

REGULAR COUNCIL MEETING June 11, 2019 6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 11, 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 Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch and Susanne Galbraith. Councilpersons Kathy Wilcox and Brant Kassner were excused.

Also present were Public Utilities Director Tom Speelmon, Police Chief Doug Colombik, Fire Chief Branden Stevens, Flood Plain Administrator/Auto Cad/Assistant PWPU Samantha Malenovsky, City Planner in Training Ally Capps, Building Inspector Dennis Hirsch and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 5/28/2019

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of May 28, 2019, subject to any corrections, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 6-0.*

Finance Committee Minutes: 5/23/2019

Finance Committee Meeting May 23, 2019

The Finance Committee met Thursday, May 23, 2019 at 6:00 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rick Huber and Brant Kassner. Committee Member Dwayne Andrews was excused.

Also present were: Public Works Director Scott Gray, Public Utilities Director Tom Speelmon and Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens and Public Comment:

None

2. Review on Darling Project Phase II Bids Received

Director Gray reported that three bids were received. The lowest bid was from Western Municipal Construction. There was a discrepancy in their bid, which involved line number 131 not having a price included. The bottom line of the bid was correct. After communication with Western Municipal Construction, they sent a letter stating that they stand behind the bid that was presented to the City. He added that he would recommend Western Municipal Construction for the project. Chairperson Galbraith asked if the money is in the budget to cover the 10 percent cost that the Mayor would be authorized to approve. He said it was in the budget.

** *Chairperson Galbraith moved to recommend to Council to approve Western Municipal Construction bid and include an additional ten percent change order contingency budget and granting the Mayor authority to approve up to ten percent of additional construction costs, Committee Member Huber seconded the motion. On a Roll Call vote the motion passed, 3-0.*

3. Recommendation on Self Contained Breathing Apparatus Bids Received

Chairperson Galbraith said L.N Curtis was the only bid received.

** *Committee Member Galbraith moved to recommend to Council the approval of the bid received from L.N. Curtis and to adjust the bid to purchase 10 extra face pieces instead of 24 and include the buddy breather attachment for 8 packs for a total of \$151,387.00; seconded by Committee Member Kassner. The motion passed, 3-0.*

4. Recommendation on Cascade Trailer Bids Received
Chairperson Galbraith explained that two bids were received and the bid from L.N. Curtis was substantially lower. Chief Steven had recommended to accept the bid from L.N. Curtis
**** Committee Member Galbraith moved to recommend to Council the approval of the bid received from L.N. Curtis; seconded by Committee Member Kassner. The motion passed, 3-0.**

5. Recommendation on splitting Custer County Water/Sewer District Attorney cost, one third to General Fund, one third to Sewer and one third to Water

Chairperson Galbraith asked for Director Speelmon's thoughts and he replied that the only fund that would gain from the Ordinance that was passed would be General Fund. The water or sewer would not benefit from it. He did not think it was a good idea to split the cost.

**** After a short discussion, Committee Member Kassner moved to recommend to Council the approval of splitting the cost by thirds to the General Fund, Water Fund and Sewer Fund; seconded by Committee Member Huber. The motion passed, 3-0.**

6. Discussion and Recommendation to Revision of the Purchasing Policy

Director Gray explained that every year the City gets written up at audit time for not following its own policy. The problem is when the City is in concrete season there are a lot of projects that pop up unexpectedly and there are three contractors that pour cement in the City. Each of them has their own specialities and it is hard to get them to perform the work when needed, so the City has to hire whoever is available. Then all the work that the contractor completes for that month is put on individual purchase order, but gets paid by one check. This is where the problem sits.

It was discussed if Finance can write individual checks for each project and Clerk Pearce did not think that was a great idea. The policy needs to be revised to please the auditors.

It was decided to write an exception to the rule and insert it below the "purchasing policy guidelines for the City of Miles City".

**** Committee Member Galbraith moved to revised the purchasing policy by adding "Excluded from the three-vendor quote (as long as it is budgeted) is curbing, ramps, corners, associated flat and ADA accessible construction that is below \$25,000"; seconded by Committee Member Kassner. The motion passed, 3-0.**

7. Discussion and Recommendation on Reimbursement of \$19,000 from Solestone

**** After a short discussion, Committee Member Huber moved to recommend to Council to approval Solestone reimbursing the City \$19,000 in one lump sum; seconded by Committee Member Kassner. The motion passed, 3-0**

8. ORDINANCE NO. 1333- An Ordinance Amending Section 23-1 of the Code of Ordinances of Miles City, Montana, Removing the Definition of Sewer and/or Water Service

**** Committee Member Galbraith moved to recommend to Council to approve Ordinance No. 1333; seconded by Committee Member Kassner. The motion passed, 3-0.**

9. ORDINANCE NO. 1334- An Ordinance Amending Ordinance Nos. 1054,1056,1093 and 1133 Establishing New Rates for the Use of the Miles City Ambulance

**** Committee Member Kassner moved to recommend to Council to approve Ordinance No. 1334; seconded by Committee Member Huber. The motion passed, 3-0.**

10. Adjournment

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

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

Councilperson Andrews moved to approve the minutes of the Finance Committee Meeting of May 23, 2019, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 6-0.

