

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

REGULAR COUNCIL MEETING July 12, 2016
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, July 12, 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, Ken Gardner and Kathy Wilcox.

Also present were Police Chief Doug Colombik, Fire Chief Gary Warren, Public Works Director Scott Gray, Grant Writer/Planner in Training Dawn Colton, F/Plain Adm/AutoCad/Asst. PWPV Samantha Malenovsky and 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: 6/28/2016

** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of June 28, 2016, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 8-0.*

Mayor Hollowell said his statement in the minutes, which the City could clean up property and charge it to the property owners, was not true.

Finance Committee Meeting Minutes: 6/23/2016

Finance Committee Meeting
June 23, 2016

The Finance Committee met Thursday, June 23, 2016 at 6:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rachel Sloan, Kathy Wilcox and Dwayne Andrews.

Also present were Floodplain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky and Recorder Lorrie Pearce

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:
None

2. Discussion and Recommendation on KLJ contracts

Administrator Malenovsky explained that there are two different contracts.

1. The Service Agreement which would be on the project management or engineering side of the contract
2. The Letter of Engagement which would be for PR government, money assistance, public education and coordination

The contracts are renewed annually, and in the past were billed to the County and then County would bill the City. There is not an agreement with the County at the present, so Council will have to figure out the percent paid by County and City.

KLJ Representative Becky Bey explained that last year their charge was \$2,500 a month, and if Council wanted it to be billed that way, it would still be \$2,500 a month. The Steering Committee requested the billing to be hourly, which it hoped would save the City some money because work was not completed every month. One change on the contract was that last year the amount to be billed was \$1,500 without prior permission, and it is changed this year to \$4,000 without prior permission. The Army Corp felt that more work will be completed this

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year because Section 205 will begin in the fall. Also, the money paid on this contract would be considered an "in kind" match.

*** Committee Member Wilcox moved to recommend to Council approval of KJ contracts as presented, seconded by Committee Member Sloan. The motion passed 4-0*

3. Review bids received on phase II upgrade

Director Kelm said that the bid from Williams Brothers \$3,585,000 for construction and alternate/septic hauling station at \$225,000 was the lowest bid received. The bid for the construction came in under bid, so he added the alternate bid to the total. There was a problem with the bid received from Williams Brothers because there was a bid from subcontractor Colstrip Electric that was missed in Section 13-400 for an amount of \$150,000. Williams Brothers asked to add that amount to the bid. Director Kelm had consulted with Engineer Brad Koenig and they both felt that the overlook was not intentional because Colstrip Electric missed that section in all their bids they had sent out to Williams Brothers, Dick Anderson, and EDK, which meant that all the bids were under bid by \$150,000.

Williams Brothers is not asking for a markup in the section that was missed.

*** Committee Member Andrews moved to recommend to Council approval of the Williams Brothers bid, seconded by Committee Member Wilcox. The motion passed 4-0*

4. Review and recommendation on compensation for Ingraham Environmental

Director Kelm said that Ingraham Environmental is asking reimbursement for material, which they thought was about \$3,000. They did not want to be reimbursed for their labor. Ingraham Environmental thought they could get \$1,500 from the Chamber of Commerce, so they were asking \$1,500 from the City. Director Kelm offered to pay half of the \$1,500 from the water fund, since the City got their water tower back.

*** Chairperson Galbraith moved to recommend to Council approval of paying \$1,500 to Ingraham Environmental for work completed, seconded by Chairperson Andrews. The motion passed 4-0*

5. Discussion and Recommendation on City Business Licenses

Chairperson Galbraith thought that the City should be charging for business licenses. She thought a certain dollar amount could be charged and that would help the fire and police know where and what the business is.

The Committee discussed other Cities charges.

Committee Member Wilcox liked the idea and thought it was appropriate. She asked if a safety inspection would be needed, and thought it might be good to have in force before the legalization of marijuana is voted on this fall.

