

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

REGULAR COUNCIL MEETING February 9, 2016 7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 9, 2016, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were John Uden, Rachel Sloan, Dwayne Andrews, Susanne Galbraith, Brant Kassner, Jeff Erlenbusch and Kathy Wilcox. Ken Gardner was excused.

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

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 1/26/2016

** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of January 26, 2016, and seconded by Councilperson Sloan. The motion passed by unanimous consent, 7-0.*

Finance Committee Meeting Minutes: 1/21/2016

Finance Committee Meeting January 21, 2016

The Finance Committee met Thursday, January 21, 2016 at 6:00 p.m. in the City Hall Chambers Room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rachel Sloan, Dwayne Andrews and Kathy Wilcox.

Also present were Public Utilities Director Allen Kelm, Public Works Director Scott Gray and Committee Recorder/City Clerk Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Election of Chairperson:

** *Committee Member Andrews moved to appoint Susanne Galbraith as Chairperson. The motion was seconded by Committee Member Wilcox. The motion passed 4-0*

2. Request of Citizens:

Jerry Singleton, Representative for Cowtown Ag said he had a proposed plan to an alternate truck route for Seventh Street.

Director Gray asked him to meet with Dawn Colton and himself sometime next week at City Hall to discuss the proposal.

3. Review and Recommendation on Ordinance No. 1301: An Ordinance enacting Section 2-233 of the Code of Ordinances of the City of Miles City Requiring that Certain Contributions be Made to the General Fund Capital Improvement Fund From General Fund Cash Carryover

** *Committee Member Andrews moved to recommend to Council the approval of Ordinance No. 1301, seconded by Committee Member Sloan.*

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Chairperson Galbraith explained the money that would be transferred is cash carryover in the General Fund. The Ordinance has a cap of \$250,000, and it may be painful some years, but felt it needed to be done.

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The motion passed 4-0

4. Review of quotes and approval of purchase of Mini Excavator

Director Gray explained that over the last couple of years the City has had sewer collapses in alleys and installed catch basin for ADA corners, where the big excavator is too big for the repair. The City has rented a smaller excavator many times to complete the work. The expense is in the budget and is asking approval from the Finance Committee. The budgeted expense of the excavator is \$90,000 and would be split between District 204 and 205, Water and Sewer. Three quotes were received for a used mini excavator. The bid from John Deere was no longer available. One quote from Cat is a 2013 used unit for \$42,275 with no warranty. He found that most used units are put into rental fleets. The other quote was for a 2016 new unit for \$48,275 with a one year warranty and has a front swivel blade. He felt for the extra \$6,000 it would be beneficial to buy the new mini excavator.

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Chairperson Galbraith moved to approve the purchase of a mini excavator up to \$49,000. The motion was seconded by Committee Member Andrews. The motion passed 4-0

5. Review of quotes and approval of retrofit to the elevator at City Hall

Director Gray called several elevator repair businesses for bid and found that most were out of business. Two bids were received for the elevator retrofit; a full retrofit from Big Sky Elevator for \$32,550 and a partial retrofit from Otis for an amount of \$9,031.74. With the bid from Otis, the City would have to agree to a labor contract for five years, paid annually for an amount of \$777.60. After five years the contract would be automatically renewed unless notified by the City at least 90 days, but no more than 120 days prior to the end of the current five year term. Director Gray was concerned because Otis did not work on Concord elevators and if the City wanted to cancel the agreement, it may get lost in the system.

Director Gray recommended to approve the additional \$2,550 on the Big Sky Elevator bid. He added that the retrofit is budgeted for \$30,000.

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Committee Member Wilcox moved to approve the proposal from Big Sky Elevator Service for the amount of \$32,550. The motion was seconded by Committee Member Sloan. The motion passed 4-0

6. Review and Recommendation on Singleton Truck Wash Lease

Issue was postponed until a meeting between Mr. Boughton and Mr. Singleton happens.

7. Adjournment

**

Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Sloan and passed unanimously, 4-0.

The meeting was adjourned at 6:52 p.m.

**
Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of January 21, 2016, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 7-0.

Public Service Meeting Minutes: 2/1/2016

Public Services Committee Meeting February 1, 2016

The Public Services Committee met Monday, February 1, 2015, at 5:00 pm in the City Hall Conference Room. Present were Committee Members John Uden, Kathy Wilcox, Brant Kassner, and Ken Gardner. Also present was Committee Recorder/Deputy City Clerk Linda Wilkins.

