

REGULAR COUNCIL MEETING February 11, 2020
6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 11, 2020, 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, Austin Lott, and Curtis Reese. Council Member Kathy Wilcox was excused.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Chief Doug Colombik, Fire Chief Branden Stevens, Planner In Training/TIFD/HD Officer Ally Capps, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, Public Utilities Director Tom Spielmon, RSVP Director Betty Vail, Mechanic Clint Backlund 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: 1/28/2020

****** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of January 28, 2020, subject to any changes, and seconded by Councilperson Kassner. The motion passed unanimously, 7-0*

Human Resource Committee Minutes: 1/23/2020

**Human Resources Committee
 January 23, 2020**

The **Human Resources Committee** met Thursday, January 23, 2020, at 5:30 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, Dwayne Andrews and Rick Huber. Committee Member R. Curtis Reese was excused. Also present was Human Resources Officer/Recorder Linda Wilkins.

Committee Member Kathy Wilcox called the meeting to order.

1. Election of Chair

*******Committee Member Huber moved to nominate Kathy Wilcox, seconded by Committee Member Andrews. Committee Member Wilcox abstained from voting. On roll call vote, the motion passed 2-0.*

2. Request of Citizens

None

3. Review and Approve Job Description

a. Youth Services Librarian

Officer Wilkins stated that Library Director Sonja Woods had reviewed and approved the position description.

*******Committee Member Andrews moved to approve the position description as presented, seconded by Committee Member Huber. On roll call vote, the motion passed unanimously 3-0.*

4. Review, Recommend Revisions to Alcohol and Drug Policy and Procedure

Officer Wilkins commented to the committee that after further review of the Alcohol and Drug Policy and Procedure that more revisions were necessary and the policy and procedure should be reviewed by legal counsel.

***Committee Member Wilcox moved to postpone, seconded by Committee Member Huber. The motion passed unanimously 3-0.*

4. Other

The committee laid out an agenda of items for discussion over the next three months:

1. Consideration of a Personal Day for employees not covered under a collective bargaining agreement – March
 2. Requests for salary increases per the Miles City Personnel Policy and Procedure Manual. An e-mail will be sent out by the HR Officer reminding staff not covered under collective bargaining unit to have any requests to the Committee by the 2nd Thursday in March so they can be reviewed prior to the Human Resource Committee meeting.
 3. Policy revisions to recruitment and selection policy regarding changes to background checks for firefighters, photo ID's and policies contained in Section 6 of the policy manual. – February
 4. Position Descriptions ongoing.
 5. Union Contracts renew again this year
- Meetings were scheduled as follows:
 February 20th, 5:30 p.m.
 March 19th, 5:30 p.m.
 April 23rd, 5:30 p.m.

5. Adjournment

***Committee Member Andrews moved to adjourn, seconded by Committee Member Huber. The motion passed unanimously 3-0.*

The meeting was adjourned at 5:59 p.m.

*** Councilperson Kassner moved to approve the minutes of the Human Resource Committee Meeting of January 23, 2020, and seconded by Councilperson Gardner. The motion passed unanimously, 7-0*

Finance Committee Minutes: 1/30/2020

Finance Committee Meeting

January 30, 2020

The Finance Committee met Thursday, January 30, 2020 at 6:00 p.m. in the City Hall Conference room. Present were Committee Members Austin Lott, Brant Kassner, John Uden and Curtis Reese.

Also present were: Police Chief Doug Colombik, Human Resource/Payroll Officer Linda Wilkins and City Clerk/Recorder Lorrie Pearce.

Clerk Pearce called the meeting to order.

1. Elect Chairperson

*** Committee Member Uden nominated Austin Lott, seconded by Committee Member Kassner.*

*** Committee Member Lott nominated Brant Kassner, seconded by Committee Member Reese.*

*** On roll call vote the motion for Austin Lott to be Chairperson, passed 4-0*

2. Request of Citizens and Public Comment: The next Finance Committee Meeting will be February 13, 2020.

3. HR Officer presentation on Human Resource issue that will affect the future

Human Resource Officer Wilcox explained that the following items will be discuss at future Human Resource Committee Meeting, and will affect the financial situation of the City:

- Review Human Resource Policy
- Administrative staffs request for salary increases- Non-union

- Union contract negotiations
- Changes to Fire Department's back ground checks
- 4. Discuss claims inspections and what months each member will be inspecting them**

Feb-April- **Austin Lott**
 May-July- **Brant Kassner**
 Aug-Oct- **John Uden**
 Nov-Jan- **Curtis Reese**

5. Discuss and recommendation on Ambulance write offs for a total of \$ 3,617.53

Clerk Pearce explained that there are five accounts which totaled \$3,617.53. All patients are deceased with no estate. She added that Solestone and finance did everything possible to collect the money, and felt that there were no other options available.

