

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

REGULAR COUNCIL MEETING

**August 13, 2013
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, August 13, 2013, in the City Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council Members present were Mark Ahner, Dwayne Andrews, Roxanna Brush, Sue Galbraith, John Hollowell, Jerry Partridge and Bill Melnik. Councilperson John Uden was excused.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Police Chief Doug Colombik, Public Works Director Scott Gray, City Clerk Lorrie Pearce, Grant Administrator Dawn Colton, Animal Control Officer Brian Certain, Payroll/HR Officer Billie Burkhalter, Dispatch Director Heather Roos, Utility Billing Clerk Patti Bishop, Police Officer Ryan Ketchum, Library Director Sonja Woods, Library Employee Hannah Nash, Police Department Secretary Karen Hathaway, Deputy City Court Clerk Gail Krezelak 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 – 7/23/2013

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

Public Safety Committee Meeting: 7/24/2013

Public Safety Committee Meeting July 24, 2013

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

Chairperson Andrews brought the meeting to order.

Request to make the one-way alley from Montana to 11th Street (Methodist Church, Mid-Rivers and First Interstate Bank) into a two-way alley.

Chairperson Andrews had received a letter from First Interstate Bank requesting the alley behind the bank be converted from a one-way to a two-way. He said he would require the bank to first contact the other entities along that alley and get their consent. First Interstate Bank did that, and every entity has signed a document agreeing to the conversion of the one-way alley to a two-way. The Methodist Church has agreed to instruct its members to not park alongside that alley. The alley is 24' wide, which is the same width as the road going into the golf course, which is a two-way road.

Director Gray explained that First Interstate Bank wants to put in a drive-through ATM machine in the alley and they would like the City to authorize changing the alley to accommodate two-way traffic. They propose to widen the approach on 11th Street, widen their drive-throughs, as well as remove their employee parking lot by the drive-through. He does not have a problem with the proposal to change the alley to two-way traffic; however, the alley narrows to 18 feet at a point between a utility pole and a tree, and he feels that, at that point, it is not wide enough to accommodate two-way traffic. He is also concerned about vehicles with wide mirrors passing each other, especially at that narrow point. He feels the pole would have to be moved before two-way traffic could be approved. Director Gray knows of no other two-way alleys in Miles City. First Interstate Bank, at this point, has no plans to move the pole.

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The Committee members did not feel they had enough solid information to move forward with this issue.

- ** *Committee Member Hollowell moved to recommend tabling this matter until First Interstate Bank has finalized its plans, seconded by Committee Member Galbraith and passed unanimously, 4-0.*

Request to remove all handicapped parking signs from 11th Street in front of the Methodist Church

Chairperson Andrews had received a request from the trustees of the Methodist Church to remove the handicapped parking signs from 11th Street in front of the church. People get out of their cars on the street side, and they feel this is a safety hazard. They have designated handicapped parking in their parking lot at the rear of the church, which they feel is a safe place, out of the traffic.

- ** *Committee Member Partridge moved to recommend approval of the Church's request to remove the handicapped parking signs in front of their facility, seconded by Committee Member Galbraith and, on roll call vote, passed unanimously, 4-0.*

ADJOURNMENT

** *Having no more business to come before the Committee, Committee Member Galbraith moved to adjourn the meeting, seconded by Committee Member Hollowell and passed unanimously, 4-0. The meeting was adjourned at 6:17 p.m.*

- ** *Councilperson Galbraith moved to approve the minutes of the Public Safety Committee Meeting of July 24, 2013. The motion was seconded by Councilperson Hollowell and passed unanimously, 7-0.*

City Council Meeting for Public Comment: 7/31/13

- ** *Councilperson Galbraith moved to approve the minutes of the City Council Meeting of July 30, 2013, seconded by Councilperson Brush and passed unanimously, 7-0.*

Flood Control Committee: 8/7/13

Flood Control Committee

August 7, 2013

The Flood Control Committee met Wednesday, August 7, 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 Mayor C.A. Grenz, Floodplain Administrator Sam Malenovsky, Director of Public Works Scott Gray and Recorder HR/Payroll Officer Billie Burkhalter.

