

# PROCEEDINGS OF CITY COUNCIL

## MILES CITY, MONTANA

### REGULAR COUNCIL MEETING

May 14, 2013

7:00 p.m.

### CALL TO ORDER

The Regular Council meeting was held Tuesday, May 14, 2013, in the Conference Room at City Hall, 17 S. 8<sup>th</sup> 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 Hollowell arrived shortly after the start of the meeting.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Fire Chief Dale Berg, Historic Preservation Officer Connie Muggli, HR/Payroll Officer Billie Burkhalter, MCPD Captain Casey Prell, Flood Administrator Sam Malenovsky, Finance Clerk Linda Wildman and Council Recorder/Deputy City Clerk Connie Watts.

### PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

### APPROVAL OF COUNCIL & COMMITTEE MINUTES

#### Regular Council Minutes – 4/23/2013

**\*\*** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of April 23, 2013, seconded by Councilperson Galbraith. The motion passed unanimously, 7-0.*

#### Human Resources Committee – 4/18/2013

##### Human Resources Committee April 18, 2013

The Human Resources Committee met Thursday, April 18, 2013, at 6:05 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 Mayor C.A. Grenz, Councilperson John Hollowell, Flood Plain Administrator/Auto Cad/Asst. to Public Works and Utilities Samantha Malenovsky, Engineering Secretary Dianna Larson, 283A President and Water/Wastewater Operator Thomas Speelman, Grant Writer Dawn Colton and City Attorney Dan Rice and Committee Recorder HR/Payroll Officer Billie Burkhalter.

**1. Roll Call**  
Noted above

**2. Review Job Description for Engineering & Operations Clerk/Receptionist**

Committee Member Ahner stated in the amended job description under "Supervision Received: under the direct supervision of Public Works & Public Utilities" he would recommend that there only be one direct supervisor, which should be the Public Utilities Director. The Committee and Secretary Larson were in agreement. Committee Member Ahner noted that Secretary Larson would still be accountable to both the Public Works and Public Utilities Directors.

Chairperson Uden noted the current job description was completed in 1994 and questioned why it had not been updated sooner as Secretary Larson has been doing more duties. He further questioned who authorized her to take on additional duties, and if her supervisor had approved it.

Committee Member Brush stated she is aware that Secretary Larson's wages are frozen and questioned if this request to change her job description is going to be used in the future to argue her point on wages. Secretary Larson replied yes. Committee Member Brush stated she had another problem she wanted to point out, as Secretary Larson is changing the position completely from an office clerk receptionist to an administrative assistant and she wants the Committee to be aware of that. She further stated there are several duplications of "answering the phone and taking messages" and that is basically clerical duties. She questioned what "BOA" stood for and requested this be spelled out in the job description. Committee Member Brush further recommended under "Education and Experience" that Word Perfect and Word Processing be deleted, as these programs are no longer taught. She explained that under "Job Performance Standards" it states "ability to

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handle multiple interruptions and priorities throughout the day” and that is everyone’s job. Also, “communicate effectively with diverse and sometimes irate individuals” is called “customer service”.

Committee Member Ahner pointed out that preferences in Word Perfect and Word Processing it could state “demonstrate proficiency in applicable software programs” and any repetition in the job description should be eliminated. He also requested clarification on the difference between a secretary and administrative assistant.

Chairperson Uden noted that Secretary Larson takes minutes at the meetings that are outside of regular business hours and she is getting paid overtime and questioned who authorized that overtime. Secretary Larson stated she would assume her supervisor did. Chairperson Uden stated that would be something they would have to look at because overtime is really getting out of hand with the City. He further stated the City is experiencing exorbitant amounts of overtime and they would have to address that issue in the proposed job description.

Mayor Grenz questioned what would be the difference in compensation with the proposed job description for Secretary Larson. Mr. Speelmon, 283A President, responded that under the Wage Analysis Survey, her position was evaluated only as a secretary; her extra duties were never considered. He currently does not have a dollar amount, but once this job description is completed they plan on having this position reevaluated. Committee Member Ahner stated he believed that changing the job description and changing the compensation were two separate issues.

Committee Member Brush stated she was unwilling to approve this amended job description as presented, but would be willing to go through the description if it was the Committees intent to make changes.

Mayor Grenz stated he would need to confer with the City’s labor attorney to see if changing this would cause any problems. He further requested Mr. Speelmon to contact the other unions and non-union personnel and let them know that this is the only job description that would be done. He pointed out that the City has to look into a \$200,000 cut, and doesn’t want to see that turn into \$300,000.

Chairperson Uden stated that the Committee is here to protect Secretary Larson as an employee but also to protect the City, minute changes in a job description can have a significant impact on finances and responsibilities that an employee is assuming.

