

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

REGULAR COUNCIL MEETING

April 8, 2014

7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, April 8, 2014, in the City Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor C.A. Grenz called the meeting to order. There not being a quorum because many Council Members were at another meeting at City Hall, Mayor Grenz recessed the meeting for ten minutes.

At 7:10 p.m. Mayor Grenz called the meeting to order. Council Members present were Roxanna Brush, Mark Ahner, Sheena Martin, Ken Gardner, Jerry Partridge, John Hollowell, Sue Galbraith and Dwayne Andrews.

Also present were City Attorney Dan Rice, Fire Chief Dale Berg, Public Utilities Director Allen Kelm, Utility Billing Clerk Patti Bishop, City Clerk Lorrie Pearce, and Deputy City Clerk/Minute Recorder Connie Watts.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 3/25/2014

** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of March 25, 2014, seconded by Councilperson Gardner and passed unanimously, 8-0.*

Finance Committee Minutes: 3/20/2014

Finance Committee Meeting March 20, 2014

The **Finance Committee** met Thursday, March 20, 2014, at 6:00 p.m. in the City Hall Conference Room. Present were Committee members Sue Galbraith, Dwayne Andrews, and Sheena Martin. John Hollowell was absent.

Also present were Councilperson Ken Gardner, Utility Billing Clerk Patti Bishop, Fire Chief Dale Berg, Fire Captain Branden Stevens, Human Resource/Payroll Officer Billie Burkhalter, Public Utilities Director Al Kelm, and Recorder/City Clerk Lorrie Pearce.

Request of Citizens

None

Ordinance No. 1262: An Ordinance amending Ordinance 1073 And Revising "Administrative Rules And Regulations Of The Public Utility Department Of The City Of Miles City"

Chairperson Galbraith explained the Ordinance is to amend Ordinance 1073 on revising how the City collects money on past dues and authorizing new charges for re connect and late payment fees. It would also change how the landlord and tenant pay their utility bills; ultimately the landlord will be responsible for it. She said that the majority of the delinquent payments are mostly tenants, and that's why the City is making the changes.

Landlord John Goff was concerned the City is making the landlord responsible to collect the City's bills. He felt that if the City takes the bill out of the tenant's name, the tenant will use more water, since they will not be responsible for it. He requested a form for the landowner to authorized water to be shut off on the 60th day of delinquency. He added that there is no security for the Landlord because once they receive a notice the bill is already two months behind. He was also concerned that landlords could use this ordinance against the tenant. Goff asked if the City would consider pro rating the final bill. Utility Clerk Bishop said that if we prorated for tenants, then we would have to prorate for all utility users. Human Resource/Payroll Officer Billie Burkhalter explained the City doesn't prorate because it doesn't charge for turn on or turn offs.

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

Landlord LeRoy Meidinger asked for clarification on MCA 7-13-4303-4313. It was explained to him that the City can shut the water off at any time due to nonpayment. The tenant will need to sign the form approving this before they can receive water. Meidinger asked if the City could tell the landlord if the new tenant has been delinquent before. Chairperson Galbraith told him yes, once the tenant has signed up for service. He also asked if the landlord will be responsible to pay for the re connect fee and penalty fee charges. Utility Clerk Bishop told him no.

Both Goff and Meidinger were very concerned if the City doesn't send the last bill to the tenant, that the landlord will always be responsible for it. If the tenant doesn't receive the bill, they will not pay it.

Committee Member Andrews recommended to amend the ordinance in Section 4.0 Landlord/Tenant, paragraph two, by adding to the end of the first sentence "with a courtesy copy to the tenant".

* * *Committee Member Andrews moved to amend Ordinance No. 1262 by adding, "with a courtesy copy to the tenant". The motion was seconded by Chairperson Galbraith; the motion carried unanimously, 3-0.*

* * *Committee Member Andrews moved to recommend that the City Council approve Ordinance No. 1262, with correction. The motion was seconded by Committee Member Martin; the motion carried unanimously, 3-0.*

Ordinance No. 1263: An Ordinance Revising Section 23-36 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Revise The Fee Charged For Water Reconnect Services.

* * *Committee Member Martin moved to recommend that the City Council approve Ordinance No. 1263. The motion was seconded by Committee Member Andrew; the motion carried unanimously, 3-0.*

Resolution No. 3671: A Resolution Pursuant To Section 7-6-4006 Of The Montana Code Annotated Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Revenues To Historic Preservation Fund 2935.

* * *Committee Member Martin moved to recommend that the City Council approve Resolution No.3671. The motion was seconded by Chairperson Galbraith; the motion carried unanimously, 3-0.*

Review bids on Workman's Compensation Rates

* * *Committee Member Andrews moved to table reviewing bids on Workman's Compensation rates. The motion was seconded by Councilperson Martin; the motion carried unanimously, 3-0.*

Discussion on Mitigating Overtime for Fire and Ambulance

Fire Chief Berg explained the handout of cost cutting measures for Miles City's Fire and Ambulance.