1. Discussion of Flood Project Funding Sources

Carl Jackson and Joel Paulsen, Profession Engineers with KJL, presented the Committee with a Proposed Tongue and Yellowstone Rivers Levee Project worksheet (attached). This worksheet outlines three different potential funding options that address the decertification of Miles City's levee system. The analysis was performed over a period of 25 years and the total project costs are fictitious and are only used as an example:

- a) **Completely Self-Funded:** this option will give the quickest results as the project could be completed in four years. Design and construction may proceed without Army Corps of Engineers (USACE) permission or oversight. Self-funding has a greater benefit to cost ratio due to the benefits of not paying flood insurance for a longer period of time.
- b) **USACE General Investigation (GI) process** has traditionally been the preferred method utilized by the USACE for large scale projects. This process involves both Congressional funding and approval. Funds for GI projects must be included in the federal budget, and there is currently approximately a \$60 billion backlog in GI projects. This option is not a good alternative, due to the delay to begin construction.
- c) **USACE Section 205** allows the Corps to initiate small scale projects on their own, without congressional oversight. Section 205 includes a \$100,000 feasibility study conducted by the USACE, and up to an additional \$10.76 million project. This funding will not be appropriate for a full scale flood control project, but might be appropriate for a project along the Tongue River. Section 205 would be a viable option as it has a lesser burden on citizens, though a greater amount of flood insurance premiums will be leaving the City.

2. Requests of Citizens

-None.

3. Adjournment

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

There being no further business, the Committee adjourned at 6:55 p.m.

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- ** *Councilperson Hollowell moved to approve the August 7, 2013, minutes of the Flood Control Committee, with a correction. The motion was seconded by Councilperson Melnik and passed unanimously, 7-0.*

SCHEDULE MEETINGS

Finance Committee: Wednesday, August 21, 2013 @ 6:00 pm
Planning Board: Tuesday, August 20, 2013 @ 6:00 pm
Public Service Committee: Wednesday, August 14, @ 6:00 pm

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

None

CITY COUNCIL COMMENTS

John Hollowell

- Said the Economic Development Committee has asked the City for a letter of support regarding the need for a detention center. In response to a question from the Mayor, Councilperson Hollowell said the new detention center would have room for up to 28 inmates, and possibly more.
- Thanked the Economic Development Committee, especially Mike Corell and Lew Vadheim, for negotiating with Transco for permission to allow new businesses to use their tracks.
- Asked if the proposed preliminary budget was on the website – the Deputy Clerk confirmed that it is.

Dwayne Andrews

- Referring to a petition which had been presented to the Council regarding the budget cuts, including the Animal Control Officer and Secretary at the Police Department, Councilperson Andrews said he felt it is very important for the Council to take this petition seriously. He said many citizens have signed it and, thereby, have voiced their opinion that the proposed staff reductions are needed services.

Roxanna Brush

- She does not see where in the budget the Library is being cut – it is being given the same amount as last year. **Mayor Grenz** mentioned that the Library has been given about \$16,000 out of the Capital Improvement Fund for carpet and other necessities.
- Asked if she was correct that over the last two years the reserve has been depleted by almost \$1,000,000. **Councilperson Ahner** said that was not correct, that last year there was almost one million dollars in reserves, \$250,000 of which was moved to the Capital Improvement Fund. At the end of June this year there was about \$850,000 in cash reserves.

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Jerry Partridge

- Noted that cash reserves are basically “locked up” due to a resolution passed last year which restricted the use of cash reserves to fund the General Fund without two-thirds vote of the Council.
- Feels that \$850,000 is a lot of money in reserves for the City of Miles City.

Sue Galbraith

- Asked for clarification on the cash reserves. She said there is \$850,000 in cash reserves and \$192,000 in the CIP, which adds up to a little over \$1,000,000. Last year the money to fund the CIP was taken from the cash reserves. So cash reserves this year, if added to the CIP fund, is approximately the same as last year.

MAYOR COMMENTS

- Corrected a recent article in *The Miles City Star* wherein it was reported that Mayor Joe Whalen had been offered health insurance but declined. He said the Council had offered insurance but Mayor Whalen said he would rather have the money instead. He was offered a compromise of 50% of what the insurance would cost, which he declined.
- Wanted the Council to be aware of a request for an open container variance requested by Kelly Reid for a college football game at Denton Field. The Council had no objection.
- He had a request from Unisend, a cell phone leaseholder. He will refer this item to the Finance Committee to determine the lease amount the City will require.

COMMITTEE RECOMMENDATIONS

Public Safety Committee: 7/24/13

- *Request from First Interstate Bank to change a one-way alley to a two-way alley from Montana Ave. to 11th Street – tabled in Committee*

Councilperson Andrews explained this item was tabled because one part of the alley was too narrow to accommodate two-way traffic unless a utility pole and/or a tree would be removed. The Committee is awaiting a decision from First Interstate Bank on whether it wants to continue with the two-way alley by removing the obstruction(s.)

- *Request by the Methodist Church to remove all handicapped parking signs from in front of the Church*

Councilperson Andrews said the Church had requested this because there is a curb where the signs are, which causes many people to exit their vehicles on the street side. The Church board felt this is dangerous and would rather have people use the handicapped areas that are already set up in the parking lot behind the Church. The Committee recommended approval of this request.

