

AGENDA
CITY COUNCIL MEETING
CITY OF SHELBY
August 5, 2019
6:30 P.M.

ROLL CALL OF MEMBERS
PLEDGE OF ALLEGIANCE

OPEN PUBLIC HEARING re: Application to MDOC Local Assistance Program

OPEN SHOW CAUSE HEARINGS – Community Decay for properties owned by:

- Dick Miller, 327 Galena St (pgs 5-12)
- Dennis Knickerbocker, 321 7th Ave S (pgs 13-21)
- Rena Petersen, 341 7th Ave S (pgs 22-29)
- Teddy Mierzewski, 735 Teton Ave (pgs 30-35)

APPROVAL OF MINUTES

- Regular Council Meeting, 7/15/19 (pgs 36-38)
- Special Budget Meeting, 7/22/19 (pg 39)

APPEARANCE REQUESTS

- Agenda Items / Non-Agenda Items

CLOSE PUBLIC HEARING

CLOSE SHOW CAUSE HEARINGS

CLAIMS REPORT 7/31/19 (pgs 40-53)

BUILDING INSPECTOR

- Building Inspector Revenue Report, FY 2018-19 (pg 54)

COMMITTEE REPORTS

- Safety Committee Report & Employee Quarterly Meeting, 7/17/19 (pg 55)

CITY ATTORNEY

- Resolution No. 1994 re: Application to MDOC Local Assistance Program (pg 56)
- Resolution No. 1999 re: Sewer Project Bond (pgs 57-111)
- Resolution No. 2001 re: Intent to Sell Certain City of Shelby Real Property to Darryl Vandekop (pgs 112-117)
- Ordinance No 839 (2nd rdg) re: Revising Animal Control (pgs 118-124)

CITY FINANCE OFFICER

- Payroll Expense by Department, July 2019 (pg 125)

CITY SUPERINTENDENT

COMMUNITY DEVELOPMENT DIRECTOR

OTHER MATTERS

- Stores Fence Variance (Diagram)
- Lance Stewart – Water Sponsor
- 3rd Street Lateral (pgs 126-128)
- Task Order Amendment – Shelby Storm Water Improvements (pgs 129-131)
- City Property for Sale – Williamson Building & Rainbow Hotel
- Airport Water Line

ADJOURN

CITY OF SHELBY MEETING SCHEDULE

August 5, 2019

6:00 p.m. **Audit Committee**
 (Mayor, Finance Officer,
 Clark, Tustian, Moritz)
6:30 p.m. **Regular City Council Meeting**

August 12, 2019

6:30 p.m. **City-County Planning Board**
 (Mayor, Deputy City Clerk, City Planner,
 Flesch, Clark)

August 19, 2019

6:30 p.m. **Regular City Council Meeting**

August 26, 2019

6:30 p.m. **Park & Recreation Meeting**
 (Mayor, Superintendent, Rec Director,
 Tustian, Kimmet)

CITY COUNCIL PACKET LISTING

A. Agenda

B. Agenda Items

1. 6/12/19 Letter to Dick Miller re: Notice of Community Decay on Property
2. 6/12/19 Letter to Dennis Knickerbocker re: Notice of Community Decay on Property
3. 6/12/19 Letter to Rena Petersen re: Notice of Community Decay on Property
4. 6/12/19 Letter to Teddy Mierzwinski re: Notice of Community Decay on Property
5. Minutes of Regular Council Meeting, 7/15/19
6. Minutes of Special Budget Meeting, 7/22/19
7. Claims Report, 07/31/19
8. Building Inspector Revenue Report, FY 2018-19
9. Minutes of Safety Committee Report & Employee Quarterly Meeting, 7/17/19
10. Draft Resolution No. 1994 re: Application to MDOC Local Assistance Program
11. Resolution No. 1999 re: Sewer Project Bond
12. Resolution No. 2001 re: Intent to Sell Certain City of Shelby Real Property to Darryl Vandekop
13. Ordinance No. 839 (2nd rdg) re: Revising Animal Control
14. Payroll Expense by Department Report, July 2019
15. 7/30/19 Email from Logan Tweet re: 3rd Street Lateral
16. KLJ Amendment to Task Order - Shelby Storm Water Improvements

C. Correspondence

1. 7/11/19 Minutes from Port of Northern Montana Board Meeting, 7/11/19
2. 7/16/19 Letter from Lorette Carter to Residence re: Overgrown Vegetation
3. 7/24/19 Minutes of Shelby-Toole County Transportation Safety/DUI Task Force Committee Meeting

D. Reports

- 1.

E. Handouts

- 1.

Policy on Conduct and Manner of Addressing Council

The public is invited to speak on any item after recognition by the presiding officer.

1. Public comments will be accepted only on items within the jurisdiction of the City of Shelby.
2. Comments shall be limited to 5 minutes per meeting, unless such time is extended by a majority vote of the Council members.
3. While the Council is in session, those in attendance must preserve order and decorum. No member of the public shall delay or interrupt the Council proceedings; disturb any member who may be speaking; or refuse to obey the orders of the Council or its presiding officer.
4. Prepared statements are welcome and should be given to the Finance Officer prior to a Council meeting. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements for public hearings shall become part of the hearing record.
5. All remarks shall be addressed to the Council as a body and not to any member of the Council or Staff.
6. Public members recognized by the presiding officer, shall:
 - a. Stand, if able
 - b. For the record, give his/her name and address
 - c. If applicable, give the person, firm or organization he/she represents
 - d. Limit comments to the matter of fact
 - e. Address the Council as a body and not to any individual member of the Council or City Staff
 - f. Ask no questions of individuals who are Council members, staff or other public members, except through the presiding officer
 - g. Limit comments to a maximum of 5 minutes, unless such time is extended by a majority vote of Council members.

