

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

REGULAR COUNCIL MEETING

**November 12, 2013
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, November 12, 2013, in the City Council 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 Dwayne Andrews, Roxanna Brush, Sue Galbraith, Mark Ahner, John Uden, Bill Melnik, Jerry Partridge and John Hollowell.

Also present were City Attorney Dan Rice, Fire Chief Dale Berg, Planner in Training/Grant Administrator Dawn Colton, Payroll/HR Officer Billie Burkhalter, RSVP Officer Betty Vail, Fire Captain Ryan Smith, Public Services Director Al Kelm and City Clerk/Council Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes – 10/22/2013

****** *Councilperson Ahner moved to approve the minutes of the Regular Council Meeting of October 22, 2013, seconded by Councilperson Melnik and passed unanimously, 8-0 with a correction.*

Special City Council Minutes – 10/24/2013

****** *Councilperson Galbraith moved to approve the minutes of the Special Council Meeting of October 24, 2013, seconded by Councilperson Brush and passed unanimously, 8-0.*

Human Resources Committee Minutes – 11/1/2013

Human Resources Committee November 1, 2013

The Human Resources Committee met Friday, November 1, 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 was Public Utilities Director Al Kelm and Committee Recorder HR/Payroll Officer Billie Burkhalter. Committee Member Roxanna Brush was absent.

1. **Roll Call**
- Noted above
2. **Review changes to current Background Check Policy**

HR Officer Burkhalter explained that the current policy the City has on background checks is extremely lacking and is not in compliance with the Fair Credit Reporting Act (FCRA). She further stated that she had taken the recommendation from John Cummings, who is the HR and Risk Management Programs Manager with MMIA, to use Orion International Corporation for all background checks. HR Officer Burkhalter stated she had Attorney Rice review this policy, and it meets with his approval.

HR Officer Burkhalter handed out to the Committee Orion's price list. She explained that the last background check she had completed on a director was with a random company from the internet and that person had informed her that a lot of the information on it was not correct. Chairperson Uden noted that he was pleased to see "Education Verification" could be selected, as the City has had issues with this in the past.

Chairperson Uden questioned how the form "Request for Investigation" would be used. HR Officer Burkhalter stated this form would be for the Director who is requesting the background check, and it would be left up to his or her discretion on what checks are needed for that vacant position. Committee Member Ahner agreed.

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****** *Committee Member Ahner moved to recommend to Council to approve the Background Check Policy: Authorization to Release Information, Acknowledgement and Request for Investigation, as submitted by Human Resource Officer. Motion seconded by Committee Member Melnik and motion passed unanimously.*

Director Kelm explained the State of Montana has passed a law that all of the Certified Water Operators have to get a certified copy of their birth certificate and send to DEQ in order to maintain their Water and Wastewater License. He stated he supports this and welcomes this new Background Check Policy.

3. Request of Citizens
-None

4. Committee Members' comments

Chairperson Uden stated that Sam Malenovsky's grievance has not been addressed and has been hanging out there for a while. He now has commitments for a hearing date from Labor Negotiator Larry Martin and City Attorney Dan Rice. Chairperson Uden scheduled a hearing to be conducted by the HR Committee on November 13th @ 6:00 p.m. HR Officer Burkhalter stated she had also requested a hearing on her grievance and questioned if she would be heard at this time too. Chairperson Uden stated the attorney stated a letter had gone out questioning if the grievant wanted a hearing and Sam Malenovsky was the only one who had responded. HR Officer Burkhalter responded that she did receive a letter but she had already requested a hearing and questioned why she would need to request a hearing more than once. Chairperson Uden stated he will inform the attorneys of this.

HR Officer Burkhalter requested that Chairperson Uden place on the next Human Resource Agenda a request to review a new FMLA policy.

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 6:20 p.m.

****** *Councilperson Uden moved to approve the minutes of the Human Resources Committee Meeting of November 1, 2013, seconded by Councilperson Melnik and passed unanimously, 8-0.*

Public Services Committee Meeting: 11/6/2013

Public Services Committee Meeting November 6, 2013

The Public Services Committee met Wednesday, November 6, 2013, at 5:15 pm in the City Hall conference room. Present were Committee Chairperson Sue Galbraith and Committee Members Dwayne Andrews and Jerry Partridge. Committee Member John Hollowell was absent. Also present were Mayor C. A. Grenz, Planner-in-Training/Grants Administrator Dawn Colton, Public Works Director Scott Gray, Historic Preservation Officer Connie Muggli and Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Galbraith called the meeting to order.

Ordinance No. 1258: An Ordinance enacting a new section 24-96 Of the Code of Ordinances of the City of Miles City, Montana to Provide for a Process for Site Plan Review.

****** *Committee Member Andrews moved to recommend Council approval of Ordinance No. 1258, seconded by Committee Member Partridge.*

Grant Administrator Colton said that the Engineering and Planning staff has reviewed this ordinance and recommends a few changes. She then distributed copies of the proposed changes, a summary of those changes, and a flow chart to explain the Building Permit Procedure.

