

REGULAR COUNCIL MEETING June 13, 2017
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 13, 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 Kathy Wilcox. Council Member Susanne Galbraith was excused.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Fire Chief Gary Warren, Planner II Dawn Colton, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, Public Utilities Director Allen Kelm 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: 5/23/2017

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of May 23, 2017, subject to any changes, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 7-0.*

Finance Committee Minutes: 5/23/2017

Finance Committee Meeting
May 23, 2017

The Finance Committee met Tuesday, May 23, 2017 at 6:00 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rick Huber, and Dwayne Andrews. Committee Member Kathy Wilcox was excused.

Also present were: Planner II Dawn Colton, Building Inspector Dennis Hirsch, Public Works Director Scott Gray and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens-

Planner Colton handed out a letter from GSA explaining the appraised value of Tract E-1 and Tract E-2. Tract E-1 was appraised at \$650,000. The improvements on Tract E-1 were appraised at \$590,000. Tract E-2 was appraised at \$590,000. The improvement on Tract E-2 were appraised at \$500,000. These are the Tracts for Tire Rama and United Parts. She said the next step is to decide to sell to Tire Rama and United Parts only or to all in the Industrial Park. Either way the City will need to install sewer at Tire Rama. This will be in Fiscal Year 2018, and the money would be recouped through the purchase of the Tract.

2. Discussion and Recommendation on Bids received for Paving Maintenance District #204 and #205

Director Gray explained that one bid was received from Century Construction for an amount of \$220,000. He compared the prices from last year and found no changes.

** *Committee Member Andrews moved to recommend to Council to accept the bid received from Century Construction, seconded by Committee Member Huber. On roll call vote, it passed 3-0*

3. Discussion and Recommendation on 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

** *Committee Member Huber moved to recommend to Council to approve Resolution No. 4052, seconded by Committee Member Andrews.*

Inspector Hirsch explained that the contract has not changed in ten years.

** *On roll call, the motion passed 3-0*

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4. Adjournment

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

The meeting was adjourned at 6:42 p.m.

** *Councilperson Andrews moved to approve the minutes of the Finance Committee Meeting of May 23, 2017, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 7-0.*

Human Resources Minutes: 5/02/2017

Human Resources Committee May 2, 2017

The **Human Resources Committee** met Tuesday, May 2, 2017, at 5:30 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, Susanne Galbraith, John Uden and Jeff Erlenbusch. Also present were City Clerk Lorrie Pearce, Utility Billing Clerk Patti Bissell, Councilperson Rick Huber, Local 283A President Tom Speelmon, Public Works Director Scott Gray, Mayor John Hollowell, 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
None
4. New Business

A. Discussion: Processes for collecting license and permit fees (Mayor Hollowell)

Using a flow process chart Chairperson Wilcox and those present discussed the current process for citizens obtaining a park permit. Mayor Hollowell would like to see a written policy to address information required for reserving park shelters, the insurance requirements of the City and MMIA for special events held at public parks, and alcohol variance requirements. Currently, the Water Department has been scheduling small park gatherings with larger venues being scheduled with the Public Works Director. Utility Billing Clerk Bissell has expressed concern over these responsibilities being left with the Water Department as she believes the Water Department Staff is not adequately trained to perform this function. Public Works Director Gray expressed the Water Department has been doing the smaller venue scheduling for a number of years, and believed this was a convenience for citizens. There was discussion as to whether the water department should continue booking the reservations for small events or if this should be moved up to the Public Works department. There was discussion on having the function of reserving of park shelters moved up to the Public Works Department since this function is specific to that department. One of the major concerns was the insurance certificate requirements and how this would affect small groups. Director Gray said that the insurance certificate was primarily for large groups and or groups having something dangerous associated with their event. Clerk Bissell said that the smaller events do take a lot of time and that if she was going to continue with this duty she would like it added to her job description and receive additional compensation. Director Gray would consider moving this duty up to the Public Works department and the duty would be added to the Public Works Director job description and/or the Administrative Assistant. The Mayor is responsible for signing the alcohol variances. A new form was discussed for collection of the various information required to reserve park shelters at parks and City Clerk Pearce said she would work on the form to collect all the information that was necessary for reserving the park as she had previously developed a guide for reserving park shelters.