1. Election of Chairperson

**
Committee Member Gardner moved to appoint Dwayne Andrews as Chairperson. The motion was seconded by Committee Member Uden. The motion passed 3-1 with Committee Member Andrews voting no.

2. Public Comment None

3. Adjournment

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** *Committee Member Uden moved to adjourn the meeting, seconded by Committee Member Gardner and passed unanimously, 4-0.*

The meeting was adjourned at 5:02 p.m.

** *Councilperson Andrews moved to approve the minutes of the Public Service Meeting of February 1, 2016, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 7-0.*

Public Safety Meeting Minutes: 2/1/2016

Public Safety Committee Meeting February 1, 2016

The Public Safety Committee met Monday, February 1, 2015, at 5:15 pm in the City Hall Conference Room. Present were Committee Members John Uden, Kathy Wilcox, Brant Kassner, and Ken Gardner. Also present were Public Works Director Scott Gray and Committee Recorder/Deputy City Clerk Linda Wilkins.

1. Election of Chairperson

** *Committee Member Gardner moved to appoint John Uden as Chairperson. The motion was seconded by Committee Member Wilcox. The motion passed 4-0*

2. Public Comment None

3. Review and recommendation of putting up for bid three cabins and a railroad boxcar

Director Gray explained the three cabins and old railroad boxcar used for an ice skating rink warming house are in need of removal in the area of the Denton Field Complex. These structures have fallen into disrepair and have become a public safety hazard. The cabins were used for an Elks convention held in the 1930's and individuals in the community have expressed interest in obtaining these structures for use in private projects. Director Gray suggested that the three cabins and the railroad car be sold by means of Public Bid process. The three cabins could be sold together and the railroad boxcar separately.

** *Committee Member Gardner moved to put the three cabins together and the one railroad boxcar for sale through public bid. The motion was seconded by Committee Member Wilcox and passed unanimously, 4-0.*

4. Adjournment

** *Committee Member Wilcox moved to adjourn the meeting, seconded by Committee Member Gardner and passed unanimously, 4-0.*

The meeting was adjourned at 5:45 p.m.

** *Councilperson Uden moved to approve the minutes of the Public Safety Meeting of February 1, 2016, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

Study Commission February 18 at 5:15pm

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

Board of Appeals- Noah Mahan

** *Councilperson Galbraith moved to approve the appointment of Noah Mahan to the Board of Appeals, seconded by Councilperson Erlenbusch and on roll call vote passed 7-0.*

PROCLAMATIONS

None

STAFF REPORTS

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Chief Colombik introduced two new police officers John Hill and Dustin Sloan. Mayor Hollowell thanked the officers for protecting the community. Chief Colombik added that he had given all Council members a list of the 2015 statistics, and if anyone had any questions, feel free to contact him

Chief Warren introduced two new fire fighters, Taran Harbaugh and Justin Trethewey. Mayor Hollowell thanked the officers for protecting the community. Chief Warren added the fire and ambulance had 131 alarms calls, and his doors are always open.

CITY COUNCIL COMMENTS

Councilperson Uden asked to be excused from Council for two weeks.

** *Councilperson Erlenbusch moved to approve the absence, seconded by Councilperson Kassner and passed unanimously 7-0.*

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

Public Safety Committee- Posting bids for three cabins and one railroad boxcar

** *Councilperson Uden moved to post for independent bids on three cabins and one boxcar at City Park, and seconded by Councilperson Wilcox.*

Councilperson Uden explained there are three cabins that are starting to fall apart. The cabins cannot be used for storage anymore and are becoming a danger to everyone.