The Council thanks public members for respectfully and courteously providing constructive and valuable information.

CITY OF SHELBY

112 First Street South
Shelby, MT 59474
Telephone: (406) 434-5222
FAX: (406) 434-2039
www.shelbymt.com



Mayor: Gary McDermott
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Lyle Kimmet, Bill Moritz, Trent Tustian
Animal Control: Mark Warila
Attorney: William E. Hunt, Jr.
Building Inspector: Rob Tasker
Community Development: Lorette Carter
Finance Officer: Jade Goroski
Judge: Joe Rapkoch

"NOTICE OF SHOW CAUSE HEARING"

June 12, 2019

Dick Miller
323 Galena St.
SHELBY, MT 59474

RE: 327 Galena St. (Community Decay)
Block 23, lot 8, Sullivans 1st Addition to Shelby

You are hereby notified to appear at a hearing to be held on July 1, 2019, 6:30pm, City Hall, 112 1st Street South, City of Shelby, Toole County, Montana, to show cause why the above described property, which has been reported to be a community decay violation in accordance with the building inspector's notice, dated April 15th, 2019 a copy of which is attached hereto.

This hearing shall be held pursuant to Title 4, Chapter 6 of the Shelby Municipal Code. A copy of the code is available for your review at the Shelby City Hall. If requested from Bill Hunt, City Attorney, 201 Main Street, Shelby, Montana, a copy of all relevant code sections will be provided to you for your review prior to said hearing. At this hearing, you are free to testify or bring other persons to testify on your behalf. At the conclusion of the hearing, the City of Shelby City Council will make its determination, based on the evidence, whether said property is in fact in a Condition of Community Decay and should or should not be abated in accordance with the statement of particulars hereinabove referenced to. You are, of course, entitled to an attorney, at your expense, to represent you at said hearing. You may appeal any unfavorable decision to District Court. Your failure to appear may cause a decision unfavorable to you. An unfavorable decision to you could lead to a lien being placed upon the property, if the City of Shelby has the above described property abated as requested in the April 15th, 2019 "Notice of Community Decay" hereinabove referred to. Any such lien placed on your property would be in the nature of a tax lien and could lead to a forced sale of the property, in the event the amount of the lien is not paid in full.

DATED THIS 12th day of June, 2019

BY ORDER OF THE SHELBY CITY COUNCIL

William Hunt
City Attorney

CITY OF SHELBY

112 First Street South
Shelby, MT 59474
Telephone: (406) 434-5564
FAX: (406) 434-2039
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Building Inspector: Rob Tasker
City Planner: Jim Yeagley
Community Development: Lorette Carter
Finance Officer: Jade Garoski
Judge: Joe Rapkotch

April 15, 2019

Dick Miller
323 Galena St.
Shelby, MT. 59474

Dear Mr. Miller,

The City of Shelby has received several complaints on the property located at 323 Galena St Shelby, MT. 59474. I was asked to do an inspection on this property and found a violation that needs to be corrected. There was a large amount of objects throughout the yard. These items have to be removed within 30 days or they will be removed by the city at the owners expense. The City of Shelby has asked me to contact and work with you on resolving these issues. I have enclosed a copy of the City of Shelby Ordinances pertaining to these violations. Please feel free to contact me at (406)434-5564.

Thank You,

Robert Tasker
Building Inspector/ Code Official
City of Shelby

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Don Lee, John "Chip" Miller, Jr.
Animal Control: Mark Warila
Attorney: William E. Hunt, Jr.
Building Inspector: Rob Tasker
City Planner: Jim Yeagley
Community Development: Lorette Carter
Finance Officer: Teri Ruff
Judge: Sherrie Murphy
Recreation Director: Cindy Florez
Superintendent: Bill Moritz

April 15, 2019

Dick Miller
323 Galena St.
Shelby, MT. 59474

Dear Mr. Miller:

You are in violation of Title 4, Chapter 6 of the Shelby Municipal Code (S.M.C.), regarding the junk in your yard located at 323 Galena St.. The S.M.C. defines a "nuisance" as:

11. "Nuisance" means anything which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs to free passage or use, in the customary manner, or any navigable lake, river, bay, stream, canal or basin or any public park, square, street, or highway including but not limited to:

- A. any junk; or,
- B. any junk vehicle; or
- C. dead animal(s); or
- D. animal waste; or
- E. appliances; or
- F. blighted premises; or a mobile home that is not skirted

4-6-5. Abatement and Mitigation. The abatement or mitigation of conditions which constitute a public nuisance prohibited by this Ordinance shall be accomplished under the provisions of this section.

- A. Upon its own initiative, or within thirty (30) days of receiving a written, signed complaint that a condition of community decay exists, the department shall inspect the subject property to determine whether there is a violation of this ordinance.
- B. If it is determined that there is a violation of this Ordinance, the department shall notify the owner, manager or lessee of the property, or other responsible party in writing of the violation by certified mail, return receipt, and order its abatement or mitigation within thirty (30) days of their receipt of the letter. The notice of violation shall:

1. Include a statement specifically describing the violation;
 2. Specify that the owner, manager, or lessee, or other responsible party has thirty (30) days from the receipt of such notice to bring the property into compliance, or to submit a corrective action plan to comply with this ordinance by means of removal, shielding or mitigation of the conditions; and
 3. Advise the owner, manager, or lessee, or other responsible party that if the violation is not resolved, the City of Shelby may undertake abatement or mitigation and assess the costs to the owner.
- C. Upon receipt of a notice of violation, the owner, manager, or lessee, or other responsible party, may submit a plan to the department which shall include.
1. A complete description of the plan to be undertaken.
 2. The date for commencement of the corrective action.
 3. The date for completion of the corrective action. An extension may be granted at the discretion of the department.
- D. The department may accept or reject the plan, accept the plan with modifications, or request additional information before making a final determination.
- E. The owner, manager, or lessee, or other responsible party may appeal the department's final decision according to the procedure set forth in Section 6.

