

REGULAR COUNCIL MEETING December 26, 2017
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, December 26, 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, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith. Councilperson Dwayne Andrews was excused

Also present were City Attorney Dan Rice, Public Utilities Director Allen Kelm, Police Chief Doug Colombik, Fire Chief Branden Stevens, Water/Wastewater Operator Tom Speelmon, Planner II Dawn Colton, Police Officer Chris Fetty 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: 12/12/2017

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of December 12, 2017, subject to any changes, and seconded by Councilperson Galbraith. The motion passed by unanimous consent, 6-0.*

Finance Committee Minutes: 12/07/2017

**Finance Committee Meeting
December 7, 2017**

The Finance Committee met Thursday, December 7, 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. Committee Member Rick Huber was excused.

Also present was: Mayor John Hollowell, Planner II Dawn Colton and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens & Public Comment
None
2. Discussion and recommendation on payment for TFID software

** *Committee Member Galbraith recommended that \$10,000 is paid out of General Fund and Custer County pays the \$2,000 yearly maintenance fee, seconded by Committee Member Andrews. After a long conversation the motion passed 3-0*

3. Review and Recommendation on Old Lagoon Lease Bids Received

Four bids were received:

- Doug McLean- \$2,050
- Robert E. Smith- \$2,099
- Northside Auto Dismantlers LLC- \$2,548
- Levi Gordon- \$2,798

** *Committee Member Wilcox recommended that the bid from Levi Gordon for an amount of \$2,798 be accepted, seconded by Committee Member Galbraith.*

Committee Member Andrews was concerned that the area would get overgrazed and would like to add the following to the lease:

1. Turn in and turn out dates (Late spring, early summer)
2. How many animals by species will be grazed at a time

He felt that 4 horses for 5 months should be the maximum on 81 acres. Planner Colton thought she could add those items to the lease.

** *The motion passed 3-0*

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4. Discussion and Recommendation on \$521.01 Water Bill for Stanley Park

****** *Committee Member Andrews moved to bill the parks department for \$521.01, seconded by Committee Member Wilcox.*

The committee thought there were other parks that needs attention and would like to see them being taken care of first.

Mayor Hollowell explained that the Outlaws plan is to turn the field into a good playing field. They will have fundraisers to purchase an underground sprinklers system, which he thought should extend to the Art Center. They would also perform all the maintenance in and around the field.

The consensus of the committee was that there should be a written contract for the project.

****** *The motion **passed** 3-0*

5. Discussion and Recommendation on reimbursing City's representative on Economic Development Board for monthly travel

****** *Committee Member Galbraith moved to pay the City's Economic Development Board member an retro amount of \$255.62 which is three trips, paying the state mileage rate, and pay for the mileage in the future for this position, seconded by Committee Member Andrews. After a short discussion, the motion passed 3-0*

6. Discussion and Recommendation on Resolution No. 4118- A Resolution Approving the Extension of the Lease Agreement Between the City of Miles City and Linda Larsen for the Lease of Certain Industrial Site Property

****** *Committee Member Wilcox moved to recommend to Council to approve Resolution No. 4118, seconded by Committee Member Galbraith.*

Committee Member Andrews asked why the lease was so long. He thought a lease of 2-5 years would be ample and why is the City leasing the property to Ms. Larsen and then turning around and subleasing to someone else.

Citizen Monty Lesh, 182 River Drive said he had talked to City Attorney Rice and he said that Ms. Larsen has the right to ask for an extension of the lease. If she does not renew the lease of the land, it would go out for public bid. He also thought the City should annex the area, so it could make its money on the taxes and not the lease.

Citizen Steve Morris, 1804 Sudlow said the bank would not give anyone a loan without a long term lease. It would not want to invest its money into something that would be guaranteed for only five years. There is a lot of interest in the Industrial Park area to grow and they need infrastructure. He felt without a long term lease that nothing in the area would be stable.

Citizen Jerry Singleton, 305 South 3rd Street thought the city and the lessees should work together for the best interest of both.

Committee Member Galbraith said she wanted to postpone the decision until she was caught up with things that have been happening for the last five weeks since she has been gone.

****** *Committee Member Galbraith moved to postpone the Resolution until the next meeting, seconded by Committee Member Wilcox. The motion passed 3-0*

7. Discussion and Recommendation on Resolution No. 4119- A Resolution Authorizing the Assignment of a Certain Lease Agreement Between the City of Miles City and Linda Larsen to Center AG Supply, LLC for the Lease of Certain Industrial Site Property

****** *Committee Member Andrews moved to postpone the Resolution until the next meeting, seconded by Committee Member Galbraith. The motion passed 3-0*

8. **Adjournment**

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

The meeting was adjourned at 6:57 p.m.

****** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of December 7, 2017, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 6-0.*

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Human Resource Committee Minutes: 12/7/17
Human Resources Committee
December 7, 2017

The **Human Resources Committee** met Thursday, December 7, 2017, at 5:50 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, Susanne Galbraith, and John Uden. Absent was Jeff Erlenbusch. Also present was Deputy City Clerk/HR Officer /Committee Recorder Linda Wilkins.

