

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

CALL TO ORDER

The Regular Council meeting was held Tuesday, March 14, 2017, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Council President Susanne Galbraith called the meeting to order. Council Members present were Brant Kassner, Dwayne Andrews, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith. Mayor Hollowell and Councilperson John Uden, and Ken Gardner were excused.

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, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Council President Galbraith led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 2/28/2017

** *Councilperson Andrews moved to approve the minutes of the Regular Council Meeting of February 28, 2017, and under staff reports RSVP amend the minutes to state Senior Corps/AmeriCorps instead of America Corps, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 6-0.*

Human Resource Minutes: 2/23/2017

**Human Resources Committee
February 23, 2017**

The **Human Resources Committee** met Thursday, February 23, 2017, at 5:15 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, Susanne Galbraith, and John Uden. Jeff Erlenbusch was present, but arrived late. Also present were Councilperson Rick Huber, Police Chief Doug Colombik, 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
None
2. Committee Member Comments
None
3. Unfinished Business

- A. Draft position descriptions template, City non-union positions- pending to after completion of the Wage Survey
- B. Development of wage scales for City non-union position- pending to after completion of the Wage Survey

*** Committee Member Galbraith moved to table items A and B of unfinished business, seconded by Committee Member Uden. By a voice vote, motion passed. Ayes 3, Nays 0*

- C. Final review and recommendation: Interim Council Vacancies policy/procedure
Chairperson Wilcox commented that following the discussion at the Council Meeting there are no changes until item 6 which was the interview process. Bullet A time will be changed to 15 minutes, delete B and C. Committee Member Galbraith thought that a change to Item 5, bullet A should be change from 2 individuals to 3. Committee Member Uden concurred. Committee Member Erlenbusch thought that everything was looking pretty good. He thought the change of Item 5 to 3 individuals was good. There was some discussion on written ballot. Committee Member Uden commented on the written

PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

ballot and believed it was illegal. Clerk Pearce spoke with City Attorney Rice and a written ballot is not legal. Chairperson Wilcox moved on to Option 2 and wants to make sure the vote goes around the table in an orderly fashion. A motion has to be made to vote on anything. Committee Member Galbraith thought it was correct to make a motion and then vote. Another motion does not need to be made once a candidate receives the majority vote. Item 7 will be changed to reflect the motion, seconding and voting process. All other items after Item 7 will be renumbered to reflect the correct sequence.

***Committee Member Galbraith moved to accept the Interim Council Vacancy Policy with the revisions as noted, seconded by Committee Member Uden. On roll call vote, the motion passed 4-0.*

4. New Business - Dispatch Supervisor job description revisions- Linda Wilkins
HR Officer Wilkins explained to the committee that it has been difficult to fill the open 911 /Dispatch Supervisor position, especially matching the required dispatch and supervisory skills. Chief Colombik commented that it would be better to have dispatch skills and then acquire the supervisor skills associated with the position. The committee discussed changes that could be made to the position description and after some discussion the Minimum Qualifications would be changed to require dispatch experience required supervisory experience preferred but not required and add that a 1st line supervisor course must be completed within one year of hire. Language under experience should include: "Three years as a criminal justice dispatcher and/or related experience..."

***Committee Member Galbraith moved to accept the Communications Dispatch Supervisor/E911 Coordinator positions description with the revisions as noted, seconded by Committee Member Erlenbusch. On roll call vote, the motion passed 4-0.*

5. Schedule Committee's Next Meeting
Scheduled for March 23, 2017 at 5:15 p.m.

6. Adjournment

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

The meeting was adjourned at 6:21 p.m.

- ** Councilperson Wilcox moved to approve the minutes of the Human Resource Meeting of February 23, 2017, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 6-0.*

Finance Committee Minutes: 3/02/2017

Finance Committee Meeting

March 2, 2017

The Finance Committee met Thursday, March 2, 2017 at 6:00 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Kathy Wilcox, Rick Huber and Dwayne Andrews.

Also present were: Planner I Dawn Colton, Historic Preservation Officer/Grant Writer Connie Muggli, Floodplain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, Attorney Rice, Mayor Hollowell and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:

None

2. Ordinance No. 1311: 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

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

Committee Member Wilcox asked if anyone could explain the exceptions in section two talking about the permitting and section four referring to the Dyba addition tracts. Attorney Rice said that nothing was changed in that area, and said the only change was to the building code and map, what she was looking at already existed. The changing from General Commercial to Highway Commercial is not part of Ordinance 1311. He said the staff report was reporting on two different items, half of it was rezoning and the other half was Ordinance

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

1311. The marijuana shop being talked about should have nothing to do with the decision of the Ordinance being discussed.

