

REGULAR COUNCIL MEETING October 11, 2016
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, October 11, 2016, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Council President Galbraith called the meeting to order. Council Members present were John Uden, Brant Kassner, Jeff Erlenbusch, Ken Gardner, and Rick Huber. Council Members Kathy Wilcox and Dwayne Andrews were excused along with Mayor Hollowell

Also present were Attorney Dan Rice, Police Chief Doug Colombik, Public Utilities Director Allen Kelm, Fire Chief Gary Warren, Public Works Director Scott Gray, Fliplain Adm/AutoCad/Asst. PWPV Samantha Malenovsky, Grant Writer/Historic Preservation Administer and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Council President Galbraith led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes: 9/27/2016

** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of September 27, 2016 subject to any corrections, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 6-0.*

Finance Committee Minutes: 9/22/2016

**Finance Committee Meeting
September 22, 2016**

The Finance Committee met Thursday, September 22, 2016 at 6:00 p.m. in the City Conference. Present were Committee Chairperson Susanne Galbraith and Committee Members Kathy Wilcox, and Dwayne Andrews.

Also present were Fire Chief Gary Warren and Recorder Lorrie Pearce
Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:
None

2. Discussion and Recommendation on fees for Fire Inspections

Chairperson Galbraith explained that all businesses need a yearly fire inspection and the option A software would provide the Fire department the tools needed to keep track of the inspections at a onetime cost of \$1,944 every year after that it would cost the City approximately \$1,500. Most businesses would self-inspect, but the fire department would pull some businesses for a random inspection. The cost to the business would be \$25.00 for random inspection to smaller businesses and \$100.00 for businesses over 5,000 square feet.

Chief Warren said there were about 300 businesses in Miles City and the software would help the City receive ISO points. The inspections were never a priority in the past, but would like to improve the program.

Committee Member Wilcox said the department would need to inspect 100 businesses a year to pay for the software. Chief Warren said it would take about half an hour to inspect a business. Committee Member Wilcox thought the City should charge enough to cover the manpower for the inspection. Chief Warren said they did not want to overcharge and hurt the businesses. Chairperson Galbraith added that the \$25 would offset some of the Cities expense, but not hurt

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the businesses. Committee Member Wilcox said that she would agree with the \$25 if 100 inspections were completed a year. Committee Member Andrews said he would approve the software and \$25 per inspection, knowing that no other fireperson were called in to cover the shift and the software is self-inspection part A. Chief Warren said the company that the software is being purchased from, would complete the billing.

****** *Committee Member Wilcox moved to recommend to Council to approve the software purchase from the Fire Recovery USA for fire inspections which would require a City business equal to or greater than 5000 square feet to pay an fee of \$100 per random inspection, follow ups would be \$100, no dollars for a self- inspection and for a City business that is less than 5000 square feet pay \$25 for random inspections and \$25 for every follow up, seconded by Committee Member Galbraith. On roll call vote the motion **passed** 3-0*

3. Discussion and Recommendation on Purchase of Black Mountain Software for E-mail billing.

****** *Committee Member Wilcox moved to recommend to Council to approve the purchase of Black Mountain Software for E-mail billing, after a long conversation on the software being a cost saving item and the City going green it was seconded by Committee Member Andrews. The motion **passed** 3-0*

4. Adjournment

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

The meeting was adjourned at 6:31 p.m.

****** *Councilperson Uden moved to approve the minutes of the Finance Committee Meeting of September 22, 2016, and seconded by Councilperson Kassner. The motion **passed** by unanimous consent, 6-0.*

Human Resource Minutes: 9/21/2016

**Human Resources Committee
September 21, 2016**

The **Human Resources Committee** met Wednesday, September 21, 2016, at 5:15 p.m. in the Council Chambers at City Hall. Present were Committee Members Susanne Galbraith, Kathy Wilcox and Jeff Erlenbusch. Also present were City Clerk Lorrie Pearce, Police Chief Doug Colombik, Public Utilities Director Allen Kelm and Deputy City Clerk/HR Officer/Committee Recorder Linda Wilkins.

