

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

REGULAR COUNCIL MEETING

**September 24, 2013
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, September 24, 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 Dwayne Andrews, Roxanna Brush, Sue Galbraith, John Hollowell, Jerry Partridge, John Uden and Bill Melnik. Council Member Mark Ahner was excused.

Also present were City Attorney Dan Rice, Police Fire Chief Dale Berg, Police Chief Doug Colombik, Flood Plain Administrator Samantha Malenovsky, Public Works Director Scott Gray, Public Service Director Al Kelm, Grant Administrator Dawn Colton, City Clerk/Recorder Lorrie Pearce and Historical Preservation Officer Connie Muggli.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes – 9/10/2013

****** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of September 10, 2013, seconded by Councilperson Melnik and passed unanimously, 7-0, with a correction.*

Finance Committee Meeting: 9/11/2013

**Finance Committee Meeting
September 11, 2013**

The Finance Committee met Wednesday, September 11, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members John Uden, Roxanna Brush and Bill Melnik.

Also present were Mayor C. A. Grenz, Fire Chief Dale Berg, Preservation Historian Connie Muggli, City Clerk/Minute Recorder Lorrie Pearce and Executive Director MCAEDC Mike Coryell.

Agreement with Dowl HKM for Professional Services for SRTS Sidewalk Construction

Chairperson Ahner stated that Grant Writer Dawn Colton had asked to bring the agreement to the Committee. Chairperson Ahner noted that the agreement states an effective date of August 16, 2013, but thought that it wouldn't be effective until the Council approved it. Chairperson Ahner also questioned if the \$ 65,585.00 is coming out of the SRTS grant fund or from Maintenance District 205. Committee Member Brush mentioned that if this does get passed, there is a family with a handicap child in that area, and she hopes that the engineer will communicate with them before construction begins. Grant Writer Dawn Colton has been out of town and not available to answer questions on the issue.

****** *Committee Member Uden made an amendment to the original motion, that if funding is not available in the SRTS grant, it will be paid out of Maintenance District 205. Committee Member Melnik seconded the amendment to the motion. The amendment failed, with Committee Member Brush voting nay.*

****** *Committee Member Brush moved to recommend approval of the agreement to the Council, seconded by Committee Member Melnik and passed 3-1, with Committee Member Uden voting nay.*

Contract with Land Solution, LLC, to provide Planning Services

Mayor Grenz explained that the consultant had contacted him to find out where the contract was in the plans for his services. Committee Member Brush explained that City Attorney Rice had an issue with the insurance coverage, because the contract states that Miles City will be responsible for all risk on his work. Mayor Grenz presented an e-mail that states that the Consultant would make sure that he has the necessary level of insurance needed. Chairperson Ahner had concerns with the hours charged for work, driving, meals and overnight stay, with an approximate cost of \$2,000.00 a trip, and thought there might be a better solution. Mayor Grenz stated that the consultant would work with the City to cut costs. Committee Member Uden asked if there were any efforts made to find someone closer to Miles City. Mayor Grenz replied that this consultant is highly recommended and Sanitarian

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Mike Rinaldi would perform some of the inspections, which would also cut the cost to the City. Committee Member Uden asked if it had gone out for bid, and Mayor Grenz replied that it hadn't, but he had talked to several people about the position. Mayor Grenz will contact the consultant and get a better idea as to how the \$ 20,000.00 will be spent. Committee Member Brush explained that there are several issues coming in front of the Planning Board and is concerned that nothing will get completed if a planner is not hired soon. The growth policy has not been completed and 3 items from the Building Inspector should have had site plan reviews completed. There was a discussion on combining the Grant/Planner position, and if the combination happens why would we hire a consultant. Everyone was in agreement that if the position was combined, at this time Grant Writer Colton would not be qualified to perform the job. The plan is for Grant Writer Colton to go through the training and eventually be qualified to complete the inspections. Executive Director of MCAEDC Coryell stated that Julie Kurkow, SEMDC Grant Writer would write the grants needed, until the Grant/Planner is educated in her job. Councilperson Ahner confirmed that in the Sanitation Mike Rinaldi's contract, it states that he will perform site plan reviews.