Committee Chairperson Kathy Wilcox called the meeting to order.

1. Public Comment
None

2. Review and Recommend: Revised Grievance Policy.

Officer Wilkins brought to the attention of the committee City Ordinance #1198 that outlines the duties of the Human Resources Committee in the process of settling grievances. The committee would like to have the duties of the committee reviewed and clarified. In the ordinance there is reference to "Phase II" of union grievances that come to the Human Resources Committee which they believe is an inconsistency. Review of this ordinance will be added to the next Human Resources Committee agenda. The committee reviewed the grievance policy as amended from the Human Resource Committee meeting of October 19, 2017.

***Committee Member Uden moved the committee approve the grievance policy as amended, seconded by Committee Member Galbraith. On roll call vote, the motion passed 3-0.*

3. Review and Recommendation – Position Description Historic Preservation/TIFD

There was discussion regarding the supervision of this position. Committee members thought that this position was largely related to Engineering and Operations as duties relate to the improvement of infrastructure. The committee want to review this issue.

*** Committee Member Uden moved to table the position description for Historic Preservation/TIFD, seconded by Committee Member Galbraith. The motion passed by unanimous consent 3-0.*

4. Adjournment

***Committee Member Galbraith moved to adjourn, seconded by Committee Member Uden. The motion passed unanimously 3-0.*

The meeting was adjourned at 5:56 p.m.

*** Councilperson Wilcox moved to approve the minutes of the Human Resource Committee Meeting of December 7, 2017, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 6-0.*

Finance Committee Minutes: 12/19/2017
Finance Committee Meeting
December 19, 2017

The Finance Committee met Tuesday, December 19, 2017 at 12:00 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Kathy Wilcox and Dwayne Andrews. Absent was Committee Member Rick Huber

Also present were: Public Utilities Director Allen Kelm, City Attorney Dan Rice, Planner II Dawn Colton, Mayor John Hollowell and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens-
None

2. Discussion and Recommendation on Payment for TIFD Software

*** Committee Member Wilcox moved to recommend to Council to pay for the TIFD software, seconded by Committee Member Andrews.*

Urban Renewal Board chairman Todd Gillette explained that any unapproved money that is spent out of the TIFD approved budget would need to be approved by the TIFD board and then passed down to Council for its approval. He said the fund did not have enough money in

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it to pay the \$10,000 and added if the board was involved in the process of buying the software; the board would have never supported it. Committee Member Wilcox asked how much the fund could afford and Mr. Gillette answered \$500 and thought the City should discuss the issue with the County. Committee Member Andrews said one reason the TIFD was approved was because it was promised that General Fund or the City would not have to pay for anything, and thought the District needs to pay for it. Committee Member Wilcox thought the city should pay half and no more. It should be 50/50 with the County and County pays the yearly maintenance fee.

**** Committee Member Wilcox moved to amend her main motion to say that the County and City pays 50/50 of the \$10,000 and TIFD pays \$1,000 a year for five years to the City beginning in fiscal year 18/19, seconded by Committee Member Andrews.**

**** The main and amended motion passed 3-0**

3. Review and Recommendation on Old Lagoon Lease Agreement

**** Committee Member Galbraith moved to recommend to Council the approval of the lease, subject to any changes, seconded by Committee Member Wilcox.**

Committee Member Andrews said the comparison of 1 cow equals 1 horse is not correct; it should be 1 cow equals 1.25 horses. He also thought the grazing chart should be added to the lease. He noted that the grazing would be 8 cows from July to mid-November for 135 days or four and a half months.

Mayor Hollowell said at one time he had heard if anything happens to the waste water treatment plant, that area would need to be used to spray solids on it. Chairperson Galbraith said if there is a change it could happen at Council meeting.

**** Committee Member Galbraith moved to amend her main motion to add the grazing chart to the lease as Exhibit A and change 1 cow equals 1 horse to 1 cow equals 1.25 horses.**

**** The main and amended motion passed 3-0**

4. Discussion and Recommendation on Resolution No. 4118- A Resolution Approving the Extension of the Lease Agreement Between the City of Miles City and Linda Larsen for the Lease of Certain Industrial Site Property

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

**** The motion passed 3-0**

5. Discussion and Recommendation on Resolution No. 4119- A Resolution Authorizing the Assignment of a Certain Lease Agreement Between the City of Miles City and Linda Larsen to Center AG Supply, LLC for the Lease of Certain Industrial Site Property

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

**** The motion passed 3-0**

6. Discussion and Recommendation on Task Order No. 2416112 for Storm Water and Sanitation Reconstruction

**** Committee Member Galbraith moved to recommend to Council to approve task order no. 2416112, seconded by Committee Member Wilcox.**

Director Kelim explained the task order is to replace water and sewer lines and storm sewer line on South Merriam from Main Street to Stower Street, which includes Merriam, Jordan and Custer Streets. A lot of fire hydrants had been replaced, the 4" water lines in those areas, won't support the pressure needed for the hydrants to properly work. Three funds will pay for the project and it is scheduled for FY17/18, 18/19, and possibly 19/20.