SCHEDULE MEETINGS

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

Public Service
Budget Meetings

Tuesday June 18th @ 5:30
Tuesday thru Thursday June 18-20

REQUEST OF CITIZENS & PUBLIC COMMENT

Lily Cruise- Status of Wibaux Park Fountain Project

Lilly Cruise, 908 South Cottage, asked if the Wibaux Park Fountain would be merged with the Splash Pad. She felt if the restoration of the fountain is not the best thing to do then the City needed to shift gear. Would like to have the City take care of the benches and pavers. She added that there were a lot of names misspelled on the pavers. She felt that the benches that are complete and pavers that have the correct names on them should be placed in the park and then if the project is not feasible, return the donated money to the individuals and move on. The City has the money and the donors have no memorial. She asked why the City needed an architect, it did not seem to be that difficult.

Brandon Janssen, 604 South Center, reported to the residents that the funds from the Splash Pad will not be merged with the fountain project.

Councilperson Erlenbusch said the plumbing is the only thing that will connect the fountain with the splash pad.

Planner Capps said the pavers are being held off until the fountain is completed and the parks crew is completing a couple of benches every few weeks and will be set out this summer.

Sandy Hays, 105 South Stacy, wondered what the hold up is. Is it getting someone that knows what they are doing and she understood that it is also money.

Mark Ahner, 13 South Stacy, said that about a year ago Director Gray told him that Interstate Engineering agreed to write a plan for the fountain at no charge and asked if the City had purchased a pump with the \$500 grant that was awarded. He felt the big hold up on the fountain was getting a bid that is sufficient. If the project can not be completed, stop it and return the money to the donors. He also heard that Stevenson Funeral Home would pay for the pineapple top to the fountain.

Mayor Hollowell explained that the project went out for bid and it was over \$60,000. The project does not have the money to fund the expenses. He said that he would do whatever the donors wanted to do. If they want their money back then it will be return. If they want to continue with the project, then it will continue.

Mrs. Hays, thought if the benches and pavers were set out that would help.

Ms. Cruise was very willing to commit to continue with fund raising and felt that the City needs to keep in contact with the donors. Asked if "Proceeds to the Wibaux Park Fountain" were approved to use on fund raising advertising. Mayor Hollowell told her that it was approved.

Bobbi Askins, 406 South Jordan, has seen a lot of areas around town that need attention. There is a lot on the 300 block in her area that is vacant and the grass was three feet or taller. She filed a complaint and it did get mowed, but they blew the grass in the street and on other sidewalks then left it. She cleaned it up and filled a 20 gallon can one and a half times of just the grass from the gutters. She is aware that the City has an Ordinance against grass mowed onto the street and felt the City needed to enforce it. While visiting the Cadastral, she found out that the same people own other lots and they all look like crap. She felt dismayed because Forsyth is beautiful, neat and trimmed and would like to see the City of Miles City that way also. She felt that the citizens have lost pride in the City.

Mayor Hollowell agreed that pride has left the City and the Code Enforcer is

doing everything that he can, but it is too much for one person.

Stephanie Thomason, 217 South Strevell, remarked on the big pile of grass in the middle of Wibaux Park. She said it was stinky and killing the grass around it. She added that when the City mows the grass in the park that they also leave tons of stuff on the sidewalks. The City needs to follow its own rules.

Mr. Ahner reported that the American Legion is opposed to the dog fountain in Veterans Park. They felt that there was not a need for it because there are not a lot of dogs that are walked in that area. They did not want to make the park a dog attraction and felt that a waste station would need to be installed which would add more work and cost to the City. They felt that the money would be spent better at the Cooke Lake site or replace trees in the areas on Main Street where they have died or install historic lights.

Planner Capps said that the Urban Renewal District was looking at installing the fountain. The plumbing is already there and felt it would be a place where people and or dogs could go to get a drink of water.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Branden Stevens: Reported that the Battalion Chief position is still open and will be accepting applications until June 14th. A new hire started on June 3rd. Working with MSA representative to save the City a few hundred dollars on SCBA attachments and will update FEMA when completed. Priority dispatching started June 1st and a full review will be done on June 14th. Engine 8 is having more mechanical issues.

Tom Speelman: Reported that the thermal baffle project was complete and there will be a preconstruction meeting tomorrow on the Darling project and a public meeting tomorrow night. The anticipated start date for the project is July 8th.

