

REGULAR COUNCIL MEETING February 13, 2018

7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 13, 2018, 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, Kathy Wilcox and Susanne Galbraith.

Also present were Fire Chief Branden Stevens, Planner II Dawn Colton, Public Works Director Scott Gray, Flood Administrator Samantha Malenovsky, City Attorney Dan Rice and Tax Increment District/Historic Preservation Officer Connie Muggli 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

Special City Council Minutes: 1/23/2018

** *Councilperson Uden moved to approve the minutes of the Special Council Meeting of January 23, 2018 subject to any changes, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 8-0.*

SPECIAL COUNCIL MEETING January 23, 2018 5:30 p.m.

The Special Council meeting was held Tuesday, January 23, 2018, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Council Members present were Brant Kassner, Dwayne Andrews, John Uden, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith. Councilperson Ken Gardner arrived at 6:30pm.

Also present were Mayor John Hollowell Floodplain Administrator/AutoCAD/AssistantPWPV Samantha Malenovsky, and City Clerk/Minute Recorder Lorrie Pearce.

A. Variance Training-NFIP Coordinator for DNRC, Traci Sears presented variance training to Council. The following was discussed:

1. Mapping
 - A 100- Year flood has a 1% chance of occurring any given year
 - Flood Insurance Rate Maps (FIRMs)- Identify areas of flood risk, used for various purposes and needs periodic updating
 - Zone AE-100 year floodplain includes flood fringe and floodway
 - Zone X is the 500 year floodplain
 - Zone AE,AO,AH, etc. is the 100 year floodplain hazard area. They require flood insurance on buildings with a federally backed mortgage, floodplain regulations apply, floodplain permits are necessary. Referred to as 1% annual chance floodplain and regulated flood hazard area
 - Floodway has the fastest flows and the deepest depths of flood water and kept clear from development so that flood waters may pass.
2. Regulations
 - Protects property rights to ensure action of any property owner does not adversely impact the property rights of other
 - Leads to reduced flood losses while promoting better stewardship and community mitigation efforts
 - Prevention of harm is treated different legally than making the community a better place-tougher to challenge in court
 - Requires a permit for development in a high risk flood zone
 - Describes the permitting process in detail
 - Describes community procedure for appeals, variances, and violations
 - Local floodplain regulations include- Administrative and enforcement procedures, specific requirements, regulations, and standards to support the purpose. A tie into FEMA's flood maps and follows State and FEMA's minimum requirements
 - The floodplain permitting process includes any development (man-made activity) in a high-risk flood zone. It needs to go through the permitting process, and all required local, state, and federal permits and must be approved before a floodplain application is considered complete

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

- Freeboard in Montana requires 2 feet of freeboard for new construction. Higher freeboard lowers flood risk and insurance premiums.
- An appeal is a request for a review of a rule interpretation made by the community; a variance is a grant of relief from the requirements of the rules that would result in an un-necessary hardship to the owner or applicant. Miles City Council primary function is to hear and rule upon applications for a variances and appeals from decisions of the local floodplain administrator
- Proposed variance from FEMA regulations must show: Good and sufficient cause is shown, an exceptional hardship to the applicant exists, the variance provides the minimum necessary action to afford relief, the variance will not increase flood heights, cause additional threats to public safety, cause extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances. If variance is granted, the community must maintain a record of all variances
- Best advice to Council is to rarely grant these variance on a very limited basis
- Variances to community regulations that are above and beyond minimum FEMA regulations will typically have a lower threshold for approval than a variance from FEMA rules would
- Could significantly lower Community Rating System (CRS) activity points. Could potentially cause and increase in insurance premiums that get a reduction from CRS classification
- Notification should be given to property owners that may be affected by higher insurance premiums due to the issuance of a variance
- Variance Applications must be submitted and include:
 - Completed floodplain permit application, variance application, supporting materials for applications and supporting materials that address criteria in section 12-59 of Miles City floodplain ordinance and articles 9 and 10. A public notice should be published in local paper and notice sent to adjacent property owners
 - Criteria for Variances
- Is there good and sufficient cause (financial hardship is not a good and sufficient cause, failure to grant the variance would result in exceptional hardship to the applicant. Residential and nonresidential buildings are not in the floodway except for alterations or substantial improvement to existing builds. Any enclosure including a crawl space must meet the requirements in Section 10.2.14, Wet flood proofing if the enclosure interior grade is at or below the BFE. Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other existing local laws or ordinances. The proposed use is adequately flood proofed. The variance is the minimum necessary, considering the flood hazard, to afford relief, and a reasonable alternative location is not available. An encroachment does not cause an increase to the BFE that is beyond that allowed in these regulations. All other criteria for a floodplain permit besides the specific development standard request are met.
- Exceptions
 - For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the BFE.
 - Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program
 - Board Decision:
 - Historic Structures – Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program
 - Make findings, and approve, conditionally approve or deny a Floodplain permit and variance within 60 days of a complete application
- If approved, attach conditions to the approval of Floodplain permit and Variance including a project completion date and inspections during and after construction
- Notify the applicant that the issuance of a Floodplain permit and Variance to construct a structure not meeting the minimum building requirements in these regulations may result in increased premium rates for flood insurance and that flood insurance premiums are determined by actuarial risk and will not be modified by the granting of a variance

