

**REGULAR COUNCIL MEETING April 23, 2019**

**6:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, April 23, 2019, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Chairperson Susanne Galbraith called the meeting to order. Council Members present were 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, Police Chief Doug Colombik, Public Utilities Director Tom Speelmon, City Planner-in-Training Ally Capps, and Deputy City Clerk/Minute Recorder Mary Roberts.

**PLEDGE OF ALLEGIANCE**

Councilperson Galbraith led the Council in the Pledge of Allegiance.

**APPROVAL OF COUNCIL & COMMITTEE MINUTES**

**Regular City Council Minutes: 4/09/2019**

**\*\*** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of April 9, 2019 subject to corrections, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 8-0.*

**Human Resources Committee Minutes: 4/16/2019**

**Human Resources Committee  
April 16, 2019**

The **Human Resources Committee** met Tuesday, April 16, 2019, at 6:00 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, John Uden, Susanne Galbraith, and Jeff Erlenbusch. Also present were Police Chief Doug Colombik, Fire Chief Branden Stevens, City Planner-in-Training Ally Capps, Public Works Director Scott Gray and Human Resources Officer/Recorder Linda Wilkins.

Committee Member Kathy Wilcox called the meeting to order.

1. Request of Citizens  
None
2. Committee Member Comments  
None
3. Recommend and Approve: Trial of additional duties, City Planner-in-Training

There was discussion on the feasibility of adding the duties of the Historic Preservation Officer and Urban Renewal Agency Director to a position that was already a training position. One of the duties of the Planner-in-Training is writing grants to help obtain additional funding for the City, there was concern expressed that this aspect of the position may be neglected. A letter had been presented to the committee from the Urban Renewal Agency Chairperson supporting the temporary assignment of UR duties to the Planner-in-Training. The URA committee is willing to provide assistance with the fulfillment of the duties required of the UR Director. The purpose of combining the two positions is not with the intent of taking away from the duties of the Planner-in-Training. It is understood that the training process for a planner takes place over a couple of years. The qualifications and time of the current Planner-in-Training were called into question, as to whether the obligations of both positions could be fulfilled. The City cannot operate without a Planner; however, it can operate without the HPO/URA Director. It was presented that this would be a temporary assignment of additional duties. If the duties became too burdensome, the Planner-in-Training will inform the Public Works Director who will inform the Human Resources Committee. The committee will monitor the position for a trial period of three months beginning May 1, 2019 and ending July 31, 2019 with a possible extension of the trial period. The Public Works Director and Planner-in-Training will provide monthly updates as to the progress of the combined duties to the Human Resources Committee during HR Committee meetings.

PROCEEDING OF CITY COUNCIL  
MILES CITY, MONTANA

*\*\*Committee Member Uden moved that there be a temporary assignment to the Planner-in-Training and Grant Writer to perform the duties of the Historic Preservation Officer and Urban Renewal Agency Director, seconded by Committee Member Erlenbusch. On roll call vote the motion passed 3-1. Committee Member Galbraith voting nay.*

4. Recommend and Approve: Battalion Chief Position Description

Two position descriptions were presented to the Committee one for internal applicants and one for external applicants. It was decided that only one position description was necessary. The position description for the external applicant will be used with the word "External" removed and the position description formatted to the current position description template.

*\*\*Committee Member Uden moved to approve the external Battalion Chief position description with the word "External" removed, seconded by Committee Member Galbraith. On roll call vote the motion passed 4-0.*

5. Recommend and Approve: Police Sergeant Position Description  
The Police Sergeant position was reviewed with the following revisions made: Item 6 under the heading ESSENTIAL ACCOUNTABILITIES AND EXPECTED OUTCOMES change "prompt" to "promptly" remove the words "and cheerful manner". Under the heading MINIMUM REQUIREMENTS item Experience (skills, abilities), number 1 change to read "Three years in law enforcement field experience."; item Certificates/Licenses number 1 add "Must be able to obtain an Intermediate Certificate within one year of hire."

*\*\*Committee Member Galbraith moved to approve the Police Sergeant position description as revised, seconded by Committee Member Uden. On roll call vote the motion passed 4-0.*

6. Recommend and Approve: Revisions to "Recruitment and Selection" Personnel Policy

The "Recruitment and Selection" Personnel Policy was reviewed with the following revisions made: Page 4 Application Screening: A. The Mayor and the immediate supervisor for the position being hired "Human Resources Officer" will screen applications for basic qualifications, ...B. ...forwarded to the Mayor "Supervisor" for... The Mayor and/or his designee in consultation with the immediate supervisor for the position being hired, will... "The Mayor must approve all applicants hired." C. for two "three (3)" years, ... Page 7 C. The Mayor may "shall" establish a salary using the "2012 Wage and Benefits Analysis" "Non-Union Employees Wage Scale" as a... If the Mayor feels "deems" that an increase in salary "a deviation from the wage scale" is necessary... The Mayor may also, in his/her discretion, offer a lesser amount in salary. Any exceptions to the "2012 Wage and Benefit Analysis" shall be documented by the Mayor and kept in the hiring/payroll/personnel file. Page 8 Prospective Full Time Police Officer Applicants: ...for employment will only be accepted from "outside applicants" persons who have "employment candidates must" successfully completed MLETC testing "...and are currently on the MLETC-eligibility list. Each time a vacancy occurs, all such person on this list will be notified in writing and invited to submit an application.

