

**REGULAR COUNCIL MEETING April 28, 2020**  
**6:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, April 28, 2020, by Zoom. Council President Wilcox called the meeting to order. Council Members present were Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Curtis Reese, and Austin Lott. Councilperson Kassner and Mayor Hollowell were excused.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Chief Doug Colombik, Fire Chief Branden Stevens, Planner in Training Ally Capps, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, and City Clerk/Minute Recorder Lorrie Pearce.

**PLEDGE OF ALLEGIANCE**

Council President Wilcox led the Council in the Pledge of Allegiance.

**APPROVAL OF COUNCIL & COMMITTEE MINUTES**

**City Council Minutes: 4/14/2020**

**\*\*** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of April 14, 2020, and seconded by Councilperson Huber. The motion passed by unanimous consent, 7-0.*

**Finance Committee Minutes: 4/9/2020**

**Finance Committee Meeting**

**April 9, 2020**

The Finance Committee met Thursday, April 9, 2020 at 6:00 p.m. by remote means (Zoom). Present were Committee Members Austin Lott, John Uden, Brant Kassner and Curtis Reese.

Also present were: Public Works Director Scott Gray, Public Utilities Director Tom Speelmon, Planner in Training Ally Capps, Animal Control Officer Mark Winkley, Acting Fire Chief Eddy Kanduch, Police Chief Doug Colombik, Floodplain Administrator Samantha Malenovsky, Councilperson Rick Huber, Councilperson Ken Gardner and City Clerk/Recorder Lorrie Pearce.

Chairperson Lott called the meeting to order.

**1. Request of Citizens and Public Comment:**

**2. Discussion and Recommendation on KIJ Task Order:**

Director Gray and Speelmon explained to the Committee that the task order is for the next phase of the Darling project. The cost will be paid from various funds, and they felt there was enough money in the funds to cover the cost for this fiscal year.

**\*\*** *Committee Member Uden moved to recommend to Council to approve the task order, seconded by Committee Member Kassner. The motion passed unanimously, 4-0*

**3. Discuss and recommendation on approving adjusted ambulance amount on write offs and sent to collection**

**\*\*** *Committee Member Kassner moved to recommend to Council approval of the adjustments, seconded by Committee Member Reese. The motion passed unanimously, 4-0*

**4. Discuss and recommendation on proceeding with the \$750,000 EDA grant for the flood project. City to provide 2 percent match (\$150,000) in Fiscal year 2021**

Administrator Malenovsky explained that the title of discussion was not correct. The grant is for \$400,000 and it would cover the preliminary engineering report (PER) needed for the Yellowstone levy. The Army Corps has decided that the City would need to match a maximum of \$50,000 a year for the next two years (100,000). KLJ will work with the City on their cost since it is something that has never been

done, which means there is not a lot of information completed on the issue.

She added there is about \$250,000 that has not been spent yet on the Section 204, that includes in kind matches.

Chairperson Lott felt that 2D mapping is not the direction that the City wants to go. He felt moving to a permanent solution would be best and that would be to proceed with the PER.

*\*\* Committee Member Uden moved to recommend to Council to move forward with the grant and funding of the match, seconded by Committee Member Lott. The motion passed, 3-1, with Committee Member Kassner voting no*

**5. Discussion and Recommendation on writing off \$1,303.00 from Ambulance Fund**

*\*\* Committee Member Kassner moved to recommend to Council approval to write off \$1,303.00, seconded by Committee Member Reese. The motion passed unanimously, 4-0*

**6. Discuss and Recommendation on Animal Shelter veterinary fees**

The discussion in whole was a \$1,400.00 charge on one feline. Officer Winkley felt that the City is getting a big discount from East Main and felt that East Main works with the City very well. He did not know that the invoice was so high, and thought that East Main was going to take some off the total because Dr. Lunde had decided to take in the feline. He will talk to her tomorrow to get it straightened out. He reported that animal control had taken in 177 animals last year. All of them went back to their owners except for 66, which were taken by other people.

The committee discussed putting a limit on the cost to save an animal, and if the City should go to other veterinarians for a quote.