Councilperson Hollowell noted that when he was a Human Resource committee member this issue had been brought to them by Secretary Larson and another employee who requested an accurate job description to reflect their extra responsibilities. Chairperson Uden called point of order due to Councilperson Hollowell having a personal interest in the situation by referencing his sister. Councilperson Hollowell disagreed stating that her job description had previously been approved and therefore that was not an issue. Chairperson Uden stated that Councilperson Hollowell’s sister is involved in a grievance, which makes it inappropriate for him to discuss it. City Attorney Rice stated the conflict is noted on record, if there is a remaining point it can be made. Councilperson Hollowell stated he was not trying to make a point or persuade the Committee, he was just trying to explain how this came about.

Secretary Larson stated she does not understand what is going on with this process and why it has taken so long to have the facts straight.

Committee Member Ahner requested Secretary Larson make the cosmetic changes to the position as discussed by the Committee and to make a distinction between the two discussed titles. He also wants the Labor Attorney to have a chance to review this especially in regards to the Letter of Agreement that was adopted, that states the City will not change language over a three year period. He believes that the Letter of Agreement meant not necessary position descriptions it meant contractual language in the three contracts the City has with the Unions, but needs clarification.

**\*\*** *Committee Member Ahner moved to defer consideration of this issue until the changes the Committee has recommended tonight be made and that they have an opportunity to confer with the City’s Labor Relations Specialist. Motion seconded by Committee Member Melnik, on roll call vote, motion passed unanimously.*

### 3. Review City Policy for Recruitment & Selection 1.13.1

Committee Member Ahner explained the Mayor needs the latitude in regards to personnel that he recruits, selects and hires in order to execute the Councils desires. This Mayor may want all control over the hiring of individuals from seasonal employees to Directors, or he may just want to do certain positions, and they need to try to be flexible if future mayors want to have the ability to delegate these functions. He pointed out that there is a provision in the policy that it be reviewed annually for any changes.

Mayor Grenz stated by statue and ordinance all department heads have to be approved by City Council, everything else is the mayor’s prerogative.

Attorney Rice explained he reviewed the changes from Attorney Martin and the bullet points from Local Government Center and incorporated it into the policy. Most of the changes he made were concerning the Mayor appointing a hiring committee to do most of the early recruitment and screening.

The following are the recommended changes from the Committee to the Recruitment and Selection Policy submitted by Attorney Rice:

- Equal Opportunity Officer (EOC) will be replaced with “Human Resource/ Payroll Officer”
- Pg 2: first paragraph that references “supervisor must complete a Position Description Worksheet, and submit this form along with the Personnel Requisition to the Hiring Committee for

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- approval" change "Hiring Committee" to "Human Resource Committee"
- Pg 2: "All advertisements must be reviewed and approved by Hiring Committee prior to placement: delete "Hiring Committee" add "Mayor or Mayors designee"
  - Step 2 – "Job Registry" Recruitment (3 Working Days Maximum) (F.) change "A member of the Hiring Committee" to "Human Resource/Payroll Officer"
  - Step 2 – "Job Registry" Recruitment (3 Working Days Maximum) (G.) change "Hiring Committee" to "Human Resource/Payroll Officer"
  - Step 2- Internal Recruitment (5 working days) (B.) change "Hiring Committee to "City" and last sentence "their" to "its" and after sole discretion "by and through the Mayor or the Mayor's designee"
  - Step 2- Internal Recruitment (5 working days) (C.) strike "or the Mayor Hiring Committee (hiring authority)"
  - Step 2- Internal Recruitment (5 working days) (D.) replace in first sentence "Hiring Committee" with "Human Resource/Payroll Officer", and keep "City" eliminating "Mayor". Second sentence eliminate "Hiring Committee" replace with "Mayor or his designee", eliminate "the internal applicants are not qualified" and replace with "is in the best interest of the City to recruit externally"
  - Step 2- Internal Recruitment (5 working days) add (F.) to read "In the event an internal applicant meets minimum qualifications for the position, but the City determines that it is in the best interest of the City to recruit externally, qualified internal applications will be carried over to Step 3. The Human Resources/Payroll Officer will notify the internal applicant that their application will be considered along with those who apply externally"
  - Step 2- Internal Recruitment (5 working days) add (G.) "In the event the City determines that it will consider internal applications without posting externally, the internal applicants will move through the hiring process established herein, beginning at the paragraph titled "Application Screening," below. If at any time the internal applicants are removed from the selection process, or if the City determines during the selection process that external recruitment would be in the City's best interest, the process will revert to Step 3."
  - Step 3 – General Public Recruitment (10 working days) (A.) delete "or internal" in first sentence" and after identified, add "and if no internal applicants have been selected". In the second sentence delete "hiring committee" and add "Mayor, in consultation with the Human Resource/Payroll Officer"
  - Step 3 – General Public Recruitment (10 working days) (B.) Second sentence delete "Hiring Committee" and add "Mayor" and add "or other appropriate sources" at the end of the sentence. Third sentence delete "Hiring Committee" and add "Mayor, in consultation with the Human Resource/Payroll Officer"
  - Application Screening (A): delete "Hiring Committee" and add "Mayor and the immediate supervisor for the position being hired" and add the "Human Resource Payroll Officer" in front of will notify
  - Application Screening (B): delete in first sentence "Hiring Committee" and add "Mayor". Second sentence "Hiring Committee" and add "Mayor and the immediate supervisor for the position being hired"
  - Applicant Selection Process (G): delete "Personnel Board" and add "Human Resource Committee"
  - Personal Interview of Selected Candidates (A) add in first sentence "Mayor should appoint" in front of Hiring Committee, and after add ", consisting of 3 members, one of which must be the immediate supervisor for the position being hired. The Human Resource/Payroll Officer shall be an advisor to the Hiring Committee, and shall attend all meetings of, and interviews conducted by, the Hiring Committee". Second sentence add "The Hiring Committee" in front of along with the Mayor.
  - Employment Confirmation (A): add after the first sentence "and the Mayor must sign the payroll request form. In preparing the Confirmation Letter, the Mayor shall establish a salary being offered for the position, so long as the salary is within the amount budgeted for said position. If the Mayor feels that an increased salary is necessary, such increased amount must be approved by the City Council"
  - Employment Confirmation (B) add "and benefits" after Starting Salary
  - Employment Confirmation (C) add after first sentence "The Confirmation Letter must indicate that the appointment is subject to the consent of the City Council, when applicable"