4-6-6. Appeal Process. An alleged violator may appeal a department's decision in writing via certified mail to the Shelby City Council within ten (10) days of the department's final decision regarding:

1. A determination that a community decay violation exists,
2. Rejection of a corrective action plan, or
3. The assessment of a fine for noncompliance.

The City Council shall hold a hearing within forty-five (45) days from the date that the appeal was received. The City Council shall, in writing, affirm, modify or withdraw the department's decision within thirty (30) days after the hearing. Once an appeal for a hearing has been made, the department's decision shall be stayed until the City Council has held the hearing and affirmed, modified or withdrawn the determination of the department. The City Council will issue an order of the City Council's findings signed by the Mayor. The order shall include what, if any, corrective actions are required, the time period for the corrective actions, and that the department or City of Shelby is authorized to remedy the violation and assess costs to the responsible party.

If a violator fails to resolve a violation upon order from the City Council, the department shall be authorized to remedy the violation, and assess costs to the property owner, manager, or lessee, or other responsible party. In the event that a violator does not appeal the department's decision and fails to resolve the violation, the department will bring the matter before the City Council for authorization to complete the corrective action, and assess costs to the property owner, manager, or lessee, or other responsible party. If the assessment is not paid, it shall become a lien upon the property and may be enforced, as is non-payment of property taxes.

4-6-7 Enforcement and Penalties. A violation of this Ordinance, or plan approved under this Ordinance or order issued under this Ordinance shall constitute a misdemeanor. Any person who shall violate any of the provisions of this Chapter shall, upon conviction, thereof, be punishable

as provided in Section 1.08.010 Shelby Municipal Code. Each day the violation is in existence may be considered a separate violation. Any court or judge before whom there may be pending any proceeding for the violation of any of the provisions of this chapter, in addition to any fine or other punishment which it may impose for such violation, may order such nuisance abated.

You have until May 15, 2019 to comply with this ordinance

BY ORDER OF THE CITY OF SHELBY, MONTANA

Robert Tasker
Building Inspector/Code Official
City of Shelby

323 GALENA ST.







CITY OF SHELBY

112 First Street South
Shelby, MT 59474
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Finance Officer: Jade Goroski
Judge: Joe Rapkoch

"NOTICE OF SHOW CAUSE HEARING"

June 12, 2019

DENNIS KNICKERBOCKER
334 7TH AVE. SOUTH
SHELBY, MT 59474

RE: Abatement of 321 7th Ave. South (Community Decay)
Lot 5; Block 47; Rosedale Addition to Shelby

You are hereby notified to appear at a hearing to be held on July 1, 2019, 6:30pm, City Hall, 112 1st Street South, City of Shelby, Toole County, Montana, to show cause why the above described property, which has been reported to be a community decay violation in accordance with the building inspector's notice, dated April 15th, 2019 a copy of which is attached hereto.

This hearing shall be held pursuant to Title 4, Chapter 6 of the Shelby Municipal Code. A copy of the code is available for your review at the Shelby City Hall. If requested from Bill Hunt, City Attorney, 201 Main Street, Shelby, Montana, a copy of all relevant code sections will be provided to you for your review prior to said hearing. At this hearing, you are free to testify or bring other persons to testify on your behalf. At the conclusion of the hearing, the City of Shelby City Council will make its determination, based on the evidence, whether said property is in fact in a Condition of Community Decay and should or should not be abated in accordance with the statement of particulars hereinabove referenced to. You are, of course, entitled to an attorney, at your expense, to represent you at said hearing. You may appeal any unfavorable decision to District Court. Your failure to appear may cause a decision unfavorable to you. An unfavorable decision to you could lead to a lien being placed upon the property, if the City of Shelby has the above described property abated as requested in the April 15th, 2019 "Notice of Community Decay" hereinabove referred to. Any such lien placed on your property would be in the nature of a tax lien and could lead to a forced sale of the property, in the event the amount of the lien is not paid in full.

DATED THIS 12th day of June, 2019

BY ORDER OF THE SHELBY CITY COUNCIL

William Hunt
City Attorney

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Judge: Joe Rapkoch

"NOTICE OF SHOW CAUSE HEARING"

June 11, 2019

DENNIS KNICKERBOCKER
334 7TH AVE. SOUTH
SHELBY, MT 59474

RE: Abatement of 321 7th Ave. South (Community Decay)
Lot 5; Block 47; Rosedale Addition to Shelby

You are hereby notified to appear at a hearing to be held on July 1, 2019, 6:30pm, City Hall, 112 1st Street South, City of Shelby, Toole County, Montana, to show cause why the above described property, which has been reported to be a community decay violation in accordance with the building inspector's notice, dated April 15th, 2019 a copy of which is attached hereto.

