

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

REGULAR COUNCIL MEETING February 23, 2016 7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 23, 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 Ken Gardner, Rachel Sloan, Dwayne Andrews, Susanne Galbraith, Brant Kassner, and Kathy Wilcox. John Uden and Jeff Erlenbusch were excused.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Public Works Director Scott Gray, Fire Chief Gary Warren, City Planner-in-Training Dawn Colton, Public Utilities Director Allen Kelm, and City Clerk/Minute Recorder Linda Wilkins.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Special City Council Minutes: 2/2/2016

** *Councilperson Galbraith moved to approve the minutes of the Special City Council Meeting of February 2, 2016, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 6-0.*

City Council Meeting Minutes: 2/9/2016

** *Councilperson Gardner moved to approve the minutes of the City Council Meeting of February 9, 2016, and seconded by Councilperson Wilcox. The motion passed by unanimous consent, 6-0.*

Human Resource Meeting Minutes: 7/1/2015

Human Resources Committee July 1, 2015

The **Human Resources Committee** met Wednesday, July 1, 2015, at 6:00 p.m. in the Conference Room at City Hall. Present were Chairperson Roxanna Brush, Committee Members Sheena Martin and Ken Gardner. Also present was /Committee Recorder Lorrie Pearce. Committee Member Mark Ahner was excused.

Committee Chairperson Brush called the meeting to order

1. REVIEW AND RECOMMENDATION OF LOCAL 600 CBA REVISIONS

** *Chairperson Brush moved to recommend to Mayor Grenz to get this salary adjustment request on the Wage and Benefit Committees next meeting agenda. The motion was seconded by Committee Member Gardner.*

2. REQUEST OF CITIZENS:

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-None.

3. COMMITTEE MEMBER COMMENTS:

-None.

4. ADJOURNMENT:

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

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Recorder

Chairperson

** *Councilperson Gardner moved to approve the minutes of the Human Resource Meeting of July 1, 2015, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 6-0.*

Finance Committee Meeting Minutes: 2/4/2016

Finance Committee Meeting February 4, 2016

The Finance Committee met Thursday, February 4, 2016 at 6:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rachel Sloan and Dwayne Andrews. Committee Member Kathy Wilcox was excused.

Also present were Public Utilities Director Allen Kelm, Grant Writer/Planner Dawn Colton 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 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

Chairperson stated the Resolution should be No. 3885 instead of No. 3870. Discussion of the Resolution was put on hold to see if Mr. Boughton would show for the meeting.

After referring back to the Resolution Mr. Boughton was not at the meeting. Director Kelm explained to the Committee that he felt the lessee had fixed all the problems that were presented, and that Chairperson Galbraith and he had tried to contact Mr. Boughton several times with no results. Chairperson Galbraith asked that a registered letter be sent to Mr. Boughton and the Resolution put on the February 23, 2016 agenda.

Mr. Boughton arrived at the meeting around 6:25.

Chairperson Galbraith asked Mr. Boughton if he was satisfied with all that Mr. Singleton had done.

Mr. Boughton said that he did not have a chance to go see the progress or talk to Mr. Singleton. He felt the problem is the liability of the City, and if nothing is done the City could be sued. He said he had been battling this problem for ten years and this is the first time anyone had followed through. He said he knows that there has been some fixes, but it doesn't make up for the damage that has been done.

Chairperson Galbraith asked Mr. Boughton what types of damage had been done. Mr. Boughton said he has had to wade through the slop every year and carry water to the horse because the horses couldn't cross the water and ice.

Mr. Boughton thanked the Committee for looking into the situation, and felt that the

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improvements would help the problem, but he said that he wouldn't sign anything saying that he was satisfied with everything, because the first day a spoonful of slop comes on his land, he will then have a problem again.

Director Kelm asked Mr. Boughton to contact him if he notices any other problems, and he added that he is asking Mr. Singleton to add four feet to the berm on the north end and slope it. The City will also ask for a plan on maintenance and dewatering at the site.

