

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## REGULAR COUNCIL MEETING    May 13, 2014 7:00 p.m.

### CALL TO ORDER

The Regular Council meeting was held Tuesday, May 13, 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, Sheena Martin, Ken Gardner, Jerry Partridge and Susanne Galbraith. Councilmember Dwayne Andrews was excused.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Public Works Director Scott Gray, Grant Administrator/Planner-in-Training Dawn Colton, 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: 4/22/2014

\*\* *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of April 22, 2014, seconded by Councilperson Gardner and passed unanimously, 7-0.*

#### Human Resources Committee Minutes: 4/28/2014

##### Human Resources Committee Grievance Hearing April 28, 2014

The Human Resources Committee met Monday, April 28, 2014, at 7:00 p.m. in the Conference Room at City Hall. Present were Committee Members Sheena Martin, Ken Gardner, Roxanna Brush and Mark Ahner. Also present were Dawn Colton, Grant Writer/Planner in Training, City Attorney, Dan Rice, Police Chief, Doug Colombik and Lorrie Pearce, City Clerk/Recorder.

Other City employees present included: Connie Watts, Deputy Clerk; Scott Gray, Public Works Director; Billie Burkhalter, Human Resource/Payroll Officer and Al Kelm, Public Utilities Director.

Chairperson Brush opened the hearing by explaining Jeanette Jones would not be attending the meeting as Advisor. The meeting will be a wage grievance hearing for Dawn Colton, Grant Writer/Planner in Training.

City Attorney Rice explained the hearing will be held the same way as the other grievance hearing on 04/08/14. The hearing is not open to public comment and, after the hearing, the Human Resource Chairperson has 20 days to file a written response.

Grant Writer/Planner in Training Colton explained that her grievance from August 2012 is unique because her job title was not included in the survey. She explained that no city surveyed had her position and, because of the absence of her position in the survey, her wages were frozen for six years. The only information available to use for comparison was the previous grant writer's position which is \$0.34 below her previous wage. She felt that a penalty was imposed on her position, based on a survey in which her position was not included. She asked for the freeze to be lifted and receive a 2 percent increase in her wages retroactive to July 1, 2012. She added that this solution is the only one completely supported by the perimeter of the survey, and her current wage is equivalent to the historical pay for this position, which is the only available information.

City Attorney Rice asked Police Chief Colombik if he knew why the position was not in the survey. Police Chief Colombik replied that everyone was aware that the position was missing and it was not corrected.

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

Then City Attorney Rice asked for a five minute recess to call Labor Negotiator, Larry Martin.

Once the hearing reconvened, City Attorney Rice reported that Attorney Martin said that the elimination of the position was an over site and it should be up to the committee to determine if the wage is appropriate or a 2% wage increase should be granted.

Chairperson Brush said that the freezing of the wages was not used as punishment.

Committee Member Ahner stated that the wages of Grant Writer/Planner in Training Colton's predecessors was \$16.79, who had quite a bit of experience. He asked Grant Writer/Planner in Training Colton if she had experience in grant writing when she was hired.

Grant Writer/Planner in Training Colton said that she did not have experience in grant writing, but she had 20 years of experience in technical writing.

Grant Writer/Planner in Training Colton said the grievance is for the grant writer position, and sees it as a separate issue.

Chairperson Brush asked the committee for their opinions on the grievance.

Committee Member Ahner said that, since the position was absent from the survey, it would be hard to determine what the current salary should be. He recommended that Colton ask for a \$1.00 raise in her Fiscal Year budget of 14-15 that was agreed upon in a conversation with herself and the Mayor. He said he would be there to support her. He added the two percent raise for the last three years would total \$1.01.

Grant Writer/Planner in Training Colton said the grievance is for the grant writer position, and sees it as a separate issue. If she received the two percent increase for the last three years, then the \$1.00 would be added to that.

Committee Member Gardner felt the survey was completed the best as it could be completed, and there was not enough information to compare her position to. He also suggested asking for \$1.00 increase at budget time.

Committee Member Martin said that there was not enough information to show that she was below her wage scale, and didn't think her wages should be frozen for six years.

Chairperson Brush said she felt that there was not enough information to support an increase in Grant Writer/Planner in Training Colton's wages. Chairperson Brush recommended that she asks for a \$1.00 raise at budget time. She said she would also support her.

Chairperson Brush said that, based on the discussion tonight, the Committee's decision is that "the grievant's request at this time is denied, with the recommendation to go to the budget committee with a \$1.00 increase request". Chairperson Brush asked if all Committee Members were in agreement. Agreement was unanimous, 4-0.

The hearing was adjourned at 7:45 p.m.

**\*\*** *Councilperson Brush moved to approve the minutes of the Human Resources Committee Minutes of April 28, 2014, seconded by Councilperson Gardner and passed unanimously, 7-0.*

## **Finance Committee Meeting: 4/30/14**

### **Finance Committee Meeting April 30, 2014**

The **Finance Committee** met Wednesday, April 30, 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, and Recorder/City Clerk Lorrie Pearce.

