

REGULAR COUNCIL MEETING November 26, 2019 6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, November 26, 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, Austin Lott and Susanne Galbraith. Councilpersons Brant Kassner and Kathy Wilcox were excused.

Also present were City Attorney Dan Rice, Police Officer Coy Sheets, Fire Chief Branden Stevens, Public Utilities Director Tom Speelmon, 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: 11/12/2019

** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of November 12, 2019, subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 6-0.*

Finance Committee Minutes: 11/07/2019

Finance Committee Meeting November 7, 2019

The Finance Committee met Thursday, November 7, 2019 at 6:00 p.m. in the City Hall Conference room. Present were Committee Members Susanne Galbraith, Brant Kassner and Rick Huber. Dwayne Andrews was excused.

Also present were: Public Utilities Director Tom Speelmon, Fire Chief Branden Stevens and Clerk/Recorder Lorrie Pearce.

Chairperson Galbraith called the meeting to order.

1. Request of Citizens and Public Comment:

Chief Stevens explained that \$25,000 in line 940 of the fire fund will not be spent on the water tender since the City did not receive the grant. He asked the Committee if he could spend it on hand held radios. Each radio would cost \$1,100 and he would replace the ones that are not working at this time. He said that there was an incident with a callout and a radio did not work. This caused a huge problem with communication to dispatch. He added that the radios are really old and there are very few of them that work. After a short conversation, the Committee thought that it was his budget and he could spend the money where he felt it needed to be spent.

2. Discussion and Recommendation on Resolution No. 4295- A Resolution Levying and Assessing the Cost of Removal and Disposal of Nuisance Weeds in the City of Miles City, Montana, From September 1, 2019 to November 15, 2019

Clerk Pearce explained that the invoice from 7th and Orr had not been received from Haynes Enterprise and would like to add it if it is received before Council meets. Consensus of the Committee was to add the additional cost if received in time.

** *Chairperson Huber moved to recommend to Council to approve the resolution, Committee Member Galbraith seconded the motion. On a Roll Call vote the motion passed, 3-0*

3. Discussion and Recommendation on Resolution No. 4296- A Resolution Approving an Amendment to Task Order With Kadrmas, Lee & Jackson, Inc. For Services Related to the Darling Addition Street and Utilities Rehabilitation

Project

Director Speelmon said that the task order is for the next phase for the Darling project. Director Gray and himself wanted to get the task order completed early so bids can possibly go out in February. If that happened, then phase III could be started early and hopefully completed on time. The task order is not budgeted, but a strip on Strevell was not completed this year, so that savings would cover the cost.

**** Chairperson Galbraith moved to recommend to Council to approve the resolution, Committee Member Kassner seconded the motion. On a Roll Call vote the motion passed, 3-0**

4. Discussion and Approval on bid received for Bobcat Skid-Steer Loader

Director Speelmon explained that the purchases are in the budget and brought it to the Committee for transparency. Three bids were received from various Bobcat companies and the local Bobcat company sent in the lowest bids for the loader, wheel saw and blade. The total for all three is \$53,000 which is lower than the \$100,000 that was budgeted.

**** Chairperson Kassner moved to purchase the loader, wheel saw and blade (items 4-6) from the local Bobcat company, which are the lowest bids, Committee Member Huber seconded the motion. On a Roll Call vote the motion passed, 3-0**

5. Discussion and Approval on bid received for Bobcat WS18 Wheel Saw

6. Discussion and Approval on bid received for Bobcat 108" Snow V-Blade

7. Review and discuss financial reports consisting of General Fund and Ambulance

Chief Stevens explained that he looks at his budgets from July 1st to July 1st because the costs are comparable. He felt his budgets were adequate for the month that was reviewed. He added that the fire department is participating in the Pathway Program which brings high school students into the fire/ambulance environment and hopes that it will influence them to stay in Miles City and come work for the City. Also, he is looking into moving the training center to the water plant area. This would open up the area to rebuild the fire department and also help with the possibility of training other cities and towns. It was the consensus of the Committee that General Fund and the Ambulance Fund was at their proper spending percentage that they should be for September.

8. Adjournment

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

The meeting was adjourned at 6:58 p.m.

**** Councilperson Andrews moved to approve the minutes of the Finance Committee Meeting of November 7, 2019, and seconded by Councilperson Galbraith. The motion passed by unanimous consent, 6-0.**

Public Safety Committee Meeting: 11/19/2019

**Public Safety Committee Meeting
November 19, 2019**

The Public Safety Committee met Tuesday, November 19, 2019, at 6:00 pm in the City Hall Conference Room, 17 S. 8th. Present were Committee Members John Uden, Kathy Wilcox, Ken Gardner and Austin Lott. Also present were: Mayor John Hollowell, Councilperson Rick Huber, Police Chief Doug Colombik, Police Lt. Dan Baker, Police Officer Coy Sheets, Fire Chief Branden Stevens, Fire Captain Jake Richards, Fire Lt. Taran Harbaugh and Human Resources Officer/Recorder Linda Wilkins.