*\*\*Committee Member Erlenbusch moved to approve the "Recruitment and Selection" Personnel Policy as revised, seconded by Committee Member Uden. On roll call vote the motion passed 4-0.*

7. Next Meeting

May 30, 2019 6:00 p.m. City Hall Conference Room

8. Adjournment

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

The meeting was adjourned at 7:40 p.m.

*\*\* Councilperson Wilcox moved to approve the minutes of the Human Resources Committee Meeting of April 16, 2019, and seconded by Councilperson Erlenbusch.*

# PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

Council person Uden made a correction on the committee minutes. Councilperson Wilcox called the meeting to order, not Councilperson Erlenbusch.

**\*\*** *Councilperson Wilcox amended the motion to approve the corrected Human Resource Committee Meeting Minutes, and seconded by councilperson Erlenbusch. The amended motion passed by unanimous consent, 8-0.*

## **SCHEDULE MEETINGS**

*The following meetings will be held in the City Hall Conference Room:*  
Human Resources Committee  
May 28, 2019 at 6:00 p.m.

## **REQUEST OF CITIZENS & PUBLIC COMMENT**

Sue Stanton- Keep Miles City Beautiful presenting the Great American Cleanup on May 11<sup>th</sup>.

Representative Sue Stanton, from Keep Miles City Beautiful, 12 Peggy Lane, presented the Great American Cleanup project and is seeking the Council's approval to go ahead with the project. Sue Stanton explained how the project works, how to volunteer, and what will be provided for the volunteers. She provided a map showing the areas that were adopted by schools, businesses, churches, local programs, and the areas that were still in need of adoption. Kelly Reid, (Miles City Sanitation), supplied a large dumpster last year along with several other garbage containers and Keep Miles City Beautiful is seeking to get them again this year.

Keep Miles City Beautiful is a part of Keep America Beautiful. The three goals of these programs are beautification, recycling, and litter control. Keep America Beautiful has provided Keep Miles City Beautiful with grants for improvement projects. Some of the projects that Keep Miles City Beautiful is currently working on include "adopt a pot", tree planting (with drip lines installed to water them), bucking horse sale recycling, and Eastern Montana Fair recycling. Steadman's Ace Hardware is one business in town that works with Keep Miles City Beautiful by providing discounts on planting supplies.

Councilperson Huber inquired about "Dump Day", in which Sue Stanton replied that she will look into it.

**\*\*** *Councilperson Kassner moved to approve the Great American Cleanup on May 11, 2019, and seconded by Councilperson Wilcox. The motion passed unanimously, 8-0.*

Mark Ahner- (4<sup>th</sup> of July Committee)- Asking for the City to provide signage, street closure from 5<sup>th</sup> Street to Montana Street, Police escort for the parade, Park use permit that includes the Pavilion and City provide and pay for the Special Event liability Insurance.

Mark Ahner, 13 South Stacy, explained that this is the sixteenth year of the fourth of July celebration and the sixth year that the military has done activities. All donations and proceeds go to the cost of the events, awards and prizes, such as chamber bucks and gift certificates. Mark Ahner is asking for the City to provide signage (which Mark had volunteered to put up and take down), street closure from 5<sup>th</sup> Street to Montana Street, Police escort for the parade (provided they are not too busy), Park use permit that includes the Pavilion, and for the City to provide and pay for the Special Event Liability Insurance as they have done in the past. He stated that the support of the City is very important to the celebration in regards to all that he had asked for, especially because they are all volunteers and there is no additional funding for the celebration only what they give back to the community. He also asked for the City to help with clean up on July 5<sup>th</sup>.

Mark pointed out that Boys Scouts handed out flags, (donated by Steadman's Ace Hardware), prior to the parade last year and had raised \$790 in donations which went towards fireworks that the VFW put on.

# PROCEEDING OF CITY COUNCIL

## MILES CITY, MONTANA

Councilperson Uden asked if there was a way for Mark Ahner to get representation from the National Guard in the Fourth of July parade. Mark explained that the Marine Corps, Army, Navy, and Coast Guard do walk in the parade carrying their flags and the VA Veterans are riding on a float. Councilperson Uden also suggested that the council provide a letter to Mr. Ahner to assist with the National Guard parade recruitment.

