

REGULAR COUNCIL MEETING September 27, 2016
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, September 27, 2016, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor Hollowell called the meeting to order. Council Members present were John Uden, Dwayne Andrews, Susanne Galbraith, Brant Kassner, Jeff Erlenbusch, Ken Gardner and Kathy Wilcox.

Also present were Attorney Dan Rice, Police Chief Doug Colombik, Fire Chief Gary Warren, Planner II Dawn Colton, PW/PV Office Clerk Dianna Larson 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: 9/13/2016

****** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of September 13, 2016 subject to any corrections, and seconded by Councilperson Kassner. The motion **passed** by unanimous consent, 7-0.*

Human Resource Minutes: 8/24/2016

**Human Resources Committee
August 24, 2016**

The **Human Resources Committee** met Wednesday, August 24, 2016, at 5:15 p.m. in the Council Chambers at City Hall. Present were Committee Members Rachel Sloan, Kathy Wilcox and Jeff Erlenbusch. Absent was Committee Member Susanne Galbraith. Also present were Public Utilities Director Allen Kelm and Deputy City Clerk/HR Officer/Committee Recorder Linda Wilkins.

Committee Chairperson Rachel Sloan called the meeting to order.

1. Request of Citizens
None
2. Nominate a new chairperson

***Committee Member Erlenbusch nominated Committee Member Kathy Wilcox to Chairperson, seconded by Committee Chairperson Sloan. On roll call vote the motion **passed** unanimously, 2-0. Committee Member Wilcox abstained.*
3. Review changes to Personnel Policies

***Committee Member Wilcox moved that the attached changes to Personnel Policies be changed as noted upon review of City Attorney Dan Rice and MMJA Human Resource Specialist Angela Simonson, seconded by Committee Member Erlenbusch. On roll call vote the motion **passed** unanimously, 3-0.*
4. Review job description for part time clerk to the Finance Department

***Committee Member Wilcox moved to approve the General Office Clerk position description as presented, seconded by Committee Member Sloan. On roll call vote the motion **passed** unanimously, 3-0.*

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5. Review wage for Administrative Assistant/Building Permit Technician

The findings of a mini-salary survey were presented and arguments presented by Public Utilities Director Kelm to the committee. It was determined through a calculation based on an average of wages published on O*Net website and a survey of Class 2 cities in Montana that a wage of \$20.87/hour would be considered an equitable wage based on the experience required to fill the position as outlined in the current position description.

***Committee Member Erlenbusch moved to pay the updated wage/salary for the Administrative Assistant/Building Permit Technician of \$18.72/hour with \$1/hour additional responsibilities along with \$1.15/hour longevity, seconded by Committee Member Sloan.*

***The motion was amended by Committee Member Erlenbusch to remove the \$1.15/hour longevity since it is a package plan through the union to \$18.72/hour wage plus \$1/hour for additional responsibility for a total \$19.72/hour. On roll call vote the motion **passed**, 2-1. Voting nay Committee Member Wilcox*

***Committee Member Erlenbusch moved to pay the updated wage for the Administrative Assistant/Building Permit Technician at \$20.87/hour retroactive to July 1, 2016, seconded by Committee Member Sloan. On roll call vote the motion passed unanimously, 3-0.*

6. Adjournment

***Committee Member Wilcox moved to adjourn, seconded by Committee Member Erlenbusch. The motion passed unanimously.*

The meeting was adjourned at 6:25 p.m.

*** Councilperson Wilcox moved to approve the minutes of the Human Resource Meeting of August 24, 2016, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

Human Resource Meeting October 19, 2016 at 4:00pm

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

Wage Survey Committee- Mayor Hollowell will provide names at a later date

PROCLAMATIONS

None

STAFF REPORTS

Connie Muggli- Annual TIFD report - Cancelled to a later date
Mayor Hollowell presented a shield to Firefighter Tanner Harbaugh

CITY COUNCIL COMMENTS

Councilperson Uden thanked and applauded the four citizens for their interest in City government and applying for the vacant Council position.

Councilperson Erlenbusch had received calls from citizens on the pigeon population increasing and ongoing public nuisances.

Councilperson Gardner received a few calls on the dissatisfaction of his wards neighborhood. He said the burnt trailer was cleaned up by volunteers, and the other two vacated trailers are receiving some activity.

MAYOR COMMENTS

Mayor Hollowell read a letter from DEQ that noted most operators are cross trained and able to handle all aspects of the treatment of water and wastewater. David Harris and staff demonstrated impressive knowledge of public water supply operation and professionalism is exhibited throughout the system. The letter commended Miles City for its attention to the importance of safe drinking water.

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Mayor Hollowell stated that Director Gray commended MCI² for the RHINO band shell and said they were very easy to work with during the process.

STANDING COMMITTEE RECOMMENDATIONS

Public Service- City to quitclaim Marion Street property (S28,T08N,R47E) to Paul R. Peterson and Helen Martin

Councilperson Uden said the committee recommends a do not pass recommendation.

