

REGULAR COUNCIL MEETING

February 12, 2013
7:08 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 12, 2013, in the 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, Mark Ahner, Jerry Partridge, John Uden, Bill Melnik and Sue Galbraith.

Also present were Deputy City Attorney Erica Griffith, City Attorney Dan Rice, Finance Clerk Linda Wildman, Deputy City Clerk Connie Watts, City Planner Dianna Broadie, Police Chief Doug Colombik, Public Utilities Director Al Kelm, Historic Preservation Officer Connie Muggli 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 – 1/22/2013

** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of January 22, 2013, seconded by Councilperson Melnik. The motion passed 7-1, with Councilperson Brush voting nay.*

Human Resources Minutes – 1/22/2013

The Human Resources Committee met Tuesday, January 22, 2013, at 12:00 p.m. in the Conference Room at City Hall. Present were Committee Chairperson John Uden, Committee Members Bill Melnik, Mark Ahner and Roxanna Brush. Also present were Councilpersons John Hollowell, Jerry Partridge, Sue Galbraith and Dwayne Andrews, Mayor C.A. Grenz, City Clerk Becky Stanton, HR/Payroll Officer Billie Burkhalter, Connie Watts, Finance Clerk and Committee Recorder Linda Wildman.

1. **Roll Call**
- Noted above

2. **Elect Chairperson of Committee**
Nominations were taken for Chairperson of the Human Resource Committee.

** *Committee Member Melnik moved to nominate John Uden for Human Resource Committee Chairperson. Motion seconded by Committee Member Brush and on roll call vote motion passed with Ahner, Brush and Melnik in favor. Chairperson Uden abstained.*

3. **Establish City Hiring Plan for Second Half of this Fiscal Year**

Mayor Grenz explained his intentions to change the hiring policy and suggests the Human Resource Committee do interviews and screening with recommendations to him for hiring.

Committee Member Ahner pointed out that due to miscommunication or lack of understanding things had gone awry in regards to positions particularly from Jan 1st thru June 30, 2013. The City Clerk and the Mayor had made an agreement when the final budget was made for FY12/13. Committee Member Ahner would like the City to get on track with positions regarding Finance & Administration as well as City Attorney and Public Works Director positions. He explained the agreement with the City Clerk's office was for a half- time Finance Clerk, full- time Deputy City Clerk and full- time Human Resource/Payroll Clerk thru June 30, 2013. At that time the City Clerk, Mayor and Council will negotiate the half time Finance Clerk position for FY13/14. He said if Linda Wildman chose to put in for the Finance Clerk she would be a valuable resource

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and allow for training of the new Deputy City Clerk. Also there would be a person hired to shadow the Utility Billing Clerk from January 1, 2013 until the current Utility Billing Clerk retires. Committee Member Ahner recommended to the Mayor to allow the hiring of the person chosen for the Utility Billing Clerk. Mayor Grenz has approved the hiring of Linda Wildman for the Finance Clerk position.

Committee Member Ahner requested a hiring plan for the City Attorney and the Public Works Director. He disagreed with the Mayor's proposal for the entire Human Resource Committee to be involved in the interview process and suggested possibly two members, along with the immediate supervisor and the Mayor. It would not be necessary for the Mayor to sit in on an interview unless he so desired. He also pointed out that it might be advantageous to have an outside person. As an example, someone who has an engineering background sitting on an interview panel for the Public Works Director for their professional input.

Chairperson Uden suggested it would be appropriate for the Human Resource Committee to be advised of any openings and they could then recommend an interview panel for those positions.

Committee Member Ahner said the position descriptions and hiring should go to Council as a whole after Human Resource Committee makes its recommendation. There was further discussion concerning changing of the current policy.

Councilperson Hollowell inquired about our current interview and hiring policy and how it works. City Clerk Stanton explained her department's interview process as an example.

*** Committee Member Brush moved to recommend that we review the City's interview process. Motion seconded by Committee Member Uden.*

Councilperson Hollowell suggested the hiring process, as well as the interview process, needs to be reviewed and clarified.

*** Committee Member Brush amended the motion to include "review of the interview and hiring policy for the City". Motion seconded by Committee Member Uden. Upon roll call vote; motion was passed with Committee Member Melnik voting nay.*

Chairperson Uden and Committee Member Ahner inquired about the status of the Public Works Director and City Attorney applicants. There were two applicants for the Public Works Director. The City Attorney's posting closed Tuesday and applicants will be forwarded to the Mayor when the Human Resource Officer returns from vacation.

Mayor Grenz stated he wants to go through the job description for Public Works Director and possibly combine positions. Chairperson Uden says State law allows the Mayor to combine positions by Executive Order and it falls within his powers as Mayor. The City Attorney job description has been approved by this Committee.

4. Address proposed amendment(s) of Deputy City Clerk's position description

Councilperson Galbraith questioned why the Deputy City Clerk's job description keeps coming back to the Human Resource Committee for changes when it had been approved both by Human Resource Committee on December 4th and the Council on December 11th and then had come back to Human Resource again on December 28th for changes. The Human Resource Committee has the power to approve the job description. She stated from an e-mail from City Attorney Huss that on December 19, 2012, that he did not like "preference will be given"; however, said "preferred" was ok. That is the current job description. She wondered why was this being discussed again.