**** Chairperson Galbraith moved to recommend to Council the approval of Resolution 3885, seconded by Committee Member Sloan. On roll call vote the motion passed 3-0**

**** Chairperson Galbraith moved to amend her first motion; in the minutes to strike out sending a registered letter to Mr. Boughton and stipulation to be added as part of the lease signed by Mr. Singleton, seconded by Committee Member Sloan. The motion passed 3-0**

**** The original motion passed 3-0**

3. Review and Recommendation on Resolution No. 3883: A Resolution Approving A Montana Department of Commerce Community Development Envelopment Block Grant Contract to Provide Funding for Preparation of an Active Transportation Plan

**** Committee Member Andrews moved to recommend to Council the approval of Resolution No. 3883, seconded by Committee Member Sloan.**

Planner Colton explained the Transportation Plan's cost is \$150,000. Montana Department of Transportation will pay 80% of that cost, and the grant from CDBG is for \$ 12,000, which will cover the City's cost.

**** The motion passed 3-0**

4. Review and Recommendation on Resolution No. 3884: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 # 1000-201-431200-350 For Professional Services Related to The Miles City Flood Control Project.

**** Chairperson Galbraith moved to recommend to Council the approval of the Resolution. The motion was seconded by Committee Member Andrews.**

Malenovsky said the County did not receive the CDBG grant for \$30,000, so it will need to spend more in the budget than what was anticipated.

****The motion passed 3-0**

5. Review and Recommendation on 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.

**** Committee Member Sloan moved to recommend to Council the approval for the Ordinance and seconded by Chairperson Galbraith. The motion passed 3-0**

6. Review and Recommendation on Ordinance No. 1303: 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.

There was no motion on Ordinance No. 1303.

7. Approval of Purchasing a 1995 and 1997 used single axle combination truck-plow-sander units for \$48,900 out of the Public Works Capital Improvement Fund, instead of a the skidster and plainer

**** Committee Member Andrews moved to approve the purchase of two truck-plow-sanders for an amount of \$48,900. The motion was seconded by Chairperson Galbraith**

Director Gray explained he had been looking at projects for this spring and found that there was no need to prepare the streets this year for chip sealing. When he prepared the budget he wanted to replace the milling machine for \$50,000, but since there is no need for the machine this budget year, he would like to hold off on buying one, and in its place purchase two single axle combination truck-plow-sanders units that the City of Billings is selling. He felt the price of \$48,000 for the two units was a great price and that a mechanic had stopped in to inspect the units, and thought they were in great shape. Both units had approximately 100,000 miles and twenty years old. Director Gray asked the Committee to approve the purchase of the two snowplows instead of the purchase for the skidster and plainer.

**** The motion passed 3-0**

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8. Schedule for claims inspection

The following was decided:

- Dwayne Andrews- January, February, March
- Rachel Sloan- April, May, June
- July, August, September- To be Announced
- October, November, December- To be Announced

9. Adjournment

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

The meeting was adjourned at 6:54 p.m.

Susanne Galbraith, Chairperson

Lorrie Pearce Recorder/City Clerk

** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of February 4, 2016, and seconded by Councilperson Sloan. The motion passed by unanimous consent, 6-0.*

Human Resource Meeting Minutes: 2/16/2016

Human Resources Committee February 16, 2016

The **Human Resources Committee** met Tuesday, February 16, 2016, at 7:00 p.m. in the Conference Room at City Hall. Present were Committee Members Rachel Sloan, Susanne Galbraith, Kathy Wilcox and Jeff Erlenbusch. Also present were Mayor John Hollowell, Police Chief Doug Colombik, Animal Control/Code Enforcement Officer Brian Certain and Deputy City Clerk/Committee Recorder Linda Wilkins.

Committee Member Susanne Galbraith called the meeting to order.

1. Election of Chairperson

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

2. Request of Citizens
***None*

3. Discussion and Recommendation on Wages Increase for Animal Control/Code Enforcement Officer

There was discussion regarding the cost of hiring an additional employee to provide code enforcement and it was agreed that the cost would be greater than increasing Animal Control/Code Enforcement Officer Certain's hourly wage. Other employees of the city have received an increase of \$1.00/hour and \$1.50/hour for taking on additional responsibilities. Chief Colombik stated that Brian was doing a very good job with code enforcement. He recommended increasing the wage by \$1.00/hour.