*** Committee Member Uden moved to recommend to Council to write off a total of \$3,617.53 for ambulance, Committee Member Kassner seconded the motion. On a Roll Call vote the motion **passed**, 4-0*

6. Discuss and recommendation on Ambulance collection for a total of \$69,418.58

Clerk Pearce explained that the total are accounts that are 180 days old with no activity on them.

*** Committee Member Kassner moved to recommend to Council to send \$69,418.58 to collections for the Ambulance, Committee Member Uden seconded the motion. On a Roll Call vote the motion **passed**, 4-0*

7. Discuss and recommendation on Bulk Water accounts to send to collections for a total of \$ 74.48

Clerk Pearce explained that there are two accounts that are 90 days overdue. She has sent three letters with the third one as a final notice, letting them know that if not paid, it will be sent to collections.

*** Committee Member Kassner moved to recommend to Council to send \$74.48 to collections for Water, Committee Member Reese seconded the motion. On a Roll Call vote the motion **passed**, 4-0*

8. Review and discuss General Fund and Ambulance finance reports

Clerk Pearce explained to the Committee that the **General Funds** budget was passed with a reserve of \$187, and said that is a huge problem. If the City doesn't receive all its anticipated revenue, and all funds spend their expenses, then the City is in big trouble. The cash has been deleting for the last 5 years. The following is what is felt was the worst scenario for the City.

As of 12/2019 Cash was	\$ 547,420
Anticipated Taxes by 6/20	\$ 944,753
Receive from HB124 by 6/20	\$ 675,447
Receive from Interlocal by 6/20	\$ 62,000
Receive from Interfund by 6/20	\$ 287,360
Payroll for the next 6 months	\$-1,800,000

Leaves in cash	\$ 716,980

This does not include all other expenses approved to spend in the next 6 months which totals \$493,083. That would leave \$223,897 to start FY21 budget with \$4 to 5 Million in expenditures. This does not include the amount in the budget amendment that will be discussed later. The total for that is an additional \$23,000 with no additional revenues coming in to cover it. As far as the expenditures, the City should be at 50 percent and it is 51%. This is because the fire department wages are over by 8%. The Fire Chief, HR Officer and herself looked to see if they could find a reason why, but no solution was found.

Committee Member Uden was concerned with the cash flow depleting from 1 Million dollars six years ago to approximately \$224,000. There was a

discussion as to how the City can cut some of the expenses for FY20. It was felt that the Mayor needs to ask Directors to cut their spending to help with the cash flow. Chairperson Lott will discuss this with the Mayor.

Clerk Pearce also explained to the Committee that the Ambulance cash as of December 2019 is -198,104. It has grown from June 2019, which was approximately, -230,000. The fund has received 72% of its anticipated revenue, which is good and she felt that the fund would go over its anticipated revenue amount. The Fire Chief, Deputy Clerk and herself are working very closely with Solestone and will be getting collections accounts monthly. The sooner it is sent to collections, the better it is for the City.

9. Discuss and recommendation on Resolution No. 4303: A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2019-2020 to Increase the Budgeted Amount in the Funds for HB374 Fuel Tax, Police, Fire and Ambulance Unbudgeted Revenues and Expenditures

*** Committee Member Kassner moved to recommend to Council to approve the resolution, seconded by Committee Member Uden. The motion **passed** by roll call, 4-0*

10. Adjournment

*** Committee Member Kassner moved to adjourn the meeting, seconded by Committee Member Lott and **passed unanimously***

The meeting was adjourned at 7:15 p.m.

*** Councilperson Reese moved to approve the minutes of the Finance Committee Meeting of January 30, 2020, and seconded by Councilperson Lott. The motion **passed unanimously**, 7-0*

Flood Control Minutes: 2/04/2020

**Flood Control Committee
February 4, 2020**

The Flood Control Committee met Tuesday, February 4, 2020, at 6:00 p.m. in the City Hall Conference Room. Those present were Chairperson Ken Gardner, Committee Members: Brant Kassner and Austin Lott. Committee Member John Uden was absent.