Submit to the Floodplain Administrator a record of all actions involving a Floodplain

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

permit and variance, including the findings and decision and send a copy of each variance granted to DRNC

ADJOURNMENT

The meeting was adjourned at 6:52p.m.

City Council Minutes: 1/23/2018

** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of January 23, 2018 and seconded by Councilperson Galbraith. The motion passed by unanimous consent, 8-0.*

Public Service Minutes: 1/19/2018

** *Councilperson Erlenbusch moved to approve the minutes of the Human Resource Committee Meeting of January 19, 2018, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 8-0.*

PUBLIC SERVICE COMMITTEE MEETING January 19, 2018

The Public Service Committee met Friday, January 19, 2018 at 12:00 pm in the City Hall Conference Room. 17 S. 8th Street, Miles City, Montana. Present were Committee Chair Dwayne Andrews and Committee Members Ken Gardner, Kathy Wilcox and John Uden.

Also present were: Public Works Director Scott Gray, Parks Foreman Brady Stone, Historic Presentation Program Administrator Connie Muggli and Minute Recorder Ally Capps.

1. Request of Citizens/Public Comment

-None-

2. Elect Committee Chair

*** Committee Chair Andrews made a motion to elect Committee Member Uden as 2018 Committee Chair, seconded by Committee Member Wilcox. On a roll-call vote, the Motion passed 3-0. Committee Member Uden abstained.*

3. Stanley Field Discussion

Representing the Outlaws Baseball Club, Chad Notbohm, 1908 Sudlow Street, presented to the Committee proposed improvements for the restoration of Stanley Field. Communicating a \$50,000 grant will be available for; turf for the infield, grass for outfield and a sprinkler system. We also have other donors that are willing to match the grant. Do to time limitations; the field will be dirt or clay the first year. Contributions for Stanley Field will also be decorative cinder block dugouts along with supplies for a press box. A fencing company is willing to donate \$60,000 in vinyl-coated chain-link fencing. Committee Member Uden asked Citizen Notbohm if he had any plans at this time in updating the restrooms in Water Plant Park. Mr. Notbohm responded that at this time there were no plans for upgrading the restrooms. The Club will bring in port-a-potties when the field is in use. Committee Member Uden asked Director Gray if he felt he had the work force to take care of Stanley Park. Foreman Stone replied based on his figures and the care that Stanley Park has had in the past, six hours a week would be required in the summer for watering, fertilizing, mowing and pick-up of the park.

The Parks staff will be adding a full time employee in spring. Stanley Field does require maintenance now for mowing and setting up watering for Pumping Plant Park. Mr. Notbohm asked if the Club could tap into the backside of the field to bring a water line to the outfield and then tap in the sprinkles. Director Gray explained that a waterline is available on right field. Foreman Stone also commented there is an existing 14" pipe that runs through the existing outfield to a fire hydrant. Director Gray asked Mr. Notbohm if they had figured parking into fields improvements. Pumping Plant does have limited open space and parking, adding 30-40 cars will require planning as it will cause extra congestion. In addition, we need to be aware of parking needs for the Water Works Art Museum. Mr. Notbohm thought with the fence going along the side of the field, would open a parking area.

PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

Committee Member Wilcox asked if the Outlaws Baseball Club donates these improvements to the City who owns the improvements. Director Gray responded that a park user permit would be set up for Stanley Field. In these permits, there one section covers donations and states that all donations stay with the field. One option proposed could state, Stanley Field would be for the Outlaws Club since they have had generously donated and improved Stanley Field. Committee Member Andrews requested that the Outlaw Club put their proposal into writing and submit their request to Council, showing an outline for the grant and donations for Stanley Field.

