

**PROCEEDINGS OF CITY COUNCIL
MILES CITY, MONTANA**

REGULAR COUNCIL MEETING

**January 8, 2013
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, January 8, 2013, in the City Hall Council Chambers 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, Jerry Partridge, John Uden, Bill Melnik and Sue Galbraith. Councilperson Mark Ahner was absent.

Also present were Deputy City Attorney Erica Griffith, Fire Chief Dale Berg, City Planner Dianna Broadie, Police Chief Doug Colombik, Public Utilities Director Al Kelm, Grant Administrator Dawn Colton, Parks Supervisor Brady Stone, Connie Watts, Finance Clerk Linda Wildman, Human Resources/Payroll Officer Billie Burkhalter 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 – 12/11/2012

- **** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of December 11, 2012, seconded by Councilperson Melnik. The motion passed unanimously, 7-0.*

Public Safety Committee Meeting – 12/18/12

- **** *Councilperson Uden moved to approve the minutes of the Public Safety Committee Meeting of December 18, 2012, seconded by Councilperson Andrews. The motion passed unanimously, 7-0.*

Flood Control Committee Meeting – 12/19/12

- **** *Councilperson Andrews moved to approve the minutes of the Flood Control Committee Meeting of December 19, 2012, seconded by Councilperson Galbraith. The motion passed unanimously, 7-0.*

Human Resources Committee Meeting – 12/28/12

- **** *Councilperson Uden moved to approve the minutes of the Human Resources Committee Meeting of December 28, 2012, seconded by Councilperson Melnik. The motion passed unanimously, 7-0.*

SCHEDULE MEETINGS

Planning Board Meeting: Tuesday, January 15, at 6:00p.m.

Flood Control Committee Meeting: Wednesday, January 16, at 6:00p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

City Health Board Chairperson Sharon Wilcox, 2504 Tompy, said that the Board had met and approved the contract for City Sanitarian Mike Rinaldi for the calendar year 2013. Councilperson Uden requested that the contract for Mr. Rinaldi be placed on the next agenda and Mayor Grenz said sure.

Mayor Grenz then called on Ken Stabler to speak about the vacant lots behind Tire Rama, but he was not in attendance. Councilperson Brush stated that there are other individuals in attendance who are interested in those lots.

Ronny Hafez, 1006 S Cottage Grove, spoke about a Suicide Prevention Community Based Media Project. They need the whole community involved, including the local government. Their office is located at 617 Main Street, which is right next door to the US Bank. They have a facebook page, <http://www.facebook.com/LetsTalkMilesCity>, and a webpage, <http://letstalkmilesity.com/family.html>. This is an issue that Montana and Miles City are both facing, and individuals need to get involved so we can lower the risk.

Colby Moore, 411 N Earling, stated that Jeremy Keefler, Curt Wiley and he would be interested in leasing the lots behind Tire Rama. Mayor Grenz noted that Councilperson Ahner wants to do a competitive bid on the lots. The Mayor will notify them when it goes to a committee.

APPOINTMENTS

Mayor Grenz announced his appointments for standing committee members. They are as follows:

Public Services members are Duane Andrews, Jerry Partridge, Sue Galbraith, and John Hollowell.

Finance members are Bill Melnik, John Uden, Mark Ahner and Roxanna Brush.

Public Safety members are Jerry Partridge, John Hollowell, Sue Galbraith and Duane Andrews.

Human Resources members are John Uden, Roxanna Brush, Bill Melnik and Mark Ahner.

Flood Control members are Sue Galbraith, Jerry Partridge, John Hollowell and Duane Andrews.

****** *Councilperson Melnik moved to approve the Standing Committees as proposed by Mayor Grenz, seconded by Councilperson Brush. The motion passed unanimously, 7-0.*

Kathy Doeden and Melissa Hartman to the Historic Preservation Commission

****** *Councilperson Uden moved to appoint the above individuals to the Historic Preservation Commission, seconded by Councilperson Brush. The motion passed unanimously, 7-0.*