** *Councilperson Hollowell moved to have a resolution drafted to remove the handicapped parking signs in front of the Methodist Church, seconded by Councilperson Andrews and passed unanimously, 7-0.*

PUBLIC HEARINGS

Preliminary Budget: The Mayor asked for comments from the audience on the preliminary budget.

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Sonja Woods, Library Director, stated that the Library is in a City building and is definitely a department of the City. The money contributed by the City is almost \$20,000 less this year because of increases in health insurance and small employee raises.

Linda Wildman, 2103 Tompy, noted that the preliminary budget shows a transfer of \$46,000 into the CIP fund this year. She feels this transfer should not be done this year, as only \$58,000 was used last year, and the \$192,000 that is in the fund is adequate for any equipment purchases this year. She reminded the Council that no Capital Improvement Plan has ever been set up by the Council, only the fund was created. Therefore, no criteria for this money yet exists. That needs to be done before money is moved around.

She suggested that replenishing the CIP fund could wait until next year, since the flood study is being done this year. She also noted that the \$46,000 could more than fund the Animal Control Officer's position for at least a year.

Ms. Wildman also asked that some discussion be had on the budget for Maintenance District 204 appropriations, as it needs to be adjusted drastically. She encouraged the Council, as she did at the first public hearing, to clarify to the taxpayers what positions are being eliminated and/or reduced.

Jean Lindley, East Main Animal Clinic, spoke in opposition to eliminating the secretarial position at the Police Department and the downsizing of the Animal Control Officer. The Animal Control Officer is less than four years away from retirement, and she feels it is morally and ethically wrong to cut someone that close to retirement, and also to make a cut to a long-term employee that would cause him to lose his insurance benefits, as well as his retirement.

Leslie Janshen, 70 Spruce Drive, asked if the \$850,000 in cash reserves is in an interest bearing account, and suggested it should be.

She also asked how the positions that were targeted for cuts were arrived at. **Mayor Grenz** said they felt they were the least important. Ms. Janshen said the "smaller" or "least important" positions are always the ones that contribute the most. She asked about the proposed School Resource Officer position, which, **Mayor Grenz** said, is partially funded by grants, and is on the agenda for discussion later tonight.

Hannah Nash, Library employee, stated the Library is very grateful for the \$16,000 from the CIP fund; however, she said the 1% inflation increase from the City does not even come close to covering the increase in basic costs, such as water, electricity, salaries and health insurance.

John Scheuering, 819 Main Street, spoke in favor of more funds for the Library, stating it is one of the final hopes of downtown Miles City. It is also a center for the kids to go after school and during the summer.

He also spoke in favor of retaining the full position of the Animal Control Officer.

Rob Shipley, 603 S. 4th, spoke in favor of being "overly generous" to the Library, and also expressed his support of the Animal Control Officer.

Ryan Ketchum, Police Officer for the City of Miles City, spoke on behalf of the Animal Control Officer, as well as all the other police officers, in

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favor of retaining the full-time Animal Control Officer position and the Police Department's secretarial position. He asked the Council to take into consideration that those positions are greatly needed, and those cuts would place an undue burden on the officers of the Police Department. **Mayor Grenz** noted almost all Police Department employees received substantial raises last fiscal year.

Gail Krezelak of the City Judge's office, spoke against the Police Department and Animal Control Officer cuts. She sees first-hand how busy they both are, and expressed concern about the police officers adequately covering crime in the City if they also have to take on animal control issues. She expressed concern that a full-time job will have to be covered by a half-time position.

Billie Burkhalter, HR/Payroll Officer for the City of Miles City, echoed Ms. Krezelak's comments. In response to Mayor Grenz's statement to Officer Ketchum about raises for the Police Department last year, Ms. Burkhalter stated those raises were pushed through by the Mayor and Council with no spreadsheets to determine what the increased costs would do to the City's budget. **Mayor Grenz** also noted the high turnover of officers in the Police Department because of the relatively low wages.

More than 10 other people, including **Police Chief Doug Colombik**, **Police Department secretary Karen Hathaway**, and **Library Director Sonja Woods**, spoke in favor of retaining the Police Department positions as they are. Many also expressed their desire to adequately fund the Library. Some points were: is it illegal to transport people in the same vehicle (police cars) as animals...why were the Police Department raises not taken into consideration with the whole City budget....retaining the Animal Control Officer is a safety issue for the City...it is an essential position....the part-time secretary position is 30 hours per week with no benefits....

The Council was encouraged to look at the petitions and pay attention to the names (over 400 signatures.)

Hearing no further comments, the hearing was closed at 8:20 p.m.