B. Review, revise: draft revisions to City position description template and p/p.

Chairperson Wilcox stated that the committee would be looking at what the position description policy changes against the position description template. HR Officer Wilkins had sent the position description policy to MMIA and they reviewed the policy, MMIA thought the policy was good and only needed to have physical limitations added. Chairperson Wilcox reviewed the changes to the policy with a few changes made. The revised position description policy outlines what should be in a job description and HR will maintain them all. The committee is working on standardizing position descriptions to have wage scales that are consistent across the board and to clarify duties and support job grade assignment based on position description. The Mayor would review changes to the position description and HR would make a recommendation to Finance Committee for an increase in wage, if there is a change. Committee Member Uden stated that this was outstanding and long overdue and

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would recommend any changes happen prior to the next fiscal year budgeting process. Clerk Pearce stated performance evaluations were just done in April or possibly make it earlier. Chairperson Wilcox stated that it would be good. HR Officer Wilkins stated the Performance Evaluation Policy should be changed to a more specific date. Chairperson Wilcox stated that we would clean up the policy and bring it back for further review.

Moving to the template, a draft copy of the Position Description template was reviewed for conformance with the revised job description policy. Committee Member Uden, under working conditions, stated that the Fire and Police Department face exposure to hazardous material and life threatening situations and asked to be placed under Working Conditions. Director Gray stated his employees face issues such as confined space. Committee Member Uden also commented that some employees face bio hazards. HR Officer Wilkins will find the current language for bio hazards.

- C. Review, revise: draft- new City Job Classification and Wage Scale p/p new FY 2018 Wage Scale table

Chairperson Wilcox began discussion on the Job Classification and Wage Scale Policy. HR Officer Wilkins thought the language of eastern Class 2 Municipalities be deleted, since there are only 6 Class 2 cities in the entire state of Montana. The committee agreed that the Grade Level Classifications would need to be change in accordance with the current City Structure. Clerk Pearce commented that this was for non-union people. Chairperson Wilcox explained this would be a grade and step system, each position would be assigned a grade according to class. Job duties should describe why the position exists or if there was supervision. It was suggested to add expertise in number 4(b). Years of relevant experience will be considered when hiring and individual licenses or certifications that may be required. Steps would also apply to years of service. Clerk Pearce stated that longevity is in addition to base pay, based on MCA. Chairperson Wilcox stated that 6(c) should be taken out if it doesn't apply. Add certifications and or licenses relevant to the job. There was discussion on rewarding for performance. Committee Member Galbraith thought that this would cause a problem in the budgeting processing, she thought that money should not be attached to exceptional performance. Exceptional performance was removed from the policy. Further discussion will continue on this policy. Wage scale will be reviewed once a year by the HR committee. Committee Member Uden stated that unions have a lot to say about conducting a wage survey. Yearly was changed to periodically. This will come back for further review.

- D. Discuss and recommend: most appropriate approach to completing the draft Wage Scale table for FY 2018 use

Chairperson Wilcox stated to think about what the percentage would be between steps. Further consideration will be given to the wage scale table. Committee Member Galbraith thought this was good in theory. Committee Member Erlenbusch stated that each step was longevity. Chairperson Wilcox said there was no problem in changing steps to longevity. Chairperson Wilcox stated that whatever the code dictates will be put in for longevity. Longevity years will be done for steps.

- 5. Schedule Committee's Next Meeting: consider Tues, June 6, 5:30 pm

- 6. Adjournment

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

The meeting was adjourned at 7:30 p.m.

- ** *Councilperson Wilcox moved to approve the minutes of the Human Resources Meeting of May 2, 2017, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 7-0.*

Flood Control Minutes: 5/31/2017

Flood Control Committee May 31, 2017

The **Flood Control Committee** met Thursday, May 31 2017, at 5:15 p.m. in the City Hall Conference Room. Present were Committee Members; Jeff Erlenbusch, Rick Huber and Brant Kassner. Committee Member Ken Gardner was absent. Also present were Floodplain Administrator Sam Malenovsky and Recorder Payroll/Claims Clerk Ally Capps.

- 1. Recommendation to Council for Approval of the Miles City Levee Emergency Action Plan**

Floodplain Administrator Malenovsky explained the Levee Emergency Action Plan was a Plan drafted in 2015 and is coming to Committee for approval and recommendation to Council to move forward to place the Action Plan into effect. Committee Member Huber asked if this was going to cost the City of

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Miles City? Floodplain Administrator Malenovsky explained the Action Plan is not going to cost the city anything and implementing the Plan needed to come to committee to receive a recommendation to move forward to Council. The Plan would increase the CRS (Community Rating System) points to help move forward with decreasing the amounts citizens pay for flood insurance.