Mayor Grenz wants to see changes made to include claims in the Deputy City Clerk's position description. He suggested that needs to be included as the Finance Clerk position is agreed upon only until June 30, 2013. If the Finance Clerk position is eliminated, those duties would have to be put back into the Deputy Clerk position description, and he would like to see that in this job description before someone is hired.

City Clerk Stanton stated she was specifically told by the December 4th Human Resource Committee to advertise for those positions.

Mayor Grenz asked why he was not asked to sit in on the interviews and mentioned the prior Mayor did. City Clerk Stanton said Mayor Whalen did not sit in on all interviews. Chairperson Uden pointed out that Mayor Whalen sat in on all police officer interviews.

Mayor Grenz explained that he had received legal advice and, due to past

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practice, he has no choice but to hire the internal applicant for the position of Deputy City Clerk to prevent a lawsuit. However, he did not want to sign off on the Deputy City Clerk hiring sheet without changes to the job description which best fits the City of Miles City. He wants one thing added before he will sign off on the hiring. He said when the City Clerk takes the only applicant, a friend of hers, and says that is the only applicant, it is flawed. However, he will sign it.

Human Resource/Payroll Clerk Burkhalter stated she takes offense to the statement that a "friend" was hired. The applicant was a qualified internal applicant.

Councilperson Hollowell asked if Mayor Grenz was threatening the Committee by not hiring until they change the job description and what he likes.

Mayor Grenz said he is willing to sign off on the hiring sheet if they put that into the job description.

Chairperson Uden pointed out that the Committee could amend the job description for Deputy City Clerk.

Committee Member Ahner said he did not think it was a problem with the Clerk's office to have accounts payable in both the Finance Clerk and the Deputy City Clerk's position descriptions.

*** Committee Member Ahner made a motion to include in the Deputy City Clerk's job description "Receive purchase requisitions and determine if requested purchase amount is within the remaining appropriation. Sort and categorize purchase order, invoices, and claims; input the data into the computer. Prepare claims approval list and submit to Mayor or Finance Committee for approval. Following the Mayor or Finance Committee approval of the claims approval list, prepare and print the checks. Following the preparation and execution of checks, distribute and mail the checks to the appropriate vendor". Motion seconded by Committee Member Uden. Upon roll call vote motion was passed unanimously.*

City Clerk Stanton spoke about her understanding of the Finance Clerk position. It currently includes accounts payable and receivable and she is concerned about too much responsibility being placed upon the new Deputy City Clerk, especially during budget. It is a very busy time of the year and there will be a large learning curve with Budget Prep and the budget process. She understood that the half time Finance Clerk's position would be up for negotiation after June 30, 2013, however, she feels it is a necessary position.

Finance Clerk Wildman stressed her concerns about the lack of staffing if the part-time position is eliminated. During the budget process the Clerk's office also has a large volume of claims, council and committee meetings, billing for all licenses, contracts, leases and other, as well as auditors present doing depreciation and other year end business. Having performed both the Deputy City Clerk and Finance Clerk functions for most of her career, she is aware of the work load and time constraints.

Chairman Uden asked if the Mayor would indicate to our City Clerk that the Deputy City Clerk, Finance Clerk and part-time Utility Billing Clerk positions can be confirmed. Mayor Grenz said he will do that with the understanding that the Deputy Clerk sign off on the changes to that job description.

Human Resource/Payroll Clerk Burkhalter pointed out that they did nothing wrong in this process and the same process has been done numerous times before and after her tenure as Human Resource/Payroll Clerk. She asked to be included in the interview process in the future as the Committee makes changes to the policy.

Mayor Grenz asked that Connie Watts officially accept the new job description of Deputy City Clerk. Ms. Watts said she would be happy to accept the position.

5. Request of Citizens

Mary Elizabeth Irion, 141 Balsam, asked Committee Members Ahner and Brush if they had asked to be on the Human Resource Committee or were they appointed. Each member commented that they were appointed. Chairperson Uden explained a Councilperson can request to be placed on a committee, however, it is the Mayor's choice to select whom he desire; with the consent of Council.

6. Committee members' comments

Committee Member Ahner asked to see a position description for the Public Works Director and, if the Mayor decides to combine positions, he would like to see those changes.

City Clerk Stanton asked what would happen to the two applicants for the Public Works Director position. Committee Member Ahner explained that if the job description was changed substantially, it may have to be re-advertised. After further discussion it was decided to get direction from the City Labor Consultant Larry Martin. Mayor Grenz agreed to contact him. Chairperson Uden asked the Mayor to inform him when he receives information from Mr. Martin so that he can make a request to re-advertise with the new job description. All applicants can then apply and interviews can be scheduled.

7. Adjournment

** Committee Member Melnik moved to adjourn the meeting. The motion was seconded by Committee Member Brush and passed. The meeting was adjourned at 12:55 p.m.

** Councilperson Uden moved to approve the minutes of the Human Resources Meeting of January 22, 2013, with corrections, seconded by Councilperson Brush. The motion passed unanimously, 8-0.