Committee Chairperson Kathy Wilcox called the meeting to order.

1. Request of Citizens

None

2. Committee Member Comments

None

3. Unfinished Business

- A. Discussion and recommendation to Full Council- MMIA policy changes

****Committee Member Galbraith moved to postpone discussion and recommendation on policy changes until the City Attorney and MMIA have had time to review them, seconded by Committee Member Erlenbusch. On roll call vote the motion **passed** unanimously, 3-0.**

4. New Business

- A. Discuss process for review of City position descriptions - due Dec 31, 2016
Rotation over the next three months, Linda will send an e-mail to department directors asking for review of the positions descriptions related to their department.

- B. Discuss draft position descriptions template for City non-union positions

HR Officer Wilkins provided to the committee a model position description from the University of Cincinnati, there was discussion around this model and it was decided to use the model with some modifications to include at the top of the of

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the position description who supervised the position along with exempt or non-exempt status.

****Committee Member Wilcox moved to have HR Officer Wilkins create the template a new job description for the City of Miles City based on the Cincinnati model with revisions discussed, seconded by Committee Member Galbraith. On roll call vote the motion passed unanimously, 3-0.**

It was recommended that HR Officer Wilkins provide a copy of the University of Cincinnati complete model for use when reviewing current position descriptions.

- C. Discuss and make recommendation(s) concerning Police Administrative Assistant Position Description (i.e., Dispatch)
Add to the position description driver license required and occasional on-call may be required.

****Committee Member Galbraith moved to approve the General Office Clerk Position Description for the City of Miles City Police Department and add that they need to have a valid Montana Driver's License and also type 45 wpm with no errors and revisions as stated, seconded by Committee Member Erlenbusch.**

Committee Chairperson Wilcox commented that in the spirit of moving toward the Cincinnati model job classification could be General Office Clerk, but the Job Position Title itself would be Police Administrative Assistant. Under non-exempt position, first bullet of Essential Functions Sexual Violent Offender Registry, with (SVOR) after.

Committee Member Galbraith amended her motion to send the position description to MMIA and a resolution to send to council for wage, seconded by Committee Member Erlenbusch.

On roll call vote the motion passed unanimously, 3-0.

- D. Discuss process for development of wage scales for City non-union positions

Chairperson Wilcox stated this came out of the Minnesota Plan the Committee was given and suggested that at this time the members take it home to review and bring back comments and continue to refine.

- E. Discuss and make recommendation(s) concerning establishing base wage rate for current City Planner II position

HR Office Wilkins reported to the committee she has spoken to Attorney Larry Martin and is waiting for a phone call back from him for clarification on the resolution and letter to the employee.

- 5. Schedule Committee's Next Meeting: consider Wed, Oct 5, 2016 5:15 pm

Next meeting is scheduled for October 19 @ 4:00 p.m. Meetings will be earlier in the months of November and December.

- 6. Adjournment

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

The meeting was adjourned at 6:05 p.m.

**** Councilperson Erlenbusch moved to approve the minutes of the Human Resource Meeting of September 21, 2016, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 6-0.**

Public Safety Committee Minutes: 10/05/2016

**Public Safety Committee Meeting
October 5, 2016**

The Public Safety Committee met Wednesday, October 5, 2016, at 7:00 pm in the City Hall Conference Room. Present were Committee Members John Uden, Jeff Erlenbusch, and Ken Gardner, Kathy Wilcox was excused. Also present Committee Recorder Ally Capps.

Chairperson Uden called the meeting to order.

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1. Request of Citizens
None
2. Review and make recommendations on Ordinance No. 1305 regarding Fire Department repository units.

***Committee Member Erlenbusch moved to approve Ordinance No. 1305 with the following clarifications from the City Attorney; to what the word "other" would be referring to in Sec.11-1(a) and Sec.11-1(f), Does the Fire Chief or his/her designee authorized to write or cite citations into City Court?*

*Motion seconded by Committee Chair Uden. Upon roll call vote the motion **passed** unanimously 3-0.*

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

The meeting was adjourned at 7:30 p.m.

