

REGULAR COUNCIL MEETING February 14, 2017
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 14, 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 Fire Chief Gary Warren, Planner II Dawn Colton, Public Utility Director Allen Kelm and City Clerk/Minute Recorder Lorrie Pearce. City Attorney Dan Rice arrived late.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 1/24/2017

**** Councilperson Uden moved to approve the minutes of the Regular Council Meeting of January 24, 2017 subject to any changes, and seconded by Councilperson Huber. The motion passed by unanimous consent, 8-0.**

Human Resource Committee Minutes: 2/2/2017

**Human Resources Committee
February 2, 2017**

The **Human Resources Committee** met Thursday, February 2, 2017, at 5:15 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, Susanne Galbraith, Jeff Erlenbusch and John Uden. 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. Correct Agenda to read February 2, 2017

1. Request of Citizens
None
 2. Committee Member Comments
Chairperson Wilcox welcomed John Uden to the committee. Committee Member Erlenbusch also welcomed Committee Member Uden to the committee. Committee Member Uden notified the chairperson that he may abstain from voting on an issue if he has not familiarized himself with it. There was discussion regarding the packets, Chairperson Wilcox commented that she would e-mail packages the day before the meeting.
 3. Elect Committee Chair
** Committee Member Uden moved to reappoint Kathy Wilcox for the coming year as Committee Chair, seconded by Committee Member Galbraith.
** Committee Member Galbraith moved that nominations be closed, seconded by Committee Member Uden. By unanimous consent the nominations were closed.
** By a voice vote, Committee Member Wilcox was elected as the Chairperson. Ayes 4, Nays 0
- Chairperson Wilcox thanked the committee for their vote of confidence, and will try not to let them down.
4. Unfinished Business
 - A. Draft: position descriptions template, City non-union positions- pending to after completion of the Wage Survey
Chairperson Wilcox explained to Committee Member Uden that the committee will be working on a more standardized position description and would be working on pay scales.

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- B. Development of wage scales for City non-union position- pending to after completion of the Wage Survey
- C. Job Descriptions review- Finance Department; pending from January 2017
Chairperson Wilcox asked HR Officer Wilkins to review the changes to the City Clerk Position Description. HR Officer Wilkins stated that some changes were suggested by Clerk Pearce and others were deletion of repetition in the position description. Clerk Pearce commented that she reviewed the position description and made changes in line with the recommendations of the committee for position descriptions. HR Officer Wilkins stated that the performance standards were realigned with City Personnel Policy. Clerk Pearce noted that the position description stated her supervisor is also City Council, which is incorrect because the position is only supervised by the Mayor. Committee had wording added under Financial Duties ... "accounting procedures ...". Under Personnel Management add wording to indicate that performance evaluations are to be done annually and submits a written appraisal to HR Officer.

***Committee Member Galbraith moved to approve the City Clerk position description with the changes as noted, seconded by Committee Member Erlenbusch. On roll call vote, the motion passed 4-0.*

Chairperson Wilcox asked HR Officer Wilkins to review the changes made to the Utility Billing Assistant Position Description. Committee Member Galbraith suggested that language be added under Summary of Work "other permits or receipts as needed." Class for this position would be Clerk, add exempt or non-exempt. Remove under Utility Billing & Collection & Information System sixth bullet "assists in reconciling utility billing activity with the general ledger."

***Committee Member Uden moved the committee approve the Utility Billing Assistant Position Description with additions as noted, seconded by Committee Member Erlenbusch. On roll call vote, the motion passed 4-0.*

- D. Final review and recommendation: Interim Council Vacancies policy/procedure
Chairperson Wilcox asked Clerk Pearce to explain the changes made to the policy. Clerk Pearce commented that most of the changes made by the City Attorney were in the word "should" to "shall". Chairperson Wilcox explained to Committee Member Uden that the policy was to give all applying to serve on the council equal time and consistency in the process. Chairperson Wilcox liked the idea of discussing the individual applicants and then having the applicants come back to the next Council Meeting for the nomination of the new council member. Committee Member Galbraith brought up the issue of an open meeting and an open ballot. Committee Member Erlenbusch stated that since the policy had been presented to the City Attorney, he should have advised what needed to be taken out of the policy. Committee Members Uden and Galbraith commented on not liking the time limits of the interview. Changes to item 6, strike "a.", change "c." to "Council members may then ask questions of the interviewee." and strike all bullets under c. If taking out item 7, the whole process will have to be changed. Committee Member Galbraith thought it would be good to ask the City Attorney if the council can rank order applicants or would this be a ballot. Clerk Pearce stated she had added quite a bit of language to the policy after reviewing current and previous City Attorney opinions and Attorney Rice had looked it over after she had made the changes. After discussion it was determined that further revision was required to the policy and it should be sent back to the City Attorney.