This hearing shall be held pursuant to Title 4, Chapter 6 of the Shelby Municipal Code. A copy of the code is available for your review at the Shelby City Hall. If requested from Bill Hunt, City Attorney, 201 Main Street, Shelby, Montana, a copy of all relevant code sections will be provided to you for your review prior to said hearing. At this hearing, you are free to testify or bring other persons to testify on your behalf. At the conclusion of the hearing, the City of Shelby City Council will make its determination, based on the evidence, whether said property is in fact in a Condition of Community Decay and should or should not be abated in accordance with the statement of particulars hereinabove referenced to. You are, of course, entitled to an attorney, at your expense, to represent you at said hearing. You may appeal any unfavorable decision to District Court. Your failure to appear may cause a decision unfavorable to you. An unfavorable decision to you could lead to a lien being placed upon the property, if the City of Shelby has the above described property abated as requested in the April 15th, 2019 "Notice of Community Decay" hereinabove referred to. Any such lien placed on your property would be in the nature of a tax lien and could lead to a forced sale of the property, in the event the amount of the lien is not paid in full.

DATED THIS 11th day of June, 2019

BY ORDER OF THE SHELBY CITY COUNCIL

William Hunt
City Attorney

CITY OF SHELBY

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Attorney: William E. Hunt, Jr.
Building Inspector: Rob Tasker
City Planner: Jim Yeagley
Community Development: Lorette Carter
Finance Officer: Jade Garoski
Judge: Joe Rapkotch

April 15, 2019

Dennis Knickerbocker
334 7th Ave. South
Shelby, MT. 59474

Dear Mr. Knickerbocker,

The City of Shelby has received several complaints on the property located at 321 7th Ave. South, Shelby, MT. 59474. I was asked to do an inspection on this property and found a violation that needs to be corrected. There was a large amount of objects throughout the yard. These items have to be removed within 30 days or they will be removed by the city at the owners expense. The City of Shelby has asked me to contact and work with you on resolving these issues. I have enclosed a copy of the City of Shelby Ordinances pertaining to these violations. Please feel free to contact me at (406)434-5564.

Thank You,

Robert Tasker
Building Inspector/ Code Official
City of Shelby

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Judge: Sherrie Murphy
Recreation Director: Cindy Florez
Superintendent: Bill Moritz

April 15, 2019

Dennis Knickerbocker
334 7th Ave. South
Shelby, MT. 59474

Dear Mr. Knickerbocker:

You are in violation of Title 4, Chapter 6 of the Shelby Municipal Code (S.M.C.), regarding the junk in your yard located at 321 7th Ave. South. The S.M.C. defines a "nuisance" as:

11. "Nuisance" means anything which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs to free passage or use, in the customary manner, or any navigable lake, river, bay, stream, canal or basin or any public park, square, street, or highway including but not limited to:

- A. any junk; or,
- B. any junk vehicle; or
- C. dead animal(s); or
- D. animal waste; or
- E. appliances; or
- F. blighted premises; or a mobile home that is not skirted

4-6-5. Abatement and Mitigation. The abatement or mitigation of conditions which constitute a public nuisance prohibited by this Ordinance shall be accomplished under the provisions of this section.

- A. Upon its own initiative, or within thirty (30) days of receiving a written, signed complaint that a condition of community decay exists, the department shall inspect the subject property to determine whether there is a violation of this ordinance.
- B. If it is determined that there is a violation of this Ordinance, the department shall notify the owner, manager or lessee of the property, or other responsible party in writing of the violation by certified mail, return receipt, and order its abatement or mitigation within thirty (30) days of their receipt of the letter. The notice of violation shall:

1. Include a statement specifically describing the violation;
 2. Specify that the owner, manager, or lessee, or other responsible party has thirty (30) days from the receipt of such notice to bring the property into compliance, or to submit a corrective action plan to comply with this ordinance by means of removal, shielding or mitigation of the conditions; and
 3. Advise the owner, manager, or lessee, or other responsible party that if the violation is not resolved, the City of Shelby may undertake abatement or mitigation and assess the costs to the owner.
- C. Upon receipt of a notice of violation, the owner, manager, or lessee, or other responsible party, may submit a plan to the department which shall include.
1. A complete description of the plan to be undertaken.
 2. The date for commencement of the corrective action.
 3. The date for completion of the corrective action. An extension may be granted at the discretion of the department.
- D. The department may accept or reject the plan, accept the plan with modifications, or request additional information before making a final determination.
- E. The owner, manager, or lessee, or other responsible party may appeal the department's final decision according to the procedure set forth in Section 6.

4-6-6. Appeal Process. An alleged violator may appeal a department's decision in writing via certified mail to the Shelby City Council within ten (10) days of the department's final decision regarding:

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If a violator fails to resolve a violation upon order from the City Council, the department shall be authorized to remedy the violation, and assess costs to the property owner, manager, or lessee, or other responsible party. In the event that a violator does not appeal the department's decision and fails to resolve the violation, the department will bring the matter before the City Council for authorization to complete the corrective action, and assess costs to the property owner, manager, or lessee, or other responsible party. If the assessment is not paid, it shall become a lien upon the property and may be enforced, as is non-payment of property taxes.

4-6-7 Enforcement and Penalties. A violation of this Ordinance, or plan approved under this Ordinance or order issued under this Ordinance shall constitute a misdemeanor. Any person who shall violate any of the provisions of this Chapter shall, upon conviction, thereof, be punishable

as provided in Section 1.08.010 Shelby Municipal Code. Each day the violation is in existence may be considered a separate violation. Any court or judge before whom there may be pending any proceeding for the violation of any of the provisions of this chapter, in addition to any fine or other punishment which it may impose for such violation, may order such nuisance abated.