** *The motion passed 7-0*

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

A. ORDINANCE NO. 1301: An Ordinance Enacting Section 2-233 of the Code of Ordinances of the City of Miles City Requiring that Certain Contributions be Made to the General Fund Capital Improvement Fund From General Fund Cash Carryover

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

B. ORDINANCE NO. 1302: An Ordinance Amending Section 2-106(7) of the Code of Ordinances of the City of Miles City, Montana, With Regards to the Mayor's Veto of Resolutions and Ordinances

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

UNFINISHED BUSINESS

A. ORDINANCE NO. 1301: An Ordinance Enacting Section 2-233 of

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the Code of Ordinances of the City of Miles City Requiring that Certain Contributions be Made to the General Fund Capital Improvement Fund From General Fund Cash Carryover

** Councilperson Galbraith moved to approve the Ordinance, by title only, seconded by Councilperson Andrews and on roll call vote passed 7-0. Ordinance No. 1301 passed

B. ORDINANCE NO. 1302: An Ordinance Amending Section 2-106(7) of the Code of Ordinances of the City of Miles City, Montana, With Regards to the Mayor's Veto of Resolutions and Ordinances

** Councilperson Uden moved to approve the Ordinance, by title only, seconded by Councilperson Sloan and on roll call vote passed 7-0. Ordinance No. 1302 passed

NEW BUSINESS

A. ORDINANCE NO. 1303: (First Reading) An Ordinance Amending Section 2-59 of the Code of Ordinances of the City of Miles City, Montana, to Include the Preparation of Council Meeting Agendas as a Power and Responsibility of the City Council President

** Councilperson Gardner moved to approve the Ordinance, by title only, seconded by Councilperson Andrews.

Councilperson Galbraith thought that in Section 2-59 (b) it should say the Mayor (instead of President) shall confer with the City Clerk and shall review and approve all items. Further down it should say the Mayor (instead of President) shall allow items to be placed on the agenda by the President (instead of Mayor) or by the request of any, etc. She said the reasoning is that the Mayor has meetings with Directors, works in City Hall and knows what is going on. She felt it would be a full time job for the president to find out what should be put on the agenda.

Councilperson Andrews said he agreed with Councilperson Galbraith and in the past it has been the Mayors responsibility and felt it should stay that way. He felt it would be too much work for the Council President to keep up with it.

Councilperson Uden agreed with Councilperson Galbraith. Historically it had been the Mayors responsibility and felt the Ordinance should stand as it was in the past. He felt it would be a load for Council President Galbraith and would like it to stand as written in the past.

Mayor Hollowell said his reasoning was that everything was not getting put on the agenda. The ordinance states that the Directors can go to the Mayor, City Clerk and the President to get anything on the agenda. If the Council does not want something on the agenda it can remove it.

Councilperson Galbraith said if the changes were made that she had mentioned it would solve all the problems that the Mayor mentioned.

Attorney Rice said he could put wording in the Ordinance to accomplish the assurance that the Mayor could not take items off the agenda. He recommended pushing the Ordinance back to him to change the wording.

** Councilperson Uden moved to refer the Ordinance to the City

~~Attorney to refer off, seconded by Councilperson Sloan~~

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passed on roll call vote 7-0

****** *The original motion was over ridden 7-0*

B. RESOLUTION NO. 3884: *(First Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase the Budgeted Amount in Fund # 1000-201-420140-350 for Professional Services Related to the Miles City Flood Control Project*

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

Councilperson Galbraith explained the County had applied for a grant and did not get it. By amending the budget the City is giving the County half of the cost for a contract that was signed by the County with KLLJ.

Mayor Hollowell said it was pretty much the amount that was agreed upon at the beginning. The County Commissioners explained to him that CDBG said the grant was not received because the grant needed to go to a project before construction began.

****** *On roll call vote passed 7-0. Resolution No. 3884 passed*

C. RESOLUTION NO. 3886: *A Resolution Approving a Park Use Permit Between the City of Miles City, Montana, and Outlaw Baseball Club For Use of Tedesco, Jaycee and Conner's Field(s)*

****** *Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Erlenbusch. On roll call vote the motion passed 7-0. Resolution No. 3886 passed*

D. RESOLUTION NO. 3887: *A Resolution Approving a Park Use Permit Between the City of Miles City, Montana, and Miles City Youth Baseball Association For Use of Conner's, Jaycee and Tedesco Field(s)*

****** *Councilperson Erlenbusch moved to approve the Resolution, by title only, seconded by Councilperson Uden and on roll call vote passed 7-0. Resolution No. 3887 passed*

E. Approval of Claims

****** *Councilperson Sloan moved to approve January claims, seconded by Councilperson Galbraith and on roll call vote passed 7-0.*

ADJOURNMENT

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

The meeting was adjourned at 7:50 p.m.



John Hollowell, Mayor



Lorrie Pearce, City Clerk