

**PROCEEDINGS OF CITY COUNCIL
MILES CITY, MONTANA**

REGULAR COUNCIL MEETING July 27 2015

7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Monday, July 27, 2015, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council Members present were Mark Ahner, Ken Gardner, Jerry Partridge, Dwayne Andrews, Susanne Galbraith, John Hollowell and Roxanna Brush. Councilperson Sheena Martin was excused.

Also present were City Attorney Dan Rice, Fire Chief Gary Warren, Police Chief Doug Colombik, Public Utilities Director Allen Kelm, and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 7/14/2015

****** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of July 14, 2015, and seconded by Councilperson Brush. The motion passed by unanimous consent, 7-0.*

**Human Resource Committee Meeting: 6/22/15
Human Resources Committee
June 22, 2015**

The **Human Resources Committee** met Monday, June 22nd, 2015, at 6:00 p.m. in the Conference Room at City Hall. Present were Chairperson Roxanna Brush, Committee Members Sheena Martin, Mark Ahner and Ken Gardner. Also present was Animal Control Officer Brian Certain, Floodplain Administrator Malenovsky, Police Chief Doug Colombik and HR/Payroll Officer /Committee Recorder Billie Burkhalter.

Committee Chairperson Brush called the meeting to order

1. Approval of Animal Control/Code Enforcement Officer Job Description

There was discussion concerning approval of the Animal Control/Code Enforcement Officer job description and how the current Animal Control Officer would be able to juggle both duties. AC Officer Certain and Police Chief Colombik were questioned if they had any objections to what was in the position description. They both replied no.

****** *Committee Member Ahner moved to approve the presented job description, seconded by Committee Member Gardner.*

AC Officer Certain questioned if he would see a wage increase for these additional duties. Committee Member Ahner was adamantly against AC Officer getting an increase. Committee Member Gardner stated with an increase in workload and responsibilities he should receive an increase. Committee Member Ahner insisted that this was not an increase in duties and Committee Member Gardner then agreed.

****** *On original motion and on roll call vote, motion passed unanimously.*

2. Salary Adjustment Request

HR Officer Burkhalter stated the Committee had requested an opinion from City Attorney Rice and Labor Attorney Martin at the last Human Resources meeting on if this issue was something the Committee could address. Both attorneys agreed that this Committee should be the one addressing this issue.

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Chairperson Brush questioned what changes there would be to the base wage. HR Officer Burkhalter responded that it would be a 4% increase for both her and Administrator Malenovsky. Which would give Burkhalter a .79 cent increase after a four year freeze and Malenovsky an increase of .72 after a four year freeze also.

Chairperson Brush stated she struggled with going against the salary survey. HR Officer Burkhalter referred to the Committee to the letter dated April 28, 2015, written by Labor Attorney Larry Martin which states:

"Any wage adjustments which should occur pursuant to the Letter of Agreement are, according to the language of the Letter of Agreement, based on the base wages established by the MSU wage study. Neither Ms. Burkhalter's position nor Ms. Malenovsky's position had base wages established by the study because of the uniqueness of their positions which prevented an appropriate comparison for purpose of the study. Thus, there is no base wage established by the study upon which to apply the language to Section 2.B.2.a of the Letter of Agreement for purpose of a wage adjustment." (see attached)

HR Officer Burkhalter explained to the Committee that the City's Labor Attorney is clearly stating that we weren't considered in the survey, so therefore how could our wages be frozen and tied to the survey when there was no consideration to our position. She explained both Malenovsky and herself do not have a base salary established by the survey.

Committee Member Ahner explained that nobody complained when the Council passed this survey and there was an opportunity. Administrator Malenovsky explained at the time it was passed by Council, she had no idea this survey affected her wage and actually believed that this was only being conducted by the Unions. She further explained she had no idea she was being represented by Police Chief Colombik and never had been contacted by anyone on the committee and advised of what was happening. She had only been informed after it had been adopted. HR Burkhalter explained that her only opportunity to even look at the Study prior to its passage was when she attended one Wage Study meeting, after ten minutes of looking at the study she informed the Committee that there were a lot of issues with the study, she then was excused from the meeting. HR Burkhalter further stated she did not know Chief Colombik represented her either. The three unions were given a day to accept the study or not and they voted, which did not happen with her or Malenovsky's position.