**** Committee Member Uden made a motion to approve their request and commend the Outlaw Baseball Club's commitment and effort for modernizing Stanley Field with a due pass recommendation on the Club's plan, seconded by Member Andrews with the wording "written plan" be added to the original motion. On a roll-call vote, the Motion passed unanimously 4-0.**

3. Recognize Maurice Hilleman

Committee Member Andrews shared his thoughts in naming Pumping Plant Park and Stanley Field to the Maurice Hilleman Park. Committee Member Uden shared his views regarding his choice in renaming Riverside Park to Maurice R. Hilleman Memorial Park. The old water tower foundation would be a great place to honor and recognize Maurice Hilleman. Honoring Maurice Hilleman, would be educational as well as an historical tribute to a man who accomplished so much and saved millions of lives and was born and raised in Miles City. Administrator Muggli added due to Riverside Park being on the National Registry, its name is significant to Miles City and is on the National Registry as a significant contributing element of the Main Street Historic District. The Historic Preservation Board in the past year had looked at adding a Steam Ship Captain Statue or a bust of Dr. Maurice Hilleman onto the old water tank foundation in Riverside Park for a memorial. Director Gray asked Committee Member Uden about the memorial Merck and Company was interested in providing to Miles City, for the work Dr. Hilleman had accomplished. Committee Member Uden had talked to Merck and they were still interested in providing help to the memorial but the verbal stipulation was naming the park, Hilleman Memorial Park. Administrator Muggli asked if Merck was going to send the City a written letter of commitment. Committee Member Uden would contact Merck for a written letter of commitment. The Preservation Commission was thinking of a granite pedestal with a bust of a Steam Boat Captain and adding a brass plaque to tell the story of Fort Keogh and the forts significantes to Miles City. Miles City formed near the river by being a landing dock for Fort Keogh. However, this could also be in addition for Dr. Hilleman and his tremendous impact he had on saving millions of lives of children starting in the 1960's just for his measles vaccine alone. Committee Member Gardner mentioned he has had public comment asking that Riverside Parks name not be changed.

****Committee Member Uden motioned a resolution be prepared to change the name of Riverside Park to the Dr. Maurice R. Hilleman Memorial Park. There was not a second.**

****Committee Member Andrews motioned that Riverside Park have some sort of memorial for Dr. Hilleman and that we name Stanley Field and Pumping Plant Park the Maurice Hilleman Complex, seconded by Committee Member Wilcox. On roll call vote, the motion passed 3-1 with Committee Member Uden opposed.**

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

Finance Committee Minutes: 1/22/2018

**** Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of January 22, 2018 subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.**

Finance Committee Meeting

January 22, 2018

The Finance Committee met Thursday, January 22, 2018 at 5:15 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, TIFD Representative Todd Gillette, County Commissioners Jason Strouf, Keven Krausz, Keith Holmlund and City Clerk/Recorder Lorrie Pearce.

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

Committee Chairperson Galbraith called the meeting to order.

1. Election of Chairperson

****** *Committee Member Wilcox moved for Susanne Galbraith as the chairperson, seconded by Committee Member Huber, and on roll call vote it passed 3-1 with Committee Member Galbraith voting no*

2. Request of Citizens:

None

3. Discussion with County Commissioners and Recommendation on Payment for TIFD Software

Commissioner Strouf wondered why the payment for the TIFD software had been changed. There was a straw poll at a Council/Commissioner meeting and Council had agreed to pay for the software.

Committee Member Galbraith and Wilcox said that the straw poll was taken before Council had a chance to really look into the situation. Since then there has been communication with the TIFD District and Council has discussed it more in depth. In the discussion, it was decided that the TIF District did not have the money to pay for the software and it was not budgeted in the General Fund.

TIF Representative Gillette said that the District does not have the money to pay for the software and this year was the first time that it was paying for the personnel wages. He thought a download from the Department of Administration could have been used, which meant the County would have had to manually input the taxes.

