

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

**REGULAR COUNCIL MEETING**

**May 28, 2013  
7:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, May 28, 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, John Hollowell and Sue Galbraith.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Fire Chief Dale Berg, Police Chief Doug Colombik, RSVP Director Betty Vail 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 – 5/14/2013**

**\*\*** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of May 14, 2013, seconded by Councilperson Melnik.*

**\*\*** *Councilperson Brush moved to amend the minutes to include discussion on the other appointments made at that meeting, seconded by Councilperson Uden.*

Councilperson Brush said she felt the discussion included on the appointments was selective.

Deputy City Clerk/Recorder Watts explained that minutes are not a transcript of proceedings. If the discussion seems relevant to the decision, the discussion is included.

Councilperson Ahner quoted from the Montana Municipal Officials Handbook in regards to meeting minutes “The City Clerk is responsible for the recording of the minutes”... and these items should be included: “date, time and place of meeting, those members attending, and substance of all matters proposed, discussed or decided.” The minutes should be a “brief record of what happened, the proceedings, and not necessarily a record of what was said by council members.”

Councilperson Galbraith noted that the other appointments were approved unanimously, whereas the Pearce appointment was a 4 to 4 tie, with Mayor Grenz breaking the tie. She felt that, in this instance, some recording of the discussion should be included to indicate why individuals voted as they did.

**\*** *On roll call vote, Councilperson Brush’s motion to amend failed 5 to 3, with Councilpersons Uden, Ahner and Brush voting yes.*

**\*** *Councilperson Galbraith’s original motion, on roll call vote, passed 7 to 1, with Councilperson Brush voting no.*

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## Finance Committee – 5/20/2013

### Finance Committee Meeting May 20, 2013

The Finance Committee met Monday, May 20, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members John Uden, Bill Melnik and Roxanna Brush.

Also present were Mayor C. A. Grenz, Public Utilities Director Al Kelm, Historic Preservation Officer Connie Muggli, City Planner Dianna Broadie, Shop Mechanic Scott Ask, Shop Foreman Dan Decker and Deputy City Clerk/Recorder Connie Watts.

#### Street Sweeping/Cleaning Agreement with MDOT

Chairperson Ahner presented the FY 2013-2014 Sweeping Agreement with the State of Montana Department of Transportation.

\*\* After discussion, Committee Member Uden moved to recommend approval of the Sweeping Agreement, as presented. The motion was seconded by Committee Member Melnik and passed unanimously, 4-0.

#### Proposed Historic Preservation Fee Schedule for Provided Services

Preservation Officer Muggli said that fund raising is an ineligible activity under the State Historical Preservation Grant, and they have been providing the bulk of the operating monies for quite some time. A fee schedule, therefore, would generate additional revenue for the Preservation Society. These fees would not be mandatory to the public, as they are fees for services desired but not required. A copy of the proposed fee schedule is attached to these minutes. After additional discussion,

\*\* Committee Member Uden moved to recommend approval of the proposed fee schedule, seconded by Committee Member Ahner and passed unanimously 4-0.

#### Review of Bids for Hydraulic Excavator

Three bids were submitted for the Excavator, as set out in the attached chart. Director Kelm said that, bottom line, the Excavator actually came in under budget by \$70,755.

\*\* Committee Member Brush moved to recommend accepting the bid of RDO Equipment for the John Deere 210GLC in the amount of \$214,800, with a trade-in value of \$120,000, for a net price of \$94,800. The motion was seconded by Committee Member Melnik and passed unanimously, 4-0.

#### Review of Bids for 4-Wheel Drive, Extendable Stick, Backhoe and Loader

Three bids were submitted for the Backhoe, as set out in the attached chart.

\*\* After discussion, Councilperson Brush moved to recommend accepting the bid of Tractor & Equipment Company for the CAT 420F in the amount of \$101,645, with a trade-in value of \$44,000, for a new purchase price of \$57,645. The motion was seconded by Committee Member Melnik and passed unanimously, 4-0.

#### Discuss Asbestos Remediation of Old FWP Building

Director Kelm had Bruce Ingraham, Ingraham Environmental, looked at the Fish, Wildlife and Park building with regards to leasing it to another party. Mr. Ingraham said he felt there was a liability issue because of the asbestos. He felt it needed a \$3000 study to determine what type asbestos was there and to come up with a plan to remove it. Mr. Ingraham said he thought an asbestos report had been completed by a prior inspector, and it should be here somewhere at City Hall. No copy of the report has been found by FWP, the previous inspector, or the EPA. No matter what it is being used for, however, the asbestos would have to be removed from the building.

