

REGULAR COUNCIL MEETING May 26, 2020**6:00 p.m.****CALL TO ORDER**

The Regular Council meeting was held Tuesday, May 26, 2020, by remote means Zoom.us. Mayor John Hollowell called the meeting to order. Council Members present were Brant Kassner, Dwayne Andrews, Ken Gardner, Austin Lott, Rick Huber, Kathy Wilcox and Curtis Reese.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Chief Doug Colombik, Fire Chief Branden Stevens, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, 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: 05/12/2020**

** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of May 12 2020, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 7-0.*

Human Resource Minutes: 5/07/2020**Human Resources Committee
May 7, 2020**

The **Human Resources Committee** met Thursday, May 7, 2020, at 4:15 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, Dwayne Andrews, R. Curtis Reese and Rick Huber. Also present were: Mayor John Hollowell, PW Director Scott Gray, PU Director Tom Speelmon, Floodplain Administrator Samantha Malenovsky, City Building Inspector Dennis Hirsch, Police Chief Doug Colombik, City Clerk Lorrie Pearce and Human Resources Officer/Recorder Linda Wilkins.

Acting Chairperson Dwayne Andrews called the meeting to order.

1. Requests of Citizens
None
2. Committee Member Comments
None
3. Wage Increase Requests for FY 20-21

The Mayor recommended that none of the wage increase requests be approved for this fiscal year. The committee discussed the wage increase policy regarding the timeframe for which the wage increases are requested, it is difficult to grant wage increases ahead of the budget process. It was suggested that the wage increase be looked at individually along with the supporting documentation, as per policy.

***Committee Member Andrews moved to move the agenda item for Wage Increase Requests for FY 20-21 to the next Human Resource meeting agenda, seconded by Committee Member Reese. On roll call vote, the motion passed unanimously 4-0.*

4. Review, Revise and Approve/Recommend Job Descriptions:
 - A. Building Inspector contractor conversation to City Employee

Committee Member Wilcox thought that leaving the Building Inspector as a contracted position opposed to an employee would be best for the City. There was discussion on the possible benefits of having Civil Engineer also acting as the Building Inspector or the City hiring a Civil Engineer and the Building Inspector working under the engineer.

***Committee Member Wilcox moved to keep the Building Inspector as a contracted position, seconded by Committee Member Andrews.*

Committee Member Huber asked for some insight from Inspector Hirsch. Inspector Hirsch stated that the Building Inspector position is a busy job and until all the details could be worked out regarding the Civil Engineer he thought keeping it as contracted position would be best.

***On roll call vote, the motion passed unanimously 4-0.*

B. Civil Engineer

The position description had previously been approved at a previous Human Resource Committee Meeting there was no need for discussion.

5. Discuss: Dept Head's request for an additional personal day as PTO

No action, a policy would need to be written and approved.

6. Other

Chief Colombik pointed out the need for another salary survey, he is concerned if the City does not keep pace with comparable cities wages throughout the state. He believes the City will be in the same position it was in when the 2012 Salary Survey was conducted. It was suggested that a salary survey should be done during the next fiscal year.

7. Next Meeting: May 21, 2020 at 4:15 p.m.

8. Adjournment

***Committee Member Huber moved to adjourn, seconded by Committee Member Reese. The motion passed unanimously 4-0.*

The meeting was adjourned at 5:10 p.m.

*** Councilperson Andrews moved to approve the minutes of the Human Resource Committee Meeting of May 07, 2020, and seconded by Councilperson Reese. The motion passed by unanimous consent, 7-0.*

Public Safety Minutes: 5/19/2020

Public Safety Committee Meeting May 19, 2020

The Public Safety Committee met Tuesday, May 19, 2020, at 6:00 pm in the via Zoom Conferencing in the Human Resources Office at City Hall, 17 S. 8th. Present were Committee Members Kathy Wilcox, Ken Gardner and Austin Lott. Also present were: Police Chief Doug Colombik, Police Captain Dan Baker, Mayor John Hollowell, Councilperson Dwayne Andrews, Councilperson Rick Huber, Fire Chief Branden Stevens, City Clerk Lorrie Pearce and Human Resources Officer/Recorder Linda Wilkins.

Chairperson Lott called the meeting to order.

1. Request of Citizens

None

2. Committee Member Comments

None

3. Discuss and recommendation on options for housing the police department

Chairperson Lott commented that Mayor Hollowell and he had meet with the County Commissioners regarding plans for the VA Hospital building, basically when the VA tells us to leave we will have to leave. Chief Colombik has considered some possible places to relocate the Police Department to, including the old Fish, Wildlife and Parks building, the Garberson Clinic building, obtaining man camp trailers similar to what the Fire department has set up for temporary housing for their staff

and other locations. Committee Member asked where we are at with the Public Safety Building. Chief Stevens stated that the public meetings that were to be held were postponed due to the COVID virus. Councilperson Andrews thought there were 3 options: 1) the Public Safety building, 2) rent someplace (which would involve repairs, or 3) a separate building for the Police Department. Chairperson Lott asked what was the minimum square footage required. Captain Baker thought around 3,800 square feet for offices and evidence holding. Chairperson Lott asked about retrofitting City Hall. Captain Baker thought that would work. Other buildings suggested where a contractor's building on N. 7th St., the Woolhouse, the old wrestling complex on Bridge St and Rue 21.

