

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

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, August 11, 2020, via zoom.us at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were Brant Kassner, Dwayne Andrews, Ken Gardner, Rick Huber, Kathy Wilcox and Austin Lott.

Also present were City Attorney Dan Rice, Public Utilities Director Tom Speelmon, Human Resource Officer Linda Wilkins, Police Chief Doug Colombik, Police Captain Dan Baker, Fire Chief Branden Stevens, Planner in Training Ally Capps, Flood Plain Administrator/Auto Cad/Assistant PWPV Sam Malenovsky, Building Inspector Russell Murphy, and Deputy City Clerk/Minute Recorder Mary Rowe.

**PLEDGE OF ALLEGIANCE**

Mayor Hollowell led the Council in the Pledge of Allegiance.

**APPROVAL OF COUNCIL & COMMITTEE MINUTES**

**City Council Minutes: 07/28/2020**

\*\* *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of July 28, 2020, and seconded by Councilperson Andrews. The motion passed unanimously, 6-0.*

**Public Safety Committee Minutes: 08/04/2020**

**Public Safety Committee Meeting  
August 4, 2020**

The Public Safety Committee met Tuesday, August 4, 2020, at 6:00 pm via Zoom Conferencing in the Human Resources Office at City Hall, 17 S. 8<sup>th</sup>. 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, City Planner Ally Capps, Public Utilities Director Tom Speelmon, Dispatch Supervisor Lyne Anderson and HR Officer/Recorder Linda Wilkins.

Chairperson Lott called the meeting to order.

- 1. Request of Citizens**  
None
- 2. Committee Member Comments**  
None
- 3. Discussion and Recommendation regarding a new schedule for the Police Department**  
Chief Colombik explained that currently the officers work 10-hour shifts. This schedule creates a lot of overtime when officers are gone for military leave, new officers are off to the academy for training or with the current COVID-19 outbreak officers quarantining. The overtime is putting a strain on the department's budget. The police department would like to run for a three-month trial basis 12-hour shifts. This would put three officers on shift and would save the department approximately \$100,000 in overtime. The department would like to try working 12-hour shifts on a three-month trial basis. There will be a review of officer satisfaction and any adverse reactions of moving to a 12-hour shift at the end of the trial period.

\*\* *Committee Member Wilcox moved to recommend approving a 12-hour shift trial period beginning September 1, 2020 with a review at the end of the trial period, seconded by Committee Member Gardner and passed unanimously, 3-0.*

**4. Discussion and Recommendation regarding Police Department building**

Mayor Hollowell had spoken to Marvin Stark regarding the Stark Building and received no definitive answer on purchasing the building. Committee Chair Lott asked the committee what direction they thought the City should proceed. Chairperson Wilcox thought the City should look at the Leidholt Building and see how much it would cost to repair the roof. Chairperson Gardner thought it looked big enough. Chief Colombik stated they would have to find space for extra storage, but thought it would be a good idea to relook at the building with Branden Janshen to see what the costs would be to renovate the building. Chief Colombik stated that he had spoken with VA administrators and there is a possibility that they could remain in the VA Building to provide security when the building is vacated. This would provide some extra time for the City to pursue building the public safety building.

\*\* *Committee Member Wilcox moved to recommend to pursue the feasibility of the Leidholt Building and continue discussion with the VA, seconded by Committee Member Lott. The amended motion passed unanimously, 3-0.*

**5. Ordinance 1342: An ordinance adopting removing antiquated building code sections**

\*\* *Committee Member Lott moved to recommend to adopt Ordinance 1342 removing antiquated building code sections, seconded by Committee Member Wilcox. The amended motion passed unanimously, 3-0.*

**6. Adjournment**

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

The meeting was adjourned at 7:00 p.m.

