

REGULAR COUNCIL MEETING May 23, 2017

7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, May 23, 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, and Susanne Galbraith. Council Member Kathy Wilcox was excused.

Also present were Public Works Director Scott Gray, Police Sergeant Kord Merical, Fire Chief Gary Warren, Public Utility Director Allen Keim, Building Inspector Dennis Hirsch, 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: 5/9/20157

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of May 9, 2017, subject to any changes, and seconded by Councilperson Galbraith. The motion passed by unanimous consent, 7-0.*

Finance Committee Minutes: 5/4/2017

Finance Committee Meeting

May 4, 2017

The Finance Committee met Thursday, May 4, 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, Flood Plain Administrator Samantha Malenovsky and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:
None

2. Discussion and Recommendation on KLJ Contracts for Work Related to the Section 205 Flood Study and Continued Work on the Flood Control Project

Administrator Malenovsky explained the contract is a general contract, and covers program management, government relations, structure inventory, drainage and hazardous waste active investigation. The work in kind tasks includes structure inventory, drainage and hazardous waste active investigation. Each task will be approved by Council.

** *Committee Member Wilcox moved to recommend to Council to approve payment on KLJ contracts for work related to the section 205 flood study and continued work on the flood control project, seconded by Committee Member Huber. On roll call vote, it passed 4-0*

3. Discussion and recommendation on Contract with Jackson, Murdo and Grant &, P.C. for Services Related to the Flood Control Project

Administrator Malenovsky explained that Murdo's work had been all pro bono up to the present. The contract is \$15,000 for fiscal year 2017-2018. County's 30 percent applies to the contract. The City will need to approve another contract if needed in fiscal year 2018-2019.

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** *Committee Member Huber moved to recommend to Council to approve the contract with Jackson, Murdo and Grant & P.C. for services related to the flood control project, seconded by Committee Member Wilcox.*

Committee member Andrews wanted the word City or County staff to be changed to City and County staff.

** *Committee Member Huber moved to amend his motion to change the word City or County staff to City and County, seconded by Committee Member Wilcox. On roll call vote, the motion and amendment passed 4-0*

4. Review and Discussion on Draft Leasing Agreements and Policies

Planner Colton explained the changes:

- In first whereas, add "recreational areas" after industrial businesses.
- 1(a) First sentence should read "Provide and update an official map of lands available for lease, in the format set forth in Attachment A"
- 1(c) add "City Clerk's office shall be responsible for billing notices and collection"
- 2(b) at the end of the paragraph add "Proof of Insurance shall be provided with payment"
- 2(c) cross out "new" before Industrial Site leases, add "resolution of" before the City Council, delete "during and subsequent to FY2016-2017" and "following", and add "rates as established by City Council". Delete the three tracts cost per square foot, it will be on a different resolution.
- 3- add "or requests for modification" after new leases
- 3(i) delete
- Attachment A, added to the updated procedures

** *Committee Member Wilcox moved to recommend to Council to approve the revised leasing agreements and policies as presented, seconded by Committee Member Galbraith. On roll call vote, it passed 4-0*

5. Recommendation on Sending Water and Sewer Department's 2017 Charge offs to Collection- \$490.80

** *Committee Member Andrews moved to recommend to Council to approve sending the water and sewer charge offs to collection, seconded by Committee Member Huber. On roll call vote, it passed 4-0*

6. Discuss and Schedule Budget Meeting Calendar

After a short discussion it was decided to tentatively schedule the meeting as follows:

June 20th, 21st and July 6th

7. Adjournment

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

The meeting was adjourned at 7:15 p.m.

** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of May 4, 2017, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 7-0.*

Flood Control Minutes: 5/4/2017

Flood Control Committee May 4, 2017

The **Flood Control Committee** met Thursday, May 4 2017, at 5:15 p.m. in the City Hall Conference Room. Present were Chairperson Jeff Erlenbusch, Committee Members; Ken Gardner, Rick Huber and Brant Kassner. Also present were Floodplain Administrator Samantha Malenovsky and Recorder Payroll/Claims Clerk Ally Capps.

1. Recommendation on KLJ contracts for services.

Floodplain Administrator Malenovsky went through the draft Agreement of the master contract to engage KLJ to move forward with the task orders pursuant with the new agreement. Explaining, these task orders as Description of Services that would be in the master contract. The summary included

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anticipated services KLJ would provide in FY 2018.