Chairperson Uden requested that City Attorney Rice make the above noted changes and forward it back to the Committee.

#### 4. Request of Citizens

Sam Malenovsky, Flood Plain Administrator, stated regardless of the Grievance she has filed concerning her wages, she would like to request a meeting with the Human Resources Committee to figure this issue out as it has nearly been a year without any resolution. Mayor Grenz stated he did not think they could do that because there are procedures that have to be followed. Administrator Malenovsky replied that mediation was not in the policy either. Chairperson Uden stated they have to follow the legal guidelines, but if Attorney Martin says yes then that would be ok.

Committee Member Brush stated that Mrs. Malenovsky has an offer that came out of the mediation. Administrator Malenovsky stated that "mediation" did not happen as there was no mediator there to conduct it and there was not even any negotiation. After the session was completed she received a one and only offer that was basically take it or leave it with no discussion or common ground. Mayor Grenz stated what he understood from Attorney Martin there was a 2% thrown out on the table, which was preconceived that everyone would go for, and then someone turned around and wanted a \$6 raise. Both Human Resource Officer Burkhalter and Administrator Malenovsky stated this was incorrect. Mayor Grenz then stated he was told today by Labor Attorney Martin about a 2% increase that the Grievant's wanted to be retroactive back to July 1, 2012, which the City's representatives could not mutually agree on. Administrator Malenovsky stated she was offered 2% beginning July 2013 with no other option and stressed that mediation did not take place.

City Attorney Rice explained that to be called "mediation" requires a mediator, a neutral third party that talks to both sides and tries to get them to agree to something, it was a negotiation but not mediation. Committee Member Ahner agreed, further pointing out the City Council had hired an Attorney to serve as a mediator or a hearing officer. Committee Member Brush stated she thought the purpose of the mediation was for her and Councilperson Andrews to bring forward to the

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Council what they thought they would agree to. Councilperson Hollowell questioned since no mediation had taken place the City had not fulfilled what they said it would do. Human Resource Payroll Officer Burkhalter stated as far as she knew the Grievant's had been denied a mediator and agreed mediation had not taken place. Committee Member Brush stated she felt Attorney Martin was very fair.

Chairperson Uden requested that Committee Member Brush contact Labor Attorney Martin and see if there is an option for them to come back before the Committee.

Administrator Malenovsky stated that a recommendation had been previously made by this Committee to have the Salary Survey looked at for those four positions and she is unsure what happened with that recommendation but would be willing to have them do the survey to include those four positions and look at them fairly. Mayor Grenz stated the thing about the Survey is that we all agreed to accept it and her representative accepted it. Administrator Malenovsky stated she did not accept the survey and no one on her behalf could due to her not being in a Collective Bargaining Unit and that is unlawful.

### 5. Committee Members' comments

- Not addressed

### 6. Adjournment

\*\* Committee Member Ahner moved to adjourn the meeting. The motion was seconded by Committee Member Melnik and passed.

The meeting was adjourned at 8:25 p.m.

\*\* Councilperson Uden moved to approve the minutes of the Human Resources Committee Meeting of April 18, 2013, with corrections. The motion was seconded by Councilperson Melnik and passed unanimously, 8-0.

At this point the Mayor called for a break so the meeting could be moved upstairs to the Council Chambers. The conference room was full and people were standing in the hall to hear the proceedings.

## Public Safety Committee – 4/24/2013

### Public Safety Committee Meeting April 24, 2013

The Public Safety Committee met Wednesday, April 24, 2013, at 6:00 pm in the City Hall Conference Room. Present were Committee Chairperson Dwayne Andrews and Committee Members Sue Galbraith and Jerry Partridge. Committee Member John Hollowell was excused. Also present were Public Utilities Director Al Kelm and Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Andrews brought the meeting to order.

