

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## REGULAR COUNCIL MEETING November 25, 2014 7:00 p.m.

### CALL TO ORDER

The Regular Council meeting was held Tuesday, November 25, 2014, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Mayor C.A. Grenz called the meeting to order. Council Members present were Roxanna Brush, Mark Ahner, Susanne Galbraith, Sheena Martin, Dwayne Andrews, John Hollowell and Jerry Partridge. Ken Gardner was excused.

Also present were Public Works Director Scott Gray, Police Chief Doug Colombik, City Attorney Dan Rice, Fire Battalion Chief Scott Moore 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: 11/12/2014

\*\* Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of November 12, 2014, seconded by Councilperson Ahner and passed unanimously.

#### Human Resources Committee Meeting: 11/19/14

##### *Human Resources Committee November 19, 2014*

*The Human Resources Committee met Wednesday, November 19, 2014, at 6:00 p.m. in the Conference Room at City Hall. Present were Chairperson Roxanna Brush and Committee Members Sheena Martin, Mark Ahner and Ken Gardner. Also present was Captain Casey Prell, Officer Cameron Pavlicek, Mayor C.A. Grenz and City Clerk/Recorder Lorrie Pearce.*

**1. Request of Citizens:**

*None*

**2. Committee Member Comments**

*None*

**3. Police Officer Confirmation**

- **Cameron Pavlicek**

*Chairperson Brush read a letter from Chief Colombik stating that Officer Pavlicek is an exemplary employee and recommends his confirmation.*

*Captain Prell said that Officer Pavlicek has done a good job and has worked on some high profile cases with him and is glad that he is on board with the City of Miles City.*

\*\* Committee Member Ahner moved to recommend the confirmation of Officer Pavlicek. Motion seconded by Chairperson Martin, passed 4-0.

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### **4. Adjournment**

- \*\* *Committee Member Ahner moved to adjourn the meeting. The motion was seconded by Committee Member Martin and passed.*
- The meeting was adjourned at 6:10 p.m.*
- \*\* *Councilperson Brush moved to approve the Human Resources Committee Minutes of November 19, 2014, seconded by Councilperson Ahner and passed unanimously.*

### **SCHEDULE MEETINGS**

- Finance Committee Meeting: Thursday, December 4<sup>th</sup> @ 5:00 pm

### **REQUEST OF CITIZENS & PUBLIC COMMENT**

Mayor Grenz read a letter received from Attorney Gary Ryder. The letter was to file a formal objection to having the first reading of Ordinance No. 1282 on the Council Meeting 11/25/14 agenda.

Mervin Meidinger, 1210 N. Prairie, asked the Council why the Mayor receives insurance and the Treasurer does not. Councilperson Brush said that the Council wants the Mayor to be healthy and stay healthy. Mr. Meidinger said that he thought that was discrimination and should be looked at. Councilperson Brush replied that the Council is also elected and they do not receive insurance. She thought the issue should be presented to the taxpayer to vote on.

Dave Jewell, 107 Ponderosa Drive, expressed his concern on the flood control dam that was removed in the Southgate area. After a short discussion, the Mayor asked Director Gray to report on the progress of the flood control dam in Southgate at the next Council meeting.

### **APPOINTMENTS**

#### **Ex-Officio Member of Study Commission**

Mayor Grenz asked Council if anyone was interested in the position. With no one interested, Mayor Grenz nominated himself.

- \*\* *Councilperson Ahner moved to approve Mayor Grenz as the Ex-Officio member of the Study Commission, seconded by Councilperson Galbraith and passed unanimously.*

#### **City Council Member to the Solid Waste Board:**

Mayor Grenz asked Council if anyone was interested in the position. Councilperson Partridge volunteered.

- \*\* *Councilperson Ahner moved to approve Councilperson Partridge as the representative for the City of Miles City to the Solid Waste Board, seconded by Councilperson Galbraith and passed unanimously.*

### **PROCLAMATIONS**

#### **Small Business Saturday: November 29, 2014**

Mayor Grenz proclaimed November 29, 2014, as Small Business Day.

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## STAFF REPORTS

None

## CITY COUNCIL COMMENTS

Councilperson Hollowell asked Mayor Grenz to explain the e-mail that was sent to Economic Development. Councilperson Hollowell said that Executive Director Coryell was very upset when he received it. Mayor Grenz replied that the e-mail spoke for itself. Councilperson Galbraith, Partridge and Ahner agreed with the Mayor.

Councilperson Brush asked Chief Colombik to report on the Shop with a Cop program. He explained that the program was brought to his attention by Police Officer Bontrager and the program helps underprivileged children buy a Christmas present for their families. Officer Bontrager and Officer Murnion are responsible for choosing the child in need. Donations at this point are around \$3,000.00.

Councilperson Ahner complimented Walleye Unlimited and the City of Miles City for adding the third restroom at Spotted Eagle. He thought it was a good project for Miles City Community College to work on.

## MAYOR COMMENTS

Mayor Grenz asked Fire Battalion Chief Moore if the Ambulance is still turning down calls and if so is there anything in place to fix the situation. Fire Battalion Chief Moore said no because personnel is not there. The Ambulance can't leave the City short of personnel to run someone to Billings when there are other avenues for those transports.