1. The proposed flowchart assists with understanding the workflow for site plan review.
2. 24-96(b) - Changed because there is nothing in MCA or elsewhere in the code calling for this.
3. Historic properties info has not changed - just moved to a more appropriate place in the Section.
4. 24-96(d)(4)(g) - MCA requires that drainage calculations be provided for review and approval.
5. 24-96(e) - simple correction, consistent with language throughout codes.
6. 24-96(f) - It is the consensus of the Engineering and Planning Staff that not every project, subdivision or construction, needs Planning Board review. If a non-conforming use is identified that requires Council approval or questions arise and direction is needed, those plans will be scheduled for Planning Board review.

Although the intention of adding Part 96 to the Zoning Code is to streamline the path to issuance of a building permit, sending every plan to the Board seems a contradiction. Other issues that could arise such as a quorum not available when necessary, further

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holding up the process for approximately 30 days and risking deadlines set out in the code that the City must meet.

7. 24-96(g) - Spiffed up the language

Administrator Colton noted that she had left a message for Planning Consultant Dave Grandpre to review the proposed wording for 24-96(f), but he had not yet responded to her request.

* *Committee Member Andrews amended his motion so that the recommendation for approval was contingent upon the review and approval by Consultant Grandpre. Committee Member Partridge seconded the amendment, which passed unanimously, 3-0.*

* *Committee Member Andrews's original motion, as amended, then passed unanimously, 3-0.*

Request of Citizens

There were no requests of citizens.

ADJOURNMENT

** *Having no further business, Committee Member Andrews moved to adjourn the meeting, seconded by Chairperson Galbraith and passed unanimously, 3-0.*

The meeting was adjourned at 5:30 p.m.

** *Councilperson Andrews moved to approve the minutes of the Public Services Committee meeting of November 6, 2013, seconded by Councilperson Galbraith and passed unanimously, 8-0.*

Public Safety Committee Meeting: 11/6/2013

Public Safety Committee Meeting November 6, 2013

The Public Safety Committee met Wednesday, November 6, 2013, at 5:30 pm in the City Hall Conference Room. Present were Chairperson Dwayne Andrews and Committee Members Sue Galbraith, John Hollowell and Jerry Partridge. Also present were Mayor C.A. Grenz, Public Works Director Scott Gray and Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Andrews brought the meeting to order.

Ordinance 1259: An Ordinance Amending Section 22-144 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Call For 15 Miles Per Hour Speed Limits On Portions Of Certain Arterial Streets.

** *Committee Member Galbraith moved to recommend approval of Ordinance No. 1259 to the Council, seconded by Committee Member Partridge.*

Public Works Director Gray said he is not recommending any changes to this ordinance.

Committee Member Partridge asked why Pearl Street was not on the list of streets to be designated as 15 MPH, as there are two schools within a few blocks of each other on that street. Director Gray responded that that portion of Pearl Street is a Federal Urban Route. Before a 15 MPH speed limit can be applied on an Urban Route, the State must conduct a traffic study and then, in accordance with the results of the study, the State will determine the speed limit for that section of street. In this case, Director Gray's request for a traffic study probably will not be fulfilled by the State until at least late next summer.

* *On roll call vote, Committee Member Galbraith's motion then 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 Partridge and passed unanimously, 4-0.*

The meeting was adjourned at 5:40 p.m.

** *Councilperson Galbraith moved to approve the minutes of the Public Safety Committee meeting of November 6, 2013, seconded by Councilperson Hollowell and passed unanimously, 8-0.*

SCHEDULE MEETINGS

None

REQUEST OF CITIZENS & PUBLIC COMMENT

None

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APPOINTMENTS

Mayor Grenz announced that Sharon Hogan and Sigrid Laird had applied for the position on the Library Board of Trustees. Mayor Grenz suggested appointing Sigrid Laird. Ahner asked if there was only one position and Mayor Grenz replied yes.

** *Councilperson Uden moved to approve the appointment of Sigrid Laird to the Library Board of Trustees, seconded by Councilperson Melnik and passed unanimously, 8-0.*

PROCLAMATIONS

None

STAFF REPORTS

Clerk Pearce reminded the Council that there was a Council meeting scheduled for December 24th. Mayor Grenz wanted to wait before deciding to cancel the meeting or rescheduling.

CITY COUNCIL COMMENTS

Councilperson Hollowell commended Administrator Colton and Southeastern Montana Development Commission Grant Administrator Julie Korkow for staying up past midnight to send a grant request for the Dike Study. Colton said that the City should be notified on the results in about a week.

Councilperson Melnik announced he will be in Colstrip next week for the Southeastern Montana Development Commission meeting.

Councilperson Ahner commended Bill Ronning and other City employees for all their work building the second trail loop at Spotted Eagle.

MAYOR COMMENTS

The street shutdown on Comstock was resolved the same day the Mayor received the complaint.