Finance Committee Minutes – 1/29/2013

The Finance Committee met January 29, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Committee members Mark Ahner, John Uden, Bill Melnik and Roxanna Brush. Also present were Councilpersons Sue Galbraith and Dwayne Andrews, Mayor Chris Grenz, Deputy City Clerk Connie Watts, Public Utilities Director Al Kelm, Floodplain Administrator Sam Malenovsky, Human Resource/Payroll Officer Billie Burkhalter, Finance Clerk Linda Wildman and Recorder City Clerk Becky Stanton.

Selection of Committee Chairperson

** Chairperson Melnik moved to nominate Committee Member Mark Ahner as Chairperson to the Finance Committee, seconded by Committee Member Brush.

** Committee Member Uden moved to close nominations, seconded by Committee Member Melnik. The motion carried unanimously, 4-0.

** The original motion carried 3-0, with Committee Member Ahner abstaining. Committee Member Ahner is elected to be Chairperson of the Finance Committee.

Water and Sewer Debts to Collection

** Committee Member Uden moved to recommend to Council approval of sending the water and sewer debts to collection. The motion was seconded by Committee Member Melnik; the motion carried unanimously, 4-0.

Request to Solicit Bids for Sewer Camera System

Public Utility Director Kelm explained that the new camera would help the crews find problem areas in the sewer collection lines which cause sewer backups. When the problem is located, the crews can repair the area instead of the entire line. The old camera is not reliable anymore and needs repairs, often at a cost of about \$2,000 each time. The new camera would be a tractor type camera that would fit into a 4" pipe and moves forwards and backwards with a tilt head on it. It can also look up service lines, find grease buildups and much more.

** Committee Member Brush moved to recommend that the City Council approve the request to solicit bids for the sewer camera system. The motion was seconded by Committee Member Uden; the motion carried unanimously, 4-0.

Bid Review of Strevell/Merriam/Jordan/Custer Waterline Project

Public Utilities Director Kelm explained that each bidder had to purchase plans for \$50 from Dowl HKM. JEM Construction and Nelcon did not purchase plans from Dowl HKM but downloaded them from the Internet. This requirement was stated in the project manual and the pre-bid meeting. Public Utilities Director Kelm explained that another requirement was that the contractor could not have more than 50% of the work subcontracted out. Jackson Construction Group had 72% of their work subcontracted out. This requirement was also stated in the project manual. These violations eliminate JEM Construction, Nelcon, and Jackson Construction Group. The two bidders remaining are COP Construction and Western Municipal. Dowl HKM

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Engineer Andy Marum explained that after the low bidder is selected, he will verify their work experience and get references from the owners and the engineers for the projects on which they worked.

** *Committee Member Uden moved to remove JEM Construction and Jackson Construction Group from consideration. After discussion, the motion was withdrawn by Committee Member Uden.*

** *Committee Member Uden moved that any contractor who does not meet the bid requirements set forth in the information they received from the City be excluded from consideration for this project. The motion was seconded by Committee Member Melnik; the motion passed unanimously, 4-0.*

Public Utilities Director Kelm explained that Western Municipal did not submit their work experience and subcontractor information. According to Assistant City Attorney Erica Griffith, the project specifications and the Invitation to Bid had conflicting directions that could lead to confusion about what information is required. Those conflicting directions make it appropriate for the bidder to be allowed 48 hours to submit the information. Dowl HKM Engineer Marum explained that Western Municipal believed they had submitted a complete bid because they could provide a subcontractor list and work experience within 48 hours of the request for them. When Dowl HKM Engineer Marum submitted a request, he received the information from them within the hour via email with a hardcopy in the mail.

The work for the bids is as follows:

- A = Mobilization, contract bond and insurance, traffic control, force acct.
- B = S. Strevell Avenue rebuild – Stower to Wilson
- C = S. Strevell Avenue water line improvements – Stower to Wilson
- D = S. Merriam Avenue storm water improvements – Stower to Wilson
- E = S. Merriam Avenue water main improvements – Stower to Wilson
- F = S. Jordan Avenue water main improvements
- G = S. Custer Avenue water main improvements

The bids are as follows:

1. Nelcon – A-C \$1,595,788.50 A-G \$2,954,036.50 A-E \$2,224,301.50
2. JEM Contracting - A-C \$1,139,823. A-G \$1,789,166 A-E \$2,528,841
3. Jacksons Contractors Group - A-C \$1,298,839.50 A-G \$2,436,039.50 A-E \$1,842,079.50
4. COP Construction - A-C \$1,182,913 A-G \$2,698,422 A-E \$1,927,322
5. Western Municipal – A-C \$1,308,191 A-G \$2,405,465 A-E \$1,835,056

Public Utilities Director Kelm explained that this area is a high maintenance area requiring repairs several times a year.

Chairperson Ahner explained that if the entire project is not completed, then there would be mobilization costs each time the contractors have to return to complete a section. It may cover two different fiscal years and the budget shortfall may be able to be budgeted in the next fiscal year.

Committee Member Uden noted that the sewer and water systems are old and unreliable and they are costing the City money due to repairs. He is in favor of awarding A-G and then budget additional funds in the next fiscal year to cover some of the expenditures.

Mayor Grenz is in favor of awarding A-G, also due to the mobilization costs alone.