### JAKE BRAKE SIGN VERBIAGE

Chairperson Andrews visited with the City Engineering and Planning Departments. The individuals in those departments felt the signs should read, "Un-muffled Compression Brakes Prohibited." After brief discussion,

\*\* Committee Member Partridge moved to recommend that the signs read, "Un-muffled Compression Brakes Prohibited." The motion was seconded by Committee Member Galbraith and, on roll call vote, passed unanimously, 3-0.

### JAKE BRAKE SIGN PLACEMENT

Chairperson Andrews mentioned that a citizen who lives in the Lynam Addition complained that when jake brakes are used on the Interstate, it shakes the windows in his house. Director Kelm suggested a sign coming off the interstate by 4-B's may help. After some additional discussion,

\*\* Committee Member Galbraith moved to recommend installing the signs at the borders of the City limits, seconded by Committee Member Partridge. The motion passed unanimously, 3-0.

### CITIZEN REQUESTS:

**Move The "No Parking Here To Corner" Sign From Its Present Location To The Other Side Of The Drive-Way At 121 S. Center**

The citizen requesting the sign move lives at 121 S. Center, directly across from the high school. Chairperson Andrews reviewed the site, and said the citizen's driveway could be impacted if someone were to park just outside the no parking zone, by the sign. After brief discussion,

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**\*\*** *Committee Member Galbraith moved to recommend moving the "No Parking Here to Corner" sign from its present location to the other side of the drive-way at 121 S. Center. The motion was seconded by Committee Member Partridge and passed unanimously, 3-0.*

### ADJOURNMENT

**\*\*** *Having no more business to come before the Committee, Committee Member Galbraith moved to adjourn the meeting, seconded by Committee Member Partridge and passed unanimously, 3-0. The meeting was adjourned at 6:15 p.m.*

**\*\*** *Councilperson Galbraith moved to approve the minutes of the Public Safety Committee Meeting of April 24, 2013. The motion was seconded by Councilperson Andrews and passed unanimously, 8-0.*

### **Human Resources Committee – 5/7/2013**

#### **Human Resources Committee May 7, 2013**

The **Human Resources Committee** met Tuesday, May 7, 2013, at 6:00 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 Mayor C.A. Grenz, Councilperson Susanne Galbraith, Councilperson Dwayne Andrews Flood Plain Administrator/Auto Cad/Asst. to Public Works and Utilities Samantha Malenovsky, Community Planner Dianna Broadie, Historic Preservation Officer Connie Muggli and Committee Recorder HR/Payroll Officer Billie Burkhalter.

**1. Roll Call**  
Noted above

**2. Review Mediation request from Floodplain Administrator**

Chairperson Uden explained that Floodplain Administrator Malenovsky has requested the next step in the mediation process for her grievance, and that is a hearing in front of the Human Resource Committee. He further stated there has been a second request for hearing received last week. Chairperson Uden stated that if the Committee was in agreement he would contact the City's Laborer Attorney to begin the process.

Committee Member Ahner clarified that his understanding was mediation was not successful and therefore this individual and one other has requested a hearing before the Human Resource Committee. Chairperson Uden agreed. Committee Member Ahner stated this should be conducted as soon as possible.

Committee Member Ahner stated it was also his understanding that this hearing would be open to the public. Chairperson Uden stated this was correct.

Committee Member Brush wanted to remind Chairperson Uden of the importance of keeping the grievant's hearings separate. Chairperson Uden agreed.

**3. Review amended Recruitment and Selection Policy**

Chairperson Uden stated the corrections requested by the Committee Members to the Recruitment and Selection Policy have been completed by City Attorney Rice.

**\*\*** *Committee Member Ahner moved to recommend to the City Council to approve the Recruitment and Selection Policy that has been drafted by the City Attorney. Motion seconded by Committee Member Melnik, on roll call vote, motion passed unanimously.*

Amended Recruitment and Selection Policy is attached.

**4. Final Committee review of Historic Preservation Officer supervision**

Chairperson Uden explained Ordinance #1254 has been referred by City Council to this Committee.

**\*\*** *Committee Member Ahner moved to recommend to the City Council to approve Ordinance #1254, read by title only, an Ordinance Revising Section 2-351 of the Code of Ordinances of the City of Miles City, Montana, so as to call for the Preservation Officer to be under the Supervision of the Mayor. Motion seconded by Committee Member Melnik.*

Chairperson Uden noted that this Ordinance is for a six month trial period, and questioned if the Ordinance should be amended to reflect this.

**\*\*** *Committee Member Brush moved to amended the motion to state, after the first sentence at the end of paragraph one add "for a trial period of six months when this Ordinance shall be reviewed". Motion seconded by Committee Member Ahner, on roll call vote, motion passed unanimously.*

**\*\****On original motion, on roll call vote, motion passed unanimously.*

**5. Review Federal requirement for Mandatory Criminal Background Check for RSVP (Senior Corps Programs) staff.**

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Committee Member Ahner noted that the Mandatory Criminal Background Check for RSVP staff is a requirement and is at no cost to the City.

