

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

REGULAR COUNCIL MEETING

June 25, 2013
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 25, 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 Mark Ahner, Dwayne Andrews, Roxanna Brush, Sue Galbraith, John Hollowell, Bill Melnik, Jerry Partridge, John Uden.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Fire Chief Dale Berg, Police Chief Doug Colombik, City Planner Dianna Broadie, Grant Administrator Dawn Colton, Payroll/HR Officer Billie Burkhalter, Utility Billing Clerk Patti Bishop, Assistant Billing Clerk Linda McDowell, Parks Foreman Scott Gray, Engineering Clerk/Receptionist Diana Larson, 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 – 6/11/2013

- **** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of June 11, 2013, seconded by Councilperson Brush and passed unanimously, 8-0.*

Finance Committee Meeting: 6/12/2013

Finance Committee Meeting June 12, 2013

The Finance Committee met Wednesday, June 12, 2013, at 5:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members John Uden and Bill Melnik. Councilperson Brush arrived at about 5:25 p.m.

Also present were Mayor C. A. Grenz, Public Utilities Director Al Kelm, City Planner Dianna Broadie, Grant Administrator Dawn Colton, Flood Administrator Samantha Malenovsky, Councilperson Dwayne Andrews and Deputy City Clerk/Recorder Connie Watts.

Review of Paving Bid for Street Maintenance District #205

The bid of \$118,560 from Century Paving is for paving both sides of Riverside Street on N. Jordan and N. Center up to Sixth Street, as well as part of Gordon Street, if there is enough money left over. \$144,000 has been budgeted, so Director Kelm would like to use the entire budgeted amount to get as much paving done as possible.

- **** *Chairperson Ahner moved that the paving bid for SD #205 be awarded to Century Paving for \$118,560. If the paving can be acquired at the same rate as the \$118,560, then the additional \$26,000, for a total of \$144,000 (as was originally budgeted,) would also be included in the contract. Committee Member Uden seconded the motion, which passed unanimously, 3-0.*

Renewal of Ken and Alane Stabler's Lease of Lots 44, 45 and 24 and 25 of Tract E of the Industrial Site

Planner Broadie explained the Stablers are requesting to renew their lease, which is due to expire at the end of this month, for a 10-year term with an increase in the rate at five-year intervals. This would set this lease with the same terms as their other leases, and would all come due at the same time.

- **** *Committee Member Uden moved to recommend approval of the lease of Lots 25 and 26 of Tract E of the Industrial Site to Ken and Alane Stabler, changing the term from one year to ten years, with an increase in rate every five years. The motion was seconded by Committee Member Melnik and passed unanimously 3-0.*

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Review CTEP "Safe Route to School" Modification to Contract

Administrator Colton said this modification changes the original contract to include segments 3 and 4. The only thing that changes for the City is the match, which will go from \$1,773 to \$3,875, and which will be taken out of Maintenance District #205.

- ** *Committee Member Uden moved to recommend that the modification of the contract for SRTS/CTEP, which will increase the City's portion from \$1,773 to \$3,875, be approved. Committee Member Melnik seconded the motion, which then passed unanimously 3-0.*

Review of City/KLJ Contract for Floodplain & Flood Control Engineering Services

Flood Plain Administrator Malenovsky explained that Kadrmass, Lee and Jackson, Inc., have been assisting the City with general engineering studies, attending meetings and working with the Army Corps of Engineers, so far at no charge. If we want to continue having them help us, they would like to be reimbursed for the time they spend here. The cost will not go over \$10,000, and they will let us know if it begins to approach that amount. The funds will come out of the Flood Plain FY 13-14 budget.

- ** *Committee Member Uden moved to recommend approval of the contract with KLJ for Flood Plain and Flood Control Engineering Services for FY 13-14 in the amount of \$10,000. The motion was seconded by Councilperson Melnik and passed unanimously, 4-0.*

Paving of Riverside Park Parking Lot

Director Kelm said he had \$9,000 in the budget to pave the parking lot at Riverside Park. However, the Jackson Group, to remove and repave, quoted \$12,499 to the City. Later they came back and offered to pull everything out, repave the parking lot in 4" thick concrete and meet all ADA requirements. They were able to do this because John Peila, of Diamond J Construction, offered to donate his time and labor to do the concrete work. The spending of the \$9,000 only needs to be approved by the Mayor and the Finance Committee, as it was already in the budget.

