

CUT BANK CITY COUNCIL  
MARCH 4, 2024  
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, March 4, 2024. The following persons answered roll call: Mayor Winchell, Councilpersons Doug Vermulm, Kacie Fey, Maynard Nygaard, and John Reynolds. Also present were City Superintendent James Suta, Building Inspector Jim Yeagley (via Zoom), Deputy City Attorney Whitney Bugni, Patrolman Tyler Henry, City Judge Berkram (via Zoom), Payroll Clerk Donni Schultz (via Zoom) and Clerk Treasurer Burley. All present recited the Pledge of Allegiance.

VISITORS: Vernon Thomas, Justin Perry, Tom Shock, Nikki Penner (CB Pioneer Press)

ABSENT: None

PUBLIC COMMENT:

Tom Shock, 22 2<sup>nd</sup> St SW, made the comment that he would like department head reports read aloud.

Carolyn Berkram, 21 4<sup>th</sup> Ave SE, stated that she did not get the entire packet this time and would like to get everything next time.

CONSENT AGENDA:

**Councilperson Nygaard moved to approve the Consent Agenda: February 20, 2024, minutes; the payroll from February 29, 2024, for \$86,640.97; and claims through February 29, 2024, for \$79,706.73, warrants 61956-61994. Councilperson Reynolds seconded the motion. Motion carried 4-0.**

## DEPARTMENT HEAD REPORTS:

**Superintendent Suta** presented his report. It has been business as usual in public works.

**Deputy City Attorney Bugni** reported that though there have been some major changes, the City Attorney's office continues to operate with a high degree of professionalism and efficiency. The resignation of City Attorney Smith has prompted the resolutions brought for approval tonight. The resolutions just make it so attorneys from Shelby and Conrad can step in and help with trials as needed. Deputy Attorney Bugni has set up meeting with the other department heads to get updated on any actions that are in the works that she may not have been involved in yet. We have posted the job of legal secretary as now that the office is short an attorney, it is imperative to have a secretary to help with the workload.

Both department head reports were accepted.

OLD BUSINESS: **None**

NEW BUSINESS:

**Councilperson Fey moved to approved Resolution 24-02, allowing for the question of whether the voters want a local government commission put on the ballot in June. Councilperson Nygaard seconded the motion that passed unanimously.** It was explained that the legislature passed it many years ago that every ten years cities and towns would allow their voters to decide whether they want a local government study commission. This resolution starts the process by getting the question on the primary ballot.

**Councilperson Vermulm moved to approve Resolution 24-03 to hire Jen Stutz if needed.** Deputy Attorney Bugni explained that this and the next two resolutions would make it possible to hire these out of town attorneys to help with any upcoming trials since she is unable to attend trials in person at this time. **Councilperson Fey seconded the motion and motion carried 4-0.**

**Councilperson Reynolds moved to approve Resolution 24-04 to hire Merle Raph if needed. Councilperson Vermulm seconded the motion and motion carried 4-0.**

**Councilperson Fey moved to approve Resolution 24-05 to hire Shari Lennon if needed. Councilperson Nygaard seconded the motion and motion carried 4-0.**

CORRESPONDENCE: None

WORK SESSION: Mayor Winchell explained to the Council that last year the Council attempted to annex in properties that are located along the railroad by using the annexation of properties that get City services. The attempt failed and the Council, at that time, wanted to annex them in after 12 months had passed. This time they were going to use a different method. Mayor Winchell asked the Council to think about the issue since some of them were not on the Council yet at that time and she wanted to make sure that they all wanted to proceed before starting the ball rolling again. This way the Council will take ownership of the plan and if done, will have the total support of the Council. It will be discussed and decided at a future meeting after all have had a change to consider the annexation.

Councilperson Fey presented her plan for a new splash park at the Swimming Pool. She showed photos of the plan and discussed the probable cost of around \$400,000. She plans to apply for grants and do fundraising. She asked the Council for their approval so she could proceed with some grant applications. Council felt she should proceed. Grant applications will individually be approved as they are completed. One large grant that she plans to apply for is the DNRC Land and Water Conservation Grant. Neighboring communities have received between \$250,000 and \$300,000 for their projects. Craig Erickson, of Great West Engineering, believes that this would be a very eligible project and likely to receive the grant in 2025. Another funding option discussed was a SRF forgiveness loan.

MICRO-LEARNING: Mayor Winchell led training on Council responsibilities. She is working on getting some in-person training from the MSU Local Government Center and is also putting together some training packets for new Councilpersons.

COMMITTEE REPORTS: None

PUBLIC COMMENT: Tom Shock, 22 2<sup>nd</sup> St SW, stated that if the City wants to annex in property owned by BNSF, they will need to go to the Legislature and have the law changed. This applies to property owned by BNSF and leased by others.

COUNCIL REPORT: Councilperson Fey asked if she could address the Council with some questions she has. These were her questions:

- 1) If order to make the most informed decision, shouldn't department head jobs be opened to the public and not just promoted from within?
- 2) If so, aren't we premature in opening the payroll clerk position?
- 3) Where is the budget for the full time legal secretary coming from?
- 4) If the City Attorney represents the Council, why are Council not allowed to reach out to him/her?
- 5) Why was the Council not notified immediately that the City Attorney resigned?

In response to her questions, the following was stated:

- 1) There is currently no policy that requires the department head positions to be opened to the public.
- 2) n/a
- 3) There was an additional \$100,000 added to the budget for the year to pay for the Deputy City Attorney and Legal Secretary. Both would not be hired for the full year. With the resignation of the City Attorney, the cost of the department will be less, even with the new employee
- 4) Council is allowed to reach out to the City Attorney. Moving forward, the position will be a full time employee of the City, so Council will need to be careful, as Council cannot tell employees what to do.
- 5) The Mayor apologized for not informing the Council immediately of City Attorney Smith's resignation. She found out through the grapevine as he did not resign in person. This, combined with the fact that she was in Sidney for training, led to it slipping her mind. She will not let it happen in the future, should something similar happen.

ADJOURNMENT: There being no further business to come before the Council, **Mayor Winchell adjourned the meeting at 7:49 PM.** The next regular meeting is scheduled for March 18, 2024, at 6:30 PM.

Attest:

Approve:

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Linda Burley, Clerk-Treasurer

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Kim Winchell, Mayor