*** Councilperson Uden moved to approve the minutes of the Public Safety Committee Meeting of September 5, 2016, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 6-0.*

SCHEDULE MEETINGS

REQUEST OF CITIZENS & PUBLIC COMMENT

Citizen John Baugatz, 821 Knight Street, explained that his family is trying to sell the trailer parked at Bender Park. He had two potential individual that are showing interest in buying the trailer. One is a private sale and the other is a sublease sale and asked for clearance from Council as to which one would be okay to proceed with. Council President Galbraith said that she would put it on the next finance committee meeting agenda and discuss it.

APPOINTMENTS

Ad Hoc Wage/Salary Survey Committee:

Susanne Galbraith
Jeff Erlenbusch
Rick Huber
Kathy Wilcox
Linda Wilkins
Union Representative

*** Councilperson Uden moved to approve the Ad Hoc Wage/Salary Committee to be comprised of Susanne Galbraith, Jeff Erlenbusch, Rick Huber, Kathy Wilcox, Linda Wilkins and Union Representatives, and seconded by Councilperson Erlenbusch. On roll call vote the motion **passed** 6-0.*

PROCLAMATIONS

None

STAFF REPORTS

Gary Warren- Present Firefighter Ben Shipp and Mayor's presentation of helmet shield

Chief Warren said that firefighter Eric Hartse and Taylor Lee had been accepted to a paramedic program. He added they will be paying the expenses out of their own pockets.

Chief Warren introduced firefighter Ben Shipp to Council and Council President Galbraith presented a helmet shield to Firefighter Shipp.

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Director Kelm asked for a Council member to volunteer for a vacant position on the Safety Culture Committee. Councilperson Gardner volunteered for the vacancy.

Administrator Malenovsky reminded Council that there will be a Community update meeting on the Flood at the Miles Community College on October 18th at 6:00pm.

CITY COUNCIL COMMENTS

Councilperson Gardner said it was real important to remind the citizens of Miles City how important the study and building the levy is to Miles City. He said it will save home owner is a substantial amount of money on insurance, and felt that building the levy was something the City needed to do.

Councilperson Galbraith was asked by the County Commissioners if the City would be interested in any of the buildings at the VA. Any feedback could be referred to them.

MAYOR COMMENTS

Council President Galbraith asked Mr. Chuck Notbohm to speak on behalf of 406 Baseball Club. Mr. Notbohm said that the Continental Amateur Baseball Association (CABA) came to 406 Baseball Club and asked them to host a tournament of 16 teams. They are asking from the City a thirty year commitment for the usage of Tedesco and Denton Field for the week of July 31 thru August 6th. He thought the tournament would bring an economic boost to the City and it would be a great experience for the players and family to visit Eastern Montana. The club is committed to hosting the tournament in 2017.

Council President Galbraith referred the issue to the Public Service Committee.

Reschedule Regular Council Meeting on November 8th (Holiday). With consent from Council it was moved to Wednesday November 9th.

STANDING COMMITTEE RECOMMENDATIONS

Flood Steering Committee- Bond Council

Administrator Malenovsky explained that the Flood Steering Committee recommends Jackson, Murdo and Grant P.C. for the Bond Council because Mr. Murdo had knowledge of the project and had helped determine other options that have been open to the City. She added the proposal prices of both bond councils were very close and they were both qualified to do the job.

*** Councilperson Erlenbusch moved to approve the proposal that was received from Jackson, Murdo and Grant, seconded by Councilperson Gardner. On roll call vote, the motion passed 6-0*

BID OPENINGS

Printing Contract

Clerk Pearce opened the one bid received from Boss Printing. **Council President Galbraith referred the item to Finance Committee to review.**

BID AWARDS

None

PUBLIC HEARINGS

A. ORDINANCE NO. 1305- 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
Council President Galbraith called for comments from opponents three times, then proponents three times and, hearing none, the hearing was closed.

