

**REGULAR COUNCIL MEETING December 13, 2016  
7:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, December 13, 2016, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. City Mayor Hollowell called the meeting to order. Council Members present were John Uden, Dwayne Andrews, Susanne Galbraith, Rick Huber, Brant Kassner, Jeff Erlenbusch, Ken Gardner and Kathy Wilcox.

Also present were Police Chief Doug Colombik, Planner II Dawn Colton, Grant Writer/Historic Preservation Administrator Connie Muggli, Battalion Chief Brandon Stevens, Fire Inspector Matthew Spiess 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: 11/22/2016**

**\*\*** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of November 22, 2016, and seconded by Councilperson Gardner.*

Councilperson Huber asked to have his name added under Council Members present.

**\*\*** *The motion passed by unanimous consent, 8-0.*

**Finance Committee Minutes: 11/17/2016**

**Finance Committee Meeting**

**November 17, 2016**

The Finance Committee met Thursday, November 17, 2016 at 6:00 p.m. in the City Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rick Huber and Dwayne Andrews. Committee Member Kathy Wilcox was excused

Also present were Fire Chief Gary Warren, Battalion Chief Branden Stevens, Public Works Director Scott Gray and Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

**1. Request of Citizens:**  
None

**2. Discussion and Recommendation on Contract with KLJ for Southgate Dam**

Director Gray explained that the dam was developed in the early 80s to hold rainwater. Planner Broadie had the dam moved to the East 150 feet in order to put a subdivision in. After it was moved a berm was built to hold water. It is not known who performed or ordered the berm to be completed. Since the change, the City received a lot of complaints as to if the dam is adequate enough to handle a large rainfall. He felt that since the City demanded the dam to be moved that it would not be fair to bill the residents and the City should pay for the data to see if the dam is adequate for a two year, ten year or one hundred year rain event. Weather permitting KLJ would like to start the process as soon as possible. He felt that the area had a lot of sand in the gumbo soil and would percolate in the ground very well. The project is in the budget for an amount of \$11,900.

**\*\*** *Committee Member Andrews moved to recommend to Council to approve the KLJ agreement for Southgate Dam, seconded by Committee Member Galbraith and passed 3-0*

**3. Recommendation of sending ambulance bills to collections**

**\*\*** *Committee Member Galbraith moved to recommend to Council to approve sending the ambulance bill for an amount of \$11,172.61 to collections, seconded by Committee Member Andrews and passed 3-0*

**4. Hiring of one firefighter versus Overtime paid**

Battalion Chief Stevens presented a proposal on behalf of hiring one firefighter versus his overtime paid out based on 1133 overtime hours. BC Stevens hours would be based on 6am to 4pm Monday through Thursday:

- High based on overtime wages at \$41.76 which would be \$47,314
- Low based on straight time wages at \$27.84, which would be \$31,542 (based on contract)
- 11 documented Billings transports could have gone if Battalion Chief was on days. Total of \$2,500 billed out for a total of \$27,500
- A total combined savings of \$59,042 (low) or \$74,814 (high)
- Cost of hiring one FTE, including insurance is \$40,000
- Total one year savings would be \$19,042 (low) and \$34,814 (high)
- Not having to cover overtime shifts during the day would save \$15,868 for a total savings of \$34,910 (low) and \$50,682 (high)

Battalion Chief Stevens briefly explained the means behind the Fire recovery billing service. He said the fire department would bill for structure response, hazardous material response, excavation, and etcetera. He said most home insurances have the payment for these items built in their policy, so it would not be billed to tax payers or anyone that does not have home owner insurance. The revenue from that billing would be approximately \$40,000 a year.

**5. Adjournment**

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

The meeting was adjourned at 6:37 p.m.

\*\* *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of November 17, 2016, and seconded by Councilperson Andrews. The motion **passed by unanimous consent, 8-0.***

**SCHEDULE MEETINGS**

**Wage/Salary Ad Hoc Meeting**  
**Human Resource Meeting**

**January 3, 2017 at 5:00pm**  
**January 5, 2017 at 5:00pm**

**REQUEST OF CITIZENS & PUBLIC COMMENT**

Brandi Skone, Biologist for the Fish, Wildlife and Parks discussed installing bat houses at Spotted Eagle and Bender Park.

