

**REGULAR COUNCIL MEETING October 25, 2016
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, October 25, 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, Dwayne Andrews, Brant Kassner, Jeff Erlenbusch, Ken Gardner and Kathy Wilcox. Councilperson Susanne Galbraith was excused.

Also present were Attorney Dan Rice, Police Chief Doug Colombik, Public Utilities Director Allen Keim, Fire Chief Gary Warren, Public Works Director Scott Gray, Planner II Dawn Colton, Grant Writer/Historic Preservation Administer 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: 10/11/2016

** *Councilperson Andrews moved to approve the minutes of the Regular Council Meeting of October 11, 2016 subject to any corrections, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 7-0.*

Public Service Minutes: 9/26/2016

**Public Services Committee Meeting
September 26, 2016**

The Public Services Committee met Monday, September 26, 2016, at 5:00 pm in the City Hall Conference Room. Present were Committee Members Dwayne Andrews, John Uden and Ken Gardner. Brant Kassner was excused. Also present were Citizens Helen Brown, Paul Person and Committee Recorder/Deputy City Clerk Linda Wilkins.

1. Quit Claim Marion Street property Sec 28 T8N R47E to Paul Peterson and Helen Martin

There was discussion concerning the flood study that was currently occurring and the affect this would have on the property under consideration. Chairperson Andrews stated that he felt it would be short sighted for the city to divest itself of the property.

***Committee Chairperson Andrews moved to recommend to refer this back to Council with a do not pass recommendation, seconded by Committee Member Uden. On roll call vote the motion passed unanimously, 3-0.*

2. Public Comment
None

3. Adjournment

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

The meeting was adjourned at 5:55 p.m.

** *Councilperson Gardner moved to approve the minutes of the Public Service Meeting of September 26, 2016, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 7-0.*

PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

Public Safety Minutes: 9/26/2016

Public Safety Committee Meeting September 26, 2016

The Public Safety Committee met Monday, September 26, 2016, at 5:15 pm in the City Hall Conference Room. Present were Committee Members John Uden, Kathy Wilcox, Jeff Erlenbusch, and Ken Gardner. Also present Committee Recorder Linda Wilkins.

Chairperson Uden called the meeting to order.

1. Request of Citizens
None
2. Review and recommendation Public Nuisance Ordinance

***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*

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

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

*** Councilperson Uden moved to approve the minutes of the Public Safety Meeting of September 26, 2016, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 7-0.*

Public Service Minutes: 10/19/2016

Public Services Committee Meeting October 19, 2016

The Public Services Committee met Wednesday, October 19, 2016, at 6:00 pm in the City Hall Conference Room. Present were Committee Chairperson Dwayne Andrews, John Uden Ken Gardner and Brant Kassner. Also present were Parks Director, Scott Gray and Committee Recorder Ally Capps.

1. Re-model of City Council Chambers

There was lengthy discussion concerning the advantages and disadvantages of moving City Court's Courtroom to the Conference Room or keeping City Court in their current location on the second floor of City Hall. City Attorney Rice, provided his legal opinion, letter attached, on renovations to the current courtroom in City Hall. Dennis Hirsch, wanted to go on record, "that he would not support or accept any responsibility to the renovations in the current courtroom."

***Committee Chairperson Andrews moved to recommend to refer this back to Council with a pass recommendation, to have City Attorney, Dan Rice, contact the Mayor, Building Inspector, Dennis Hirsch and Judge Homme, to find a suitable plan of action for using the current courtroom, seconded by Committee Member Uden. On roll call vote the motion passed unanimously, 4-0.*

2. 406 Baseball Scheduling

Scott Gray, presented the pros and cons of signing a multi-year contract with the Outlaw Baseball League. Currently they are asking for three ten year contracts. Locking the first weekend in August, for their international tournament dates. The league is currently 16 teams for 14 and under. Teams range from Hawaii, Canada and the west coast. The main concern presented by Scott Gray. Was how to avoid any scheduling conflict with our current league if there was a contract in place for a set number of years. Would the Outlaws be willing to have an alternate weekend in August, if Denton Field had a currently booked event? Dr. Williams has agreed to move the Malt-Fest to the second weekend in August. Leaving the first weekend in August open for the 2017 Outlaws tournament, upon council approval.

*** Committee Uden, moved to recommend to Council with a pass recommendation, "to have the 406 scheduling approved for the year 2017, before entering into a long term contract with the Outlaws," Seconded by Committee Chairperson Andrews. On roll call vote the motion passed unanimously, 4-0.*

3. Public Comment
None

**PROCEEDING OF CITY COUNCIL
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** *Councilperson Andrews moved to adjourn the meeting, seconded by Committee Member Uden and passed unanimously, 4-0.*

The meeting was adjourned at 6:44 p.m.