Chairperson Uden called the meeting to order.

- 1. Request of Citizens**
None
- 2. Committee Member Comments**
None
- 3. New Business**

A. Discuss Police Dept.'s need for a new search warrant related computer program

Chief Colombik passed out a quote from ZetX for the purchase of the Trax Suite annual subscription service in the amount of \$2,194.00. He stated that Officer Sheets had attended training paid for by the Secret Service on the use of the Trax Suite, this subscription service is used for the tracking cell phone usage of suspects in a criminal investigation. He asked Officer Sheets to speak to the Committee regarding the four-month free preview that the department has been using, the free preview expired November 1. Officer Sheets provided a status report on the training he attended on the use of this subscription service. During the free preview period he has used the subscription service very effectively in the investigation of a high-profile case. This subscription service has provided good results during this investigation. The evidentiary information from cell phone usage was provided quickly within a few days. This information, normally, would take months to obtain. The service cuts down on the time and effort of an officer and frees time up for other duties. Committee Chair Uden asked if there was money in the budget for this purchase. Chief Colombik commented that he would be meeting with the County Attorney's office regarding the cost of this service to see if they would share the cost. He also commented that this type of service is a necessity with the way technology is advancing. Lt. Baker also commented that the service will be helpful in searching for alias' information used by suspects. Committee Chair Uden asked how training would be provided for this service. Officer Sheets stated he has put together a lesson and training plan and would be training other officers when using this service. Lt. Baker stated that county attorneys and judges are aware of this technology and the time saved and information obtained is invaluable. Committee Member Lott noted at the bottom of the quote the quote it stated; "Multi-annual locked in pricing subscriptions are available for final invoice: contact ZetX for details." He thought it would be good to find out what type of cost savings could be obtained from locking in pricing for a few years. He stated it is important to be as fiscally responsible.

***Committee Member Wilcox moved to recommend to Council that the Police Department obtain the Trax Suite from ZetX, seconded by Committee Member Lott. On roll call vote the motion passed 4-0.*

B. Future use of cell phones and texting for official law enforcement business per FBI and State of MT

Chief Colombik stated that CJIN provided new information that the use of personal cell phones is not allowed when communicating criminal justice information. He would like the command staff to have access to cell phones provided by the City. These phones would be simple flip phones. He has been looking at the cost associated with providing phones to six command staff. He has contacted both the State and AT&T. AT&T's cost was approximately \$16-\$17 per month for each phone. The Mayor commented that he understands this will require money, but the City can only afford so much the City is taking steps to reverse financial trends. Committee Member Wilcox suggested to provide the committee with a worksheet with cost comparisons from two vendors and bring it back to the committee for review.

***Committee Chair Uden moved to continue this item at the next Public Safety Meeting on December 17, seconded by Committee Member Wilcox. The motion passed by unanimous consent 4-0.*

C. Discuss potential for future Police Dept. operational quarters

Committee Chair Uden asked Chief Colombik where the construction committee stood on current plans. Chief Colombik stated that Lt. Baker had been spearheading this building planning up for the last two years and that there are plans from the architects. He stressed that the cost currently for keeping the Police Department housed at its current location, at the VA Hospital, was costing \$3,116/month. He would like to see a meeting take place with the public so decisions can be made, he than asked Lt. Baker for his comments. Lt. Baker stated that three Preliminary Architectural Reports (PAR) have been completed by JGA Architects. Chief Stevens commented the cost for each tax payer within the City would be approximately the cost of two cups of specialty coffee at about \$12/month. He stated when people are considering a place to live one of the primary things they consider is quality of life. The issues of housing the Police Department and Miles City fire and rescue can not continue. He thought it was a good idea for the City to look at its needs for the future.

Lt. Baker continued with the 1st building option. This option came in with an

estimate of \$7.8 million. This option they believe is too small and would not face Main Street. He informed the committee this cost includes all furniture and is high. The Council needs to approve a PAR before any further work can be done to secure funding, these are just preliminary plans and can and will be changed. Chief Stevens commented that this plan is being built on the current footprint which is limited based on the area. Lt. Baker stated they are negotiating with the residents east of the current fire station; however, Myles Gaub may sacrifice a portion of his parking lot to the west. Mayor Hollowell commented that Mr. Tom Hanel has been negotiating on obtaining the property east of the current building.

