

REGULAR COUNCIL MEETING June 28, 2016
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 28, 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, Susanne Galbraith, Brant Kassner, Jeff Erlenbusch, Ken Gardner and Kathy Wilcox. Council Member Dwayne Andrews was excused.

Also present were Police Chief Doug Colombik, Public Utilities Director Allen Kelm, Fire Chief Gary Warren, Public Works Director Scott Gray, Grant Writer/Planner in Training Dawn Colton, Grant Administrator/Historic Preservation Officer Connie Muggli 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

Regular Council Minutes: 6/14/2016

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of June 14, 2016 with correction if any, and seconded by Councilperson Sloan. The motion passed by unanimous consent, 7-0.*
The minutes were corrected as suggested by Councilperson Sloan.

Human Resource Meeting Minutes: 6/21/2016

Human Resources Committee
June 21, 2016

The **Human Resources Committee** met Tuesday, June 21, 2016, at 5:15 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 Union Representative Police Chief Doug Colombik, Public Works Director Scott Gray, PW/PU Office Clerk/Receptionist Dianna Larson, City Planner-in-Training/Grant Writer Dawn Colton, Fire Chief Gary Warren and Deputy City Clerk/HR Director/Committee Recorder Linda Wilkins.

Committee Chairperson Rachel Sloan called the meeting to order and notified members that item 6 was being moved to the 2nd position on the agenda, item 2 was moved to the 4th item on the agenda.

1. Requests of Citizens

None

2. Review job description for Planner II

City Planner-in-Training/Grant Writer Colton made a few small changes in the following sentences under "Summary of Work", page 1 as follows: "Prepares staff reports and recommendations for special use permits and land use projects." "This positions prepares updates for the subdivision regulations, other development plans, assists in annexation and public right-of-way vacation activities." ". Committee Member Wilcox asked if there had been information obtained regarding a Planner II job description. Committee Member Galbraith had information from the website planning.org and read the qualifications for a Planner II, there was discussion regarding the education requirements. After this discussion it was decided, under the heading "EDUCATION AND EXPERIENCE" to change Associate's Degree to Bachelor's and add the following language at the end of the paragraph "or combination of equivalent education and experience."

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***Committee Member Wilcox moved to approve the Planner II job description with revisions as noted, seconded by Committee Chairperson Sloan. Upon roll call vote the motion passed unanimously.*

3. Approve job description for PW/PU Administrative Assistant/Building Permit Technician

The following changes will be made to the job description per MMIA's recommendations typing speed will be changed to 35 wpm with 100% accuracy on a 5 minute test. It will be noted under summary of work that this is a full time permanent position. Physical requirements were also in accordance with MMIA recommendations. Preferred experience will be changed to one year.

***Committee Member Galbraith moved to approve the PW/PU Administrative Assistant/Building Permit Technician job description w/recommended changes; seconded by Committee Chairperson Sloan. Upon roll call vote the motion passed unanimously.*

4. Review Detective position

***Committee Member Wilcox moved to review the detective position; seconded by Committee Member Galbraith.*

Chief Colombik commented on the job description and made recommendations for change. We do have a detective lieutenant badge so no new badge would need to be purchased.

The position description provided to committee members was reviewed and it was recommended the following changes be made: any reference in the job description to Assistant Chief of Police will be changed to Chief of Police or Captain. Under Nature of Work add in the first sentence after administrative duties "as well as field duties". After confidentiality add: "Maybe required to work other hours on street duty, as necessary." Under other duties change city manager to "Mayor". Under the heading "**EDUCATION AND EXPERIENCE**" under the last bullet point "five years" will be changed to "eight years"; and the following sentence will be added to the end "Must have obtained an advanced certificate in police officer standards and training.". Physical requirements will be also added. Job description will be reviewed with changes made at the next Human Resource Committee Meeting.

Committee Member Galbraith moved to submit Detective Lieutenant to MMIA for review of job description with revisions.

Upon roll call vote the motions passed unanimously.

5. Fireman Vacation Leave

Deputy City Clerk/Human Resource Director Wilkins explained to the committee that while reviewing the current contract she discovered that vacation had been accrued at the incorrect amount. The accrual rate has been changed to the correct amount, but it need to be decided what should be done about the incorrect accruals. She has been in contact with Dan Rice and he substantiated the calculation, and reviewed an opinion by former City Attorney Huss which stated the lookback period for the city to recoup any of the time is two years. Committee Member thought that since it was a clerical error that we should move forward.