**** Councilperson Galbraith moved to send to Resolution the quitclaim on Marion Street property (S28,T08N,R47E) to Paul R. Peterson and Helen Martin, seconded by Councilperson Kassner.**

Councilperson Andrews said that it was not good long term planning for the City to sell its assets and the property is very close to the slough. He thought it would impact the flood study and felt a quitclaim was not good fiscal management.

Attorney Rice said they are actually asking the City to vacate a street and then by default the lots would come together at the centerline of the street. The City had done one in the last four years to satisfy a title insurance company.

**** On roll call vote, the motion failed 7-0**

Finance Committee- Purchase of Black Mountain Software for E-Mail Billing

**** Councilperson Galbraith moved to approve the purchase of Black Mountain Software for E-mail billing in public utilities, seconded by Councilperson Uden. On roll call vote, the motion passed 7-0**

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

A. RESOLUTION NO. 3972- A Resolution Approving the Work Plan and Budget for Fiscal Year 2016-2017 For Tourism Business Improvement District No. 101, and Providing For Hearing Thereon

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

B. RESOLUTION NO. 3973- A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 For the Downtown Urban Renewal Agency Fund 2310 and Providing For Hearing Thereon

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

C. RESOLUTION NO. 3974- A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase the Budgeted Amount in Fund # 1000-013-460433-121 and 134

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

D. RESOLUTION NO. 3976- A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget

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for FY 2016-2017 to Increase the Budgeted Amount in Fund # 2510-107-430220-111, 121 and 134

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

E. RESOLUTION NO. 3977- A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase the Budgeted Amount in Fund # 2520-108-430220-121

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

F. ORDINANCE NO. 1304- An Ordinance Amending Section 15-2 And 15-4 of the Code of Ordinances of the City of Miles City, Montana, With Regards to Enforcement of Public Nuisances

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

UNFINISHED BUSINESS

CONSENTED AGENDA

***Councilperson Uden moved to suspend the rules to place items a thru e on a consent agenda, and seconded by Councilperson Galbraith. On roll call vote the motion passed unanimously, 7-0.*

A. RESOLUTION NO. 3972- (Second Reading) A Resolution Approving the Work Plan and Budget for Fiscal Year 2016-2017 For Tourism Business Improvement District No. 101, and Providing For Hearing Thereon

B. RESOLUTION NO. 3973- (Second Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 For the Downtown Urban Renewal Agency Fund 2310 and Providing For Hearing Thereon

C. RESOLUTION NO. 3974- (Second Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase the Budgeted Amount in Fund # 1000-013-460433-121 and 134

D. RESOLUTION NO. 3976- (Second Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase the Budgeted Amount in Fund # 2510-107-430220-111, 121 and 134

E. RESOLUTION NO. 3977- (Second Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase the Budgeted Amount in Fund # 2520-108-430220-121

***Councilperson Uden moved for council to approve resolutions listed under the consent agenda items a thru e, and seconded by Councilperson Galbraith. On roll call vote the motion passed unanimously, 7-0*

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F. ORDINANCE NO. 1304- (Second Reading) An Ordinance Amending Section 15-4 of the Code of Ordinances of the City of Miles City, Montana, With Regards to Enforcement of Public Nuisances

**** Councilperson Gardner moved to approve the Ordinance by Title Only, seconded by Councilperson Erlenbusch.**

Councilperson Uden said the ordinance had the same impact, but now it would allow the police department to carry out the enforcement duties on public nuisance offenses.

Attorney Rice said that it also allows the Court to authorize the City to abate, and staff and Mayor recommended adding to the ordinance that the judgement should accrue interest at a rate of 10% per year from the judgement date.

****Councilperson Galbraith moved to amend the main motion to change the title to include section 15-2 and 15-4 and interest on judgement shall accrue interest at ten percent, seconded by Councilperson Kassner.**

**** On roll call vote the amended motion passed 7-0**

**** On roll call vote the original motion passed 7-0**

G. Discussion and approval on location of Courtroom

After a short discussion the three options for the courtroom are:

1. To remodel the Council Chambers
2. To utilize the Conference Room in City Hall
3. Find a courtroom and office in the County Courthouse

The Mayor asked what option the Council would like to look at. Councilperson Galbraith said that she would like to have a price and availability of a courtroom in the County Courthouse before making a decision.

**** Councilperson Wilcox moved to investigate the feasibility of renting courtroom space at the County Courthouse and postpone until the next Council meeting, seconded by Councilperson Galbraith.**

Citizen Rob Shipley, 603 South 4th street said it may be beneficial to everybody if City Hall rented its offices at the VA Hospital.

**** On roll call vote, the motion passed 7-0**

NEW BUSINESS

A. MCI² Dedication of Band Shell/ Amphitheatre to City of Miles City

MCI² representative John Goff said there were still a couple of items that needed to be cleaned up which are: 1) Six trees donated to the City will be delivered soon 2) A site light installed as soon as possible. Representative Brandon Jensen said the liens were given to Director Gray. On behalf of MCI² and Miles Community Improvement Incorporated, John Goff and Brandon Jensen formally donated to the City of Miles City the RHINO band shell, so named in memory of late member Ryan Watts.