** *Committee Member Uden moved to defer this issue until the next finance meeting, seconded by Committee Member Melink and passed unanimously, 4-0.*

Creation of a Tax Increment Financing District

Historic Preservation Director Connie Muggli opened by answering questions that were asked at the Finance Meeting on August 8th. In that meeting, the Revitalize Downtown project team proposed that the City consider the benefit of creating a Tax Increment Finance District as an incentive to encourage investment in the downtown business district. She then presented a funding proposal to hire a consultant to lead the community through the process of developing a TIFD in Miles City, should the City decide to move forward. It is estimated the consulting fee will be \$25,000. The funding proposal is a combination of a \$13,000 CDBG Grant and a \$10,000 grant from the Montana Main Street Program. The Main Street grant match for the City is 20%, so for a \$10,000 grant, it would cost the City \$2,000.00. If the City has a problem with the match, there are several private foundations that would donate the money for the match. She informed the Committee that the CDBG-ED grant is an open cycle grant, with a dollar for dollar match. Because of all the studies in Miles City, it was suggested to not offer a match, because CBGD could waive a match since Miles City is investing heavily in infrastructure at this time. Director Muggli pointed out that funds are extremely low, so if the City wants it, they need to move on it fast. Councilperson Ahner asked that if the proposal was recommended to the Council for approval and the City was successful in a grant application, is the City obligated to create a tax district? Director Muggli explained that creating a TIFD is a lengthy process which requires City Council approval and public participation throughout. If the City determines that a TIFD is not in the best interest of the city, the council can stop the process at any time. MCAEDC Director Coryell explained that they are looking forward to participating on the Revitalize Downtown team and assisting with economic development of the downtown area, and offered the services of Julie Kurkow, SEMDC Grant Writer, to write the grant for this proposal. The Committee felt that participating in the tax increment financing district would be a great thing for downtown Miles City.

** *Committee Member Uden moved to recommend approval to the Council, participation in the tax increment financing district, contingent upon the city's ability to withdraw in the future and with the contribution of \$2,000.00 for the match, seconded by Committee Member Brush and passed unanimously, 4-0.*

Ambulance Collection

Fire Chief Dale Berg explained that the total for collection is \$ 47,754.71. The amount is basically 8 months of individual accounts for which Solestone has tried to collect with no luck. Committee Member Brush asked who is the responsible party to collect the money. Chief Berg replied that it was CPI.

** *Councilperson Ahner moved to recommend to Council that ambulance debt be sent to collection for the amount of \$ 47,754.71. Seconded by Committee Member Melink and 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 Brush and passed unanimously, 4-0.*

The meeting was adjourned at 7:20 p.m.

** *Councilperson Uden moved to approve the minutes of the Finance Committee meeting of September 11, 2013. The motion was seconded by Councilperson Melnik and passed unanimously, 7-0.*

Human Resources Committee Meeting: 9/18/2013

**Human Resources Committee
September 18, 2013**

The **Human Resources Committee** met Wednesday, September 18, 2013, at 6:00 p.m. in the Conference Room at City Hall. Present were Committee Chairperson John Uden and Committee Members Bill Melnik and Mark Ahner. Also present were Program Assistant Dawn Colton and Committee Recorder HR/Payroll Officer Billie Burkhalter. Committee Member Roxanna Brush was absent.

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1. **Roll Call**
- Noted above

2. **Review combined Grant Writer/City Planner Position Description**

Chairperson Uden explained to the Committee that Program Assistant Colton had combined her position description with the Director of Community Services & Planning position description. The Committee was then presented with the new position description of Assistant Planner/Grants Administrator for their consideration.

Chairperson Uden explained that Mayor Grenz had indicated to him that it was important for the new job description to have "Assistant Planner," as Program Assistant Colton would be trained by a Planning Consultant hired by the City.

Committee Member Ahner stated the position description references that supervision would be under the direction of a Planning Consultant. He disagreed with this, and further stated that supervision should be under a full time employee, whether that be the Mayor or Public Works Director. The Committee was in agreement that all references made in the position description to "under the direction/supervision of the Planning Consultant" be eliminated and that the direct supervisor would be the Public Works Director.

