

**REGULAR COUNCIL MEETING May 22, 2018**  
**6:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, May 22, 2018, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Council President Susanne Galbraith called the meeting to order. Council Members present were Susanne Galbraith, Brant Kassner, Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch and Kathy Wilcox. Mayor Hollowell was excused.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Animal Control Officer Mark Winkley, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, and City Clerk/Minute Recorder Lorrie Pearce.

**PLEDGE OF ALLEGIANCE**

Council President Galbraith led the Council in the Pledge of Allegiance.

**APPROVAL OF COUNCIL & COMMITTEE MINUTES**

**City Council Minutes: 5/8/2018**

\*\* *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of May 8, 2018, subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

**Finance Committee Minutes: 5/3/2018**

**Finance Committee Meeting**

**May 3, 2018**

The Finance Committee met Thursday, May 3, 2018 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 and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

**1. Request of Citizens:**

None

**2. Committee Member Comments**

Chairperson Galbraith explained an item that will need to be solved before 18/19 budget:

- TIFD payback- Thought the fund could pay back more than \$500 a year to the City

**3. Discussion and Recommendation on Training Center Loan Schedule**

Clerk Pearce said the Committee had recommended paying the 20 year loan schedule, but the terms and condition for the bridge loan stated 25 years. She asked for the 25 year schedule so Finance could see it and make an educated decision. The 25 year schedule would save approximately \$2,500 a year.

\*\* *Committee Member Andrews moved to recommend implementing the 25 year loan schedule for the fire training center in the budget, seconded by Committee Member Wilcox. The motion passed 4-0*

**4. Discussion and recommendation to add camper and port-a-potty to Jim Dighans lease at Industrial Site- Resolution No. 3929**

Planner Colton explained that the County Zoning plan states the camper can be on the property for 180 consecutive days, then it would need to be removed. She did not know for how long the camper would need to be off the premises. City Attorney Rice thought it was incidental to Mr. Dighans use. She also wondered who would police the property.

Committee Member Andrews thought the property looked trashy, and he would not vote for it.

Committee Member Wilcox agreed with Committee Member Andrews and was concerned that there was not a police report filed on the vandalism.

**PROCEEDING OF CITY COUNCIL  
MILES CITY, MONTANA**

*\*\* Committee Member Andrews moved to recommend to Council to deny adding a camper and port-a-potty to Jim Dighans lease at Industrial Site, seconded by Committee Member Wilcox. Motion passed 4-0*

**5. Discussion and recommendation on amount of money to transfer from General Fund to Capital Improvement Plan**

Chairperson Galbraith explained that from the cash carryover in Fiscal Year 16/17, she recommended to transfer \$75,000 to the Capital Improvement Fund. That was the amount that was transferred into the fund last year.

Clerk Pearce explained that the spreadsheet demonstrates the expenditures difference of \$104,999 that was appropriated, but not spent last year. Per City Ordinance, this money could be transferred to the CIP fund.

*\*\* Committee Member Andrews moved to recommend to Council to transfer \$75,000 from FY16/17 carry over cash to the Capital Improvement Fund, seconded by Committee Member Wilcox. The motion passed 4-0*

**6. Discussion and recommendation on increasing the TBID from \$1.00 to \$2.00**

Chamber of Commerce Representative John Laney explained that the Tourism Business Improvement District Board met and all agreed to increase the tax from \$1.00 to \$2.00. He recently returned from the State Board meeting and the Cities that have a TBID are going to try and raise theirs to \$2.00. The program cannot do brick and mortar, but it can take over the marketing aspect of different organizations. The board found a marketing company that would give the Community an incredible opportunity for advertising tourism.

*\*\* Committee Member Huber moved to recommend to Council the approval of the increase, seconded by Committee Member Andrews. The motion passed 4-0*

**7. Discussion on budget meeting schedule**

All Committee Members agreed on the schedule presented.

**8. Approval to send \$19,590.47 to collections for Ambulance**

*\*\* Committee Member Andrews moved recommending to Council to send \$19,590.47 to collections for the Ambulance fund, seconded by Committee Member Wilcox. The motion passed 4-0*

**9. Adjournment**

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

The meeting was adjourned at 6:40 p.m.

