

REGULAR COUNCIL MEETING

October 9, 2012
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, October 9, 2012, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council members present were Dwayne Andrews, Roxanna Brush, John Hollowell, Mark Ahner, Jerry Partridge, John Uden, Bill Melnik and Sue Galbraith.

Also present were Assistant City Attorney Erica Griffith, Fire Chief Dale Berg, City Planner Dianna Broadie, Grant Administrator Dawn Colton, Public Utilities Director Al Kelm and Council Recorder City Clerk Becky Stanton.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes – 9/25/2012

** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of September 25, 2012, seconded by Councilperson Brush. The motion then passed unanimously, 8-0.*

Flood Control Committee Meeting – 9/27/12

The **Flood Control Committee** met Thursday, September 27, 2012, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson John Hollowell and Committee Members Susanne Galbraith, Jerry Partridge and Dwayne Andrews. Also present were Floodplain Administrator Sam Malenovsky and Recorder Billie Burkhalter.

1. Review of Request for Proposals for Flood Assessment

Administrator Malenovsky presented the Committee with a Request for Statements of Qualifications for Engineering Services (RFQ) to assist with evaluating the recently revised Digital Flood Insurance Rate Map and completing engineering services related to the City's flood control system(s). She requests the Committee review the RFQ for questions and recommendations.

Administrator Malenovsky recommended the number of pages for qualifications, which is currently 20, be increased. She also questioned if anyone on the Committee would want to participate in the scoring of the engineering firms that submit an RFQ.

Committee Member Andrews requested that "set-back dike options" be added to the introduction paragraph, first sentence after control system(s). He also suggested that under the section, "Respondents will be evaluated according to the following criteria"; that #6: "Firm's recent and current work for the City of Miles City" be eliminated. He stated the ten points from that question could be split between #2: "The Consultant's capability to meet time and project budget requirements" and #8 "Familiarity with the project".

It was agreed Chairperson Hollowell, Committee Members Galbraith and Andrews would participate with Administrator Malenovsky and Director Kelm in scoring the RFQ's.

Committee Member Andrews suggested the number of pages for qualifications be expanded to a maximum of 30 pages, and the Committee was in agreement.

Committee Member Andrews suggested that in the RFQ under section, "Respondents will be evaluated according to the following criteria"; #3: "Location", it be worded to state "Location of Engineering Firm".

Administrator Malenovsky will check with the Montana Code Annotated to make sure the changes in criteria are allowed by law.

Administrator Malenovsky stated she would put the RFQ in the Miles City Star with a deadline of 30 days for submission.

2. Requests of Citizens

No request of Citizens.

3. Adjournment

*** Councilperson Partridge moved to adjourn the meeting, seconded by Councilperson Galbraith and passed unanimously, 4-0.*

There being no further business, the Committee adjourned at 6:30 p.m.

*** Councilperson Hollowell moved to approve the minutes of the Flood Control Committee Meeting of September 27, 2012, seconded by Councilperson Andrews. The motion then passed unanimously, 8-0.*

SCHEDULE MEETINGS

Human Resource Meeting: Thursday, November 29, at 5:00p.m.

Finance Committee Meeting: Wednesday, October 10, at 12:00p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Steve Kransky, 1517 Pleasant thanked the Miles City Fire Department for saving his apartment building last night.

PROCLAMATIONS

-None

STAFF REPORTS

DAWN COLTON, Grant Administrator – Update on Riverside Restroom Project: Administrator Colton explained the contract has been reviewed by City Attorney Huss. The Finance Committee will review the bid and she requested a Special Council meeting to approve the bid in order for work to start on this project. On April 5, 2012, there was a Public Meeting held for the Phase II of the Waste Water Plant upgrades. A part of the financing for this project comes from USDA-RD (United States Department of Agriculture – Rural Development) and they require a public notice specifically mentioning USDA-RD. The noticing for the April meeting did not do that. Administrator Colton therefore published another legal notice asking for additional public comment on September 28, 2012 with the comments due October 9, 2012. There were no written comments received and she asked the audience if they had any comments. They did not.