Committee Member Brush stated the policy seems to be missing that applicants have a right to review and challenge the results provided to them.

**\*\*** *Committee Member Brush moved to recommend to the City Council to adopt the RSVP Criminal Check policy. Motion seconded by Committee Member Melnik.*

**\*\*** *Committee Member Brush moved to amend the motion to state, at the bottom of the page above the documentation requirements, "Applicants have the right to review and challenge the results of the National Service Criminal History Check, a copy will be provided to the applicant upon request". Motion seconded by Chairperson Uden, on roll call vote, motion passed unanimously.*

**\*\*** *On original motion, on roll call vote, motion passed unanimously.*

### 6. Request of Citizens

-None

### 7. Committee Members' comments

Committee Member Brush requested the status of the Public Works position. Chairperson Uden responded that there are four applicants and interviews will be conducted for all four.

Committee Member Melnik requested the status of the City Clerks position. Chairperson Uden stated they received one applicant that filed by the deadline, who will be interviewed after tonight's meeting.

### 8. Adjournment

**\*\*** *Committee Member Ahner moved to adjourn the meeting. The motion was seconded by Committee Member Melnik and passed.*

The meeting was adjourned at 6:25 p.m.

**\*\*** *Councilperson Uden moved to approve the minutes of the Human Resources Committee Meeting of May 7, 2013, with a correction. During discussion Councilperson Partridge said he felt immaterial corrections, such as misspellings, should be brought to the attention of the City Clerk before or after the meeting, but not during. Councilperson Uden's motion was seconded by Councilperson Melnik and passed unanimously, 8-0.*

## SCHEDULE MEETINGS

**Finance Committee** – Monday, May 20, 2013 @ 6:00

**Planning Board** – Tuesday, May 21, 2013 @ 6:00

**Public Service Committee** – Wednesday, May 22, 2013 @ 6:00

**Special Council Meeting** – Wednesday, May 22, 2013 @ 7:00

## REQUEST OF CITIZENS & PUBLIC COMMENT

-None

## APPOINTMENTS

**City Clerk: Lorrie Pearce**

Councilperson Galbraith, along with Councilperson Hollowell, protested that Ms. Pearce does not meet the minimum qualifications as called for in the job description. Councilperson Galbraith said she would like to see the City advertise for applicants from a wider area, such as Billings or state-wide. Councilperson Partridge noted Ms. Pearce has no accounting experience or education.

Councilperson Ahner said he felt Ms. Pearce had more experience with governmental accounting, claims, auditing and complicated software in regards to budgeting than did the previous City Clerk prior to her employment with the City.

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In response to Councilperson Ahner's comment and Mayor Grenz's assertion that the last two clerks that were hired did not have adequate experience either, Councilperson Galbraith noted that Becky Stanton had a bachelor's degree in accounting and had worked in the accounting department of a large energy company for over ten years. She also mentioned that no one from the City Clerk's office was even on the interview panel.

Councilperson Hollowell said that, while trying to fill a different City director position, both candidates had at least the minimum qualifications, yet the Mayor elected twice to reopen the position to try to find more qualified candidates. He felt there is a contradiction in the way these two positions have been handled.

**\*\*** *Councilperson Ahner moved to approve the appointment of Lorrie Pearce to the City Clerk position, seconded by Councilperson Brush. On roll call, the vote was tied at 4 to 4. Mayor Grenz broke the tie with a yes vote and the motion to approve passed, 4-5.*

### **Planning Board**

#### Jean Stewart

**\*\*** *Councilperson Brush moved to approve the appointment of Jean Stewart to the Planning Board, seconded by Councilperson Hollowell and, on roll call vote, passed unanimously, 8 to 0.*

#### Spencer Haynes

**\*\*** *Councilperson Brush moved to approve the appointment of Spencer Haynes to the Planning Board, seconded by Councilperson Uden and, on roll call vote, passed unanimously, 8 to 0.*

### **Miles City Housing Authority**

#### Jerry Smith

**\*\*** *Councilperson Hollowell moved to approve the appointment of Jerry Smith to the Miles City Housing Authority, seconded by Councilperson Andrews and, on roll call vote, passed unanimously, 8 to 0.*

#### Carol Hardesty

**\*\*** *Councilperson Ahner moved to approve the appointment of Carol Hardesty to the Miles City Housing Authority, seconded by Councilperson Andrews and, on roll call vote and after brief discussion, passed unanimously, 8 to 0.*

#### Sandy Hays (reappointment)

**\*\*** *Councilperson Uden moved to approve the appointment of Sandy Hays to the Miles City Housing Authority, seconded by Councilperson Ahner and, on roll call vote, passed unanimously, 8 to 0.*

#### Mike Schmitz

**\*\*** *Councilperson Hollowell moved to approve the appointment of Mike Schmitz to the Miles City Housing*

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*Authority, seconded by Councilperson Brush and, on roll call vote, passed unanimously, 8 to 0.*

### **Safety Culture Committee**

Fire Chief Dale Berg had been approached to reestablish the Safety Culture Committee, which has not been active since 2010. A member of the Council is required to sit on this board, so he was approaching the Council to ask for a volunteer.

