



CITY COUNCIL OPERATIONS

AGENDA

Monday, September 13, 2021 – 5:00 PM | Council Chambers, City Hall

1. Call Meeting to order
2. Approval of Minutes
 - a. July 12, 2021, No meeting August 9, 2021
3. Public Comment – (Limit to three minutes per person)
4. Old Business (Public Comment period prior to each topic)
5. New Business (Public Comment period prior to each topic)
 - a. Revision of Title 7, 7.03.010: *Outside Burning Prohibited for Stage 2 Fire Restrictions* – Kersch
 - b. Status of Titles 1, 4, 7, 8, 9, 10, 11 & 15 for approval by council. – CAO Green
 - c. Election Preparations – Kersch (*Reach out to candidates for Mayor and Council candidates to attend*)
 - d. ARPA Progress and Planning – CAO Green
 - e. Fireworks Noise Ordinance Consideration - Kersch (*Received a letter requesting a consideration of noise limits on fireworks*)
6. Staff or Committee Member Concerns or Comments:
7. Announcement of the Next Meeting
 - a. Tuesday, October 12, 2021, at 5:00 PM. – Monday, October 11th City Holiday, Columbus Day
8. Adjournment

City Council Operations Committee

City Code | Council Bylaws and Policy

Members

Rob Kersch (Chairperson) | Mary Hathaway | Dick Bauman

City Council Operations

MINUTES

Monday, July 12, 2021, | Council Chambers, City Hall

Members Present: Rob Kersch, Mary Hathaway, & Dick Bauman

Members Absent: None

Mayor: Diana Solle

CAO: Jordan Green

Staff: Cyndi Thompson

Public: Leland Hague

1. Call Meeting to Order:

- a. Chairperson Kersch called the meeting to order at 5:00PM

2. Approval of Minutes:

- a. June 14, 2021 -Minutes approved unanimously.

3. Public Comment - Limit to three minutes per person.

- a. None.

4. Old Business

- a. Noise Ordinance Consideration – Rob Kersch

This has gone through Public Health & Safety with a recommendation 3 yea's 0 No's for Legal and Administrative review. The chapters added to City Code Title 9 consist of

Chapter 9.02: PUBLIC DISTURBANCE NOISE (DRAFT)

SECTIONS:

9.02.010: FINDINGS AND DECLARATION OF NECESSITY

9.02.020: PUBLIC DISTURBANCE NOISE DEFINED

9.02.030: PUBLIC DISTURBANCE NOISE FORBIDDEN

9.02.040: SPECIFIC NOISES PROHIBITED

9.02.050: DISTURBING NOISE FACTORS

9.02.060: EXEMPTIONS

9.02.070: NOISE PERMIT AND PARADE PERMIT AS EXCEPTIONS

9.02.080: VIOLATIONS; PENALTY

b. Weed Ordinance Follow-Up – Rob Kersch

Last Council action on 10/5/2020, The Council considered the amendment and decided to send it back to the Public Health & Safety Committee for revisions (to include language on noxious weeds).

CURRENT CODE:

7.01.050: WEEDS AND GRASS(ES) – PROHIBITED

A. It shall be unlawful for any person or property owner to knowingly permit any grass Herbaceous plants to grow that might create a fire hazard, blight or public safety hazard. Grasses and herbaceous plants (excluding) cultivated gardens) shall not be allowed to exceed eight (8) inches in height.

B. Property owners are also responsible for caring for and maintaining the area adjacent to their property (i.e., boulevards) up to the middle of the alley and the street.

C. Notice of violations will be posted at the violating property or sent via (certified) mail to the registered property owner. Failure to correct the violation (within 14 days?) may result in a citation and/or the City taking corrective action and charging any cost to the property owner

Below is the MCA code on Noxious Weeds, recommended from Council Ops to Public Health & Safety to adopt.

Montana Code Annotated 2019

TITLE 7. LOCAL GOVERNMENT-CHAPTER 22. WEED AND PEST CONTROL Part 21. County Weed Control

Unlawful To Permit Noxious Weeds To Propagate -- Notice Required In Sale

7-22-2116. Unlawful to permit noxious weeds to propagate -- notice required in sale. (1) It is unlawful for any person to permit any noxious weed to propagate or go to seed on the person's land, except that any person who adheres to the noxious weed management program of the person's weed management district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section.