AL KELM, Public Utilities Director

Update on Fire Door – Fire Marshall Gary Smith will not allow the fire door in the currently suggested location. The City is still obtaining quotes for smoke detectors, pole stations, sirens and light beacons in the building.

Strevell Street Project – There has not been any work done on this project

The donations of approximately \$10,000 for the dugouts for Jaycee field have been made by the Milestown Community Improvement Inc. (MCII). All labor was donated by the Matt Ronning, Kelly Dodd and MCII members. They would like Mayor Grenz to accept the dugouts on behalf of the City.

CITY COUNCIL COMMENTS

Councilperson Ahner – Every year about now the City places an informational article in the paper requesting citizens to not rake their leaves into the street. Director Kelm stated that action is constituted as a Public Nuisance.

Councilperson Uden – won't be present at the next Council meeting. He asked the Council to excuse him for more than 10 days starting October 22nd.

** *Councilperson Brush moved to approve Councilperson Uden's absence, seconded by Councilperson Melnik. The motion then passed.*

Councilperson Andrews – would like to be excused for more than 10 days starting October 30th.

** *Councilperson Uden moved to approve Councilperson Andrew's absence, seconded by Councilperson Brush. The motion then passed.*

Councilperson Brush – pushing snow into the street is also a problem and citizens are not allowed to do that.

Councilperson Hollowell – asked the Mayor where the City was on the interviews for hiring a Public Works Director. Mayor Grenz responded that they had interviewed the in-house candidates and he said he just did not have the expertise to make that judgment. He said that Director Kelm felt it would be good to advertise for external candidates. Director Kelm said that the position would be advertised externally tomorrow. Councilperson Hollowell asked the Mayor if he felt the two candidates were not qualified. The Mayor stated that he did not feel he had the qualifications to judge them.

Councilperson Hollowell asked what his reason for going to the outside was, and Mayor Grenz stated to see if the City could find a candidate with a little more experience. Of the internal candidates, one had quite a bit of experience and the other had quite a bit of education and not much experience. Neither one of them met the criteria of the interview questions. Director Kelm noted that neither of the internal candidates met the qualifications of the job description. Each one of the candidates had one of the criteria but neither of them had both criteria. They felt it best to advertise externally to attempt to find a candidate with both experience and education. Councilperson Hollowell noted that being on the Human Resource Committee; he recalls that being an engineer or being a Public Works Director with five years' experience qualified a candidate. Director Kelm offered to get the Job Description to read it to Councilperson Hollowell since he was getting into specifics. Director Kelm wanted to read it word for word to him since one of the candidates was Councilperson Hollowell's sister. Councilperson Hollowell said that is why he knew the qualifications and he also knew Mr. Gray's qualifications.

Director Kelm left the meeting to obtain the job description but he came back without it. All the interview information has been given to the Human Resource Officer. He recalled that the candidate needed a Bachelor's Degree and five years of Public Works supervisory experience. Councilperson

Hollowell stated that is not how he remembered the Human Resources Committee recommending it. He remembered that there was a fear of an engineer receiving preference over a Public Works person who had experience. He said experience was never demanded of the Engineer but just needed a four year degree. He said that it is the Mayor's appointment but he cautioned on how they were handling this matter.

MAYOR COMMENTS

A lady had brought him information for a Mapping Your Neighborhood for Emergency Preparedness Disaster session set at Miles Community College on Thursday, November 8th at 7:00pm. It aids in getting neighborhoods organized during a disaster.

The Armory appraisal value is \$433,000. He felt this was pretty high and he wanted to know if the Council wanted him to call her to let her know that the City was no longer interested. The City may make an offer on the Courthouse steps. He asked if that would be okay with everyone here and no one opposed it. Councilperson Uden said that it would be prudent to have the Finance Committee determine what the City would be willing to pay based on its financial position at the time.

Councilperson Brush wants to update the City's growth policy.

He also wanted the Clerk's office to fill the position in the Water Department's office. City Clerk Stanton stated that is budgeted to be filled January 1, 2013. The Mayor said that the full-time Deputy would be filled at the same time so he would like to get the Water Clerk position filled first. City Clerk Stanton said that the full-time Deputy Clerk's job description is waiting to be reviewed by the Human Resources Committee. Her office had updated that job description as soon as the budget was adopted.