- ** *Chairperson Ahner moved to approve the budgeted \$9,000 paving project be granted to the Jackson Group, with the work being done by Diamond J Construction, for the parking lot at the Riverside Park restrooms. The motion was seconded by Committee Member Melnik and passed unanimously, 4-0.*

Amend Resolution 3550, Setting Wages for Life Guards

While signing hiring sheets for lifeguards, Mayor Grenz noticed that the wages were not consistent with what was indicated by this fiscal year's salary resolution. That salary resolution sets the wage for lifeguards at \$7.65 per hour, but the hiring sheet set the wage at \$9 or \$10. He feels the higher wage is appropriate, considering the training they must have, which they pay for themselves, and the level of responsibility of the lifeguard position.

- ** *Chairperson Ahner moved to amend Resolution 3550 to read: "Life guards for the first year will receive \$9 per hour; life guards for the second and succeeding years will receive \$9.31 per hour. Life guards will receive an additional \$.20 per hour for WSI certification. This wage scale would also apply to the next fiscal year of 13-14. Committee Member Uden seconded the motion, which then passed unanimously 4-0.*

Request of Citizens

None

Adjournment

Having no more business to come before the Committee,

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

The meeting was adjourned at 5:45 p.m.

- ** *Councilperson Ahner moved to approve the minutes of the Finance Committee Meeting of June 12, 2013. The motion was seconded by Councilperson Melnik and passed unanimously, 8-0.*

Special Council Meeting: 6/13/2013

- ** *Councilperson Uden moved to approve the minutes of the Finance Committee Meeting of June 13, 2013. The motion was seconded by Councilperson Brush and passed unanimously, 8-0.*

SCHEDULE MEETINGS

Human Resources Committee: Tuesday, July 2, @ 6:00 p.m.

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REQUEST OF CITIZENS & PUBLIC COMMENT

Dorothy Armstrong, 1018 S. Stacy, thanked the council for including a flood plain feasibility study in the preliminary budget. She said, however, that her greatest concern is “the end result will be layoffs of city personnel and/or employees” in order to fund the study. A copy of her letter, which she distributed to the Council members, is attached to these minutes.

Sylvester Augustyn, 616 Knight, asked what could be done to control pigeons in the City, specifically the Historic Miles City Academy, formerly the Ursuline Convent. Police Chief Doug Colombik explained that he is working with the City Attorney to draft an ordinance that will allow the City police to shoot the pigeons on sight, although there has been opposition to this method of control.

APPOINTMENTS

Public Works Director:

Sue Galbraith protested that the Public Works Director, a department head, is appointed by the mayor with the consent of the council. Having received no name or information on the applicant in the council packet, however, she felt the Council would be unable to develop an informed opinion.

****** *Councilperson Brush moved to appoint Scott Gray as Public Works Director, seconded by Councilperson Melnik and, on roll call vote, passed 6-1, with Councilperson Galbraith voting no and Councilperson Hollowell abstaining.*

PROCLAMATIONS

None

STAFF REPORTS

CITY COUNCIL COMMENTS

Mark Ahner

- Applauded the work done by Kiwanis in Wibaux Park. 100% of the money collected goes to the Wibaux Park Shelter.
- Noted the budget committee had seven meetings and recommendations have been forwarded to the Mayor.
- Thanked Public Utilities Director Al Kelm for his efforts in getting the parking lot at the Riverside Park restrooms completed. CTEP funds could not be used. The Jackson Group and Diamond J Construction worked together with Al and completed the paving for \$9,000 – Diamond J donated the labor for that project.
- Met with the Mayor and the County Commissioners regarding the Interlocal Agreement, which should go into effect July 1, 2013. There are two issues that need completed – the School Resource Officer and Booking Fees – but those should be ironed out soon.

Sue Galbraith

- Noted there were people standing out in the hall and suggested the meeting be moved upstairs. A few people subsequently left; the meeting remained in the Conference Room.

Roxanna Brush

- Mentioned she will be out of town from July 2 through the 9th.