** *Committee Member Huber recommend to approve to Council the Recommendations to Council for Approval of the Miles City Levee Emergency Action Plan seconded by Committee Member Kassner and on roll call vote, the motion carried unanimously. 3-0*

2. Request of Citizens/Public Comment:

-None.

3. Committee Members Comments:

-None.

4. Adjournment

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

There being no further business, the Committee adjourned at 5:30 p.m.

** *Councilperson Galbraith moved to approve the minutes of the Flood Control Meeting of May 31, 2017, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

None

REQUEST OF CITIZENS & PUBLIC COMMENT

Mark Ahner, 13 South Stacey, thanked the City for the efforts that have been put forth on the restoration of the Wibaux Park fountain, and the progress had not gone unnoticed. He did feel that the project was about 1 to 1 ½ years behind schedule and did not want to see the project languish. The overall cost for the renovation is between \$50,000 and \$70,000 depending on the schedule you read. The City had budgeted \$10,000, the sale of benches raised \$10,000, Lily Cruise raised \$6,000 and a grant has been submitted to Lowe's for \$35,000. Deleting the installation of a sidewalk from the fountain to the Veterans Administrative Building may decrease the overall cost for an amount of \$7,000. An ADA sidewalk is needed from the fountain to Strevell. In the past, park projects had been overseen by Public Service Committee and thought this project should be also. He would like to see a banner made to show the progress in phases. The Public Works Director had some concerns on the project and felt if the project was delayed the cost would go up, making it more difficult to receive donations. Lily Cruise is considering another play production and he would go door to door in his neighborhood asking for more donations.

Councilperson Uden commended Mr. Ahner and Ms. Cruise for their work and dedication to the park. He said it was a historic park and would like to see it there for future generations to enjoy.

Mayor Hollowell thanked Mr. Ahner and Ms. Cruise for their hard work and explained that Director Gray was caught off guard at paying Davis Bacon wages. He thought the project was going out for bid soon.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

City Clerk, Lorrie Pearce: Invited Council and Mayor to attend the 2017 Regional Training/District Meeting August 3rd. The only agreement that had not been renewed is the Joint Operation of an Airport at Frank Wiley Field. It had expired in April and hoped a committee would look into it. Budget was e-mailed to Council Members and if anyone wanted a print of the report let her know.

Flood Plain Coordinator, Samantha Malenovsky: Updated Council on the overall project of levy 205:

- There was a meeting with Robert Murdo on funding options, either forming a district or finding ways to fund the multimillion dollar project. Looking at boundaries that the City can use and estimating cost for each person in that boundary.
- Last week was the Army Corp kickoff meeting, which means the Section 205 will start now. Work in kind was discussed and individual groups were formed to perform tasks such as; internal drainage and land use.
- Clarified that the study was a three year process, and after that time construction does not start right away. The City would have to purchase the property or get easements. The plan is to have two public meetings a year.

CITY COUNCIL COMMENTS

John Uden: Complemented Director Gray for the new street lights that are being installed, they are a really exceptionally good light.

Ken Gardner: Angie Brodston’s daughter in law called him about the condemned property on 11th and Orr Street. He asked the Council if a policy could be developed for abandon properties. He thought the City could hire a contractor to clean the lot and access on their taxes. Attorney Rice said the provisions are already in City ordinances and the new code enforcer would be the person to talk to. Mayor Hollowell said if the building had asbestos, the cost could be passed on to the home owner and if not paid the City could end up with the property. Councilperson Gardner said the property is close to a school and that was his biggest concern. He was encouraged that the new enforcement officer was getting things done and hoped that this lot was on his list.

Dwayne Andrews: Asked if anything could be done with property that needs mowed because he thought there was a ten day law on it. If the home owner did not mow the property in ten days the City could mow it and bill the property owner. Attorney Rice said it would need to go to court for due process which is about six months. Councilperson Andrews wondered if a deadline to complete the nuisance could be put on the complaint.

Rick Huber: Asked if anything is being done with the property across from the City Shop. Mayor Hollowell said the owner had been notified by Officer Winkley.