\*\* *Councilperson Wilcox moved to approve the minutes of the Public Safety Committee Meeting of August 04, 2020, and seconded by Councilperson Gardner. The motion **passed** unanimously, 6-0.*

**SCHEDULE MEETINGS**

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

Public Service Committee      08/13/20 @ 5:00pm  
Human Resources Committee      08/18/20 @ 4:15pm

**REQUEST OF CITIZENS & PUBLIC COMMENT**

None

**APPOINTMENTS**

None

**PROCLAMATIONS**

None

**STAFF REPORTS**

Chief Stevens gave updates on ambulance repairs and staffing. He went on to explain that a fire had occurred at Eagles Manor (1000 Palmer St) and the halls were heavily filled with smoke. They received the call while on scene at an advanced life support call, so they had limited staff available to respond. Police Officer Mike Murphy, Lieutenant Taran Harbaugh and Part-Paid Firefighter (PPFF) Jerry Prete were the first to respond. While PPFF Prete and Officer Murphy were setting up the fire equipment, Lieutenant Harbaugh searched out and extinguished the fire alone. If

Lieutenant Harbaugh would have waited, the entire room would have burned and spread possibly resulting in the loss of residents' lives. Chief Stevens recommends to Council that all three of these first responders receive commendations.

Director Speelmon gave an update on the progress of Darling Addition Phase II Project. He said that Diamond J Construction started it last week and it is anticipated that it will be completed ahead of schedule.

### CITY COUNCIL COMMENTS

Councilperson Gardner thanked Police and Fire for all that they have done and continue to do during the Covid-19 crisis.

### MAYOR COMMENTS

None

### COMMITTEE RECOMMENDATIONS

Human Resources Committee- Approve a 2% cost of living increase for department heads that have supervision depending on the Finance Committees approval that the money is available to fund the recommendation.

\*\* *Councilperson Wilcox moved to table the recommendation and seconded by Councilperson Andrews. The motion passed unanimously, 6-0.*

Public Safety Committee- Approve a 12-hour shift trial period beginning September 1, 2020 with a review at the end of the 3-month trial period

\*\* *Councilperson Andrews moved to approve the recommendation and seconded by Councilperson Wilcox.*

Officer Wilkins explained that she is currently in contact with Union 283B regarding this trial period. They would like the shifts reviewed after a six-month period. There is not currently a memorandum of understanding (MOU) in place, but she is waiting on one.

Attorney Rice stated that this decision would be put into a Resolution and need to be voted on by the Council again once the MOU is received.

\*\* *The motion passed unanimously, 6-0.*

Public Safety Committee- Recommends to look at the feasibility of the Leidholt building and pursuing possible options with the Veterans Administration building

\*\* *Councilperson Andrews moved to approve the recommendation and seconded by Councilperson Lott.*

Councilperson Wilcox said that she spoke with Gloria Grenz and Gloria recommends that the Police lease rather than purchase.

Chief Colombik pointed out that the Stark building is no longer an option. The Leidholdt building would require some small side remodeling and renovation, but they will take what they can get at this point.

Councilperson Lott had heard word that the Wrestling building came back onto the market, so it is an option that should be added to the discussion.

Mayor Hollowell suggested talking to the Veterans Administration (VA) and the General Services Administration (GSA) about the outbuildings surrounding the main VA building. He believes that they may just give the City a building.

\*\* *Councilperson Lott moved to amend the original motion to include the VA outbuildings and the old Wrestling building along with the Leidholdt building and total cost breakdowns for each; seconded by Councilperson Gardner. The motion passed unanimously, 6-0.*

**BID OPENINGS**

None

**BID AWARDS**

None

**PUBLIC HEARINGS**

**A. ORDINANCE NO. 1342- An Ordinance adopting Removing Antiquated Building Code Sections**

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

**B. 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**

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

**C. 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**

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

**D. PUBLIC HEARING on Preliminary Budget for Fiscal Year 2020-2021**

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. 1342- (Second Reading) An Ordinance adopting Removing Antiquated Building Code Sections**

\*\* *Councilperson Wilcox moved to approve the Ordinance and seconded by Councilperson Lott. On roll call vote, the motion passed unanimously, 6-0.*

**B. RESOLUTION NO. 4332- (Second Reading) 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 Gardner moved to approve the Resolution and seconded by Councilperson Kassner. On roll call vote, the motion passed unanimously, 6-0.*

- C. RESOLUTION NO. 4335- *(Second Reading)* 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 Lott moved to approve the Resolution and seconded by Councilperson Andrews. On roll call vote, the motion passed unanimously, 6-0.

