

**REGULAR COUNCIL MEETING July 28, 2020****6:00 p.m.****CALL TO ORDER**

The Regular Council meeting was held Tuesday, July 28, 2020, via Zoom.us, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were Brant Kassner, Dwayne Andrews, Ken Gardner, Rick Huber, Austin Lott, 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, Dispatch Supervisor Lyne Anderson, Police Detective Dan Baker 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: 6/23/2020**

**\*\*** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of June 23, 2020, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 7-0.*

**Human Resource Minutes: 6/30/2020****Human Resources Committee  
June 30, 2020**

The **Human Resources Committee** met Tuesday, June 30, 2020, at 4:15 p.m. via Zoom Conferencing. Present were Committee Members Kathy Wilcox, Dwayne Andrews, R. Curtis Reese and Rick Huber. Also present were: PW Director Scott Gray, PU Director Tom Speelmon, Floodplain Administrator Samantha Malenovsky, City Planner Ally Capps, Police Chief Doug Colombik, and Human Resources Officer/Recorder Linda Wilkins.

Chairperson Wilcox called the meeting to order.

1. Requests of Citizens  
None
2. Committee Member Comments  
None
3. Review/Recommend Job Descriptions:
  - A. Building Inspector/Code Enforcement

Director Gray commented on the changes made to the job description so that the departments of flood, zoning, planning, fire, any department involved with building and those codes would be followed and contacted along with following ICC rules and restrictions. Committee Member Huber asked about certifications. Director Gray stated the City building inspector handles commercial and residential inspections and if this is not spelled out in the job description the change would be made. Chairperson Wilcox questioned the title because we have another job description with code enforcement officer in it. Gray explained they work together public nuisances are handled by animal control. Chairperson Wilcox asked Officer Wilkins to change the tile to Building Inspector / Building Code Enforcement.

**\*\*Committee Member Andrews moved to approve the Building Inspector/Code Enforcement job description language, seconded by Committee Member Reese. The motion passed unanimously, 4-0.**

- B. City Court Clerk

Officer Wilkins stated that since there were no representatives of the City Court at the meeting that review should be postponed.

*\*\*Committee Member Andrews moved to table review of the City Court Clerk job description, seconded by Committee Member Huber. The motion passed unanimously, 4-0.*

4. Wage Increase Requests for FY 20-21

Officer Wilkins stated the Mayor was going to be there, but not sure where he was. She did have the wage request letter for the Floodplain Administrator. Chairperson Wilcox asked for the justification from the letter written by Director Gray. Officer Wilkins reiterated points from the letter: procured funds from a FEMA grant, worked with USACE on Section 205 Tongue River Flood study, she has helped to reduce the CRS rating to a Class 8 reducing flood insurance rates for the citizens. Director Gray recommends a \$2/hour increase in wage. Chairperson Wilcox asked what the wage was on the current wage survey. Officer Wilkins stated there was one job on the survey from Glendive that fits that job description the wage is \$4267.38/month. Administrator Malenovsky's current wage is \$3,672/month a difference of \$600/month which equates to \$3.67/hour. Committee Member Andrews stated everyone wants a raise which is normal, and Administrator Malenovsky does a good job. The game the City has been playing is to match the wage to a job description that is the same, so basically, she is being underpaid. Committee Member Huber stated this should come up at budget time. Committee Member Andrews agreed since we don't know what budget will be, but she is saying there is money in the program to cover. Officer Wilkins stated that 40% of her wage is out of general fund. Chairperson Wilcox said that now is budget time, to wait until after budget is final how do you make a request to change the wage. The increase should be considered while budget meetings are going on. Committee Member Huber asked has it been presented in budget review. Chairperson Wilcox explained it goes to HR first to get justification for the increase. If the request for increase doesn't qualify why send it to finance. The increase would be \$346/month 40% coming from general fund. Committee Wilcox commented there is justification to qualify for consideration needs to go to finance for determination of available funding

*\*\*Committee Member Wilcox moved to recommend to the finance committee a \$2/hour increase in Administrator Malenovsky's wage, seconded by Committee Member Andrews. The motion passed unanimously, 4-0.*

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

Officer Wilkins explained that this would have to go through a personnel policy change. Administration is not part of a negotiating unit.