Commissioner Strouf explained that the District had over 800 parcels and it would have taken two to two and a half employees to manually input the taxes. He did not think the County should have to pay for the additional cost. He added that the commercial valuation went down, and the grant money for the facades did not help with the value of the building that use it. Noncommercial valuation did increase, which hurts residents in the area. The school is looking into a levy and if it is voted in the county will be paying for school taxes three times. The County and the schools are losing money with the TIF District. He thought the TIF District should pay for itself.

Councilperson Andrews explained that the County is responsible to collect taxes so to have the TIF District pay for it all is not right. He was willing to agree with a compromise and move on. Councilperson Wilcox agreed and said nobody wants to pay one hundred percent of the software and asked the County what they thought was fair.

Commissioner Krausz said the County would consider paying one third of the software cost and maintenance fee.

****** *Committee Member Wilcox moved to recommend to Council that the cost of the software and maintenance fee be split one third of the cost between City, County and the TIF District, seconded by Committee Member Huber. On roll call vote, it passed 4-0*

4. Discussion and Recommendation on Ordinance No. 1318- An Ordinance Amending Chapter 15 of the Code of Ordinances of Miles City, Montana, With Regards to Weeds, and the Enforcement of Nuisances

****** *Committee Member Galbraith moved to recommend to Council that the cost of the public nuisance is put into General Fund under its own line item to keep track of the cost associated with the property, seconded by Committee Member Huber.*

Chairperson Galbraith asked if an assessment fee could be added. Clerk Pearce did not think it was in the Ordinance to specify that assessment fees be charged.

Clerk Pearce thought it would take about \$400.00 to process the nuisance if it went through all phases. \$200 for the lot book report, \$180 for publishing the public hearing, \$7.00 for certified mail and \$14 to file with County Clerk. A new line item would need to be added to Black Mountain software.

Committee Member Andrews agreed that there will be a lot of personnel time if the nuisance went all the way through the process and an administration fee should also be added. The cost associated with it could cost the City a lot of money.

Committee Member Andrews wondered if there was a way the City could go in and clean it up without liability concerns.

****** *Committee Member Andrews moved to add to the Ordinance the fees that would be assessed for the destruction of noxious weeds and the city has the ability to clean up the weeds before the Ordinance is implemented, seconded by Councilperson Huber.*

****** *On roll call vote the amended motion passed, 4-0*

****** *The main motion passed 4-0*

5. Discussion and Recommendation on Purchasing additional software for City Silo for an amount of

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

\$2,592 and an additional amount of \$900 a year

*** Committee Member Wilcox moved to recommend to Council to approve purchasing additional software for City Silo for an amount of \$2,592 with an additional amount of \$900 a year, seconded by Committee Member Galbraith.*

Planner Colton explained the software would automatically route paperwork associated with the development review to several people that needed to review and sign off on it. She has been doing this manually and it takes a tremendous amount of time to follow up on everyone.

Chairperson Galbraith asked Planner Colton if she had the money in her budget. Colton said she thought she would have it in her budget, it depended on what charges she will accrue for professional services and appraisal on the Industrial Park. Chairperson Galbraith explained that the \$2,592 would be paid out of the planning department and the \$900 would be split between 20 funds.

*** Committee Member Wilcox amended her motion to change the amount paid to City Silo for the software to \$3,740, seconded by Committee Member Galbraith.*

*** The motion and amended motion passed 4-0*

6. Send to collections for Bulk Water and Repair Leaking Curb Stop, an amount of \$609.67

*** Committee Member Huber moved to recommend to send to collections an amount of \$609.67, for bulk water and repair leaking curb stop, seconded by Committee Member Wilcox.*

Clerk Pearce said that an individual had paid his invoice for an amount of \$369.78.

*** Committee Member Huber amended his motion to change the amount to send to collection to \$239.89, seconded by Committee Member Wilcox.*

*** The motion and amended motion passed 4-0*

7. Adjournment

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

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

Flood Control Minutes: 2/01/2018

*** Councilperson Erlenbusch moved to approve the minutes of the Flood Control Meeting of February 1, 2018 subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

Flood Control Committee February 1, 2018

The Flood Control Committee met Thursday, February 1, 2018, at 6:05 p.m. in the City Hall Conference Room. Present were Committee Chair Jeff Erlenbusch, Committee Members: Ken Gardner and Brant Kassner. Excused was: Committee Member Rick Huber

Also present were: Floodplain Administrator Samantha Malenovsky and Committee Recorder Linda Wilkins.