## STANDING COMMITTEE RECOMMENDATIONS

Human Resources Committee: 11/19/14: Recommend to approve Cameron Pavlicek as Police Officer

\*\* *Councilperson Brush moved to approve Cameron Pavlicek as Police Officer, seconded by Councilperson Ahner and passed unanimously, 7-0.*

## BID OPENING

None

## BID AWARDS

None

## PUBLIC HEARINGS

A. **ORDINANCE NO. 1280:** An Ordinance Amending Section 22-144 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Designate School Zone Speed Limits Within The City Of Miles City

Mayor Grenz called three times for comments from proponents, then opponents. Hearing none, the hearing was closed.

## UNFINISHED BUSINESS

A. **ORDINANCE NO. 1280:** An Ordinance Amending Section 22-144 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Designate School Zone Speed Limits Within The City Of Miles City

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\*\* *Councilperson Ahner moved to approve Ordinance No. 1280 by title only and seconded by Councilperson Galbraith.*

Councilperson Ahner explained that the version in the packet is not the one that Council will be voting on. He asked Council to refer to the Ordinance titled final version 1280. He explained the changes recommended by the Public Safety Committee:

- Changed the verbiage so the 15 MPH signage is in effect at all times
- Page 1, i- The 15 MPH signage would extend to the end of the block on Sewell Avenue
- Page 2, The 15 MPH signage was amended to include Trinity Lutheran School
- Page 3, Custer County High School was included
- Miles Community College was removed because it is private property

\*\* *Councilperson Hollowell moved to extend the 15 MPH signage on Garland Street and Woodbury Street to Ivy Street intersection. There was no second; the motion died.*

\*\* *Councilperson Ahner moved to approve Ordinance No. 1280 as amended by the Public Safety Committee and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent. **Ordinance No 1280 was approved.***

## NEW BUSINESS

**A. RESOLUTION NO. 3760:** A Joint Resolution Of The Board Of Commissioners Of Custer County, Montana And The City Council Of Miles City, Montana, Approving A Letter Of Agreement Pertaining To Rates For Services For FY 2014-2015

\*\* *Councilperson Galbraith moved for Resolution No. 3760 to be sent to Finance Committee, seconded by Councilperson Ahner. On roll call vote, the motion passed by unanimous consent. **Resolution No. 3760 was referred to the Finance Committee.***

**B. ORDINANCE NO. 1281:** An Ordinance Changing The Zoning Of Tract 1 Of The Armory Subdivision, From Agriculture District Zone To General Commercial Zone, And Providing For A Hearing Thereon

\*\* *Councilperson Brush moved to approve Ordinance No 1281, read by title only and seconded by Councilperson Galbraith.*

City Attorney Rice said the title to Ordinance No. 1281 should read as follows: An Ordinance Changing The Zoning Of Tract 1 Of The Armory Subdivision, From **Residential** District Zone To General Commercial Zone, And Providing For A Hearing Thereon

\*\* *Councilperson Brush moved to amend her original motion to reflect the title change to Ordinance No. 1281, seconded by Councilperson Galbraith. On roll call vote, the motion to amend passed by unanimous consent.*

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\* *On roll call vote, Councilperson Brush's original motion to approve Ordinance No. 1281 then passed, as amended, by unanimous consent. Ordinance No. 1281 was approved on first reading and referred to the Finance Committee.*

**C. ORDINANCE NO. 1282:** 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

\*\* *Councilperson Galbraith moved to approve Ordinance No. 1282, read by title only and seconded by Councilperson Martin. On roll call vote, the motion passed with a vote of 6-1. Councilperson Partridge voted no. Ordinance No. 1282 was approved on first reading and referred to the Finance Committee.*

**D. RESOLUTION NO. 3761:** A Resolution Authorizing The City Of Miles City To enter into A State-Local disaster Assistance Agreement, Hazard Mitigation Grant Program, With The State Of Montana For Application For Funding Assistance For A Lift Station Retrofit Mitigation Project

\*\* *Councilperson Galbraith moved to adopt Resolution No 3761, read by title only and seconded by Councilperson Hollowell. After a brief discussion and on roll call vote, the motion passed unanimously, 7-0. Resolution No. 3761 was adopted.*

**E. RESOLUTION NO. 3763:** A Resolution Authorizing The City Of Miles City Through Its Board Of Health, To Enter into A Cooperative Agreement With The Montana Department Of Public Health And Human Services For Fees And Inspections For Calendar Year 2015

Councilperson Ahner said the agreement is from a template that is very old and when the agreement began the County Sanitarian inspected for the County and City. There is no longer a County Sanitarian and the City has its own Sanitarian who performs inspections for the County. He recommended the agreement should be changed as follows:

- Page 1- The third paragraph under Identity of Parties and Purpose Statement, add "not" after the word jurisdiction.
- Page 2, #5- Amend County to City.
- Page 3, #9- Amend County to City.

\*\* *Councilperson Ahner moved to adopt Resolution 3763 with recommended changes and seconded by Councilperson Galbraith. On roll call vote, the motion passed unanimously, 7-0. Resolution No. 3763 was adopted.*

Attorney Rice asked for the correction to be made and initialed before the contract is signed.

**F. RESOLUTION NO. 3764:** A Resolution Authorizing The City Of miles City To enter into An Extension Agreement With Tumblewood Development, Inc. For Sanitation Inspection Services For Calendar Year 2015

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\*\* Councilperson Galbraith moved to adopt Resolution No 3764, read by title only and seconded by Councilperson Martin. On roll call vote, the motion passed unanimously, 7-0. Resolution No. 3764 was adopted.

**ADJOURNMENT**

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

The meeting was adjourned at 8:00 p.m.



C.A. Grenz, Mayor



Lorrie Pearce, City Clerk