

**REGULAR COUNCIL MEETING May 9, 2017
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, May 9, 2017, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Council Chairperson Susanne Galbraith called the meeting to order. Absent was Mayor John Hallowell. Council Members present were Brant Kassner, Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch and, Kathy Wilcox.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Officer Steve Fenner, Fire Chief Gary Warren, Planner II Dawn Colton, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, and recorder Payroll and Claims Clerk Ally Capps.

PLEDGE OF ALLEGIANCE

Council Chairperson Susanne Galbraith led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 4/25/2017

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of April 25, 2017, subject to any corrections or changes, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 8-0.*

Finance Committee Minutes: 4/20/2017

Finance Committee Meeting

April 20, 2017

The Finance Committee met Thursday, April 20, 2017 at 6:00 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rick Huber, Dwayne Andrews and Kathy Wilcox.

Also present were: Planner II Dawn Colton, City Attorney Dan Rice, Fire Chief Gary Warren, Battalion Chief Branden Stevens, Captain Mike Miller and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

**1. Request of Citizens:
None**

2. Discussion on Fire Training Center

Captain Miller and Battalion Chief Steven's explained the information received on the proposed Fire Training Center:

- Senator Tester's staff found a low interest loan with a 30 year payback plan. Approximately \$250,000 would be needed for the center at a cost of \$10,000 a year payback for principle and interest. No payment is needed until the center is built
- The \$10,000 would be paid from the money saved in the training, meals and travel expenditure lines. With the center being in Miles City there would be no need to go out of town for training
- First initial build was at the Waste Water Treatment Plant, now considering it behind the fire hall. It would cost less because electricity and water is already there
- Center would meet all training needs including water and sewer employees
- Possible revenue in the future from training Baker, Glendive and Plevna

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- Two concerns were: 1) Is the area commercially zoned, and 2) Need to talk to neighbors about burning
 - Insurance Services Office (ISO)
 - ✓ Miles City Fire Rescue is currently at an ISO of 4 (greater than 60 points), a fire training center would help achieve an ISO class of 3 (70 points or greater) by providing the opportunity to increase the score from 62.52 to 67.96
 - ✓ Move the Battalion Chief to day time. This would take the City from a 2.63 for on duty personnel to a total of 3.00, which scores a 3.78 in the ISO for command response. With this change, it would give the fire department 1.15 more points. The department gets points taken away for having the Battalion Chief respond to calls on the fire engine and not in a command vehicle
 - ✓ With the training center and the Battalion Chief response change, it would bring the department to a 69.11 and with divergence fraction of the fire department and water supply, it would total over 70.00 points and increase the ISO rate to a 3
 - ✓ A ISO rate of 3 would save citizens who own a \$250,000 home approximately \$166 dollars a year
- ** Committee Member Wilcox moved to present the fire training center discussion to Council with an approval to move forward, seconded by Committee Member Huber. On roll call vote, it passed 4-0**

3. Discussion and recommendation on James Dighans request to add "storage of pallets" to the Industrial Park Lease

Committee Member Andrews thought Mr. Dighans had violated his lease agreement with the pile of pallets, boats, trailer, and etcetera on the land.

- ** Committee Member Andrews moved to deny the request and anything that is not on the lease agreement be removed from the property within 30 days, seconded by Committee Member Wilcox. On roll call vote, it passed 4-0**

4. Discussion and recommendation on Water Works Insurance Billing Owed

- ** Committee Member Galbraith moved to forgive 2013, 2014 and 2015 and pay for 2016, seconded by Committee Member Wilcox.**

Water Works Director Dixie Rieger explained that she is fairly new at the position and was not aware on the billing of insurance and thanked the Committee for the recommendation.

- ** On roll call vote, it passed 4-0**

5. Discussion and recommendation on Frank Wiley Field Agreement

- ** Committee Member Andrews moved to approve the agreement for 10 years, seconded by Committee Member Wilcox.**

After a long discussion, it was decided that there were too many questions with no answers.

- ** Committee Member Galbraith moved to table the agreement until the next meeting, seconded by Committee Member Huber. The motion passed unanimously 4-0**

6. Review and Recommendation on Draft Leasing Agreements and Policies

Planner Colton and Attorney Rice explained the changes needed to Resolution No. 3930: Manage and Monitor the Leases

- Whereas for purpose, it is not just for industrial businesses it is also for recreational use only. Wording would need to be changed
- Now for there it be resolved: Lease administrator, second sentence- including but not limited to the industrial site tracks. Planner Colton wondered if the City should define the tracks. It was decided to list all tracks
- Number 2c: Lease Standards- Delete FY 2016-2017 and leave it generic
- Thought the prices per square foot per year should be increased and/or charged by acre
- Number 2f: After the first sentence it should be moved to a different bullet point
- Number 3i: Delete the entire paragraph

