

REGULAR COUNCIL MEETING May 14, 2019**6:00 p.m.****CALL TO ORDER**

The Regular Council meeting was held Tuesday, May 14, 2019, 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 City Attorney Dan Rice, Public Works Director Scott Gray, Public Utilities Director Tom Speelman, Police Chief Doug Colombik, Fire Chief Branden Stevens, Building Inspector Dennis Hirsch, and 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: 4/23/2019**

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of April 23, 2019, subject to any corrections, seconded by Councilperson Huber. The motion passed by unanimous consent, 8-0.*

Finance Committee Minutes: 4/18/2019**Finance Committee Meeting****April 18, 2019**

The Finance Committee met Thursday, April 18, 2019 at 6:00 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rick Huber and Dwayne Andrews. Committee Member Brant Kassner was excused.

Also present were: Planner in Training Ally Capps and Deputy City Clerk/Recorder Mary Roberts.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens and Public Comment:

None

2. Review and Recommendation on Cost of Land Solutions

Councilperson Galbraith explained that this is for a trial annexation, possibly of the Industrial Park, with present emphasis on the Lucas property, Bucking Horse Saloon and Fair Bridge property. Currently, a Dieble tract is being purchased with the intent on signing a petition for annexation. It was discussed that Land Solutions, LLC had provided an estimate which showed approximately \$8,000 in costs, with an additional \$3,000 for the survey and other potential costs. These costs would be incurred throughout 2019/2020. Planner in Training Capps made it clear that special care needs to be taken with the Industrial Park, because we would have to provide sewer, and we're in no position financially to do so. She also said that to prepare for the Michael's Addition annexation, there are several petitions to annex. They want to do a layer on GIS to locate the houses and property owners. The petition is a "No Protest Annexation" that would be filed with the deeds to the home owner's property. Planner in Training Capps asked for approval of \$5000 to begin the planning process. Chairperson Galbraith stated that the budget can be amended if needed. Planner in Training Capps also explained that she would like to apply for grants to help alleviate some of the costs.

** *Committee Member Andrews moved to approve an additional \$5,000 for the continuation of annexation for this fiscal year, Committee Member Huber seconded the motion. On a Roll Call vote the motion passed, 3-0.*

3. Discussion and Recommendation on Budget Process

PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

***Committee Member Andrews moved to approve the budget schedule as presented; seconded by Committee Member Huber. The motion passed, 3-0.*

4. Adjournment

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

The meeting was adjourned at 6:14 p.m.

*** Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of April 18, 2019, seconded by Councilperson Gardner. The motion passed by unanimous consent, 8-0.*

Special City Council Minutes: 4/29/2019

*** Councilperson Uden moved to approve the minutes of the Special Council Meeting of April 29, 2019, seconded by Councilperson Kassner. The motion passed by unanimous consent, 8-0.*

Public Safety Minutes: 5/02/2019

Public Safety Committee Meeting May 2, 2019

The Public Safety Committee met Thursday, May 2, 2019, at 5:30 pm in the Human Resources Office, 17 S. 8th. Present were Committee Members Kathy Wilcox, Ken Gardner and Jeff Erlenbusch. Committee Member John Uden was excused. Also present were: Police Chief Doug Colombik, Dispatch Supervisor, Fire Chief Branden Stevens and Human Resources Officer/Recorder Linda Wilkins.

Committee Member Wilcox called the meeting to order.

1. Election of Chairperson

***Committee Member Erlenbusch nominated Committee Member Uden for Chairperson of the Public Safety Committee. Committee Member Gardner seconded the nomination.*

***Committee Member Erlenbusch moved that nominations be closed, seconded by Committee Member Gardner.*

***On unanimous consent Committee Member Uden was elected Chairperson, 3-0.*

2. Request of Citizens

None

3. Committee Member Comments

Acting Chairperson Wilcox moved Item #5 ahead of Item #4 on the agenda.