** *Councilperson Andrews moved to approve the minutes of the Public Service Meeting of October 19, 2016, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

Human Resource Meeting **November 15, 2016 at 5:00pm**
Ad Hoc Wage/Salary Meeting **November 15, 2016 at 5:30pm**

REQUEST OF CITIZENS & PUBLIC COMMENT
APPOINTMENTS

Addition to Ad Hoc Wage/Salary Survey Committee: Lorrie Pearce

** *Councilperson Uden moved to add Lorrie Pearce to the Ad Hoc Wage/Salary Survey Committee, seconded by Councilperson Wilcox. On roll call vote, the motion passed 7-0.*

PROCLAMATIONS

None

STAFF REPORTS

Director Gray thanked the Miles City Realtors for the playground equipment that was installed at Bender Park and thought it was a great asset for the park. Also, he will be presenting next month to Council a report on ADA installations.

Director Kelm informed Council the 20” main pipe was pulled under the Tongue River on Saturday and the project went like clockwork. Muggli contracting needs to connect both ends of piping before it is complete. He will also present to Council a report on installation of fire hydrants.

CITY COUNCIL COMMENTS

Councilperson Andrews expressed his dissatisfaction on the choosing process of the last council vacancy. He thought the process was demeaning and felt uncomfortable with it. He wouldn't blame any of the candidates for not ever applying for the vacancy again. He asked the Mayor if the City could get a process in place before it happens again.

Councilperson Uden complimented the street crew for the work on installing ADA curbing and access throughout the City and the water crew for the installation of fire hydrants that were really needed. He added that two citizens had contacted him on water payment made taking three weeks to a month to clear the bank. Mayor Hollowell said he would look into the matter.

Councilperson Huber complimented the street crew for keeping up on picking up the leaves around the curbs throughout town. He added that a citizen was stopped for speeding and the police officer gave her a warning, he thought it was a nice gesture.

Councilperson Gardner commended Floodplain Administrator Malenovsky for putting together the flood plain meeting. The turnout was good.

MAYOR COMMENTS

Mayor Hollowell said he received a complaint on the City's water billing policy. The complainant thought it was hard to come up with the \$150 deposit.

STANDING COMMITTEE RECOMMENDATIONS

Public Services Committee- To have the 406 scheduling approved for the year 2017, before entering into a long term contract with the outlaws

**** Councilperson Andrews moved to approve to allow the 406 Baseball Club to have the 2017 CABA tournament in Miles City, seconded by Councilperson Uden.**

Director Gray explained that the club needs to prove to the City that they can host the tournament for one year. MCYBA and the Outlaw Association hold a five year contract for each of their permitted fields. MCYBA has four years left and has the first right to that field. The tournament will not affect the scheduling this year, but may in the future. One 10 year contract is a lot to bite off. If the CABA tournament is approved for the future, it needs to work out for both clubs. The City needs to make sure that the scheduling of one clubs tournament does not interfere with the scheduling of the other clubs tournament. Mayor Hollowell said that a contract of this magnitude would need to be approved by Council, and thought a flexible schedule could hurt the tournament and moving a week or two could be possible. Resident Tim Regan, 519 S Strevell, explained that MCYBA's bid for the tournament that started in mid-March. He was concerned that if district and state tournament were in Miles City, there probably would be no place to practice.

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

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

A. RESOLUTION NO. 3992- A Resolution Establishing Fire Inspection Fees For Miles City, Montana

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

UNFINISHED BUSINESS

A. Discussion and Approval on location for Courtroom

**** Councilperson Andrews moved to approve having the Courtroom upstairs without any major modification to the room but some modification made according to what the Judge comes up with and what budget is available, seconded by Councilperson Wilcox.**

Councilperson Uden explained that Building Inspector Hirsch would like everyone to know that if the changes in the Chamber are completed, that he would not be liability responsible. Attorney Rice said that City Court had been up in the Chambers since the 90's and there should be no change in the occupancy.

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

B. RESOLUTION NO 3992- A Resolution Establishing Fire Inspection Fees For Miles City, Montana

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

**PROCEEDING OF CITY COUNCIL
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*** Councilperson Andrews moved to amend the resolution to add the word "Federal" in 2b and add to 2d "Second notice deemed property served if a copy thereof is sent by certified mail", seconded by Councilperson Wilcox. The amended motion passed 6-1, with Councilperson Erlenbusch voting no.*

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

NEW BUSINESS

A. Final Approval on Vision Enterprises plat

*** Councilperson Wilcox moved to approve the final plat for Vision Enterprises and adopt the staff report as finding of facts, seconded by Councilperson Kassner.*

Planner Colton said that there should be a couple of changes in the staff report:

- #6- "Conditions"- delete week of 24th
- #13, Page 4- 2nd sentence should be revised by adding development or to read: In the event an area equal to or greater than one acre is disturbed during development or the installation of public improvements, a Storm Water Construction General Permit will need to be obtained and provided to the Miles City Planning Office prior to any site disturbance or construction