*\*\*Committee Member Wilcox moved to remove the item from this agenda and future agendas, seconded by Committee Member Andrews. The motion passed unanimously, 4-0.*

6. Other

Chief Colombik pointed out at the last meeting he had given a salary survey to them that he conducted. The City has fallen behind the average in wages and what he sees with director's pay and it's happening again without a cost of living raise. The City needs to do an accurate survey and keep up with other similar agencies. He would like to see an attempt by the City to try to keep up with administrative staff wages. The directors who protect the city from liability wages are remaining stagnant. Committee Member Andrews stated he makes a good point. Committee Member Huber asked where would all the money come from. Director Gray pointed out that a lot of the different department's wages do not all come from the general fund, and understands being concerned about general fund, but reiterated that wages don't only come out of the general fund. He likes the research that Chief Colombik did and thought the communities he reached out to are comparable to Miles City and thinks it is time for the City to do another survey. Wilcox asked Officer Wilkin's if she presented possible wage increases to the budget committee when they were gathering information. Wilkins stated that she did not.

Chairperson Wilcox outlined 3 steps at this point to be proactive with trying to keep up with other agencies

1. Some consideration of increase would go with chief's survey results now, forward to the budget committee to see if there is anything we can do to bring people up a little bit this fiscal year.
2. Include in our request for HR funds to do a salary survey in the coming fiscal year.
3. Talk more about do we need to work hand in hand with the finance committee and perhaps we need to see what we have for policies in terms of a cost of living increase for staff and department heads alike and perhaps we need to

draft something. It is a recurring problem and it is going to continue to be if annual cost of living is not addressed. If performance is adequate maybe not as much as the cost of living, but at least 1 or 2 percent

Chief Colombik has been with the city for 29 years and administration has been left behind while unions have seen consistent increases and contractually have the ability to file grievances and go into arbitration and the Directors are left out wading in the water with no ability to keep up with the cost of living. He would like to see the City take proactive steps. He commented this is the 3<sup>rd</sup> year without any increase and if we go three more years the cost to provide a wage increase could be up to \$9/hour instead of incremental changes over that same time period. He appreciates the committee being open about this subject and taking the right steps.

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

8. Adjournment

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

The meeting was adjourned at 5:15 p.m.

*\*\* Councilperson Wilcox moved to approve the minutes of the Human Resource Meeting of June 30, 2020, and seconded by Councilperson Reese. The motion passed by unanimous consent, 7-0.*

#### **City Council Minutes: 7/14/2020- No Quorum**

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

#### **Public Safety Minutes: 7/16/2020**

##### **Public Safety Committee Meeting July 16, 2020**

The Public Safety Committee met Tuesday, July 16, 2020, at 6:00 pm 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. Dwayne Andrews was excused. Also present were: City Judge Ken Stein, Police Chief Doug Colombik, Mayor John Hollowell, Architect Brandon Janshen, 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. Review and discuss options for housing Police Department**

Chairperson Lott outlined the three options the committee would be looking at for housing the Police Department:

1. 15 N. 8<sup>th</sup>, Leidholt Building, purchase option would only house the Police Department
2. Boutelle Building, lease or purchase option
3. Stark Building, lease option

The committee discussed the pros and cons of each building compared with the needs of the Police Department. The committee decided that a lease option would be in the best interest of the City, since plans that have been developed for a future Public Safety Building. Mr. Janshen pointed out that prior to going forward with any plans the City needs to select a building and suggested contacting Dennis Leidholt regarding an option to lease his building. The Mayor stated he would contact him and also Rob Zignego regarding lease options for the Boutelle Building.

Once more information is obtained on each possibility the committee will meet next week and decide on a building and make the recommendation to Council.

**4. Discussion/recommendation on Ordinance 1064 boats on Cook Lake**

Ordinance 1064 of June 13, 1995 and Ordinance 929 of March 8, 1984 were read. Ordinance 1064 was to serve as an emergency Ordinance for 90 days and then revert back to Ordinance 929. Ordinance 1054 is currently published in Municode, which states that 4 motor boats and personal watercraft may be operated on Cook Lake, but not at the same time. Officer Wilkins will contact City Attorney Dan Rice for information on the best way to rectify the conflict with Municode and the ordinances for the committee.