Councilperson Galbraith said the change of the Ordinance was a line change because part of it was City and part of it was County.

** *The motion passed 4-0*

3. Report from Grant Writers on Grants Applied for and Grants Received

Planner Colton and Officer Muggli updated the Committee on grants that have been applied for and grants received. Chairperson Galbraith updated the Committee on the grants that Battalion Chief Stevens had applied for.

4. Review and Recommendation on Section 205 Miles City, Federal Cost Share Agreement, Project Management Plan, Scope of Work, Cost Estimate and Approval Sheet

Administrator Malenovsky explained what the Section 205 agreement will cover:

- Formal agreement between the City and Army Corps
- A three year time frame from the Corps is July, 2022; for the study to be completed. The one thing that could extend this date is purchasing land
- 50% of the in kind will be paid by the City, less what the Army Corps pays- will be a benefit for the City Increased from \$83,000 to \$320,000
- Need to compare the cost of performing task, the Army Corps versus Community which means comparing apples to apples
- This is the first step and when section 205 is approximately ¾ completed the City will need to decide if it wants the 205 on the Yellowstone River. This would save the City money
- When the Study is signed by the Government, the City will need the \$250,000, another \$100,000 may be needed in FY18
- Looking into what would be better for the City, the 100 year plan or the 500 year plan. With the 100 year plan it would hopefully categorize the City of Miles City as zone B, but if the levy makes the City a bowl to hold water, that would not be good. Felt the decision would come from the Community

** *Committee Member Wilcox moved to recommend to Council to approve the Section 205 Miles City, Federal Cost Share Agreement, Project Management Plan, Scope of Work, Cost Estimate and Approval Sheet, seconded by Committee Member Huber. 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 6:50 p.m.

** *Councilperson Andrews moved to approve the minutes of the Finance Committee Meeting of March 2, 2017, and seconded by Councilperson Huber. The motion passed by unanimous consent, 6-0.*

**Ad Hoc Wage Survey Meeting: 3/07/2017
Wage Survey Ad Hoc Committee
March 7, 2017**

The **Wage Ad Hoc Committee** met Tuesday, March 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, Deputy City Clerk/Human Resource Officer/Recorder Linda Wilkins, Local 600 Member Eddie Kanduch, Sarah Lewin, Local 283A Member Tom Speelmon, Local 283 B Member Steve Fenner Absent: City Clerk Lorrie Pearce

Committee Chairperson Kathy Wilcox called the meeting to order.