Ken Gardner: Asked if a policy could be written for mowing grass and noxious weeds that are a public nuisance. Mayor Hollowell said it had to go through due process and State Code says that after ten days the City has the right to abate. But, if the City infringes on somebody’s right then the City would end up losing the case anyway. Attorney Rice said the City would not go in and clean somebody’s yard after the ten days, it’s just not going to happen. If the City is cutting grass in the boulevard, then it might get away with that. It’s been working in other cities and hasn’t been challenge in court yet. It is not an option for a yard full of junk not to go through court first.

MAYOR COMMENTS

Mayor Hollowell: Reported that there had been a lot of complaints of parked vehicles on the street and the City is working on it. It had been suggested to him to possibly issue permits to allow the parking of vehicles. It does go against Ordinance, so if Council would like to allow the permits the ordinance would need to be updated.

The Airport Commissioners and Oftedal representative Shawn Coffin was present to talk about an access at the airport.

Representative Coffin explained that Oftedal Construction had obtained an open cut permit on land owned by Patricia Moore to mine sandy gravel for construction purposes. An encroachment permit had been obtained from the County to install an approach to bring in equipment into the pit. It is on a curve along Sheffield Road, the line of site is not the best but it will work. There is an access less than a quarter of a mile towards Highway 59 owned by the City and has been used by the Moore family and Eckhart Construction to mine the pit. In the interest of public safety he requested permission from Council to access the pit by utilizing the existing access rather than putting the approach on the corner.

Airport Chairman Doug Phair said the Commissioners had some issues and concerns with giving access permission to the road. Sheffield Road is within the Airport runway protection zone and may not be appropriate land use for the area. The road is a public road and nobody has been denied using it. The Commissioners are concerned that the airport may not continue receiving federal money because of breaking the appropriate land use rule, which is associated with the grant assurance. He felt the City needs to get Federal Aviation Administration's input on giving permission to use the road because he was unassured as to what the Airport can or cannot do. The City would need to sign off as the sponsor so it needs to follow all rules and regulations according to the FAA. An alternative is moving Sheffield Road and he thought the Federal Government would pay for it as an airport project.

Attorney Rice wondered why a license could not be issued instead of an easement. If a license was issued and the FAA said no, then it could be shut off.

Kadara's Representative, Craig Canfield, asked the Council not to approve any easement or license before talking to the FAA. If the issue of Sheffield Road running through the Airport runway protection zone did not exist the Commissioners and FAA would have no problems. If the FAA disagreed with the encroachment then it would harm the Airport's chance to receive future grants from the Federal Government.

Mayor Hollowell asked for a straw poll vote, the result was:

Councilperson Uden voted to have Oftedal use the existing encroachment that does not go through the Airport land- Sheffield Road into Moore pit
 Councilperson Huber, Gardner, Andrews, Wilcox and Erlenbusch voted to go to the FAA first, then if the FAA has a problem with the requested access then deny the access to Oftedal. If approved the City could issue a license.
 Councilperson Kassner voted no to the access request.

Mayor Hollowell said he would call the FAA and try to get some answers.

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

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PUBLIC HEARINGS

- A. RESOLUTION NO. 4054- 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

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. 4054- *(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 RSVP Fund No. 2985-015-450330-220 as the Result of Unanticipated Grant Revenue

** Councilperson Andrews moved to approve the Resolution, by title only; the motion was seconded by Councilperson Wilcox and on roll call vote, passed unanimously 7-0. Resolution No. 4054 passed

NEW BUSINESS

CONSENT AGENDA

** Councilperson Uden moved to suspend the rules to place items A thru M on a consent agenda, seconded by Councilperson Wilcox.

Councilperson Kassner said he would like to discuss "L".

** Councilperson Uden moved to amend the motion to suspend the rules to place items A thru K and item M on a consent agenda, seconded by Councilperson Gardner. The motion passed 7-0

** The original motion passed 7-0

- A. RESOLUTION NO. 4055- A Resolution to Withdraw the Application for Land & Water Conservation Fund Assistance for Connor Stadium and Cancel Resolution No. 3899
- ** Resolution No. 4055 passed by consent agenda 7-0
- B. RESOLUTION NO. 4056- A Resolution Authorizing the City of Miles City to Enter Into a Montana Department of Commerce Coal Board Contract to Assist in the Purchase of an Ambulance
- ** Resolution No. 4056 passed by consent agenda 7-0
- C. RESOLUTION NO. 4057- A Resolution Authorizing the City of Miles City to Amend MT-TSEP-CG-15-744A
- ** Resolution No. 4057 passed by consent agenda 7-0
- D. RESOLUTION NO. 4058- A Resolution Pursuant to §16-48 of the Miles City Code of Ordinances, Establishing Dates, Times and Locations for Discharge of Fireworks Within the City Limits for the Year 2017
- ** Resolution No. 4058 passed by consent agenda 7-0