UNFINISHED BUSINESS

A. ORDINANCE NO. 1305- 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 Uden moved to approve the Ordinance, by title only, seconded by Councilperson Erlenbusch.**

Councilperson Uden said the Public Safety Committee recommends passing the Ordinance with an amendment.

**** Councilperson Uden moved to amend the original motion to replace on Section (F) "accomplished through citations issued by the Fire Chief or his/her designee, cited into City Court" and replace with "referred to the City Prosecutor to be filed into City Court" , seconded by Councilperson Erlenbusch. On roll call vote, the amended motion passed 6-0**

**** On roll call vote, the original motion passed 6-0**

B. Discussion and Approval on location for Courtroom

Council President Galbraith said there was no space available at the Custer County Courthouse. Councilperson Uden said it was a lot of money to renovate upstairs and personally felt the conference room would be the best place for the courtroom because it was the cheapest to upgrade. Attorney Rice said that he found it hard to believe that by changing the furniture it would change the whole dynamics of upstairs. Councilperson Kassner said it would change the chamber from a meeting room (A2) to a business (B5) and it would make easier access for presenting arrested persons.

**** Councilperson Uden moved to table until next meeting so Attorney Rice and Building Inspector Hirsch can discuss the issue, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0**

NEW BUSINESS

A. RESOLUTION NO. 3987- A Resolution Authorizing the City of Miles City to Award a Downtown Façade Improvement Grant to Whipps Welawiben Gallery

**** Councilperson Erlenbusch moved to approve the Resolution, by title only, seconded by Councilperson Gardner. On roll call vote, the motion passed 6-0**

B. RESOLUTION NO. 3988- A Resolution Adopting a Program for Public Information

**** Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0**

C. RESOLUTION NO. 3989- A Resolution Approving an Amendment to the Miles City Area Transportation Plan Subrecipient Agreement Extending Term of Agreement

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

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seconded by Councilperson Erlenbusch. On roll call vote, the motion passed 6-0

D. RESOLUTION NO. 3991- A Resolution Authorizing the City of Miles City to Enter Into an Agreement With the Custer County Water and Sewer District for Flushing Hydrants in Calendar year 2016

*** Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0*

E. RESOLUTION NO. 3992- (First Reading) A Resolution Establishing Fire Inspection Fees For Miles City, Montana

*** Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Gardner. On roll call vote, the motion passed 6-0 Council President Galbraith referred to Finance Committee*

F. ORDINANCE NO.1306 - (First Reading) An Ordinance Repealing and Replacing “Chapter 24- Zoning” of the Code of Ordinances of Miles City, Montana, For the Purpose of Implementing a Revised Zoning Code

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

Consultant Dave DeGrandpre explained the significant changes in the Zoning update:

- Administrative procedures were updated
- Site Plan Review projects had been changed to be reviewed and approved by the Board of appeals. The projects will not come to Council for approval
- Signage changed
- Had 17 districts, now 13
- Permit by right and conditional (Need to make sure following rules)
- Code 24-49, page 33 landscape requirement is a **new section** that applies to new commercial and multifamily. Haynes Avenue is a big part of the City’s image and the section would certify beautification of the area. Staff would approve
- Provides Clarity and flexibility
- New overlay District on South Haynes Avenue for sexually orientated business. Located in the New Hunan area
- Did not include medical marijuana dispensaries. Per a memo from Mr. DeGrandpre options could be added.

*** Councilperson Kassner moved to amend the public hearing date to November 9, 2016, seconded by Councilperson Uden. On roll call vote, the motion passed 6-0*

***On roll call vote, the original motion passed 6-0*

G. Approval of September Claims

*** Councilperson Galbraith moved to approve the September claims, seconded by Councilperson Uden, and passed unanimously.*

ADJOURNMENT

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

The meeting was adjourned at 8:15 p.m.



Susanne Galbraith, Council President



Lorrie Pearce, City Clerk