Public Director Kelm explained that the City tries to budget a certain number of blocks of waterline replacement every year in order to replace the old lines. If the City does this as one project and carries it over for two years, there is savings in the mobilization costs. The expense to repair the water lines is significant. It usually occurs when it is cold, and after hours at time and a half.

Councilperson Galbraith asked where the money will come from. Chairperson Ahner explained that \$1,600,000 has been budgeted in the current year. The remaining \$800,000 would be budgeted in next year's budget. Director Kelm explained that there is a certain amount budgeted each year for water line repairs.

** *Committee Member Brush moved to recommend that the Council award the bid to Western Municipal for projects A-G in the amount of \$2,405,465. The motion was seconded by Committee Member Uden; the motion passed unanimously, 4-0.*

Director Kelm clarified that there are new water lines from the intersection of N. Montana and Lincoln to north of the Milwaukee tracks and east of N. Montana.

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Review of Ordinance 1249 – Restricting the Budgeting and Expenditure of General Fund Reserves

Mayor Grenz explained that the City in the current fiscal year has spent over \$200,000 more than it brought in with revenue. He said that rate is unsustainable over a period of years. There will be an assessment study for the dike which will cost \$184,000. Those costs, plus another \$200,000 adds up to almost \$600,000, which will use up the \$1,000,000 reserve quickly. He feels this Ordinance will bring the issue to the forefront every budget session.

Committee Member Uden appreciates this issue being brought to the Council's attention. Even though Council tries to keep a balanced budget throughout the fiscal year, if an emergency situation comes up, the department can have the additional funds with a two-thirds vote of the Council. This gives the Council full control of the spending. He feels this is a financially sound Ordinance that works for the best of the City.

Chairperson Ahner had some concerns about this Ordinance when first approached by the Mayor. Property taxes have grown, due to increased growth in Miles City. He agrees with the Mayor in that he would be reluctant to keep spending as the City is currently doing on an annual basis exceeding the increase that the City is benefiting from property taxes. There has not been any unbudgeted item that Council has not approved this year by at least two-thirds vote. That would include the \$10,000 assessment for the County Jail, \$15,000 for the prisoner transport, and \$38,000 for additional costs to the Riverside Park Restroom. Currently, the Council would need 5 votes to pass the above items with a majority of the Council vote; with the new Ordinance the Council would need to pass them with 6 votes or two-thirds vote of the Council. Within the current budget for the General Fund of approximately \$4,200,000, there is still latitude within that budget to apply those expenditures. He explained that the Mayor is referring to the FY 2012-2013 difference between revenues and expenditures budgets. He agrees with the Mayor and believes this is a structural Ordinance that would help discipline the City in regards to budgeting and the expenditure of taxpayer's funds.

City Clerk Stanton clarified that there is a projected shortfall between revenues and expenditures every year during the budget process. There is often times a cash carryover every year to more than cover the budget difference. A Councilperson had requested a recap of the budgeted difference between revenue and expenditures and the cash carryover amount. She went back eight years to Fiscal Year 2005 and determined that six of the eight years had a cash carryover to apply to the cash reserves. There are various reasons for the savings like deferral of capital purchases and vacancy savings. What is projected as a shortfall during a budget may not actually occur since a budget is a prediction. While reviewing the December financial statement for the current fiscal year, it was noted that the City currently has spent less than budgeted.

*** Committee member Uden moved to recommend that the Council approve the Ordinance. The motion was seconded by Committee Member Melnik;*

Committee Member Brush explained that she would probably vote no on this motion since it had come from Council with less than a two-thirds vote. She believes that it is not beneficial to the Mayor because if he had something that he wanted passed, there is a good chance that it would fail because of the two-thirds majority requirement.

Finance Clerk Wildman explained that she has worked with the Budget Committee a number of years and feels this Ordinance restricts the powers of the Council. She explained that, through the budget process, it is possible to balance the General Fund revenues and expenditures. She explained the process to the Committee.

Chairperson Ahner stated that this Ordinance forces the Budget Committee and the Council to have a balanced budget for the General Fund.

The motion passed unanimously, 4-0.

Review of Position Salaries for the following: Floodplain Administrator, City Attorney, Deputy City Clerk, Accounts Payable Clerk

Chairperson Ahner asked to review the Floodplain Administrator position first.

Floodplain Administrator Malenovsky explained she was first hired as an Auto-Cad Tech. When John Marks terminated his employment with the City of Miles, she was appointed by Mayor Whalen to Floodplain Administrator. Mayor Whalen stated that when she got certified, he would ask for a raise for her. With the change in Mayors, that never occurred. On April 18, 2012, the Human Resources Committee

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heard her case and voted to "recommend the City provide an appropriate raise, with the amount to be determined by the Finance Committee".

Chairperson Ahner referred to the Human Resources minutes dated April 18, 2012, and noted that Human Resources Chairperson Uden recommended a \$1 - \$2 per hour increase. He referred to Resolution No. 3550 which is the resolution establishing wages and salaries for city employees for FY 2012-2013, and asked Floodplain Administrator Malenovsky if she made the wage listed in the Resolution. She said yes. Chairperson Ahner stated he is very impressed with everything Floodplain Administrator Malenovsky has accomplished in the short time she has been the Administrator. She became a certified Floodplain Manager on July 22, 2011. She is being recognized by Department of Natural Resources and Conservation (DNRC) as the first ever recipient of the Lewis & Clark Floodplain Manager Award, 2013. This award recognized outstanding individual effort and contributions to floodplain management at the local level. She has also been nominated for the Association of State Floodplain Managers National Larry R. Johnston Local Floodplain Manager Award for 2014.