Also present were: Floodplain Administrator Samantha Malenovsky, Mayor John Hollowell, Council Member Dwayne Andrews, and Deputy City Clerk/Minute Recorder Mary Rowe.

1. Request of Citizens/Public Comment:
-None-

2. Committee Members Comments:
-None-

3. Discussion and Recommendation on Violation at 1415 N. 6th Street, Miles City, MT.

*** Committee Member Kassner moved to open discussion, seconded by Committee Member Lott.*

- Chairperson Gardner stated that the City of Miles City was looking at different options.
 1. Do nothing.
 - If the City does nothing then we fail to comply which would jeopardize the entire City. We could be put on suspension and/or probation. Current policyholders could lose their insurance rates and/or have to pay an additional fifty-dollar fee.
 2. File an Injunction
 3. Prepare a 1316 declaration of action, encroachment, mitigation, and other corrective action.

He also pointed out that it is the responsibility of the City to enforce regulations. We adopted the responsibility when we joined the National Flood Insurance Program (NFIP) governed by the Federal Emergency Management Agency (FEMA). He also noted the deadline to respond to FEMA is February 28th, 2020.

- Committee Member Lott questioned how much funding would be lost for section 205 grant and the Flood Mitigation Assistance (FMA) grant for the slough if we get put on probation or suspended by FEMA.
- Floodplain Administrator Sam Malenovsky responded that approximately ten million dollars would be lost from section 205 and approximately one hundred thousand dollars from the FMA slough grant. She also stated that the MCA rules were included in the packet explaining what the City's responsibility is regarding enforcement of flood regulations.
- Mayor Hollowell explained that he had spoken with Mr. Thomas Birney, National Flood Insurance Specialist for FEMA, and that it was very clear that there would be consequences if the City did nothing more. Some of the consequences would be a \$50 fee for policyholders, the loss of the Community Rating System (CRS) discount along with other potential consequences. He said another option is that civil action can be taken, but that would cost the City. He explained that Attorney Rice had been in contact with Attorney Gray and they have been discussing the benefits of a 1316 for both parties involved. Mayor Hollowell also said that the 1316 could potentially grant the City an extension of time, possibly mid-March, for further corrective action plans. He stated that the staff recommends proceeding with the 1316 for now and keep searching for other options to mitigate the violation.

*** Chairperson Gardner moved to recommend to Council that the City proceed with preparing 1316 and seconded by Committee member Kassner. The motion passed 3-0.*

4. Assign Committee member to Program for Public Information (PPI)

Committee member Kassner recommended Chairperson Gardner. Committee member Lott nominated Committee member Uden and seconded by Committee member Gardner.

*** Committee member Kassner moved to assign Committee member Uden to the position and seconded by Committee member Lott. The motion passed unanimously, 3-0.*

5. Adjournment

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

There being no further business, the Committee adjourned at 6:16 p.m.

*** Councilperson Gardner moved to approve the minutes of the Flood Control Meeting of February 4, 2020, and seconded by Councilperson Kassner. The motion passed unanimously, 7-0*

SCHEDULE MEETINGS

The following meetings will be held in the City Hall Conference Room:
 Public Safety Meeting February 18, 2020 @6 pm
 Finance Committee Meeting February 13, 2020 @6 pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Clint Backlund, 519 Eichler Street representing Torez Motocross Club presented a proposal to reopen Spotted Eagle riding area. He felt that there are very few areas designated to legally ride bikes in a safe and controlled manner. The club would like to build a mini bike track and a BMX track. The following are items that were discussed:

- The Torez Motocross club is nonprofit
- The area would be maintained by the club

- Members would enter the area through two locked gates, the club would police the area and nobody would be allowed to ride outside the fenced area
- The money collected through annual fees would pay for the cost of up keep and other expenses to the area
- The club is willing to pay for the insurance that is mandated by the City

Attorney Rice thought issuing a lease agreement would be the best option. He will call MMIA and see if it is even possible and look to see if it needed to go out for bid since it is a unique situation. The other option would be for the City to open it as a park.

*** Councilperson Lott moved to refer the issue to finance, seconded by Councilperson Huber. The motion passed unanimously, 7-0*

Miles City Area Economic Development Council (MCAED) representative Elizabeth Patten, 612 South Montana Street, presented MCAED's annual report and shared census 2020 flyers. She said the State is very close to gaining another seat in the House of Representative and would like everyone to spread the word as to the importance of the census.

