

REGULAR COUNCIL MEETING November 09, 2016

7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Wednesday, November 09, 2016, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. City Mayor Hollowell called the meeting to order. Council Members present were John Uden, Dwayne Andrews, Brant Kassner, Jeff Erlenbusch, Ken Gardner, Rick Huber and Kathy Wilcox. Susanne Galbraith was excused.

Also present were Attorney Dan Rice, Police Chief Doug Colombik, Public Utilities Director Allen Kelm, Fire Chief Gary Warren, Public Works Director Scott Gray, Planner II Dawn Colton, and Deputy City Clerk/Minute Recorder Linda Wilkins.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes: 10/25/2016

** *Councilperson Erlenbusch moved to approve the minutes of the Regular Council Meeting of October 25, 2016, and seconded by Councilperson Wilcox. The motion passed by unanimous consent, 7-0.*

Finance Committee Minutes: 10/20/2016

Finance Committee Meeting

October 20, 2016

The Finance Committee met Thursday, October 20, 2016 at 6:00 p.m. in the City Conference. Present were Committee Chairperson Susanne Galbraith and Committee Members Kathy Wilcox, Rick Huber and Dwayne Andrews.

Also present were Fire Chief Gary Warren, Planner Dawn Colton, Firefighter Eddy Kanduch, Firefighter Matt Spiess and Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:
None

2. Discussion and Recommendation on Resolution #3992- A Resolution Establishing Fire Inspection Fees For City of Miles City, Montana

** *Committee Member Wilcox moved to recommend to Council to approve the Resolution, seconded by Committee Member Andrews.*

Committee Member Andrews asked if the inspections had to be completed every year by law. Chief Warren said no, but it is good practice and it helps with the ISO rating to the business and City. Committee Member Andrews thought every other year would be sufficient. He also thought Federal building should be added to 2B and the notice should be served as certified mail.

Chairperson Galbraith asked if all building will have an annual inspection.

Firefighter Spiess explained the self-inspections will be cycled in for three years to businesses that do not have fire alarms or sprinkler systems. For yearly inspections there is a lot of equipment in the building that needs yearly inspections. If the building has a large occupancy and has equipment that is hazardous to life, the fire department would like to catch it before something happens.

** *Committee Member Wilcox amended the motion to include in 2B- " Federal buildings" in the exceptions and change 2D to say "1st notice deemed properly served by email or standard mail, 2nd notice deemed properly served by certified mail", seconded by Chairperson Galbraith. The amended motion passed 4-0*

** *The Original motion passed 4-0*

3. Discussion and Recommendation on Resolution # 3996- Bender Park Trailer Contract

** *Committee Member Wilcox moved to recommend to Council to approve the Resolution, seconded by Committee Member Huber.*

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Planner Colton explained that any change would need to be added to the Assignment of lease agreement, not the actual lease.

Committee Member Huber said the trailer is not looking real good. It is old and had debris around it. He felt the City needed to contact the owner and have them clean up the area.

Committee Member Wilcox thought the rent should be raised to \$150 per month and the deposit held until the assignee vacates the property.

Clerk Pearce and Planner Colton said the City changes the vapor lights so it should be deleted from the contract.

*** Committee Member Wilcox amended her motion to include raising the lot rent to \$150 per month, a deposit of \$150 held until assignee vacated the property and delete D4-maintenance of the vapor lights, seconded by Committee Member Huber. The amended motion passed 4-0*

***The original motion passed 4-0*

4. Discussion and Recommendation on Resolution # 3994- Grant Writer for Fire Department

*** Committee Member Galbraith moved to recommend to Council to approve the Resolution, seconded by Committee Member Wilcox.*

Committee Member Andrews thought having three grant writers for the City was hard to explain to his ward. Chairperson Galbraith explained that the grant writer for the Fire Department is very experienced in writing FEMA grants and they are for a lot of money. AFG- \$350,000, SAFER- \$230,000. The AFG would be for equipment and the SAFER is for the ambulance. If the City was granted the SAFER money, then the ambulance cost would be covered and the City could get one as soon as the City received the grant. She explained that Intercap denied the City a loan with the combination of the Flood, Police vehicle and Ambulance, so the City needs to figure out different ways of getting the money for these projects.

Chief Warren explained the AFG grant would be for turn out gear and air packs, the SAFER is for the ambulance.

The committee decided to have Officer Muggli call AGWA Grant Consulting Service to see if the contract could be changed in section (1.5) from 3 days prior to the published deadline to 5 days prior to the published deadline

*** The motion passed 4-0*

5. Discussion and Recommendation on Resolution # 3997- Boss Printing Contract

*** Committee Member Wilcox moved to recommend to Council to approve the Resolution, it was seconded by Committee Member Andrews. The motion passed 4-0*

6. Discussion and Recommendation on Funding Ambulance Loan

It was decided by the Committee to wait until the Coal Board and FEMA grants have been awarded.

