

REGULAR COUNCIL MEETING February 9, 2021
6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 12, 2021, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana and online at zoom.us. Mayor John Hollowell called the meeting to order. Council Members present were Dwayne Andrews, Ken Gardner, Elizabeth Patten, Rick Huber, Austin Lott, Kathy Wilcox and Stacy Broell. Council Member Brant Kassner was excused.

Also present were Police Chief Doug Colombik, Fire Chief Branden Stevens, Public Works Director Scott Gray, Public Utilities Director Tom Speelmon, Human Resource Officer Linda Wilkins, Captain Dan Baker and City Clerk/Minute Recorder Mary Rowe.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Human Resources Committee Minutes: 1/5/2021

**Human Resources Committee
January 5, 2021**

The **Human Resources Committee** met Tuesday, January 5, 2021, at 4:15 p.m. in the City Hall Conference Room. Present were Committee Members Kathy Wilcox, Stacy Broell, Dwayne Andrews and Rick Huber. Also present were: Fire Chief Branden Stevens, 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. Align 2014 Non-Union Appraisal policy and form with 2017 Position Description format (Resolution 4071)
 - Distribute to managers by Feb 2021 for use beginning March 1, 2021

Chairperson Wilcox asked HR Officer Wilkins to sum up how the City is anticipating the wage structure to work. Officer Wilkins explained that currently employees receive a longevity increase of \$.05 every year, this has been taking place for a substantial amount of time, currently there is not a policy written for this longevity increase. There is currently a policy in place that allows the employee to request an increase in wages if there is a substantial change to their position description or duties, which then is approved by the supervisor and Mayor than forwarded to the HR Committee for approval. A cost-of-living policy has been written and will be sent to Council for approval. A policy to provide step increases to non-union employees is in the process of being developed. There was discussion about the Job Class on the Position Description Format an asterisk will be added to the Job Class with reference to the Job Class set in the wage matrix.

When reviewing the Employee Performance Appraisal Chairperson Wilcox would like to see the performance evaluation be more objective than subjective. Committee Member Broell suggested that the verbiage "comments must justify the rating" could be added to the form. Chairperson Wilcox commented the policy always says Department Director's perform the performance evaluation, but there are times when the supervisor may conduct the evaluation, suggested adding "or direct supervisor" whenever it is mentioned in the appraisal policy. She also said that "comments must justify the rating" be added to the form so it will be noticeable.

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***Committee Member Broell moved to accept the revisions to the 2014 non-union appraisal form and the 2017 position description policy, seconded by Committee Member Andrews. The motion passed unanimously 4-0.*

4. Review/revise form for documenting Wage Increase requests and recommendations, supports COLA policy/procedure

All the committee members like the Wage Increase Request form for tracking wage requests.

***Committee Member Andrews moved to accept the wage increase tracking form, seconded by Committee Member Broell. The motion passed unanimously 4-0.*

5. Determine Objective source for setting base rates for FY 2021-2022 Step/Wage Matrix
 - City's 2017 salary survey?
 - MT League 2020 salary survey?
 - Other

Determine what wages that should be plugged into the matrix. The city is currently paying from the wages established by the 2012 wage survey, accept for a few employees who have requested wage increases. Officer Wilkins will provide a worksheet to the committee containing the 2020 MT league survey wages and current Miles City wages. Chairperson Wilcox thought that two more steps should be added for 15-years and 20-years. Committee Member Andrews thought this was a good idea. Committee Member Broell and Huber agreed. Chairperson Wilcox commented that employee's wages will be moving ahead at regular intervals. The step policy will be worked on at the next committee meeting.

6. Next Meeting: February 2, 2021

7. Adjournment

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

The meeting was adjourned at 5:19 p.m.

**

Councilperson Wilcox moved to approve the minutes of the Human Resources Committee Meeting of January 5th, 2021, subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 7-0.

Public Safety Committee Minutes: 1/21/2021

Public Safety Committee Meeting January 21, 2021

The Public Safety Committee met Thursday, January 21, 2021, at 6:00 pm via Zoom Conferencing in the Conference Room at City Hall, 17 S. 8th. Present were Committee Members Ken Gardner, Elizabeth Patten, Kathy Wilcox and Austin Lott. Also present were: Police Chief Doug Colombik, Fire Captain Eddy Kanduch, Fire Captain Jake Richards, Fire Captain Taran Harbaugh, Fire Lt Casey Miller, Fire Chief Branden Stevens, Council Member Rick Huber, AC/CE Officer Mark Winkley and HR Officer/Recorder Linda Wilkins.

Chairperson Lott called the meeting to order.

1. Election of Committee Chairperson

***Committee Member Gardner moved to nominate Committee Member Patten as committee chairperson, seconded by Committee Member Lott.*

Committee Member Patten accepted the nomination and was willing and able to take on the responsibility.

