

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

REGULAR COUNCIL MEETING May 27, 2014 7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, May 27, 2014, in the City Hall 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 Roxanna Brush, Mark Ahner, Dwayne Andrews, John Hollowell, Sheena Martin, Ken Gardner, Jerry Partridge and Susanne Galbraith.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Public Works Director Scott Gray, Public Utilities Director Al Kelm, Grant Administrator/Planner-in-Training Dawn Colton, Historic Preservation Officer Connie Muggli, Police Captain Mark Reddick, and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 5/13/2014

Councilperson Galbraith made a correction to Marilyn Forman's bid for cleaning the Police department from \$400 to \$350 a month.

** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of May 13, 2014, subject to correction, seconded by Councilperson Brush and passed unanimously, 8-0.*

Finance Committee Meeting: 5/20/14

** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of May 20, 2014, seconded by Councilperson Hollowell and passed unanimously, 8-0.*

Finance Committee Meeting May 20, 2014

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

Also present were Mayor C.A. Grenz, Public Works Director Scott Gray, Public Utilities Director Al Kelm, Police Chief Doug Colombik, Billie Burkhalter, HR/Payroll Officer and Recorder/City Clerk Lorrie Pearce.

Request of Citizens

None

Request for adjustment of water/sewer bill

Public Utilities Director Kelm explained that Tony Page's water line to his sprinkler system broke this winter. The vault and meter are approximately 7 1/2 to 8 feet deep, which usually isn't a problem in the winter. Since it was a colder year, there was frost at least 6 feet deep, which caused the sprinkler line to freeze and crack. The crack caused water to fill the meter pit, overflowing onto the street and eventually onto the neighbor's driveway. Once the leak was found and reported to Mr. Page, he fixed it immediately. Director Kelm recommended adjusting the sewer back to the normal usage of the previous month, and split the water bill with Mr. Page. Director Kelm said that the only thing the City asks is to add insulation to the pit.

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Homeowner Tony Page, 818 Silversage, agreed to splitting the water bill and installing insulation.

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Committee Member Andrews moved to recommend that the City Council approve adjusting the sewer back to normal usage and split the water bill with the homeowner. The motion was seconded by Committee Member Martin; the motion carried unanimously, 4-0.

Review Curb & Gutter Bid Package for Triangle Park Area

Director Gray explained the bid was to replace sidewalks, curbs, fillets and ADA corners. He said that this was the second time the bid was posted. The first time the City did not receive any offers and was told that the due date was too early, so he extended the second bid to be completed by Sept 15, 2014. He explained that the \$142,000 set aside for the project will be transferred to reserves, and the taxes generated will be credited to assessment. He explained that the first line in the bid, combined concrete, curb and gutter included the mobilization fees, bonds and miscellaneous overhead.

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Committee Member Hollowell moved to recommend that the City Council approve the awarding of the bid for curb and gutter replacement to Century for an amount of \$88,000. The motion was seconded by Chairperson Martin; after a short discussion, the motion carried unanimously, 4-0.

Review Maintenance Districts 204 & 205 Paving Bid Package

Director Gray explained the following line items:

- 1300 Tons includes a 2 inch overlay, milling and preparing the area, then paving Stower Street from Moorehead Street to Haynes Avenue, ending at the car wash. It also includes four blocks on Sudlow that tie into the Strevell water line project.
- 950 Tons includes an overlay on two blocks of North Merriam. Then it will be chipped in about two years.
- 500 Tons would be if City hauls the material, (which the City will do)
- 500 Tons would be for the purchase of hot mix.
- 140 Tons includes a 2 inch overlay which would include Moorehead to Haynes, and from Stower to Sudlow.

He added that the \$156,000 budgeted for these projects will be transferred to reserves, since the project won't be completed until September 30, 2014.

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Committee Member Hollowell moved to recommend that the City Council approve the awarding of the bids for paving Maintenance District 204 for an amount of \$210,000 and for paving Maintenance District 205 for an amount of \$114,000 to Century. The motion was seconded by Chairperson Martin; after a short discussion and on roll call vote, the motion passed unanimously, 4-0.

Review quotes for Garage Roof at City Hall

Director Gray explained the three quotes received:

- Wagoner Construction's bid was \$12,600, which included a 50 mill Dura- last product. The product would have one seam after installed, and is white, which would make the roof about 40-50 degrees cooler in the summer. The bid did not include the material for repairing the low area, which would be approximately \$200.
- Oddy Construction's bid was \$15,500, which included an EPDM material, and repairing the low area.
- ABT Electric and Construction bid was \$67,788, which included repairing the low area.