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- Said she had spoken to a gentleman who shares an alley between Scott's Glass and the Rural Fire Department. He said there were large holes in that alley that need attention.
- Had seen someone fall on the sidewalk along Haynes Avenue directly across the street from Wendy's – The person stated there was an unlevel area in that sidewalk that should be marked.
- Received a phone call regarding her "no" vote on being able to use credit/debit cards to pay for water bills, etc. at the City. She explained that she voted no because, although there was no cost to the City, she did not feel it was fair to the citizens to have to bear that \$2 fee per transaction.

John Uden

- Said he was pleased with the progress being made on the Strevell Street Project.
- Mentioned that one of the new lights have been broken for several weeks. Director Kelm has already called for a replacement.
- Commended the City Clerk's office on its help with the budget process this far. He felt they did an excellent job under the circumstances.

Dwayne Andrews

- Thanked Ms. Armstrong for her comments and thanked the people who attended the meeting in support, and said that he agrees with her.

Jerry Partridge

- Said he also agreed with Mrs. Armstrong.

MAYOR COMMENTS

- Thanked Sigrid Laird for raising and donating \$9300 for the swimming pool project.

COMMITTEE RECOMMENDATIONS

None

PUBLIC HEARINGS

RESOLUTION NO. 3601: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For Hearing Thereon

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

RESOLUTION NO. 3602: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 To Appropriate Unanticipated Revenues To Building Inspector Fund No. 2394 For Contracted Professional Services.

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

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RESOLUTION NO. 3603: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 To Appropriate Unanticipated Revenues To Airport Fund 5610 For Fuel Supplies

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

RESOLUTION NO. 3605: A Resolution Of Intent To Establish Fees For Historic Preservation Commission Services

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

OLD BUSINESS

RESOLUTION NO. 3601: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For Hearing Thereon

****** *Councilperson Ahner moved to approve the Resolution, read by title only, seconded by Councilperson Melnik and, on roll call vote, passed unanimously, 8-0. Resolution No. 3601 was adopted.*

RESOLUTION NO. 3602: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 To Appropriate Unanticipated Revenues To Building Inspector Fund No. 2394 For Contracted Professional Services.

****** *Councilperson Uden moved to approve the Resolution, read by title only, seconded by Councilperson Brush and, on roll call vote, passed unanimously, 8-0. Resolution No. 3602 was adopted.*

RESOLUTION NO. 3603: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 To Appropriate Unanticipated Revenues To Airport Fund 5610 For Fuel Supplies

****** *Councilperson Brush moved to approve the Resolution, read by title only, seconded by Councilperson Melnik and, on roll call vote, passed unanimously, 8-0. Resolution No. 3603 was adopted.*

BID AWARDS

None

BID OPENING

None

NEW BUSINESS

Approval of May Claims

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- **** *Councilperson Brush moved to approve the May claims, seconded by Councilperson Uden and, on roll call vote, passed unanimously, 8-0.*

RESOLUTION NO. 3607: A Resolution To Establish Fees For Historic Preservation Commission Services.

- **** *Councilperson Ahner moved to adopt the Resolution, read by title only. The motion was seconded by Councilperson Melnik and, on roll call vote, passed unanimously, 8-0. **Resolution 3607 was adopted.***

RESOLUTION NO. 3608: A Resolution Authorizing The City Of Miles City To Enter Into A Project Agreement Modification With The Montana Department Of Transportation To The 2012 Project Agreement For Safe Routes To School And Community Transportation Enhancement Program Grants

- **** *Councilperson Uden moved to adopt the Resolution, read by title only. The motion was seconded by Councilperson Melnik and, after brief discussion and on roll call vote, passed unanimously, 8-0. **Resolution 3608 was adopted.***

RESOLUTION NO. 3609: A Resolution Modifying The Established Wage For Swimming Pool Lifeguards For Fiscal Year 2012-2013

- **** *Councilperson Brush moved to adopt the Resolution, read by title only. The motion was seconded by Councilperson Hollowell and, on roll call vote, passed unanimously, 8-0. **Resolution 3609 was adopted.***

RESOLUTION NO. 3610: A Resolution Approving A Real Property Lease Agreement Between The City Of Miles City And Ken And Alane Stabler, Located Within The Industrial Site Owned By Miles City, Montana