Historic Preservation Officer Muggli said she would check to see if there may be funds available through a grant to clean up the asbestos.

#### Review Ordinance #1252 – Amendments to Miles City's Zoning Ordinance

Chairperson Ahner noted that this Zoning Ordinance comes to the Committee from the Council on first reading.

City Planner Broadie said the Ordinance actually needs many revisions, of which this one will be the first stage. The others will be presented to the Council at later dates. She noted this revision broadens the definition of "historic district" to include areas like the Convent.

Regulations shall be made in accordance with the City's growth policy. They are trying to make the Ordinance more City specific. After additional discussion,

\*\* Committee Member Ahner moved to recommend Ordinance #1252 be adopted, seconded by Committee Member Uden and passed unanimously, 4-0.

#### Request of Citizens

None

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## Adjournment

Having no more business to come before the Committee,

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

The meeting was adjourned at 7:00 p.m.

\*\* *Councilperson Ahner moved to approve the minutes of the Finance Committee Meeting of May 20, 2013. The motion was seconded by Councilperson Brush and passed unanimously, 8-0.*

## **Public Services Committee – 5/22/2013**

### **Public Services Committee Meeting May 22, 2013**

The **Public Service Committee** met Wednesday, May 22, 2013, at 6:00 pm in the City Hall conference room. Present were Committee Chairperson Sue Galbraith and Committee Members Jerry Partridge, Dwayne Andrews and John Hollowell. Also present were Grant Administrator Dawn Colton and Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Galbraith called the meeting to order.

#### **1. Request by Shanna Abbott for Fence Encroachment at 115 N. Winchester Avenue**

Shanna Abbott, 115 N. Winchester Ave., presented her request for a fence encroachment on City property. She requested permission to put in a six-foot wide sidewalk at the curb, extending the full width of the front of her property. She mentioned that there are no other sidewalks on that block. She would then like to put in a fence at the sidewalk with the sides connecting to the existing fence in her backyard. A diagram of the property is attached to these minutes.

The Committee members cautioned Ms. Abbott to check with the Engineer's Office upstairs at City Hall to determine the exact requirements with which she needed to comply to install the fence. For example, a fence in the front yard can be no higher than three feet in the front of the property. After some additional discussion,

\*\* *Committee Member Hollowell moved to recommend allowing the fence encroachment, contingent upon the homeowner complying with all the regulations from the Engineering Department and also contingent upon the installation of the six-foot sidewalk. The motion was seconded by Committee Member Partridge and, on roll call vote, passed unanimously, 4-0.*

#### **2. Update on Montana Ave. Sidewalks/Milwaukee Railroad Crossing**

Grant Administrator Colton updated the Committee on the above-mentioned sidewalks, which would be a CTEP project. This Committee had selected the Milwaukee project to be second priority. This project consists of replacing the sidewalk from Gordon to Ivy along North Montana Street, including repairing the crossing at the Milwaukee tracks. In addition, the project would construct a sidewalk from Lincoln Street to Bender Park. She included pictures of the site. Administrator Colton performed a review of the site, and now recommends dropping the portion of the project from Lincoln to Bender Park.

One side of the street would be very conducive to putting in a sidewalk. Then the sidewalk might have to switch to the other side of the street because of ditches on that side, and then would have to switch back. Both sides of the street encounter the Slough, which may need to have a bridge constructed over it. She feels this stretch of sidewalk would be very problematic and, because of all the "fix" issues, would also become very expensive. It is, however, not in the flood-way. The sidewalk, alone, to Bender Park would be \$80,000.

Engineering is currently figured at 35% of the construction. If no right of way issues are encountered, those costs could drop to 25%. She has talked to Transisco to determine if there are permits required, but has not heard back from them yet.

There are two options to repairing the Milwaukee crossing. One is to place concrete blocks between the tracks as has been done on 10th Street. The other is to place wooden blocks between the tracks which, of course, deteriorate much faster than the concrete.

**Discussion: Sidewalks/CTEP/Matching** Committee Member Hollowell asked how the committee would feel about recommending to the Council that individuals whose properties fall within the CTEP project areas be required to pay the 13% match. All members of the Committee were in favor of considering this idea.

#### **3. Request of Citizens**

There were no requests of citizens.

