

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

REGULAR COUNCIL MEETING

**February 26, 2013
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 26, 2013, in the 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, Mark Ahner, Jerry Partridge, John Uden, Bill Melnik and Sue Galbraith. Councilperson John Hollowell was absent.

Also present were Fire Chief Dale Berg, City Attorney Dan Rice, Finance Clerk Linda Wildman, Grant Administrator Dawn Colton, City Planner Dianna Broadie, Police Chief Doug Colombik, Public Utilities Director Al Kelm, Floodplain Administrator Sam Malenovsky, Human Resource/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 – 2/12/2013

****** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of February 12, 2013, seconded by Councilperson Galbraith. The motion passed unanimously, 7-0.*

Flood Control Minutes – 1/16/2013

The **Flood Control Committee** met Wednesday, January 16, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members John Hollowell, Jerry Partridge, Susanne Galbraith, and Dwayne Andrews. Also present were Floodplain Administrator Sam Malenovsky, Public Utilities Director Al Kelm, Representative from KLJ, Carl Jackson, Mayor C.A. Grenz and Recorder HR/Payroll Officer Billie Burkhalter.

1. Elect Committee Chairperson

Committee Member Hollowell opened the floor for nominations for Chairperson of the Flood Control Committee. Committee Member Andrews nominated John Hollowell. Hearing no further nominations,

****** *Committee Member Andrews moved to name John Hollowell as Chairperson of the Flood Control Committee, seconded by Committee Member Partridge, and, motion passed unanimously, 3-0, with Committee Member Hollowell abstaining.*

2. Discussion on contract with Kadmas, Lee & Jackson, Inc. (KLJ) on Flood Project

Carl Jackson, KLJ, explained he had presented Administrator Malenovsky and Director Kelm with a draft of the Short Form of Agreement between Owner and Engineer for Professional Services for the Flood Project. The Committee was given a copy of this draft. Mr. Jackson stated he was there for the Committee to answer any questions and explain anything more in detail.

Committee Member Andrews questioned Section 8.01; KL&J Additions to the Short Form of Agreement, item "E" (page 4 of 6) on who would be considered the representative of the City. Mr. Jackson responded that Flood Plain Administrator Malenovsky would be the point of contact for the City.

Committee Member Andrews questioned Appendix 1 Miles City Flood Control Feasibility Study; Scope of Work Section II. Engineer Shall Perform or Provide: 100 Project

Management, Coordination and Background Data Review "B" (page 1 of 7) concerning a total of 5 general coordination meetings. He asked if those meetings would include the workshop meetings, and if the workshop meetings would be public. Mr. Jackson stated the workshop meetings are not included in the general coordination meetings. He further explained that, typically, workshop meetings are not public because they are basically unscheduled meetings with a specific agenda.

Committee Member Andrews stated 200 Preliminary Alternative Screening "A" (page 3 of 7.) needed further clarification. Mr. Jackson was agreeable to make the "do nothing" "2-dimensional model" and "letter of map amendment (LOMA)" and "permanent levee or flood wall" more detailed.

Committee Member Andrews requested the word "may" be replaced with "shall" every time it appears in section 400 Screened Alternative Analyses "C" (page 5 of 7). Mr. Jackson was in agreement.

Committee Member Andrews expressed his appreciation that the contract has many town ward meetings and will have material on the City's web page. He stressed that the public needs to be informed as much as possible through this process. It was noted that the social media page was not included in the initial fee summary, but will be looked into.

Committee Member Galbraith questioned the Short Form Agreement, Section 7.01 General Considerations "F" (page 3 of 6). She asked that, if the City is paying for this Study why would KLJ own the copyright? Mr. Jackson stated in his industry this would be referred to as "intellectual property". He explained that if you hire 10 engineers you will probably get 10 different ways to do a project. KLJ's decision making process and how they get there includes a bunch of data that goes into their drawings, exhibits, and models and there is always some subjectivity in that. If the City decides to hire another engineering firm and use the information they have been provided by KLJ, they cannot hold KLJ liable, because it cannot be assumed there is only one way to do a project. Mr. Jackson stated that the City would retain the information received from KLJ. Committee Member Galbraith still had concerns with the language in the contract. Mr. Jackson stated he would send information to Administrator Malenovsky to further explain this section.