7. Discussion and Recommendation on Paying for Police Vehicle Out of Capital Improvement Fund

*** Committee Member Andrews moved to recommend to Council to purchase the police vehicle from the Capital Improvement Fund, seconded by Committee Member Wilcox. The motion passed 4-0*

8. Discussion and Finance Policies

Clerk Pearce asked the Committee to bring ideas to the next Finance Meeting as to what Policy it would like to get completed in 2017.

9. Discussion and August Cash Report

The Committee reviewed the August Cash Report

10. Adjournment

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

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

*** Councilperson Uden moved to approve the minutes of the Finance Committee Meeting of October 20, 2016, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 7-0.*

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Human Resource Committee Minutes: 10/19/2016

Human Resources Committee October 19, 2016

The **Human Resources Committee** met Wednesday, October 19, 2016, at 4:00 p.m. in the Conference Room at City Hall. Present were Committee Members Susanne Galbraith, Kathy Wilcox, Rick Huber and Jeff Erlenbusch. Also present were City Clerk Lorrie Pearce, Police Chief Doug Colombik, Fire Chief Gary Warren 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. MMIA policy Changes – status and next step

Chairperson Wilcox asked for an update, HR Officer Wilkins reported that the personnel policies had been sent to City Attorney Rice, he had made a few revisions and the revised personnel policies would be ready to go to Council on Tuesday, October 25. Discipline policy did go to the City's Labor Attorney Larry Martin for review; if he makes any changes the Discipline Policy will be revised and sent to Council again at a later date.

B. City position descriptions – memo to dept heads and status; due Dec 31, 2016

Chairperson Wilcox asked for an update, HR Officer Wilkins reported that she had not sent the position descriptions out to the department heads, but would do this right away. Wilcox asked to have at least ½ of the position descriptions ready for review by the December HR Committee Meeting.

C. Draft position descriptions template for City non-union positions – Jan 2016

Chairperson Wilcox commented that at the previous meeting a copy of the Minnesota Study was given to members for review.

***Committee Member Erlenbusch moved to table until next meeting and review as a group, seconded by Committee Member Huber. On roll call vote the motion passed unanimously, 4-0.*

D. Development of wage scales for City non-union positions – Jan 2016

Pended until January, need a sample to work from. Need the positions description completed. HR Officer Wilkins will pull the wage matrices currently in place for the city and get copies to all committee members. There was discussion regarding the implementation of a wage scale. Pay Grade and exempt or non-exempt classifications are not currently on the City position description. Salary survey is used to determine if the City is competitive with other Class 2 Cities across the State. The committee would like to be proactive at putting structure to wages within the city. The development of wage scales would be for both union and non-union positions.

***Committee Member Erlenbusch moved to table this item until January when more information can be obtained, seconded by Committee Member Wilcox. On roll call vote the motion passed unanimously, 4-0.*

4. New Business

A. Discussion: 2017 Wage Study- process, timeline and vendor selection

The wage study should be completed before the budgeting process begins next fiscal year, this would require a study deadline at the end of March, 2017. Mayor Hollowell recommended the AdHoc Salary Survey Committee include all the members of the HR Committee, Union Representation and the HR Officer; the City Council approved these recommendations. It was suggested that City Clerk Pearce also be appointed to this committee, Chairperson Wilcox asked this item be added to the next City Council agenda. Separate meetings for the HR Committee and AdHoc Salary Survey Committee will be scheduled on the same day, but at different times and with two separate agendas. Union Presidents need to be notified that meetings will be taking place and to bring their Vice-Presidents.

While looking for information on conducting a wage survey, Chairperson Wilcox came across a survey conducted by the MT League of Cities and Towns conducted in 2016. She asked the committee to consider the usefulness of this survey to the AdHoc Salary Survey Committee.

***Committee Member Galbraith moved to have the Montana League of Cities and Towns Salary Survey sorted by Class 2 Cities and brought to the first AdHoc Salary Survey Committee meeting when Union representation is present,*

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seconded by Committee Member Erlenbusch. On roll call vote the motion passed unanimously, 4-0.

5. Schedule Committee's Next Meeting: consider Wed, Nov 16, 2016 5:15 pm

HR Committee Meeting was scheduled for November 17 at 5:00 p.m. and the AdHoc Salary Committee Meeting at 5:30 p.m.

6. Adjournment

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

The meeting was adjourned at 4:59 p.m.