He added that the project was budgeted for \$20,000, and felt that both the Dura last and EPDM were good products. He recommended Wagoner Construction because they would have the project completed by this fiscal year end, and thought the white material used would be cost effective.

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Committee Member Hollowell moved to approve the awarding of the bid for replacing the garage roof at City Hall to Wagoner Construction. The motion was seconded by Committee Member Martin; on roll call vote the motion passed unanimously, 4-0.

Discussion and Recommendation on Purchasing New Police Cars

Police Chief Colombik explained that he didn't think he was asking for a lot, just safe vehicles for his staff to drive. He said the police department generated \$178,957.28 in court fines, \$7,530.00 in animal control court fines and had vacancy savings totaling \$37,981.00 in fiscal year 2012-2013. He felt with the money generated and given back to the general fund, that the City could afford at least one new equipped vehicle this year, and another next year.

He said two (2) 2014 Ford Explorer police models, which are pursuit rated for liability issues, would cost \$26,500 each, with an additional \$10,000 to equip them with radio, lights, etc. Mac's Frontierland quoted him the same price range for the same make and model that were two years older.

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* * *Committee Member Hollowell moved to recommend that the City Council approve replacing one police vehicle this fiscal year, and one every year for the next two years.. The motion was seconded by Chairperson Martin; after a long discussion, the motion carried unanimously, 4-0.*

Discussion and Recommendation on Changing Payroll Policy

Human Resource/Payroll Officer said that the City of Miles City's payroll rules do not address much of anything on payroll deadlines, and she has begun to update some of the policies. She will be writing a policy to cover the payroll process and present it to the Human Resource Committee.

* * *Committee Member Hollowell moved to recommend a change in payroll policy. The motion was seconded by Committee Member Martin; after a long discussion, the motion carried unanimously, 4-0.*

Adjournment

There being no further business, *Committee Member Andrews' moved to adjourn the meeting, seconded by Chairperson Hollowell.* The meeting was adjourned at 7:12 p.m.

SCHEDULE MEETINGS

- Planning board, May 29, 2014, at 6pm- Simpson Honey Farm
- Human Resources, June 3, 2014, at 6pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Kristy Murphy, 200 Hubbell, explained that Todd Schwab is running his business in a residential area that is zoned for trailers. She said he does not have a permit and, to her knowledge, has never applied for one. He has hauled in huge piles of wood and in many ways causing a public nuisance. She has talked to several City officials and directors, and nobody has taken the responsibility to enforce any action on him.

Chief Colombik said that his officers have been to the location several times, and it's time to take action. He will set up a meeting with City Attorney Rice, Fire Chief Berg, City Prosecutor Noble and Ms. Murphy to discuss the situation.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

None

CITY COUNCIL COMMENTS

John Hollowell

- Thanked the Park department for cleaning up Riverside Park

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

Recommendations from Finance Committee of 5/20/14:

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Adjustment of customer's sewer bill back to normal and split the water bill 50/50 with City of Miles City and homeowner.

Director Kelm explained that the leak was absolutely out of the control of the homeowner and suggested that paying half the bill would be the right thing to do. The total bill was \$530.18, which would mean the homeowners responsibility would be \$ 265.09.

- ** *Councilperson Galbraith moved to approve adjusting the customer's sewer bill back to normal and split the water bill 50/50 with landowner, seconded by Councilperson Andrews. After a brief discussion and on roll call vote, the motion passed unanimously 8-0.*

To purchase one police vehicle from the Capital Improvement Fund in FY13-14, one vehicle in FY 14-15, and one vehicle in FY 15-16.

- ** *Councilperson Galbraith moved to purchase one police vehicle from the Capital Improvement Fund in FY 13-14, one vehicle in FY 14-15, and one vehicle in FY 15-16, seconded by Councilperson Martin.*

Chief Colombik explained his concerns of safety regarding his staff and said the vehicles that they have now are not in compliance with liability laws. He added that all the vehicles the officers are using now have been driven into the ground and the majority of them have over 100K miles.