Troy Hargrave 121 N 9th Street explained to Council that he rents an apartment in a duplex. He is the only one living there at the moment. He said he heard a disturbance in the apartment above him and called dispatch. The dispatcher asked him if someone was trespassing and he told the dispatcher yes. The dispatcher told him to have his landlord call him the next day. No policeman ever showed up on the complaint and the upstairs apartment was completely demolished.

Craig Dalakow, 814 Wells Street, said he followed up with dispatch the next day, and it sounds like the note with the information might be lost.

Mayor Hollowell said he would look into it and get back with the property owner.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Samantha Malenovsky explained that Intercap is asking if the City wants to continue with a loan request for the flood Section 205 project. She did not have a definite number that the City would need to borrow, but felt it could be up to \$200,000. She explained that the City gets reimbursed 30 percent from the County for the project. Mayor Hollowell said that if the project stops now, the City would not be able to proceed with the planning and the program goes away, unless the Army Corp is willing to delay again.

*** Councilperson Uden moved to approve to continue with Intercap fund, continuation on the flood project, seconded by Councilperson Kassner. The motion passed 5-2, with Councilperson Andrews and Huber voting no*

Administrator Malenovsky asked the Council for approval to apply for a \$750,000 Economic Development Assistance (EDA) grant for the flood project. The match is 20% for the City and the money would be used for building a portion of the levy on the Yellowstone. The City could petition them to see if it could receive 100 percent funded, but there is no guarantee on that. Mayor Hollowell said it was put on the agenda for information only and will be on the next agenda with recommendations.

Ally Capps announced that the Tax Increment Financial District received a \$10,000 grant from the Montana Main Street Program. The money will be used to improve facades on businesses that are in the district.

Branden Stevens reported the following:

- The department is one full time firefighter/EMT position down. The replacement will start February 26th. This position has been open since mid-November, and that is why the overtime is high
- Ambulance 20 has diesel fuel in the coolant, and it was recommended to not fix it
- Was not awarded \$10,785 grant from State Farm
- Community EMT classes are up and running full swing

CITY COUNCIL COMMENTS

None

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

Flood Control- Proceed with Section 1316 (Violation Declaration) of the National Flood Insurance Act on 1415 N. 6th Street

*** Councilperson Kassner moved to proceed with Section 1316 (Violation Declaration) of the National Flood Insurance Act on 1415 N. 6th Street, seconded by Councilperson Gardner*

Administrator Malenovsky explained that Section 1316 is in our City ordinance and she had to start the procedure. The City needs to reply back to FEMA by February 28th as to what our corrective action plan is and a decision needs to be made by the middle of March. After the decision is filed with FEMA, they will let the City know if it is acceptable.

Mayor Hollowell said the City has three options:

- a) Do nothing
- b) Proceed with the Section 1316, which would allow the building/violation to stay, but the property would have to be

in compliance. This would also involve a survey study with a cost of approximately \$30,000-\$40,000

c) Civil action, which would remove the building/violation

Attorney Rice informed Council that he is talking with the property owner's attorney on the options and cost to find a solution. He will present the decision to Council. If no solution is found, then the Council would need to decide if it wants to go ahead with the encroachment analysis or a civil action to have the building abated. Any cost would be paid from the General Fund.

Councilperson Gardner said that if the City did not proceed with Section 1316 there would be a lot of consequences that would be absorbed by the community. If the City did nothing it would-be put-on probation, and if there was no action after that, the City would be on suspension. Everyone needs to know that it is a very serious matter.

Consensus of the Council and public was that the taxpayers of Miles City should not pay for any of the options, and it should be paid by the property owner. Also, there was some concern that if the City filed the Section 1316, it would create a precedent and encourage others to start building without a permit from the City.