- **** *Councilperson Wilcox moved to approve the minutes of the Human Resource Committee Meeting of October 19, 2016, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 7-0.*

Human Resource Committee Minutes: 07/01/2015

**Human Resources Committee
July 1, 2015**

The **Human Resources Committee** met Wednesday, July 1, 2015, at 6:00 p.m. in the Conference Room at City Hall. Present were Chairperson Roxanna Brush, Committee Members Sheena Martin and Ken Gardner. Also present was /Committee Recorder Lorrie Pearce. Committee Member Mark Ahner was excused.

Committee Chairperson Brush called the meeting to order

1. REVIEW AND RECOMMENDATION OF LOCAL 600 CBA REVISIONS

- **** *Chairperson Brush moved to recommend to Mayor Grenz to get this salary adjustment request on the Wage and Benefit Committees next meeting agenda. The motion was seconded by Committee Member Gardner.*

2. REQUEST OF CITIZENS:

-None.

3. COMMITTEE MEMBER COMMENTS:

-None.

4. ADJOURNMENT:

- **** *Committee Member Martin moved to adjourn the meeting. The motion was seconded by Committee Member Gardner and passed.*

The meeting was adjourned at 6:45 p.m.

- **** *Councilperson Erlenbusch moved to approve the minutes of the Human Resource Committee Meeting of July 01, 2015, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 7-0.*

Finance Committee Minutes: 04/21/2016

Finance Committee Meeting

April 21, 2016

The Finance Committee met Thursday, April 21, 2016 at 6:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rachel Sloan and Dwayne Andrews and Kathy Wilcox.

Also present were Grant Writer/Historic Preservation Administrator Connie Muggli, City Attorney Dan Rice and Committee Recorder/City Clerk Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

11. Request of Citizens:

- 12. Review and Recommendation on Resolution No. 3903- A Resolution of Intent and Final Resolution Levying an Amended Assessment upon Benefitted Property in the City of Miles City, Montana, Special Improvement District 211, to Defray the Cost of the Paving of Arrowhead Lane**

****** *Committee Member Andrews moved to recommend to Council approval of Resolution No. 3903, seconded by Committee Member Wilcox.*

Attorney Rice explained the resolution was to recalculate one lot that was miscalculated. The calculation would have to be completed next year, but there was one land owner that wanted to pay the taxes in whole, so it was done this year before taxes were due.

****** *The motion passed 4-0*

13. Review and Recommendation on Resolution No. 3911

Administrator Muggli explained that Midrivers offered to donate \$20,000 to Denton and Tedesco Field. The money would be divided evenly between the two fields. With that, Midrivers asked that the City pay for the signage and installation of those signs. This would leave a total of \$6,310 for Denton Field and \$8,320 for Tedesco Field, which means the City would have to come up with an additional \$7,525 for the grant match. She said the donation policy specifically states that the price to hang a sign on the press box at Denton Field is one year \$3,000, three years \$7,500 and five years \$10,000 and the sign, installation and maintenance is paid by the donor.

Attorney Rice added that with the \$20,000 donation that would average out to \$2,000 a year for the press box, and thought that was pretty cheap.

*** Committee Member Wilcox moved to recommend to Council to respond to the last contact with Midrivers, indicate to them that Council wants to abide by our donation policy which states that the press box sign sells for one year \$3,000 or five years \$10,000 which they would be required to have made and installed. Concerning Tedesco's donation, it would be treated in the same manner to Denton Field and Midrivers would be responsible for the making, maintenance and installation of their sign for a maximum of five years, seconded by Committee Member Sloan. The motion passed 4-0*

14. Review and Recommendation on Sending write off for water to collections

Chairperson Galbraith said that since the Utility Clerk made a new policy for the water department, charge off amounts had dropped from over \$3,000 to \$600.

*** Committee Member Andrews moved to recommend to Council to send \$647.96 to collections, seconded by Committee Member Galbraith. The motion passed 4-0*

15. Adjournment

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

The meeting was adjourned at 6:27 p.m.

*** Councilperson Uden moved to approve the minutes of the Finance Committee Meeting of April 21, 2016, and seconded by Councilperson Wilcox. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

HR Committee Meeting	November 15, 2016 at 4:00pm
Wage Survey Committee Meeting	November 15, 2016 at 5:00pm
Public Safety Committee Meeting	November 16, 2016 at 5:00pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Chuck Strom, Interstate Engineering presented the results of the Long Range Transportation Study to the Council.

APPOINTMENTS

Jeff Erlenbusch volunteered to sit on the Historic Preservation Commission.

*** Councilperson Uden moved to accept the offer of Councilperson Erlenbusch to sit on the Historic Preservation Commission, and seconded by Councilperson Huber. On roll call vote, the motion passed 7-0.*

PROCLAMATIONS

None

STAFF REPORTS

Director Kelm reported to the Council that there would be water outages in the area of Lincoln School to replace 60-70 year old valves. The area affected would be between South Strevell to South Center and Pearl to Bridge. Water will be off from 8:00 a.m. to 2:00 p.m. Lincoln School has been notified and is prepared for the outage.