- Would need to dig a hole five feet deep and one foot in diameter
- The structure is between sixteen and twenty feet tall, and would be wrapped with chicken wire
- The house has four chambers and would hold up to two hundred bats
- In the area of the structure there would be an informational sign to show the awareness of bats, the threats to them and what safety precaution are to be taken with bats
- There is no history of vandalism and had a small concern for it

Clerk Pearce said if Council wanted to proceed an agreement or proposal would need to be presented for approval.

Authorize Community Transformation- Presentation on local option tax for 2017 legislative- **Not present**

Citizen Robert Shipley, 603 S 4<sup>th</sup> Street asked Council what they were going to do with the following situations:

- Prosecutor Noble had been illegally employed by the City for fourteen years because the Oath of Office he received was dated December 4, 2013, two days after he had asked for it.

- Attorney Rice is illegally employed because his oath of office had been tampered with. He said he had three copies with different dates. First one received was: Dated Feb\_ 2013, then he received a copy at a later date, dated February 12, 2013, the one on file at the courthouse was dated Feb\_ 2013. Mayor Hollowell said that Mayor Grenz forgot to put the date in the Oath and added the 12<sup>th</sup> because that was the day of the swearing in.

He read a quote from a letter written by Brant Light, Chief Prosecutor for Attorney General Tim Fox. It said “in additional if you believe federal perjury had been committed, then you should contact the United States Attorney”. He believed that Assistant US Attorney Michael Cotter would call for a grand jury trial and have it investigated.

He asked Council if it wanted to mediate the complaint in court or out of court. Councilperson Galbraith said that if he was suing the City then Council could not comment. Mayor Hollowell confirmed that the general consensus of Council is it would not comment.

### APPOINTMENTS

Todd Gillette- Miles City Urban Renewal Agency Board of Commissioners

*\*\* Councilperson Galbraith moved to approve the appointment of Todd Gillette to the Miles City Urban Renewal Agency Board of Commissioners, seconded by Councilperson Wilcox. On roll call vote, the motion passed 8-0*

Mr. Gillette said he was honored to serve on the board, and thought the Tax Increment District would have a vital impact on downtown.

### PROCLAMATIONS

None

### STAFF REPORTS

Clerk Pearce acknowledged Utility Clerk Patti Bissell on the success of the new water and sewer policy. She said the policy had generated \$17,500 in the last two and a half years from a \$20 penalty fee charged for late payments.

Planner Colton said as of January first the planning board will be down three members, because Brad Certain, Roxanna Brush and Colette Butcher will be resigning.

Battalion Chief Stevens said that on December 19<sup>th</sup> the Fire Chief and he will be in Billings at the Coal Board meeting and said he appreciated all the work that was put into it.

EIM was in Miles City to certify the Cities fire engines. He found three out of four pumps that did not pass on Engine 8. The parts to repair the pumps had to be special ordered at a cost of \$45,000 to \$50,000. He added that there were many issues from the repair that was done a year ago by Interstate Diesel and Attorney Rice is looking into it.

### CITY COUNCIL COMMENTS

Councilperson Andrews said the City, Department of Transportation and fairgrounds did an excellent job at removing the new snow. He felt it was organized very well.

Councilperson Uden said he was concerned with the contract between the City and Custer County Water Sewer District. The contract ended June 2016 with a bargaining period of a year. He asked the Mayor where the City was on the joint

effort. District board member Jerry Backland said there was supposed to be a meeting scheduled for September and felt that the CCWSD board was not kept informed and it is being put off. Mayor Hollowell apologized for not getting back to the board to schedule a meeting. He added that when Director Kelm is back from leave, he will get with him and schedule a meeting.

Councilperson Wilcox said the wage survey meetings are going well. She was impressed how union member were putting in a lot of work on the survey.

Councilperson Huber said he went along with Councilperson Andrews on the street cleanup, and gave acknowledgement to Supervisor Bill Ronning for removing an ugly tree from Cooke Lake.

Councilperson Kassner thanked the fire department for responding to a small house fire. He said they were at his house in about one minute.

**MAYOR COMMENTS**

Mayor Hollowell said the meeting for selection of the Coal Board grant was December 19 in Billings. He had heard the City of Miles City was number 9 on the list. The National Guard will have a wreath laying ceremony December 17 at the Veteran Cemetery. Please let him know if anyone is interested in attending the ceremony.