Director Kelm thought if the City charges for business licenses, the business should be getting something back. There were a couple of things that could be beneficial to the business and they were making a directory on the Cities Website, and since the City would have an updated business license list, the information could be available in case of a fire, floods etc.

Committee Member Sloan thought it was a good idea, but thought it might push some business out and wondered who would enforce it and keep it up.

*** Committee Member Wilcox moved to have further discussion on the Cities business license in terms of all the details and amend the Ordinance to present to Council, seconded by Committee Member Galbraith.*

Committee Member Andrews thought it might be another way to nickel and dime people to death, but said he would go along with it for now.

Director Kelm said it would be nice to know how many businesses the City has and in categories. If there was a disaster, we would have the contact information at hand and start making calls immediately

Clerk Pearce thought if the process was implemented that another person would need to be hired. At the moment the Treasurer is the person who writes the business license receipt, and he works part time. She thought the process should not be implemented for the revenue, but for the services.

Committee Member Sloan thought the City would need to charge a reasonable amount to everyone.

*** The motion passed 4-0*

6. Adjournment

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

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

Susanne Galbraith, Chairperson

Lorrie Pearce Recorder/City Clerk

** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of June 23, 2016, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

Public Safety Committee Meeting Minutes: 7/05/2016
Public Safety Committee Meeting
July 5, 2016

The Public Safety Committee met Tuesday, July 5, 2016, at 6:00 pm in the City Hall Conference Room. Present were Committee Members John Uden, Kathy Wilcox, Jeff Erlenbusch, and Ken Gardner. Also present were Police Chief Doug Colombik, Fire Captain Mike Miller, Fire Chief Gary Warren, Program Administrator/Historic Preservation/Grant Writer Connie Muggli, Senior Patrol Officer Denise Bontrager and Committee Recorder Linda Wilkins.

Acting Chairperson Ken Gardner called the meeting to order. Chairman John Uden was absent when the meeting convened, but arrived later.

1. Request of Citizens

None

2. Committee Member Comments

None.

3. Review and consider joint request of Fire Dept. and Police Dept. for use of City Property for use as a Police/Fire Training facility.

4. Committee Member Ken Gardner asked for discussion. Committee Member Wilcox asked for the price of the facility. Fire Captain Miller state that there were currently no bids for constructing the actual facility, but has been working on finding land to be allocated by the City. Once they have the land allocated then the size of the facility can be determined. This project is not looking to the City for funding, but has been working with Senator Tester's to identify funds through Rural Economic Development. Mid-Rivers grant writer, Grant Writer Connie Muggli and Firefighter Sarah Lewin in addition with some MDU Grants for utilities are all being utilized to locate funding for the construction project. Captain Miller hopes that additional funding may also be obtained by working in conjunction with the college and the county

5. Captain Miller met with Public Utilities Director Kelm regarding possible sites. Sites were considered near the Water Treatment Plant building but building prohibited at some of these property sites as they are in the flood way or flood plain; however, the land that was formerly used as the lagoon settling ponds was identified, this land has a dike already in place and is neither in the flood way or flood plain. Construction would be allowed on this site. This land would also provide easy access for other communities in Eastern Montana wishing to use the training facility. There are currently no commitments by the City to lease out this land. The land is approximately 41 acres and would be provide adequate room for a building with three classrooms and a large paved area for driving practice.

6. Captain Miller stated that this is a joint project between the Fire Department, Police Department and the Custer County Sheriff Department.

7. Grant Writer Muggli asked what consideration had been given regarding fees for other communities to use the facility. Captain Miller stated that this subject would be looked into further as the project continued in its development since currently since the project was in the preliminary stage. However, the fire department has instructors that would be willing to provide training. Other facilities in the State charge approximately \$1,500 for weekend training plus the City would benefit by providing training on site to the local department. The facility would have three classrooms, which would provide the potential for all three classrooms be used simultaneously by the Police Department or other organizations. He also stated that Rural Economic Development is very interested in the project due to the economic impact it provides to the community.