4. Review and recommendation Discharge of Fireworks July 4th

Chief Stevens requested that if a Red Flag Warning was issued that the discharge of all fireworks be prohibited with in the City limits. The committee agreed that this should be added to the resolution this year. There was discussion on the hazards of discharging fireworks in Denton Complex and the mess that is left for city employees to clean up the day following the 4th. Committee members discussed the possibility of the fireworks display moving out to the fairgrounds at the grand stand. This would allow people to sit in the grandstands to view the fireworks display. There was discussion on how the community of Laurel handled the discharge of fireworks. The committee requested that Recorder Wilkins get a copy of Laurel's resolution. The committee would contact the Mayor and see if he would contact the Fair Board and the VFW to see if this is a possibility. Committee Member Erlenbusch would get ahold of Keep America Beautiful to see if they would place more trash cans in the park.

***Committee Member Erlenbusch moved to have the resolution go to council for discussion with the language changes made as discussed, seconded by Committee Member Gardner and passed unanimously; 3-0.*

Prior to reviewing the Miles City Police Department Policy and Procedure Manual, Chief Stevens and Dispatch Supervisor Anderson requested time to review with the

Committee the changes to EMS dispatches. There will be three levels of medical calls. The level of the call will dictate the number of personnel and vehicles that will be dispatched to the call. Dispatchers will receive training on evaluating emergency calls for dispatch. The changes have been reviewed by the Medical Director and will go into effect June 1. There will be a few bumps in the beginning as dispatchers are trained. There will be discussion and an evaluation on how the new call system is working. The Committee appreciated the update.

5. Review and recommendation Miles City Police Department Policy & Procedure Manual

Chief Colombik presented a copy of Resolution 3783 which included a contract for new police officers for reimbursement of training costs. He believes that it is vital to have this contract in place to help the department. He thought it was on the books, but would have the contract reviewed by City Attorney Rice.

***Committee Member Gardner moved to have the contract reviewed by the City Attorney and bring it back to committee, Committee Member Erlenbusch seconded and passed by unanimous consent; 3-0.*

The "Canine Policy" was reviewed. This is a new policy.

***Committee Member Erlenbusch moved to approve the "Canine Policy", seconded by Committee Member Gardner and passed by unanimous consent; 3-0.*

The "Taser X26-Electronic Control Device (ECD) Policy" revisions to target areas were reviewed.

***Committee Member Erlenbusch moved to approve the revisions to the "Taser X26-Electronic Control Device (ECD) Policy", seconded by Committee Member Gardner and passed by unanimous consent; 3-0.*

The "Weapons Policy" revision on page 2 #5 Off Duty/Back-up Guns was reviewed.

***Committee Member Erlenbusch moved to approve the revision to the "Weapons Policy", seconded by Committee Member Gardner and passed by unanimous consent; 3-0.*

The "Lost and Found Policy" revision of Item 2 Retention changed the number of days to hold an item from 90 days to three months was reviewed.

***Committee Member Gardner moved to approve the revision to the "Lost and Found Policy", seconded by Committee Member Erlenbusch and passed by unanimous consent; 3-0.*

The "Body Worn Cameras Policy" was simplified and revised to allow officers to record anything that they feel needs to be recorded and once the body camera is on it stays on.

***Committee Member Gardner moved to approve the revision to the "Body Worn Cameras Policy", seconded by Committee Member Erlenbusch and passed by unanimous consent; 3-0.*

The "Social Media Policy" was reviewed. This is a new policy.

***Committee Member Erlenbusch moved to approve the "Social Media Policy", seconded by Committee Member Gardner and passed by unanimous consent; 3-0.*

The "Eyewitness Identification Policy" was reviewed. This policy comes from the Montana Law Enforcement Academy and is one that is being followed by all agencies in Montana. This is a new policy.

***Committee Member Gardner moved to approve the "Eyewitness Identification Policy", seconded by Committee Member Erlenbusch and passed by unanimous consent; 3-0.*

The "Lineup Policy" was deleted from the Police Policy and Procedure Manual as the "Eyewitness Identification Policy" replaces it.

***Committee Member Erlenbusch moved to delete the "Lineup Policy", seconded by Committee Member Erlenbusch and passed by unanimous consent; 3-0.*

6. Adjournment

PROCEEDING OF CITY COUNCIL

MILES CITY, MONTANA

The following meetings were scheduled for the Public Safety Committee:

May 16, 2019 @ 5:00 p.m.
June 20, 2019 @ 5:00 p.m.

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

The meeting was adjourned at 6:55 p.m.