PROCLAMATIONS

-None

STAFF REPORTS

City Clerk Stanton read some concerns that she had for her office and the citizens of Miles City. As Council was made aware on Sunday, January 6, 2013, Mayor Grenz has chosen not to fill the Deputy City Clerk's position at this time. Per the budget adopted on August 28, 2012, the Budget Committee and City Council decided that they wanted a full-time Deputy City Clerk as soon as possible. This position was budgeted for a 12 month salary. Mayor Grenz signed an agreement with the City Clerk agreeing to a full-time Deputy City Clerk, a City Clerk, a Human Resources/Payroll Officer and starting January 1, 2013, a part-time Finance Clerk. This agreement is valid until June 30, 2013. She asked if this means that he is not a man of his word. She wondered who would be responsible in the City Clerk's absence for signing such items as all legal documents like bonds and leases, attest the Mayor's signature, supervise staff and perform many more tasks. The last time Mayor Grenz was mayor he had at least 19 grievances filed against him in the eighteen months that he was in office. The City of Miles City paid out at least \$330,000 in lawsuits, of which \$135,000 was assessed to the taxpayers. With the Public Works Director position and other issues, She felt that the City is headed in that direction again with Mr. Grenz as mayor. She is very concerned for her office and the City of Miles City.

Mayor Grenz rebutted that he does not believe a job should be posted until the job description is finalized. He said that was done Friday, December 28, 2012, at noon at the Human Resources meeting and by 5:00p.m., the position has been filled. He handed out emails to the Council to support that statement. He said that it is not that he is not going to hire one, but he thought the procedure was flawed. He said the sources state specifically that it is not the Clerk's position to hire anyone. She has no authority to do so. Everyone that elected him the second time around knew about the lawsuits. She has accused him of being a bigot, and he said he does not come into the office anymore during the daytime due to such a hostile work environment.

CITY COUNCIL COMMENTS

Councilperson Brush – asked for a moment of silence for Councilperson Ahner and his family due to the loss of his mother. She noted there are individuals attending from City Court who are serving their community service hours. She noted the discord between the Mayor's and City Clerk's offices and she hopes they work their differences out in the best interest of the citizens of Miles City.

Councilperson Uden – inquired about the posting of the City Attorney's position. City Clerk Stanton stated that it was posted this morning with Job Service for external advertisement, since there were no internal applications.

MAYOR COMMENTS

Mayor Grenz complimented the Fire Department for saving lives at the old Ben Franklin building. He asked the Council to suspend the rules for the purchase of a tool cat, Resolution 3573 and Resolution 3574. Councilperson Ahner had told Mayor Grenz that there were not any changes to the dollar amounts in the Resolutions.

- **** *Councilperson Uden moved that items b & c under Old Business be moved to a consent agenda, seconded by Councilperson Brush.*

Councilperson Brush noted that both Resolutions have been to the Finance Committee several times. This is just to finalize things because a settlement has been reached. Everyone has signed off on it except the City of Miles City.

- **** *The motion then passed unanimously, 7-0.*

PUBLIC HEARINGS

-None

CONSENT AGENDA

RESOLUTION NO. 3573: A Resolution Authorizing Change Order No. 6 To CMG Construction, Inc. On The Contract For Water System Improvements For Phase 3 Water Main Replacement 20" Transmission Main Dated April 12, 2011.

RESOLUTION NO. 3574: A Resolution Approving A Settlement Agreement With Ahanu Construction, Inc., CMG Construction, Inc., And North American Specialties Insurance Regarding Disputes And Claims On The Contract For Water System Improvements For Phase 3 Water Main Replacement 20" Transmission Main Dated April 12, 2011 And The Claim Upon The Bond Securing Performance Of Such Contract.

- **** *Councilperson Brush moved to approve the items on the Consent Agenda, seconded by Councilperson Melnik. On roll call vote, the motion then passed unanimously, 7-0.*

OLD BUSINESS

Discussion on Revising Ordinance No. 1201 – Sending Ordinances to Committee between First and Second Reading

Councilperson Galbraith believes that it needs to be left as it is because of the public's right to know. Councilperson Partridge agreed. He believes there is nothing wrong with the system and it works.

There being no more discussion, the Ordinance remains unchanged.

BID AWARDS

-None

BID OPENING

-None

NEW BUSINESS

Approval of Claims

- **** *Councilperson Hollowell moved to approve December claims, seconded by Councilperson Melnik. The motion passed unanimously, 7-0.*

Election of Council President

Mayor Grenz opened nominations for Council President. Councilperson Partridge nominated Councilperson Hollowell. Councilperson Uden nominated Councilperson Ahner. Hearing no other nominations, they were closed.