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Changes needed to Resolution No. 3364: Establishing Procedures for the Sale or Lease of City Lands

- Attorney Rice thought something should be added to the procedure to specify, if the leasee has a building on the City's property they have an option to extend the lease at the current rate of the property.
- No option to buy the property should be deleted
- Five year lease should be added and commercial should be defined
- 30 day to cure the default and then an additional 60 days. Councilperson Andrews thought it should be 30 days and an additional 30 days

** *Committee Member Wilcox moved to refer back to staff, make revisions and bring back to committee, seconded by Committee Member Andrews. On roll call vote, it passed 4-0*

7. Recommendations of sending ambulance bills to collections \$12,104.21

** *Committee Member Andrews moved to recommend to Council to approve sending ambulance bills to collection, seconded by Committee Member Wilcox. On roll call vote, it passed 4-0*

8. Adjournment

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

The meeting was adjourned at 7:28 p.m.

** *Councilperson Andrews moved to approve the minutes of the Finance Committee Meeting of April 20, 2017, and seconded by Councilperson Huber. The motion passed by unanimous consent, 8-0.*

SCHEDULED MEETINGS

None

REQUEST OF CITIZENS & PUBLIC COMMENT

Craig Cremer 102 Lyman Drive stated he was concerned about the Training Center just across the street. We are concerned with smoke blowing in, possible increase in noise and possibly a decrease in the value of their home. We really oppose the Center placed behind the Fire Station and hope there are other locations considered for the Center. We do not oppose the training center we just hope other locations are being considered. Councilperson Galbraith explained to Mr. Cremer that at this time, the Fire Department is just getting bids and she would voice their concerns to the fire department. We take lots of pride in our neighborhood and wanted to go on record opposing the location of the Fire Training Center behind the Fire station but not Miles City having the Training Center.

Kathy Wilcox had a call from a man on Lyman Drive; and was voicing the same concerns as Mr. Cremer. He also mentioned that when they rip the cars apart when training for the Jaws of Life that can be very noisy. He also expressed concern by Bridge Street weeds that are heavily growing and wanted to know who's responsibility it is for taking care of that area. If it is City property, he is expecting the City to keep it mowed. He was concerned about weed and pest control.

Councilperson Galbraith is sure the property in question belongs to a private citizen and would pass the information along. Councilperson Wilcox said that the person who contacted her was also concerned about the asphalt along Bridge Street and that the road is in poor condition and is there anything the City can do to repair it. Director Gray responded that the City is waiting for asphalt so that repairs can get underway.

Councilperson Galbraith asked for those persons opposed to the Training Center to state their names and addresses for the record:

Dannette Cremer 102 Lyman Drive, Jean Pierson 103 Lyman Drive, Rob Pierson 103 Lyman Drive and Craig Cremer 102 Lyman Drive.

Ron Pierson 103 Lyman Drive wanted to go on record saying the Fire Department is wonderful. However, if the fire department is going to clean out their

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hoses, do they really have to block off Legion Street, or need to get their ladder trucks and spray all the way out to Haynes Avenue? When the wind blows it sprays all over my house. I am right behind the fire department and get quite a bit of spray blown onto my house and onto my windows.

Citizen Pierson asked if anybody has driven around Lyman Drive Park or Spotted Eagle they have not yet been mowed this year. Park Director Gray responded that those parks are on the list to get mowed and maintained. Seasonal employees are hired and will get the satellite parks mowed and trimmed. Citizen Pierson also inquired who owns the boulevard on Frontage Road, does it belong to the City, State or County? If you could eliminate the weeds, it would be a nice place to park cars during a track meet.

APPOINTMENTS

Mark Hildebrand swearing in as Police Commissioner was re-scheduled for the next Council Meeting May 23rd.

PROCLAMATIONS

None

STAFF REPORTS

Councilperson Galbraith asked Council recorder Capps to read the expiring Terms, expiring December 31, 2017: **Council Members** Ken Gardner, Rick Huber, Brant Kassner, and Dwayne Andrews and **City Judge** Al Homme.

Public Works Director Gray: reminded those present of the Citywide Clean-Up day scheduled for Saturday, May 13, 2017.

Fire Chief Gary Warren: announced that the Fire Department had received the Town Pump Grant for \$9,000.00. To purchase safety equipment for the fire fighters. May 11th, at 9:30am on Bridge Street and 4th Street the Fire Fighters are doing the Your Choice Program for high schoolers, where they stage a car accident. The event also includes; police, County firefighters and Stevenson Funeral Home.