You have until May 15, 2019 to comply with this ordinance

BY ORDER OF THE CITY OF SHELBY, MONTANA

Robert Tasker
Building Inspector/Code Official
City of Shelby

321 7TH AVE. SOUTH







CITY OF SHELBY

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Finance Officer: Jade Goroski
Judge: Joe Rapkoch

"NOTICE OF SHOW CAUSE HEARING"

June 12, 2019

Rena Petersen
P.O. Box 11
Alder, MT 59710

RE: 341 7th Ave. South (Community Decay)
Block 47, E2 of 9, Rosedale Addition to Shelby

You are hereby notified to appear at a hearing to be held on July 1, 2019, 6:30pm, City Hall, 112 1st Street South, City of Shelby, Toole County, Montana, to show cause why the above described property, which has been reported to be a community decay violation in accordance with the building inspector's notice, dated April 15th, 2019 a copy of which is attached hereto.

This hearing shall be held pursuant to Title 4, Chapter 6 of the Shelby Municipal Code. A copy of the code is available for your review at the Shelby City Hall. If requested from Bill Hunt, City Attorney, 201 Main Street, Shelby, Montana, a copy of all relevant code sections will be provided to you for your review prior to said hearing. At this hearing, you are free to testify or bring other persons to testify on your behalf. At the conclusion of the hearing, the City of Shelby City Council will make its determination, based on the evidence, whether said property is in fact in a Condition of Community Decay and should or should not be abated in accordance with the statement of particulars hereinabove referenced to. You are, of course, entitled to an attorney, at your expense, to represent you at said hearing. You may appeal any unfavorable decision to District Court. Your failure to appear may cause a decision unfavorable to you. An unfavorable decision to you could lead to a lien being placed upon the property, if the City of Shelby has the above described property abated as requested in the April 15th, 2019 "Notice of Community Decay" hereinabove referred to. Any such lien placed on your property would be in the nature of a tax lien and could lead to a forced sale of the property, in the event the amount of the lien is not paid in full.

DATED THIS 12th day of June, 2019

BY ORDER OF THE SHELBY CITY COUNCIL

William Hunt
City Attorney

CITY OF SHELBY

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April 15, 2019

Rena Petersen
341 7th Ave. South
Shelby, MT. 59474

Dear Mrs. Petersen,

The City of Shelby has received several complaints on the property located at 341 7th Ave. South, Shelby, MT. 59474. I was asked to do an inspection on this property and found a violation that needs to be corrected. There was a large amount of objects covering the sidewalk and throughout the yard. These items have to be removed within 30 days or they will be removed by the city at the owners expense. The City of Shelby has asked me to contact and work with you on resolving these issues. I have enclosed a copy of the City of Shelby Ordinances pertaining to these violations. Please feel free to contact me at (406)434-5564.

Thank You,

Robert Tasker
Building Inspector/ Code Official
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Harvey Hawbaker, Lyle Kimmert,
Don Lee, John "Chip" Miller, Jr.
Animal Control: Mark Warila
Attorney: William E. Hunt, Jr.
Building Inspector: Rob Tasker
City Planner: Jim Yeagley
Community Development: Lorette Carter
Finance Officer: Teri Ruff
Judge: Sherrie Murphy
Recreation Director: Cindy Florez
Superintendent: Bill Moritz

April 15, 2019

Rena Petersen
P.O. Box 11
Alder, MT 59710

Dear Miss Petersen:

You are in violation of Title 4, Chapter 6 of the Shelby Municipal Code (S.M.C.), regarding the junk in your yard located at 341 7th Ave. South. The S.M.C. defines a "nuisance" as:

11. "Nuisance" means anything which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs to free passage or use, in the customary manner, or any navigable lake, river, bay, stream, canal or basin or any public park, square, street, or highway including but not limited to:

- A. any junk; or,
- B. any junk vehicle; or
- C. dead animal(s); or
- D. animal waste; or
- E. appliances; or
- F. blighted premises; or a mobile home that is not skirted

4-6-5. Abatement and Mitigation. The abatement or mitigation of conditions which constitute a public nuisance prohibited by this Ordinance shall be accomplished under the provisions of this section.

- A. Upon its own initiative, or within thirty (30) days of receiving a written, signed complaint that a condition of community decay exists, the department shall inspect the subject property to determine whether there is a violation of this ordinance.
- B. If it is determined that there is a violation of this Ordinance, the department shall notify the owner, manager or lessee of the property, or other responsible party in writing of the violation by certified mail, return receipt, and order its abatement or mitigation within thirty (30) days of their receipt of the letter. The notice of violation shall:

1. Include a statement specifically describing the violation;
 2. Specify that the owner, manager, or lessee, or other responsible party has thirty (30) days from the receipt of such notice to bring the property into compliance, or to submit a corrective action plan to comply with this ordinance by means of removal, shielding or mitigation of the conditions; and
 3. Advise the owner, manager, or lessee, or other responsible party that if the violation is not resolved, the City of Shelby may undertake abatement or mitigation and assess the costs to the owner.
- C. Upon receipt of a notice of violation, the owner, manager, or lessee, or other responsible party, may submit a plan to the department which shall include.
1. A complete description of the plan to be undertaken.
 2. The date for commencement of the corrective action.
 3. The date for completion of the corrective action. An extension may be granted at the discretion of the department.
- D. The department may accept or reject the plan, accept the plan with modifications, or request additional information before making a final determination.
- E. The owner, manager, or lessee, or other responsible party may appeal the department's final decision according to the procedure set forth in Section 6.