- Fire alarm calls will be restructured as to how they are responded to. Only an engine and an ambulance will be sent. This will save the City approximately \$12,600 a year. Councilperson Andrew thought that General should be added to describe what type of fire alarm it is. Fire Chief Berg said that Dispatch is being trained to receive as much information as possible before they disconnect from the call. This will help in deciding what vehicle and how many Firefighters/EMT's will respond to the call.

- Hiring a maximum of 20 part paid firefighter to supplement the department, will help with the overtime. Having more part paid firefighter on standby will save the City approximately \$6,200 a year. He felt this will take about 3 years to implement. At the present part paid firefighters with all of their EMT and firefighting training is being paid \$9.50 an hour. The new salary proposal would start the part paid wage at \$9.50 an hour and work up to \$14.00 an hour. This will be presented at a future finance meeting.

- Employees are being called in once or twice a day on their days off. Right now, when the ambulance goes on a call a minimum of two people are called in, that is being changed to one. The exception is when the Ambulance goes out to the country, and then two people will be called in.

Councilperson Andrew thanked Berg for looking into cutting cost for the City. He said it's important, because money is going to be limited this year, and it's going to be tough.

Fire Captain Stevens said the Firefighter and EMT's knows that the City is looking at cutting cuts. He said by taking these measures, it will reduce service, and he would like the Council's support when citizens are calling about the response time.

Fire Chief Berg explained the Insurance Service Organization rating could be affected. He thinks that making these cuts, the City would stay at a 5 rating. He said the City is real close to becoming a 4 rating, which would decrease the insurance rate from 5-7%. If the change would drop the service to a 6 rating, there would be an 8-9% increase rate. He also added, if the level of service is being decreased, the EMT or firefighters need to be supported as to what vehicles are being taken for each situation.

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

Adjournment

There being no further business, *Committee Member Martin moved to adjourn the meeting, seconded by Committee Member Andrews.* The meeting was adjourned at 7:30 p.m.

- ** *Councilperson Galbraith moved to approve the minutes of the Finance Committee meeting of March 20, 2014, seconded by Councilperson Gardner and passed unanimously, 8-0.*

SCHEDULE MEETINGS

Planning Board: Tuesday, April 15, 2014 @ 6:00 pm

Public Service: Monday, April 14, 2014 @ 6:00 pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Mark Ahner on behalf of the Fourth of July Events Committee

Mr. Ahner addressed the Council to request the same things that have been requested by the Events Committee in previous years:

1. Work with the Montana Dept. of Transportation to close Main Street for the parade
2. Police car be provided at the front of the parade and, if personnel allows, at the rear of the parade
3. Use of the eight street closure signs from the Public Works Department. The Committee will put them up and take them down.
4. The City to provide the events insurance for the parade and the events in Riverside Park.

- ** *Councilperson Galbraith moved to approve the requests for the Committee, including paying for the events insurance, seconded by Councilperson Andrews and passed unanimously.*

APPOINTMENTS

Planning Board: Brad Certain

- ** *Councilperson Galbraith moved to appoint Brad Certain to the Planning Board, seconded by Councilperson Brush and passed unanimously, 8-0.*

PROCLAMATIONS

Declaring April, 2014, as Sexual Assault Awareness Month

Mayor Grenz read the proclamation and declared April, 2014, as Sexual Assault Awareness Month.

STAFF REPORTS

CITY COUNCIL COMMENTS

John Hollowell

- Attended, with Chief Berg, the Emergency Operations Plan meeting with the Hazmat team out of Billings. He was given the Custer County/City of Miles City and Ismay's Emergency Operations Plan, which he would like to turn over to the City Clerk. This document would then be available for anyone

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

who would like to review it. Chief Berg noted the document's most recent update was in December, 2013.

- He also mentioned a railroad hazmat session with BNSF officials will be held on Tuesday, April 22nd, at the VA for all elected officials and the fire, police and sheriff departments.

--- Mayor Grenz said Matt Jones, of BNSF, would like to invite the Council to lunch, where they could ask him whatever questions they might have.

--- Attorney Rice cautioned that the luncheon would have to be noticed publically, as a quorum of several committees and the council would be present.

Jerry Partridge

- Said he has heard that the Federal Government was having trouble getting information from BNSF. Whether it's true or not, he felt it is disturbing. He also felt there is a danger with a "free lunch," especially where only one side is represented.

Roxanna Brush

- Received a phone call from the owner of the Alta Trailer Park and Albert's Trail Park, who was concerned about the new water policy. Councilperson Galbraith noted that there is a big misconception that the policy only affects the landlords and renters. However, the policy now allows the City to attach any uncollectible water/sewer bills to the landowner's property taxes, as allowed by Montana Code.

Ken Gardner

- Also heard from people in his ward about the new policy; however, these individuals said that it was about time that people be held accountable for their bills instead of making the taxpayers shoulder the responsibility.

MAYOR COMMENTS

- **Revisit: How Long to Hold Water/Sewer Deposits**

Some landlords have approached him to request that the new \$150 deposits be held until the renter leaves the premises or the account is closed. If a change were to be desired by the Council, both the Resolution and the Ordinance would need to be amended.