Police Chief Colombik explained to the Committee that giving these valuable employees a 4% increase made more sense than paying tens of thousands of dollars to a labor attorney for grievances. Police Chief Colombik stated that everyone knows this survey was rushed and he did not contact anyone concerning their wages, but this was never meant to punish anyone. He further stated going six years on this contract was a mistake. He explained that he has been with the City for 24 years and as a Department Head, the City wants to retain valuable employees and the cost for this increase is small compared to the cost of losing a long term valuable employee.

Chairperson Brush stated that since no motion was made this issue dies in Committee.

3. Review and Recommendation of Local 600 CBA Revisions

The Human Resources Committee felt they did not have information to act on this issue.

*** Committee Member Gardner moved to refer this to the attorney's for their recommendation, seconded by Committee Member Brush and motion carried by the Committee.*

4. Request of Citizens

-None.

5. Committee Member Comments:

-None.

6. Adjournment:

*** Committee Member Gardner moved to adjourn the meeting. The motion was seconded by Committee Member Brush and passed.*

The meeting was adjourned at 7:15 p.m.

*** Councilperson Gardner moved to approve the minutes of the Human Resource Committee Meeting of June 22, 2015, and seconded by Councilperson Brush. The motion passed by unanimous consent, 7-0.*

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Finance Committee Meeting: 7/9/15

Finance Committee Meeting July 9, 2015

The Finance Committee met Thursday, July 9, 2015, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson Susanne Galbraith and Committee Members Dwayne Andrews, and Sheena Martin. Committee Member, John Hollowell was excused.

Also present was Historic Preservation Officer/Grant Writer Connie Muggli.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:

None

2. Review and Recommendation Resolution 3814: A Resolution

Authorizing The City of Miles City to Adopt A Donation Policy to Accept Donations to Fund Renovations of Connors Stadium at Denton Sports Complex

Officer Muggli said that the project had received approximately \$13,000 since January and had received many offers for other donations to the complex. She was concerned that there were only a few places for sponsors to display their name for advertising, and didn't want to miss out on any opportunities .

Committee Member Martin suggested that the charges for the press box advertising be tiered into different years and amounts. She suggested, one year at \$3,000, three years at \$7,500, and five years at \$10,000. She also suggested to add "for a term of five years" to the seating section.

Officer Muggli said that she wanted to make sure that the signs are good quality. Committee Member Martin thought that the policy should specify what the sign is supposed to look like and how it will be maintained.

Committee Member Andrews suggested that since the area around the press box is 30 feet long it should be divided into three equal sections.

*** After a long discussion, Chairperson Galbraith moved to recommend to Council approval of Resolution No. 3814, with changes. The motion was seconded by Committee Member Martin and passed 3-0.*

3. Review and Recommendation on Ambulance Collection

*** After a brief discussion, Committee Member Martin moved to recommend to Council to approve sending the ambulance bills for an amount of \$1,334.40 to collections, seconded by Chairperson Andrews. The motion passed 3-0.*

4. Adjournment

*** Committee member Andrews moved to adjourn the meeting seconded by Committee Member Martin and passed unanimously, 3-0.*

The meeting was adjourned at 6:50 p.m.

*** Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of July 9, 2015, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

None

REQUEST OF CITIZENS & PUBLIC COMMENT

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Citizen and property owner Dorothy Willems reported to the Council that a variance had been approved for several years for 1808 North Strevell to block the street off during the 4th of July. She said that it had gotten out of hand this year, with several hundreds of dollars of fireworks being ignited. She said that a huge mess was left in the street consisting of fireworks and beer cans. Also, her renter is autistic and the fireworks really bother her. She asked the City to consider denying the variance next year.