1. Request of Citizens/Public Comment:

-None-

2. Committee Members Comments:

-None-

3. Elect Chairperson

*** Committee Member Kassner nominated Committee Member Erlenbusch and seconded by Committee Member Gardner.*

There were no further nominations.

***On roll call vote Committee Member Erlenbusch was elected chairperson, 2-1.*

4. Discussion and Recommendation to Council: Ordinance 1320, AN ORDINANCE REPEALING SECTION 12 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY AND ENACTING A NEW SECTION 12 OF SAID CODE OF ORDINANCES OF THE CITY OF MILES CITY.

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

***Committee Member Kassner moved to discuss and recommend that Ordinance 1320 changes be moved on to City Council, seconded by Committee Member Gardner.*

- Administrator Malenovsky commented that Deputy City Attorney Jeff Noble had discovered an error and this was addressed in the changes to the ordinance.
- Committee Member Gardner likes the way the ordinance is set up to report to City Council and the progressive fines for each offense.

***The motion passed unanimously 3-0.*

5. Adjournment

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

There being no further business, the Committee adjourned at 6:15 p.m.

Public Safety Minutes: 2/01/2018

*** Councilperson Gardner moved to approve the minutes of the Public Safety Meeting of February 1, 2018 subject to any changes, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 8-0.*

Public Safety Committee Meeting February 1, 2018

The Public Safety Committee met Thursday, February 1, 2018, at 6:30 pm in the City Hall Conference Room. Present were Committee Chairperson Ken Gardner and Committee Members John Uden, Brant Kassner and Jeff Erlenbusch.

Also present were: Deputy City Clerk/Recorder Linda Wilkins

Chairperson Gardner called the meeting to order.

1. Request of Citizens

None

2. Committee Member Comments

Committee Member Erlenbusch commented that he received a call from Bill Ellis asking about presenting to City Council on the subject of the City's responsibility in the event of a disaster. He said he will be talk with the Mayor to be placed on the Council agenda.

Chairperson Gardner stated he would also give Mr. Ellis a call.

3. Elect Committee Chairperson

***Committee Chairperson Gardner moved to nominate Committee Member Kassner as Chairperson and seconded by Committee Member Uden.*

***On roll call vote Committee Member Kassner was elected Chairperson, 3-1.*

4. Adjournment

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

The meeting was adjourned at 6:37 p.m.

Human Resource Minutes: 2/01/2018

*** Councilperson Wilcox moved to approve the minutes of the Human Resource Meeting of February 1, 2018 subject to any changes, and seconded by Councilperson Uden. The motion passed by unanimous consent, 8-0.*

Human Resources Committee February 1, 2018

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

The **Human Resources Committee** met Thursday, February 1, 2018, 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 arrived after consideration of Item 3. Also present was Deputy City Clerk/HR Officer /Committee Recorder Linda Wilkins and Historic Preservation/TIFD Officer Connie Muggli.

Committee Chairperson Kathy Wilcox called the meeting to order.

1. Request of Citizens
None

2. Committee Member Comments
None

3. Elect Committee Chairperson

*** Committee Member Uden moved that Chairperson Kathy Wilcox continue as chairperson of the committee, seconded by Committee Member Galbraith. On roll call vote the motion passed 3-0.*

4. Unfinished Business

A. Review and Recommendation : Position Description, Historic Preservation/TIF Director

***Committee Member Uden moved that the committee accept the current Historic Preservation Officer and Tax Increment position description with revisions, effective February 15, 2018.*

- Revisions during the meeting consisted of:
 - In the header change title to Historic Preservation Officer & Urban Renewal Agency Director, change Job Class to Administrative, change Department to Historic Preservation / Urban Renewal Agency, and make the Effective Date 2/15/2018.
 - Third bullet under SUMMARY OF WORK before the last work "district" add "Tax Increment Financing"
 - Under MINIMUM REQUIREMENTS Education (knowledge) remove "in Business Administration and/or Public Administration"
 - Under DESIRABLE QUALIFICATIONS Knowledge: add "Bachelor Degree in Business Administration and/or Public Administration" and under Skills: add "Use of Robert's Rules of Order"

***On roll call vote the motion passed, 4-0.*

B. Review and Recommendation: Revised Grievance Personnel Policy

***Committee Member Erlenbusch moved that the Grievance Policy be recommended and moved on to City Council with revisions, seconded by Committee Member Galbraith.*

