

REGULAR COUNCIL MEETING January 24, 2017

7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, January 24, 2017, 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 Brant Kassner, Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Public Utilities Director Allen Kelm, Police Chief Doug Colombik, Fire Chief Gary Warren, Grant Administrator /Historic Preservation Officer Connie Muggli, Planner II Dawn Colton, 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

City Council Minutes: 1/10/2017

****** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of January 10, 2017, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 8-0.*

Human Resource Committee Minutes: 1/05/2017

**Human Resources Committee
January 5, 2017**

The Human Resources Committee met Thursday, January 5, 2017, at 5:15 p.m. in the Human Resource Office at City Hall. Present were Committee Members Kathy Wilcox, Jeff Erlenbusch and Rick Huber. Excused was Susanne Galbraith. Also present were City Clerk Lorrie Pearce and Deputy City Clerk/HR Officer /Committee Recorder Linda Wilkins.

Committee Chairperson Kathy Wilcox called the meeting to order.

1. Request of Citizens
No Citizens Present
2. Committee Member Comments
Chairperson Wilcox commented that she had enjoyed being the chair of the Human Resource Committee and had learned many things. She reminded the current members of this committee that following the next City Council meeting that new members would be appointed to the committee and a new chairperson would need to be elected at the next committee meeting.
3. Unfinished Business
 - A. Draft position descriptions template, City non-union positions – pending until the completion of the wage survey at the end of February.
 - B. Development of wage scales for City non-union positions – pending until the completion of the wage survey at the end of February.
4. New Business
 - A. Job Descriptions review- Finance Department
***Committee Member Erlenbusch moved to table job description review for the Finance Department under new business until the next regular scheduled meeting, seconded by Committee Member Huber. On roll call vote the motion passed 3-0.*
 - B. City Council Policy and Procedure - review and take action on suggested revisions, filling council vacancies
Chairperson Wilcox asked HR Officer Wilkins to update the committee, she deferred to Clerk Pearce. Clerk Pearce stated that Mr. Andrews had asked that a policy be

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developed to fill future councilperson vacancies on City Council, to avoid the discomfort felt by all involved in filling the last council vacancy. She sent requests, to other cities in Montana, for a copy of their policy used to fill council vacancies. She received several responses and completed a draft of a "Council Vacancy Policy" for review by the HR Committee. She explained that, currently, the City posts the council vacancy in the newspaper and letters to the editor are written requesting citizens within the ward to apply for the position. Vacancies filled prior to the last vacancy had only one person applying allowing the vacant position to be easily filled; however, the last vacancy had several citizens applying causing the discomfort among all involved in the process of filling the vacancy. She then reviewed the draft with the members of the committee.

Chairperson Wilcox began a line by line review of the draft policy with the members of the committee. After a brainstorming session the committee decided on updating the draft policy to include a three step recruiting process that will include interviewing of the prospective council members during a regular scheduled council meeting, interview scoring sheets will be completed by council members and forwarded to the HR Committee for compilation, and the highest scoring candidate will be sent to the Mayor for his review and recommendation and placed on the next city council agenda for vote by the city council. A revised version of the policy submitted will be prepared for the next HR Committee Meeting.

***Committee Member Huber moved to table the City Council Policy and Procedure for filling a vacant councilperson position until the next regularly scheduled HR Committee meeting, seconded by Committee Member Erlenbusch. The motion passed unanimously.*

5. Schedule Committee's Next Meeting: consider Thursday, February 2, 2017 5:15 pm

6. Adjournment

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

The meeting was adjourned at 6:30 p.m.

*** Councilperson Wilcox moved to approve the minutes of the Human Resource Committee Meeting of January 5, 2017, , and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 8-0.*

Ad Hoc Wage Survey Committee Minutes: 1/03/2017
Wage Survey Ad Hoc Committee
January 3, 2017

The **Wage Ad Hoc Committee** met Tuesday, January 3, 2017, at 5:00 p.m. in the Human Resource Office at City Hall. Present were Committee Members Kathy Wilcox, Rick Huber, Jeff Erlenbusch, City Clerk Lorrie Pearce, Deputy City Clerk/Human Resource Officer/Recorder Linda Wilkins, Local 600 Member Eddie Kanduch, Local 283A Member Hannah Nash, Local 283 B Members Charles Farrington, Dustin Sloan, Cheri Greer and Coy Sheets

Committee Chairperson Kathy Wilcox called the meeting to order.

