

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## REGULAR COUNCIL MEETING December 8, 2015 7:00 p.m.

### CALL TO ORDER

The Regular Council meeting was held Tuesday, December 8, 2015, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. President Hollowell called the meeting to order. Council Members present were Ken Gardner, Jerry Partridge, Rachel Sloan, Dwayne Andrews, Susanne Galbraith, Roxanna Brush and Mark Ahner.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Public Works Director Scott Gray, Public Utilities Director Allen Kelm, Fire Chief Gary Warren, Grant Writer/Planner in Training Dawn Colton, Historic Preservation Officer/Grant Writer Connie Muggli, Retired Senior Volunteer Program Director Betty Vail, and City Clerk/Minute Recorder Lorrie Pearce.

### PLEDGE OF ALLEGIANCE

President Hollowell led the Council in the Pledge of Allegiance.

### APPROVAL OF COUNCIL & COMMITTEE MINUTES

#### City Council Minutes: 11/24/2015

\*\* *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of November 24, 2015, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

#### Finance Committee Meeting Minutes: 11/19/2015

##### Finance Committee Meeting November 19, 2015

The Finance Committee met Thursday, November 19, 2015, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rachel Sloan, Dwayne Andrews and John Hollowell.

Also present were Fire Chief Gary Warren, Grant Writer/Historic Preservation Officer Connie Muggli, Firefighter/Ambulance Coordinator Brandon Stevens and Committee Recorder/City Clerk Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. **Request of Citizens:**  
-None.

2. **Review and recommendation on bids for 502 Marion Property**

\*\* *Committee Member Hollowell moved to recommend to Council to approve Ed Martin's bid of \$15,555. The motion was seconded by Committee Member Andrews. The motion passed 4-0*

3. **Review and recommendation on remodel of Council Chambers**

\*\* *Committee Member Hollowell moved to postpone until the Judge is ready. The motion was seconded by Chairperson Galbraith. The motion passed 4-0*

4. **ORDINANCE NO. 1300- An Ordinance Pursuant to Title 7 Chapter 15 Part 42 of the Montana Code Annotated Establishing the Miles City Downtown Urban Renewal Agency and Providing For its operation; Pursuant to MCA 7-15-4232; Establishing**

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~~May 12, 2015 as the Effective Date for the Tax Increment Financing, Revising City Code 7-46 and 7-56 Through 7-64, and Providing for an Effective date Thereof~~

\*\*  
*Committee Member Andrews moved to recommend to Council the approval of the Ordinance. The motion was seconded by Committee Member Hollowell.*

Committee Member Hollowell asked if it is the law that a person holding a public office cannot be on the board.

Officer Muggli said that it is the law, and by doing so, it protects the money spent by General Fund. She added that by setting up a separate fund in the department it keeps it within the City's control.

Chairperson Galbraith asked if part of the position's wages can be taken from TIF.

Officer Muggli said that 15-20 percent can be spent for wages and 85 percent for supplies.

\*\* *The motion passed 4-0*

## **5. Discussion on replacing Ambulance**

Chief Warren expressed his concerns on the Ambulance fleet:

- Fleet consists of 4 ambulances and the only four wheel drive ambulance is broken down with a busted fuel injection pump. The repair will cost approximately \$20,000. Repairing the pump will only prolong the problem
- The fleet is aging
- Has been looking for funding through grants, but at this time there are none
- Options, #1 buy a new ambulance that would cost anywhere from \$90,000 to \$130,000, or #2 possibly purchase an ambulance through the lease program

Chairperson Galbraith said that there is no funding at this time, and asked Chief Warren to bring back to the Finance Committee a long term plan with options and cost involved.

## **6. Discussion on ongoing funding for the General Fund Capital Improvement Fund**

Chairperson Galbraith said that she would like to look at options to build the General Fund Capital Improvement Fund. She thought that each year a certain amount of the cash carryover should be transferred into the fund.

After a short discussion, it was decided to table the discussion for a future meeting.