(2) When property is offered for sale, the person who owns the property shall notify the owner's agent and the purchaser of:

(a) the existence of noxious weed infestations on the property offered for sale; and

(b) the existence of a noxious weed management program or a noxious weed management agreement as provided in subsection (1).

5. New Business

- a. Website Status Update – Rob Kersch
Discussed social media - No updates
- b. Fireworks Ordinance Review – Rob Kersch
The reason this is on the agenda is to look at it and see if it needs any updates. Chapter 7.04 of City Code. There's no verbiage in the City Code about New Year's Eve fireworks and this may need to be added. Recommendation to Public Health & Safety for review and possible modification. Chairperson Kersch motioned to move this to Public Health & Safety. Member Hathaway seconded the motion. Vote was unanimous.
- c. City Code Title 1 – CAO Green
Upon legal review a recommendation from the City Attorney, City Code Title 1, Chapter 1.08.010, General Penalty to read and consider removing the six (6) months jail time.

1.08.010: GENERAL PENALTY

- A. Whenever in any provision of this Code or other ordinance of the City any act is prohibited or is made or declared to be unlawful, a misdemeanor or an offense, or whenever in any such provision or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided therefor, any person upon conviction for the violation of any such provision of this Code or ordinances shall be punished by a fine not exceeding five hundred dollars (\$500.00) for the first or second like violation or in the event of a third or subsequent like violation~~or~~ by imprisonment not to exceed six (6) months or by both such fine and imprisonment, for each such offense.
 - 1. Each day any violation of any provision of any ordinance shall continue, shall constitute a separate offense.

A. Provisions for first, second, third, or subsequent violations as described in A. above do not apply in the event of a continuation of offense as described in A.1. above.
- B. In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced.
(Ordinance 1 – 1/17/1980: Effective 1/17/1980)

Member Hathaway motioned to approve section A and legal review on A-1. Member Bauman seconded the motion. Vote was unanimous.

- d. Building Code Violation – CAO Green
There is a concern from Dan Green the City's Building Inspector about City's Building Code Violations and the best practice to enforce those violations.
Per the Mr. Green *"as a building inspector of International Residential codes there is a huge responsibility and liability on the city and my license to enforce code."*

Member Hathaway motioned to recommend this to Public Health & Safety for the proper verbiage for violation and enforcement of those violations. Chairperson Kersch seconded the motion. Vote was unanimous.

e. City Code Title 8 (definition of neutered)

Created a clearer definition of spayed and neutering in the City Code to read:

8.02.010: Definitions (#9 & #11)

- i. **Neutering (also known as castration)** – shall mean the common term used to describe the surgical procedure during which both testicles are removed in order to sterilize (make infertile) a male animal, therefore stopping its ability to reproduce. The owner must be able to provide suitable proof of surgery.
- ii. **Spayed** – shall mean the common term used to describe the surgical procedure used to completely remove the ovaries and uterus in order to sterilize a female animal, therefore stopping its ability to reproduce. The owner must be able to provide suitable proof of surgery.

On July 8, 2021, Public Health & Safety approved the new definition of Neutering & Spayed with unanimous vote.

Member Hathaway motioned to approve the new Neutered and Spayed definition in City Code Title 8.02.010. Member Bauman seconded the motion. Vote was unanimous.

6. Staff or Committee Comments/Concerns:

Member Hathaway had a concern about the advertising mailer from the Service Line Warranty company and how they used our logo. Chairperson Kersch recommended that we contact them for future mailers that was an unsatisfactory thing to do on the use of our logo.

Member Hathaway asked about the status on the progress of the Elk Tips building, there hasn't been any work for some time now. CAO Green stated he believes they are waiting on State to approve their Building Permit. CAO Green stated he will reach out to Steve Guggenheimer for an update.

7. Announcement of Next Meeting:

August 9, 2021, at 5 PM

8. Adjournment:

- a. The meeting was adjourned at 6:19PM by consensus.

Prepared by: Cyndi Thompson, City Clerk

Rob Kersch, Chairperson

Date

**City Council Operations Committee
Members**

Rob Kersch (Chair) | Dick Bauman | Mary Hathaway