*** Councilperson Gardner moved to approve the minutes of the Public Safety Meeting of May 2, 2019, seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 8-0.*

SCHEDULE MEETINGS

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

Public Safety Meeting
Finance Committee Meeting

May 21st @ 5:30 pm
May 23rd @ 6:00 pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Jerry Olson- MCC Softball Presentation

Miles Community College Representative Jerry Olson, 2715 Dickinson Street, asked Council for permission to have exclusive use of field three in Bender Park. He explained that the College is willing to commit to building a press box, make the dug out bigger and fencing the area.

*** After a short conversation Councilperson Uden moved to approve moving forward and issue a permit use to Miles Community College for field number three at Bender Park, seconded by Councilperson Andrews. The motion passed unanimously.*

APPOINTMENTS

Police Commission Reappointment- Steve Rice

*** Councilperson Galbraith moved to approve the reappointment of Steve Rice to the Police Commission, seconded by Councilperson Huber. The motion passed by unanimous consent, 8-0.*

Confirmation of Appointment- Officer Justin Andrews

*** Councilperson Uden moved to confirm the appointment of Police Officer Justin Andrews, seconded by Councilperson Andrews. The motion passed by unanimous consent, 8-0.*

PROCLAMATIONS

Kids to Parks Day

Mayor Hollowell proclaimed May 18, 2019 as Kids in the Parks Day

Building Safety Month

Mayor Hollowell proclaimed May as Building Safety Month

STAFF REPORTS

Scott Gray- Oasis and Frog Pool will be open June 5th and Bender Park will be completed this week.

Dennis Hirsch- City Hall is not condemned at this point. He will inspect the building once a month because of its settling. The area where the jail was is the worst part.

Branden Stevens- Reported the following:

- Battalion Chief Position is open and accepting application until June 14th
- One new hire starts June 3rd
- Three positions short at the moment (Bucking Horse)
- Mindy Held is a New Part Paid EMT
- LEPC grant for radio system was accepted
- An employee from Solestone was shredding bills from ambulance runs back in 2017. Solestone owes the City approximately \$19,000. This issue will be going to the Finance Committee
- MCFD will be holding a blood drive on May 30th.
- The ground water from rain storms are starting to leak into the station
- TransCanada will be having an open house on May 16th @4:30. This is for the new houses that the station received

CITY COUNCIL COMMENTS

Ken Gardner- Has received several phone calls on the declining care of properties in the City.

MAYOR COMMENTS

Reported the following:

- Holy Rosary Hospital would like to donate money to the City to help with cost
- 9-1-1 received a \$300,000 grant
- \$500 grant for the Wibaux Fountain was received
- Grant Writer is applying for a grant to assist the pool
- Received a call to request additional handicap parking signs by the 600 Café
- Custer County Water Sewer District is requesting a meeting. Councilpersons Kassner, Galbraith, Huber and Andrews volunteered to be on the committee.

COMMITTEE RECOMMENDATIONS

BID OPENINGS

Trailer Mounted Breathing System

Two bids were received:

1. Heiman Fire Equipment for an amount of \$124,848
2. L.N. Curtis for an amount of \$86,267

** Councilperson Uden moved to refer the bids to the Finance Committee, seconded by Councilperson Galbraith. The motion passed unanimously

Self-Contained Breathing Apparatus

One bid was received from L.N. Curtis for an amount of \$1,051,493

** Councilperson Wilcox moved to refer the bids to the Finance Committee, seconded by Councilperson Andrews. The motion passed unanimously

Darling Addition- Phase II

Three bids were received and all bids had the acknowledge addenda and security attached. The bids are as follows:

| White Civil Contracting | | | |
|--------------------------------|-------------------|-------------------|-----------------------------|
| <i>Schedule 1</i> | <i>Schedule 2</i> | <i>Schedule 3</i> | <i>Schedule 4 Total bid</i> |
| \$520,027 | \$230,209 | \$260,194 | \$1,973,719 \$2,984,149 |

J.R. Civil

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| <i>Schedule 1</i> | <i>Schedule 2</i> | <i>Schedule 3</i> | <i>Schedule 4</i> | <i>Total bid</i> |
|-------------------|-------------------|-------------------|-------------------|------------------|
| \$710,915.15 | \$295,245.55 | \$303,812.07 | \$1,492,170.22 | \$2,802,142.99 |