## **ADJOURNMENT**

\*\* *Having no further business, Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Hollowell and passed unanimously, 4-0.*

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

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

- \*\* Councilperson Galbraith moved to approve the minutes of the Public Services Committee Meeting of May 22, 2013. The motion was seconded by Councilperson Andrews and passed unanimously, 8-0.

## **Special Council Meeting – 5/22/2013**

- \*\* Councilperson Uden moved to approve the minutes of the Special Council Meeting of May 22, 2013, and, on roll call vote, the motion passed unanimously, 8-0.

## **SCHEDULE MEETINGS**

None

## **REQUEST OF CITIZENS & PUBLIC COMMENT**

None

## **APPOINTMENTS**

None

## **PROCLAMATIONS**

None

## **STAFF REPORTS**

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

*Riverside Park:* Director Kelm said the new bathrooms were very heavily used Saturday morning. Park employees were working that morning to make sure they remained clean and stocked. He mentioned the Jackson Group (contractors) were very impressed with the condition of the Park after the Bucking Horse Sale was over.

*Paving for the Parking Lot at Riverside Park:* Director Kelm has received some estimates for that, and he would like to address this at the next Finance Committee Meeting.

*Swimming Pool Roof:* The roof is not finished yet; if the weather cooperates it should be finished by the 31<sup>st</sup>, and the pool should be open on June 3. The interior of the bathhouse will be painted, lights installed and privacy curtains hung over the women's dressing areas.

*Strevell Ave Project:* The contractors have been slowed down somewhat by the rain and have been given some rain days, but they are still ahead of schedule.

## **CITY COUNCIL COMMENTS**

### **John Uden**

- ... has been hearing a lot of compliments on the Park improvements. He does feel that the old storage shed in the park looks very bad. Director Kelm agreed the building is in need of a lot of repair – scraping, painting, etc. Electrical equipment, irrigation timers, and some smaller hand equipment is stored there.

# PROCEEDINGS OF CITY COUNCIL

## MILES CITY, MONTANA

- Reported that there are four applicants for the Public Works Director's position. Two will be interviewed on June 4<sup>th</sup> and two on June 6<sup>th</sup>.
- One of the aforementioned applicants has requested air fare to Billings from Cour D'Alene, Idaho, for his interview. The Mayor has agreed to pick him up in Billings Monday evening and take him back Wednesday morning. Because of airline schedules, he would need to spend two nights in Miles City. Councilperson Uden said the position has been vacant almost two years, for a savings of at least \$57,000, and the monies for his travel could be taken out of there, specifically Street Maintenance Districts 204 and 205. He asked for a straw poll from the Council, which resulted in Councilpersons Partridge, Melnik, Hollowell and Galbraith voting against. He noted that the interview committee will consist of the Mayor and Sonja Woods, and he will be contacting Jerry Backlund, of the Custer County Road Department, tonight to request he sit in on it, also.

### **Mark Ahner**

- ...noted that the old Fish, Wildlife and Parks quonset building, donated to the City some years ago, contains asbestos in the floor tiles and possibly in other places. The asbestos does need to be removed, whether it will be used, sold or torn down. He had asked the Historic Preservation Officer if grants might be available for a study to see what problems might be found in the building. She said the EPA is willing to fund a study for that. Then an organization in Wolf Point, which has \$750,000 available for asbestos remediation, would pay 80% of the cost, and the City's remaining 20% match could be in cash or in kind.
- ...has established the dates for the budget review for each department. These reviews are from the 12<sup>th</sup> through the 20<sup>th</sup> of June. He encouraged all Council members to attend as many of these meetings as they can.

### **Roxanna Brush**

- ...congratulated everyone for being safe over Bucking Horse Sale weekend, and said good job to everyone having anything to do with making it another successful event.

### **Jerry Partridge**

- said that, after spending 8 years trying to deal with the FWP building, he would hope the City would not put any more money into it. He feels it is money that is just going to be lost.

### **MAYOR COMMENTS**

- The Beautify America Program went really well; they did a lot of work around town.
- Sewer smell – Director Kelm has not heard any complaints lately.