*\*\* Committee Member Lott moved to get more information and postpone discussion at a future meeting, seconded by Committee Member Reese. The motion passed unanimously, 4-0*

**7. Discussion and Recommendation on Anticipated Budget Shortfalls Due to COVID-19**

Items that were discussed are:

- Sick leave and Overtime. A grant was applied for assistance
- Park Fees- At least two big events have been cancelled
- Oasis- Too early to decide if the City will open the Oasis this year. It is looked at on a weekly basis, the Parks Department will start filling it up next week
- Gas Tax- Will probably be short because no one is driving long distances
- Property Taxes- Could be short if everyone does not pay them
- Fines-Will be short because officers are not writing as many fines as usual
- Animal Control Revenue- Will be short because officer is not responding to all calls
- BHS revenue- Will not receive because of cancellation

**8. Adjournment**

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

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

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*Councilperson Reese moved to approve the minutes of the Finance Committee Meeting of April 9, 2020, and seconded by Councilperson Lott. The motion passed by unanimous consent, 7-0.*

**Human Resource Committee Minutes: 4/21/2020  
Human Resources Committee  
April 21, 2020**

The **Human Resources Committee** met Tuesday, April 21, 2020, at 4:15 p.m. in the Conference Room at City Hall via Zoom conferencing. 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

PROCEEDING OF CITY COUNCIL  
MILES CITY, MONTANA

Speelmon, City Planner Ally Capps, City Building Inspector Dennis Hirsch, Police Chief Doug Colombik and Human Resources Officer/Recorder Linda Wilkins.

Committee Member Kathy Wilcox called the meeting to order.

1. Requests of Citizens  
None
2. Committee Member Comments  
None
3. Review, Revise and Approve/Recommend Job Descriptions
  - A. Building Inspector contractor conversion to City Employee  
The committee discussed the advantages and disadvantages of converting this position from a contracted position to that of an employee. Discipline, cost of insurance coverage, training qualifications of an inspector, wages and benefits cost were discussed. It was decided to revisit this at the next meeting when adequate information and a job description be put together for review.

*\*\*Chairperson Wilcox moved to postpone discussion until the next meeting, seconded by Committee Member Andrews. The passed unanimously 4-0.*

- B. Civil Engineer  
This will be reviewed along with the Building Inspector job description at the next meeting.

*\*\*Committee Member Andrews moved to postpone, seconded by Committee Member Huber. The motion passed unanimously 4-0.*

- C. Police Captain  
Chief Colombik reviewed the changes with the committee.

*\*\*Committee Member Andrews moved to approve the Police Captain job description as revised, seconded by Committee Member Huber. The motion passed on roll call vote 4-0.*

- D. Police Detective/Lieutenant  
Chief Colombik reviewed the changes with the committee.

*\*\*Committee Member Andrews moved to approve the Police Captain job description as revised, seconded by Committee Member Huber. The motion passed on roll call vote 4-0.*

4. Review and Recommendations concerning wage requests:

- A. Historic Preservation Officer/Urban Renewal Administrator  
Mayor Hollowell explained that City Planner Capps has been performing the duties of the Historic Preservation Officer and the Urban Renewal Officer and thought it was appropriate to add \$1/hour per additional duty to her wages, this would be a total of \$2/hour. Planner Capps explained she has been performing these duties since February 15, 2019 and has been handling these additional duties well and if funds were not expended from the HPO grant there was a possibility of losing the grant and having to pay back grant monies. Mayor Hollowell explained that this would not put a strain on the general fund as these positions are funded by a grant and the TIF district dollars.

*\*\*Committee Member Andrews moved to approve the increase of \$2/hour to the Planner's wages \$1 for each additional duty effective February 15, 2019 to City Council, seconded by Committee Member Reese. The motion passed on roll call vote 4-0.*

5. Other  
None
6. Next Meeting: Thursday, May 7, 2020 4:15 p.m.
7. Adjournment

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

The meeting was adjourned at 5:20 p.m.

\*\* *Councilperson Andrews moved to approve the minutes of the Human Resource Meeting of April 21, 2020, and seconded by Councilperson Huber. The motion passed by unanimous consent, 7-0.*

**Finance Committee Minutes: 4/21/2020**

**Finance Committee Meeting  
April 21, 2020**

The Finance Committee met Tuesday, April 21, 2020 at 6:30 p.m. by remote means (Zoom). Present were Committee Members Austin Lott, Brant Kassner and Curtis Reese. Committee Member John Uden was excused.

Also present were: Public Works Director Scott Gray, Public Utilities Director Tom Speelmon, Acting Fire Chief Eddy Kanduch, Mayor John Hollowell, COVID-19 Incident Commander Branden Stevens and City Clerk/Recorder Lorrie Pearce.

Chairperson Lott called the meeting to order.

**1. Request of Citizens and Public Comment:**

Commander Stevens updated the committee with the following:

- Because of the COVID 19, the fire and ambulance funds will be overspent. The ambulance fund is showing an increase in revenue which should help cover some of the expenses. He felt that the contractual allowance is one of the expenditure items that he has no control over, because it is an expense that writes off charges that were not collected.
- Fire Department has applied for a rural fire grant that has a ten percent match. The grant is approximately \$5,600, so the match would be around \$560 and will be in next year's budget. He explained that the Safer grant that was discussed at the last finance meeting, which is to hire additional employees, is a match of 75% for the first 2 years and 35% for the third year.
- The Insurance Service Organization (ISO) will be evaluating Miles City on June 2<sup>nd</sup>. He is hoping that the City can go from a 4 to a 3 because of the Fire Chief on day shifts and training center. The problem is the City has a water tender that does not fulfill the pump capacity. The department has applied for a used water tender, but he has not heard anything on it.