*\*\*Committee Member Wilcox recommend to full council that Municode be reconciled with Ordinance 929, seconded by Committee Member Gardner. By unanimous consent the motion passed 3-0.*

**5. Adjournment**

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

The meeting was adjourned at 6:30 p.m.

*\*\* Councilperson Lott moved to approve the minutes of the Public Safety Meeting of July 16, 2020, and seconded by Councilperson Kassner. The motion **passed** by unanimous consent, 7-0.*

**Finance Committee Minutes: 7/21/2020**

**Finance Committee  
Meeting July 21, 2020**

The Finance Committee met Tuesday, July 21, 2020 at 6:00 p.m. at the Conference Room in City Hall by remote means (Zoom). Present were Committee Members Austin Lott, Brant Kassner and Curtis Reese.

Also present were: Public Utilities Director Tom Speelmon, Public Works Director Scott Gray, Police Chief Doug Colombik, Planner in Training Ally Capps, Fire Chief Branden Stevens, Dispatch Supervisor Lyne Anderson, Deputy City Clerk Mary Rowe & City Clerk/Recorder Lorrie Pearce.

Chairperson Lott called the meeting to order.

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

Clerk Pearce reported that the Human Resource Committee had recommended a 2 percent wage increase for Department Head personnel. This is for fiscal year 2021.

**2. Discuss and Recommendation on writing off \$1,800.33 from Ambulance Fund**

*\*\* Committee Member Reese moved to recommend to Council to write off \$1,800.33 from the Ambulance Fund, seconded by Committee Member Kassner. The motion passed unanimously*

**3. Discussion on FY20/21 Budget**

The Committee asked for the following adjustments:

- Finance- Cut \$8,000 from salary
- Police Department- Cut 10%
- Dispatch- Cut \$5,000
- Fire Department- Cut the match for the water tender (\$50,000) and then another \$70,000
- Swimming Pool- Cut \$7,000 by closing 1 day a week
- Animal Control- Cut 5%
- Flood Prevention- Cut all matches, Mayor will talk with the Flood Administrator
- Increase revenue account 351030 to total \$160,000

The cuts should be presented to the City Clerk by this Friday. If the City receives any revenue from the CARES ACT, the finance committee will support a budget amendment to spend the money on the cuts being made.

#### 4. Adjournment

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

The meeting was adjourned at 7:59 p.m.

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

### Public Safety Minutes: 7/22/2020

#### Public Safety Committee Meeting July 22, 2020

The Public Safety Committee met Tuesday, July 22, 2020, at 5:00 pm via Zoom Conferencing in the City Clerk's 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, Mayor John Hollowell, Police Captain Dan Baker, and City Clerk/Recorder Lorrie Pearce.

Chairperson Lott called the meeting to order.

#### 6. Request of Citizens

None

#### 7. Committee Member Comments

None

#### 8. Discussion and Recommendation Regarding MCPD Building

The Committee discussed the three buildings that remain as an option for the Police:

4. 15 N. 8<sup>th</sup>, Leidholt - Has a leaking roof, the City could ask them to fix before the City bought it. Leasing is not an option
5. Boutelle Building, lease or purchase option- Rob Zignego wants \$8,000 a month to lease and the building needs major repairs
6. Stark Building, lease option- Lease would be \$3,000 a month. If leased the City would need to purchase 1-2 secure modular sheds at a cost of \$4,000-5,000 each, then the windows would have to be remodeled because it is too much glass. It would cost approximately \$15,000 to move the phones and computers to the site. Fencing, surveillance equipment and vehicle storage would need to be addressed. Clerk Pearce thought that the City could get an Intercap loan, she would need a cost to submit an application.

The committee agreed that the Stark building would be the best option to move ahead with.

*\*\*Committee Member Wilcox moved to recommend getting a five-year lease from Marvin Stark and the City move toward getting a Public Safety building. After a short discussion Committee Member Wilcox amended her motion to move towards a lease or purchase the Stark Building and still move forward on a Public Safety building, seconded by Committee Member Gardner. The amended motion passed unanimously*

#### 9. Adjournment

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

The meeting was adjourned at 5:28 p.m.