***Committee Member Erlenbusch moved to table the Interim Council Vacancy Policy until the policy is sent back to the City Attorney for review, seconded by Committee Member Uden. By unanimous consent, the motion passed Ayes 4, Nays 0*

5. New Business
None

6. Schedule Committee's Next Meeting
The next meeting was scheduled March 23, 2017 at 5:15 p.m.

7. Adjournment

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

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

*** Councilperson Erlenbusch moved to approve the minutes of the Human Resource Committee Meeting of February 2, 2017, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

Ad Hoc Wage Survey Minutes: 2/07/2017
Wage Survey Ad Hoc Committee
February 7, 2017

The **Wage Ad Hoc Committee** met Tuesday, February 7, 2017, at 5:15 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, Rick Huber, Jeff Erlenbusch, Susanne Galbraith, City Clerk Lorrie Pearce, Deputy City Clerk/Human Resource Officer/Recorder Linda Wilkins, Local 600 Member Eddie Kanduch, Sarah Lewin, Local 283A Members Hannah Nash, Patti Bissell, Tom Speelman, Local 283 B Member Chris Fetty

Committee Chairperson Kathy Wilcox called the meeting to order.

1. Request of Citizens
None

2. Committee Member Comments

Local 600 commented that the information on the wage spreadsheet was for the incorrect cities. The wage spreadsheet will be updated to include the correct figures.

There was discussion on a ratio that could be used to create an equitable number when comparing Miles City to larger communities. Using mill levy values was discussed or a percentage of payroll to revenue. It was also brought to the attention of the committee that it was not their responsibility to interpret the information gathered, but to provide wage information to the Mayor and the Unions for use during labor negotiations.

Committee Members discussed the cost of having an outside survey completed. Member Wilkins had obtained information from Associated Employers and the cost would range from \$10,000 to \$15,000 for 63 positions and this was just a ball park quote. Also a completed survey from another Montana county may be for sale later in the spring. Associated Employers said that an April 30, 2017 deadline would be a tight should the City contract with them to complete a wage survey.

The timeline of the survey was also discussed. If it is determined extra time is needed for a completed wage survey this should be discussed by the unions and an agreement made with management. It was agreed that the wage spreadsheet should be reviewed, that any corrections would be made and a narrative would be added explaining how the wage information had been collected.

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)
- Local 600; Fire (Eddy K; Sarah L)

B. Non- union Staff Updates

4. Recommendation for transmission of the spreadsheet to the Mayor and Council members
Postponed

5. Recommendation for posting on the City's website.
Postponed

6. Recommendation for disbanding of the Ad Hoc Wage Survey Committee
Postponed

Another meeting was scheduled for Tuesday, March 7, 2017 at 5:15 p.m.

6. Adjournment – 5:55 p.m.

** *Councilperson Wilcox moved to approve the minutes of the Ad Hoc Wage Survey Committee Meeting of February 7, 2017, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 8-0.*

Finance Committee Meeting Minutes: 2/9/2017
Finance Committee Meeting
February 9, 2017

The Finance Committee met Thursday, February 9, 2017 at 6:00 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Kathy Wilcox and Dwayne Andrews.

Also present, Fire Chief Gary Warren, Public Works Director Scott Gray and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:
None

2. Approval of Concrete Crushing Services

Director Gray explained the following bids received for concrete crushing and recycling services. He said the concrete crushing and concrete recycling were in the same bid.