- Revisions made based on the Mayor's e-mail recommendations
 - Under Grievance Procedure A, the following sentence "Supervisor will document the reason for the grievance meeting and the outcome of the discussion; submit documentation to the Human Resource Officer." Item D after ...final review and a comma and delete "Chairperson in his/her discretion," Item E insert after final "Human Resource Committee"; delete after Chairperson "of the Human Resource Committee" and after the second file replace the word "administrative" with "Committee"

***On roll call vote the motion passed, 4-0.*

5. New Business

A. Review and Recommendation: Resolution 4115; revised Discipline & Discharge Personnel Policy

***Committee Member Galbraith moved to accept and recommend to Council the Discipline & Discharge Personnel Policy as revised, seconded by Committee Member Erlenbusch. On roll call vote the motion passed, 4-0.*

B. Review and Recommendations for verifying the following resolutions and personnel policies are current prior to 2019 Budgeting:

- Resolution 4071: Position descriptions
- HR Personnel Policy: Performance Evaluations
- Resolution 4072: Wage Increase Requests

- Chairperson Wilcox stated she thought no revisions were needed on these items it was simply a reminder of things that may be required to review prior to budget season

PROCEEDING OF CITY COUNCIL
MILES CITY, MONTANA

- HR Officer Wilkins informed the Committee performance evaluations forms have been sent out to directors. She has reminded the Fire and Police departments of the need to begin working on updating positions descriptions. Other City departments had been reviewed last year.
- C. Review and Recommendation: HR Policy 3.5.1 – Education & Training
- Proposed 2018 training schedule attached
- Chairperson Wilcox commented that she and HR Officer had discussed the need for employee training and she developed a schedule of training.
 - Committee Member Uden commented that this was needed to protect the City from any type of litigation arising from employee issues.
 - Committee Member Galbraith thought this was an excellent way for the City to be proactive and not reactive.
 - HR Officer Wilkins stated that the first training will be taking place on February 8 on Communication and Dealing with Difficult People. A training presented through the EAP program costs for this training will be covered by MMJA. The training will take place in the City Hall conference room at 10:00 a.m.
 - Chairperson Wilcox stated that the harassment training on the schedule will be moved, but should be completed by April.
5. Next Meeting: Consider Thursday March 8, 2018 @ 5:15 p.m.
Begin Review and Discussion: Resolution #3756 Employee Orientation and Checklist
- After discussion the meeting will be moved to March 1, 2018 at 5:15 p.m.

4. Adjournment

***Committee Member Erlenbusch moved to adjourn, seconded by Committee Member Galbraith. The motion passed unanimously 4-0.*

The meeting was adjourned at 6:00 p.m.

SCHEDULE MEETINGS

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

- Finance: Thursday, February 22nd @ 6:00 p.m.
- Human Resource: Thursday, March 1st @ 5:15 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Property Lessee Greg Kmetz, 21 Water Plant Road explained the history on leasing lots 28-32 in the Industrial Park. He thought he was paying way too much for the lease and asked if he did not renew his lease if the City would give the area to RJ Ailport at no cost for five years. Mr. Ailport would bring in a business specifically for oilfield service and would employ a couple dozen employees. Industrial Site Lessee Jerry Singleton said that he was very excited to bring Mr. Ailport to the Industrial Site and felt the business would not make a large impact to truck traffic. After a long discussion Attorney Rice explained that the City cannot donate a lease to one person, it could give the lessee tax an abatement for improvements on the building but would need to approve the assignment at the original cost. Mr. Kmetz could relinquish the lease and it would go out for bid, which could possibly come in lower.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Director Gray thanked the park, utilities and works crews for all the hard work on snow removal. Muggli Construction and Doeden Construction were hired to remove the snow. Miles Community College students have also participated. Custer County will give the City two trucks and a loader on Friday to help with the cause. He met

PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

with several city, county and state representatives to discuss declaring a disaster and emergency. He explained that the ambulance and police vehicles could not get through the snow. If a disaster can be declared the City would bill property owner's two mills which are equal to approximately \$18,400. The money would not make a dent in the expenses but would help. He said the expenses spent to date are \$85,000. He also reported that the skating rink was open.

Attorney Rice said that the owner of the Range Riders would be asking for a tax abatement on improvements, which would be on the next council meeting agenda.