1. Request of Citizens
None

2. Committee Member Comments

Group's goals - completed spreadsheet to Mayor by end of Feb 2017 and
- appropriate for posting on City website

Committee Member Wilkins stated the City has received a response from Anaconda and located the 2015 Belgrade survey, Committee Member Lewin has provided fire department information and Committee Member Bissell has made follow-up telephone calls for salary information. Hannah commented on the development of the spreadsheet i.e., color coding cities, using straight across the board comparison of job descriptions which will be included as part of the packet being compiled.

Chairperson Wilcox clarified to the members that we were collecting relevant wage information from like cities to prepare for contract negotiations. The most gaps existing in the salary information gathered is information for the Police Union. She requested suggestions for locations from that the police department would like to pursue. She asked who the police department would like to represent them. Committee Member Nash commented that as we work toward the finalization of spreadsheet of possibly having two meetings; one in the middle of January and on the first of February. Officer Sloan asked if the wage study would be an in house

survey. Chairperson Wilcox stated that she had found a wage survey by the League of Cities and Towns and at the first meeting of the Wage Ad Hoc Committee the members volunteered to collect additional information. Officer Sloan asked how those present of the Police Department could help. Chairperson Wilcox stated we can look at what we have and any information they would like to collect should be brought back to Member Wilkins. The Mayor and council will receive the completed spreadsheet, and it will be available to all interested parties. Officer Farrington asked if this survey was in preparation for negotiations. Member Nash commented that the committee's goal was to remain unbiased. Member Pearce also added it would save the City money since a survey could cost the City approximately \$20,000 to \$40,000. Member Wilkins will add the police officers and dispatch member present to the AD Hoc Committee e-mail distribution list. Dispatcher Greer commented on the discrepancy in dispatch and animal control job descriptions. Chairperson Wilcox stated it is important for job descriptions to state clearly current duties for comparison to other city job descriptions and any job descriptions that required revision should be taken to the HR Committee.

3. New Business

A. Union staff Updates to Wage Survey Spreadsheet

- Local 283-A; City (Tom S, Hannah, Patty B)
- Local 283-B; Police (Denise or alternate)
Officer Farrington suggested obtaining information from West Yellowstone.
- Local 600; Fire (Eddy K; Sarah L)

B. Non- union Staff Updates

4. Recommendations for additional wage survey information to be gathered
- Spreadsheet completed by February 7, given to the Mayor.
 - Contract expires June, 2018 puts us ahead of schedule.
 - Member Huber commented on the good work on the committee.
 - Member Erlenbusch thought it was great that wheels are in motion and that information is being gathered early and that the information gathered would be helpful in retaining employees. He also appreciates the efforts by all the members of this committee

5. Schedule Committee's Next Meeting

The next meeting was scheduled for Tuesday, January 17, 2017 at 5:15 p.m.

6. Adjournment – 5:36 p.m.

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

*** Councilperson Wilcox moved to approve the minutes of the Ad Hoc Wage Survey Committee Meeting of January 3, 2017, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 8-0.*

Public Safety Committee Minutes: 1/17/2017
Public Safety Committee Meeting
January 17, 2017

The Public Safety Committee met Tuesday, January 17, 2017, at 5:15 pm in the City Hall Conference Room. Present were Committee Members John Uden, Jeff Erlenbusch, Brant Kassner and Ken Gardner. Also present were Mayor John Hollowell, Fire Chief Gary Warren, Fire Captain Mike Miller, Firefighter Tanner Harbaugh, Firefighter Jake Richards and Committee Recorder Linda Wilkins.

Chairperson Uden called the meeting to order.

1. Request of Citizens
None
2. Committee Member Comments
Member Kassner commented that the election of the Chairperson should be prior to conducting any business.

***Committee Member Kassner moved to move item 4 of the agenda to item 3, seconded by Committee Member Gardner and passed unanimously.*

3. Elect Committee Chairperson

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***Committee Member Uden moved to nominate Ken Gardner as Chairperson, seconded by Committee Member Kassner.*

***Committee Member Kassner moved to nominate Jeff Erlenbusch as Chairperson, seconded by Committee Member Gardner.*

***Committee Member Uden moved that nominations cease, seconded by Committee Member Gardner.*

Votes to confirm

Ken Gardner – 3 yeas, 1 nay

Jeff Erlenbusch – 1 yea, 3 nays

By a majority vote Ken Gardner was elected as Chairperson.