1. Request of Citizens
None
2. Committee Member Comments
None
3. New Business

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

- A. Union staff Updates to Wage Survey Spreadsheet
 - B. Non-union Staff Updates
4. Recommendation for transmission of the spreadsheet to the Mayor and Council members
- Local 283-A; City
Chairperson Wilcox asked if there were any changes that 283A Members would like to make. Committee Member Speelmon stated they were no changes they would like to see. Ok to transmit to the Mayor.
 - Local 283-B; Police
Chairperson Wilcox asked if there were any changes that 283B Members would like to make. Committee Member Fenner stated he was coming into this late, so he was not sure what had happened at previous meetings. Chairperson Wilcox explained that the survey was to fulfill contract agreements for a Wage Study Survey to be completed for the upcoming contract negotiations and was only collecting information. Committee Member Fenner asked where the cities on the survey came from. Chairperson Wilcox stated that the cities that were on the spreadsheet were chosen by other 283B members who had attended the meeting and they were chosen based on the size of the city and the services provided by the police departments in each city. Committee Member Galbraith asked, what cities are class 2? Committee Member Wilkins stated class 2 cities were Anaconda, Livingston, Miles City, Whitefish, and Lewistown. Chairperson Wilcox explained choosing cities outside class 2 gave us a wider range to look at. She also stated that if 283B reviewed the data on the spreadsheet and wanted to make any small changes that could be done. Committee Member Fenner said information looked ok.
 - Local 600; Fire (Eddy K; Sarah L)
Committee Member Lewin met with Linda and went over the modifications. Committee Member Lewin is still working on the information on the spreadsheets for negotiations. Wilkins commented on the worksheet she had updated for Local 600 and committee agreed on that they like the updated worksheet so it will be used along with the other worksheet to be used for the wage study survey for Local 600. Lewin commented that the other cities they had looked at were Belgrade and Columbus. Chairperson Wilcox commented Local 600 will continue to tweak the information and asked if the information as presented was ready to present to the Mayor. Lewin said that the information that was contained in the worksheet could be presented to the Mayor. Wilkins asked Lewin if there were any notes that should be added. Chairperson Wilcox wanted notes added Anaconda and Lockwood regarding the structure of government and Committee Member Lewin wanted to add notes regarding operations information. Committee Member Lewin will contact Committee Member Wilkins about the notes.
- Chairperson Wilcox asked if the non-union information was good to transmit to the Mayor. Committee Member Wilkins commented that the information was ready to transmit.
- **Committee Member Erlenbusch moved to send the wage study spreadsheet on to the Mayor and that this is a strictly informational spreadsheet, seconded by Committee Member Speelmon.*
- Committee Member Galbraith asked can changes still be made to the spreadsheet if the committee is disbanded. Chairperson Wilcox said it can be changes would be made through the Human Resource Committee.
- **By voice vote the motion passed unanimously.*
5. Recommendation for posting on the City's website.
***Committee Member Galbraith moved to wait until after union negotiations to post any information on the website, seconded by Committee Member Erlenbusch. By voice vote the motion passed unanimously.*
6. Recommendation for disbanding of the Ad Hoc Wage Survey Committee
Committee Member Kanduch asked about moving the date for the completion of wage study survey. Chairperson Wilcox commented that the wage study information will go to the members of the committee. Committee Member Speelmon commented that if all 3 locals and the city agrees to extend the date of completion and then it can be decided whether the facts found by this committee will be accepted or if an independent contractor would be used. He thought the wage study survey conducted through this committee is beneficial because it can be tweaked and when you use an outside source there is no changing the information collected. Committee Member Erlenbusch stated the wage study is not binding. Chairperson Wilcox said we are only accepting that the information collected is as accurate and complete

**PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA**

as it can be made. When an extension date has been determined there will be a signed agreement between the unions and City.

***Committee Member Speelmon moved to recommend to the Mayor to disband the committee, seconded by Committee Member Erlenbusch. By voice vote the motion passed unanimously.*

Chairperson Wilcox wanted it to be noted in the minutes the appreciation for the contributions of the Unions and Committee Members Nash and Wilkins. Committee Member Huber thought the process was educational and refreshing.

6. Adjournment

***Committee Member Galbraith moved to adjourn, seconded by Committee Member Wilkins. By voice vote the motion passed unanimously.*

Meeting adjourned at – 6:43 p.m.

*** Councilperson Erlenbusch moved to approve the minutes of the Ad Hoc Wage Survey Meeting of March 7, 2017, and seconded by Councilperson Wilcox. The motion passed by unanimous consent, 6-0.*

SCHEDULE MEETINGS

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

- Human Resource: Thursday, March 23st @ 5:15 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

County Commissioner Jason Strouf addressed the Council to remove Ordinance 1309 from the March 28th agenda. Felt there were many issues on it and would like to see both the City and County sit down and discuss them. Also by doing the annexation through the Ordinance it was taking the people’s right to speak away and if approved the people could not be allowed to protest the annexation. That is not the way that he would like to see a governing body govern, or a resident in the County be governed. Commissioners are on board to sit down with the City to discuss the issues.

Scott and Kristy Murphy, 200 Hubble, asked why it was taking the City so long to get Todd Schwab to clean up his property. They said they’ve been fighting the problem for five years and putting their lives in harm’s way. Mr. Schwab had been fined and paid \$525, but did not clean the mess up within the 30 days that was given to him. Ms. Murphy had talked to Prosecutor Noble, Judge Homme, Director Gray and Mayor Hollowell and does not get any answers and felt she was being moved from one person to another with no answers. Attorney Rice and Director Gray said that it is in the Mayor’s hands and thought he was working on it.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky:

Thought that the finance committee meeting minutes of 3/2/17 should be clarified:

- Bullet 2- should say study instead of levy
- Bullet 3- remove “then completed by the Community”
- Bullet 6- Clarified that the \$100,000 would be needed if the \$250,000 was spent in FY18
- Bullet 7-Change Zone A to Zone B

She added Senate Bill 313 is up to be heard for the second time. It is a bill that is trying to create an exemption from flood plain permitting restoration projects. Basically it means if a person did a stream restoration project that they would be

exempt from getting a flood permit. It sounds great, but the problem is that would put the City in non-compliance with the NFIP. If the city is in non-compliance with NFIP, then residents could not get federally backed mortgages. She added if anyone on Council is interested to contact the State Senate Natural Resource Committee. If the bill would pass then the entire State would not be in compliance with NFIP. It would be really hard to get any assistant in an event of fire, flood, wind or a mortgage.