*\*\* Councilperson Wilcox moved to approve the minutes of the Finance Committee Meeting of May 3, 2018 and seconded by Councilperson Huber. The motion passed by unanimous consent, 8-0.*

**Human Resource Committee Minutes: 5/3/2018  
Human Resources Committee  
May 3, 2018**

The **Human Resources Committee** met Thursday, May 3, 2018, at 5:15 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, Susanne Galbraith, Jeff Erlenbusch and John Uden. Also present were Public Works Director Scott Gray, Public Utilities Director Tom Speelmon, Floodplain Administrator/Assistant PW/PU Director/Auto Cad Samantha Malenovsky 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  
Committee Member Uden will be out of town May 10 – 19.
3. Unfinished Business  
None
4. New Business  
A. Review and Recommendation: Wage Increase requests for FY 2018-2019

# PROCEEDING OF CITY COUNCIL

## MILES CITY, MONTANA

Administrator Malenovsky was the only employee presenting a request for a wage increase at this meeting. After discussion and review of the position duties and expectations the committee thought a \$2/hour increase was appropriate as requested.

**\*\*Committee Member Uden moved that Sam's request for a raise be supported by this committee for a \$2/hour raise, seconded by Committee Member Galbraith. On roll call vote the motion passed unanimously 4-0.**

### B. Review and Recommendation: Employee Orientation Personnel Policy

The changes to the Employee Orientation Personnel Policy were reviewed. The New Hire Checklist was also reviewed that goes along with the policy. Chairperson Wilcox suggested that the effective date of the policy be June 1, 2018.

**\*\*Committee Member Uden moved to approve the Employee Orientation Personnel Policy and New Hire Checklist, seconded by Committee Member Erlenbusch. On roll call vote the motion passed unanimously 4-0.**

5. Next Meeting: Thursday June 7, 2018 @ 5:15 p.m.

6. Adjournment

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

The meeting was adjourned at 5:40 p.m.

**\*\* Councilperson Erlenbusch moved to approve the minutes of the Human Resource Committee Meeting of May 3, 2018, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.**

### Public Service Committee Minutes: 5/3/2018

#### PUBLIC SERVICE COMMITTEE MEETING May 3, 2018

The Public Service Committee met Thursday, May 3, 2018 at 5:40 pm in the City Hall Conference Room, 17 S. 8<sup>th</sup> Street, Miles City, Montana.

Present were Committee Members: Dwayne Andrews, Ken Gardner, Kathy Wilcox and Chairperson John Uden. Also present were Public Works Director Scott Gray, City Clerk Lorrie Pearce and Minute Recorder Ally Capps.

Committee Chair Uden called the meeting to order at 5:40pm.

#### 1. Request of Citizens/Public Comment

-None-

#### 2. Committee Member Comments

-None-

#### 3. Unfinished Business

-None-

#### 4. Review and Revise Wording for Bouncy House Type of Play Equipment Used on City Property.

Committee Member Uden commented City Attorney Dan Rice has updated Section 17-114, on required liability insurance for vendors in Ordinance 1325.

Public Works Director Gray stated the City's insurance company, Montana Municipal Interlocal Authority, will no longer cover bounce houses or similar play structures. Revising the wording and adding bounce house type of play equipment to the Ordinance will state, that vendors need to hold an annual policy with liability being set at \$750K per claim and \$1.5 million per occurrence.

**\*\* Committee Member Andrews recommended approving the revised wording to Resolution No. 1325, seconded by Committee Member Wilcox. On a roll-call vote, the Motion passed 4-0.**

#### 5. Discuss and Recommend Mid-Rivers Contract.

City Clerk Pearce explained the contract is a ten-year contract and is expiring in August. City Clerk Pearce and City Attorney Rice had discussed the approaching renewal and if Mid-Rivers offered the best choice for the residences of Miles City.

Committee Member Andrews stated he liked supporting a local Montana company. Committee Member Uden added he felt Mid-Rivers has been very good to the community. Mid-Rivers pays a quarterly dividend to the City roughly totaling \$100K a year, which goes into general fund.

**PROCEEDING OF CITY COUNCIL  
MILES CITY, MONTANA**

*\*\* Committee Member Gardner recommended keeping Mid-Rivers and renewing the upcoming contract, seconded by Committee Chair Wilcox. On a roll-call vote, the Motion passed 4-0.*

**6. Discuss and Recommend Bed Tax Fee Increase from \$1.00 to \$2.00.**

City Clerk Pearce explained she had spoken to John Laney, from Miles City Area Chamber of Commerce. The Tourism Business Improvement District Board is making a request that the Bed Tax increase from the current \$1.00 fee to \$2.00. If the Bed Tax does pass, there will be an expense of sending out public hearing notices to the hotels and motels. Committee Member Andrews asked if the Chamber would be willing to share in the cost of sending out hearing notices.