\*\* *Councilperson Gardner moved to approve the minutes of the Public Safety Meeting of July 22, 2020, and seconded by Councilperson Lott. The motion passed by unanimous consent, 7-0.*

### **SCHEDULE MEETINGS**

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

Public Safety Committee	8/4/2020 @ 6 p.m.
Finance Committee	8/4/2020 @ 7 p.m.

### **REQUEST OF CITIZENS & PUBLIC COMMENT**

None

### **APPOINTMENTS**

None

### **PROCLAMATIONS**

None

### **STAFF REPORTS**

**Scott Gray-** Reported that the Darling Phase III is about half way to completion. The contractors have begun the first cover of asphalt and will pave through Thursday. Starting Monday, the contractors will start on the last two blocks of the project for water and sewer items. He thanked everyone for being patient with everything going on and announced that he will be gone for awhile. Director Speelmon and Administrator Malenovsky will be performing his duties.

Councilperson Wilcox asked for an update on the Splash Park. Attorney Rice said that Miles City Improvement group are planning on meeting next week to discuss if the plans are to scale down the project since a big donor backed out of the project.

**Lyne Anderson-** Announced that the City has been awarded a \$61,000 grant to purchase mobile data equipment, and it should go on line September 15<sup>th</sup> & 16<sup>th</sup>. Also, the body cams are right on schedule and should be up and running August 31<sup>st</sup>.

**Branden Stevens-** Commented that the apparatus for unit 23 has been pulled from the budget. Chief Stevens was disconnected from the meeting and never returned.

**Doug Colombik-** Reported that the COPS grant needs a response in 15 days as to whether the City will accept the grant. He plans on applying for an extension.

### **CITY COUNCIL COMMENTS**

**Ken Gardner-** Said the mowing that he had discussed with Director Gray has been done and looks good.

**Dwayne Andrews-** Parks Department has done an outstanding job this summer.

### **MAYOR COMMENTS**

None

### **COMMITTEE RECOMMENDATIONS**

None

### **BID OPENINGS**

None

### **BID AWARDS**

None

### **PUBLIC HEARINGS**

### **UNFINISHED BUSINESS**

- A. **RESOLUTION NO. 4329- A Resolution Approving a Park Use Permit Between the City of Miles City, Montana, and the Torez Moto X Club for use of the Miles City Motocross Track at Spotted Eagle**

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

Concerns on the Resolution are as follows:

- In case of a fire that was caused by sparks coming from the bikes, who would be responsible to report it and who is responsible if any buildings were burnt because of the fire. Attorney Rice said that Clint Backlund is the responsible party on the resolution and the Miles City Fire Department would be the one to respond to a fire. The club will provide the City with evidence of liability which would cover any cost to incidentals
- Some Councilpersons thought that a one-year contract would be better than a five year because a lot of things can go wrong. Director Gray and Councilperson Lott said that all other Park Permits are for 5 years and the City has the right to pull the permit if the club did something that the City did not like
- Councilperson Wilcox thought there should be porta potties at the location

\*\* *Councilperson Wilcox moved to amend the resolution to state that the club would provide two porta potties at every meet (event), seconded by Councilperson Reese.*

\*\* *After a short discussion, Councilperson Wilcox amended her motion to state that the Lessee provide at least one porta potty at all times, seconded by Councilperson Reese.*

Further discussion that there is no action in the winter and there will not be any events for quite sometime

\*\* *Councilperson Wilcox amended her amended motion to the Lessee provide one porta potty during the season when they are using the area, seconded by Councilperson Reese. The amended motion passed 7-0*

\*\* *On roll call vote, the main motion passed by unanimous consent, 7-0. Resolution No. 4329 passed*

- It was also discussed to prohibit the bike riders to ride on City streets. After a long discussion, it was decided that it would not be a problem.

## **B. Discussion and approval on Updates for Police Building Prospects and Moving Forward**

Issues discussed on moving forward with Police Building Prospects:

- The Public Safety Committee recommends leasing or purchasing the Stark building
- There were concerns if the City purchased a building that it would be very difficult to convince the public to approve a Public Safety Building, and if the building would need remodeled, the City would be responsible for the cost at prevailing wages. If the City leased it, then it would be the owner's responsibility and they would not have to pay prevailing wages.
- There are rumors that other State Agencies are looking at leasing the building, if any of the agencies lease the Stark building then the City is in a lot of trouble.