**STANDING COMMITTEE RECOMMENDATIONS**

Recommendation on dollar amount to charge for renting the Ryno shell- \$50 for rental and \$200 for deposit

*\*\* Councilperson Galbraith moved to charge \$50 for rental and \$200 for deposit on the Ryno shell, seconded by Councilperson Wilcox. After a short conversation the motion passed 8-0*

**BID OPENINGS**

None

**BID AWARDS**

None

**PUBLIC HEARINGS**

**A. 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.

**B. RESOLUTION NO. 4005- 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 #2310-383000 to pay Unbudgeted Expenses Related to the Downtown Urban Renewal District's Promotional Video Filming**

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

**C. RESOLUTION NO. 4007- A Resolution Establishing and Implementing a Program to Charge Mitigation Rates for the Deployment of Emergency and Non-Emergency Services by the Fire Department for Services Provided/Rendered for the City of Miles City**

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. 4005-** *(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 #2310-383000 to pay Unbudgeted Expenses Related to the Downtown Urban Renewal District's Promotional Video Filming**

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

**B. RESOLUTION NO. 4007-** *(Second Reading)* **A Resolution Establishing and Implementing a Program to Charge Mitigation Rates for the Deployment of Emergency and Non-Emergency Services by the Fire Department for Services Provided/Rendered for the City of Miles City**

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

There were concerns from some Council members that Miles City citizens were already paying taxes and these charges would take more money from them. Fire Inspector Spiess assured Council that if the auto insurance did not pay for the service charge, it would not be billed back to the victim nor is the burden put back on the taxpayers. It's already written in the insurance policy and it follows direct guidance of FEMA. This program would bring in money to cover cost for repair to the fire truck and ambulance so the City wouldn't have to ask the taxpayer for more money.

**\*\* On roll call vote, the motion passed 6-2, with Councilperson Andrews and Uden voting no**

### NEW BUSINESS

**A. RESOLUTION NO. 4008-** **A Resolution Authorizing the Assignment of a Certain Lease Agreement Between the City of Miles City and C.M. Cattle, Co. to Jerry Singleton.**

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

Jerry Singleton said he will be presenting a proposal to build a public scale to weight hay. He thought it would help the increased traffic problem.

**B. RESOLUTION NO. 4009-** **A Resolution Approving a "Task Order for the City of Miles City" with Kadrmas, Lee & Jackson, Inc., for Engineering Assistance in the Southgate Stormwater Berm Evaluation**

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

**C. RESOLUTION NO. 4010-** **A Resolution Adopting Findings of Fact and Approving the Amended Plat for the Purpose of Boundary Line Relocation of Lots 11-17 in Block 44 of the Highland Park Addition to the City of Miles City**

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

**D. RESOLUTION NO. 4011- A Resolution Approving New By-Laws For the Miles City Airport Board**

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

**E. RESOLUTION NO. 4012- (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 the Budgeted Amount in Fund #1000-007-420460-214 to Account for Unanticipated Revenue, in Fund 1000-007-420460-350 to Pay Unbudgeted Expenses Related to Fire Recovery USA and in Fund 1000-003-410500-350 and 1000-003-410500-220 to Pay Unbudgeted Expenses Related to Pit # 57**

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

**F. RESOLUTION NO. 4013- A Resolution Establishing a Pay Increase for Additional Duty of Dispatch Supervisor**

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

**G. RESOLUTION NO. 4014- A Resolution Amending Rate of Pay for Lateral Transfer Police Officers**

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

**H. RESOLUTION NO. 4015- A Resolution Approving an Amendment to Agreement for Professional 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 Wilcox moved to approve the Resolution, by title only, seconded by Councilperson Gardner. On roll call vote, the motion passed 8-0

**I. APPROVAL OF NOVEMBER CLAIMS**


\*\* Councilperson Wilcox moved to approve the November claims, seconded by Councilperson Galbraith. On roll call vote, the motion passed 8-0

**ADJOURNMENT**

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

The meeting was adjourned at 8:37 p.m.

  
John Hollowell, Mayor

  
Lorrie Pearce, City Clerk