Pages 1-19 are of the proposed agreement between the owner and engineer for professional services. Page 20 and beyond, is the suggested form of task order with exhibits A - K, breaking down the phases of work. As these tasks are completed, they will come before the Flood Control Board. The City will be required to carry insurance coverage as explained in Exhibit G section 2, By Owner, City of Miles City, it will need to cover; Worker's Compensation, Employees Liability, General Liability, Excess Umbrella Liability, Automobile Liability and / or Other.

Once the contract is signed, we can determine how fast these tasks are moved through; this will depend on how much the Council is willing to spend on the proposed task orders.

<u>Description of Services</u>	<u>Suggested FY18 Budget</u>
Program Management / On- Call Engineering	\$72,000
Government Relations/ Public Involvement	\$28,000
Structure Inventory	\$16,665
Interior Drainage	\$5,600
Hazardous, Toxic & Radioactive Waste Investigation	<u>\$33,500</u>
Total Estimated FY18 Fees	\$156,465.00

These task orders may span multiple fiscal years, as they will be ongoing with the Section 205 project. The total fee for each task order could be different than above; however, KLJ did not anticipate exceeding the above fees during July1, 2017 – June 30, 2018.

Committee Member Huber asked Floodplain Administrator Malenovsky; What if there are financial overages in completing work for these task orders. Is it easy to go over the projected rates if the project has unforeseen expenditures? Floodplain Administrator Malenovsky responded, KLJ is figuring the amounts a little higher and if we are getting close to the proposed budgeted amounts, the Flood Control Board will be involved and kept apprised of any financial Extensions. If an extension is needed it will need the approval of the Flood Control Board and Council.

****** *Committee Member Ken Gardner made a motion on the Recommendation to Council for the contracts for service related to the Section 205 study and continued work on the Flood control project. Committee Member Kassner seconded the motion.*

****** *Motion passed unanimously 3-0*

1. Recommendation to Council on the Jackson, Murdo & Grant, P.C contract for services related to the Flood control project.

Floodplain Administrator Malenovsky went through the proposed engagement letter for the Flood control project ranging from early May 2017 to the end of FY 17, and not exceeding \$10,000.00, which will include an in person meeting in Miles City with the Committee and City or County staff, scheduled May 25, 2017 at 1:30pm. By the end of the 2016-2017 FY, Jackson, Murdo and Grant, P.C., anticipate providing the Committee an analysis and recommendation for the best option for a flood district formation and funding the City and County share of construction and maintenance costs. FY 2017-2018 anticipated charges are not to exceed \$15,000.00, which will include one on-site meeting with the Committee and City or County staff. The work anticipated by Jackson, Murdo & Grant, P.C., will be to coordinate with the Committee on the Section 205 USACE study and if necessary to complete USACE study requirements, the commencement of creation of the District.

Fees after June 30, 2018, will need to be negotiated.

Billing will be to the City of Miles City for 70% and Custer County will receive a bill for 30% as described in the Letter of Agreement between the City and County.

Committee Member Gardner asked Floodplain Administrator Malenovsky if they were going to help in setting up the SID and the parameters in setting up the district. Floodplain Administrator Malenovsky responded, Jackson, Murdo & Grant, P.C would help in forming the new Floodplain District, making sure all legalities are being met for the forming of the new district.

Chairperson Erlenbusch also responded with what he and the County Commissioners are discussing for the Flood District. It would encompass all of the city limits and out in the County. The Commissioners are being a bit reluctant to say what they foresee in the county for the Flood District.

Committee person Gardner stated he believed all those that are current water and sewer customers

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on City services currently should be included in the Floodplain district. The larger the Floodplain district the less financial burden per household for the new district.

Committee Member Huber asked for clarification for a better understanding of what Jackson, Murdo and Grant, P.C., would be doing for the funds contracted in FY016-17 and FY 17-18. Making sure that Jackson, Murdo & Grant, P.C., can come up with not just the legal issues of forming a district but also being able to communicate the benefits for the community of the Flood control district making it user friendly and understandable. Floodplain Administrator Samantha Malenovsky was going to be meeting with them later this month. Committee Member Huber would like to have a special council meeting called, so the Council is informed and able to answer questions from citizens with an understanding of the new Flood district.