Administrator Malenovsky questioned what the costs would be if KLJ had to survey a section of the levy. Mr. Jackson stated that to send out a surveying crew for a full day would be approximately \$2,200.

Administrator Malenovsky asked what the costs would be if they happened to need more general meetings than five. Mr. Jackson explained that it depended on who would need to attend those meetings. If it was just him, it could be approximately \$1000 for a full day.

Administrator Malenovsky stated that Grant Writer Dawn Colton is actively looking into grants for the costs of this study.

Chairperson Hollowell stated the recommended changes will be forwarded to the City Attorney and then to Council for direction on how to proceed.

3. Requests of Citizens

-none

4. Adjournment

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

** *Councilperson Galbraith moved to approve the minutes of the Flood Control Meeting of January 16, 2013, seconded by Councilperson Uden. The motion passed unanimously, 7-0.*

Finance Committee Minutes – 2/19/2013

The Finance Committee met February 19, 2013, at 12:00 p.m. in the City Hall Conference Room. Present were Committee members Mark Ahner, John Uden, Bill Melnik and Roxanna Brush. Also present were Mayor Chris Grenz, Public Utilities Director Al Kelm, Police Chief Doug Colombik, Parks Supervisor Brady Stone and Recorder City Clerk Becky Stanton.

Review Bid for Tool Cat

Chairperson Ahner explained the bid of \$43,007, which includes the tool cat

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with the attachment of a 68" angle broom. There is also a repurchase agreement and an extended warranty option that could be purchased at additional costs. The Committee decided not to purchase either of them.

*** Committee Member Uden moved to recommend to Council approval of purchasing from Bobcat of Miles City the Tool Cat with the attachment of a 68" angle broom. The motion was seconded by Committee Member Melnik; the motion carried unanimously, 4-0.*

Request to Purchase Plotter and Software for \$21,250

Chairperson Ahner explained that the Flood Plain Administrator plotter and software would be acquired through a grant. The plotter will cost \$21,250, of which the grant will pay \$15,925 and the City will pay \$5,325 for its match. Director Kelm explained that the current plotter is broken and obsolete and the City cannot obtain service for it anymore. The new plotter will plot and/or copy maps or plans. The software is an ARC GIS. The City Planner has a license for ARC GIS software for her computer only. This new software will have a license that allows it to be placed on the server and have multiple users. Initially this item was budgeted for in FY 2012-2013, but Mayor Grenz requested that it be removed. The departments affected by this item are the Street Maintenance Districts, Water, Sewer, Planning and Flood Plain. The amount affecting these departments would be \$5,325 divided by 6 is \$887.50 each.

*** Committee Member Brush moved to recommend to Council approval of spending authority to purchase the above. The motion was seconded by Committee Member Uden; the motion carried unanimously, 4-0.*

Review Options for City's Impound Lot

Councilperson Ahner explained that Bill's Truck Service asked for an increase in the lease price of the lot he owns that the City uses for their impound lot. There was discussion about using the area around the old Fish and Game Building for an impound lot. After discussion, it was decided to pay the impound charge for this year since it was already February. It was also determined to prepare the area around the Fish and Game Building to create an impound lot for the City.

*** Committee Member Ahner moved to pay the amount due for the current impound lot for the year starting October, 2012, through September, 2013, and at budget time include funding for creating an impound lot on the City's property out by the Fish and Game Quonset. The motion was seconded by Committee Member Uden; the motion carried unanimously, 4-0.*

Review Pay.Gov Contract to Facilitate Water/Sewer Bill Payments

City Clerk Stanton explained that customers ask to pay their water and sewer bill by credit card. There are two companies that provide that service to Cities and Counties with no charge to the entity. The customer, not the City, is charged a service charge for using their card. PayGOV does not charge any money for the equipment, while the other vendor would charge the City for any equipment. PayGOV also appears to provide better customer service.