Sue Galbraith said she would sit on this board. During discussion, the Council was told the City is required by the Montana Department of Labor to have a Safety Culture Committee. Each department has a representative on the Committee. The Committee reviews work comp claims by City employees, updates the City's Safety Policies, and encourages safety training and safe workplace practices.

**\*\*** *Councilperson Ahner moved to approve the appointment of Sue Galbraith to the Safety Culture Committee, seconded by Councilperson Uden and passed unanimously, 8-0.*

### **PROCLAMATIONS**

Mayor Grenz noted that May is National Foster Care Month.

### **STAFF REPORTS**

#### **Public Utilities Director Al Kelm**

*Dike Study:* Director Kelm and Flood Administrator Malenovsky reported on this study. No monies will be received until mid to late August, and if work is started sooner, the City may not receive a grant. They met with the Army Corps of Engineers about doing some studies on the dike. The \$25,000 to \$100,000 study will qualify for a 50-50 match with the Corps, and the City's match can include in-kind services. Both the City, through Kadmas, Lee and Jackson (KLJ), and the Corps are doing a study. The Corps study is more technical, but the City's study, although also technical, will incorporate more public involvement. No study will begin by the City until grant money is received. Community Development Block Grant (CDBG) is also one of the funding sources.

*Strevell Ave Project:* The work is moving along well. The engineer, Andy Marum, said the base of the street was worse than anticipated, so more dirt had to be removed to build it up again. He also said that was why the street had previously had so many problems. This extra work increased the costs by about \$34,000. The work to replace the water mains in this area from 6" to 10" is going right on schedule and sometimes ahead of schedule.

*Riverside Park:* Director Kelm said the new bathrooms will be finished and available for the Bucking Horse Sale. Final completion will be in 30 days.

*Swimming Pool Roof:* The roof is going up; the work should be done by the end of the month. June 3rd is the tentative date for opening the pool.

*Haynes Avenue Lift Station:* The new lift station is completed and working.



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*Influent Building:* This should be completed by July or August.

### **Finance Clerk Linda Wildman**

Finance Clerk Wildman welcomed Lorrie Pearce as the new City Clerk. She then announced her resignation, effective June 14th. Deputy City Clerk for 25 years until January of this year, Wildman has 38.5 years with the City.

### **CITY COUNCIL COMMENTS**

**John Uden** – Said the hearings on the two wage grievances will be held in the near future.

... Noted there has recently been some work done on a few problem areas on the Tongue River dike.

**Jerry Partridge** – Miles City Redi Mix – feels it is a dangerous place and something needs to be done. The Mayor said Police Chief Colombik sent out a letter a few days ago.

**Roxanna Brush** – Mentioned the successful benefit that was recently held for a cancer victim and thanked the people of Miles City for their support.

**Sue Galbraith** – Praised Director Kelm for doing an amazing job with all the various projects around the City.

**Dwayne Andrews** – Thanked Linda Wildman very much for her long service with the City.

### **MAYOR COMMENTS**

- Noted the City has been approved for a \$500,000 TSEP grant for the Wastewater Plant Project
- Received a letter from Mac's Frontierland where they praised the workers on the lift station for their professionalism
- Thanked Keep America Beautiful for the clean-up over the weekend
- Said he has received a request from Fred Tetschner to use the City's shooting range to give gun safety and shooting lessons to young people. Attorney Rice will prepare a resolution to address this at the next council meeting.
- Distributed a sheet showing the CTEP funds that are available for Custer County
- Referenced the MMIA letter regarding insurance coverage for special events, which had been placed in the councilpersons' mailboxes. He said he has made arrangements for the insurance requirements for the Bucking Horse Sale - \$1,000,000 coverage and \$2,000,000 aggregate.
- Has received complaints about the sewer smell from the Wastewater Treatment Plant – Director Kelm has addressed this.

### **COMMITTEE RECOMMENDATIONS**

#### **Recommendation from Public Safety Committee: 4/24/13**

1. Verbiage of "Jake Brake" signs to read: "Un-muffled Compression Brakes Prohibited

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Attorney Rice informed the Council that the City cannot place the signs where they had anticipated without permission from the Department of Transportation; however, they can approve the verbiage.