8. Officer Bontrager commented she had been in contact with Montana Law Enforcement Academy and they would be interested in coming to Miles City to provide training for this area of Montana. The use of the facility would be of economic benefit to the community by bringing in outlying communities to Miles City to use the training facility. Also the facility would aid in the decrease of

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liability to the community while training new officers. They would be trained at the facility instead of alarming citizens while training police officers on the streets, when staging stops using training "blue" pistols.

9. Committee Member Uden asked what the savings would be to the City. Captain Miller said it would be considerable in regards to liability, just from properly training firefighters to drive trucks and the opportunity to practice using live fire. There would also be a savings in travel costs. There is also the potential of providing fee based training to other communities. Officer Bontrager stated the savings for the police department would be much the same, decrease in liability, the ability to provide training to other communities, the economic impact to the community, and the ability to retain employees.
10. Committee Member Uden commented on the possibilities of other agencies using the facility, such as the FBI, Pine Hills, etc. Officer Bontrager thought the potential would be wide open for other agencies using the facility, including the BIA.
11. ****Committee Member Wilcox moved to approve this stage of the planning process for a joint facility for Fire Department and Police Department for the use of city property presented and recommend to the full council on July 12; seconded by Committee Member Erlenbusch. Upon roll call vote the motion **passed** unanimously**

12. Adjournment

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

14. The meeting was adjourned at 6:40 p.m.

Respectfully Submitted:

Ken Gardner, Acting Chairperson

Linda Wilkins, Recorder

- ** Councilperson Uden moved to approve the minutes of the Public Safety Committee Meeting of July 5, 2016 subject to any changes, and seconded by Councilperson Wilcox. The motion **passed** by unanimous consent, 8-0.**

SCHEDULE MEETINGS

**Human Resource Meeting
Budget Meeting**

**July 18, 2016 at 5:15pm
July 13, 2016 at 6pm**

REQUEST OF CITIZENS & PUBLIC COMMENT

Bernice Cotton, 621 Felton, asked for an update on the burnt trailer site in her area. Mayor Hollowell said that there was no update, that it was a matter of contacting the property owner, making sure the City has done their part correctly.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Planner Colton asked Council how it felt about receiving massive information that pertains to Council meeting subjects in a drop box. It is a shared file and you would sign in and download to read. Councilperson Galbraith was concerned that all the information that was shared would need to be kept in the Council packet. Attorney Rice thought that whatever information was shared with Council would

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need to be in the packet. The consensus of Council was 7-1 in favor of it, with Councilperson Galbraith objecting.

Administrator Malenovsky updated Council on flood control:

- Plans to update the program for public information to help with point for CRS communities to help with flood insurance cost
- County applied for an RRGGL grant for up to \$125,000 might not hear on it until Legislation meets again
- Army Corp performed an initial site visit and were shocked with the large number of buildings that were next to the levy
- Congressman Zinke was very aware of the project, and gets a monthly newsletter that has the levy update in it. She said the City is on his top three projects for the State of Montana
- Informed by the Army Corp Engineers that applying for a Section 205 on the Yellowstone portion of the study should wait until the initial study is completed. The information gathered on the initial study could be used, so a whole new study would not have to be done.
- Public information meeting sometime in October
- Need to figure out the split for the cost between City and County. This would help with figuring out the budget. \$440,000 would be the cost to the City for this year, with no grants and no help from the County
- Intercap loan can be applied for at any time. No principle or interest would be paid until money is drawn. There could possibly be 2-3 loans. She would like to have something in place by October so the public could be informed. The estimate for the study is 1.5 million dollars that is a 50/50 share with the community and the Army Corp. The Army Corp has asked for an allocation of \$750,000 for this year, and only ask for \$250,000 next year, and then ask for the remaining cost of the 1.5 million dollars. She said that the study usually cost from \$1.2 million to 1.5 million, so she went with the higher number. The 1.5 million does not include any match from the City.
- A District could be formed for people within the flood plain and it would pay into the district and that money would be used to pay for cost on the project. This would have to be passed by the voters.