*\*\* Committee Member Andrews made a recommendation to increase the Bed Tax from \$1.00 to \$2.00, seconded by Committee Chair Gardner. On a roll-call vote, the Motion passed 4-0.*

**7. Adjournment**

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

*\*\* Councilperson Erlenbusch moved to approve the minutes of the Public Service Committee Meeting of May 3, 2018, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 8-0.*

**SCHEDULE MEETINGS**

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

- Human Resource: Thursday, June 7<sup>th</sup> @ 5:15 p.m.
- Finance: Thursday, June 7<sup>th</sup> @ 6:00 p.m.

**REQUEST OF CITIZENS & PUBLIC COMMENT**

None

**APPOINTMENTS**

None

**PROCLAMATIONS**

None

**STAFF REPORTS**

*Director Gray-* Announced that the Frog Pool will open this Saturday May 26<sup>th</sup>, hours are 10am to 8pm. The Oasis will open June 4<sup>th</sup>, hours are 1pm to 7pm.

*Clerk Pearce-* Reminded the Public Safety Committee that a meeting will need to be scheduled in June to discuss Fireworks.

**CITY COUNCIL COMMENTS**

**Dwayne Andrews:**

- Explained that he had been approached by a citizen asking about building a fire/police department complex. He was embarrassed to tell the citizen that he did not know anything about it. Asked that in the future an e-mail is sent out to Council informing them of all situations.
- Asked Director Gray if anything is going forward with Stanley Field.
- Director Gray said that they have asked for the water to be hooked up to water grass that was planted.
- O'Reilly Auto Parts store on Haynes needs to be cleaned up. There is cheatgrass about three feet high. There is a public nuisance ordinance that should be followed.
- Talked to a few citizens that have businesses adjacent to their homes. They have not applied for a home occupancy license because they would be charged for commercial license. Asked if Council could do anything to change that.

# PROCEEDING OF CITY COUNCIL

## MILES CITY, MONTANA

- Had several citizens that complimented the City for the clean up after the Bucking Horse Sale.

**John Uden:** Thanked citizens for cleaning up their yards, but more needs attended to. He thought O'Reilly's was covered under a covenant.

**Brant Kassner:** Still a lot of boats, campers and trailers sitting on the streets. Felt it was a simple law to abide by and asked what the City is doing on the issue. Officer Winkley said he has 4-5 open cases on public nuisance. He keeps a spreadsheet as to what and when they are tagged. Sometimes after he tags the vehicle the owner will move it for a couple of days and park it back where it was in the beginning.

**Rick Huber:**

- Sees orange stickers all over the City, knows that Officer Winkley is doing his job.
- Asked what is happening with the public service building and if the City could afford the match that is being proposed by CDBG.
- EBA has money available which could possibly be used for the west end water extension. There would be a fifty percent match from the City
- City looked nice for the Bucking Horse Sale
- Asked if a public service announcement could be put in the paper and on the radio to advise citizens that lawn clippings are not suppose to be swept on the streets or left on curbs.

**Ken Gardner:** Has driven the streets with Officer Winkley and felt he documented his work very well.

### MAYOR COMMENTS

None

### COMMITTEE RECOMMENDATIONS

None

### BID OPENINGS

None

### BID AWARDS- Bid for Wibaux Fountain

\*\* After a brief discussion, Councilperson Wilcox moved to approve the Fountain bid received, there was no second. The motion **failed**

### PUBLIC HEARINGS

#### A. **RESOLUTION NO. 4153- A Resolution Establishing Revised Rates for Labor & Equipment**

Council President Galbraith called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

#### B. **ORDINANCE NO. 1325- An Ordinance Revising Section 17-114 of the City Code of the City of Miles City, Montana, Requiring Liability Insurance in Specified Amounts Prior to Issuance of a Park Use Permit**

Council President Galbraith called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

### UNFINISHED BUSINESS

#### A. **RESOLUTION NO. 4153- (Second Reading) A Resolution Establishing Revised Rates for Labor & Equipment**

**PROCEEDING OF CITY COUNCIL  
MILES CITY, MONTANA**

\*\* Councilperson Huber moved to approve the Resolution, read by title only and seconded by Councilperson Wilcox. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No.4153 passed.

**B. ORDINANCE NO. 1325- (Second Reading) An Ordinance Revising Section 17-114 of the City Code of the City of Miles City, Montana, Requiring Liability Insurance in Specified Amounts Prior to Issuance of a Park Use Permit**

\*\* 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. Ordinance No. 1325 passed.

**C. Update on Burlington Northern Santa Fe Depot**  
No information was available for this meeting

**NEW BUSINESS**

**A. Approval on Flood Plain Administrator Raise of \$2.00/hr**  
\*\* Councilperson Uden moved to approve the Flood Plain Administrator raise of \$2.00 per hour based on recommendations from the Public Service Director and seconded by Councilperson Erlenbusch.