\*\* *Councilperson Andrews moved to approve the verbiage of the “jake brake” signs, seconded by Councilperson Uden and, on roll call vote, passed unanimously, 8-0.*

### 2. Placement of “jake brake” signs

\*\* *Councilperson Hollowell moved to approve the placement of the “jake brake” signs, contingent upon the approval of the Department of Transportation. The motion was seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 8-0.*

### 3. “No Parking Here to Corner” at 121 S. Center to other side of the driveway

\*\* *Councilperson Galbraith moved to move the “No Parking Here to Corner” sign at 121 S. Center to the other side of the driveway, seconded by Councilperson Hollowell. After brief discussion, the motion, on roll call vote, passed unanimously, 8-0.*

### **Recommendations from Human Resource Committee: 5/7/2013**

#### 1. Approve the Recruitment & Selection Policy that has been drafted by the City Attorney

\*\* *Councilperson Ahner moved to approve the Recruitment and Selection Policy, seconded by Councilperson Melnik.*

Councilperson Andrews felt it was important to put some checks and balances in the policy. There are several places in the policy that reference “the mayor or the mayor’s designee.” He said he felt the policy gives the Mayor total hiring power, and leaves the department head completely out of the decision making when it comes to hiring someone for his or her department. He feels the department head is probably one of the people who is best suited to determine what the job requirements are and whether the prospective employee can meet the minimum qualifications of the position.

In Step 2 (B), the document refers to “the City reserves the right to hire.” Councilperson Andrews said he doesn’t know who “the City” is, and feels this should be clarified.

Step 3(C), states, “copies of all final ads will be retained for record-keeping....” Councilperson Andrews felt that “by the Human Resource Officer” should be added to that sentence.

Under Application Screening, (B), where it says “the Mayor, in consultation with the immediate supervisor...” he felt it should say “in concurrence with the immediate supervisor, so that both the Mayor and the immediate supervisor would agree on the person to be hired.

Personal Interview (A) “...Mayor shall appoint...” It should read, he felt, “...Mayor shall appoint in concurrence with department head...”

(C) “The Mayor in concurrence with the department head...” was also a suggestion by Councilperson Andrews. Councilperson Andrews stressed that

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these are simply suggestions that, he felt, would make a better document and a better procedure.

P. 6, Employment Confirmation. Councilperson Andrews said he was not sure where the salary survey fits into this, as it only states, ".....Mayor shall establish a salary being offered for the position, so long as the salary is within the amount budgeted for the position." He felt it should be added, "...and is reflected in the 2012 wage analysis survey."

Councilperson Partridge stated he will vote against this revised hiring policy because it gives the Mayor unusual powers he has not had before.

Attorney Rice said it does not expand the Mayor's power, but only sets out options he would already be legally entitled to do.

Councilperson Galbraith asked about P. 4, Step 3, (B) General Public Recruitment. "The Mayor may elect to utilize.....or other appropriate sources." She felt there should be some consistency in whether the recruitment is "far and wide" or simply locally. She felt that, specifically, department heads should be recruited at least state-wide.

Councilperson Ahner pointed out that P. 1.13.5, Number (G) states that "Provision must be made for an annual review ...of this Policy..."

\*\* *Councilperson Partridge then called for the question, seconded by Councilperson Brush. On roll call vote, the motion on the question failed 5 to 3, with Councilpersons Melnik, Hollowell and Andrews voting no. A vote on the question requires a 2/3 vote of the council to pass, or six yes votes.*

Councilperson Hollowell asked if, after internal and external recruitment, whether that is the end of the process. Attorney Rice said the Mayor is not bound to hire just because it has been opened internally and externally.

\*\* *On Councilperson Ahner's original motion to approve the Recruitment & Selection Policy, and on roll call vote, the motion passed 5 to 3, with Councilperson Galbraith, Partridge and Andrews voting no.*

- 2) Amend Ordinance #1254 to state under the 1<sup>st</sup> paragraph, last sentence, to include six months for a trial period when the ordinance will then be reviewed.

\*\* *Councilperson Brush moved to amend Ordinance 1254 to include a "sundowner" statement: In the first paragraph, last sentence, "to include a six-month trial period, after which the ordinance will then be reviewed." The motion was seconded by Councilperson Hollowell.*

Councilperson Ahner referred to the memo received by Attorney Rice, in which he stated "if the ordinance is adopted as drafted, and if the new arrangement works well, no action will need to be taken. If after six months the arrangement is not working well, it would then be appropriate to revise the code again, as we are doing now." Attorney Rice recommended the ordinance remains as is and, if the arrangement is not working after six months, it can then be revised. If it is working, nothing will need to be done. It makes the ordinance cumbersome and "broken."

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**\*\*** *After additional discussion, and on roll call vote, Councilperson Brush's motion to amend Ordinance 1254 failed 7-1, with Councilpersons Galbraith, Ahner, Melnik, Hollowell, Uden, Partridge and Andrews voting no.*

3) Amend RSVP Criminal Check Policy to state, "Applicants have the right to review and challenge the results of the National Service Criminal History Check; a Copy Will Be Provided to the Applicant upon Request."

