

**REGULAR COUNCIL MEETING September 22, 2020**  
**6:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, September 22, 2020, in the City Hall Conference Room 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 Curtis Reese. Councilperson Austin Lott was excused.

Also present were City Attorney Dan Rice, Public Utilities Director Tom Speelmon, Police Chief Doug Colombik, Acting Fire Chief Eddy Kanduch, Planner In Training Ally Capps, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, Dispatch Supervisor Lyne Anderson 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: 09/11/2020**

\*\* *Councilperson Kassner moved to approve the minutes of the Regular Council Meeting of September 11, 2020, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 6-0.*

**Human Resource Committee Minutes: 9/03/2020**

**Human Resources Committee  
 September 3, 2020**

The **Human Resources Committee** met Thursday, September 3, 2020, at 4:25 p.m. in the City Hall Conference Room. Present were Committee Members Kathy Wilcox, Dwayne Andrews, and Rick Huber. Excused was R. Curtis Reese. Also present were: PW Director Scott Gray, PU Director Tom Speelmon, City Clerk Lorrie Pearce, City Planner/UR/HP Officer Ally Capps, Police Chief Doug Colombik, Library Director Sonja Woods 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. Consider/Recommend FY 20-21 Wage Increase Requests:  
Four requests for wage increases were submitted this year including, Flood Plain Administrator/Assistant Public Works and Utilities/Auto Cad Samantha Malenovsky, City Clerk Lorrie Pearce, Police Chief Doug Colombik and Public Works Director Scott Gray. The committee has reviewed the request by Administrator Malenovsky and it has been referred to the Finance Committee. The other three remain to be considered by the Human Resources Committee. Committee Member Huber thought this was a tough subject with not a lot of money in the General Fund. Committee Member Andrews commented the General Fund is on the edge of being broke, are the wage increase requests legitimate. The Chief had done a wage study, but there was no information on the market of the other positions he did not think this was a good way to run the City. Chairperson Wilcox commented that the increase would be based off the 2017 Wage Survey. She did not believe performance was an issue, but there is a financial issue. The current wage increase policy was reviewed and it was determined some changes possibly were required. There was discussion on the implementation of the current wage policy and it was determined that a current performance evaluation was required prior to proceeding.

**\*\*** *Committee Member Andrews moved to postpone for two weeks in order to obtain current performance appraisals, seconded by Committee Member Huber. On roll call vote, the motion passed unanimously, 3-0.*

4. Other

The committee discussed reviewing the administrative wage matrix that had been developed a while ago and reviewing the current wage increase policy. This topic will be placed on an agenda.

5. Next Meeting: September 17 at 4:15 p.m.

6. Adjournment

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

The meeting was adjourned at 5:05 p.m.

**\*\*** *Councilperson Reese moved to approve the minutes of the Human Resource Committee Meeting of September 3, 2020, and seconded by Councilperson Wilcox. The motion passed by unanimous consent, 6-0.*

### **Flood Control Committee Minutes: 9/14/2020**

#### **Flood Control Committee September 14, 2020**

The Flood Control Committee met Monday, September 14<sup>th</sup>, 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.

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

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

Mayor Hollowell wanted to clarify the purpose of this meeting is mainly for an update on the events that have occurred at the 1415 N 6<sup>th</sup> Street property. He requested that committee members refrain from discussing personal opinions on the options.

**2. Committee Members Comments:**

-None-

**3. Discussion on property at 1415 N. 6<sup>th</sup> Street, Miles City, MT to proceed with mitigation or taking judicial action to have structure removed**