Mayor Hollowell asked Council if anyone had a problem moving forward with item D in New Business, which is approve moving forward on leasing or purchasing Marvin Starks building. No one on Council objected.

**C. ORDINANCE NO. 1342- (First Reading) An Ordinance adopting Removing Antiquated Building Code Sections**

\*\* *Councilperson Lott moved to approve the Ordinance, read by title only and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 7-0. Ordinance No.1342 passed first reading*  
Mayor Hollowell referred the Ordinance to Public Safety

**D. RESOLUTION NO. 4330- A Resolution Authorizing the City of Miles City to Enter Into a Janitorial Service Agreement With Dale Petroff d/b/a Dale's Cleaning Service**

\*\* *Councilperson Wilcox moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No.4330 passed.*

**E. RESOLUTION NO. 4331- A Resolution Authorizing the City of Miles City to Enter Into a Contract With Marilyn Foreman for Janitorial Services for the City Police Department Building**

\*\* *Councilperson Andrews 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. 4331 passed.*

**F. RESOLUTION NO. 4332- A Resolution Approving the Work Plan and Budget for Fiscal year 2020-2021 for Business Improvement District No. 101, and Providing of Hearing Thereon**

\*\* *Councilperson Wilcox moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4332 passed first reading*

**G. RESOLUTION NO. 4333- A Resolution Authorizing the City of Miles City to Enter Into a Main Street Program Grant Contract With the Montana Department of Commerce**

\*\* *Councilperson Lott moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4333 passed.*

**H. RESOLUTION NO. 4334- A Resolution Designating City Employees who are Authorized to Acquire Federal Surplus Properties from the State of Montana**

\*\* *Councilperson Lott moved to approve the Resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4334 passed.*

**I. RESOLUTION NO. 4335- 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 Ambulance, Building Inspector and Lighting District # 173 Unbudgeted Revenues and Expenditures**

\*\* *Councilperson Andrews 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. 4335 passed.*

**J. RESOLUTION NO. 4336- A Resolution Authorizing the City of Miles City to Enter Into a Building Inspection Services Contract with Russell Murphy**

**\*\*** *Councilperson Andrews moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4336 passed.*

**K. Discussion and Approval on Purchasing Two City Hall Doors**

**\*\*** *Councilperson Wilcox moved to approve purchasing the two city doors from ABC glass, and seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent, 7-0.*

**14. NEW BUSINESS**

**A. RESOLUTION NO. 4337- A Resolution of the City of Miles City Approving a Loan in the Amount of \$15,000, 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 Wilcox moved to approve the Resolution, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4337 passed.*

**B. RESOLUTION NO. 4338- A Resolution Authorizing the City of Miles City to Enter Into a Contract Addendum with Certified WPCI Regarding Drug and Alcohol Testing**

**\*\*** *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. 4338 passed.*

**C. Approve writing off \$1,800.33 on Ambulance Fund**

**\*\*** *Councilperson Andrews moved to approve writing off \$1,800.33 from the Ambulance Fund, seconded by Councilperson Wilcox. The motion passed unanimously.*

**D. Approve moving forward on leasing or purchasing Marvin Starks building**

Council continued discussion on the Starks building:

- There were concerns that after the initial 5 years the lease amount would increase and thought buying the building would be the best option

**\*\*** *Councilperson Wilcox moved to delegate to Mayor and Police Chief to either lease or purchase the building, seconded by Councilperson Gardner*

*\*\* After a short discussion, Councilperson Andrews amended the main motion to- the Mayor negotiate a minimum one year to five-year lease with an option to purchase, subject to the document being approved by Council, seconded by Councilperson Lott.*

*\*\* The amended motion passed 7-0*


**E. Approval of June claims**

*\*\* Councilperson Reese moved to approve June claims, seconded by Councilperson Andrews and passed unanimously.*

**ADJOURNMENT**

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

The meeting was adjourned at 7:58 p.m.

  
John Hollowell, Mayor

  
Lorrie Pearce, City Clerk