Director Gray said they are done with paving and now tearing up more streets.

Chief Warren said they have answered 656 alarms through the end of June, Ambulance 20 is still in the shop and ambulance 24 had a bad oil leak.

CITY COUNCIL COMMENTS

Councilperson Erlenbusch reported that a citizen from Ward II was concerned about some property on the corner of Tompy and South Cottage. The residents were not living there and family members are supposed to be taking care of the property, but the weeds are overgrown. He said he will look into it. He also said that a citizen in his ward stepped up and made a dangerous corner a non-hazardous corner.

Councilperson Gardner said that most of his ward residents are trying to maintain their property and would like to compliment them for that. He is waiting for one trailer to be taken care of and one other trailer was moved in last week. He thought the new trailer was in violation of International Residential Code, because the trailer looked older than a build date of June 15, 1976 and didn't look like it is up to current codes.

Councilperson Uden said that he had talked to the Library staff and they had told him that the Budget Committee said at the budget meeting the City did not have the money to give them a 5% raise and \$35,000 for light replacement. He was

disappointed and amazed that the City could find money for equipment and raises for other employees. He asked the Committee to reconsider those cost and if they were not reconsidered, then when budget is up to be passed he will make a motion for a budget amendment to cover those cost. If the amendment is not passed, he will truly recommend to the Library staff to file a wage grievance against the City for not looking after their welfare and benefit. He asked the Committee to reconsider this at the next meeting. He didn't believe anyone in the City or State had gone six years without a raise and felt that it was virtually unheard of.

Councilperson Galbraith explained that the Library did come before the Committee and asked for a raise. And he should be well aware that the Library is covered under the study that he pushed for and spear headed. The City cannot give them a raise because the City is bound by a contract per the study.

Councilperson Uden asked what if the Union approves it. Councilperson Galbraith thought that would be a legal question.

Attorney Rice said that the Library is different because the City cannot control their budget. The City is required to give them an inflation adjustment from year to year. The City should not be setting the wages of individual Library employees that should be approved by the board. The City just looks at the big number.

Councilperson Uden asked if they requested the \$16,000 on their budget, it would be the decision of the board. Attorney Rice said correct.

Councilperson Galbraith said that the Committee did not deny the lights. She said the Committee asked for bids to repair the lights. Nothing is set in stone yet.

Councilperson Andrews asked Councilperson Uden if he had talked to anyone that was at the Budget Committee meeting. Councilperson Uden said no. Councilperson Andrews said then you do not know what you are talking about.

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

Use of City Property for use as a Police/Fire training facility

**** Councilperson Uden moved to approve using City property for an area to build a Police/Fire public safety training facility, seconded by Councilperson Wilcox.**

Firefighter Miller explained that the facility:

- Would be no cost to the City
- Is a joint project between the Police and Fire department
- Would provide an area for:
 - a. Driving practice
 - b. Three separate classrooms
 - c. Showers would be available
 - d. Firing Range
 - e. Parking

Other items discussed:

- Senator Tester's office had helped with a grant to get the funds allocated
- Another grant would be for MDU to install the gas lines and powerlines at no cost to the City. This would also pay for the utility bills for years to come
- There will soon be three of the Firefighters that will be certified to train for fees and Police officers would be able to train at the firing range for fees. Those fees would cover the minimal cost of maintenance

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- Stevenson Architect may supply the drawing of the plans at no charge
- In closing, he felt if the City would build a training facility; it would help with cost saving of traveling to training, help get our employees trained and would be a benefit all around to the City. He understands the funding for the facility is not in the budget, but with all the new employees hired by the fire and police departments, they need to get trained.. As a training instructor, most of his classes get turned down because there is no facility to train in. All his training is outside in a parking lot.

Councilperson Galbraith asked for the legal description of the area to be added to the minutes to identify the area that will be used. *The legal description is Township 8N, Range 47E*

*** On roll call vote, the motion passed 8-0*

BID OPENINGS

Renovation on Florence Stacy Fountain- No bids were received.