Chief Stevens reported on the fire and rescue:

- At full staff and overtime has been reduced to an average of 20 hours per full time employee, compared to 60 hours in November
- Promotions for officers are finished
- Tender 23 is still out of service
- The four wheel drive ambulance grant bids are due February 27th
- Applied for a \$359,573 grant to purchase self-contained breathing apparatus and a cascade system
- Training center is in the final approval stage
- Narcan training for the Police is this Thursday
- Station roof is leaking and could be a major project
- Presented Tyler Kuhn and Nick Stinson as new probation officers and presented newly promoted Captain Sarah Lewins and Jake Richards with badges

Administrator Malenovsky said there is a Federal grant available worth between \$200,000 to \$500,000. She thought the City would apply for a \$200,000 grant. It is a one to one match. The City needs to pre-apply and then be invited to apply for the match. If granted it would be used for the slough study.

CITY COUNCIL COMMENTS

Councilperson Andrews said there were a couple of businesses on Main Street that needed to shovel their snow. One was between Hardesty Real Estate and the Courthouse and the lot between Miles City Jewelry and the Grind. He felt it makes it hard for special needs residents to get around town in the un-shoveled snow.

Councilperson Uden asked the Mayor to assign a committee to investigate awarding all employees a day off with pay since City Hall was closed last Friday with all of them receiving pay for the day off. Mayor Hollowell sent the issue to Human Resources.

MAYOR COMMENTS

Mayor Hollowell said he had contacted Emergency/Disaster Coordinator Jeff Gates on the two mills for declaring the City a disaster. He asked for a straw poll from Council as to whether it felt it was a good idea. All Council members felt it was worth pursuing. He read a letter from Boy Scout Troop 222, representing several other Boy Scout Troops, thanking the City and its employees for giving the troops the opportunity to camp at Spotted Eagle and making the experience better through their consideration and professionalism.

COMMITTEE RECOMMENDATIONS

Have some sort of memorial for Dr. Hilleman at Riverside Park and City names Pumping Plant Park the "Maurice Hilleman Complex".

*** Councilperson Andrews moved to have some sort of memorial for Dr. Hilleman at Riverside Park and the City names Pumping Plant Park the Maurice Hilleman Complex, seconded by Councilperson Galbraith.*

Councilperson Uden explained that he had recommended Riverside Park to be renamed "Dr. Maurice R. Hilleman Park". He thought since he was born and raised in Miles City, graduated from Montana State University and credited for discovering several vaccinations, that he should be recognized.

Councilperson Andrews thought some sort of memorial should happen and the Public Service Committee passed the naming of the Pumping Plant Park area the "Maurice Hilleman Complex".

Mayor Hollowell read a letter from a citizen asking Council not to rename Riverside Park after Maurice Hilleman.

Director Gray explained that part of the discussion at the committee meeting was to put a plaque of Maurice Hilleman in the cemented area where the old water tower was. Then name the complex at Pumping Plant Park after him.

Councilperson Galbraith thought the area in Riverside Park where the old water tower was would be a great place for plaque.

It was decided a Resolution was needed to rename the Pumping Plant Park area to Maurice Hilleman Complex, but one was not needed for the plaque at Riverside Park. The complex area would include Stanley Field, Pumping Plant Park, Waterworks Art Museum, Miles City Water Plant and the Miles City Law Enforcement Shooting Range

*** Councilperson Andrews amended his motion to only name the Pumping Plant Park area to Maurice R. Hilleman Complex. Councilperson Galbraith seconded the amendment.*

*** The motion passed 7-1 with Councilperson Uden voting no*

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. ORDINANCE NO. 1319- An Ordinance Amending Chapter 5 Section 2 of the Code of Ordinances of Miles City, Montana, With Regards to Adoption of Model Technical Codes and Administrative Regulations**

Mayor Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

- B. ORDINANCE NO 1320- An Ordinance Repealing Section 12 of the Code of Ordinances of the City of Miles City and Enacting a New Section 12 of Said Code of Ordinances of the City of Miles City**

Mayor Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was close

UNFINISHED BUSINESS

- A. ORDINANCE NO. 1319- (Second Reading) An Ordinance Amending Chapter 5 Section 2 of the Code of Ordinances of Miles City, Montana, With Regards to Adoption of Model Technical Codes and Administrative Regulation**

** *Councilperson Galbraith moved to adopt the Ordinance, read by title only, seconded by Councilperson Kassner and, on roll call vote, passed unanimously, 8-0. Ordinance No. 1319 was adopted.*