**\*\*** *Councilperson Uden moved to approve Mark Ahner's request regarding the fourth of July celebration and parade, inclusive of paying for the Special Event Liability Insurance, seconded by councilperson Huber. The motion passed by unanimous consent, 8-0.*

Tongue River Herd & Keep Miles City Beautiful – Sculpture for Riverside Park. Karen Stevenson, 106 Whistling Pines, and Jenny Sloan, 811 S Sutton, proposed a horse sculpture for the old water tower concrete pad in Riverside Park. Along with the sculpture, they would like to include a kiosk featuring horse facts, local vegetation and other landscaping improvements, possibly having arrow heads and animal prints imprinted in the walking path for educational purposes for children and families. She pointed out that they have funds available to honor and celebrate horse history which they intend to use for this project. The horse sculpture would be five to six feet tall on a pedestal and include several historical pieces within it. The sculpture is being created by Erin Thormodsgard, Girl Ran Away With The Spoon, which is expected to be completed in October.

Councilperson Uden questioned the plan for maintenance, to which Tongue River Herd and Keep Miles City Beautiful agreed to maintain the area.

**\*\*** *Councilperson Andrews moved to approve the proposal, and seconded by Councilperson Gardner.*

City Attorney Rice stated that Miles City has a donations policy and as the first step in the policy, only the concept of the proposal can be approved at the council meeting. Other requirements must be met in order to continue.

**\*\*** *Councilperson Andrews amended the motion to approve the concept of the proposal only, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

Elizabeth Patten, 612 South Montana, inquired about why the Christmas Decorations were still up around town and was wondering when the City was planning to take them down. Public Works Director informed her that the Christmas decorations belong to the Chamber of Commerce. Elizabeth will inquire at the Chamber of Commerce.

### APPOINTMENTS

None

### PROCLAMATIONS

None

### STAFF REPORTS

Director Gray wanted to let everyone know that they are starting the punch list on Stower Street which will involve road closures to repair curbing, ADA corners and other surface work. It is expected to be completed in a week.

City Planner-in-Training Capps notified the Council of a vacancy on the Historical Preservation Board.

Chief Colombik spoke about the late Wade Schmidt, a well-respected former Police Chief. He requested to know what the City was planning to do to show respect.

Councilperson Uden requested a moment of silence in recognition and memory of Wade Schmidt, who passed away after 23 years on the force.

**CITY COUNCIL COMMENTS**

Councilperson Gardner brought up that he had a neighbor inform him of the property at 211 North Cottage. It has been under construction for over two years and now there are children playing in, on, and around the open hole.

**MAYOR COMMENTS**

**COMMITTEE RECOMMENDATIONS**

None

**BID OPENINGS**

None

**BID AWARDS**

None

**PUBLIC HEARINGS**

A. **ORDINANCE NO. 1331- An Ordinance Amending Section 23-27 of the Code of Ordinances of Miles City, Montana, With Regards to the Fluoridation of Municipal Water**

\*\* *Chairperson Galbraith opened the hearing and called three times for proponents, then opponents three times and hearing none, the hearing was closed.*

**UNFINISHED BUSINESS**

A. **ORDINANCE NO. 1331- (Second Reading) An Ordinance Amending Section 23-27 of the Code of Ordinances of Miles City, Montana, With Regards to the Fluoridation of Municipal Water**

\*\* *Councilperson Gardner moved to approve the Ordinance, by title only, and seconded by Councilperson Huber. On a roll call vote the motion passed unanimously, 8-0. Ordinance 1331 Passed.*

**NEW BUSINESS**

A. **ORDINANCE NO. 1332- (First Reading) An Ordinance Repealing Section 16-44 of the Code of Ordinances of the City of Miles City With Respect to the Prohibition Against the Carry or Sale of Switchblade Knives**

Councilperson Erlenbusch wanted clarification that this was a State law that was repealed and now the City is repealing their prior decision on switchblade knives.

City Attorney Rice explained the preemptive clause added with the State repeal, which prohibits local governments from further restricting the types of pocket knives a person can own, including switchblades.

\*\* *Councilperson Uden moved to approve the Ordinance, by title only, seconded by Councilperson Andrews. On roll call vote, the motion passed 7-1, with Councilperson Erlenbusch voting nay.*

**B. RESOLUTION NO. 4244- A Resolution Approving Terms for a Contract with Board by Board Construction for Building Repairs at Bender Park.**

Councilperson Gardner asked why the cost went up from the original bid. The Director Gray explained that there were additional costs to replace electrical and plumbing issues to the current code. The insulation cost more than it did at time of bid because of new codes.

He also explained that the agreement is needed by insurance to get the check to pay for the repairs. He had already submitted the amounts for the plumbing and the electrical to insurance showing the increase, in which insurance will cover the additional cost.

\*\* *Councilperson Kassner moved to approve the Resolution, and seconded by Councilperson Erlenbusch. On a roll call vote, the motion passed by unanimous consent, 8-0. Resolution 4244 Passed.*

**ADJOURNMENT**

\*\* *Councilperson Erlenbusch moved to adjourn the meeting, seconded by Councilperson Kassner and passed unanimously, 8-0.*

The meeting was adjourned at 6:48 p.m.



Susanne Galbraith, Chairperson



Mary Roberts, Deputy Clerk