- Administrator Malenovsky explained that the title is semi-misleading as it is more of a refresher discussion as to what has already occurred and what needs to be determined at the next City Council meeting on September 22<sup>nd</sup>. She explained that the Federal Emergency Management Agency (FEMA) has been working very well with us and given the City of Miles City plenty of leeway on this matter, and has now set a specific deadline for our decision. She ran through a list of events that have occurred thus far.
- April 10<sup>th</sup>, 2019 – Variance application for an addition to the shop on the property was received.
- April 28<sup>th</sup>, 2019 – Variance application went in front of Council and was denied.
- June 26<sup>th</sup>, 2019 – The property owner poured a slab of concrete on the property.
- June 28<sup>th</sup>, 2019 – A floodplain violation was sent to the property owner.
- November 14<sup>th</sup>, 2019 – The structure had begun to be built, so a stop work order was given to property owner by Officer Sloan.
- January 17<sup>th</sup>, 2020 – FEMA sent a letter stating the ramifications to the community of a non-compliant building.
- February 4<sup>th</sup>, 2020 – Flood Control Committee moved to recommend proceeding with the 1316 to Council.
- February 11<sup>th</sup>, 2020 – Option to proceed with the 1316 was approved by Council, with the option of encroachment analysis compliance and/or the second option of civil action. Council members also voiced concern about who would be responsible for the cost of either action.

- March 24<sup>th</sup>, 2020 – A second non-compliance letter was sent to property owner by certified mail, with insurance ramifications.
  - April 29<sup>th</sup>, 2020 – FEMA sent a 1316 violation letter to Administrator Malenovsky, Mayor Hollowell, and the property owner stating that due to non-compliance structure, property has lost discounted insurance rate and will not be able to get it back in the future.
  - August 31<sup>st</sup>, 2020 – City Attorney Rice emailed property owner's Attorney Chris Gray, copying Deputy City Attorney Carr, Mayor Hollowell, and Director Gray stating that in terms of a resolution an engineering review, and a mitigation plan approved by FEMA at Mr. Eckart's expense; mitigation identified and set a plan if required at Mr. Eckart's expense; building permit, occupancy permit, and flood permit review and approval; and divergent agreement pertaining to City Court charges must be met.
  - September 2020 – She spoke with Thomas Birney, National Flood Specialist for FEMA, and he stated that an action plan must be decided on by October 1<sup>st</sup>, 2020 or the decision would fall on the community as a whole.
  - Administrator Malenovsky will ask FEMA for a two-week deadline extension so Council will have a chance to go over the active negotiations and create a corrective action plan based on the additional information and present their final decision at the City Council meeting on October 13<sup>th</sup>, 2020.
  - Mayor Hollowell believes that a decision as to what the City is going to do is what FEMA needs. We need an organized plan and the ability to act on the repercussions if the requirements are not met by the property owner.
  - Committee member Kassner expressed concern about the deadline and requested that a Special Council meeting be scheduled to further discuss the City's action plan details.
  - A brief discussion unanimously concluded that the committee cannot make an informed decision without knowing of the possible mitigations that have taken place or any ramifications of judicial action going forward. They do not want to push FEMA any more than they already have and agree that a Special Council meeting should take place before September 30<sup>th</sup>, 2020.
- \*\* *Committee Member Lott moved to adjourn the meeting, seconded by Committee Member Kassner and passed unanimously, 3-0.*

There being no further business, the Committee adjourned at 6:24 p.m.

- \*\* *Councilperson Gardner moved to approve the minutes of the Flood Control Committee Meeting of September 14, 2020, and seconded by Councilperson Kassner. The motion passed by unanimous consent, 6-0.*

### **SCHEDULE MEETINGS**

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

Human Resource Committee 10/01/2020 @ 4:15 pm

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

Milestown Community Improvement (MCI<sub>2</sub>)- Update on Splashpad

Milestown Community Improvement Representatives John Goff, Brandon Janshen and Jenna Janshen presented an update on the slash pad. The following was discussed:

- Council approved the project several years ago, but there has been a lot of changes along the way. The project started with removing the frog pool, and replacing it with the splash pad, but the Community voiced that they wanted the City to keep the frog pool. So MCI<sub>2</sub> moved forward on getting a plan designed for the splash pad and hooking it up with the frog pool plumbing, etc. They found that the frog pool was so out of date, that designated

plumbing and pumps will be needed for the pad. The piano has been removed from the design because it would cost too much for maintenance in the future.