***Committee Member Galbraith moved to give the Animal Control/Code Enforcement Officer Certain a raise of \$1.00 per hour, seconded by Committee Member Wilcox, upon roll call vote the motion passed unanimously.*

4. Adjournment

***Committee Member Wilcox moved to adjourn the meeting, seconded by Susanne Galbraith. Motion passed unanimously.*

The meeting was adjourned at 7:12 p.m.

Respectfully submitted,

Chairperson Rachel Sloan

Recorder Linda Wilkins

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** *Councilperson Gardner moved to approve the minutes of the Human Resource Meeting of February 16, 2016, and seconded by Councilperson Galbraith. The motion passed by unanimous consent, 6-0.*

Finance Committee Meeting Minutes: 2/16/2016

Finance Committee Meeting February 16, 2016

The Finance Committee met Tuesday, February 16, 2016 at 6:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rachel Sloan and Dwayne Andrews and Kathy Wilcox.

Also present were Mayor Hollowell and Committee Recorder/City Clerk Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

10. Request of Citizens:

None

11. Discussion on sidewalks for Comstock residence

Mayor Hollowell explained that a sidewalk had been replaced by order of the City on 2316 Comstock. The resident requested that the expense of approximately \$5,000 be put on their taxes, so they could pay it off gradually.

The consensus of the committee was to deny the request for the following reasons:

- If approved, would open a can of worms because there are a lot of bad sidewalks in the City
- Felt the City needed to stick to the Ordinance

12. Discussion and Recommendation on Budget Amendment for the Parks Department

Chairperson Galbraith explained the decking was replaced 4 years ago at the swimming pool. At that time the joist and fasteners were to be sealed, which did not happen. Now the high water level has saturated the treated boards, and in time will ruin the treated wood. Treating the boards underneath will allow the City to keep the warranty on the decking for the full 20 years.

Clerk Pearce said that in her conversation with Director Gray, the total cost would be approximately \$12,000 instead of the \$10,000. Also, it would be the joist that received the seal and not the decking.

Committee Member asked where the money would come from. Chairperson Galbraith explained that it would come from the reserves in General Fund.

Clerk Pearce added Director Gray said the City starts filling the Oasis in March, so with approval the areas could be dried out and sealed before the filling begins.

Committee Member Wilcox said that the sealant would add about 16 years of life to the deck and that's less than \$1,000 per swimming season.

** *Committee Member Wilcox moved to recommend to Council the approval of the budget amendment of \$12,000 for the swimming pool, seconded by Committee Member Sloan. The motion passed 4-0*

13. Adjournment

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

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

Susanne Galbraith, Chairperson

Lorrie Pearce Recorder/City Clerk

** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of February 16, 2016, and seconded by Councilperson Sloan. The motion passed by unanimous consent, 6-0.*

Special City Council Minutes: 1/26/2016

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** *Councilperson Galbraith moved to approve the minutes of the Special City Council Meeting of January 26, 2016, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 6-0.*

SCHEDULE MEETINGS

None

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

None

CITY COUNCIL COMMENTS

Floodplain Administrator Samantha Malenovsky asked Councilperson Sloan to update the Council that the Army Corp of Engineers draft FID is done. Floodplain Administrator Malenovsky would like everyone to review and please have their comments to her by the end of the week. There will be a meeting with the National Guard to discuss any support it may provide building the levy. The assistance would provide a considerable cost savings to the city.

MAYOR COMMENTS

Resident Gloria Grenz phoned him regarding pigeons battering their way into the office at the Hole-in-the-Wall causing considerable damage. She asked if there had been any action by the City to address the pigeon overpopulation. Councilperson Galbraith thought there was an ordinance passed. City Attorney Rice stated there had been consideration of birth control for the pigeons in the past, but it had resulted in a media frenzy and some calls from PETA. He believed nothing had been done. Mayor Hollowell will check into what was done and readdress it at the next council meeting.

A proclamation has been issued by the Governor for flags to be flown at half - staff February 24 for the late, former Montana State Supreme Court Justice William Hunt, Sr.

Mayor Hollowell passed an administrative order for the adoption of new Pool and Spa Regulations per International Building Code.