Director Kelm said that he will forward the situation to Director Gray.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Allen Kelm: Reported that the City is enforcing the Americans with Disabilities Act. Any construction completed will have new storm barrels installed, fire hydrants replaced, along with the installation of ADA corners. He added that the ADA corners will cost \$4000 to \$6000 each.

Gary Warren: Reported that half of the Fire Department is in Hazardous Material Training and will be certified by the Billings Hazardous Material Team.

CITY COUNCIL COMMENTS

None

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 3815: A Resolution Approving the Conveyance of Certain Vacated Property Via Quitclaim Deed to Jerry D. Doedon

** *Councilperson Galbraith moved to pass the Resolution by title only, seconded by Councilperson Gardner and on roll call vote passed unanimously 7-0*
Resolution No. 3815 passed.

B. RESOLUTION NO. 3816: (First Reading) A Resolution Establishing Fees For Copies and Scans

** *Councilperson Galbraith moved to approve the Resolution, by title only. The motion was seconded by Councilperson Gardner. After a brief discussion, on roll call vote the Resolution passed unanimously 7-0.*

C. RESOLUTION NO. 3795: (First Reading) A Resolution of Intent and Final Resolution Levying an Assessment Upon Benefitted Property in

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the City of Miles City, Montana, Special Improvement District 211, to Defray the Cost of the paving of Arrowhead Lane

****** *Councilperson Galbraith moved to approve the Resolution, by title only. The motion was seconded by Councilperson Hollowell.*

Councilperson Ahner thought that on page 2, section 5 the second sentence should possibly say "assessing" instead of assessment. Also on page 2, section 6, first sentence should possibly say "stating" instead of starting. He also noticed that Exhibit B was missing.

****** *Councilperson Ahner moved to amend the Resolution to the proper wording and include Exhibit B seconded by Councilperson Brush and on roll call vote passed unanimously 7-0*

****** *On roll call vote, Councilperson Galbraith's original motion passed unanimously 7-0*

D. RESOLUTION NO. 3817: A Resolution Approving an Interlocal Agreement Between the City of Miles City and the County of Custer to Cooperate in the Provision of Health Services

****** *Councilperson Brush moved to approve the Resolution, by title only. The motion was seconded by Councilperson Gardner.*

Councilperson Hollowell wondered why the Council was presented the resolution.

Mayor Grenz said that the combination of the City and County Board it would handle environmental issues

Councilperson Brush said that the City residents are paying for both the County Health Board and the City Health Board. The County and City are using the same sanitation so it would be logical to combine the two boards and make an attempt to work together.

****** *On roll call vote, the motion passed unanimously 7-0.
Resolution No. 3817 passed*

E. RESOLUTION NO. 3818: (First Reading) A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2014-2015 to Increase the Budgeted Amount in Fund # 2372-020-521000-820 to Provide Funding for Transfer to General Fund Expenses Related to Permissive Levy Fund

****** *Councilperson Gardner moved to approve the Resolution, by title only. The motion was seconded by Councilperson Galbraith and on roll call vote, passed unanimously 7-0. Resolution was referred to Finance Committee*

F. RESOLUTION NO. 3834: A Resolution Approving an Amended Collective Bargaining Agreement Between the City of Miles City and the Local 600 Fire Fighters Union

****** *Councilperson Brush moved to approve the Resolution, by title only. The motion was seconded by Councilperson Gardner and on roll call vote, passed unanimously 7-0.*

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G. APPROVAL OF JUNE CLAIMS

*** Councilperson Galbraith moved to approve the June claims. The motion was seconded by Councilperson Andrews, and passed unanimously 7-0.*

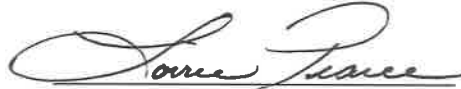
ADJOURNMENT

*** Councilperson Galbraith moved to adjourn the meeting, seconded by Councilperson Partridge, and passed unanimously.*

The meeting was adjourned at 7:45 p.m.



C. A. Grenz, Mayor



Lorrie Pearce, City Clerk