- Recently MCI<sub>2</sub> voted to move forward with the project, and has allocated over \$900,000 for the project. Right now, is not a good time to ask for donations because of COVID. They have accepted about \$150,000 in donations for the project to date. Their plan would be to put the project out for bid early this winter and break ground in the spring of 2021. Before that can be done, they have to submit another pool request to Department of Public Health and Human Services (DPHHS) and take the plans back to engineering for an updated price. They are coming to Council to discuss what they should do with the project. They do not want to spend anymore money or time on it, if Council wants to shut it down. They need to respond to the current donors as to what is going to happen with the project. The City needs to figure it out.
- Right now, the cost for water on the frog pool is approximately \$450 a month. The additional cost from what the City is paying now is unknown and would need to look into it further by engineers, which cost more money.
- Several Council members felt that the City could not afford the additional cost to maintain the Splashpad and felt the issue should be referred to the Finance Committee. Councilperson Huber invited MCI<sub>2</sub> to attend the Human Resource and Finance Committee meetings to understand the financial situation of the City. The City has a lot of big projects ahead of them, which includes flood, police building, fire building or combination of the police and fire building.

\*\* *Councilperson Wilcox moved to refer the issue to the Finance Committee, seconded by Councilperson Andrews.*

- A Park and Recreation District was discussed and it was reported that it would be City wide only, because the County Commissioners did not feel they would receive the support of County residents. Voting in a Parks District would confirm to MCI<sub>2</sub>, that the City is ready to commit to the improvements and maintenance on donated projects. Right now, they do not feel confident that the City has the money to complete maintenance on the amphitheater if it was needed right now. It was stated that MCI<sub>2</sub> would consider helping with advertisement and getting the word out for a district.
- MCI<sub>2</sub> representatives explained that they are always looking at projects to help the Community. If the splashpad was approved, it would bring citizens in from the County and other towns, which means they would spend money at local businesses. Also, if the splashpad was cancelled, they would not stop looking at other projects to benefit the community and City. They felt that the City has an amazing opportunity to keep citizens in Miles City with this project and hope that it can be figured out. They can not put the project on hold for another year because of the cost increasing. It has already increased from \$450,000 to a little over \$900,000 since the project started.

\*\* *The motion passed unanimously*

### APPOINTMENTS

None

### PROCLAMATIONS

None

### STAFF REPORTS

**Doug Colombik-** Asked Council if there were any questions on the updated crime status. Councilperson Wilcox asked what the dog incidents covered. Chief Colombik said it was mostly dog bites. He added that the status went down some during COVID-19. Councilperson Huber asked if there was any overtime savings or other

savings during COVID time. Chief Colombik responded by saying, he did not know at this time and could get back to Council with an answer if needed.

***Lyne Anderson-*** Announced the following:

- Excited that Zuercher will be going live on October 13<sup>th</sup> and will be training 76 employees from five different agencies on the system through the next two weeks
- Introduced Jean Mansheim and stated that Jean was presented an award from the State naming her Eastern Montana Criminal Justice Information Network Terminal Agency Coordinator (CJIN) (TAC) of the year. This is the first time a dispatcher from Miles City has been awarded this state honor.
- On 9/2/2020 there was a fire and head on collision in Garfield County which brought in 240 radio calls on 5 channels and 199 calls on the 911 system, all in three hours. At 3:57 pm the town of Jordan had to be evacuated. Jean Mansheim was at her station handling this situation. During the handling of the fire, Andrew Merial handled the head on collision, which involved life flight, coordinating ambulances and setting up a field hospital. Keli Anderson was not on duty, but came in to be the Public Information Officer. Supervisor Anderson presented a certificate of excellence to each of them.

### **CITY COUNCIL COMMENTS**

***Kathy Wilcox-*** Had concerns with the increase of Covid-19 cases in Custer County. She noted that some people at the Council meeting were not wearing mask as ordered on the entry door and were closer than six feet. She would like the City to start enforcing the wearing of mask or take the signs down. Councilperson Gardner suggested that the Council meetings go back to Zoom.

### **MAYOR COMMENTS**

Announced Councilperson Reese is moving to the county and September 30<sup>th</sup> will be his last day as a Council member. He and Council thanked him for his sacrifice to the City.