4. Review and make recommendation on Fire Department Resolution concerning response fees
Committee Members had been contacted by numerous members of the community concerning the economic impact this additional charge would have on them and their insurance rates. Mayor Hollowell reminded the Committee Members that the Finance Committee considers revenue issues and the Public Safety Committee considers all policy matters of the Fire Department. So is the issue at hand a policy or a fee? He commented that he spoke with City Attorney Rice. City Attorney Rice informed the Mayor that Prairie County also has a policy charging this fee for accident response, but not to the residents. Chairperson Gardner would like to see the resolution amended not to include the citizens of Miles City when the response fee is assessed.

***Committee Member Uden moved the resolution governing the added response fees for the Fire Department will not be presented to the local citizens of Miles City or their insurance carriers, seconded by Jeff Erlenbusch. Roll call vote Committee Members Kassnar, nay; Erlenbusch, yea; Gardner, nay; Uden, yea. Resulting in a tie Vote 2-2.*

5. Adjournment

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

The meeting was adjourned at 5:59 p.m.

- ** *Councilperson Gardner moved to approve the minutes of the Public Safety Committee Meeting of January 17, 2017, and seconded by Councilperson Uden. The motion passed by unanimous consent, 8-0.*

Finance Committee Minutes: 1/19/2017

Finance Committee Meeting

January 19, 2017

The Finance Committee met Thursday, January 19, 2017 at 6:00 p.m. in the City Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rick Huber, Kathy Wilcox and Dwayne Andrews.

Also present, City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

- 1. Request of Citizens:**

None

- 2. Elect Chairperson**

*** Committee Member Wilcox moved to nominate Susanne Galbraith as Chairperson, seconded by Committee Member Huber and **passed** 4-0*

- 3. ORDINANCE NO. 1308: An Ordinance Amending Ordinances 1073,1262,1277 and 1295, Revising "Administration Rules of the City of Miles City Water and Sewer Services, Accounts, Delinquencies and Termination"**

*** Committee Member Wilcox moved to recommend to Council to approve Ordinance No. 1308, seconded by Committee Member Andrews*

Chairperson Galbraith explained that all changes were administrative, and did not affect charges to the customer.

*** The motion passed 4-0*

- 4. Discussion and Recommendation on Local Option Tax**

- Committee liked the idea to avoid an additional tax burden to

- property owners
- Would possibly provide a 5% discount to property owners
- When traveling to other Montana cities additional taxes are paid without thinking about it
- In the near future, the City will need help paying for the flood project, and thought the local option tax could be an option to help with the expense
- There is a possibility of 1.4 million dollars a year income for the City
- It is an option and thought the City should look at it. If presented right with the help of media, it could be a great benefit to the City
- ** *Committee Member Wilcox moved to recommend to Council to write of letter of support for the local option tax, seconded by Committee Member Andrews. On roll call vote, it passed 4-0*

5. Adjournment

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

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

** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of January 19, 2017, and seconded by Councilperson Huber. The motion **passed** by unanimous consent, 8-0.*

SCHEDULE MEETINGS

The following meetings will be held in the City Hall Conference Room:

- Human Resource: Thursday, February 2nd @ 5:15 p.m.
- Ad Hoc/Wage Survey: Tuesday, February 7th @ 5:15 p.m.
- Finance: Thursday, February 9th @ 6:00 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Duncan Bartholomew- President of Walleyes Unlimited to present a grant proposal, that FW&P is applying for a grant to install a fish jetty at Spotted Eagle.

Walleyes Unlimited President Bartholomew presented a proposal to Council for approval to build a fish jetty at Spotted Eagle. The presentation covered the following:

- No cost to the City- The grant from FW&P would pay 70% and Walleye Unlimited would pay 30%
- Jetty is made from concrete and felt the placement of it was the best site at this time- wants to build more in the future, (highlighted by blue on the map)
- Old cement from Montana street would be used for the footage, and then crushed rocks around it
- Felt the only maintenance needed by the City would be to control the weeds around it

** *Councilperson Uden moved to approve the jetty proposal, and seconded by Councilperson Huber and on roll call vote, passed unanimously 8-0.*

Installation of fish jetty at Spotted Eagle was passed

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Fire Captain Mike Miller and Mayor Hollowell: Presented badges to Firefighters Justin Trethewey and Taran Harbaugh. Both were promoted from probation to confirmed firefighters.