### **COMMITTEE RECOMMENDATIONS**

#### **Recommendation from Finance Committee: May 20, 2013**

#### **Historic Preservation Fee Schedule**

- \*\* *Councilperson Ahner moved to approve the proposed Historic Preservation Fee Schedule for provided services, with the understanding that there is a requirement for a resolution to be adopted at some future date prior to formally implementing the fees. The motion was seconded by Councilperson Uden and, after discussion and on roll call vote, passed unanimously 8-0.*

**PROCEEDINGS OF CITY COUNCIL  
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**Recommendation from Public Services Committee of May 22, 2013**

Approve Fence Encroachment at 115 N. Winchester

- \*\*** *Councilperson Hollowell moved to approve the fence encroachment at 115 N. Winchester, seconded by Councilperson Melnik. After brief discussion the motion, on roll call vote, passed unanimously, 8-0.*

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

None

**BID AWARDS**

**Hydraulic Excavator**

- \*\*** *Councilperson Ahner moved to award the bid to RDO Equipment as the vendor for a John Deere 210 GLC for a net cost of \$94,800 for a hydraulic excavator. The motion was seconded by Councilperson Brush and, on roll call vote, passed unanimously.*

**Backhoe**

- \*\*** *Councilperson Ahner moved to award the bid to Tractor & Equipment for a CAT 420F at a net price of \$57,645 for a current production model of a 4-Wheel Drive, Extendable Stick, Backhoe and Loader. The motion was seconded by Councilperson Melnik.*

Councilperson Ahner commended Director Kelm and those he worked with for obtaining these two pieces of equipment at \$70,000 under budget.

- \*** *On roll call vote, Councilperson Ahner's motion passed unanimously, 8-0.*

**BID OPENING**

**Paving in Maintenance District 205**

Director Kelm opened the one bid submitted, which was from Century Paving. The bid was for \$118,560 for the 988 tons of asphalt for the 205 Paving District. Cold mix: \$82 a ton if we pick it up, delivered is \$90 a ton. Hot mix: & \$75 a ton if we pick it up and street leveling is \$140 a ton. He noted these figures are actually under budget, which was originally \$144,000.

- \*\*** *Councilperson Uden moved to send the bid to the Finance Committee for review, seconded by Councilperson Brush and, on roll call vote, passed unanimously 8-0.*

**PROCEEDINGS OF CITY COUNCIL  
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**NEW BUSINESS**

- a.     **RESOLUTION NO. 3591:** A Resolution Authorizing the Placement of Signs Prohibiting the Use of Un-Muffled Compression Brakes

**\*\***     *Councilperson Galbraith moved to approve the resolution by title only, seconded by Councilperson Andrews.*

**\*\***     *Councilperson Uden moved to amend Resolution 3591 to also include the points of entry into the City of Miles City as follows: Valley Drive E, Main Street on the west end, Highway 59 North and Garryowen Road on Pacific, Haynes Avenue at the northern and southern points of entry into the city limits, and Highway 312 coming into Main Street on the west end. The motion to amend was seconded by Councilperson Andrews and, on roll call vote, passed unanimously 8-0.*

**\***     *Councilperson Galbraith's original motion to approve Resolution 3591 was then passed unanimously, on roll call vote, 8-0. **Resolution 3591 was adopted.***

- b.     **RESOLUTION NO. 3594:** A Resolution Revising City Of Miles City Personnel Policies Regarding Recruitment And Selection

**\*\***     *Councilperson Ahner moved to approve Resolution 3594 by title only, seconded by Councilperson Melnik and, on roll call vote, passed 7-1, with Councilperson Partridge voting no. **Resolution 3594 was adopted.***

- c.     **RESOLUTION NO. 3595:** A Resolution Approving A City Of Miles City RSVP Criminal History Check Policy

**\*\***     *Councilperson Uden moved to approve Resolution 3595 by title only, seconded by Councilperson Andrews and, on roll call vote, passed unanimously, 8-0. **Resolution No. 3595 was adopted.***

- d.     **RESOLUTION NO. 3596:** A Resolution Authorizing The City Of Miles City To Enter Into An Agreement With The Montana Department Of Transportation For Street Sweeping For Fiscal Year 2013-2014.

**\*\***     *Councilperson Ahner moved to approve Resolution 3596 by title only, seconded by Councilperson Melnik and, on roll call vote, passed unanimously, 8-0. **Resolution No. 3596 was adopted.***

**ADJOURNMENT**

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

**PROCEEDINGS OF CITY COUNCIL  
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The meeting was adjourned at 8:10 p.m.

  
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**C.A. GRENZ, Mayor**

  
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**CONNIE L. WATTS, Deputy City Clerk**