*** Councilperson Uden move to amend the staff report supplied by Planner Colton, seconded by Councilperson Gardner. The amended motion passed 7-0*

***The original motion passed 7-0*

B. ORDINANCE NO. 1307- (First Reading) An Ordinance Enacting Chapter 25 of the Code of Ordinances of the City of Miles City, Montana, Renumbering Existing Provisions Regarding Airport Zoning

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

C. RESOLUTION NO. 3993- A Resolution of Intent to Adopt A Long Range Transportation Plan for the City of Miles City, and Setting a Public Hearing Thereon

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

Mayor Hollowell explained that any questions and concerns can be submitted in writing to the Planning office by November 3rd, after that public hearing will be recorded so written will no longer be required. Planner Colton added that public hearing is scheduled for the next Council meeting and adoption will be at the November 22nd Council meeting.

On roll call vote, the motion passed 7-0

D. RESOLUTION NO. 3994- A Resolution Authorizing the City of Miles City to Contract with AGWA Grant Consulting Services, INC., For Consulting Services Related to FEMA Grant Writing for the Miles City Fire and Rescue Department

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

****Councilperson Andrews moved to amend the resolution to change in 1.5 Services, from 3 days to 5 days, seconded by Councilperson Wilcox. The amended motion passed 7-0**

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

E. RESOLUTION NO. 3995- A Resolution Establishing Wages and Salaries for City Employees for Fiscal Year 2016-2017

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

F. RESOLUTION NO. 3996- A Resolution Authorizing the Assignment of a Certain Lease Agreement Between the City of Miles City and Brenda Baugatz to Terry Brown for the Lease of Mobile Home Space in Bender Park

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

John Baugatz, 821 Knight, said he had two opportunities to sell the trailer, one would like to buy it, and one would like to buy and then sublease the trailer. He asked Council if it could make the decision tonight to approve doing both. He also said that Terry Brown had backed out, but is now back in on the lease, and he would definitely know by this Friday. Attorney Rice said the Council could not approve the resolution with an open name on the assignment. After a long discussion, it was decided to vote on the resolution with Terry Brown's name on it, and if it fell through, another resolution would be brought forward to Council to review. Mayor Hollowell performed a straw poll to see if Council would be open to sublease the trailer. The consensus of Council was that it would not have a problem with subletting the trailer.

**** Councilperson Andrews moved to amend the resolution to add \$150 monthly rental payment and \$150 deposit to be held until assignee vacates the premises, seconded by Councilperson Wilcox. By roll call vote, the amended motion passed 7-0**

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

G. RESOLUTION NO. 3997- A Resolution Authorizing the City of Miles City to Enter into a City Printing Contract With Boss Printing Company

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

H. RESOLUTION NO. 3998- (First Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase Budgeted Amounts in the Building Inspection Fund 2394, Planning Fund 1000, Streets 204 Fund 2510, Streets 205 Fund 2520, Streets 207 Fund 2540, Water Fund 5210 and Sewer Fund 5310

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

**PROCEEDING OF CITY COUNCIL
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*** Finding an error in the Resolution, Councilperson Uden moved to table the Resolution until next Council meeting, seconded by Councilperson Wilcox. By roll call vote, the motion passed 7-0*

I. RESOLUTION NO. 3999- A Resolution Revising City of Miles City Personnel Policies Regarding Recruitment and Selection, Overtime and Compensatory Time Non-Bargaining Unit, Basic Employee Classification, Sick Leave, Military Leave, Maternity and Paternal Leave, Family Medical Leave (FMLA), Discipline, Grievance Policy, Harassment Prevention and Reporting, and Travel
*** Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Wilcox.*

*** Councilperson Uden moved to amend the original motion to add to the title of the Resolution "Public Office Leave and Breastfeeding in the Workplace", seconded by Councilperson Wilcox.*

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

J. RESOLUTION NO. 4001-(First Reading) A Resolution Amending Resolution 3964 and Levying and Assessing a Tax Upon all of the Property Within Maintenance District No. 205 to Defray the Cost of Maintaining the Improvements in the Said Maintenance District No. 205 for the Fiscal Year 2016-2017

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

Resident Gloria Tucker, 615 Hubbel Street, asked why she is paying to defray the cost of maintenance that she does not receive.

Director Gray explained that the tax is used to pay for the last ten years of paving, phase I and phase II water line projects and snow removal. When the City calculated the improvement for this year's budget, the money set aside for last year's improvements was not deleted. The County is working on getting revised tax vouchers out for all district 205 taxpayers to lower the amount owed by them.

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

K. RESOLUTION NO. 4002-(First Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Decrease the Budgeted Amount in Fund # 2520-108-430233-350

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

ADJOURNMENT

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

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


John Hollowell, Mayor


Lorrie Pearce, City Clerk