### CONSENT AGENDA

- A. RESOLUTION NO. 4339- *(First Reading)* A Resolution Pursuant to 2-9-212 of The Montana Code Annotated, Authorizing A Permissive Medical Levy for FY 2020-2021 to Fund Group Health Insurance Premium Contributions by The City and Providing for Hearing Thereon
- B. RESOLUTION NO. 4340- *(First Reading)* A Resolution Levying and Assessing A Tax Upon All Property in Special Improvement Lighting District No. 165 to Defray the Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For the Fiscal Year 2020-2021
- C. RESOLUTION NO. 4341- *(First Reading)* A Resolution Levying and Assessing A Tax Upon All Property in Special Improvement Lighting District No. 167 to Defray the Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For the Fiscal Year 2020-2021
- D. RESOLUTION NO. 4342- *(First Reading)* A Resolution Levying and Assessing A Tax Upon All Property in Special Improvement Lighting District No. 171 to Defray the Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For the Fiscal Year 2020-2021
- E. RESOLUTION NO. 4343- *(First Reading)* A Resolution Levying and Assessing A Tax Upon All Property in Special Improvement Lighting District No. 172 to Defray the Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For the Fiscal Year 2020-2021
- F. RESOLUTION NO. 4344- *(First Reading)* A Resolution Levying and Assessing A Tax Upon All Property in Special Improvement Lighting District No. 195 to Defray the Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For the Fiscal Year 2020-2021
- G. RESOLUTION NO. 4345- *(First Reading)* A Resolution Levying and Assessing A Tax Upon All Property in Special Improvement Lighting District No. 202 to Defray the Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For the Fiscal Year 2020-2021
- H. RESOLUTION NO. 4346- *(First Reading)* A Resolution Levying and Assessing A Tax Upon All Property in Special Improvement Lighting District No. 173 to Defray the Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment

Therefore, For the Fiscal Year 2020-2021

- I. RESOLUTION NO. 4347- (First Reading) A Resolution Levying and Assessing A Tax Upon All of the Property Within Maintenance District No. 204 To Defray the Cost of Maintaining the Improvements in The Said Maintenance District No. 204 for the Fiscal Year 2020-2021**
- J. RESOLUTION NO. 4348- (First Reading) A Resolution Levying and Assessing A Tax Upon All of the Property Within Maintenance District No. 205 To Defray the Cost of Maintaining the Improvements in The Said Maintenance District No. 205 for the Fiscal Year 2020-2021**
- K. RESOLUTION NO. 4349- (First Reading) A Resolution Levying and Assessing A Tax Upon All of the Property Within Maintenance District No. 207 To Defray the Cost of Maintaining the Improvements in The Said Maintenance District No. 207 for the Fiscal Year 2020-2021**

**\*\* Councilperson Kassner moved to approve Resolutions 4339 through 4349 on the consent agenda and seconded by Councilperson Wilcox. On a roll call vote, the motion passed unanimously. 6-0.**

#### NEW BUSINESS

- A. RESOLUTION NO. 4352- A Resolution Approving a Park Permit Between the City of Miles City, Montana, and the Miles City Little Guy Football League for use of Bender Park**

**\*\* Councilperson Andrews moved to approve the Resolution and seconded by Councilperson Gardner. On roll call vote, the motion passed unanimously, 6-0.**

- B. RESOLUTION NO. 4353- A Resolution Approving a Park Use Permit Between the City of Miles City, Montana, and the Miles City AAU Football League for use of Bender Park**

**\*\* Councilperson Wilcox moved to approve the Resolution and seconded by Councilperson Huber.**

Councilperson Andrews inquired about cooperation amongst the leagues. Mayor Hollowell explained that the leagues have worked together for years and Director Gray has approved them already. Administrator Malenovsky stated that the two AAU leagues on the agenda tonight do not get along, but was informed by Director Gray that they need to work out their differences amongst themselves.