BID AWARDS

None

PUBLIC HEARINGS

- A.** 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
- Mayor Hollowell called for comments from opponents three times, then proponents three times and, hearing none, the hearing was closed.**
- B.** RESOLUTION NO. 3938- 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

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

UNFINISHED BUSINESS

- A.** RESOLUTION NO. 3937- (*Second 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 and unanticipated Revenue in the Airport Capital Improvement Fund

*** Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Wilcox. On roll call vote, the motion passed 8-0*

- B.** RESOLUTION NO. 3938- (*Second 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 Sloan. On roll call vote, the motion passed 8-0*

NEW BUSINESS

- A. RESOLUTION NO. 3933- A Resolution Adopting Findings of Fact and Conditionally Approving the Preliminary Plat For the Vision Enterprises Major Subdivision Within the City of Miles City**

*** Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Uden. On roll call vote, the motion passed 8-0*

- B. RESOLUTION NO. 3936- (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 and Unanticipated Revenue in the Airport Fund**

*** Councilperson Uden moved to approve the Amendment, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 8-0*

- C. RESOLUTION NO. 3941- A Resolution Authorizing the City of Miles City to Award A Downtown Façade Improvement Grant to Stein Chiropractic**

*** Councilperson Sloan moved to approve the Resolution, by title only, seconded by Councilperson Gardner. On roll call vote, the motion passed 8-0*

- D. RESOLUTION NO. 3942- A Resolution Adopting Findings of Fact and Approving the Amended Plat For the Purpose of Boundary Line Relocation of Tracts B,E&F of the Lothspeich Minor Subdivision Within the City of Miles City**

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

Planner Colton explained the resolution was a boundary line adjustment that would take a small chunk out of tract B to accommodate the width of Dickinson Street and the approach. With the approval of the resolution, the City is accepting the street and the five lights that will be added in the project. The area with the lights will probably be added to the taxing of District Lighting 165. The design of the street will be reviewed in the First Interstate Bank site plan review.

Attorney Rice said after press time, the bank contacted the City and himself to get Council approval for Dickinson extension to make out of six inches of concrete instead of three inches of asphalt.

*** Councilperson Uden moved to amend the original motion to include the ability to pave the road in question with six inches of concrete as opposed to three inches of asphalt, seconded by Councilperson Sloan.*

Mayor Hollowell asked Director Gray if the change meets the Cities standards and he said that it will be better because of the subbase.

Uden said that the six inches of concrete would hold up better to truck traffic.

*** The amended motion passed 8-0*

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*** The original motion, on roll call vote,
passed 8-0*

E. RESOLUTION NO. 3943- A Resolution Adopting the Policy and Procedures of the Miles City Downtown Urban Renewal Board of Commissioners

*** Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Sloan. On roll call vote, the motion passed 8-0*

F. RESOLUTION NO. 3944- (First Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget For FY 2015-2016 to Appropriate Unanticipated Expenses to Lighting District No. 171 Fund 2430 For Control R&M Expenses

*** Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Uden. On roll call vote, the motion passed 8-0*

G. Approval of Site Plan- (Transco Railcar Repair)

*** Councilperson Galbraith moved to approve the site plan, subject to conditions and adoption to finding of facts. The motion was seconded by Councilperson Sloan.*

Transco Plant Manager Mike Preller explained that the building would be 30 feet by 50 feet. The compressors that are being installed are less noisy than the one they have now. The building will be located across the track from the main office building and will be enclosed, so it should reduce the chance of any noise escaping.

*** On roll call vote, the motion passed 8-0*

H. Discussion on converting Council Chambers to a Court Room

There was a long discussion as to how the chambers would be renovated and why it should be renovated. The final consensus was Council thought it could work with Judge Homme to make renovation to the chambers and still have an area where Council could meet when needed. It will be on the next agenda for further discussion.

ADJOURNMENT

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

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



John Hollowell, Mayor



Lorrie Pearce, City Clerk