CITY COUNCIL COMMENTS

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Councilperson Andrews commented on the fish ladders being put in between the Tongue River and Spotted Eagle. Mayor Hollowell stated it was a good collaborative effort between the City, Walleyes Unlimited and State.

Councilperson Andrew will be absent at the next Council Meeting.

Councilperson Uden wished to convey compliments to the Public Utilities Department for the replacement of fire hydrants in the Neuhardt subdivision.

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

A. ORDINANCE NO. 1306- An Ordinance Repealing and Replacing “Chapter 24- Zoning” of the Code of Ordinances of Miles City, Montana, For the Purpose of Implementing Revised Zoning Code
Mayor Hollowell called for comments from opponents three times, then proponents three times and, hearing none, the hearing was closed.

B. ORDINANCE NO. 1307- An Ordinance Enacting Chapter 25 of the Code of Ordinances of the City of Miles City, Montana, Renumbering Existing Provisions Regarding Airport
Mayor Hollowell called for comments from opponents three times, then proponents three times and, hearing none, the hearing was closed.

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

D. RESOLUTION NO. 4001- 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
Mayor Hollowell called for comments from opponents three times, then proponents three times and, hearing none, the hearing was closed.

E. RESOLUTION NO. 4002- 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
Mayor Hollowell called for comments from opponents three times, then proponents three times and, hearing none, the hearing was closed.

UNFINISHED BUSINESS

A. APPROVE PLAN AND BUDGET FOR RENOVATION OF COUNCIL CHAMBERS

***Councilperson Uden moved that Council approve the construction plan for the new Courtroom in the old Council Chambers and approve the Judge's budget as projected, seconded by Councilperson Gardner.*

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Councilperson Andrews asked if this meant the removal of the large desk, Mayor Hollowell answered yes. And what are we doing with the desk, Mayor Hollowell thought we would be throwing away the desk. Councilperson Andrews' suggested that the desk could be put up for auction. Also what was the bench being referred to in the plan, Attorney Rice comment that this is the Judge's bench.

Councilperson Gardner asked if the rail was being left up, Attorney Rice responded that the rail was being left in place.

Director Kelm commented that whoever the Judge gets for a contractor make sure they are bonded and licensed for workers' compensation insurance. Officer Mark Reddick gave the bid to do the work, Director Kelm suggested that Personnel Policy be looked at and the Mayor asked Deputy City Clerk Wilkins to contact MMIA for clarification of workers' compensation requirements.

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

B. ORDINANCE NO. 1306- (Second 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 Wilcox recommends Council approve the Ordinance, by title only, and seconded by Councilperson Kassner.*

There was discussion regarding the placement within the City limits of sexually oriented businesses and medical marijuana dispensaries. It was emphasized it is necessary to pass this portion of the zoning ordinance to limit the location to the area outlined in this zoning ordinance.

Dave DeGrandpre, AICP, Land Solutions, LLC addressed concerns of the Council regarding the location of sexually oriented businesses and medical marijuana dispensaries. A memo was provided regarding regulating medical marijuana providers. He noted that there were errors in the city boundary on the zoning map.

Attorney Rice stressed the importance of passing the zoning ordinance to protect the city from these types of businesses popping up anywhere in the city.

***Councilperson Erlenbusch moved to amend the motion to allow one final review by staff to make sure there are no omissions in the map, and seconded by Councilperson Gardner. On roll call vote, the motion passed 7-0.*

***Councilperson Wilcox moved to amend the motion to include, as provided, medical marijuana providers and amend the amendment not within 1000 feet to include religious institutions, public parks, public playgrounds within the updated state definition of provider, and seconded by Councilperson Andrews. On roll call vote, the motion passed 7-0.*

Councilperson Gardner asked if sexually oriented businesses were allowed to have signage, the answer was yes.

***Councilperson Wilcox moved to amend the motion that for present we remove the designation of the sexually oriented overlay from the map and delay discussion to as to where that might happen at a later date. Motion failed without a second.*

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On roll call vote the original motion, as amended, passed, 5-2.

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

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

D. RESOLUTION NO. 4001-*(Second 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 Erlenbusch moved to approve the Resolution, by title only, seconded by Councilperson Gardner. On roll call vote, the motion passed 7-0*

E. RESOLUTION NO. 4002-*(Second 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 Erlenbusch moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 7-0*

NEW BUSINESS

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

B. APPROVAL OF OCTOBER CLAIMS

***Councilperson Uden moved to approve the October claims, seconded by Councilperson Erlenbusch, and passed unanimously.*

ADJOURNMENT

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

The meeting was adjourned at 8:55 p.m.


John Hollowell, Mayor


Linda Wilkins, Deputy City Clerk