** *Committee Member Gardner recommends to the Council the Recommendation on the Jackson, Murdo & Grant, P.C. contract for services related to the Flood control project. Seconded by Committee Member Kassner, the motion carried unanimously. 3-0*

2. Request of Citizens/Public Comment:

-None.

3. Committee Members Comments:

-None.

4. Adjournment

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

There being no further business, the Committee adjourned at 5:45 p.m.

** *Councilperson Erlenbusch moved to approve the minutes of the Flood Control Meeting of May 4, 2017, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

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

- Finance Committee: Thursday, June 8th @ 6:00 p.m.
- Flood Control: Wednesday, May 31st @ 5:15 p.m.
- Special Council: Thursday, May 25th @ 1:30 p.m.

Custer County Commissioners have invited the Mayor and Council to a meeting on May 30th @5:30 p.m. at the Courthouse.

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

Police Commissioner: Mark Hilderbrand

Mayor Hollowell appointed Mark Hilderbrand as a Police Commissioner

** *Councilperson Galbraith moved to approve Mark Hilderbrand as a Police Commissioner, seconded by Councilperson Uden and passed 7-0*

PROCLAMATIONS

None

STAFF REPORTS

Director Scott Gray: Frog pool will be opened this Friday and the Oasis will be open June 5' 2017. He also commended his crew for all their hard work getting the City to look nice for the Bucking Horse Sale.

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Planner Dawn Colton: Inspected the area that Jim Dighans leased at the Industrial Park and all items on the list had been taken care of. Handed out a list of land patents and said if there were any questions to contact her. Mayor Hollowell said he did not see the Airport on the list. Planner Colton said the land was not patented to the City, which meant that the Federal Government did not give the City the land.

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Dwayne Andrews: Asked why an ambulance was not available during the Bucking Horse Sale causing an event to be postponed. Chief Warren said there were two employees at National Guard, one was at training and just ran out of people. Mayor Hollowell thought it was the Mother's Day Horse races because they had two back to back injuries. He added that there is paperwork that needs completion at the emergency room which takes time. Council Member Andrews felt that the scheduling was not coordinated properly for the event. Mayor Hollowell was going to investigate the issue. Councilperson Andrews commended the City crew for beautifying the City of Miles City before the Bucking Horse Sale.

Ken Gardner: Commended the fire department for the handling of an issue at Walmart, thanked Director Gray for taking care of the grass issue, commended the City crew on the early morning cleanup on Main Street during the Bucking Horse Sale, and asked if anything could be done with the house on Orr and 11th street. Inspector Hirsch said the owner had started to clean up last week. Mayor Hollowell said the police will issue a public nuisance notice.

John Uden: For the preservation of history, he thought arrangement should be made to get pictures of the present Council and Mayor. Mayor Hollowell said he would look into arranging it.

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

Paving Maintenance for District #204 and #205

One bid was received:

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

** *Councilperson Galbraith moved to approve the bid from Century for an amount of \$220,000, seconded by Councilperson Uden and, on roll call vote, passed unanimously, 7-0.*

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

- A. **RESOLUTION NO. 4052- A Resolution Authorizing the City of Miles City to Contract with Dennis Hirsch for Building Inspection Services for Fiscal Year 2017-2018**

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- ** Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Andrews and, on roll call vote, passed unanimously, 7-0. Resolution No. 4052 passed
- B. RESOLUTION NO. 4053- A Resolution Providing for Procedures to Manage and Monitor Lease of Property Owned by the City of Miles City**
** Councilperson Gardner moved to approve the Resolution, by title only, and seconded by Councilperson Galbraith. On roll call vote, the motion passed 7-0. Resolution No. 4053 passed
- C. RESOLUTION NO. 4054- (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 RSVP Fund No. 2985-015-450330-220 as the Result of Unanticipated Grant Revenue**
** Councilperson Kassner moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4053 passed on first reading.
- D. Approval of local Record Disposal**
** Councilperson Andrews moved to approve the local record disposal as presented, seconded by Councilperson Uden and passed unanimously, 7-0.

ADJOURNMENT

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

The meeting was adjourned at 7:38 p.m.


John Hollowell, Mayor


Lorrie Pearce, City Clerk