#### **Request of Citizens**

None

**Ordinance No. 1266: An Ordinance Revising Section 2-26 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Allow The Bypass Of Committee Review Upon First Reading Of An Ordinance So Long As The Ordinance Was Previously Reviewed By The Committee**

*\* \* \* Committee Member Andrews moved to recommend that the City Council approve Ordinance No. 1266. The motion was seconded by Committee Member Hollowell; the motion carried unanimously, 4-0.*

**Ordinance No. 1267: An Ordinance Repealing Section 21 Of The Code Of Ordinances Of The City Of Miles City And Enacting A New Section 21 Of Said Code Of Ordinances Of The City Of Miles City, Adopting New Subdivision Regulations**

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

Mayor Grenz asked if the ordinance included the two-mile donut. Committee Member Hollowell said it was a subdivision regulation, so if it were to be in the two mile donut, and that was our jurisdiction, then yes.

\*\*

*Committee Member Hollowell moved to recommend that the City Council approve Ordinance No. 1267. The motion was seconded by Chairperson Galbraith. After a long discussion, the motion carried unanimously, 4-0.*

## **Request for adjustment of water/sewer bill**

Because of the absence of Public Utilities Director Al Kelm and the homeowner, this issue was tabled until the next Finance meeting.

## **Review Janitorial Bids**

Chairperson Galbraith explained that Dale's Cleaning Service submitted bids for all four sites. They were as follows: Library \$425, City Hall \$600, Police Station \$400 and City Shop \$300.

Marilynn Forman submitted bids for two sites. They were as follows: Police Station \$350 and City Shop \$225.

Since there was only one bid for the Library and City Hall, those contracts were recommended to be awarded to Dale's Cleaning Service. Both bidders were in compliance with Workers' Compensation, insurance coverage, Independent Contractor Exemption Certification, and equipment list. Being the lowest bids, the contract for the Police Station and City Shop was recommended to be awarded to Marilyn Forman.

\*\*

*Committee Member Andrews moved to recommend that the City Council approve the awarding of the bid for cleaning City Hall and the Library to Dale's Cleaning Service, and awarding of the bid for cleaning City Shop and the Police Station to Marilyn Forman. The motion was seconded by Committee Member Martin and carried unanimously, 4-0.*

## **Review Cash Report**

City Clerk Pearce mentioned that in the next month the Finance Committee will have to decide if they want to borrow money from the General Fund to balance three funds. The funds are Library, RSVP, and Ambulance. She explained the money would be borrowed from General Fund to balance fiscal year end, and then the process would be reversed in July.

## **Ambulance Accounts To Collections**

Chairperson Galbraith explained the amount of \$27,423.35 is from private self-payers who haven't paid.

\*\*

*Committee Member Hollowell moved to recommend that the City Council send the ambulance accounts, for an amount of \$27,423.35, to collection. The motion was seconded by Committee Member Martin; the motion carried unanimously, 4-0.*

## **Adjournment**

There being no further business, Committee Member Andrews moved to adjourn the meeting, seconded by Chairperson Galbraith. The meeting was adjourned at 6:54 p.m.

\*\*

*Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of April 30, 2014, seconded by Councilperson Hollowell and passed unanimously, 7-0.*

## **Special Council Meeting Minutes: 5/6/2014**

\*\*

*Councilperson Hollowell moved to approve the minutes of the Special Council meeting of May 6, 2014, seconded by Councilperson Galbraith and passed unanimously, 7-0.*

## **SCHEDULE MEETINGS**

Planning Board- May 29, 2014 at 6pm

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

None

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## APPOINTMENTS

**Police Commission:** Reappointed Steve Rice  
**Health Board:** Caroline Taylor

- \*\* *Councilperson Ahner moved to approve the reappointment of Steve Rice to the Police Commission, seconded by Councilperson Galbraith and passed unanimously, 7-0.*
- \*\* *Councilperson Galbraith moved to approve the appointment of Caroline Taylor to the Health Board, seconded by Councilperson Brush and passed unanimously, 7-0.*

## PROCLAMATIONS

### **Law Enforcement Appreciation Week**

Mayor Grenz read the proclamation and declared May 15, 2014, as Peace Officer Memorial Day in the City of Miles City.

## STAFF REPORTS

None

## CITY COUNCIL COMMENTS

### **Susanne Galbraith**

- Reported she had received complaints on the City of Miles City cutting down trees in Triangle Park. Director Gray replied that Cottonwoods are not good boulevard trees, they grow large roots and make the sidewalk heave, which causes safety hazards.
- Another complaint received was that there is a commercial business in a residential area, and she felt that the City should enforce laws regarding commercial businesses in residential areas.

### **Roxanna Brush**

- Commented that Miles City looks nice and she could feel the excitement in the air.
- Reminded everyone of the TIF meeting, May 19<sup>th</sup> from 6pm to 9pm.

### **Mark Ahner**

- Complimented Sherwin Williams for painting an old storage building at Riverside Park.