- ** *Councilperson Gardner moved to amend the recommendation to read "to purchase two police vehicles from the Capital Improvement Fund in FY 13-14, seconded by Councilperson Brush. After a long discussion and on roll call vote, the motion passed, 5-3, with Andrews, Hollowell and Galbraith voting no.*

BID OPENING

None

BID AWARDS

Curb and Gutter Bid Package- Triangle Park Area

- ** *Councilperson Galbraith moved to approve the bid from Century Construction for the Triangle Park Areas in an amount of \$88,000, seconded by Councilperson Gardner, and on roll call, vote passed 7-1, with Councilperson Andrews voting no.*

Maintenance Districts 204 and 205 Paving Bid Package

<u>Century Construction</u>	District 204-\$156,000
	District 205-\$114,000
	Cold Mix- \$82/Ton if City picks up \$92/Ton if delivered

- ** *Councilperson Hollowell moved to approve the bid from Century Construction for Maintenance #204 and #205 paving, seconded by Councilperson Galbraith and, on roll call vote, the motion passed unanimously 8-0.*

PUBLIC HEARINGS

None

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UNFINISHED BUSINESS

None

NEW BUSINESS

- A. Resolution No. 3681:** A Resolution Authorizing Certain Officers Of The City Of Miles City As Signatories Upon Bank Accounts Of The City Of Miles City At Stockman Bank
- ** *Councilperson Brush moved to adopt the resolution, read by title only and seconded by Councilperson Gardner. After a brief discussion and on roll call vote, the motion passed 8-0. Resolution No. 3681 was adopted.*
- B. RESOLUTION NO. 3682:** A Resolution Authorizing The City Of Miles City, Montana To Enter Into Janitorial Service Agreements With Dale Petroff D/B/A Dale's Cleaning Service
- ** *Councilperson Galbraith moved to adopt the resolution, read by title only and seconded by Councilperson Hollowell.*
- ** *Councilperson Ahner moved to defer the resolution until Exhibit B is provided, seconded by Councilperson Brush. On roll call vote, the motion passed 8-0.*
- C. RESOLUTION NO. 3683:** A Resolution Authorizing The Miles City To Enter Into Janitorial Service Agreements With Marilyn Forman D/B/A MMF Cleaning
- ** *Councilperson Brush moved to defer the resolution until Exhibit B is provided, seconded by Councilperson Hollowell. On roll call vote, the motion passed 8-0.*
- D. ORDINANCE NO. 1270: (First Reading)** An Ordinance Changing The Zoning Of Tract B Of Document #153542, Envelope 500b, And Located Within Section 11 Of Township 7 North, Range 47 East, M.P.M, From Agriculture District Zone To General Commercial Zone, And Providing For A Hearing Thereon
- ** *No motion was made, Ordinance No. 1270 died for lack of a motion.*
- E. Ordinance No. 1271: (First Reading)** An Ordinance Repealing Section 12 Of The Code Of Ordinances Of The City Of Miles City and Enacting A New Section 12 Of Said Code Of Ordinances Of The City Of Miles City, Correcting Internal Citations Within The Flood Code Passed By Ordinance 1264
- City Attorney Rice explained that when the model flood code was codified, the internal citations were not renumbered to their new numbers. To repeal the old ordinance and adopt this ordinance would clear up a lot of things.
- ** *Councilperson Hollowell moved to approve Ordinance No 1271 by title only, seconded by Councilperson Galbraith. After a brief discussion and on roll call vote, the motion passed by unanimous consent, 8-0. Mayor Grenz referred to the Flood Committee.*
- F. Approval of Horizon Park Subdivision (current site of Bobcat property)**

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Planner/Grant Writer Colton explained that Roger Lothspeich (landowner) would like “and the statement restricting Lots F-1A through D shall be reflected in the recorded covenants” deleted from paragraph 18. The restriction was already on the plat.

- ** *Councilperson Brush moved to strike paragraph 18, as it is redundant, seconded by Councilperson Hollowell.*
- ** *Councilperson Brush then moved to amend the motion to strike the following verbiage in paragraph 18, “and the statement restricting Lots F-1A through D shall be reflected in the recorded covenants”, seconded by Councilperson Hollowell. On roll call vote, the motion passed by unanimous consent, 8-0.*

Planner/Grant Writer Colton said that the City of Miles City added a one foot easement to the final plat, which is a no access easement. This gives the City legal authority to stop anyone from using the frontage road.

- ** *Councilperson Brush moved to approve the Horizon Park Subdivision, seconded by Councilperson Hollowell and on roll call vote, the motion passed by unanimous consent, 8-0.*

ADJOURNMENT.

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

The meeting was adjourned at 8:01 p.m.


Lorrie Pearce
City Clerk


C.A. Grenz, Mayor