### **COMMITTEE RECOMMENDATIONS**

None

### **BID OPENINGS**

None

### **BID AWARDS**

None

### **PUBLIC HEARINGS**

None

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

- A. RESOLUTION NO. 4368- A Resolution Authorizing the City of Miles City to Enter Into an "Agreement to Sell and Purchase" Certain Real Property Owned by the City of Miles City**

**\*\*** *Councilperson Andrews moved to approve the Resolution, read by title only, and seconded by Councilperson Huber. On roll call vote, the motion passed 6-0. Resolution No. 4368 passed.*

- B. RESOLUTION NO. 4369- A Resolution Assigning a Revocable License from Bert Boughton and Byron Boughton to Bar 9 Group LLC for an Encroachment Upon City of Miles City Property, for the Benefit of Tract 4A of the Industrial Sites, West of Miles City**

**\*\*** *Councilperson Huber moved to approve the Resolution, read by title only, and*

*seconded by Councilperson Kassner. On roll call vote, the motion passed, 6-0. Resolution No. 4369 passed.*

**C. RESOLUTION NO. 4370- A Resolution Authorizing the City of Miles City to Enter Into a Letter of Agreement for Architectural Services With SDI Architects + Design for Developing Design Documents for Assessing Options for Relocating the Miles City Police Department**

**\*\*** *Councilperson Gardner moved to approve the Resolution, read by title only, and seconded by Councilperson Wilcox. On roll call vote, the motion passed 6-0. Resolution No. 4370 passed.* Mayor Hollowell referred the resolution to the Finance Committee to decide what department will be paying for it.

**D. RESOLUTION NO. 4371- A Resolution Approving "Amendment Number one (1) Additional Services for Preliminary Work on Intake In-River Structure" Amendment to Short Form Agreement Between Owner and Engineer for Professional Services Underwater Discovery**

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

Director Speelmon explained that a previous grant had paid for a preliminary engineer report on the intake restructure for the water plant. The finding of the report was that the foundation was built on the 1910 original structure. It was recommended that divers be sent down to look at the condition of the foundation and the condition of the intake. The finding will be reported back with the conditions or what will be required to upgrade it. This agreement is to approve to move forward.

**\*\*** *On roll call vote, the motion passed by roll call vote, 6-0. Resolution No. 4371 passed.*

**E. RESOLUTION NO. 4372- A Resolution Approving "Short Form of Agreement Between owner and Engineer for Professional Services" With Interstate Engineering Related to the City of Miles City North 7<sup>th</sup> Street Water Main Rehabilitation Project**

**\*\*** *Councilperson Huber moved to approve the Resolution, read by title only, and seconded by Councilperson Andrews. On roll call vote, the motion passed 6-0. Resolution No. 4372 passed.*

**F. RESOLUTION NO. 4373- A Resolution Establishing Wages and Salaries for City Employees for Fiscal year 2020-2021**

**\*\*** *Councilperson Wilcox moved to approve the Resolution, read by title only, and seconded by Councilperson Andrews. On roll call vote, the motion passed 6-0. Resolution No. 4373 passed.*

**G. ORDINANCE NO. 1343- (First Reading) An Ordinance Revising Limited Parking Zone Locations in the City of Miles City, Montana**

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

Administrator Malenovsky asked for an amendment to change number eleven from 215 to 217 North 7<sup>th</sup>.

**\*\*** *Councilperson Andrews moved to amend from 215 to 217 North 7<sup>th</sup>, seconded by Councilperson Gardner. The amendment passed unanimously*

**\*\*** *On roll call vote, the motion **passed** by unanimous consent, 6-0.*  
**Ordinance No. 1343 passed first reading.** Mayor Hollowell referred the Ordinance to the Public Service Committee.

**H. Approval on Sending \$3,050.07 to Collections for Overdue Payments in Water**

**\*\*** *Councilperson Kassner moved to approve sending to collections, and seconded by Councilperson Huber. The motion **passed** unanimously*

**I. Approval on Supporting the Lower Yellowstone Development Project**

**\*\*** *Councilperson Wilcox moved to approve supporting the project, and seconded by Councilperson Kassner. The motion **passed** unanimously*

**ADJOURNMENT**

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

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

  
John Hollowell, Mayor

  
Lorrie Pearce, City Clerk