City Clerk Lorrie Pearce: Said that she received a preliminary letter from MMIA, and the insurance for employee will increase anywhere from 6% to 9%, at the highest percent it would raise \$62 per employee.

CITY COUNCIL COMMENTS

Susanne Galbraith: Commended Utility Billing Clerk Bissell for her work on lowering the rates charged to customers on Paygov. Previous rates were 3.0% for POS and 3.95% for online payments. New rates are 2.5% for POS and 2.5% for online payments.

Kathy Wilcox: Thanked the Wage Salary Survey Ad Hoc members for all their hard work on the project. She said the committee had completed the survey and it was being presented to the unions to decide if they would accept it as the survey that needed to be completed per agreement.

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. **ORDINANCE NO. 1311- 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**

Council President Galbraith called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

UNFINISHED BUSINESS

- A. **ORDINANCE NO. 1311- (Second 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 Wilcox moved to approve the Ordinance, read by title only, seconded by Councilperson Kassner, and on roll call vote, passed by unanimously 6-0. Ordinance No. 1311 passed*

- B. **RESOLUTION NO. 4037- A Resolution Approving a Memorandum of Understanding With the Montana Association of Planners Board to Host Planning Conference**

PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

** *Councilperson Andrews moved to adopt the Resolution, read by title only, seconded by Councilperson Wilcox.*

Planner Colton said that she teamed with MCEDC to host the Montana Association of Planners conference to Miles City. It will be in September or October and if the resolution is approved and the conference goes forward, the City would have to pay for all expenses, and then be reimbursed at a later date.

** *On roll call vote, passed unanimously, 6-0. Resolution No. 4037 was adopted.*

NEW BUSINESS

A. **Transmit and discuss the results of the 2017 wage survey, and disband the Ad Hoc Committee Wage/Survey**

** *Councilperson Wilcox moved to table the discussion until next council meeting, seconded by Councilperson Erlenbusch and passed unanimously, 6-0.*

B. **RESOLUTION NO. 4038- A Resolution Authorizing the City of Miles City to Enter Into an Agreement Entitled "State of Montana Agreement" With the State of Montana Historic Preservation Office For Partial Funding of the Historic Preservation Officer Position**

** *Councilperson Erlenbusch moved to approve the Resolution, read by title only, and seconded by Councilperson Huber. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4038 passed.*

C. **RESOLUTION NO. 4039 – A Resolution Approving an Agreement Between the Department of the Army and Miles City, Montana for the Miles City, Montana Section 205 Feasibility Study**

** *Councilperson Andrews moved to approve the Resolution, read by title only and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4039 passed*

D. **RESOLUTION NO. 4040- A Resolution Approving an Extension Agreement Between the City of Miles City and the Custer County Water and Sewer District No.2**

** *Councilperson Andrews moved to approve the Resolution, read by title only, and seconded by Councilperson Kassner and on roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4040 passed*

E. **RESOLUTION NO. 4041- A Resolution Approving a Contract Amendment for Term and Budget Between the City of Miles City and the Montana Department of Commerce for Contract Related to the Development of a Transportation Plan for Miles City**

** *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, 6-0. Resolution No. 4041 passed*

F. **RESOLUTION NO. 4042- A Resolution Authorizing the City of Miles City to Enter Into an Amendment to Engineering Agreement With Kadrmas, Lee & Jackson, Inc**

** Councilperson Kassner moved to approve the Resolution, read by title only, and seconded by Councilperson Huber.

When the 20 inch pipe was installed under Tongue River, it was found that the pipe that was being tied into had a lot of corrosion and thinning. The City is going to replace the remaining 15-20 feet with 20 inch pipe, and will need additional engineering and DEQ approval.

** On roll call vote, the motion passed by unanimous consent, 6-0.
Resolution No. 4042 passed

G. **Approval of February Claims**

** Councilperson Wilcox moved to approve the February claims, seconded by Councilperson Andrews and passed unanimously, 6-0.

ADJOURNMENT

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

The meeting was adjourned at 7:35 p.m.


Susanne Galbraith, Council President


Lorrie Pearce, City Clerk