**\*\* On roll call vote, the motion passed unanimously, 6-0.**

- C. RESOLUTION NO. 4354- (First Reading) A Resolution Pursuant to §2-9-316 and 7-6-4015 of the Montana Code Annotated Authorizing a Permissive Levy to Fund Payment of Judgment in the Civil Case: Barbara Ann Todoroff Nichols, John Todoroff, Jr., Dwayne Rude, Camille Rude, Raymond Christensen, Richard Hess, Lola Hess, David Jewell, Bette Jewell, Rod Rainey, Carol Rainey, Jon Bass, Rebecca Bass, Jack Nesbit, Jan Nesbit, and other similarly Situated Landowners in the Southgate Subdivision area, and (DOES 1-10) V. City of Miles City, a Montana Municipal Corporation, and Miles City Planning Board**

**\*\* Councilperson Kassner moved to approve the Resolution and seconded by Councilperson Wilcox.**

Mayor Hollowell said that this Resolution is to fund the judgement in the Todoroff case where he believes \$101,000 is owed by the City of Miles City and \$100,000 will be paid by Montana Municipal Interlocal Authority (MMIA).

Attorney Rice confirmed the amount MMIA is responsible for paying and agreed that the levy is the best way to go.

\*\* On roll call vote, the motion passed, 5-1, With Councilperson Andrews voting no.

**D. RESOLUTION NO. 4356- A Resolution Authorizing the City of Miles City to Enter into an Agreement with the Montana Department of Transportation for Street Sweeping for Fiscal Year 2020-2021**

\*\* Councilperson Andrews moved to approve the Resolution and seconded by Councilperson Huber. On roll call vote, the motion passed unanimously, 6-0.

**E. RESOLUTION NO. 4358- A Resolution Approving a Park use Permit Between the City of Miles City, Montana, and the Miles City AAU Football League (Miles City Youth Football Club) for use of Bender Park**

\*\* Councilperson Wilcox moved to approve the Resolution and seconded by Councilperson Gardner. On roll call vote, the motion passed unanimously, 6-0.

**F. RESOLUTION NO. 4359- A Resolution Granting a Revocable License to the Outreach Clinic of Miles City Montana for Placement of Signage Upon City of Miles City Right of Way for Pleasant Street**

\*\* Councilperson Lott moved to approve the Resolution and seconded by Councilperson Andrews.

Mayor Hollowell first disclosed that his wife is involved in this request. He went on to explain that this request had come in between building Inspectors and they need to have a revocable license to have the sign placed on the boulevard.

\*\* On roll call vote, the motion passed unanimously, 6-0.

**G. Approve to Accept the Community Oriented Policing Services (COPS) grant**

\*\* Councilperson Andrews moved to approve the Resolution and seconded by Councilperson Gardner.

A conversation took place to discuss available funding and overall cost involved with the grant. Having a formal MOU with COPS, the School Board, and the County Commissioners was discussed and it was requested that it include all four years that the grant governs.

\*\* Councilperson Wilcox moved to refer to the Finance Committee and seconded by Councilperson Lott. On roll call vote, the motion passed unanimously, 6-0.

**H. Approval of July Claims**

\*\* Councilperson Kassner moved to approve July Claims and seconded by Councilperson Gardner. The motion passed unanimously, 6-0.

**ADJOURNMENT**

\*\* *Councilperson Huber moved to adjourn the meeting and seconded by Councilperson Andrews. The motion passed unanimously, 6-0.*

The meeting was adjourned at 7:25p.m.

  
John Hollowell, Mayor

  
Mary Rowe, Deputy City Clerk