Chairperson Ahner asked if she would compromise with a \$1.50 raise. She said yes.

** *Committee Member Uden moved to recommend that the Council approve Floodplain Administrator Malenovsky receive a \$1.50 per hour raise effective January 1, 2013. The motion was seconded by Committee Member Brush.*

Mayor Grenz felt that the raise should be effective April 18, 2012, when the Human Resources Committee recommended the raise.

** *Committee Member Brush moved to amend the motion to have the increase in wages be retroactive back to July 1, 2012, when the current Fiscal Year's budget went into effect. The motion was seconded by Committee Member Melnik; the amended motion passed, 3-1, with Chairperson Ahner voting nay.*

** *The original motion passed unanimously, 4-0.*

Chairperson Ahner asked to review the City Attorney position next because he is looking for guidance for compensation for the City Attorney position. The position was changed from a contracted attorney to a City employee due to a state statute.

Committee Member Uden explained that he feels paying the new attorney \$150 per hour is appropriate.

Chairperson Ahner argued against that because a new attorney will not be as fast and efficient as City Attorney Huss was because of his vast experience in working with the City. Attorney Dan Rice, who was the only applicant for that position, told Chairperson Ahner that he was willing to, on his own time, come up to speed in order to not burden the City with a steep learning curve.

** *Committee Member Uden moved that the consideration for salary for the City Attorney be tabled until a future meeting and after interviews are conducted. The motion was seconded by Committee Member Melnik. The motion passed, 3-1, with Chairperson Ahner voting nay.*

Chairperson Ahner asked to review the Deputy City Clerk's position next. Chairperson Ahner placed this on the agenda to be transparent in reference to salary. The Council has set salaries twice; first with the adoption of the budget and second with the adoption of the Salary Resolution No. 3550. The salary used was the MSU study average wage for Deputy City Clerk, which was \$34,216 or \$16.45 per hour. City Clerk Stanton explained that the position was advertised at \$16.78 per hour, which is the \$16.45 plus a 2% cost of living raise that everyone who was eligible received on July 1, 2012. Human Resource/Payroll Clerk Burkhalter explained that anyone who was at the average wage or below was eligible for a 2% increase July 1st per the MSU study. City Clerk Stanton stated that the \$16.45 was what was budgeted but the position was budgeted for the entire year. The difference for the year at the \$.33 increase is \$343.20 for salary alone plus \$102.96 for rollups, for a total of \$446.16. Chairperson Ahner asked City Clerk Stanton if she was still within her budget. She stated that currently she is under budget.

** *Chairperson Ahner moved to recommend to the Council approval of the wages as set by the MSU study of \$34,216 for the Deputy City Clerk for the FY 2012-2013 with the projected 2% increase effective January 1, 2013. The motion was seconded by Committee Member Uden. The motion passed, unanimously, 4-0.*

Chairperson Ahner asked to review the Finance Clerk's position next. The salary, according to Resolution No. 3550, was \$15.97 per hour. He asked the status of this position. City Clerk Stanton explained that the position was awarded to Linda

Wildman who applied internally. Because it was a lateral move for her, her salary stayed the same, which is \$25 per hour. Because she is a working retiree, she does not have some of the rollup costs that another employee would have. Her total costs for half of a year with rollups to the Finance Department are \$9,150.12. Another employee at the \$15.97 plus rollups would cost the Finance Department \$10,022.32. That is a savings of \$872.20.

Mayor Grenz requested clarification as to why Linda Wildman negotiated her wage of \$25 per hour after retiring. Was it to train a new City Clerk?

Finance Clerk Wildman responded that after she retired and was asked to come back to work for the City, she requested \$25 per hour. Former City Clerk Kori Pray wanted her to come back and Ms. Wildman thought it best for her and Ms. Pray. In addition to the training the City Clerk, she was still performing the duties of Deputy City Clerk. She made note that the \$15.97 per hour was for an entry level employee and not one with 38 years' experience. She requires no training for her position and she will be doing more than Account Receivables and Payables; she will be training the new Deputy City Clerk. Currently Ms. Watts is still doing Ambulance billing for December and clean-up nearly full time, so Ms. Wildman is still doing Deputy City Clerk duties as well as Finance Clerk duties.

Chairperson Ahner explained his concern was that the Council had no idea that the transfer was being done at Ms. Wildman's current rate of pay. The Council had passed a budget with \$15.97 per hour for the Finance Clerk's position and that was what they thought the position would pay regardless of who filled the position. The Finance Department has a budget and as long as they stay within that budget, that is his main concern. He just does not want department heads arbitrarily moving people around without regard to the budget set by the City Council.

City Clerk Stanton explained that other departments have transferred employees who internally bid a different position and allowed them to not take a cut in pay.

** *Chairperson Ahner moved to recommend to the Council approval of the amount of \$25 per hour for Finance Clerk for the remainder of the FY 2012-2013. The motion was seconded by Committee Member Uden. The motion passed unanimously, 4-0.*

Request of Citizens

-None

There being no further business, Committee Member Brush moved to adjourn the meeting, seconded by Committee Member Uden. The meeting was adjourned at 8:10 p.m.