*** Councilperson Uden moved to amend the main motion to include, provide the option of Encroachment Analysis/compliance and/or second option Civil Action by May 5, 2020, seconded by Councilperson Kassner. The amended motion passed unanimously. 7-0*

*** The original motion passed unanimously, 7-0*

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. **RESOLUTION NO. 4303- A Resolution Pursuant to § 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY2019-2020 to Increase the Budgeted Amount in the Funds for HB473 Fuel Tax, Police, Fire and Ambulance 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. 4303- (Second Reading) A Resolution Pursuant to § 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY2019-2020 to Increase the Budgeted Amount in the Funds for HB473 Fuel Tax, Police, Fire and Ambulance Unbudgeted Revenues and Expenditures**

- ** *Councilperson Lott moved to approve the Resolution, read by title only, and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4303 passed.*

NEW BUSINESS

- A. **RESOLUTION NO. 4305- A Resolution Approving a Revocable License for Non-Federal Use of Real Property Between the City of Miles City and the U.S. Department of Veterans Affairs for Police Department Offices**
- ** *Councilperson Uden moved to approve the Resolution, read by title only, and seconded by Councilperson Kassner. On roll call vote, the motion passed unanimously, 7-0. Resolution No. 4305 passed.*
- B. **RESOLUTION NO. 4306- A Resolution Requesting Distribution of Bridge and Road Safety and Accountability Program Funds**
- ** *Councilperson Gardner moved to approve the Resolution, read by title only, and seconded by Councilperson Andrews. On roll call vote, the motion passed unanimously, 7-0. Resolution No. 4306 passed.*
- C. **RESOLUTION NO. 4307- A Resolution of the City of Miles City Approving a Loan in the Amount of \$35,000, Together with Interest Thereon at the Rate of 2.375 Per Annum on the Unpaid Balance of the Principal Until Paid, From the Aeronautics Division of the Department of Transportation of the State of Montana to the City of Miles City, For the Purpose of: Construction Improvement at the Frank Wiley Airport, Located in Miles City Montana, Providing for the Repayment of Loan, and the Terms Thereof**
- ** *Councilperson Gardner moved to approve the Resolution, read by title only, and seconded by Councilperson Reese. On roll call vote, the motion passed unanimously, 7-0. Resolution No. 4307 passed.*
- D. **RESOLUTION NO. 4308- A Resolution Approving a Revocable License for Non-Federal Use of Real Property Between the City of Miles City and the U.S. Department of Veterans Affairs for RSVP Offices**
- ** *Councilperson Andrews moved to approve the Resolution, read by title only, and seconded by Councilperson Huber. On roll call vote, the motion passed unanimously, 7-0. Resolution No. 4308 passed.*
- E. **ORDINANCE NO. 1337- (First Reading) An Ordinance Adopting Revised Building Codes in Accordance With State of Montana Building Codes Program Requirements, and General Revisions to Chapter Including Penalty Section, and Removal of Antiquated Codes**
- ** *Councilperson Uden moved to approve the Ordinance, read by title only, and seconded by Councilperson Gardner.*
- ** *Councilperson Kassner moved to amend the Ordinance in Section 4 (5-61) by removing all but the existing building code (f) and international swimming pool and spa code (g), seconded by Councilperson Lott.*
- Attorney Rice explained that all the items need to be struck except for f and g because the State enforces them.
- ** *The amended and main motion passed unanimously, 7-0 Ordinance No.*

1337 passed first reading and was referred to Public Safety to review

F. ORDINANCE NO. 1338- (First Reading) An Ordinance Removing Reference to 2006 International Fire Code in the Penalty Section of the City Fire Prevention Code

** *Councilperson Gardner moved to approve the Ordinance, read by title only, and seconded by Councilperson Lott. On roll call vote, the motion passed unanimously, 7-0. Ordinance No. 1338 passed first reading and was referred to Public Safety to review*

G. Approve write offs for Ambulance in an amount of \$ 3,617.53

** *Councilperson Andrews moved to approve the write offs for ambulance at an amount of \$3,716.53 and seconded by Councilperson Kassner. The motion passed unanimously, 7-0.*

H. Approve sending to collection a total of \$69,418.58 in Ambulance Fund

** *Councilperson Kassner moved to approve sending to collection a total of \$69,418.58 in the ambulance fund and, seconded by Councilperson Lott. The motion passed unanimously, 7-0.*

I. Approve to send to collections a total of \$ 74.48 on Bulk Water Accounts

** *Councilperson Kassner moved to approve sending to collections a total of \$74.48 on the bulk water account and, seconded by Councilperson Andrews. The motion passed unanimously, 7-0.*

J. Approval of January Claims


** *Councilperson Lott moved to approve the claims, and seconded by Councilperson Kassner. The motion passed unanimously, 7-0.*

ADJOURNMENT

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

The meeting was adjourned at 7:30 p.m.


John Hollowell, Mayor


Lorrie Pearce, City Clerk