PUBLIC HEARINGS

RESOLUTION NO. 3551: A Resolution Approving the Work Plan and Budget for FY 2012-2013 for Tourism Business Improvement District No.101

Chamber President John Laney explained how the Tourism Business Improvement District worked and the events that they have helped bring to Miles City.

** *Mayor Grenz then called for comments from proponents three times, then from opponents three times. Hearing none, the hearing was closed.*

RESOLUTION NO. 3553: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 To Appropriate Unappropriated Cash Balances From The Capital Improvement Fund No. 4000 For The Purchase Of A Prisoner Transport Van

Councilperson Uden explained that the City was purchasing the van to transport prisoners, and the County would pay for the expenses to operate it and will also transport the prisoners.

** *Mayor Grenz then called for comments from proponents three times, then from opponents three times. Hearing none, the hearing was closed.*

OLD BUSINESS

RESOLUTION NO. 3553: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 To Appropriate Unappropriated Cash Balances From The Capital Improvement Fund No. 4000 For The Purchase Of A Prisoner Transport Van

** *Pulled because it had not been to the Finance Committee yet.*

BID AWARDS

Riverside Park Restroom Project – There were two bids received for this project. The first bid opened was from Jackson Contractor Group for \$394,066.80 with a 10% bid bond. The second bid opened was from Magic Construction for \$472,353.00 with a 10% bid bond.

** *Pulled because it had not been to the Finance Committee yet.*

BID OPENING

1983 Chevrolet S-10 pickup (67,724 miles) Item #1

Item #1 received bids from Mervin Meidinger for \$210, Douglas Flint for \$400, and from Ed Martin for \$510.

** *Bid was awarded to highest bidder, Ed Martin, for \$510.*

1983 GMC S-15 pickup (104,131 miles) Item #2

** *The Item #2 did not receive any bids.*

Approx 380' of redwood from swimming pool docks: various sizes 2x6 to 2x12. Item #3

** *Item #3 received a bid from Mayor Grenz for \$100, and he was awarded the bid.*

NEW BUSINESS

DECISION on water rate increase

** *Councilperson Brush moved to approve the Decision, seconded by Councilperson Ahner.*

Councilperson Hollowell said he would not vote for the water increase due to constituents' comments. They don't see the need to lower them only to raise them again. Some think it is insulting.

Councilperson Ahner feels it is a good idea since water rates are lowered for eight years. There is a sound actuarial basis for doing the reduction due to the amount of funds in the water fund reserve. He feels the reduction is well deserved.

** *On roll call vote, the motion passed 7-1, with Councilperson Hollowell voting nay.*

Recommendation for Approval of Adrian Minor Subdivision at the corner of Lincoln Street and Center Ave

City Planner Broadie showed the Council a map showing the subdivision request. Since it was a minor subdivision, it was eligible for an expedited review and did not go to the Planning Board. It has very little impact because of the nature of the subdivision. The applicant proposes a two lot subdivision of a 31,969 sq. ft. lot that is currently served by City water and is located on a paved street. It does not have much impact because it is already developed. One lot will have the existing house remain on it and the other empty lot will be able to have a single family home or a duplex on it. There is a storm drainage ditch that would need a culvert if driveway was developed to the entrance to Lot 2. There may be a minor safety concern at the intersection of Lincoln Street and Center Avenue. A yield sign could be added to the existing street sign at the corner of Center Avenue and Lincoln Street so that traffic exiting Center Avenue would yield. The owner is requesting that the yield sign not be part of the condition of the plat. The property is not part of the floodplain.

Councilperson Ahner asked if Council was giving final approval to the subdivision. City Planner Broadie said that Council was giving approval of preliminary plat which requires them to meet the conditions of plat. Once the conditions have been met, then the Council will vote on final plat.

Minor Subdivision developer Leroy Quinn opposes the yield sign. He said that none of the other streets have yield signs.

Councilperson Brush has a problem with the expedited process because it does not show the impact on the neighbors. The process is not allowing them a chance to be heard.