Councilperson Wilcox explained that Human Resource Committee looked at the request after Director Gray recommended the increase. They looked at the current wage and compared it to the wage survey that the City completed earlier this year for labor negotiations. Because the position was not explicitly defined in the wage survey, the Committee looked for comparable levels of work and what the wage survey indicated would be an appropriate wage for the level of responsibility, years of service, education and authority of its job responsibility. The Finance Committee also agreed that the wage increase would be appropriate.

Councilperson Galbraith felt the decision was made out of merit, and that would not be right or appropriate.

Director Gray explained that union and non-union request for increases are different. Union increases need to be approved by City and their unions. Non-union employees increase request needs to be approved by their Director, Mayor, Human Resource and Finance Committee. As the Director of that position, he recommended a raise. Councilperson Galbraith explained that there was only so much money in General Fund. Director Gray explained that the position is paid out of several funds and the other funds has the money to cover the increase.

Councilperson Huber asked if the position is going to have less responsibility because the title on the spreadsheet states Flood Plain Administrator. Director Gray explained that the Flood Plain Administrator is taking on more responsibility that was already included in the job position. Councilperson Huber wondered why the position wasn't looked at the time of the survey. Councilperson Wilcox said the City completed the new survey with the information available and the City is using it for wage negotiations. The survey showed a \$2 to \$3 increase was appropriate.

Councilperson Andrews liked the idea for an even handed perspective and fairness. Hoped that whatever the survey showed for all non-union positions the City could find a way to afford following the survey because it is objective and a sense of fairness. He added that the City should look at all the increases at the same time.

Councilperson Wilcox added that it enables the City to retain good qualified staff.

# PROCEEDING OF CITY COUNCIL

## MILES CITY, MONTANA

Councilperson Gardner said that from what Director Gray said he believed the increase should not be on merit.

Director Gray said to an extent because there was no other flood plain administrator in Class 2 Cities to compare to.

Councilperson Galbraith said that she understood that increases are not based on merit, because everybody is expected to do their job, so it should be based on their responsibility.

Administrator Malenovsky said she followed the policy that was put in place and if anyone else is seeking an increase, then they should submit a request.

Councilperson Erlenbusch explained that Administrator Malenovsky requested an increase last year and the Council wanted to wait until the survey was completed, so it had something to compare to. The survey has been completed and felt it was time for the increase.

Director Gray asked what the definition of merit is because he felt that employees' increases should be based on it. Is merit described as looking at the job performance that shows how you did that year? What is the incentive for that? Every employee needs to build a case and wondered how merit doesn't come into any scenario when it comes to negotiations. Otherwise what are you working for? Are you working to become a better employee every year?

Councilperson Galbraith asked then what is the point of doing a wage survey? Councilperson Wilcox said that it give the City a base for wages.

Councilperson Uden felt merit should play into wage negotiations, but you also have to look at what the job responsibilities are and compare it to similar position to other Cities. It is a package deal, and it is not whether the employees deserve a raise or not. Merit is important, but job positions and wages paid in other Cities for similar jobs are just as important.

**\*\* On roll call vote, the motion passed 7-1 with Councilperson Huber voting no**

**B. RESOLUTION NO. 4158- A Resolution Authorizing the City of Miles City to Enter Into an Agreement With the Custer County Water and Sewer District for Flushing Hydrants in Calendar Year 2018**

**\*\* Councilperson Gardner moved to approve the Resolution, read by title only and seconded by Councilperson Erlenbusch. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4158 passed**

**C. RESOLUTION NO. 4159- A Resolution Revising City of Miles City Personnel Policies Regarding Employment Orientation Policy**

**\*\* Councilperson Wilcox 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. 4159 passed**

**D. RESOLUTION NO. 4161- (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 Fund # 4000-101000**

**\*\* Councilperson Uden moved to approve the Resolution, read by title only and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4161 passed first reading**

**PROCEEDING OF CITY COUNCIL**

**MILES CITY, MONTANA**

**E. RESOLUTION NO. 4162-** A Resolution Authorizing the City of Miles City to Enter Into a Montana Department of Commerce Coal Board Contract to Assist With Funding Architectural and Engineering Design

\*\* *Councilperson Kassner 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.*

**F. Drawing on K-9 Raffle Ticket Drawing #2**  
Winner were: Rifle/Melody Patch and Shotgun/Deb Cox

**AJOURNMENT**

\*\* *Councilperson Galbraith moved to adjourn the meeting, seconded by Councilperson Martin and passed unanimously.*

The meeting was adjourned at 7:00 p.m.



Susanne Galbraith, Council President



Lorrie Pearce, City Clerk