***Chairperson Lott moved to recommend to opt to retrofit City Hall for the Police Department finding either, renting or buying a building for City Hall staff, buildings for consideration are the Contractor Building, the Woolhouse, Rue 21 or man camps for temporary housing, seconded by Committee Member Wilcox. By unanimous consent the motion passed 3-0.*

4. Discuss and recommendation on Ordinance 1341 - An ordinance repealing Article III in Chapter 18, including sections 18-51, 18-52 and 18-53, of the Code of Ordinances of the City of Miles City, pertaining to Police Advisory Committees

Chief Colombik stated that he thought it was inappropriate for junior officers to be making recommendations for hire of other staff. HR Officer Wilkins stated she thought it was a violation of fair labor standards.

***Committee Member Wilcox moved to repeal Article III in Chapter 18, including sections 18-51, 18-52 and 18-53, of the Code of Ordinances of the City of Miles City, pertaining to Police Advisory Committees, seconded by Committee Member Gardner. By unanimous consent the motion passed 3-0.*

5. Adjournment

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

The meeting was adjourned at 6:45 p.m.

*** Councilperson Lott moved to approve the minutes of the Public Safety Committee Meeting of May 19, 2020, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 7-0.*

SCHEDULE MEETINGS

*The following meetings will be held in the City Hall Conference Room:
None*

REQUEST OF CITIZENS & PUBLIC COMMENT

Representative for the Veterans of Foreign Wars Club, Harvey Wolff expressed his concerns on handling the fireworks display, if it is approved. His concerns were:

- How to monitor social distancing
- Would it be in the Riverside Park as usual. Suggestions were to watch the fireworks in parked cars or move the location to Spotted Eagle or the County fairgrounds
- Trying to work with the company where the fireworks are purchased to hold on to them until needed

Resident Brandon Janshen said that there is an event form for review by the Health Board. Council thought that was a start, because at this time nobody really has the answers.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Lorrie Pearce reported that MMIA's final rates for fiscal year 2021 have been received. They are as follows: Worker's Compensation had an overall decrease of 5.53 percent from last year's rate, Liability had a 1.9 percent decrease from last years rate, Property had a 3.73 percent increase for auto physical damage and 13.96 percent increase for Contractor Equipment and Real/Personal Property from last years rate. Health Insurance increased \$80 per employee/month.

Branden Stevens- Explained that a cot was purchased from the BNSF grant and has been installed. The ISO inspection is next Tuesday and has been working with the Custer County Water and Sewer District on the hydrant flushing agreement. Councilperson Reese said that he recently found out that his insurance company is offering to pay up to \$1,500 for reimbursement to the fire department if a fire broke out at his property. Councilperson Gardner asked if there were any more Covid-19 cases. Chief Stevens replied that as of today there are no new cases.

Scott Gray reported that phase II of the Covid-19 reopening starts June 1st, which means the Oasis will be open by the end of the first week in June. Attendance will be limited to 50 people, including the lifeguards. The frog pool will not be opened in phase II, maybe phase III. Strevell Street has a few punch list items left to be completed and then it will be opened. Phase III on the Darling Street project started last week with water and sewer installations. He added that Dianna Larson is retiring after 27 years with the City. He thanked Dianna for her service and announced that there will be cake in the conference room, Friday at 1p.m.

CITY COUNCIL COMMENTS

Austin Lott- The building inspector has agreed to reimburse the City for the overcharge of the plan reviews.

Kathy Wilcox- Will be absent for the June 9th Council meeting.

Rick Huber- Diamond J Construction has offered to install a snow fence for protection to a Daycare that is near the Phase III Darling project.

MAYOR COMMENTS

Along with Dianna Larson retiring, Building Inspector Dennis Hirsch will not be renewing his contract for fiscal year 20-21.

COMMITTEE RECOMMENDATIONS

Public Safety- Options for Housing the Police Department- Recommends to investigate the following: Retrofit City Hall for Police Department and find rental or buy a facility for present staff at City Hall. Buy or Lease the Wool house, Contractor Building on 7th Street, Rue 21 Building, or Purchase Man Camps.

** Councilperson Andrews made a motion to move forward with the recommendations, and seconded by Councilperson Wilcox.

The following was discussed:

- Police department would need to be in city limits
- The police department is on limited time, approximately six months to a year. The city cannot afford to wait another two years to decide as to where the department will move. If the Police Department moved into City Hall where would the present staff go?