***Committee Member Galbraith made the motion to recommend to City Council that from 6/15/16 Human Resource correct, the vacation accrual rate for firefighters and move forward since this was a clerical error in the past, seconded by Committee Member Wilcox. Upon roll call vote the motion passed unanimously*

6. Background Check Policy Review

Information regarding two background check companies was brought to the committee for review, it was discussed that the background check information was part of the Personnel Policies under Section 2-A Recruitment and Selection and this section of the Personnel Policy is to be reviewed on an annual basis, so it was discussed that the whole section should be brought back to the committee for review and that pricing from the background check providers would also be provided.

***Committee Member Wilcox moved to bring the policy back and background check fee schedules, seconded by Committee Member Galbraith. Motion passed unanimously.*

7. Adjournment

***Committee Member Galbraith moved to adjourn, seconded by Committee Chairperson Sloan. Motion passed unanimously*

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The meeting was adjourned at 6:05 p.m.
Respectfully submitted,

Chairperson Rachel Sloan

Recorder Linda Wilkins

** *Councilperson Sloan moved to approve the minutes of the Human Resource Committee Meeting of June 21, 2016, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 7-0*

SCHEDULE MEETINGS

2016/2017 Budget
Public Safety

7/11/2016 & 7/13/2016 at 6pm
7/5/2016 at 6pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Bernice Cotton, 621 Felton Street said that this week it will be one full year since the trailer burnt in her area, and nothing has been done to clean it up. She said the weeds are three to five feet tall, and there is a huge pile of rubble consisting of appliances, mattresses and probably rats. She felt it was a health issue. Also the residents at 613 Felton had been told to clean up their yard and nothing has happened. Their yard is dry and they are always smoking out there.

Bonnie Smith, owner of the property on 612 Wells, said that the rubbish is tearing her fence down and last year he cut a bunch of her trees without her permission.

Mayor Hollowell said that he is trying to work out the legality on 621 Felton. If nothing else the City could go in and cleanup the property and charge it to the property owner. For the property on 613 Felton, he will check with the progress and get back to Ms. Cotton.

Dallas Davidson, a Southgate resident said that the City had cleaned out an area by his home and the work was not completed. Now there is standing water and has caused a problem with mosquitoes, and was worried about malaria and west Nile virus. He asked the City if the mosquito sprayer could spray in that area.

Director Gray said the City had done extensive cleaning of the storm detention ponds this spring. That area was the last one that the City worked on, and couldn't finish adding gravel to it because of the rain. The City has all intention to complete the work when it dries out.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Officer Muggli had recently spoken with BNSF representative Matt Jones on the NP depot, the following are the terms discussed for a new lease:

- Term lease is yet to be determined. Internal heads of departments have agreed to a 10 year lease, and maybe a longer term if the City thought it would be viable
- MMIA had agreed to place BNSF on the Cities policy as an additional named insured. BNSF legal is looking at MMIA's policy
- The City and Historic Preservation group insist on the lease containing a "buy back" clause, which would require BNSF to purchase the improvements on the building at a reasonable value when and if they wished to terminate the lease on the land. BNSF thought that buying it

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back at 80% of market value would be appropriate, she thought it should be market value to be acceptable

- BNSF would review terms for pass a through lease to a qualified non-profit. Custer County Historic Society has a strategic plan if it happens
- Any entity working in the building would need to carry Railroad Protective insurance and general liability insurance. BNSF offers RLPI for about \$500 a year
- Right of way behind the building would need to be determined
- A fence must be erected to prohibit access to the track and BNSF operations

Officer Muggli added that in the 2010 Brownfield assessment reported that the pigeon poo is not a hazardous material, and the building had no environment issues. She thought that a time line of this next Spring to get the lease in order should be sufficient. She added the BNSF would donate the building to the City and the City would donate the building to a non-profit business. The City leases the land from BNSF and the City would sublease the land to a non-profit business, which would probably be Custer County Historic Society.

Director Gray said his crew is in the middle of paving, and should be done within the next week. This will allow the City crew to get on with other maintenance.

Director Kelm said the utility crews are cutting up all the areas that need patched.

CITY COUNCIL COMMENTS

Councilperson Gardner said as a ward representative he felt he needed to speak up and ask the City to clean up the burnt trailer debris which is 60 feet long, 20 feet wide and 5-6 feet high. He suggested the City clean it up and put it on the property owner's taxes. Director Gray said if the burnt site had asbestos and the City cleans it up, the City would be responsible for disposal of the material, which could get very costly. Ingraham Environmental could test for the asbestos and complete the cleanup.

Councilperson Sloan said that last Monday the Flood Steering Committee met with Army Corp of Engineers and walked the levy. Then there was a meeting at City Hall after. Today the Committee met with Representative Zinke and he is very interested in Miles City and what is going on with the levy project and will be in contact.