**\*\*** *Councilperson Brush moved to approve the amendments to the RSVP Criminal Check Policy, seconded by Councilperson Ahner and, on roll call vote, passed unanimously, 8-0.*

4) Recommendation to Adopt RSVP Criminal Check Policy

**\*\*** *Councilperson Uden moved to adopt the RSVP Criminal Check Policy, seconded by Councilperson Brush and, on roll call vote, passed unanimously, 8-0.*

### PUBLIC HEARINGS

**ORDINANCE NO. 1254:** An Ordinance Revising Section 2-351 of the Code of Ordinances of the City of Miles City, Montana, so as to Call for the Preservation Officer to be Under the Supervision of the Mayor

Mayor Grenz called for comments from proponents three times, then called for comments from opponents three times. Hearing no comments, the hearing was closed.

**RESOLUTION NO. 3588:** A Resolution of Intent to Create A Special Improvement District Number 211, To Improve And Pave Certain Portions Of Arrowhead Lane, Including Curb And Gutter, Within The Southgate Meadows Subdivision In Miles City, Montana.

Mayor Grenz called for comments from proponents three times. There were four comments in favor of the Resolution: Ron Stanton, 333 Arrowhead Lane, Sue Stanton, 317 Arrowhead Lane, John Klamm, 415 Briar Lane, and Paul Oakland, 414 Missouri. The Mayor then called for comments from opponents three times. Hearing no further comments, the hearing was closed.

### OLD BUSINESS

**ORDINANCE NO. 1254:** An Ordinance Revising Section 2-351 of the Code of Ordinances of the City of Miles City, Montana, so as to Call for the Preservation Officer to be Under the Supervision of the Mayor

**\*\*** *Councilperson Ahner moved to accept Ordinance No. 1254, read by title only, seconded by Councilperson Melnik. After brief discussion, during which it was noted that the City Planner is not in favor of this change, the motion passed, 5 to 4, with Mayor Grenz breaking the tie with a yes vote. Councilpersons Galbraith, Partridge, Brush and Andrews voted no. Ordinance No. 1254 was adopted.*

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**BID AWARDS**

-None

**BID OPENING**

Current Production Model of a Hydraulic Excavator  
Current Production Model of a 4-Wheel Drive, Extendable Stick,  
Backhoe & Loader

There were three bids received for the Excavator and the Backhoe, as follows:

NAME	EXCAVATOR	REPURCHASE	BACKHOE	REPURCHASE
Titan	\$180,377 TI = \$74,120 Case CX210C Avail: 120 days	Yr 3= \$129,770 Yr 4= \$121,894 Yr 5= \$114,665	\$98,878 TI = \$46,528 Case 580 SN Avail 60-90 days	Yr 3= \$71,137 Yr 4= \$66,869 Yr 5= \$62,857
T & E	\$209,700 TI = \$101,000 320 EL CAT Avail 20-45 days	Yr 3= \$119,850 Yr 4= \$108,700 Yr 5= \$ 97,550	\$101,645 TI = \$44,000 CAT 420F Avail 110-135 days	Yr 3= \$60,475 Yr 4= \$52,050 Yr 5= \$43,700
RDO	\$214,800 TI = \$120,000 210 JD GLC Avail = ?	Yr 3= \$129,500 Yr 4= \$118,700 Yr 5= \$109,800	\$109,000 TI = \$50,000 JD 310SK Avail = ?	Yr 3= \$71,200 Yr 4= \$65,100 Yr 5= \$60,200

**\*\***     *Councilperson Ahner moved to refer the bids for the Excavator to the Finance Committee, seconded by Councilperson Uden and, on roll call vote, passed 7-1, with Councilperson Partridge voting no.*

**\*\***     *Councilperson Uden moved to refer the bids for the Excavator to the Finance Committee, seconded by Councilperson Melnik and, on roll call vote, passed 7-1, with Councilperson Partridge voting no.*

**NEW BUSINESS**

**Approval of April claims**

**\*\***     *Councilperson Brush moved to approve the April, 2013, claims, seconded by Councilperson Uden and, on roll call vote, passed unanimously.*

**ORDINANCE NO. 1252:** An Ordinance Amending Sections 24-4, 24-5, 24-7, 24-8, 24-16, 24-18, 24-46, 24-47, 24-50, 24-51, 24-53, 24-54,24-58, 24-59, 24-62, 24-66, 24-67, 24-68, 24-70, And 24-71 Of The Code Of Ordinances Of The City Of Miles City, Montana To Conform To Changes In Montana Statute (First Reading)

**\*\***     *Councilperson Brush moved to adopt the ordinance on first reading and read by title only. The motion was seconded by Councilperson Ahner and, on roll call vote, passed unanimously.*

**ADJOURNMENT**

**\*\***     *Councilperson Brush moved to adjourn the meeting, seconded by Councilperson Galbraith and passed unanimously, 8-0.*

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The meeting was adjourned at 9:30 p.m.

  
C.A. GRENZ, Mayor

  
Connie Watts, Deputy City Clerk