4-6-6. Appeal Process. An alleged violator may appeal a department's decision in writing via certified mail to the Shelby City Council within ten (10) days of the department's final decision regarding:

1. A determination that a community decay violation exists,
2. Rejection of a corrective action plan, or
3. The assessment of a fine for noncompliance.

The City Council shall hold a hearing within forty-five (45) days from the date that the appeal was received. The City Council shall, in writing, affirm, modify or withdraw the department's decision within thirty (30) days after the hearing. Once an appeal for a hearing has been made, the department's decision shall be stayed until the City Council has held the hearing and affirmed, modified or withdrawn the determination of the department. The City Council will issue an order of the City Council's findings signed by the Mayor. The order shall include what, if any, corrective actions are required, the time period for the corrective actions, and that the department or City of Shelby is authorized to remedy the violation and assess costs to the responsible party.

If a violator fails to resolve a violation upon order from the City Council, the department shall be authorized to remedy the violation, and assess costs to the property owner, manager, or lessee, or other responsible party. In the event that a violator does not appeal the department's decision and fails to resolve the violation, the department will bring the matter before the City Council for authorization to complete the corrective action, and assess costs to the property owner, manager, or lessee, or other responsible party. If the assessment is not paid, it shall become a lien upon the property and may be enforced, as is non-payment of property taxes.

4-6-7 Enforcement and Penalties. A violation of this Ordinance, or plan approved under this Ordinance or order issued under this Ordinance shall constitute a misdemeanor. Any person who shall violate any of the provisions of this Chapter shall, upon conviction, thereof, be punishable

as provided in Section 1.08.010 Shelby Municipal Code. Each day the violation is in existence may be considered a separate violation. Any court or judge before whom there may be pending any proceeding for the violation of any of the provisions of this chapter, in addition to any fine or other punishment which it may impose for such violation, may order such nuisance abated.

You have until May 15, 2019 to comply with this ordinance

BY ORDER OF THE CITY OF SHELBY, MONTANA

Robert Tasker
Building Inspector/Code Official
City of Shelby

341 7TH AVE. SOUTH







CITY OF SHELBY

112 First Street South
Shelby, MT 59474
Telephone: (406) 434-5222
FAX: (406) 434-2039
www.shelbymt.com



Mayor: Gary McDermott
Council: Joe Flesch, Deb Clark, Aaron Heaton,
Lyle Kimmet, Bill Moritz, Trent Tustian
Animal Control: Mark Warila
Attorney: William E. Hunt, Jr.
Building Inspector: Rob Tasker
Community Development: Lorette Carter
Finance Officer: Jade Goroski
Judge: Joe Rapkoch

"NOTICE OF SHOW CAUSE HEARING"

June 12, 2019

TEDDY MIERZWINSKI
P.O. Box 770
SHELBY, MT 59474

RE: 735 Teton Ave. (Community Decay)
Block 2, lots S12'6" of 12 all of 13 & 14, Wilcox 1st Addition to Shelby

You are hereby notified to appear at a hearing to be held on July 1, 2019, 6:30pm, City Hall, 112 1st Street South, City of Shelby, Toole County, Montana, to show cause why the above described property, which has been reported to be a community decay violation in accordance with the building inspector's notice, dated April 15th, 2019 a copy of which is attached hereto.

This hearing shall be held pursuant to Title 4, Chapter 6 of the Shelby Municipal Code. A copy of the code is available for your review at the Shelby City Hall. If requested from Bill Hunt, City Attorney, 201 Main Street, Shelby, Montana, a copy of all relevant code sections will be provided to you for your review prior to said hearing. At this hearing, you are free to testify or bring other persons to testify on your behalf. At the conclusion of the hearing, the City of Shelby City Council will make its determination, based on the evidence, whether said property is in fact in a Condition of Community Decay and should or should not be abated in accordance with the statement of particulars hereinabove referenced to. You are, of course, entitled to an attorney, at your expense, to represent you at said hearing. You may appeal any unfavorable decision to District Court. Your failure to appear may cause a decision unfavorable to you. An unfavorable decision to you could lead to a lien being placed upon the property, if the City of Shelby has the above described property abated as requested in the April 15th, 2019 "Notice of Community Decay" hereinabove referred to. Any such lien placed on your property would be in the nature of a tax lien and could lead to a forced sale of the property, in the event the amount of the lien is not paid in full.

DATED THIS 12th day of June, 2019

BY ORDER OF THE SHELBY CITY COUNCIL

William Hunt
City Attorney

CITY OF SHELBY

112 First Street South
Shelby, MT 59474
Telephone: (406) 434-5222
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April 15, 2019

Teddy Mierzwinski
735 Teton
Shelby, MT 59474

Dear Mr Mierzwinski:

You are in violation of Title 4, Chapter 6 of the Shelby Municipal Code (S.M.C.), regarding the junk in your yard at 735 Teton Ave.. The S.M.C. defines a "nuisance" as:

11. "Nuisance" means anything which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or which unlawfully obstructs to free passage or use, in the customary manner, or any navigable lake, river, bay, stream, canal or basin or any public park, square, street, or highway including but not limited to:

- A. any junk; or,
- B. any junk vehicle; or
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 3. Advise the owner, manager, or lessee, or other responsible party that if the violation is not resolved, the City of Shelby may undertake abatement or mitigation and assess the costs to the owner.
- C. Upon receipt of a notice of violation, the owner, manager, or lessee, or other responsible party, may submit a plan to the department which shall include.
1. A complete description of the plan to be undertaken.
 2. The date for commencement of the corrective action.
 3. The date for completion of the corrective action. An extension may be granted at the discretion of the department.
- D. The department may accept or reject the plan, accept the plan with modifications, or request additional information before making a final determination.
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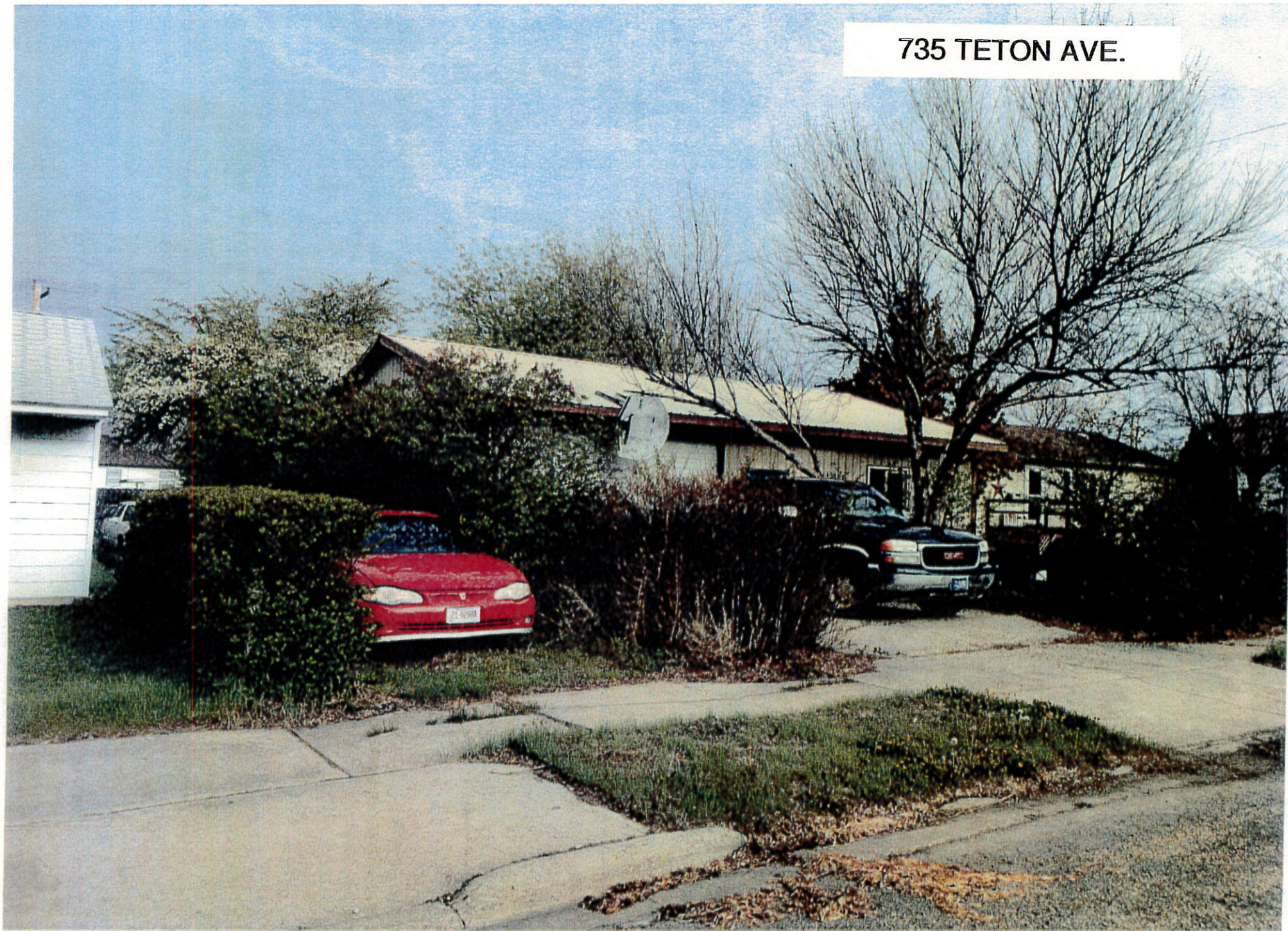
as provided in Section 1.08.010 Shelby Municipal Code. Each day the violation is in existence may be considered a separate violation. Any court or judge before whom there may be pending any proceeding for the violation of any of the provisions of this chapter, in addition to any fine or other punishment which it may impose for such violation, may order such nuisance abated.

You have until May 15, 2019 to comply with this ordinance

BY ORDER OF THE CITY OF SHELBY, MONTANA

cc: City Attorney
On file

735 TETON AVE.





**MINUTES OF REGULAR COUNCIL MEETING OF THE SHELBY CITY COUNCIL
HELD IN COUNCIL CHAMBERS
July 15, 2019**

Mayor McDermott called the meeting to order at 6:30 p.m. Present were: Debbie Clark, Lyle Kimmet, Joe Flesch, Bill Moritz and Aaron Heaton, Council Members; Bill Hunt, City Attorney; Jade Goroski, Finance Officer; Luis Correa, Superintendent; Lorette Carter, Community Development Director. Absent and Excused: Trent Tustian.

Other citizens present: Jerome Bushnell, Karianna Bushnell, David Jenne, Tom Carter, Ryan Larson, Adam Young, Lisa Young, Karen Jensen, Ron Jensen, Tiffany Stores, Jeff Stores and Harry Benjamin.

PLEDGE OF ALLEGIANCE

Open Public Hearing

Fence Variance – Jeff & Tiffany Stores

Mayor McDermott opened the public hearing at 6:30PM

Jeff and Tiffany Stores talked about why they would like the fence variance. Ron and Karen Jensen spoke about working together as neighbors to make sure the fence will work for both parties. After discussion it was determined to list the item on the August 5, 2019 agenda with a diagram.