CITY COUNCIL COMMENTS

Ken Gardner- Had many issues with the on going clean up around the City. There is two feet tall grass on Wells Street, which is causing problems with snakes and not seeing them. He also felt that communication needed to be improved on Wibaux Park fountain. **Dwayne Andrews-** Milwaukee Park was mowed but trimming was not complete and the sidewalks were full of grass. Spotted Eagle needed to be cleaned up. These issues go on every year and asked what the Parks Department needed to solve the problem.

John Uden- The Clark Park on Wells Street is never mowed. It is City property and there are neighbor vehicles sitting on it. He agreed that the Wibaux Park fountain is a historic site in Miles City and embarrassed that the City cannot get it going after five years. The residents and donors trusted the City and it just sits with no action to show for the money that has been received. The Council approved the folf course in Milwaukee Park and felt if the City cannot keep it mowed, then there is something wrong with the City.

Jeff Erlenbusch- There had been reasons why the fountain, benches and pavers have not been taken care of. There has been miscommunication and the position that overlooked the project has had personnel issues. With the position filled it is going to take time to get it going again. The biggest issue is the lack of money. He is trying to get on the fair board agenda to discuss having the fourth of July fireworks at the fairgrounds next year. **Rick Huber-** Never heard of the \$1,000 donation from Stevenson for the fountain. Felt that the issue on placing the benches and paver was taken care of at tonight's meeting. But the issue should be discussed with the Director and donors and be documented so it can be completed in a timely manner. If the City cannot come up with the money for the fountain then it needs to move on. Wanted to know who was responsible for the misspelled names on the pavers. Would like to see an ad in the paper informing citizens

the rules of handling mowed grass in the streets.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. **RESOLUTION NO. 4254-A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2018-2019 to Increase the Budgeted Amount in Various Funds for Various Unbudgeted Revenues and Expenditures**

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

UNFINISHED BUSINESS

- A. **RESOLUTION NO. 4248- A Resolution approving the request for Release of Airport Property**

** *Councilperson Galbraith moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4248 passed*

- B. **RESOLUTION NO. 4254-A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2018-2019 to Increase the Budgeted Amount in Various Funds for Various Unbudgeted Revenues and Expenditures**

** *Councilperson Galbraith moved to approve the Resolution, read by title only and add line number 15 to increase appropriations for fund 2440-050-430263-230 to fund unanticipated expenses for repairs, seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4254 passed*

NEW BUSINESS

- A. **RESOLUTION NO. 4250- A Resolution Approving a Park Use Permit Between the City of Miles City, Montana, and Miles Community College for use of Bender Park Field #3**

** *Councilperson Uden moved to approve the Resolution, read by title only and seconded by Councilperson Huber. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4250 passed*

- B. **Approval to Proceed With the Dugout for Softball Field #3 at Bender Park**

** *Councilperson Andrews moved to proceed with the dugout for softball field number three at Bender Park, and seconded by Councilperson Galbraith. On*

roll call vote, the motion passed by unanimous consent, 6-0.

C. RESOLUTION NO. 4251- A Resolution Authorizing the City of Miles City to Contract With Dennis Hirsch for Building Inspection Services for Fiscal Year 2019-2020

** *Councilperson Galbraith moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4251 passed*

D. RESOLUTION NO. 4255- A Resolution Adopting a Revised Purchasing Policy for the City of Miles City, Montana

** *Councilperson Erlenbusch moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4255 passed*

E. ORDINANCE NO. 1335- (First Reading) An Ordinance Amending Chapter 15 of the Code of Ordinances of Miles City, Montana, With Regards to the Enforcement of Nuisance

** *Councilperson Gardner moved to approve the Ordinance, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 6-0. Ordinance No. 1335 passed first reading and referred to Public Safety Committee*

F. RESOLUTION NO. 4256- A Resolution Adopting Findings of Fact and Approving the Amended Plat and Subdivision Exemptions for the Purpose of Boundary Line Relocations and Aggregation of Lots Involving Tract C-1, Tract C-2 and Tract C-3 of Vision Enterprises Major Subdivision Plat in the City of Miles City, Montana

** *Councilperson Erlenbusch moved to approve the Resolution, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4256 passed*

G. RESOLUTION NO. 4257- A Resolution Approving the Donation of a Courtesy Vehicle to Terry Airport

** *Councilperson Gardner moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4257 passed*

H. RESOLUTION NO. 4258- A Resolution Adopting the Custer County and Incorporated Communities of Miles City and Ismay Emergency Operations Plan for the City of Miles City

** *Councilperson Gardner moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 6-0. Resolution No. 4258 passed*

I. Approval of May Claims

** *Councilperson Galbraith moved to approve the May claims, seconded by Councilperson Erlenbusch and passed unanimously, 6-0.*

ADJOURNMENT

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

The meeting was adjourned at 7:47 p.m.


John Hollowell, Mayor


Lorrrie Pearce, City Clerk