*** Chairperson Ahner moved to recommend to Council approval of using PayGOV to accept credit card payments for water and sewer bills, seconded by Councilperson Melnik.*

Councilperson Brush stated she would be voting no on this matter because she did not think the citizens would be very happy about paying the fees.

*** The motion failed 2-2, with Committee Members Brush and Melnik voting nay.*

Request of Citizens

Mayor Grenz asked about a computer for City Prosecutor Jeff Noble's office and wondered if Chairperson Ahner would place that on the next Finance agenda. City Clerk Stanton explained that she had visited with City Prosecutor Noble and asked if he would be willing to use a laptop that the City already had. He said that would be okay. The Committee decided to go with the laptop until the next year when he could budget for a computer for his office.

*** Committee Member Uden moved to adjourn the meeting, seconded by Committee Member Brush. The motion passed unanimously.*

The meeting was adjourned at 12:50 p.m.

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****** *Councilperson Ahner moved to approve the minutes of the Finance Committee Meeting of February 19, 2013, seconded by Councilperson Brush. The motion passed unanimously, 7-0.*

SCHEDULE MEETINGS

Human Resource Committee: Wednesday, March 6, at 12:00p.m.
Noon

REQUEST OF CITIZENS & PUBLIC COMMENT

Dave Swogger, Scout Master of Troop 222 of the Boy Scouts of America, introduced Andrew Grantham, Toby Stubblefield and Taylor Swogger. They are working on a merit badge in communications.

James Brown with KATL radio introduced himself to the Council. He will be attending meetings for his job at the radio station.

APPOINTMENTS

-None

PROCLAMATIONS

Mayor Grenz read the Mayors Day of Recognition for National Service Proclamation and proclaimed April 9, 2013 as National Service Recognition Day.

STAFF REPORTS

-None

CITY COUNCIL COMMENTS

Councilperson Andrews – the Leadership class went to a local business and was told by the owner that a woman on the City Council would not issue him a permit. That is not true. Not only is it erroneous information, but it puts a bad light on the Council and what they are doing. He asked if Mayor Grenz would call him and visit with him. Mayor Grenz agreed to do that.

Councilperson Uden – most City employees have not had an employee evaluation completed on them. He is asking that notice be given to the department heads to attend the Human Resources meeting on March 6 at 12:00 p.m. They will discuss it at this meeting

Councilperson Partridge – asked Director Kelm about the Poffenberger rental handicap sign. Director Kelm explained that he will contact him by the end of the month to determine if he has another handicap renter and if he does not, the sign will be taken down. Councilperson Partridge explained that while it may please the person who needs the parking spot, but it offends the entire neighborhood.

Councilperson Brush – stated there have been comments on miles-city.com. in reference to Land Grab. Apparently people are encroaching on City land and there were complaints about dead animal carcasses. If it is City land, it should be cleaned up and the encroachments investigated. Councilperson Ahner stated that Dick Mitchell of Security Abstract noted that the City of Miles City has a patent for that property and it could be used to

determine if anyone is encroaching on City property. Linda Wildman noted that there is a book in the vault that shows all City property and documentation.

Councilperson Andrews – asked where the City was at in reference to the lots that Ken Stabler wanted to lease. Councilperson Ahner stated that the deadline for bidding on the lots is March 15th, and was advertised in the paper.

Councilperson Brush – Eric Doeden, M & L Enterprises, contacted her about problems they are having at Southgate. They expect to receive DEQ approval this week. He was supposed to contact her before the Council meeting and let her know, but he did not do so. He said they are hoping to start building the seven homes by the end of March. He indicated that they are having a problem with the road requirement for a paving, curb and gutter. They feel that part of the street by the lots they are building the seven homes on is only 600 feet and that the City is asking them to pave 1,470 feet. They cannot afford it. They were told by the City Planner that an SID is no longer an option for them. M & L Enterprises will bring this issue to another Council meeting.