B. ORDINANCE NO 1320- (Second Reading) An Ordinance Repealing Section 12 of the Code of Ordinances of the City of Miles City and Enacting a New Section 12 of Said Code of Ordinances of the City of Miles City

** *Councilperson Galbraith moved to adopt the Ordinance, read by title only, seconded by Councilperson Wilcox and on roll call vote, passed unanimously, 8-0. Ordinance No. 1320 was adopted.*

C. RESOLUTION NO. 4115- A Resolution Revising City of Miles City Personnel Policies Regarding Discipline and Discharge (Tabled)

** *Councilperson Uden moved to approve the Resolution, read by title only, seconded by Councilperson Wilcox and on roll call vote, passed unanimously, 8-0. Resolution No. 4115 was adopted.*

NEW BUSINESS

A. ORDINANCE NO. 1321- (First Reading) An Ordinance Amending Ordinance 1294, and Revising the Urban Renewal District Boundary to Include Full Parcels Split by Original Boundaries

** *Councilperson Galbraith moved to approve the Ordinance, read by title only, and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 6-2 with Councilperson Uden and Andrews voting no. Mayor Hollowell referred the Ordinance to the Finance Committee*

B. ORDINANCE NO. 1322- (First Reading) An Ordinance Revising Sections 23-28, 23-29, and 23-33 of the Code of Ordinances of the City of Miles City, Montana, so as Revise Provisions Regarding Curb Stop Maintenance, Meter Replacement Fees, and Service Line Materials

** *Councilperson Gardner moved to approve the Ordinance, read by title only, and seconded by Councilperson Galbraith and on roll call vote, the motion passed by unanimous consent, 8-0. Mayor Hollowell referred the Ordinance to the Finance Committee*

C. RESOLUTION NO. 4126- A Resolution Granting a Revocable License to Bert Boughton and Byron Boughton And Bert Dee Boughton for an Encroachment Upon City of Miles City Property, for the Benefit of Tract 4A of the Industrial Sites, West of Miles City

** *Councilperson Galbraith moved to approve the Resolution, read by title only, and to include the staff report as finding of fact and seconded by Councilperson Gardner.*

*** After a short discussion, Councilperson Galbraith moved to amend her motion to add fee after the word license, under proposal on the staff report. Councilperson Gardner seconded the motion. On roll call vote, the motion and amended motion passed by unanimous consent, 8-0. Resolution No. 4126 passed.*

D. RESOLUTION NO. 4127- (First Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2017-2018 to Increase the Budgeted

Amount in the General Fund for Various Unbudgeted Expenditures

** *Councilperson Uden moved to approve the Resolution, read by title only, and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4127 was referred to the Finance Committee*

E. RESOLUTION NO. 4128- A Resolution Approving an Amendment of Municipal Street Lighting and Equipment Rental Agreement With Montana-Dakota Utilities Co.

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

Director Gray explained that Montana Dakota Utilities will be replacing the lights in Miles City except for three lighting districts. The districts that are not being replaced with new lighting are Main Street (150 lights), Balsam (26 lights) and Milestown (9 lights). MDU representatives Ron Hurr and Paul Hopfauf explained that it would save the City a lot of money if those districts were replaced at the same time. The City would save money with the purchasing, installation and disposal cost. Director Gray said that he is waiting for cost to the districts, and once received, a letter will be sent to property owners explaining what the cost would be and when the public hearing is scheduled. Attorney Rice suggested the City borrow the money to pay for the lighting districts expenses and bill them accordingly. Mr. Hopfauf said that MDU is looking into the tax implication on selling the City the lights and is to amend an old agreement so they can install the new lights and charge new rates.

** *On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4128 passed.*

F. RESOLUTION NO. 4129- A Resolution Approving a Real Property Lease Agreement Between the City of Miles City, and Nolley's Welding and Machine, Inc., For Certain Real Property Owned by Miles City, Montana

** *Councilperson Uden moved to approve the Resolution, read by title only, and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No.4129 passed.*

G. APPROVAL OF JANUARY CLAIMS

** *Councilperson Andrews moved to approve the January claims, seconded by Councilperson Huber and passed unanimously.*

ADJOURNMENT

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

The meeting was adjourned at 9:40 p.m.


John Hollowell, Mayor


Lorrie Pearce, City Clerk