Mayor Grenz asked the Council members their opinion on how to fund the dike. All Council Members thought that the funding should be City-wide because it is a community problem, not just a city property owner's problem.

Attorney Rice felt that this issue will need extensive research. It is bigger than just an SID or a bond issue. He will research options and present them to Council when completed.

COMMITTEE RECOMMENDATIONS

None

PUBLIC HEARINGS

ORDINANCE NO. 1258: An Ordinance enacting a new section 24-96 of the code of Ordinances of the City of Miles City to provide for a process for site plan review.

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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.

ORDINANCE NO. 1259: An ordinance amending section 22-144 of the code of ordinances of the City of Miles City, so as to call for 15 miles per hour speed limits on portions of certain arterial streets.

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.

BID AWARDS

None

BID OPENING

None

OLD BUSINESS

ORDINANCE NO. 1258: (*Second Reading*) An Ordinance enacting a new section 24-96 of the code of Ordinances of the City of Miles City to provide for a process for site plan review.

Councilperson Brush commented that the amendments to Ordinance 1252 were not added before it was signed and codified, and felt that it was not being followed, amendments added or not. Administrator Colton asked if Resolution 1252 had been passed. Councilperson Brush replied yes. Administrator Colton asked for time to go through the entire zoning code to make things consistent and appropriate. Mayor Grenz suggested that from here on out, everyone should follow the rules that are in place. Councilperson Hollowell asked Administrator Colton to be careful when making amendments, as to not break any laws.

****** *Councilperson Uden moved to approve Ordinance 1258 by title only, seconded by Councilperson Melnik. Vote was not needed because of the Amendment.*

****** *Councilperson Ahner moved to amend the original motion to defer action on Ordinance 1258 until such time as we receive a response from Contracted Planner Dave DeGrandpre, seconded by Councilperson Melnik. After a short discussion, Councilperson Ahner moved to amend his motion to include that the Ordinance will be reviewed by the Planning Board before presented to Council, seconded by Councilperson Melnik. On roll call vote, the **motion passed** to amend the first motion, unanimously, 8-0.*

ORDINANCE NO. 1259: (*Second Reading*) An ordinance amending section 22-144 of the code of ordinances of the City of Miles City, so as to call for 15 miles per hour speed limits on portion of certain arterial streets.

****** *Councilperson Galbraith moved to approve Ordinance 1259 by title only, seconded by Councilperson Andrews. On roll call vote, the **motion passed** unanimously, 8-0.*

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NEW BUSINESS

RESOLUTION NO. 3646: A Resolution Approving the Work Plan and Budget for Fiscal Year 2013-2014 for Business Improvement District No. 101.

Councilperson Ahner commented that when this project started about five years ago; the money available was around \$50,000, and now it's between \$119 and \$120 thousand a year. He thought it was a good opportunity for the City and it helped create tourism business. The Business Improvement District Board will accept applications as to how to spend \$15,000 for opportunity purposes. Mayor Grenz commented that the money comes from the bed tax.

****** *Councilperson Hollowell moved to approve Resolution No. 3646 by title only, seconded by Councilperson Galbraith. On roll call vote, the motion passed unanimously, 8-0. Resolution No. 3646 was adopted.*

RESOLUTION NO. 3647: A Resolution Approving the Extension of the Real Property Lease Agreement Between the City of Miles City and the U.S. Department of Veterans Affairs for RSVP Offices for an Additional One Year Term, Commencing April 1, 2013 and Expiring March 31, 2014.

****** *Councilperson Brush moved to approve Resolution No. 3647 by title only, seconded by Councilperson Melnik. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 3647 was adopted.*

RESOLUTION NO. 3648: A Resolution Authorizing The City of Miles City To Enter Into A Contract For Payment of Paving Expenses With M&L Enterprises Inc., A Montana Corporation, For Payment of Project Expenses Related To Special Improvement District Number 211.

Councilperson Ahner asked if the project is going out for bid. Attorney Rice explained the City is holding half of the project's money from M&L Enterprises for security. The project will be let out for bid in the spring.

****** *Councilperson Brush moved to approve Resolution No. 3648 by title only. Councilperson Hollowell seconded the motion. On roll call vote, the motion passed, 8-0. Resolution 3648 was adopted.*

RESOLUTION NO. 3649: A Resolution Revising City of Miles City Personnel Policies Regarding Background Investigations For Prospective Employees.

****** *Councilperson Uden moved to approve Resolution No. 3649 by title only, seconded by Councilperson Hollowell. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 3649 was adopted.*

APPROVAL OF OCTOBER CLAIMS

****** *After a brief discussion, Councilperson Uden moved to approve the October claims, seconded by Councilperson Melnik. On roll call vote, the motion passed by unanimous consent, 8-0.*

ADJOURNMENT


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

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The meeting was adjourned at 8:09 p.m.



C.A. Grenz, Mayor



**Lorrie Pearce
City Clerk**