There was discussion concerning the wording in the position description in reference to how Program Assistant Colton would be working with a Planning Consultant. Committee Member Ahner voiced his concerns, as it is unknown how the City is going to handle this situation. The Committee was in agreement that all references to a Contract Planner are to be changed to state "under the instruction and coordination of a Planning Professional".

Committee Member Ahner stated he disagreed with the position description title "Assistant Planner/Grants Administrator" as Program Assistant Colton would not technically be an assistant to anyone, since the City has not hired a Planning Consultant. The Committee was in agreement that the position description title should be changed to "Planner-in-Training/Grants Administrator".

Committee Member Ahner noted that all references to flood control and zoning had been eliminated from the new position description. Program Assistant Colton explained that the Public Works Director would be handling all zoning, as it is in the Director's position description. The Flood Plain Administrator would be handling all flood related issues.

There was discussion of the word "knowledge" under Job Performance Standards: "Demonstrates knowledge of land use laws, planning theory and funding programs". Due to this position being in a training mode, Committee Member Ahner recommended the word "knowledge" be replaced by "ability to learn". The Committee was in agreement.

Committee Member Ahner requested all abbreviations, such as MSPA and MSISA be fully spelled out in the position description.

** *Committee Member Ahner moved to accept the position description as amended for the Planner-in-Training/Grants Administrator. Motion seconded by Chairperson Uden and, on roll call vote, motion passed unanimously.*

3. **Request of Citizens**

-None

4. **Committee Members' comments**

-None

5. **Adjournment**

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

The meeting was adjourned at 6:45 p.m.

** *Councilperson Melnik moved to approve the minutes of the Human Resource Committee meeting of September 18, 2013, seconded by Councilperson Brush and passed unanimously, 7-0, with Mayor Grenz asking to table the job description for discussion at a later date.*

SCHEDULE MEETINGS

None

REQUEST OF CITIZENS & PUBLIC COMMENT

James Atchison Executive Director of Southeastern Montana Development Corporation presented a certification of appreciation to the City of Miles City.

Dan De Long, a Miles City resident expressed his concern on Ordinance No. 1256. He felt that certified training to minors should be

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considered in the ordinance and would be more effective than just passing the ordinance.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Flood Plain Administrator Sammy Malenovsky explained the FEMA match, and that \$ 70,751.00 will be out of pocket for the City. Malenovsky contacted CDBG to explain the spending of money. CDBG said that it's ok to start the study, but they wouldn't pay for any expenses that were incurred before the grant award date. Sammy asked for consideration from the Council to allow the flood study to start as soon as possible. Mayor Grenz asked "if we started the grant would the City still be eligible for other CDBG grants"? Malenovsky replied that it would not affect the possibility to receive other CDBG grants. Grant Administrator Dawn Colton is working on getting approval in writing to spend the money.

Administrator Colton also reported that the City of Miles City has been awarded a \$ 5,000 grant for the study.

** *Councilperson Andrews moved to allow the flood study to begin as long as it meets all of CBGD stipulations, seconded by Councilperson Melnik and passed unanimously, 7-0.*

CITY COUNCIL COMMENTS

None

MAYOR COMMENTS

City Attorney Rice reported to Mayor Grenz that he has been over budget about \$1,000 for the last two months. Mayor Grenz asked that all Directors go through the chain of command and get his approval before asking City Attorney Rice to review any project or subject. Mayor Grenz also suggested getting answers from Local Government Center or other experts.

COMMITTEE RECOMMENDATIONS

Finance Services Committee: 9/11/13:

Recommendation to send ambulance accounts to collection.

** *After discussion, Councilperson Uden moved to send ambulance accounts to the collection agency in the amount of \$47,754.71. The motion was seconded by Councilperson Melnik and passed unanimously, 7-0.*

PUBLIC HEARINGS

None

OLD BUSINESS

None

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BID AWARDS

None

BID OPENING

Public Utility Director Scott Gray opened the one (1) sealed bid for the concrete repair to Maintenance District 207 (Stower & 8th Street). The bid, from Century of Lewistown Montana, was in the amount of \$57,200. This includes 110 cu yards of cement and labor to remove and replace designated street areas with concrete and rebar. Century's alternative bid was \$44,000. This includes 400 cubic yards of cement and labor to remove and replace designated street areas with concrete and rebar. The City would be responsible for the disposal of the material.