2nd building option – This would be facing Main Street and reconfigured on the same footprint. It would include an isolated impound garage for safety. It would house the City agencies, Montana Probation and Parole, the Drug Task Force and Montana Highway Patrol. Housing other agencies other than the City would provide rental income. Committee Chair Uden asked if they had been in touch with these other agencies. Lt. Baker has been in contact and all agencies are very interested, these agencies have, in fact, sat down with the architects and put in special requests for their agencies. This option is workable for now and in the future, it provides space for further expansion and meets the needs of all agencies. The cost of this PAR is \$9.7 million, again this is on the high side of cost and adjustments can be made to the plan, if this option is chosen.

3rd building option – This plan is very similar to the 2nd option. The only changes are moving a few walls, providing inside storage for the search and rescue boat and placing glass windows around the parking area of the fire trucks. Cost of this PAR \$10.3 million.

Both the 2nd and 3rd options, would require the fire training center to be relocated, and they are tossing around some options for relocation.

Committee Member Wilcox commented that it would be a good idea to allow a full hour for the Council to review the three PARs prior to the Regular Council Meeting. The Mayor agreed this could take place.

****Committee Member moved to recommend a full review by Council at a Special Council Meeting on December 10, seconded by Committee Chair Uden. On roll call, the motion passed 4-0.**

4. Adjournment

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

The meeting was adjourned at 7:45 p.m.

**** Councilperson Uden moved to approve the minutes of the Public Safety Committee Meeting of November 19, 2019, subject to any changes, 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 Safety Committee December 17, 2019 @ 6 p.m.
Special Council December 10, 2019 @ 5 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Request from Church of Jesus Christ of Latter-Day Saints to set off paper lanterns

Members of the Church of Jesus Christ of Latter-Day Saints asked for permission to set off paper lanterns on December 11th, to celebrate young women and their excellence. The lanterns are fire retardant and there is no heat or fire risk involved.

Attorney Rice felt that Council could vote on the matter without a resolution, because a vote passed by Council is considered a Resolution.

**** Councilperson Galbraith moved to approve the Church of Jesus Christ of**

Latter-Day Saints setting off paper lanterns on December 11th, seconded by Councilperson Andrews. The motion passed by unanimous consent, 6-0

Jim Atkinson, Representative of Southeastern Montana Development Corporation presented the following:

1. Certificate of award to the City in recognition of its valuable contribution
2. A comprehensive development meeting was held with great attendance. The top four issues that everyone thought was the biggest challenges to the City/County were:
 - a) Levy Issue
 - b) Public Safety Building
 - c) Custer County Fairground Exhibit Building
 - d) GIS coordination between City, County and the Library
3. The airport has been granted a \$275,000 grant from the Coal Board

APPOINTMENTS

Elliot Grayson- Confirmed Firefighter/EMT
Austin Rychner- Confirmed Firefighter

Mayor Hollowell and Chief Stevens presented badges to Elliot Grayson and Austin Rychner for completing their one-year probation. Chief Stevens also presented a badge to Battalion Chief Hoskins.

PROCLAMATIONS

None

STAFF REPORTS

Director Speelmon reported there is one tree to cut down and after the cleanup, Strevell Street will be opened. This should happen tomorrow afternoon.

Chief Stevens reported the following:

- Call volume is higher than this time last year
- There has been 120 ambulance transfers this year to date
- Secretary is leaving December 7th and looking for a replacement
- One full time firefighter/EMT position down
- FEMA accepted the grant amendment and the air trailer will be delivered December 9th
- Ambulance 26 cot is out of service
- Replaced four gas monitors
- Firefighters Toy Dance to support Toys for Tots is December 14th
- The department will start a community EMT class on February 4th
- Tomorrow firefighters will be cutting down the local Christmas tree
- The department was granted a \$10,000 grant from Burlington Northern Santa Fe. They will use it to replace needed cots. He thanked Part time firefighter Adrian Davis for writing and processing the grant
- The Public Safety Buildings PAR will be presented to Council on December 10th

CITY COUNCIL COMMENTS

John Uden- Pleased to see Christmas lights on Main Street again. Asked if Council would like to cancel or reschedule the December 24, 2019 Council meeting since it is scheduled on Christmas Eve.

** *Councilperson Andrews moved to cancel the second Council meeting on December 24th, and seconded by Councilperson Galbraith. The motion passed unanimously, 6-0.*

Also, since the finance situation is tight, he and Councilperson Huber would like to recommend that the police department sell the surplus item in the evidence

room and all vehicles that are available. They felt with the money received from the sales, the police department could purchase the ZETX program. Councilperson Huber commented that he had a conversation about this with Chief Colombik and Captain Prell this past summer, but have not heard anything since. Officer Sheets explained that all vehicles have been auctioned off at this time, and there are a lot of stipulations on selling evidence room items. Some items can never be disposed of.

Councilperson Uden felt that Councilpersons are elected by their ward and if a person calls them with a problem they should do everything possible to solve it. If it can not be solved then the Councilperson should contact the appropriate committee's chairperson to schedule.