- How much work is needed on City Hall? Minimum, and Chief Colombik felt that City Court would need to move because of security issues. The Court could meet in the Courthouse, room 2
- Another option is the 519 building, but renovation money would be needed for offices, ground floor access for paying water bills and does the building have a working elevator?
- Recommendation was made to move before winter. The City needs to have a three-month plan and decision on the recommendation of the move by the end of November
- Mayor Hollowell will set up a meeting with Hardesty Real Estate for all Directors and Council Members to look at the buildings before the next Public Safety meeting
- An architectural stamp will be needed, and Brandon Janshen volunteered to join the tour
- If options for the fire building are delayed, money will need to be accessible to repair that building because it floods really bad when it rains

*** The motion passed unanimously 7-0*

Human Resources- To keep the Building Inspector as a contracted position

*** Councilperson Wilcox moved to keep the building inspector as a contracted position, and seconded by Councilperson Andrews.*

Councilperson Wilcox explained that the Human Resource Committee agreed to keep the position as a contracted position because it is reviewed annually. If the City ever felt the need to change it, the opportunity will always be there.

Councilperson Lott felt that if the position is kept as a contractor, and the position is paid on the cost of the permit issued, that person may approve the more expensive project instead of the smaller one. To avoid that, he thought the position should be a City staff member and paid on a salary basis. If the position is hired as a contractor, then the contract needs to be looked at.

Councilperson Andrews said if the position is kept as a contractor that the city could get rid of the person if they are not doing their job.

*** The motion passed 6-1, with Councilperson Lott voting no*

BID OPENINGS

Janitorial Bids for City Hall, Police Station and Library

Three bids were received:

1. Dale Cleaning for \$700 a month- City Hall
2. Samantha Malenovsky for \$700 a month- City Hall
3. Marilyn Forman for \$350 a month- Police Department

There were no bids received for the Library

*** Councilperson Lott moved to refer the bids to the finance committee for review, and seconded by Councilperson Reese.*

*** The motion passed 7-0*

BID AWARDS

None

PUBLIC HEARINGS

Council Minutes 2020 0526

- A. **ORDINANCE NO. 1341- An Ordinance Repealing Article III in Chapter 18, Including Sections 18-51, 18-52 and 18-53, of the Code of Ordinances of the City of Miles City, Pertaining to Police Advisory Committees**

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

UNFINISHED BUSINESS

- A. **ORDINANCE NO. 1341- (Second Reading) An Ordinance Repealing Article III in Chapter 18, Including Sections 18-51, 18-52 and 18-53, of the Code of Ordinances of the City of Miles City, Pertaining to Police Advisory Committees**

** *Councilperson Wilcox moved to approve the Ordinance, read by title only and seconded by Councilperson Lott. On roll call vote, the motion passed, 7-0. Ordinance No. 1341 passed.*

- B. **Approve Selling Leased Land Near Airport to Lessee**

** Councilperson Lott moved to approve selling the leased land to the lessee, and seconded by Councilperson Reese.

Issues discussed were:

- Will the City keep the mineral rights, Attorney Rice said that the mineral rights would be reserved by the City
- If the sale is approved, then Council would need to approve a contract
- There were concerns on selling City property, and how much it would be appraised in the future. The money on the sell would go into the Airport fund
- The property was appraised from \$1,500 to \$8,000 and Council felt that the \$4,000 that Mr. Holmen has put into the property was a substantial improvement, which means the sale does not have to go through the bidding process
- The area is a ravine and not worth much to anybody else. How much does the City think the land is worth? It is the desire of the Airport Board to sell the property.

Council unanimously voted yes that the improvements completed are considered as substantial. 7-0

** Councilperson Reese moved to sell the land for \$5,000, and seconded by Councilperson Gardner. On roll call vote, the motion passed 6-1 with Councilperson Andrews voting no

** Councilperson Andrews moved to maintain the mineral rights to the land, and seconded by Councilperson Lott. *The motion passed 7-0*

** *The amended main motion passed 6-1, with Councilperson Andrews voting no*

NEW BUSINESS

- A. **Approve sending \$28,343.93 from Ambulance Fund to Collections**

** *Councilperson Lott moved to approve sending \$28,343.93 to collections, and*

seconded by Councilperson Gardner.

*** On roll call vote, the motion passed by unanimous consent, 7-0.*

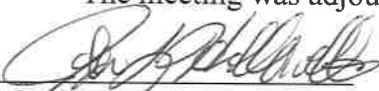
B. RESOLUTION NO. 4325- A Resolution Authorizing the City of Miles City to Enter Into a Water Purchase Agreement With TransCanada Keystone Pipeline, LP

*** Councilperson Lott moved to approve the Resolution, read by title only, and seconded by Councilperson Reese. The motion passed 7-0 Resolution No. 4325 passed*

ADJOURNMENT

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

The meeting was adjourned at 7:35 p.m.


John Hollowell, Mayor


Lorrie Pearce, City Clerk