** *Councilperson Ahner moved to approve the minutes of the Finance Committee Meeting of January 29, 2013, seconded by Councilperson Uden. The motion passed unanimously, 8-0.*

Public Safety Minutes – 1/30/2013

The **Public Safety Committee** met Wednesday, January 30, 2013, at 12:00 pm in the City Hall Conference Room. Present were Committee Chairperson Andrews and Committee Members Sue Galbraith, Jerry Partridge and John Hollowell. Also present were Police Chief Doug Colombik, Public Utilities Director Al Keim, Mayor C.A. Grenz and Committee Recorder Connie Watts.

1. ELECTION OF CHAIRPERSON

Committee Member Jerry Partridge, acting as temporary chairman, brought the meeting to order and called for chairperson nominations.

** *Committee Member Partridge nominated Dwayne Andrews as chairperson, seconded by Committee Member Galbraith and passed 3-0. Dwayne Andrews is the new chairperson for the Public Safety Committee.*

2. 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.

Discussion revolved around the appropriateness of the usage of shotguns

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and/or rifles at the Airport and the Wastewater Treatment Plant. Public Utilities Director Kelm said there are a lot of problems with skunks, raccoons, coyotes, etc., at the WWTP and welcomes hunters to help alleviate those varmints. The Airport has deer problems, which can be dangerous for aircraft.

Chief Colombik said he does not feel it is appropriate to shoot shotguns or other rifles of any kind at the WWTP, as there are too many homes in the area and the risk of someone getting hurt is too great. He is also rather uncomfortable with guns at the airport because of the activity up there. He said other cities that allow deer hunting inside the city limits restrict the hunting to archery. He has absolutely no problems with archery.

It was proposed to change Ordinance 1250 as follows: (changes indicated by italics)

Sec.16-43 – Discharge of Firearms

"(a) it shall be unlawful for any *unauthorized person*....."

"The following hunting exceptions apply:Waste Water Plant Manager/Operator "24 hours in advance -- " archery "*season for big game hunting; shotgun and archery hunting*" of upland game birds, spring turkey and waterfowl..."

** *Committee Member Partridge moved to recommend approval of Ordinance 1250 with the corrections stated above, seconded by Committee Member Hollowell and, on roll call vote, passed unanimously.*

3. HANDICAP PARKING AT 907 GARLAND FOR DEB KIRKWOOD

** *After discussion, Committee Member Galbraith moved to recommend approval of a handicapped parking sign in front of Ms. Kirkwood's house at 907 Garland as long as she resides there, upon the condition that, if Ms. Kirkwood were to move or no longer need the sign, it would be taken down. Ms. Kirkwood shall bear all monetary costs involved in the sign. Committee Member Partridge seconded the motion and, on roll call vote, it passed 3 to 1, with Committee Member Hollowell voting no.*

CITIZEN REQUESTS

Director Kelm said he was approached by an individual at 121 S. Center, right across the street from the High School. That individual asked that the sign "No Parking Here to Corner", which is on the corner of Fort and S Center, be moved to the other side of his driveway. This item will be brought for consideration before this committee on a subsequent meeting date.

ADJOURNMENT

** *Having no more business before the Committee, Committee Member Partridge moved to adjourn, seconded by Committee Member Galbraith and passed unanimously: The meeting was adjourned at 12:40 p.m.*

** *Councilperson Galbraith moved to approve the minutes of the Public Safety Meeting of January 30, 2013, with a correction, seconded by Councilperson Andrews. The motion passed unanimously, 8-0.*

Public Services Minutes – 1/30/2013

The **Public Service Committee** met Wednesday, January 30, 2013, at 12:40 pm in the City Hall conference room. Present were Committee Chairperson Sue Galbraith and Committee Members John Hollowell, Jerry Partridge and Dwayne Andrews. Also present were Public Utilities Director Al Kelm, City Planner Dianna Broadie, Grant Administrator Dawn Colton, Mayor C.A. Grenz and Committee Recorder Connie Watts.

Chairperson Partridge, acting as temporary chairperson, called the meeting to order.

1. ELECTION OF CHAIRPERSON

** *Committee Member Hollowell nominated Committee Member Galbraith as chairperson, seconded by Committee Member Partridge and passed unanimously. Sue Galbraith is the new chairperson of the Public Services Committee.*

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MILES CITY, MONTANA**

2. CANDEE NELSON, 2311 DICKINSON ST., TO PETITION TO OPEN UP ALLEYWAY BEHIND RESIDENCE

Committee Members Partridge and Galbraith said they had tried to drive by the residence but were unable to view the alley from the street. Director Kelm said there were fences and a pump house behind the house that makes it difficult to see the right-of-way.

Director Kelm said there is a utility easement there, but it has never actually been a designated alley, and no one has ever asked for an alley there before. Ms. Nelson is concerned that she will not be able to get back to there to trim her trees. Her neighbor on the other side of the alley, however, is willing to temporarily take down the fence in order for her to take care of the maintenance that needs to be done.