Chairperson Lott said that the County may have a water tender that the City could use. Commander Stevens said he would look into it.

**2. Review and Recommendation on Darling Addition Phase III Bids Received**

The bids ranged from 2,882,964.10 to \$4,054,368, with Diamond J Construction coming in as the lowest bid. KLJ had worked with Diamond J on a similar size project and felt confident that they were qualified and recommended them for the project.

*\*\* Committee Member Kassner moved to recommend to Council to approve the bid received from Diamond J Construction, seconded by Committee Member Lott. The motion passed unanimously.*

**2. Review and Recommendation to Mayor on approval for a Task Order from Interstate Engineering (Preliminary Engineering Report) PER**

The first step for the PER is to expand the sewer system and install water service in the Industrial Park, install the main pipe under the Tongue River, replace nine blocks of sewer main on the North side of Miles City and replace approximately 16 blocks of the main sewer interceptor main that runs down Montana Avenue and Main Street to the Montana lift station. The cost of \$40,000 is based off the grant requirements, which could change once they have solid guidelines.

*\*\* Committee Member Kassner moved to recommend to the Mayor to approve the task order, seconded by Committee Member Lott. The motion passed unanimously.*

**3. Review and Recommendation on Ordinance No. 1339- An Ordinance Extending the Duration of Business Improvement District 101, Providing for a Board of Trustees and Executive Director and the Terms Thereof, Providing for the Funding of the District, Providing for the Duration of Such Extension of the District, and Providing an Effective Date Therefore**

The Ordinance is to renew the District for another ten years. There are 5 hotels owners involved in the district and the City has received a letter of approval for the district that was signed by all of them. The City is the money holder for the tax collected and is paid to the Chamber of Commerce monthly.

*\*\* Committee Member Kassner moved to recommend to Council to approve the Ordinance, seconded by Committee Member Lott. The motion **passed** unanimously.*

**5. Approve Purchasing a Hanger Door for the Airport at an amount of \$51,338**

The purchase needed to go to the finance committee for approval since it is over \$50,000. The purchase amount is in their budget.

*\*\* Committee Member Kassner moved to approve the purchase, seconded by Committee Member Lott. The motion **passed** unanimously.*

**6. Discuss FY21 Budget Calendar**

The committee as a whole agreed with the budget calendar.

**7. Discuss MMIA rates for FY2021**

Clerk Pearce reported that she had received MMIA's Final Rates for FY21 and they are as follows:

- Workers' Compensation had an overall decrease of 5.53 percent
- Liability had a 1.9 percent decrease from last year's rate
- Property had a 3.73 percent increase for auto physical damage and 13.96 percent increase for Contractor Equipment and Real and Personal Property from last year's rate

**8. 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 Lott moved to approve the minutes of the Finance Committee Meeting of April 21, 2020, and seconded by Councilperson Andrews. The motion **passed** by unanimous consent, 7-0.*

## SCHEDULE MEETINGS

*The following meetings will be held in the City Hall Conference Room:  
May 7<sup>th</sup> @ 4:15pm*

Human Resource

## REQUEST OF CITIZENS & PUBLIC COMMENT

Representative of Miles City Area Economic Development Council Elizabeth Patten said that Covid19 is affecting the entire city long term. She is looking at handing out surveys to businesses and would like Councils feedback on it. Once the surveys are received back to her, she will share the with Council. Her email is [epatten@mcaedc.org](mailto:epatten@mcaedc.org)

## APPOINTMENTS

None

## PROCLAMATIONS

None

## STAFF REPORTS

**Branden Stevens-** The Custer County Incident and Health Boards recommendation on Covid19 are to follow Governor Bullocks orders. This will continue through all the phases and the City is still committed to being prepared.

**Scott Gray-** Strevell Street paving was completed last week. City crews are working on manholes this week, landscaping and concrete will be completed in the future. Walleve Unlimited has moved the old picnic shed to the beach area and moved boulders to extend the parking area by the area where the new shelter will be installed.

**Lorrie Pearce-** Reminded Council that tonight will be the last Council meeting for Councilman Uden and thanked him for his dedication. The City did not receive any letters of interest for the Ward II vacancy, so the open vacancy will continue until filled.