City Planner Broadie explained that the Council was given three options on this matter, and they chose to have M & L Enterprises do the paving, curb and gutter as a condition of final plat. She mentioned that the City has given them the option of bonding for the cost of the paving, curb and gutter, and pay for it later. As far as DEQ is concerned, M & L Enterprises' engineer has not forwarded the proper information to receive DEQ approval.

MAYOR COMMENTS

Mayor Grenz stated he would do job evaluations from 9:00 – 9:30 a. m. for the Chief of Police; from 9:30 – 10:00 a. m. for the Fire Chief; from 10:00 – 10:30 a. m. for the Public Utilities Director Al Kelm; from 10:30 a.m. – 11:00 a. m. for City Planner Dianna Broadie; and at 11:00 a. m. for the City Clerk. These will be held on Friday, March 1st.

The Mayor is getting quite a bit of push back on the pigeon thing. He feels it would be pertinent to step back at this time. A licensed applicator is needed and currently the City does not have one. City Attorney Rice clarified that the applicator needs to have passed a test for pests with vertebras.

Utilities Director Kelm explained that the roof for swimming pool is being reviewed. He will have an architect firm look at it as the roof trusses will have to be engineered.

PUBLIC HEARINGS

-None

OLD BUSINESS

-None

BID AWARDS

Parks Department: Tool Cat (See Resolution 3581)

** Councilperson Ahner moved to approve the award of the bid for the Tool Cat and the 68" angle broom to Riverside Marine and Cycle, a Montana LLC, d/b/a Bobcat of Miles City in the amount of \$43,007,

seconded by Councilperson Melnik. The motion carried unanimously, 7-0.

BID OPENING

Printing Contract for the City of Miles City

City Clerk Stanton opened the only bid received for the printing contract which was from Star Commercial Printing.

- **** *Councilperson Ahner made a motion to approve the printing contract submitted by Star Commercial Printing, seconded by Councilperson Brush. The motion passed unanimously, 7-0.*

NEW BUSINESS

Recommendation from Finance Committee Water/Sewer Debts to Collection

- **** *Councilperson Ahner moved to approve sending the Water and Sewer debts to collection in the amount of \$5,940.15, seconded by Councilperson Melnik. The motion passed unanimously, 7-0.*

Recommendation from Finance Committee Approval of Pay Increase for Floodplain Administrator

- **** *Councilperson Brush moved to approve the recommended pay increase, seconded by Councilperson Andrews.*

Floodplain Administrator Malenovsky explained she had received information that flood insurance rates will substantially increase. Many of the former ways to receive a discount are going away but developing a Community Rating System (CRS) program will lower rates. While she appreciates the increase that the Finance Committee has offered, she is asking for a \$2 per hour increase instead of the \$1.50 per hour increase and be retroactive back to April 2012 instead of July 2012.

Councilperson Ahner explained the former mayor had recommended an increase in pay for the Floodplain Administrator once she became certified. The Human Resources Committee meeting on April 18, 2012, discussed this matter stating a mayor cannot set a wage or promise a wage increase. The Finance Committee elected to go with the median rate of \$1.50 per hour and compromised on it being paid retroactively back to July 2012 instead of April 2012.

Councilperson Galbraith stated that it is important to take into consideration all the work the Floodplain Administrator has done and that she was nominated by the State of Montana as the top Floodplain Administrator. She believes she should be compensated for her experience and her work and believes that a \$2 per hour raise is more than fair.

Councilperson Ahner responded that the Finance Committee did consider the above and arrived at the above decision.

Councilperson Andrews asked Floodplain Administrator Malenovsky to explain to the Council her additional work load. She explained that National Flood Insurance Program (NFIP) is doing away with current subsidies over the

next five years which will increase flood insurance premiums 25% each year until it meets the full risk rate premium. As a community, the City has to look at utilizing the CRS program to provide a discount to current and future flood premiums.