- **** *Councilperson Hollowell moved to adopt the Resolution, read by title only. The motion was seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 8-0. **Resolution 3610 was adopted.***

RESOLUTION NO. 3611: A Resolution Authorizing The City Of Miles City To Enter Into A Memorandum Of Understanding With Dave Shepherd D/B/A Shep's Welding Of Marmarth, North Dakota, For Use Of A Polaris Ranger Utility Vehicle

- **** *Councilperson Uden moved to adopt the Resolution, read by title only and seconded by Councilperson Melnik.*

Councilperson Uden explained that the use of this vehicle is being donated by Dave Shepherd of Shep's Welding in Marmarth, North Dakota. He thanked Mr. Shepherd for his generosity.

*After brief discussion and on roll call vote, the motion passed unanimously, 8-0. **Resolution 3611 was adopted.***

RESOLUTION NO. 3612: A Resolution Authorizing The City Of Miles City To Enter Into A Contract Entitled "Short Form Of Agreement Between Owner And Engineer For Professional Services" With Kadrmas, Lee & Jackson, Inc., A North Dakota Corporation Registered To Do Business In Montana

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- **** *Councilperson Ahner moved to adopt the Resolution, read by title and only and inserting the date of "July 1, 2013" into the blank of the first paragraph of Exhibit "1." The motion was seconded by Councilperson Hollowell.*

Councilperson Andrews asked if the \$10,000 referenced in the Resolution was in addition to the \$187,000 budgeted for the feasibility study or if it was part of that amount. It was explained that if any portion of the engineering study performed by KLJ can later be applied to the flood control study, that portion of the fees will come out of the budget for the study. If not, then it will be paid for separately, up to the \$10,000.

On roll call vote, the motion passed unanimously, 8-0. Resolution 3612 was adopted.

RESOLUTION NO. 3613: A Resolution Pursuant To Section 16-48 Of The Miles City Code Of Ordinances, Establishing Dates, Times And Locations For Discharge Of Fireworks Within The City Limits

- **** *Councilperson Hollowell moved to adopt the Resolution, read by title only and seconded by Councilperson Melnik.*

Councilpersons Uden and Brush noted Riverside Park will be very busy on the Fourth of July, with multiple bands playing and other activities. Mary Elizabeth Irion, 141 Balsam Drive, also cited the numerous activities in the park that day and also suggested fireworks be banned there on the 4th.

- *** *Councilperson Uden moved to amend the Resolution to ban the detonation of fireworks by the public on July 4, 2013, in Riverside Park. The motion was seconded by Councilperson Brush.*

Councilperson Hollowell asked if Councilperson Uden would amend his motion to include the banning of fireworks on July 5, 2013, due to the softball games being played there on that day. Councilperson Uden said he would include that in his motion, Councilperson Brush renewed her second on that motion.

- *** *On roll call vote, Councilperson Uden's motion to amend Resolution 3613 passed 7-1, with Councilperson Ahner voting no.*

- **** *On roll call vote, Councilperson Hollowell's motion to adopt Resolution 3613 passed 7-1, with Councilperson Ahner voting no. Resolution 3613 was adopted, as amended.*


ADJOURNMENT

- **** *Councilperson Partridge moved to adjourn the meeting, seconded by Councilperson Uden and passed unanimously, 8-0.*

The meeting was adjourned at 7:55 p.m.

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C.A. GRENZ, Mayor


Lorrie Pearce
City Clerk

June 25, 2013

We would like to thank the finance committee for including money in the preliminary budget for the flood plain feasibility study.

We know there are several steps to the budget process and the others are yet to come including review by the mayor and final approval of the full city council.

Our greatest concern at this point is that the end result will be layoffs of city personnel and/or employees. We believe that the budget can be balanced including both the moneys for the feasibility study and wages of all current employees. Please do not lay off or fire employees and blame the feasibility study for the flood plain as the reason for a shortage of funds. Reducing the operations budget of each department by a small percentage on a one time basis should provide adequate funding for the feasibility study. If that isn't sufficient, perhaps the amount necessary could be withdrawn from the reserve account.


Dorothy Armstrong