Floodplain Administrator Malenovsky: wanted to inform the Council on the Flood Control project, May 25th at 1:30pm. There will be a meeting with Bob Murdo on the flood district and options on how new flood districts can be formed. Depending on how many Council members wished to attend this meeting, it may need a Public Notice for a Special Council meeting. Administrator Malenovsky asked to be notified of Council members interested so the meeting could have proper notification announced in the paper if needed.

Utilities Director Kelm: Tuesday, May 23rd at the Fish and Wildlife and Parks Department, Montana Rural Water is putting on a workshop for everybody involved in Water and Waste Water Treatment. The workshop is free and will be covering the ten key areas of water treatment. The workshop called, Effective Utility Management of Rural and Small Systems starts at 8:00am and ends 4:30pm. Director Kelm asked those interested to contact him and he would get them pre-registered.

Director Gray wanted to thank City Attorney Rice and his group MCI2 for the donation of the amphitheater. Director Gray was sure it was going to be a great asset to the community.

CITY COUNCIL COMMENTS

Councilperson Andrews asked Chief Warren on the status of the newly acquired fire truck. Chief Warren explained that the truck still needs brakes and new tires. He also wanted to bring to attention, the O'Reillys lot. On the front and side of the building has been a mess for the last few years. All they need to do is go out and mow the weeds. Councilperson Galbraith said she would pass this information onto the Mayor.

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Councilperson Huber: Wanted to thank Kevin at KOA for the Boy Scouts Campout and for all the cleaning-up they have been doing. They went down Main Street on Saturday. Trees at Wibaux Park on the south side had been trimmed and looked very nice. There had been a citizen comment on Wibaux Park. Around the tennis courts, there has been a family that has been mowing, trimming and doing leaf and limbs removal. The family did this last year also, Scott and Kristy Toennis and daughter Shelby and the Huber's had spent time cleaning and getting ready for divisionals.

Councilperson Uden: Wanted to acknowledge Public Works Director Gray for an outstanding job the Parks Department is doing to get the parks, and the ball fields ready for summer. The cleanup around the park and amphitheater a few weeks ago before and after the Ryno-Palozza was quick and the park looked very nice.

Councilperson Huber: Asked that the other council members go drive around and look at the parks and ballfields to see how beautiful they are spotless, green and trimmed.

Councilperson Erlenbusch: Said he has talked to Dannette and Craig Cremer and would like to talk to the fire department as more questions and concerns are arising over the placement of the Training Center.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

Finance committee recommended sending Water and Sewer Departments Charge Offs to collections for \$490.80.

** *Councilperson Huber moved to approve the sending of the Charge Offs to collections with the recommendation that the charge off amount be changed to \$267.06. On May 8th Utility Clerk Bissell had collected \$223.74 and that amount would no longer need to be sent to collections, seconded by Councilperson Uden. The motion passed on a roll call vote, 8-0.*

BID OPENINGS

Paving Maintenance for District #204 and #205

One bid was received

1.) Century Construction: \$220,000 (District#204 and #205 combined)

** *Councilperson Galbraith referred the bid to the Finance Committee.*

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 4049: A Resolution Adopting Findings of Fact and Approving the Amended Plat for the Purpose of Boundary Line Relocation of Tracts A-1 and A-2 of the Adrian Minor Subdivision Within the City of Miles City.

Councilperson Wilcox asked what this was for? Planner Colton showed Councilperson Wilcox the map with the proposed boundary relocation.

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Councilperson Wilcox asked Attorney Rice if this was something he had looked into. Attorney Rice responded that these are standard and they do about a half dozen every year. The surveyor Carl Jackson of KLJ does the new plates and all the legwork. Then it is reviewed on his level, staff level and reviewed by the City Attorney.

** Councilperson Gardner moved to approve the Ordinance, read by title only and seconded by Councilperson Erlenbusch. On roll call vote, the motion passed by unanimous consent, 8-0. **RESOLUTION NO 4049 Passed**

B. RESOLUTION NO. 4050: A Resolution Approving An Agreement With Kadrmas, Lee & Jackson, Inc., For Task Order Services Related To The Custer County Miles City Flood Projection Project.

** Councilperson Andrews moved to approve the Resolution, read by title only and seconded by Councilperson Huber. On roll call vote, the motion passed unanimous consent on a roll-call vote, 8-0. **RESOLUTION NO 4050 Passed**

C. RESOLUTION NO. 4051: A Resolution Approving An Engagement Letter With Jackson, Murdo & Grant, P.C., For Certain Legal Services Related To The Custer County Miles City Flood Projection Project

** 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 4051 Passed**

D. Approval of April Claims

** Councilperson Andrews moved to approve the April claims, seconded by Councilperson Kassner and On roll call vote the motion was passed unanimous consent, 8-0.

ADJOURNMENT

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

The meeting adjourned at 7:34 p.m.



Susanne Galbraith, Council Chair


Ally Capps, Payroll & Claims Clerk