Close Public Hearing

At 6:45PM Mayor McDermott closed the public hearing.

APPROVAL OF MINUTES

MORITZ MADE A MOTION TO APPROVE THE 7/01/2019 MINUTES. SECONDED BY KIMMET. VOTE: AYES – CLARK, KIMMET, FLESCHE, MORITZ. NOES – NONE. ABSENT – TUSTIAN, HEATON. ABSTAIN – NONE.

APPEARANCE REQUESTS

- **Agenda Items**
Adam Young, Lisa Young and Karianna Bushnell all discussed the dog ordinance and the City's procedure in handling complaints regarding vicious dogs.
- **Non-Agenda Items**
Harry Benjamin was present to discuss the carousel operations and potential funding opportunities.

CLAIMS FY 2019 YEAR END

MORITZ MADE A MOTION TO APPROVE THE CLAIMS. SECONDED BY CLARK. VOTE: AYES – CLARK, FLESCHE, HEATON, KIMMET, MORITZ. NOES – NONE. ABSENT – TUSTIAN. ABSTAIN – NONE.

COMMITTEE REPORTS

- **Law Enforcement Report – Ryan Larson**

CITY ATTORNEY

1. Ordinance No. 839 (1st Reading) re: Revising Animal Control Ordinance

After discussion and comment from citizens City Attorney noted changes and additional language will be added to the ordinance.

FLESCH MADE A MOTION TO APPROVE ORDINANCE NO. 839. SECONDED BY HEATON. VOTE: AYES – CLARK, FLESCH, HEATON, KIMMET, MORITZ. NOES – NONE. ABSENT – TUSTIAN. ABSTAIN – NONE.

CITY FINANCE OFFICER

1. City Judge's Report, June 2019
2. Bank Account Report, Budget Year to Date, Vendor Summary, Enterprise Funds, Statement of Expenditures, Revenues, Cash Flow Report, Project Budgets, 6/30/2019
CLARK MADE A MOTION TO APPROVE THE REPORTS. SECONDED BY KIMMET. VOTE: AYES – CLARK, FLESCH, HEATON, KIMMET, MORITZ. NOES – NONE. ABSENT – TUSTIAN. ABSTAIN – NONE.
3. City of Shelby Delinquent Taxes, 6/30/2019
4. FY 20 Preliminary Budget

CITY SUPERINTENDENT

1. Mini Loader Purchase –
After discussion the item will be listed on July 23rd agenda.

Luis provided notes as a handout for an update on the public works department.

COMMUNITY DEVELOPMENT DIRECTOR

Lorette provided notes as a handout.

OTHER MATTERS

1. Asphalt Bid Award
Tabled until the July 23rd meeting
2. Carousel Ownership Management

ADJOURN

AT 9:30 P.M. KIMMET MADE A MOTION TO ADJOURN THE MEETING. SECONDED BY HEATON. VOTE: AYES - CLARK, FLESCH, HEATON, KIMMET, MORITZ. NOES - NONE. ABSENT - TUSTIAN. ABSTAIN - NONE.

Gary McDermott, Mayor

ATTEST:

Jade Goroski, Finance Officer

**MINUTES OF A SPECIAL MEETING OF THE SHELBY CITY COUNCIL
HELD IN COUNCIL CHAMBERS
July 23, 2019**

Mayor McDermott called the meeting to order at 6:30 p.m. Present were: Debra Clark, Lyle Kimmet, Trent Tustian, Bill Moritz and Joe Flesch, Council Members; Bill Hunt, City Attorney; Jade Goroski, Finance Officer; Luis Correa, City Superintendent. Absent and Excused: Aaron Heaton.

Other citizens present: Kurt Bass

PLEDGE OF ALLEGIENCE

City Finance Officer

- FY 20 PRELIMINARY BUDGET

OTHER MATTERS

- MINI LOADER PURCHASE
MORITZ MADE A MOTION TO APPROVE \$103,000 LOADER PURCHASE.
SECONDED BY TUSTIAN. VOTE AYES - MORITZ, KIMMET, CLARK, TUSTIAN, FLESCHE. NOES - NONE. ABSENT - HEATON. ABSTAIN - NONE.
- 12TH AVENUE STREET REPAIR
MORITZ MADE A MOTION TO AWARD THE 12TH AVENUE STREET REPAIR PROJECT TO CENTRAL EXCAVATION FOR \$118,000. SECONDED BY KIMMET. VOTE AYES - MORITZ, KIMMET, CLARK, TUSTIAN, FLESCHE. NOES - NONE. ABSENT - HEATON. ABSTAIN - NONE.
- CHIP SEAL AWARD
KIMMET MADE A MOTION TO AWARD THE CONTRACT TO CENTURY PAVING FOR \$183,133. SECONDED BY MORITZ. VOTE AYES - MORITZ, KIMMET, CLARK, TUSTIAN, FLESCHE. NOES - NONE. ABSENT - HEATON. ABSTAIN - NONE.

ADJOURN

TUSTIAN MADE A MOTION TO ADJOURN THE MEETING AT 8:50 P.M. SECONDED BY KIMMET. VOTE AYES - MORITZ, KIMMET, CLARK, TUSTIAN, FLESCHE. NOES - NONE. ABSENT - HEATON. ABSTAIN - NONE.

GARY MCDERMOTT, MAYOR

ATTEST:

JADE GOROSKI, FINANCE OFFICER