Director Kelm also suggested she could draw up a petition to open up the easement, have her neighbors sign it and present it to this committee. Committee Member Partridge suggested the committee wait to see if a petition is presented before taking any action.

****** *Committee member Partridge moved to table this issue, seconded by Committee member Hollowell and passed 4 to 0.*

3. DISCUSSION ON RIVERSIDE RESTROOM PROJECT

Committee Member Partridge said he was told there was something wrong with the plans – the add-ons which had been asked for were removed and only the basic building was going to be completed. Grant Administrator Colton and Director Kelm assured him that everything was going well. There had been some “bumps,” but those have been corrected and everything is now going smoothly.

4. REQUEST OF CITIZENS

There were no requests of citizens.

5. ADJOURNMENT

****** *Having no more business to come before the Committee, Committee Member Partridge moved to adjourn the meeting, seconded by Committee Member Andrews and passed unanimously, 4-0. The meeting was adjourned at 12:52 p.m.*

****** *Councilperson Brush moved to approve the minutes of the Public Services Meeting of January 30, 2013, with a correction, seconded by Councilperson Galbraith. The motion passed unanimously, 8-0.*

SCHEDULE MEETINGS

Finance Committee: Tuesday, February 19, at 12:00p.m. Noon

Planning Board Meeting: Tuesday, February 19, at 6:00p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

-None

APPOINTMENTS

City Attorney: Daniel Z. Rice

****** *Councilperson Uden moved to approve the appointment of Daniel Z. Rice to the position of City Attorney, seconded by Councilperson Ahner. The motion passed unanimously, 8-0.*

Mayor Grenz administered the oath for City Attorney Rice, whereupon he took his seat with the City Council.

PROCLAMATIONS

-None

STAFF REPORTS

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

Police Chief Colombik spoke about the packet he had distributed to the Council that referenced pigeons and the diseases they carry. He explained the methods to control them and suggested using pigeon bait called Ova Control that inhibits reproduction. It could take 6 to 8 months before results are seen. The EPA and the Humane Society have approved this bait. There was discussion on the problem of pigeons for the various businesses in the City.

City Attorney Rice explained that he had talked with the Department of Agriculture and they are available as a resource for this matter.

****** *Councilperson Andrews moved to suspend the rules to send this item to Committee, seconded by Councilperson Galbraith. The motion passed 7-1, with Councilperson Ahner voting nay.*

****** *Councilperson Andrews moved to allow Police Chief Colombik and the Police Department to take active management action on the pigeon population in the City of Miles City due to immediate health concerns, seconded by Councilperson Melnik.*

Councilperson Uden asked where the money to pay for the costs of this process would come from, because the Police budget does not contain this item. Police Chief Colombik estimated the costs to be approximately \$2,500 for the first year. The cost would decrease each year due to fewer birds being hatched. The feeders would be an additional cost of \$2,500. The bait is \$6.95/lb. He stated that the birds needed to eat the bait every day in order for it to be effective.

City Attorney Rice did not see any legal issues with having the Police Department deal with the pigeon issue, and believes the Council can give them the authority within the Department to set out the feeders. He feels this matter needs to be sent to a Committee soon, which could then work with the Department of Agriculture to resolve this matter.

****** *The motion passed unanimously, 8-0.*

CITY COUNCIL COMMENTS

Councilperson Andrews – is concerned about Council items not being followed up on such as the railroad quiet zones, Stabler lease, Deb Kirkwood handicap sign. How does the City follow-up on these items? Can the FEMA webinar be attended at City Hall on one computer? Dan Stanley had contacted him about jake brakes noise in the area of the Pine Hills School. He would like a sign on Haynes Avenue banning the use of jake brakes. Assistant City Attorney Griffith noted the law does not allow the outlawing of jake brakes that are muffled. She had addressed this item in a memo to the Public Safety Committee. City Planner Broadie addressed the quiet zones. There is a large expense because of the upgrade to the signals. She also addressed the Stabler lease, noting that she recently sent notice for bids. She will contact Mr. Stabler with an update.

Councilperson Partridge – asked Public Utilities Director Kelm if Mrs. Height had contacted him, and she had not. He did, however, visit with the owner of the handicapped sign to let him know that it would be taken down. The owner is attempting to rent to another handicapped renter, so Director Kelm is waiting 30 days before acting.

Councilperson Galbraith – noted that the Flood Control Ordinance needs to be updated. She toured the Water and Wastewater Plants and wanted to commend the crews for saving money.

Councilperson Hollowell – asked where the City was with the Public Works Director position. Councilperson Uden explained that the two applicants were to be interviewed Thursday.

Councilperson Brush – noted that Dr. Hicswa was leaving the community in May and will be missed.

MAYOR COMMENTS

Mayor Grenz congratulated Floodplain Administrator Sam Malenovsky on receiving the first ever Lewis and Clark Local Floodplain Award for 2013.

PUBLIC HEARINGS

ORDINANCE NO. 1249 An Ordinance Restricting The Budgeting And Expenditure Of General Fund Cash Reserves

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

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.