He added that he was approached by three business people and they had nothing but praise for the visiting teams that came to Miles City for the football playoffs.

Susanne Galbraith- She keeps getting calls about a parcel in her ward that needs cleaned up because of huge trees laying around. The Mayor has given the address to Officer Winkley. He said he will check on the progress and get back to her.

Rick Huber- Thanked the street crew for sweeping up leaves in his ward, and added that the City was well represented at the football championship game.

Dwayne Andrews- Will be absent on December 10th for the council meeting.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

Public Safety Committee- Purchase of ZETX Trax Suite program at a cost of \$2,194

** *Councilperson Uden moved to approve the purchase of the ZETX Trax Suite Program at a cost of \$2,194 for the police department, and seconded by Councilperson Lott.*

The following items were discussed:

- The expenditure is not in the budget
- Police Department is at 37% expenditure in September, and cash is at a deficit of over \$300,000
- Officer Sheets explained he went to training on the software in early July, but the software was not used until August, that is why it was not in the budget. He felt the software streamlined the information for prosecution in a very valuable way. What took him days to weeks to gather would now be mostly at his fingertips.
- Consensus of Council was to postpone the issue until the Police Chief talks to the County Attorney for monetary support and see if there are grants available.

** *Councilperson Lott moved to postpone the discussion until the Police Chief talks to the County Attorney and personnel has looked for grants, seconded by Councilperson Galbraith.*

Elizabeth Patten, 612 South Montana asked if the police department is ahead or behind on the percentage that is spent to date on their budget. Councilperson Huber said they have used up 37 percent of their budget and it should be around 33 percent. She wondered if the \$2,194 could fit into their budget. Mayor Hollowell said it could, but would not know until the end of the year. She also asked if Officer Sheets was able to keep the information that was gathered while trying out the software, and what does it mean to the department for cases that are ongoing? Officer Sheets said he was able to keep the information that was gathered on all cases, but the software is no longer available to the department since the usage trial ended November 1, 2019. She said as a citizen that the software would be very valuable to the department and appreciates all the police department does.

Councilperson Uden felt that the software is the cost of doing business and it would help the department run a professional business.

**** The motion to postpone the purchase, passed 6-0**

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 4294- A Resolution Approving a Revised Collective Bargaining Agreement Between the City of Miles City and the Local No. 600 Union

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

The following items were discussed:

- The approximate increase to the budget is \$10,500 to \$11,500 and it was not budgeted for
- The City of Billings is the only City in Montana that has the 2 percent match like the one being presented
- The 2 percent match is to help stop employee turnover in the fire department, which is one of the departments biggest cost each year. It was stated by a union representative that it cost the fire department thirteen to fourteen thousand dollars to bring a new employee into the City for the first year. This covers the overtime spent to cover the position and training. A lot of items were looked at including increase of wages, but the union felt this option would be the best one for the City. The cost would be split between the Ambulance and fire department
- The consensus of the Council was that the General Fund could not afford the additional cost because of its financial crisis. With that said, some felt that it was not fair to deny the unions request since Council approved the police departments longevity in their union contract a month ago that amounted to approximately \$12,000.
- The reason it was not on the 19/20 budget is because of the timing between labor negotiations and when budget is approved

*** On roll call vote, the motion tied, 3-3. Tied with Councilperson Gardner, Huber and Uden voting no.**

Virginia Gard, 417 Orr, felt that it was hypocritical to vote yes on the matter. She stated that it could be approached next year since it was not in the budget and Council had just voted down a \$2,194 item that was not approved in the budget. Also wondered if there were any studies to prove that the match would retain employees. Union representative Casey Miller said the comparison is tough because Billings is the only City that has this match, and felt that the match has helped to retain employees there.

She asked if the City has looked into volunteers. Chief Stevens explained that volunteers are hard to come by and would love to see anyone come to the department as a volunteer.

Elizabeth Patten felt that the City needs to take care of the fire and police departments because they provide wonderful services to the citizens. She felt it was not fair to compare the software to a retirement issue.

Mayor Hollowell explained that he originally did not agree with the 2 percent match, but felt that being fair with the approval of the police department longevity increase request, he voted to pass the Resolution. Resolution No. 4294 passed.

B. RESOLUTION NO. 4297- A Resolution Approving an Affiliate/Multi-Location Agreement with Iron Mountain Information Management, LLC for Shredding Services

****** *Councilperson Galbraith moved to approve the Resolution, read by title only and seconded by Councilperson Huber. On roll call vote, the motion passed, 6-0. Resolution No. 4297 passed.*

ADJOURNMENT

****** *Councilperson Huber moved to adjourn the meeting, seconded by Councilperson Andrews and passed unanimously.*

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



John Hollowell, Mayor



Lorrie Pearce, City Clerk