## **5. Adjournment**

\*\*  
*Committee Member Hollowell moved to adjourn the meeting, seconded by Chairperson Galbraith and passed unanimously, 4-0.*

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

\*\*  
*Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of November 19, 2015, and seconded by Councilperson Sloan. The motion passed by unanimous consent, 8-0.*

## **Human Resource Meeting Minutes: 12/01/2015**

### **Human Resources Committee December 1, 2015**

The **Human Resources Committee** met Tuesday, December 1, 2015, at 6:00 p.m. in the Conference Room at City Hall. Present were Chairperson Roxanna Brush, Committee Members Rachel Sloan and Ken Gardner. Absent was Mark Ahner. Also present was Deputy City Clerk/Committee Recorder Linda Wilkins. No Audience

Committee Chairperson Brush called the meeting to order.

1. Review and recommendation Revised Nepotism Policy.

\*\**Committee Member Gardner moved to approve the revised Nepotism Policy and place on the agenda of the City Council. The motion was seconded by Committee Member Sloan.*

There was discussion regarding administrative proceedings before the City Council when an individual was related to the Mayor.

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*\*\* On original motion, the original motion passed unanimously.*

2. Request of Citizens  
None
3. Committee Member Comments  
None
4. Adjournment

*\*\*Committee Member Sloan moved to adjourn the meeting. The motion was seconded by committee Member Gardner and passed unanimously.*

The meeting was adjourned at 6:20 p.m.

*\*\* Councilperson Brush moved to approve the minutes of the Human Resource Meeting of December 1, 2015, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

### SCHEDULE MEETINGS

Human Resource	December 10 <sup>th</sup> at 6pm
Planning Board	December 15 <sup>th</sup> at 6pm
Finance Committee	December 17 <sup>th</sup> at 6pm

### REQUEST OF CITIZENS & PUBLIC COMMENT

**John Goff-Representative of MCII- Presentation of designs for amphitheater for Riverside Park**

John Goff, Vice President of Milestown Community Improvement Incorporated, presented to Council a design to build an Amphitheater in Riverside Park. The budget will be approximately \$150,000, which will be paid mostly from sales of license plates. The Amphitheater would be built on the South side of the Park where there is not much traffic at this time. Three trees have been cut down and MCII will provide two trees to plant in the Park at the Cities discretion.

Brandon Janssen, MCI<sub>2</sub> Member, explained that the structure would be metal and the overall size is 24 feet deep and 36 feet wide. In front of the structure there would be an 18 inch raised platform and in the back a ramp. The ramp would make it easier to haul items in and out of the structure. Sidewalks would be poured around the structure and back to the tennis courts. The old tether pole area would be transformed into a handicap pad.

Councilperson Brush was concerned with vandalism to the building.

Mr. Janssen said that the group would install motion sensor lighting and a keypad lock.

Councilperson Ahner thanked the group for the idea, but thought they should look at Water Plant Park for building the structure. He thought there was enough land to build the Amphitheater there and it would be used more. He was concerned if the structure was built in Riverside Park that all the concrete poured would distract from the park and was concerned with working around the underground sprinkling system.

Mr. Goff said that they had looked into the sprinkling system and the group would pay to re-coordinate the sprinkling system to where it is needed.

*\*\* Councilperson Ahner moved to send the presentation to the Public Service Committee for review and recommendation of the improvement, seconded by Councilperson Brush and on roll call vote failed 5-3. Councilpersons Galbraith, Gardner, Sloan, Hollowell,*

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~~and Andrews voted no~~

**\*\*** *Councilperson Galbraith moved to approve the concept design and move forward with the Amphitheater, seconded by Councilperson Sloan. By roll call vote the motion passed 7-1 with Councilperson Ahner voting no*

### APPOINTMENTS

None

### PROCLAMATIONS

None

### STAFF REPORTS

Officer Muggli announced the following:

1. The City received a \$10,000 Main Street grant to help downtown and 7<sup>th</sup> Street corridors restore the outside of their buildings. The money given to the owners could be from \$2,500 to \$5,000 depending on the restoration. She added that the grant would have to be matched by the owner.
2. The Custer County Historical Society had received as a donation, Gene Larson's art collection. His last wish was to keep the original art in tact so they will be selling copies to create a scholarship fund for art students. If interested in buying a copy, contact her.
3. December 6, 2015 there will be a gathering at the VFW for the Tax Increment District. Professor AJ Otjen will be presenting a marketing analysis which was prepared by her marketing and research students. The presentation will cover phase one of a three phase project that will result in selecting a brand and positioning statement for the District.

Director Kelm announced that there was a correction to the information sent out on the sewer rate increase. He said instead of the 119% increase announced, it will be a 86% increase. The money from the increase will help pay back loan money and keep up with maintenance and repair.