The City was awarded the Medal of Excellence by 109 CSSB Montana Army National Guard.

Holy Rosary Healthcare submitted a letter for signature by council members in support in recruiting a Hospitalist. The letter also requests waiving the 2 year foreign residency requirement for the individual hired. HRH believes the employment of a Hospitalist, at their facility, will help meet the need for physicians in this area.

STANDING COMMITTEE RECOMMENDATIONS

Human Resource Committee – Request of \$1.00/hr. wage increase for Animal Control/Code Enforcer.

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** *Councilperson Galbraith moved to give Animal Control/Code Enforcer a \$1.00 an hour wage increase, and seconded by Councilperson Sloan*

Councilperson Galbraith commented that other employees has been given an increase in wage and thought it was appropriate for an increase in wage for this positon. The Mayor commented that a letter received from Attorney Larry Martin stated that it is common for compensation to be increased when additional duties are added to a job description.

The motion passed on roll call vote 6-0.

BID OPENINGS

Aerobic Digestion and Sludge Thickening Equipment

1. Ovivo \$835,000

Dewatering Equipment Package

1. PW Tech \$481,000

Aerobic Digestion and Membrane Blowers

1. Universal Blower Pac \$174,219
2. Robuschi USA \$291,763
3. Aerzen USA \$314,219

Ultraviolet Disinfection

1. Trojan UV \$240,500

Director Kelm explained that these were bids for equipment only. He will be sending all bids to the Engineers for review of specifications and comment. The comments will be reviewed. Bids for equipment will then go to the Finance Committee and back to City Council for discussion and approval.

This is a bit different than what the city has done in the past. City is buying the equipment out right. The system will be designed by the Engineers following bid reward of the equipment; following design the project will be put out for contractor bid. Contractor will not get any markup for equipment. Previously the city has not done projects in this manner and is hoping that by approaching this project by first purchasing the equipment, then designing the system based on equipment and then letting the project out for construction bids will save taxpayers money without raising rates any higher.

** *Councilperson Galbraith moved to send bids to the Finance Committee, and seconded by Councilperson Wilcox. The motion passed 6-0.*

BID AWARDS

None

PUBLIC HEARINGS

- A. **RESOLUTION NO. 3884: A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authoring 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**

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

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UNFINISHED BUSINESS

A. RESOLUTION NO. 3884: A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authoring 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, seconded by Councilperson Sloan and on roll call vote the motion passed 6-0.

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 Mayor

** Councilperson Gardner moved to approve the Ordinance, seconded by Councilperson Andrews and on roll call vote the motion passed 6-0.

B. RESOLUTION NO. 3885: 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 the Resolution, seconded by Councilperson Sloan.

Councilperson Andrews moved to amend the resolution to read the width at the top of the berm will be wide enough for an ATV.

On roll call vote the amendment passed 6-0.

The original motion passed on roll call vote 6-0.

C. RESOLUTION NO. 3888: A Resolution Adopting Finding of Fact and Approving Site Plan Review for Sacred Heart Catholic Church Addition on Lots 1-6 of the Miles Addition to the City of Miles City

** Councilperson Kassner moved to approve the Resolution, seconded by Councilperson Gardner.

Councilperson Galbraith moved to amend conditions that signs in alley state "No Parking".

On roll call vote amendment passed 6-0.

The original motion passed on roll call vote 6-0.

D. RESOLUTION NO. 3889: *(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 # 1000-014-4604445-360 For Repairs to Swimming Pool Decking

** Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Wilcox and on roll call vote passed 6-0.

E. Discussion of Approval on Fred and Marge Tetschner combining two

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sewer accounts

Director Kelm stated Resident Tetschner's account is sewer only. One well is the source of water to garage and house, house water and one toilet and sink in garage share the same sewer line; therefore only one sewer account should be charged to the household.

***Councilperson Andrews moved to approve combining the two sewer accounts, seconded by Councilperson Sloan and on roll call vote passed 6-0.*

ADJOURNMENT

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

The meeting was adjourned at 8:02 p.m.



John Hollowell, Mayor



Linda Wilkins, Deputy City Clerk