** *Councilperson Hollowell moved to strike the yield sign in the above subdivision, seconded by Councilperson Uden. On roll call vote, the motion passed unanimously, 8-0.*

** *Councilperson Ahner moved to approve the Adrain Minor Subdivision conditionally upon approval of the conditions stated in the site plan review with the exception of the yield sign just struck from it, seconded by Councilperson Melnik. On roll call vote, the motion passed 7-1, with Councilperson Brush voting nay.*

RESOLUTION NO. 3551: A Resolution Approving The Work Plan And Budget For Fiscal Year 2012-2013 For Business Improvement District No. 101

** *Councilperson Ahner moved to send the Resolution to the Finance Committee, seconded by Councilperson Uden. On roll call vote, the motion passed unanimously, 8-0.*

RESOLUTION NO. 3552: A Resolution Levying An Assessment For Fiscal Year 2012-2013 Upon All Property In Business Improvement District No. 101 And Determining The Method Of Such Assessment.

** *Councilperson Ahner moved for approval of the Resolution, read by title only, seconded by Councilperson Galbraith.*

City Clerk Stanton asked if Council could vote on levying before passing the Work Plan and Budget. Councilperson Ahner stated that Council was voting on approving the method of assessment and not the amount.

** *On roll call vote, the above motion passed unanimously, 8-0.*

RESOLUTION NO. 3555: A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With The Jackson Contractor Group, Inc., For Construction Of Pathway And Restroom Improvements In Riverside Park.

** *This Resolution was pulled from the agenda because it needs to go before the Finance Committee first.*

RESOLUTION NO. 3556: A Resolution Authorizing The Assignment From Bullis-Graves Memorial Chapel/Eastern Montana Cremation Service To Big Sky Cremation Services, L.L.C. Upon Lots 4 And 5 Of Tract E Of The Industrial Site Owned By The City Of Miles City, Montana;

** *Councilperson Ahner moved to send the Resolution to the Finance Committee, seconded by Councilperson Brush. On roll call vote, the motion passed unanimously, 8-0.*

RESOLUTION NO. 3557: A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With Jarrett Construction, Inc., For Repairs To The Flood Levee.

** *Councilperson Galbraith moved to approve the Resolution, read by title only, seconded by Councilperson Andrews. On roll call vote, the motion passed unanimously, 8-0.*

Recommendation for Approval: Bobcat Building Site Plan

** *Councilperson Brush moved to approve the Bobcat Building Site Plan, seconded by Councilperson Melnik.*

Councilperson Brush explained that the Planning Committee did review the Site Plan prepared by City staff. They discussed all aspects of the plan including future drainage since the owner intends on creating a subdivision. They also discussed that the owner was already building the building before being approved. They did not find any reason to deny it and are hoping Council will approve it. It was passed unanimously. The owner had already received a building permit. Mayor Grenz has set procedures in place to prevent this from occurring in the future.

** *On roll call vote, the above motion passed unanimously, 8-0.*

Approval of September Claims

** *Councilperson Ahner moved to approve claims, seconded by Councilperson Brush. On roll call vote, the motion passed unanimously, 8-0.*

APPOINTMENTS

-None

Councilperson Uden mentioned that Grant Administrator Colton had requested a Special Council meeting to address the Riverside Park construction contract. It was discussed and the council decided to schedule it on Monday, October 15, 2012 at noon.

Quinn Wright of Dowl HKM spoke about the qualifications to be an engineer. He said that to be called an engineer, one has to have PE behind his or her name. Just having an engineering degree does not make you an engineer. You have to take an eight hour State exam and once you pass that, you become an engineer-in-training. Then you work under a Professional Engineer (PE) for two years and take another eight hour exam. Then you become a Professional Engineer. He reemphasized that having an engineering degree did not make you an engineer.

ADJOURNMENT

** *Councilperson Partridge moved to adjourn the meeting, seconded by Councilperson Ahner and passed unanimously, 8-0.*

The meeting was adjourned at 8:05 p.m.

C.A. GRENZ, Mayor

Becky Stanton, City Clerk