attorney Smith reported that he has been terribly busy with an increase in court cases. He

stressed that he needs help and believes the Council needs to hire him a deputy attorney. **Councilperson Curtiss moved to accept the City Attorney's report and Councilperson Fey seconded the motion. Motion carried 4-0.**

Building Inspector Yeagley presented his report. There are two more building permits that were just issued, and they will be on his next monthly report. Councilperson Curtiss moved to accept the Building Inspector's Report and Councilperson Reynolds seconded the motion. Motion carried 4-0.

Clerk-Treasurer Burley presented her report. Councilperson Curtiss moved to accept. Councilperson Fey seconded. Motion carried unanimously.

OLD BUSINESS:

Councilperson Fey moved to approve the amendment of Ordinance No. 7-04. Councilperson Curtiss seconded the motion. Public comment was called for and Tom Shock said that there are a large number of animals running at large and people are violating by having too many animals. He hopes that the City will crack down on these issues. **Motion passed 4-0.**

NEW BUSINESS:

Councilperson Curtiss moved to approved Draw #2 DNRC for the Water Tank Project. Councilperson Reynolds seconded the motion that passed unanimously.

Councilperson Fey moved to approve the employee handbook changes. Councilperson Curtiss seconded the motion. Motion carried 4-0.

Building Inspector Yeagley explained the need to revoke the agricultural covenant from the property purchased by Scott Weinrich. **Councilperson Curtiss moved to approve the revocation of the agricultural covenant on the property owned by Scott Weinrich. Councilperson Fey seconded the motion and motion carried unanimously.**

Scott Weinrich addressed the Council requesting that the undeveloped portion of 4th Street SW, northwest of 2nd Avenue SW, be closed. His property is the only property accessed by the street and he would like to make it a private drive. He plans to build a home and two small rental units on the property and would also like to build a parking lot. Mr. Weinrich is aware that is currently a sewer line under the street and any access needed by the City to access the line would be required. He agrees to this. Tom Shock asked if there would be access to the property other than this street. Pauline Nygaard asked if the other end of 4th St. SW was going to be paved. **Councilperson Reynolds moved to close the street and Councilperson Curtiss seconded the motion. Motion carried unanimously.**

Councilperson Curtiss moved to approve the DNRC Draw #2 for \$1,453,397.92 for the water tank project. Councilperson Fey seconded the motion. Motion passed 4-0.

Pauline Nygaard requested the Council pass a resolution allowing the street closure of Central Avenue between Main Street and Railway for the hours of 8:00 PM until 12:00 AM on Friday, July 28, 2023, for the Lewis & Clark Festival street dance. She also requested that alcohol be allowed on the street during the dance and in the park during the festival activities. City Attorney Smith will draw up a resolution to be passed at the next meeting.

Councilperson Curtiss moved to preliminarily approve the budget amendment and set the public hearing date for July 17, 2023. Councilperson Reynolds seconded the motion and motion carried 4-0.

CORRESPONDENCE: A letter from Kim Stoltz was read. She asked that the Council not allow the O'Reilly's Autoparts Store to open a business here.

WORK SESSION: None

EXECUTIVE REPORT: Mayor Winchell reported that she will be giving out premium pay for

employees and elected officials. ARPA funds will be used, and this is an allowable use of these funds. **Councilperson Curtiss moved to approve the report and Councilperson Reynolds seconded. Motion carried unanimously.**

ADJOURNMENT: There being no further business to come before the Council, **Mayor Winchell adjourned the meeting at 7:20 PM.** The next regular meeting is scheduled for July 17, 2023, at 6:30 PM.

Attest:

Approve:

Linda Burley, Clerk-Treasurer

Kim Winchell, Mayor