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

OLD BUSINESS

ORDINANCE NO. 1249 An Ordinance Restricting The Budgeting And Expenditure Of General Fund Cash Reserves

** *Councilperson Ahner moved to approve the Ordinance, read by title only, seconded by Councilperson Melnik.*

Councilperson Galbraith said she has a problem with this Ordinance. In the past eight years, the City overspent in FY 2005-2006 and FY 2011-2012. In FY 2011-2012 there was a difference between actual General Fund revenue versus expenditures of (\$288,668), but of that deficit \$250,000 was transferred from the General Fund to a Capital Fund. The actual loss then was \$38,668. She does not believe this Ordinance is necessary as it will restrict the Council at budget time. She feels it is taking power away from the Council. This year the Council has approved items with a budget amendment for a van for \$15,000, jail assessment study for \$10,000, health insurance for the Mayor for \$7,254 and possibly for the Riverside Park Restroom.

Councilperson Partridge stated he had been on the Council a long time and there are times when the City has been under \$10,000. Now there are strict rules about the reserves. He agrees with Councilperson Galbraith.

- ** *The motion passed 5-3, with Councilpersons Galbraith, Partridge and Hollowell voting nay.*

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 Ahner moved to approve the Ordinance, read by title only, seconded by Councilperson Uden.*

Councilperson Ahner asked for clarification of the types of hunting and the advanced permission to hunt. It was determined that a semicolon instead of a comma in the Ordinance would make it clearer.

- ** *Councilperson Andrews moved to place a semicolon in the Ordinance language in Section 1. Sec. 16-43 Discharge of firearms (b), third sentence "archery for big game hunting; (instead of a comma) shotgun and archery hunting. . .", seconded by Councilperson Ahner. The motion passed unanimously, 8-0.*

- ** *The original motion passed unanimously, 8-0.*

BID AWARDS

South Strevell/Merriam Street – Paving/Water/Storm Sewer Project

Dowl HKM Project Engineer, Andy Marum, explained that Western Municipal is highly qualified and their references have been checked out. They have no objections to Western Municipal being awarded the job.

- ** *Councilperson Ahner moved to approve the award of the bid for the S. Strevell, S. Merriam, S. Jordan and S Custer project to Western Municipal Construction in the amount of \$2,405,465 and that a contract be prepared and reviewed by the City Attorney and returned back to the Council, seconded by Councilperson Melnik.*

Councilperson Ahner explained the project consists of redoing the water and sewer and repaving on S. Strevell from Stower to Wilson; then on S. Merriam from Stower to Wilson replacing the water lines and storm sewer; then on S. Custer and S. Jordan from Stower to Sudlow replacing the water lines. This project will be split between two fiscal years.

- ** *The motion carried unanimously, 8-0.*

BID OPENING

Parks Department Request: Purchase of Tool Cat

Director Kelm opened the only bid which was from Bobcat of Miles City. The bid amount was \$43,007 which includes the tool cat and the broom attachment.

- ** Councilperson Ahner made a motion to send the bid to the Finance Committee for review and recommendations, seconded by Councilperson Uden. The motion passed unanimously, 8-0.

NEW BUSINESS

Approval of claims

- ** Councilperson Melnik moved to approve the January claims, seconded by Councilperson Brush. The motion passed unanimously, 8-0.

Select Council Representatives for Mediation

Councilperson Ahner nominated Councilperson Brush. Councilperson Galbraith nominated Dwayne Andrews.

- ** Councilperson Uden moved that the nominations cease, seconded by Councilperson Ahner. The motion passed unanimously.

- ** Councilperson Partridge moved to accept the delegation by acclamation, seconded by Councilperson Ahner. The motion passed unanimously.

RESOLUTION NO. 3579: A Resolution Authorizing The City Of Miles City To Apply For The Montana Department Of Commerce Montana Main Street Program As An Affiliate Member

- ** Councilperson Uden moved to approve the Resolution, read by title only, seconded by Councilperson Hollowell.

Historical Preservation Officer Connie Muggli explained that the affiliate membership does not obligate the City of Miles City to anything in anyway. It is one way to attract funding to the City to aid in focusing on revitalizing the downtown area. There is funding with the Department of Commerce under this program.

- ** The motion passed unanimously, 8-0.

Acceptance of Easement at Southgate Meadows: Pump House, Water Tank, Storm Water Detention in New Development

Director Kelm explained that the City of Miles City had never received an easement in Southgate for the water tank, pump house, storm water detention and the easement needs Council approval. This is a permanent easement. This easement has been reviewed by former City Attorney Huss.

- ** Councilperson Brush moved to accept the above easement, seconded by Councilperson Partridge. The motion passed unanimously.

Attorney's Legal Opinion – Lease/Purchase of City Lands

Assistant City Attorney Griffith drafted an opinion on the above topic.

- ** Councilperson Ahner moved to ask the City Planner to advertise the five city lots for competitive bid at the Industrial Site.

City Planner Broadie stated that she had sent the advertisement to the Miles City Star today.

PROCEEDINGS OF CITY COUNCIL
MILES CITY, MONTANA

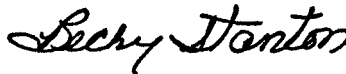
Motion died because the advertisement had already been sent to the Miles City Star.

ADJOURNMENT

** Councilperson Uden made a motion to adjourn the meeting, seconded by Councilperson Melnik. Motion passed unanimously.

The meeting was adjourned at 8:45 p.m.


C.A. GRENZ, Mayor



Becky Stanton, City Clerk