**Doug Colombik-** Working on preparing stats and will be delivered to Council soon.

### **CITY COUNCIL COMMENTS**

**John Uden-** Wished everyone nothing but the best and told everyone to take care of themselves.

### **MAYOR COMMENTS**

None

### **COMMITTEE RECOMMENDATIONS**

**Human Resource-** Retro pay of \$2.00 back to February 15, 2019 for the Historic Preservation Officer/Urban Renewal Administrator. \$1.00 per hour paid back from the Historic Preservation fund, and the other \$1.00 per hour from the Urban Renewal Administrator fund.

Clerk Pearce thought that the item should be referred to the Finance Committee to review the percent breakdown on the position.

**\*\*** *After a long discussion, Council President Wilcox moved to approve the increase and refer the issue to the Finance Committee to review the percent breakdown, seconded by Councilperson Andrews. The motion passed unanimously*

### **BID OPENINGS**

None

### **BID AWARDS**

Darling Addition Phase III- Diamond J

Director Gray said there were four bids received and Diamond J was the lowest. KLJ had worked with Diamond J on a similar project and recommended them.

Director Speelmon explained that the lowest bid was \$500,000 less than what the engineers expected and there was a difference of \$800,000 comparing the highest bid to the lowest bid.

**\*\*** *Councilperson Andrews moved to accept Diamond J's bid, seconded by Councilperson Uden. The motion passed unanimously*

### **PUBLIC HEARINGS**

**A. ORDINANCE NO. 1339- An Ordinance Extending the Duration of Business Improvement District 101, Providing For a Board of Trustees and Executive Director and the Terms Thereof, Providing for the Funding of the District, Providing for the Duration of Such Extension of the District, and providing an Effective Date Therefore**

Council President Wilcox called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

**UNFINISHED BUSINESS**

- A. ORDINANCE NO. 1339-** *(Second Reading)* An Ordinance Extending the Duration of Business Improvement District 101, Providing For a Board of Trustees and Executive Director and the Terms Thereof, Providing for the Funding of the District, Providing for the Duration of Such Extension of the District, and providing an Effective Date Therefore

\*\* Councilperson Lott moved to approve the Ordinance, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 7-0. Ordinance No. 1339 passed.

**NEW BUSINESS**

- A. ORDINANCE NO. 1340-** *(First Reading)* An Ordinance Amending Section 1-8 of the Code of Ordinances of Miles City, Montana, Revising the Legal Description of the Corporate Limits of the City of Miles City

\*\* Councilperson Andrews moved to approve the Ordinance, read by title, only and seconded by Councilperson Gardner.

Administrator Malenovsky said nothing changed, but better descriptions were added to make it easier to use for surveyors and in the future.

\*\* The motion passed 7-0

- B. RESOLUTION NO. 4321-** A Resolution Authorizing the City of Miles City to Enter Into a Short Form of Agreement Between Owner and Engineer for Professional Services With Interstate Engineering, Inc. Related to the Miles City Industrial and Commercial Water/Sewer Project

\*\* Councilperson Reese moved to approve the Resolution, read by title only and seconded by Councilperson Huber. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4321 passed

- C. RESOLUTION NO. 4322-** A Resolution Authorizing the City of Miles City to Enter Into Agreement Articles and Obligating Agreement With the Montana Disaster and Emergency Services Program for a Police Body Camera Grant

\*\* Councilperson Uden moved to approve the Resolution, read by title only and seconded by Councilperson Gardner.

Items that were discussed by Dispatch Supervisor Lyne Anderson, Police Chief Doug Colombik and Police Officer Ryan Ketchum were as follows:

- The City was awarded a \$30,396 grant from Montana Disaster and Emergency Services Program (DES) to purchase 11 body cameras, a computer and extra batteries
- The City already has Watchguard cameras and they are compatible with Zuercher, so on the specification for quotes it said it had to be compatible with Zuercher
- In the future it will cost the City an additional \$3,500 a year for the annual maintenance fee. The fee provides 16TB of storage, software and updates.
- The City received two other quotes that varied from \$42,000-\$82,000 and they were not compatible with Zuercher

*\*\* On roll call vote, the motion passed by unanimous consent, 7-0.  
Resolution No. 4322 passed.*

**D. RESOLUTION NO. 4323- A Resolution Authorizing the City of Miles City to Enter Into a Montana Department of Commerce “Delivering Local Assistance” Program Contract for Replacement of Water and Sewer Lines, Valves, and Hydrants**

*\*\* Councilperson Andrews moved to approve the Resolution, read by title only and seconded by Councilperson Huber. On roll call vote, the motion passed.  
Resolution No. 4323 passed.*

**ADJOURNMENT**

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

The meeting was adjourned at 7:12 p.m.

  
Kathy Wilcox, Council President

  
Lorrie Pearce, City Clerk