- **** *Councilperson Hollowell received four votes and Councilperson Ahner received three votes. Councilperson Hollowell is the new Council President.*

ORDINANCE NO. 1250: An Ordinance Revising Sections 16-43 Of The Code Of Ordinances Of The City Of Miles City, Montana So As To Prohibit The Discharge Of Firearms On City Owned Or Leased Lands Within Three (3) Miles Of The City Limits Except At Approved Shooting Ranges.

- **** *Councilperson Brush moved to approve the Ordinance, seconded by Councilperson Galbraith.*

Councilperson Andrews would like two exceptions to the above Ordinance. One exception would be at the City owned property at the Airport which is fenced outside of the runways, which would be restricted to archery, hunting upland game birds, spring turkey and waterfowl. It would consist of shotgun and archery hunting. The second exception would be at the Wastewater Plant. It would provide hunting access to the river. The Airport Manager would like to see geese moved out of the area due to the safety hazard they cause the airplanes. The area is all fenced, so there would be no safety risk to anyone at the airport.

- **** *Councilperson Andrews made the above an amended motion, seconded by Councilperson Hollowell.*

Councilperson Hollowell stated he had visited with the Airport Manager who noted that every year or so they have called a person in to remove a geese problem. He is also glad to see archery included because the airport can have a deer problem as well. A few years back, Fish, Wildlife and Parks sent hunters to the airport to control the deer population. He also noted that Public Utilities Director Kelm said it really helps to control the geese and duck population. Councilperson Hollowell noted this also covers the Industrial Site.

Doug Martin, 63 Prima Vista Dr., mentioned that he has a problem with this Ordinance as a blanket solution. He does not believe that archery will be enough to control the deer, and that regular hunting would be a better solution. He feels that the City should look at each individual situation rather than making a blanket statement that all City property owned in a three mile radius is off limits to any shooting.

Councilperson Uden explained that the City accepts liability by allowing hunting on City owned or leased land, and they don't want to accept the liability.

Councilperson Hollowell said there is a law that prohibits shooting firearms in a certain area around the airport.

****** *Councilperson Hollowell made an amendment to above an amended motion requiring permission to be on the land. For the Airport, they would call the Airport Manager and for the Wastewater Plant, they would call the Plant manager or operators. The motion seconded by Councilperson Galbraith and passed unanimously, 7-0.*

****** *On roll call vote, the amended motion then passed unanimously, 7-0.*

****** *On roll call vote, the original motion then passed unanimously, 7-0.*

RESOLUTION NO. 3576: A Joint Resolution Of The Board Of Commissioners Of Custer County, Montana And The City Council Of The City Of Miles City Amending The Agreement For Joint Action For Operation Of The City-County Airport To Increase The Membership Of The Airport Commission From Five Members To Seven Members.

****** *Councilperson Uden moved to approve the Resolution, seconded by Councilperson Melnik.*

Councilperson Andrews asked why they were increasing the members. Mayor Grenz stated that he is on that board and often they cannot get a quorum for a meeting.

****** *On roll call vote, the motion then passed unanimously, 7-0.*

RESOLUTION NO. 3577: A Resolution Authorizing A Printing Contract Between The City Of Miles City And Star Printing Company, A Montana Corporation, Of Livingston, Montana.

****** *This was tabled until a contract was developed.*

Parks Department Request to purchase Tool Cat

Mayor Grenz asked for a motion to suspend the rules to send this item to Committee. Councilperson Brush asked why. Public Utilities Director Kelm explained that Councilperson Ahner had this scheduled to go to the Finance Committee meeting on January 2, 2013. He was out of town and he talked to Mayor Grenz and said to put the items from the Finance agenda on the Council agenda. Director Kelm stated they would like to get permission to solicit bids. Once the bids are received, they will be opened at a City Council meeting. Next they will be sent to Finance Committee for approval of the expenditure which is in this year's budget.

****** *Councilperson Partridge moved to suspend the rules to have this item go to Committee, seconded by Councilperson Brush. On roll call vote, the motion passed unanimously, 7-0.*

****** *Councilperson Brush moved to approve the solicitation of bids for the Tool Cat, seconded by Councilperson Andrews. On roll call vote, the motion passed unanimously, 7-0.*

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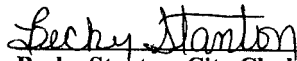
Councilperson Uden requested that the City Clerk's office place a notice in the Miles City Star for the City Attorney's position. Councilperson Andrews suggested the Billings Gazette also.

ADJOURNMENT

** *Mayor Grenz adjourned the meeting.*

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


C.A. GRENZ, Mayor


Becky Stanton, City Clerk