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

2. Request of Citizens

Chief Stevens wanted to keep the Public Safety aware of staffing and concerns with the Fire Department. Calls are currently at an unprecedented level; administrative

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duties are behind, staff is burnt out and overtime is high not only due to the call volume, but one staff member is on Military Leave, one member is recovering from recent surgery, there has been a vacant position, and a number of members have vacation that must be used or it will be lost. A staff of 19 full time employees and 25 part paid firefighters would cover the current call volume. Eleven out of town transfers have been turned away and the issue is staffing. Another ambulance service is looking at coming to Miles City to take all out of town transfers at the hospital, in the Chief's opinion if the out of town transfers were lost it would result in a huge deficit in the budget. Committee Member Gardener asked if another ambulance service came to Miles City if this would take pressure off of the department. Chief Stevens explained that the revenue that comes for transfers helps to pay for 911 services that are billed, but may not be paid. Committee Member Wilcox thought it would be good to preserve our relationship with Holy Rosary and asked if a contract would be appropriate. Chief Steven's said that it could be a double edge sword, it could leave the county and city without an ambulance for emergency calls. He has asked the hospital what would fix the current situation as he has received complaints from citizens. Chairperson Patten stated she would place the ambulance service transfer issues and the concerns of the citizens on an upcoming agenda.

Chief Stevens also addressed the condition of the Fire Department building and will be having the City Building Inspector look at the building and will report back to the committee. Chairperson Patten will be placing this subject on an upcoming agenda.

- 3. Committee Member Comments.**
None

4. Discussion and recommendation regarding MCPD Use of Force Policy.

Chief Colombik commented that in July 2020 President Trump ordered new wording be added to law enforcement agencies use of force policy. City Attorney Rice has reviewed the information. The wording is as follows:
Purpose: The purpose is to provide policy guidelines on the reasonable use of force by officers and to ensure that this agency's use of force policies adhere to all existing applicable federal, state, and local laws.

The use of a choke hold, which is a physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation, is prohibited unless deadly use of force is authorized.

***Committee Member Lott moved to recommend to Council the change to the MCPD Use of Force Policy as recommend by Chief Colombik, seconded by Committee Member Wilcox and passed unanimously 4-0.*

5. Discussion and recommendation regarding animal shelter services cost increases.

The cost of animal care has raised significantly and Jean Lindley, DVM would like to continue to provide shelter animal services to the city, but there will be an increased cost. To cover the additional costs, it was discussed that the adoption fee for an animal be increased so adoptive parents are bearing more of the cost. MCA 7-23-4202 requires prior to adoption of a cat or dog they must either be spayed or neutered; or a deposit must be obtained from the person adopting an animal and a spay or neuter certificate will be provided for such services. Currently the fiscal impact of animal control services is significant. Officer Winkley has reached out to the other Miles City vet and has not received a reply as to whether they would be willing to provide vet services and the cost. He has also reached out to Help for Homeless Pets in Billings they would be willing to take animals for a fee of \$25/per animal. Custer County Funds for Animals has been providing the City with some assistance with stray animals, and have offered to transport animals to Billings should the City decide on using Help for Homeless Pets. After discussion, it was decided further information was required.

***Committee Member Lott moved to postpone for further information, seconded by Committee Member Wilcox and passed unanimously 4-0.*

6. Discussion and recommendation regarding new police patch.

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Chief Colombik said that the younger officers would like to portray a new image for the Police Department; and thought a new patch promoting the cowboy image of Miles City would be appropriate. He presented a patch designed by Sgt. Sheets. Committee Member Lott asked Chief Colombik to convey the committees' appreciation. Chairperson Patten thought the patch brings elements of Miles City together in a positive manner.

***Committee Member Gardner moved to present the new patch to council and obtain feedback from the community, seconded by Committee Member Lott and passed unanimously 4-0.*

7. Adjournment

***Committee Member Lott moved to adjourn the meeting, seconded by Committee Member Gardner and passed unanimously, 4-0.*

The meeting was adjourned at 7:10 p.m.

*** Councilperson Patten moved to approve the minutes of the Public Safety Committee Meeting of January 21st, 2021, subject to any changes, 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:

Finance Committee 02/16/2021 @6:00pm
Human Resources Committee 03/02/2021 @4:15pm

REQUEST OF CITIZENS & PUBLIC COMMENT

John Goff with Miles Community Improvement (MCI²) updated Council on the Splash Pad construction progress. They received two bids for construction, First Mark out of Billings bid 1.25 million, with additional features and Corland Construction out of Sidney bid \$883,500, with subcontractors. The bid price was set at \$883,000. Corland Construction was chosen as they were within the budget amount. Will update everyone when ground breaking is scheduled to begin.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Chief Stevens handed out January statistics of Miles City Fire Rescue (MCFR). He pointed out that this was the busiest month on record and they are currently full staffed, but did have unscheduled overtime. The mini-van that Helena had donated is here in Miles City. He announced that the FEMA report is done. He also informed Council that the pipes in the cabins froze up from the cold, and they will need to continue running heaters and water to prevent it from happening again. He then presented Council with their 2020 final annual report and wanted to highlight a few areas within the report.