**** The motion passed 3-0**

7. Adjournment

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

The meeting was adjourned at 12:28 p.m.

**** Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of December 19, 2017, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 6-0.**

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SCHEDULE MEETINGS

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

- Public Safety: Wednesday, January 3rd @ 6:00 p.m.
- Finance: Thursday, January 4th @ 6:00 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

Mayor Hollowell swore in Councilpersons Ken Gardner, Rick Huber and Brant Kassner. City Judge Ken Stein was absent.

Board of Appeals- Rock Wankel and Noah Mahan

Mayor Hollowell removed Rock Wankel from the appointment to the Board of Appeals because of his recent comments.

** *Councilperson Galbraith moved to approve the appointment of Noah Mahan to the Board of Appeals, and seconded by Councilperson Uden. On roll call vote, the motion passed by unanimous consent, 6-0.*

Zoning Commission- Nancy Mitchell and LeRoy Meidinger

** *Councilperson Uden moved to approve the appointment of Nancy Mitchell to the Zoning Commission, and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 6-0.*

** *Councilperson Gardner moved to approve the appointment of LeRoy Meidinger to the Zoning Commission, and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 6-0.*

Planning Board- Michelle Simpson

** *Councilperson Galbraith moved to approve the appointment of Michelle Simpson to the Planning Board, and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 6-0.*

PROCLAMATIONS

None

STAFF REPORTS

Mayor Hollowell reminded Council of the DNRC- Flood Variance Training scheduled for 1/23/18 at 5:30pm in Conference Room

Chief Stevens reported the following on the fire and ambulance:

- Calls increased a little compared to this time last year
- Hired 2 full time positions with a start date of January 16, 2018
- Tender 23 is still out of service and no replacement
- Requested an extension to the FEMA ambulance grant, at this time have not received a reply back
- Legislation had extended the AFG firefighter grant to 2023. His team will apply for a \$250,000 to \$300,000 grant to buy new self-contained breathing apparatus's
- Looking into possible naloxone training for police department and emergency responders
- Possible training this spring of a EMT class. This is to reach out to part paid positions
- The EPA passed the training facility in their recent inspection

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Chief Colombik explained Dr. Jeff Williams had purchased a rifle for a raffle to purchase a narcotic dog. Dr. Williams will donate one rifle for four quarters. Chief Colombik thought the raffle tickets would produce enough money to buy the needed dog. He also thought food and veterinarian costs would be donated for the dog and the officer that had the dog would receive compensatory time. He felt once the program was established, it would take care of itself.

Clerk Pearce said the year-end audit will start on January 2, 2018. It takes about three days, so expect a call from her when the auditors are ready to present the summarized report.

CITY COUNCIL COMMENTS

Councilperson Uden commended the Mayor on the name withdrawal from the Board of Appeals.

Councilperson Huber attended the Economic Development meeting in Colstrip on December 19th.

MAYOR COMMENTS

Read the thank you letter from Troop 222, Boy Scouts of America, thanking Detective Baker and Officer Winkley for fingerprinting and first aid training. They also thanked the firefighters.

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A. **RESOLUTION NO. 4118- A Resolution Approving the Extension of the Lease Agreement Between the City of Miles City and Linda Larsen for the lease of Certain Industrial Site Property**

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

Mayor Hollowell wondered why the City should approve the extension, instead of sending it out for bid.

Attorney Rice explained that City policy allows the improvement owner the option to renew the lease when it expires.

** After a long discussion, on roll call vote, the motion passed, 6-0. Resolution No. 4118 passed.*

B. **RESOLUTION NO. 4119- A Resolution Authorizing the Assignment of a Certain Lease Agreement Between the City of Miles City and Linda Larsen to Center AG Supply, LLC for the Lease of Certain Industrial Site Property**

** *Councilperson Galbraith moved to approve the Resolution, read by title only and seconded by Councilperson Wilcox. On roll call vote, the motion passed 6-0. Resolution No. 4119 passed.*

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C. **RESOLUTION NO: 4121- A Resolution Approving A Task Order to Kadrmas, Lee & Jackson, Inc., For Services related to the Darling Addition Street and utilities Rehabilitation Project**

** *Councilperson Erlenbusch moved to approve the Resolution, read by title only and seconded by Councilperson Wilcox. On roll call vote, the motion passed 6-0. Resolution No. 4121 passed.*

Director Kelm thanked the Council for being supportive throughout his career. He welcomed the new Public Utilities Director Tom Speelmon and hoped Council will work with him as well.

ADJOURNMENT

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

The meeting was adjourned at 8:25 p.m.



John Hollowell, Mayor



Lorrie Pearce, City Clerk