### CITY COUNCIL COMMENTS

Councilperson Sloan announced there will be a Section 205 kickoff meeting on December 18<sup>th</sup> from 10am to 5pm. The meeting will be at the Miles City Community College, room 106. The meeting will be to discuss a plan with the Army Corp of Engineers.

### MAYOR COMMENTS

Approval from City Council to close City Hall at Noon on December 24, 2015 and pay City Hall employees 4 Regular hours for the hours closed

**\*\*** *Councilperson Galbraith moved to approve the closure of City Hall at noon on December 24, 2015 and pay City Hall employees four regular hours for the hours closed, seconded by Councilperson Andrews.*

Councilperson Ahner didn't have a problem with closing City Hall on Christmas Eve, but had a problem with paying the employees regular pay for the four hours they are not working. He thought if the employee wanted that time off they should take vacation or compensatory time and was concerned as to how other City employees felt about not being paid for that time.

**\*\*** *Councilperson Ahner moved to amend the motion to say City Council approves closure of City Hall at noon on December 24, 2015, and all City employees deemed nonessential be allowed to use compensatory time or annual leave for the afternoon of December 24, 2015,*

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*seconded by Councilperson Brush. The motion failed with a vote of 5-3. Councilperson Hollowell, Partridge, Sloan, Galbraith and Andrews voted no*

*\*\* The original motion passed 5-3 with Councilperson Gardner, Ahner and Brush voting no.*

## STANDING COMMITTEE RECOMMENDATIONS

**Finance Committee:** Recommendation to accept the annexation Plan which includes changes from staff.

*\*\* Councilperson Galbraith moved to accept the changes and put it on the next agenda as resolution form, seconded by Councilperson Gardner and on roll call vote passed 8-0.*

**Finance Committee:** Recommend to rebuild the General Fund Capital Improvement Fund by transferring up to \$100,000 from year end cash carry over until \$250,000 is reached. Once \$250,000 is reached, Council approval would be needed to increase the fund above the set amount

*\*\* Councilperson Galbraith moved to accept the changes and put it on the next agenda as resolution form, seconded by Councilperson Andrews and on roll call vote passed 8-0.*

**Human Resource Committee:** Recommend to Approve the Nepotism Policy with revisions.

*\*\* Councilperson Brush moved to accept the changes and put it on the next agenda as resolution form, seconded by Councilperson Gardner and on roll call vote passed 8-0.*

## BID OPENINGS

None

## BID AWARDS

None

## PUBLIC HEARINGS

A. **RESOLUTION NO. 3861:** A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the Retired Senior Volunteer Program Fund 2985

President Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

## UNFINISHED BUSINESS

B. **RESOLUTION NO. 3861:** A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the Retired Senior Volunteer Program Fund 2985

*\*\* Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Ahner and on roll call vote passed 8-0. Resolution No 3861 passed*

## NEW BUSINESS

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A. **RESOLUTION NO. 3869:** A Resolution Approving the Landlord's Release Agreement Between the City of Miles City, SJ&TJ Properties LLC, and The City of Miles City, Pertaining to Personal Property and Fixtures Located on City owned Property

\*\* Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Galbraith.

\*\* Councilperson Ahner moved to amend the original motion to refer the resolution to the finance committee for further review. The motion died for lack of a second to the motion.

\*\* The original motion passed 7-1 with Councilperson Ahner voting no

B. **RESOLUTION NO. 3870:** A Resolution Releasing Requirements of Certain Lease Agreements Pertaining to City of Miles City Property Leased by Jerry Singleton and Allowing Truck Washing Operations

\*\* Councilperson Galbraith moved to approve Resolution 3870 with an amendment added to item number two "tenant to drain and reclaim holding ponds at end of said lease", seconded by Councilperson Gardner.

\*\* Councilperson Brush moved to add as a condition of the Resolution, "reclaim the property that was damaged", seconded by Councilperson Galbraith. The motion passed 8-0

\*\* After a brief discussion, the original motion passed 8-0

## C. Approval of November claims

\*\* Councilperson Galbraith moved to approve the November claims, seconded by Councilperson Andrews and on roll call vote passed 7-1 with Councilperson Ahner voting no

## ADJOURNMENT

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

The meeting was adjourned at 8:30 p.m.

  
C. A. Grenz, Mayor

  
Lorrie Pearce, City Clerk