Director Gray: Last week started the next phase on the Florence Stacey Fountain. The marble was removed and stored. This spring the waterline, filtration and bed for bowl will be upgraded.

Administrator Muggli: Thanked Matt Hanvold for producing the video on the fountain. Since it was uploaded on Facebook there had been 10,350 shares and has helped with increasing the donation for the fountain.

Chief Colombik: Issued a press release for crimes in 2016 to the newspaper and Facebook. Council members will also receive a copy.

CITY COUNCIL COMMENTS

Dwayne Andrews: Had been receiving calls on the pigeon problem. Mayor Hollowell explained he is waiting on a couple of items and once received, aggressive action will be taken.

John Uden: Thanked Director Gray and his staff for the work being completed on the fountain. Shows the residents that something is being done.

MAYOR COMMENTS

- Explained the handout for Cities Thrive- By signing the proposal it would mean that the City would need to make some commitments to supporting mental health. He asked Council to read it over and e-mail or talk to him about their ideas
- Talked to the Water Works Director Dixie Rieger and she wanted to let the Parks Department know that she was very impressed by them and appreciated their quick response to all request.
- A corner of the Council chambers is being cleaned up. He asked Council to inspect the items found and get back to him if anyone had any ideas as to what to do with them. Councilperson Wilcox asked for an inventory list.
- Had done research on Custer County/City of Miles City being one of the highest places in Montana for taxes charged to retirees. He said the report he found showed Miles City was the third lowest taxed in the entire state at 6.25%.

STANDING COMMITTEE RECOMMENDATIONS

Public Safety Committee- Fire Department Resolution concerning Response Fees- The vote was tied 2-2: "The resolution governing added response fees for the fire department will not be presented to the local citizens of Miles City or their insurance carriers.

** Councilperson Gardner moved to send to resolution an amendment to the previously passed resolution to specify that no Miles City resident or their insurance carrier is billed for the response fee, seconded by Councilperson Uden.

** After a long discussion, Councilperson Galbraith moved to amend the main motion to say "no Miles City resident will be charged unless the accident is found to be criminal negligent" she referred to Attorney Rice for proper verbiage, seconded by Councilperson Erlenbusch. The amended motion passed 8-0

**On roll call vote the amended main motion passed unanimously, 7-1 with Councilperson Wilcox voting no

Finance Committee- Write a letter in support of the Local Option Tax

** Councilperson Galbraith moved for the City of Miles City to write a letter of support for the local option tax, seconded by Councilperson Erlenbusch. On roll call vote, the motion passed 8-0 Mayor Hollowell agreed to write the letter before the next Council meeting

OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. **RESOLUTION NO. 4022: A Resolution Establishing Fees for Review of Subdivision Plats, Examination of Proposed Divisions of Land, Zoning Amendments, Appeals to the Board of Adjustment and Providing for a Hearing Thereon**

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

- B. **ORDINANCE NO. 1308: An Ordinance Amending Ordinances 1073, 1262, 1277 and 1295, Revising “Administration Rules of the City of Miles City Water and Sewer Services, Accounts, Delinquencies and Termination”**

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

UNFINISHED BUSINESS

- A. **RESOLUTION NO. 4022: (Second Reading) A Resolution Establishing Fees for Review of Subdivision Plats, Examination of Proposed Divisions of Land, Zoning Amendments, Appeals to the Board of Adjustment and Providing for a Hearing Thereon**

** *Councilperson Galbraith moved to approve the Resolution, by title only, The motion was seconded by Councilperson Erlenbusch and on roll call vote, passed unanimously 8-0. Resolution No. 4022 was adopted*

- B. **ORDINANCE NO. 1308: (Second Reading) An Ordinance Amending Ordinances 1073,1262,1277 and 1295, Revising “Administration Rules of the City of Miles City Water and Sewer Services, Accounts, Delinquencies and Termination”**

** *Councilperson Erlenbusch moved to adopt the Ordinance, read by title only, seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 8-0. Ordinance No. 1308 was adopted.*