- John Muggli Contracting- Quote of \$42,500 included 3500-4000 cubic yards of concrete to be crushed and recycled, would take care of all material
- Knife River- Quote of approximately \$35,000 to \$40,000, would not take care of the material, and City would have to set up an area for crushing and stockpiling
- Fisher Industries- Would not mobilize to job unless there was a minimum of 20,000 yards

Director Gray recommended the City hire John Muggli Contracting

**** Committee Member Andrews moved to approve John Muggli Contracting for the concrete crushing and recycling services, seconded by Committee Member Wilcox and passed 3-0**

3. Approval of Concrete Recycling Services

**** Committee Member Andrews moved to approve John Muggli Contracting for the concrete crushing and recycling services, seconded by Committee Member Wilcox and passed 3-0**

4. Bulk water and hydrant replacement debts to collection

**** Committee Member Galbraith moved to recommend to Council to send an amount of \$529.37 for bulk water and hydrant replacement to collection, seconded by Committee Member Wilcox. On roll call vote, it passed 3-0**

5. RESOLUTION NO 4027- 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

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

Chief Warren explained the repairs to the three fire vehicles. He said all of them did not pass the NFPA angle pump test. After a short discussion, he said that he will be looking for a local vendor to perform the test and that most of the repairs are completed in house.

****On roll call vote, it passed 3-0**

6. Discussion on Number of Fire Personnel

Tabled until next meeting

7. Discussion on Capital Improvement Plan

Chairperson Galbraith said that she had two policies from smaller towns and was looking for something that would fit the City of Miles City better. The consensus of the committee was that the policy should fit the City's needs and rank the needs from urgent to less needed.

8. Review Statement of Revenue Budget Versus Actual

Clerk Pearce reviewed the statement with the Committee

9. Adjournment

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

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

**** Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of February 9, 2017, and seconded by Councilperson Gardner. 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 23rd @ 5:15 p.m.
- Finance: Thursday, March 2nd @ 6:00 p.m.
- Ad Hoc/Wage Survey Tuesday, March 7th @ 5:15 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Planner II Dawn Colton: Reported that she had been working with Miles City Aware Economic Director Mike Coryell on sponsoring the Montana Association of Planner conference in Miles City this year. She received an MOU recently and will present it to Council at a later date.

CITY COUNCIL COMMENTS

John Uden: Recognized Larry Kuchynka who passed away February 11th. He said Mr. Kuchynka served on the police department in the sixties and seventies and brought considerable honor to the police department. Also, he asked for approval from Council to be absent for more than 10 days, starting February 21st. *The Council unanimously approved the absence.*

Rick Huber: Thanked Firefighter Tanner Harbaugh for the tour of the fire hall and passed around a framed thank you for partnership with Miles City Area Economic Development Council. Councilperson Huber and Planner Colton were sworn in as board members.

Kathy Wilcox: Thanked the fire/ambulance department for taking the time in searching for grants.

Jeff Erlenbusch: Announced he will be absent for the February 28th council meeting.

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

Finance Committee Meeting- Send Bulk Water and Hydrant Replacement Debts for an Amount of \$529.37 to Collections

** *Councilperson Galbraith moved to approve sending the bulk water and hydrant replacement debts for an amount of \$529.37 to collections, seconded by Councilperson Andrews and passed unanimously.*

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. RESOLUTION NO. 4027- 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

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. 4027- (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 # 1000-007-420460-364 and to Fund the Repairs of Three Fire Vehicles

** *Councilperson Uden moved to adopt the Resolution, read by title only, seconded by Councilperson Andrews and, on roll call vote, passed unanimously, 8-0. Resolution No. 4027 was adopted.*

NEW BUSINESS

A. Discussion on Council Vacancy Policy

Councilperson Wilcox asked for feedback on the policy. She said it was stuck in the process as to how to vote on the candidate. There were two options she asked for feedback:

- Vote the night the applicants present their opening statement and answer questions from Council,
- or have the candidates read their opening statement and answer questions from Council. Council feedback would be sent to the Human Resource Committee and it would recommend the candidate(s) with the highest rating to be voted on at the next Council meeting

There was not a majority consensus on the two options.

After a long discussion, it was decided that the City Clerk will research how voting was completed in the past.

B. RESOLUTION NO. 4032- (First Reading) A Resolution Amending the City of Miles City's 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, read by title only, and seconded by Councilperson Kassner.*

Councilperson Uden explained that the Public Safety Committee recommended excluding the billing of Miles City citizens and their insurance company. Councilperson Galbraith said Miles City citizens will not be billed unless the individual had been cited for driving under the influence of alcohol or drugs; reckless driving; or a criminal violation which contributed to or resulted in the need for services.