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- E. **RESOLUTION NO. 4059- A Resolution Approving a Levee Emergency Action Plan for the City of Miles City**
- ** Resolution No. 4059 passed by consent agenda 7-0
- F. **RESOLUTION NO. 4061- A Resolution Authorizing the City of Miles City to Enter Into a Construction Contract with Century Companies, Inc., A Montana Corporation, for Paving in Maintenance Districts 204 and 205**
- ** Resolution No. 4061 passed by consent agenda 7-0
- G. **RESOLUTION NO. 4062- A Resolution Approving an Agreement Between the City of Miles City Airport and the City of Miles City as to Rent Payment for CORS Antenna System**
- ** Resolution No. 4062 passed by consent agenda 7-0
- H. **RESOLUTION NO. 4063- A Resolution Approving an Extension of Lease Agreement Between the City of Miles City and Linda Larsen for the Lease of Certain Industrial Site Property**
- ** Resolution No. 4063 passed by consent agenda 7-0
- I. **RESOLUTION NO. 4064- A Resolution Approving an Extension of Lease Agreement Between the City of Miles City and United Parts & Supply, L.L.C. For the Lease of Certain Industrial Site Property**
- ** Resolution No. 4064 passed by consent agenda 7-0
- J. **RESOLUTION NO. 4065- A Resolution Approving an Extension of Lease Agreement Between the City of Miles City and the Tire Guys DBS Tire Rama for the Lease of Certain Industrial Site Property**
- ** Resolution No. 4065 passed by consent agenda 7-0
- K. **RESOLUTION NO. 4066- A Resolution Correcting the Legal Description of Certain Industrial Site Properties Leased to Jerry Singleton, and Allowing for Installation of a Truck Scale**
- ** Resolution No. 4066 passed by consent agenda 7-0
- L. **RESOLUTION NO. 4067- A Resolution Granting a Revocable License to SH Properties LLC and Rolling Rubber LLC for a Sign Encroachment Upon City of Miles City Right of Way**
- ** *Councilperson Kassner moved to approve the Resolution, read by title only, and seconded by Councilperson Uden.*
- Councilperson Kassner asked where the sign is located and what kind it was.
- Attorney Rice explained that the sign had already been installed, but the City had not received the money for the permit.
- ** *After a long discussion, Councilperson Erlenbusch moved to amend the original motion to add a time limit for the payment of the permit fee to June 30, 2017, seconded by Councilperson Wilcox. By roll call vote the motion passed 7-0*
- ** *On roll call vote, the original motion passed 7-0 Resolution No. 4067 passed*

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M. RESOLUTION NO. 4068- A Resolution Establishing a Procedure to Require 'As-Built' Plans Prior to the Issuance of a Permanent Occupancy Permit

** Resolution No. 4068 passed by consent agenda 7-0

N. APPROVAL ON RECORD RETENTION FOR DISPOSAL

** Councilperson Uden moved to approve disposal of the record retention as presented in the packet and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 7-0.

O. DISCUSSION AND RECOMMENDATION ON WAGE INCREASE FOR CITY COUNCIL

** Councilperson Andrews moved to recommend a \$1,000 a year increase to City Council, and seconded by Councilperson Uden.

Councilperson Andrews said the finance committee recommended raising wages for the Council on a 3-1 vote. He added Council spends a lot of time at other meetings and it is not getting easier. Also, the current wage is not appealing to anyone who may be interested in running for the position.

Councilperson Uden said if the increase is approved, it would not be effectively immediately. The increase would be effective January 2018.

** By a straw poll vote, it passed 7-0

** Councilperson Andrews moved to amend City Code Section 2-51, by an Ordinance, seconded by Councilperson Uden. On roll call vote, the motion passed by unanimous consent, 7-0.

P. APPROVAL OF MAY CLAIMS

** Councilperson Huber moved to approve the May claims and seconded by Councilperson Erlenbusch. On roll call vote, the motion passed by unanimous consent, 7-0.

ADJOURNMENT

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

The meeting was adjourned at 8:50 p.m.



John Hollowell, Mayor



Lorrie Pearce, City Clerk