NEW BUSINESS

- A. **Approval to Apply For SAFER Grant**

** *Councilperson Galbraith moved to approve applying to the SAFER grant for one firefighter, seconded by Councilperson Wilcox.*

Councilperson Uden asked Chief Warren why the fire department would need another full time employee since it is at full staff. Chief Warren said that it would allow them to put Battalion Chief Stevens on daytime to write grants and other administrative duties, right now he puts in quite a few hours of overtime to complete them. Mayor Hollowell added that the fire department is at full staff according to what they are budgeted for, not necessarily for what they need. The department is staffed at thirteen and to be fully staffed to fill every shift, they would need twenty eight. Battalion Chief Stevens said according to union contract the fire department is considered fully staffed, but according to NFPA they are not.

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Attorney Rice said the City is fully insured with the Tort cap, which is the most that we could be sued for. He didn't feel that the City was at any financial risk.

Battalion Chief Stevens said that 1101 hours of overtime would be saved for administrative staff pay, if one person was moved to days.

Councilperson Uden thought every department needed to be fiscally conservative, and didn't feel that the money asked for right now should be approved.

****** *Councilperson Uden moved to refer the approval of the grant to the public safety committee. The motion was not seconded.*

Councilperson Galbraith explained that the SAFER grant match would cover 75% for the first two years and 35% match. First year it would cost the city approximately \$12,000 and the second year it would cost the city a little over \$12,000. She thought with the saving of paying the overtime that it is a no brainer. The hiring of one more person would also help in making ambulance trips to Billings a reality and added that those trips pay back 85% on ambulance calls.

Councilperson Andrews said that after the end of the three years, the city would have to pay full price. Councilperson Galbraith replied, if there was a vacancy after the three years, it would not have to be filled. Mayor Hollowell added that it could be made known that after the three years the employee could be let go. Attorney Rice said there is a revision for an reduce in force in the union contract.

Administrator Muggli explained that the percent paid in those three years would be for the first year wages, it would not increase when that person received a wage increase.

****** *On roll call vote the motion failed, 5-3, with Councilperson Gardner, Huber, Uden, Kassner and Andrews voting no* **Approval to apply failed**

B. RESOLUTION NO. 4026- A Resolution Authorizing the Assignment of a Certain Lease Agreement Between the City of Miles City and Brenda Baugatz to Russell E. Van Dyke and Donna L. Dukart for the Lease of mobile Home Space in Bender Park

****** *Councilperson Galbraith moved to approve the resolution and to amend the agreement by striking out Donna L. Dukart, seconded by Councilperson Uden. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4026 was adopted*

C. RESOLUTION NO. 4027- (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 # 1000-007-420460-364 and to Fund the Repairs of Three Fire Vehicles

****** *Councilperson Uden moved to refer the resolution to finance committee, and seconded by Councilperson Huber. After a short discussion, Councilperson Uden removed his recommendation and was also approved by Councilperson Huber.*

****** *Councilperson Galbraith moved to approve the Ordinance, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4027 passed on first reading and referred to Finance Committee by the Mayor*

D. **RESOLUTION NO. 4028-** A Resolution Granting a Revocable License to Montana Fish, Wildlife & Parks for Placement of Bat Houses in Spotted Eagle Recreation Area, Bender Park, and Water Works Park

** *Councilperson Uden moved to approve the resolution, by title only, and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4028 was adopted*

E. **RESOLUTION NO. 4029-** A Resolution Approving a Contract Amendment With the Montana Department of Commerce for Extension of Time to Complete Main Street Program Contract Services

** *Councilperson Gardner moved to approve the resolution, by title only, and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4029 was adopted*

F. **RESOLUTION NO. 4030-** A Resolution Authorizing the City of Miles City to Adopt a Policy for the Miles City Façade Improvement Grant Program

** *Councilperson Uden moved to approve the resolution, by title only, and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4030 was adopted*

G. **RESOLUTION NO. 4031-** A Resolution Approving an Addendum to Agreement Between the City of Miles City and Interstate Engineering, Inc., Pertaining to Long Range Transportation Plan Services

** *Councilperson Galbraith moved to approve the resolution, by title only, and seconded by Councilperson Uden. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4031 was adopted*

ADJOURNMENT

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

The meeting was adjourned at 8:40 p.m.


John Hollowell, Mayor


Lorrie Pearce, City Clerk