** Councilperson Galbraith moved that the Floodplain Administrator receive a \$2 per hour increase in pay, seconded by Councilperson Partridge. The motion failed 3-4, with Councilpersons Melnik, Uden, Ahner and Brush voting nay.

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

Recommendation from Finance Committee Approval of Deputy City Clerk Salary

** Councilperson Ahner moved to approve the Deputy City Clerk's salary of \$34,216 with a projected 2% increase effective January 1, 2013, seconded by Councilperson Andrews. The motion passed unanimously, 7-0.

Recommendation from Finance Committee Approval of Finance Clerk Salary

** Councilperson Ahner moved to approve the Finance Clerk's salary of \$25 per hour for the remainder of this fiscal year, seconded by Councilperson Andrews. The motion passed unanimously, 7-0.

Recommendation from Finance Committee Purchase of Plotter & Software

** Councilperson Brush moved to approve the purchase of the plotter and software for a total cost of \$21,250, seconded by Councilperson Melnik.

Utilities Director Kelm explained this printer is also a copier that can copy maps, blueprints and such and also scans. Floodplain Administrator Malenovsky explained that in the packet there were two prices for licenses. One is for a standard workgroup with up to two core licenses in the amount of \$4,750 and one for two desktop basic single use licenses for a price of \$2,700. With the basic single use licenses, the only users that would be able to access the license would be the Floodplain Administrator and the Grant Administrator. Grant Administrator Colton explained that the grant justification was that it could be used to scan old drawings, backup, archiving, and saving data in an offsite location. These items also contribute to the City's CRS rating.

Councilperson Ahner asked if the \$21,250 included the licenses to be placed on the server. Grant Administrator Colton explained that the City is going to purchase the desktop applications for two computers instead of the server application with concurrent user licenses. Councilperson Ahner stated that Public Utilities Director Kelm mentioned during the Finance Committee meeting he thought it was more efficient to have the concurrent user licenses to be placed on the server. He said that is what the Finance Committee wanted if it was within the \$21,250. Grant Administrator Colton said she would get a quote that included the concurrent user licenses.

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****** *Councilperson Uden moved to table this issue until the cost is clarified.*

Councilperson Ahner stated that before the motion is tabled, the original motion is for \$21,250 and if the quote for the concurrent user licenses is still within the dollar limit, then the motion is good. If it is more, then the Council can come back at a subsequent meeting to address it.

****** *Councilperson Uden withdrew his motion to table this issue.*

Grant Administrator Colton noted that the grant amount will not change and Councilperson Ahner stated he just wanted to know if the software could be placed on the server so other employees can use it.

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

Handicap Parking Designation for Deb Kirkwood at 907 Garland

****** *Councilperson Galbraith moved to accept the above, seconded by Councilperson Brush.*

Councilperson Partridge stated that he would vote for this but he has heard a lot about the confusion these handicapped parking spaces cause. He believes in the future they need to be reviewed more carefully. They are not very popular in the neighborhoods.

****** *The original motion passed, 6-1, with Councilperson Ahner voting nay.*

RESOLUTION 3581: A Resolution Authorizing the City of Miles City to Purchase a 4 x 4 Utility Work Machine from Riverside Marine & Cycle, LLC, a Montana Limited Liability Company, d/b/a Bobcat of Miles City

****** *Councilperson Ahner moved to approve the Resolution, read by title only, seconded by Councilperson Melnik. The motion passed unanimously, 7-0.*

RESOLUTION 3582: A Resolution Approving A Real Property Lease Agreement Between The City Of Miles City And William Matzen For Continued Use Of Real Property For A City Impound Lot

****** *Councilperson Brush moved to approve the Resolution, read by title only, seconded by Councilperson Galbraith.*

Councilperson Ahner explained that the Finance Committee looked at other property for the impound lot but it would not be ready until next year. The Committee recommended approving this contract for the year ending September 30, 2013, and is looking at City owned property for the impound lot next year.

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

ADJOURNMENT

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

The meeting was adjourned at 8:00 p.m.



C.A. GRENZ, Mayor


Becky Stanton, City Clerk