Western Municipal Construction

| | | | | |
|-------------------|-------------------|-------------------|-------------------|------------------|
| <i>Schedule 1</i> | <i>Schedule 2</i> | <i>Schedule 3</i> | <i>Schedule 4</i> | <i>Total bid</i> |
| \$606,487 | \$130,771 | \$163,207 | \$1,497,248.50 | \$2,397,713.50 |

** Councilperson Galbraith moved to refer the bids to the Finance Committee, seconded by Councilperson Uden. The motion passed unanimously

BID AWARDS

PUBLIC HEARINGS

- A. **ORDINANCE NO. 1332- 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**

Mayor Hollowell called for three proponents and three opponents. Hearing none, the hearing was closed.

UNFINISHED BUSINESS

- A. **ORDINANCE NO. 1332- 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 Uden moved to approve the Ordinance, read by title only, seconded by Councilperson Andrews, and on roll call vote, the motion passed by unanimous consent, 8-0. Ordinance No. 1332 passed*

NEW BUSINESS

- A. **RESOLUTION NO. 4245- A Resolution Approving an Interlocal Agreement Between the City of Miles City and the Custer County Water and Sewer District No. 2**

** *Councilperson Galbraith moved to approve the Resolution, read by title only, seconded by Councilperson Erlenbusch, and on roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4245 passed*

- B. **ORDINANCE NO. 1333- (First Reading) An Ordinance Amending Section 23-1 of the Code of Ordinances of Miles City, Montana, Removing the Definition of Sewer and/or Water Service**

** *Councilperson Galbraith moved to approve the Ordinance, read by title only, seconded by Councilperson Gardner, and on roll call vote, the motion passed by unanimous consent, 8-0. Ordinance 1333 passed first reading and referred to Finance Committee*

- C. **ORDINANCE NO. 1334- (First Reading) An Ordinance Amending Ordinance Nos. 1054,1056,1093 and 1133 Establishing New Rates for the Use of the Miles City Ambulance**

** *Councilperson Andrews moved to approve the Ordinance, read by title only, seconded by Councilperson Kassner, and on roll call vote, the motion passed by unanimous consent, 8-0. Ordinance 1334 passed first reading and referred to Finance Committee*

D. RESOLUTION NO. 4246 – A Resolution Pursuant to §16-48 Of the Miles City Code of Ordinances, Establishing Dates, Times and Locations for Discharge of Fireworks Within the City Limits for the Year 2019

****** Councilperson Erlenbusch moved to approve the Resolution, read by title only, seconded by Councilperson Kassner.

The Public Safety Committee reported that it would like to revise the Resolution to have all fireworks at the fairgrounds. They felt that it would not happen this year, but will be opening up discussions with the County to see if it would be possible for next year.

****On roll call vote, the motion passed by unanimous consent, 8-0.
Resolution No. 4246 passed**

E. Approval on Housing City Employees at City Hall for the Foreseeable Future

****** Councilperson Andrews moved to approve housing of City Employees at City Hall for the foreseeable future, seconded by Councilperson Erlenbusch.

Councilperson Andrews explained that an Ad Hoc Committee has been working on a building for the Fire and Police Department. Now some people are talking about adding City Hall to the new building. Since this has happened, it has put the project on hold for four to five weeks. The Mayor talked to Stockman Bank and they are interested in buying the property that City Hall is on, but not the building. He asked Council to make a decision as to whether City Hall employees will be added to the project or not.

Council's consensus was they felt that City Hall being added to the project would add a significant burden to tax payers and felt it would take the chance on City Hall's longevity. Even though it would be cheaper to have all departments in one building, there are a lot of issues the City is facing and it felt that saving money for the taxpayers is very important.

****** Councilperson Huber moved for question, second by Councilperson Wilcox. By roll call vote the motion passed 8-0

****On roll call vote, the main motion passed by unanimous consent, 8-0.**

F. Approval of April Claims

****** Councilperson Galbraith moved to approve the April claims, seconded by Councilperson Huber and passed unanimously, 8-0.

ADJOURNMENT

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

The meeting adjourned at 7:50 p.m.



John Hollowell, Mayor



Lorrie Pearce, City Clerk