Councilperson Wilcox thanked the police for following up on two suspicious men walking in her neighborhood.

MAYOR COMMENTS

- Thanked Officer Muggli for contacting BNSF representative Matt Jones on the depot
- Judge Homme would like to get an answer on remodeling the Chambers. He said there were four options at this time:
 1. A cost of \$2,000 to complete the remodeling
 2. Offer the conference room for court
 3. Rent a place outside City Hall
 4. Go to District Judge for decision

STANDING COMMITTEE RECOMMENDATIONS

Finance Committee- Approve the purchase of an ambulance for an amount of \$230,000

*** Councilperson Galbraith moved to postpone until budget is finalized, seconded by Councilperson Wilcox. On roll call vote, the*

motion passed 7-0

Finance Committee- Compensate Ingraham Environment an amount of \$1,500 for pest control

*** Councilperson Galbraith moved to compensate Ingraham Environment for pest control in an amount of \$1,500, seconded by Councilperson Uden. On roll call vote, the motion passed 7-0*

Human Resource Committee- Recommend to City Council that from 6/15/16 human Resources corrects the vacation accrual rate for Firefighters and move forward since this was a clerical error in the past

Councilperson Sloan said the accrual rate is part of the union contract and no correction is needed.

BID OPENINGS

BID AWARDS- WWTP Phase II Construction

Director Kelm said three bids were received:

- Williams Brother Construction- \$3,585,000, with the additive alternate at \$225,000. This was the low bid about \$750,000 less and \$115,000 less on the alternate
- EDK Engineering and Construction- \$4,640,500, with the additive alternate at \$357,000
- Dick Anderson Construction- \$4,640,500, with the additive alternate at \$364,000

KLJ Engineer Koenig and associates reviewed the mathematical verification of the bid amounts, bid bonds, experience, etc. They said everything was in order.

Director Kelm said the morning after the bids were opened, a contractor called him and said that Section 13-400 was missed for an amount of \$150,000 Williams Brothers asked to add that amount to the bid. Director Kelm consulted with Engineer Brad Koenig and Attorney Rice and felt that the overlook was not intentional because Colstrip Electric missed that section in all bids they had sent to Williams Brothers, Dick Anderson, and EDK, which meant that all the bids were under bid by \$150,000.

Director Kelm recommended to award Williams Brothers Construction the bid of \$3,585,000, plus the \$225,000. Once signed, then do a \$150,000 change order.

*** Councilperson Uden moved to approve the phase II waste water plant upgrade bid from William Brothers for an amount of \$3,585,000 and the alternative of \$225,000, seconded by Councilperson Gardner. The motion passed on roll call vote 7-0*

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 3921-(Revisited) A Resolution Approving Amendment of the Interlocal Agreement Between the City of Miles City and the County of Custer for Provision of Health Services

*** Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Gardner. On roll call vote, the motion passed 7-0*

B. RESOLUTION NO. 3932- A Resolution Pursuant to 16-48 of the Miles

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City Code of Ordinances, Establishing Dates, Times and Locations for Discharge of Fireworks Within the City Limits for the Year 2016

*** Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Sloan. On roll call vote, the motion passed 7-0*

C. RESOLUTION NO. 3934- A Resolution Approving A Miscellaneous Professional Services Agreement With Kadrmas, Lee & Jackson, Inc., for On-Call Services Related to the Custer County Miles City Flood Protection Project

*** Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Sloan. On roll call vote, the motion passed 7-0*

D. RESOLUTION NO. 3935- A Resolution Approving A Letter of Engagement With Kadrmas, Lee & Jackson, Inc., For Funding Assistance Related to the Custer County Miles City Flood Protection Project

*** Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Sloan. On roll call vote, the motion passed 7-0*

E. RESOLUTION NO. 3937- A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 for Unanticipated Expenditures and unanticipated Revenue in the Airport Capital Improvement Fund

*** Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Galbraith. On roll call vote, the motion passed 7-0*

F. RESOLUTION NO. 3938- (First Reading) A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 for Unanticipated Expenditures in the Tax Increment Financing District Fund

*** Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Gardner. On roll call vote, the motion passed 7-0*

G. RESOLUTION NO. 3940- A Resolution Adopting Finding of Fact and Approving the Amended Plat for the Purpose of Boundary Line Relocation of Lots 9 and 10 of Block 58 in the Miles City Original Townsite Within the City of Miles City

*** Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Sloan. On roll call vote, the motion passed 7-0*

ADJOURNMENT

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

The meeting was adjourned at 8:20 p.m.



John Hollowell, Mayor



Lorrie Pearce, City Clerk