--- Ed Martin, a landlord in the audience, said he felt the deadline for returning the landlord/tenant letters should be extended. He said he knew of one person who did not receive his letter until a few days ago because he was on vacation. It was decided that, since all letters were mailed the same day, the City has no responsibility after that as to when the individuals received their letters.

--- It was decided to wait until after the Ordinance becomes effective (April 25th) to discuss changes.

- **Need to Extend Planner Consultant Contract**

Mayor Grenz said the original \$20,000 contract for Land Solutions, the City's current Planner Consultant, is not going to be enough for this fiscal year. He said an additional \$12,000 will be needed. Attorney Rice will prepare an amended contract and resolution for the next agenda.

STANDING COMMITTEE RECOMMENDATIONS

None

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

PUBLIC HEARINGS

None

BID AWARDS

None

BID OPENING

Sewer Camera for Sewer Collection System

Public Utilities Director Kelm received three bids, as follows:

- | | |
|-------------------------|-------------|
| 1. NEVEREST: | \$60,250.00 |
| 2. TITAN: | \$62,875.87 |
| 3. UTILITY SPECIALTIES: | \$44,280.00 |

Director Kelm said approximately \$85,000 had been budgeted for this item. He would like to go through the bids to be sure all bid specifications have been met.

*** Councilperson Ahner moved to refer the bids to the Finance Committee for review and recommendation, after department staff has reviewed and made its recommendations. The motion was seconded by Councilperson Gardner and passed unanimously, 8-0.*

UNFINISHED BUSINESS

None

NEW BUSINESS

- A. RESOLUTION NO. 3673:** A Resolution Establishing Boundaries For Leaseholds Of Certain Real Property Owned By The City Of Miles City, Montana, Located Within The "Industrial Site" In Custer County, Montana

Attorney Rice explained this resolution is regarding the Industrial Site leases. He said banks are requiring that title insurance be provided on sales of businesses in that area. In order to do that, the title companies need something "of record" to refer to. This resolution will place the Industrial Tract and its Lots on record at the courthouse, for informational purposes only. It will not be a legal description, but will give the title companies what they need to issue a certificate of title insurance.

*** Councilperson Galbraith moved to adopt the resolution, read by title only. Councilperson Brush seconded the motion and, on roll call vote, it passed unanimously, 8-0. Resolution No. 3673 was adopted.*

- B. Easement on Tompy Street:** Magic Diamond Casino (Town Pump)

Director Kelm distributed a map showing the area in question. He explained that Magic Diamond Casino will be building an addition on to its current building.

A four-inch water fire line and a two-inch water service line need to be installed. Currently the water service line runs through private property, so they would like to use City right-of-way. The City has a 68' right-of-way on Tompy Street. There is 32' on one side and 36' on the other side. On the North side of Tompy where they would like to put the water lines, there is a 16' area from the curb in which to do that.

They have to go to Doeden Street in order to get water, as there is no water on Tompy Street or Haynes Avenue in that location. They will bear the entire

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

construction cost, and will put in sod instead of seed. They are asking to use our right-of-way for their water lines. The question would then be whose responsibility it would be to maintain and repair those waterlines if there is no easement and they are just using the City's right-of-way.

****** *Councilperson Ahner moved to refer this item to the Public Services Committee, seconded by Councilperson Galbraith and passed unanimously.*

C. RESOLUTON NO. 3675: A Resolution Authorizing The City Of Miles City To Enter Into A Montana Department Of Commerce Community Development Block Grant Contract

****** *Councilperson Galbraith moved to adopt the Resolution, read by title only, and Councilperson Gardner seconded the motion.*

Attorney Rice mentioned there was a small correction needed on Page 15 of the contract: "George W. Huss, Attorney" needs to be changed to "Daniel Z. Rice, Attorney."

***** *On roll call vote, the motion then passed by unanimous consent, 8-0. Resolution No. 3675 was adopted.*

D. ORDINANCE NO. 1265: *(First Reading)* An Ordinance Amending Ordinance Nos. 1054, 1056 And 1093 Establishing New Rates For The Use Of The Miles City Ambulance

****** *Councilperson Galbraith moved to adopt the ordinance by title only, seconded by Councilperson Andrews.*

Fire Chief Berg explained that this is one step in his efforts to stabilize the ambulance fund. Although it would not affect VA, Medicare or Medicaid payments, private insurance will pay 85% to 90% of the cost of the bill. The rest is picked up by the patient's out-of-pocket costs. Although Miles City's ambulance calls are about 47% Medicare patients, he still feels the increase will be helpful in bringing the Ambulance Fund back to a healthy position.

***** *On roll call vote, the motion passed 6-2, with Councilpersons Brush and Partridge voting no. The Ordinance was referred to the Finance Committee.*


E. Approval of March Claims

****** *Councilperson Andrews moved to approve March Claims, seconded by Councilperson Gardner and, on roll call vote and brief discussion, passed by unanimous consent, 8-0.*

ADJOURNMENT.

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

The meeting was adjourned at 8:25 p.m.


C.A. Grenz, Mayor



Lorrie Pearce
City Clerk