Public Works Director Al Kelm explained that the project will be approximately 300 to 320 thousand dollars, and the only cost to the City will be the removal of trees and repairing the concrete. The work will include installing ADA corners, diamond grinding the cement, removing beaver slides in corners and replacing with ADA handicap ramps, mill and fill. The City will need to repair some of its concrete streets before any work begins.

****** *Councilperson Uden moved to send the bid to the Finance Committee, seconded by Councilperson Melnik and passed unanimously, 7-0*

NEW BUSINESS

ORDINANCE NO. 1255: An Ordinance Revising Section 24-18 Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Allowable Heights Of Fences, Hedges And Visual Obstructions.

****** *Councilperson Galbraith moved to adopt ordinance 1255 by title only, seconded by Councilperson Hollowell. After brief discussion and on roll call vote, the **motion passed** by unanimous consent, 7-0.*

ORDINANCE NO. 1256: Include Rifles And Shotguns To The Definition Of Deadly Weapon, To Require Concealed Weapon Permit Holders Carrying A Weapon In The Park Carry Such Weapon Concealed, And To Restrict The Open Carry And Display Of Firearms By Minors

Mayor Grenz has concerns with the safety of the minor mentioned in the Resolution. He thought that the police officers would have several means of protection and the minor would have none. After a discussion with Police Chief Columbik, it was thought that more training to the officers would be helpful. Chief Columbik said that their policy is that every situation is treated differently, and to change the ordinance wouldn't change the way police officers treat the situation. Mayor Grenz asked to table the Resolution until the 10/8/13 Council Meeting. Councilperson Uden said that he feels that rifle and guns need an ordinance, and he thought that the ordinance could be broken into 2 ordinances, making the minors a separate ordinance. Councilperson Galbraith didn't understand why there was a problem with combining the minors with the rest of the resolution. She had talked to several residences in Miles City, and they all thought that a 14 year old should not be walking around with guns. Councilperson Hollowell agreed.

****** *Councilperson Partridge moved to table ordinance 1256 until the Council Meeting on 10/8/13, seconded by Councilperson Andrews. On roll call vote, the **motion passed** 5-2. Melnik, Uden, Partridge, Brush and Andrews voted yay, Galbraith and Hollowell voted nay.*

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RESOLUTION NO. 3636: A Resolution Authorizing The City Of Miles City To Contract With Land Solutions, LLC, For Land Planning Services For Fiscal Year 2013-2014.

****** *Councilperson Brush moved to adopt the resolution by title only, seconded by Councilperson Melnik. After brief discussion and on roll call vote, the **motion passed** by unanimous consent, 7-0.*

RESOLUTION NO. 3637: A Resolution Authorizing Application For A Community Development Block Grant To Fund A Portion Of The Flood Control Assessment Study

****** *Councilperson Uden moved to adopt the resolution by title only, seconded by Councilperson Andrews. After brief discussion and on roll call vote, the **motion passed** by unanimous consent, 7-0.*

RESOLUTION NO. 3638: A Resolution Authorizing The City Of Miles City To Enter Into A Consultant Services Agreement With Dowl Hkm For Construction Administration Services Related To Sidewalk Construction For Safe Routes To School Program.

****** *Councilperson Brush moved to adopt the resolution by title only, seconded by Councilperson Melnik. On roll call vote, the **motion passed** by unanimous consent, 7-0.*

RESOLUTION NO. 3639: A Resolution Authorizing The Historic Preservation Officer To Apply For Community Development Block Grant And Montana Main Street Program Grant.

Historic Preservation Connie Muggli confirmed that there will be no conflict with receiving other CDBG grants if we proceed with this resolution. She said there is no match to the City for this grant. She also confirmed that at the end of March if the City does not think the process is feasible, the agreement can be cancelled. Mayor Grenz thanked Historic Preservation Officer Muggli for all the hard work that she has done.

****** *Councilperson Uden moved to adopt the resolution by title only, seconded by Councilperson Melnik. On roll call vote the **motion passed** by unanimous consent, 7-0.*


ADJOURNMENT

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

The meeting was adjourned at 8:06 p.m.



C.A. GRENZ, Mayor



Lorrie Pearce
City Clerk