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**** Councilperson Uden moved that City Council approves the dedication of RHINO band shell/amphitheater in Riverside Park on behalf of the City, seconded by Councilperson Kassner. On roll call vote, the motion passed 7-0**

B. COUNCIL HEARING: Interview for Ward II Council Vacancy

**** Councilperson Uden moved to approve Rick Huber to fill the vacancy for Ward II, seconded by Councilperson Erlenbusch.**

Highlights of the Candidates

Candidate Jeff Williams

- Lived six years in Miles City
- Interested in Government and Economic Development
- Wants to make where he lives a better place
- Organized Malt fest, which is an economic drive to Miles City
- Bring a different insight to Council

Candidate Rob Shipley

- Gets things settled equitably
- Wants to be accepted by all people so he can better Miles City
- Lived in Miles City for almost seventy years
- Thirty years with Navy and Navy reserve
- Knows how to work

Candidate Cindy Reid

- Lived thirty five years in Miles City
- Held many position throughout those years
Administrative Assistant, Served as Custer County Treasurer for two years, and worked in the legal field. Her biggest background is in accounting and customer service and felt those skills would help serve Miles City
- An owner of two hotels for eight years
- Controller and CEO for Miles City Sanitation
- Would like to have input on the dike to help solve the problem
- Help maintain a good relationship with the County

Candidate Rick Huber

- Lived in Miles City most of his life
- Manages an transmission business in Miles City
- Was a salesperson and thought that experience would help with the City meeting financial needs
- Had a passion for Miles City's downtown area
- Offer more economic development ideas
- Willing to listen to criticism, and humble to be here

**** The motion passed 6-1, with Councilperson Andrews voting no**

Mayor Hollowell swore Rick Huber in as the next Ward II Council member.

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C. RESOLUTION NO. 3978- A Resolution Approving a Water Line Easement/Utility Right of Way Agreement With Miles Community College

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

Attorney Rice said that several items were revised and now the city was very well protected.

**** On roll call vote, the motion passed 7-0**

D. RESOLUTION NO. 3980- A Resolution Approving a Miscellaneous Professional Services Agreement to Furnish Engineering Services Between the City of Miles City and Kadrmas, Lee & Jackson, Inc., For Services Related to Permit Application for 57 Pit at the Miles City Airport

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

Mayor Hollowell said the pit is still the Cities but the Airport has control of the money that is received for any gravel removed. If it is not that way the Airport could not receive any Federal funding. The permit was overdue.

Attorney Rice said the City still retains ownership of the pit, and KLJ is being hired to help the City apply for the permit, because it could not be completed in house.

**** On roll call vote, the motion passed 7-0**

E. RESOLUTION NO. 3981- A Resolution Approving an Addendum to the Short Form of Agreement Between Owner and Engineer For Professional Services Between the City of Miles City, Montana, and Interstate Engineering, Inc., Extending the Term of Said Agreement

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

F. RESOLUTION NO. 3982- A Resolution Adopting Findings of Fact and Approving the Amended Plat for the Purpose of Boundary Line Relocation of Amended Plat of Lots 12, 13 and A Portion of Govt Lot 9 of Block 1, Amended Plat of Baker Addition Within the City of Miles City

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

Planner Colton explained that a boundary line adjustment is under subdivision regulations, but it is exempt because it is not creating new lots. It is aggregating two lots and adjusting the boundary so the lots are of equal size. The parcels are currently unoccupied and in a no residential zone.

**** On roll call vote, the motion passed 7-0**

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G. RESOLUTION NO. 3983- A Resolution Establishing a Public Nuisance Cleanup Fund

**** Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Gardner. After a long discussion and on roll call vote, the motion passed 7-0**

H. RESOLUTION NO. 3984- A Resolution Establishing Pay Rate for Administrative Assistant/Building Permit Technician

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

I. RESOLUTION NO. 3985- A Resolution Establishing Pay Rate For Planner II

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

Councilperson Andrews did not think that grant writing was emphasized enough in the job position description. Councilperson Galbraith agreed and would like the job description to go back to Human Resource and revised it with a better specification on grant writing.

Planner Colton said that she writes grants for water, sewer, streets and anything that is more technical.

****On roll call vote, the motion passed 7-0**

J. RESOLUTION NO. 3986- A Resolution Establishing Pay Rate For General Office Clerk

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

K. ORDINANCE NO. 1305- (First Reading) An Ordinance Enacting Section 11-1 of the Code of Ordinances of the City of Miles City, Montana, to Establish Regulations Governing Fire Department Repository Units

**** Councilperson Galbraith moved to approve the Ordinance on first reading by title only and amend the language to call for box being placed at 6 feet above the ground rather than the current 6-8 feet, seconded by Councilperson Gardner. The motion passed 7-0**

ADJOURNMENT

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

The meeting was adjourned at 8:25 p.m.


John Hollowell, Mayor


Lorrie Pearce, City Clerk