** *On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4032 passed on first reading.*

C. RESOLUTION NO. 4033- A Resolution Approving a Montana Agreement of Transportation Utility Occupancy and Location Agreement Between the City of Miles City and the Montana Department of Transportation

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** *Councilperson Gardner moved to approve the Resolution, read by title only, and seconded by Councilperson Erlenbusch. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4033 passed*

D. RESOLUTION NO. 4034- A Resolution Approving Purchase Agreement Renewal With Mid-Rivers Telephone Cooperative, Inc., For Telephone Services

** *Councilperson Wilcox moved to approve the Resolution, read by title only, and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4034 passed*

E. RESOLUTION NO. 4035- A Resolution Authorizing the City of Miles City to Enter Into an Interlocal Agreement with Custer County for Fiscal Years 2016-2017 and 2017-2018

** *Councilperson Uden moved to approve the Resolution, read by title only, and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4035 passed*

F. ORDINANCE NO. 1309- (First Reading) An Ordinance of the City Council of the City of Miles City, Montana Enacting Section 23-1 of the Code of Ordinances of the City of Miles City, Montana, and Adopting a Utility Rule Requiring a Property Owner's Consent to Annexation as a Condition of Receiving Water and/or Sewer Service

** *Councilperson Galbraith moved to approve the Ordinance, read by title only, and seconded by Councilperson Kassner.*

Custer County Water/Sewer District representative Jerry Backlund asked to be on the record that the CCWSD board disagrees with the verbiage “that requires a property owner’s consent to annexation as a condition of new or continued sewer and/or water service”.

** *On roll call vote, the motion passed 6-0 with Councilperson Uden and Erlenbusch voting no Ordinance No. 1309 passed on first reading and Mayor Hollowell referred the Ordinance to Public Services*

G. ORDINANCE NO. 1310- (First Reading) An Ordinance Changing the Zoning of Tract No. 4 of the Dyba Addition to the City of Miles City From General Commercial Zone to Highway Commercial Zone, and Providing For a Hearing Thereon

** *Councilperson Andrews moved to approve the Ordinance, read by title only, and seconded by Councilperson Erlenbusch.*

Items that were discussed:

- Difference between General Commercial Zoning and Highway Commercial Zoning. Planner Colton explained that General Commercial Zoning permits general commercial uses up to 15,000 square feet -continued use of residence, (not new residence), multi family dwelling, accessory use associated with the primary use, bars and taverns, schools and other educational facilities, public parks, buildings and playgrounds, religious institutions, daycare centers, home occupations accommodating serving up to 10 guest rooms, animal rescue shelters, neighborhood lodges and places of assembly, recreational vehicle parks, antenna structures, and minor utilities installations. Conditional use for General Commercial Zoning may allow in excess of 15,000 square feet and wireless communication

facility.

Highway Commercial Zoning permits highway usage up to 30,000 square feet, of accessory use associated with the primary use, school, public parks, buildings and playgrounds, religious institutions, animal rescue shelters, recreational vehicle parks, radio antenna structures and minor utility installations. Conditional use for Highway Commercial may allow in excess of 30,000 square feet, and include wholesale, wireless communication facility, daycare centers, and medical marijuana providers

- Concerns that Council would not have the authorization as to what businesses are allowed in the area. It would be decided by the Board of Appeals
- Safety concerns that if the zoning were changed to Highway Commercial Zoning there would be large trucks traveling in the area that had a church and a roller cade in it. With the elderly and young children around, did not think it was a good fit.

**** On roll call vote, the motion failed 6-2, with Councilperson Galbraith, Gardner, Huber, Uden, Kassner and Wilcox voting no**

H. ORDINANCE NO 1311- (First Reading) An Ordinance Amending Sections 24-66(e) and 24-80, and Correcting the City of Miles City Zoning Map to Include City Property not Reflected and Removing Properties Lying Outside of the City Limits, and Providing for a Hearing Thereon

**** Councilperson Gardner moved to approve the Ordinance, read by title only, and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0. Ordinance No. 1311 passed on first reading and referred to the Finance Committee**

I. APPROVAL OF JANUARY CLAIMS

**** Councilperson Uden moved to approve the January claims, seconded by Councilperson Kassner and passed unanimously.**

ADJOURNMENT

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

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



John Hollowell, Mayor



Lorrie Pearce, City Clerk