- Value saved from all calls versus structure loss. The total value of the structures burned were \$9,966,000. Of the total value there was a combined loss of \$197,250. The total value saved by the community was \$9,768,750.
- Statistics on out of town transfers that were unable to be taken, due to staff availability.
- Vehicles- fire and ambulance trucks traveled 52,677 miles in 2020, he gave perspective on the distance by stating that the distance is the same as twice the circumference of the earth.

- ISO rating- he pointed out that there is a graph with different areas that can be improved to increase the rating. The scoring is broken down for information purposes.

CITY COUNCIL COMMENTS

Councilperson Huber complimented the new City Shop sign. He spoke about the Library and how well Sonja Woods is doing. He also said that Kolleen Gustad is doing a great job with story time.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

Public Safety Committee Recommendations

- Approval of New Police Patch Design

** *Councilperson Lott moved to approve the new police patch design and seconded by Councilperson Huber.*

Chief Colombik and Captain Baker explained that the design has been created by Sergeants and Officers over the past year. They believe it is more of the Miles City brand; bucking horse and rodeo, and they are trying to get away from cavalry and soldiers. Chief Colombik presented a photo of a Police car donning the new design decal. He stated that he is willing to let it out to the public for input on the design if that is what the Council decides. The last patch was designed in 1993 or 1994.

Councilperson Lott inquired about the cost of the patches and if the amount was budgeted for the year. Captain Baker said that the officers are aware of the expense and if needed they have volunteered to kick in personal funds to cover cost.

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

- Recommend the GC/CM process with the Public Safety Committee, Mayor, Police Chief and Captain Baker, architect and engineer as the review team.

** *Councilperson Lott moved to approve the GC/CM process with the team as read and seconded by Councilperson Patten.*

Brandon Janshen, SDI Architects, explained that a review team should be put in place to streamline the design decision process to meet the timeline for Police occupancy. The more people involved, the lengthier the timeframe gets due to individual availability. He recommends having four to five members in the review team. He volunteered to represent the design team.

** *Councilperson Wilcox moved to amend the main motion to include the Public Safety Chair as the representative of the Public Safety Committee instead of as a whole, seconded by Councilperson Huber and passed unanimously, 6-0.*

** *The main motion as amended passed unanimously, 6-0.*

Human Resources Committee Recommendation – Increase base wage of City Court Clerk; Effective 07/21/2020 – Date of Position Description Revision

** *Councilperson Broell moved to approve the recommendation as read by title only and seconded by Councilperson Gardner.*

Councilperson Wilcox stated that this increase is for additional duties and certifications of the City Court Clerk and that the Judge stated that the expense is already budgeted in.

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Officer Wilkins clarified that this increase is for the increased duties in the job description of the current position only.

Director Gray inquired about the reason that Chief Colombik, Administrator Malenovsky and himself did not receive a raise although it was in the budget. It is the same circumstance here; policy was followed, requests were put in, a supervisor recommended and budgeted for a raise, but they were still denied. He feels that it is not being handled the same.

Mayor Hollowell pointed out that only Council can create new positions and this recommendation is different from other wage increase requests because this one is based on compensation for the assignment of additional duties.

Councilperson Andrews suggested that no wage increase requests be entertained outside of budget time to keep it fair across the board.

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

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 4389 – A RESOLUTION ESTABLISHING CITY OF MILES CITY PERSONNEL POLICES REGARDING PERFORMANCE APPRAISALS – NON-PROBATIONARY EMPLOYEES

** *Councilperson Wilcox moved to approve the Resolution, read by title only and seconded by Councilperson Patten.*

Councilperson Wilcox explained that the primary revision is to expand “department directors” to include “supervisors”.

** *On roll call vote, the motion passed unanimously, 7-0. Resolution No. 4389 passed.*

B. RESOLUTION NO. 4390 – A RESOLUTION ESTABLISHING CITY OF MILES CITY PERSONNEL POLICES REGARDING POSITION DESCRIPTIONS

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

Councilperson Wilcox stated that there is only one change. The purpose of the change is job class and step because we are moving to the wage matrix.

** *On a roll call vote, the motion passed unanimously, 7-0. Resolution No. 4390 passed.*

C. RESOLUTION NO. 4391 – A RESOLUTION ESTABLISHING CITY OF MILES CITY POLICE DEPARTMENT POLICY MANUAL REGARDING USE OF FORCE

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

Chief Colombik explained that in a nutshell this is adding language regarding choke holds to the policy to comply with President Trump's executive order and to continue eligibility for federal funding.

Captain Baker added that Miles City officers have never been authorized or trained for choke holds.

** On a roll call vote, the motion passed unanimously, 7-0. **Resolution No. 4391 passed.**

D. Approval of January Claims

** Councilperson Lott moved to approve January Claims, seconded by Councilperson Andrews and passed unanimously, 6-0.

ADJOURNMENT

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

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


John Hollowell, Mayor


Mary Rowe, City Clerk