OLD BUSINESS

RESOLUTION 3615 – A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With The State Of Montana For Construction And Maintenance Of Sidewalk, Curb And Gutter Along Tatro And Milwaukee Streets In Miles City, Montana. (*Tabled at 7/23/13 Council Meeting*)

** *Councilperson Ahner moved to remove the Resolution from the table, seconded by Councilperson Brush and passed unanimously, 7-0.*

** *Councilperson Ahner then moved to approve Resolution 3615, read by title only, and seconded by Councilperson Brush*

Councilperson Ahner then said he had met with the County Commissioners, who have agreed to give the City its CTEP funds. State of Montana District 4 Administrator Shane Mintz suggested the City could push back the Tatro Street project three to five years, at which time there could possibly be enough Urban Renewal money to do the entire project. However, Councilperson Ahner said if the City gambled on that instead of using the CTEP money that is available now, the CTEP money would be unavailable and there is

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no guarantee the Urban Renewal money would be available, either. He was in favor of continuing with the Tatro project as originally proposed.

After additional discussion, including the possibility of costs being much higher later rather than sooner, *and, on roll call vote, Councilperson Ahner's motion passed unanimously, 7-0. Resolution 3615 was adopted.*

RESOLUTION 3619 – A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With The State Of Montana For Certain Future Improvements On And Along Tatro Street In Miles City, Montana. *(Tabled at 7/23/13 Council Meeting)*

** *Councilperson Brush moved to remove the Resolution from the table, seconded by Councilperson Galbraith and passed unanimously.*

** *Councilperson Galbraith then moved to approve Resolution 3619, seconded by Councilperson Melnik. On roll call vote, the motion passed unanimously, 7-0. Resolution 3619 was adopted.*

BID AWARDS

None

BID OPENING

None

NEW BUSINESS

RESOLUTIONS 3621 THROUGH 3632: Resolutions Levying And Assessing A Tax For FY 2013-2014 Within Maintenance Districts No 204, 205 And 207, (Resolutions 3621 Through 3623) And Within Lighting Districts 165, 167, 171, 172, 173, 195 And 202 (Resolutions 3624 Through 3630) As Well As 3631 (Permissive Medical Levy) And 3632 (Increasing Property Tax Revenues)

** *Councilperson Ahner moved to move Resolutions 3621 through 3632 to a consent agenda, seconded by Councilperson Brush. After brief discussion, the motion passed unanimously on roll call vote, 7-0.*

** *Councilperson Ahner moved to refer Resolutions 3621 through 3632 to the Finance Committee for its review, and for approval upon this first reading, prior to the public hearing and second reading at the next regular Council meeting. The motion was seconded by Councilperson Melnik and, on roll call vote, passed by unanimous consent, 7-0.*

RESOLUTION 3633: A Resolution Authorizing The City Of Miles City To Enter Into An Agreement With The County Of Custer County, Montana, And The School Board Of Trustees, Miles City Unified School District, For The Funding Of A School Resource Officer For FY 2013-2014.

** *Councilperson Brush moved to approve Resolution 3633, read by title only and seconded by Councilperson Melnik.*

Councilperson Ahner explained that this position has been placed in the FY 13-14 budget in the amount of \$52,214 for the nine-month period of the school year. The cost of the position would be split between the City, the County, and the School District. The City has received a grant for \$5,401,

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which brings the total net cost to \$46,814, which would be split three ways. The net cost to the three entities, then, would be \$15,605. It was mentioned that the Council had voted down funding the position before; however, Councilperson Hollowell said that was when the City would have had to pay the full cost of the position.

****** *On roll call vote, Councilperson Ahner's motion passed unanimously, 7-0. Resolution 3633 was adopted.*

Approval of July Claims

****** *Councilperson Ahner moved to approve July claims, seconded by Councilperson Brush.*

Councilperson Ahner expressed two concerns: 1. A travel reimbursement for a firefighter to the fire academy in Maryland had not been approved by the Mayor, as per City policy for out of state travel.

2. There was an expenditure of \$336 to Red Rock Sporting Goods from the swimming pool fund for hoodie sweatshirts for the lifeguards. Public Utilities Director Al Kelm explained that this has been done before, as a way for people to quickly identify the lifeguards. Councilperson Ahner felt an ID patch would be sufficient.

Councilperson Brush asked about 1. a payment to Burlington Northern for the truck route. It was explained that this is an annual payment by the City.

2. Was informed that the payment of \$15,970 to EMDTF was our matching share to the Drug Task Force.

****** *On roll call vote, Councilperson Ahner's motion to approve the July claims passed 6-1, with Councilperson Ahner voting no.*


ADJOURNMENT

****** *Councilperson Partridge moved to adjourn the meeting, seconded by Councilperson Hollowell and passed unanimously, 7-0.*

The meeting was adjourned at 9:12 p.m.



C.A. GRENZ, Mayor



**Lorrie Pearce
City Clerk**