### **Ken Gardner**

- Reported he received a phone call about excessive wood cutting in an area that wasn't zoned for that activity.
- Complimented the Park crew on the work they have completed at Spotted Eagle.

## MAYOR COMMENTS

- **Purchase of police cars**  
Asked the Finance Committee to recognize that the Police Department is in need of purchasing two newer vehicles.
- **Insurance for Special Events**

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

After attending a training last week in Billings, he realized that the City of Miles City was not asking for enough insurance coverage from those involved in the Bucking Horse Sale events. He took it on himself to raise the coverage from \$1.5 million to \$2 million. Attorney Rice said he would write up an ordinance. Mayor Grenz asked if he would add that the Ordinance gets reviewed annually or at least every two years.

- **Payroll Procedures**

Asked the Finance Committee to look at problems that could be associated with an employee's time sheet being submitted before the end of the pay period.

- **FEMA**

A letter was received from FEMA explaining that the City of Miles City's flood rating had been changed from a 9 to an 8. He added that this was good news.

## STANDING COMMITTEE RECOMMENDATIONS

Finance Committee of 4/30/14: Recommendation to Send Ambulance Accounts to Collection in the amount of \$27,423.35.

\*\* *Councilperson Galbraith moved to send ambulance accounts to collection in the amount of \$27,423.35, seconded by Councilperson Martin and passed unanimously 7-0.*

## BID OPENING

### *Curb and Gutter Bid Package- Triangle Park Area*

One bid was received and opened by Public Works Director Gray:

Century Construction                      \$88,000

### *Maintenance Districts 204 and 205 Paving Bid Package*

One bid was received and opened by Public Works Director Gray:

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

\*\* *Councilperson Ahner moved to refer the bids from Century Construction for Triangle Park and District 204 and 205 to the Finance Committee for review and recommendation, seconded by Councilperson Gardner and passed unanimously 7-0.*

## BID AWARDS

Dale's Cleaning Service  
Library:                      \$425/month  
City Hall:                     \$600/month

Marilynn Foreman  
Police Department        \$400/month  
City Shop                     \$225/month

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

\*\* *Councilperson Galbraith moved to approve the bids from Dale's Cleaning Service for the Library and City Hall and Marilyn Foreman for the Police Department and City Shop, seconded by Councilperson Martin. After a short discussion and on roll call vote, the motion passed by unanimous consent, 7-0.*

## PUBLIC HEARINGS

**ORDINANCE NO. 1266:** An Ordinance Revising Section 2-26 Of The Code Of Ordinance Of The City Of Miles City, Montana, So As To Allow The Bypass Of Committee Review Upon First Reading Of An Ordinance So Long As The Ordinance Was Previously Reviewed By The Committee

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

**ORDINANCE NO. 1267:** An Ordinance Repealing Section 21 Of The Code Of Ordinances Of The City Of Miles City, Adopting New Subdivision Regulations

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

## UNFINISHED BUSINESS

**ORDINANCE NO. 1266:** *(Second Reading) An Ordinance Revising Section 2-26 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Allow The Bypass Of Committee Review Upon First Reading Of An Ordinance So Long As The Ordinance Was Previously Reviewed By The Committee*

\*\* *Councilperson Galbraith moved to adopt the ordinance, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 7-0. Ordinance No. 1266 was adopted.*

**ORDINANCE NO. 1267:** *(Second Reading) An Ordinance Repealing Section 21 Of The Code Of Ordinances Of The City Of Miles City, Adopting New Subdivision Regulations*

\*\* *Councilperson Brush moved to adopt the ordinance, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 7-0. Ordinance No. 1267 was adopted.*

**ORDINANCE NO. 1268:** *(Second Reading) An Ordinance Changing The Zoning Of Block 5 Of The Southgate Meadows Subdivision From Local Commercial To General Commercial And Providing For A Hearing Thereon*

*On 4/22/2014 Councilperson Galbraith moved to approve the ordinance on the first reading, seconded by Councilperson Brush.*

*On 4/22/2014 Councilperson Galbraith then moved to table until a plan for a second exit has been developed. Councilperson Partridge seconded the motion, which passed unanimously, 6-0.*

\*\* *Councilperson Galbraith moved to remove the ordinance from the table, seconded by Councilperson Brush. The motion passed 6-1 with Councilperson Ahner voting no.*

# PROCEEDINGS OF CITY COUNCIL

## MILES CITY, MONTANA

Councilperson Galbraith suggested that the Council approve the ordinance because the access issue goes back several years, and she felt the cost shouldn't be a new developer's responsibility.

Mayor Grenz commented that he had talked with Butch Krutzfeldt, owner of the road. Mr. Krutzfeldt said that the City can use the road if the City graveled it. Mayor Grenz explained that work could start sometime this spring, and then after the Memorandum Of Understanding (MOU) with the college is signed, other work will be completed.

Attorney Rice explained that the City is not looking at an easement; it's looking at a MOU between the City and Butch Krutzfeldt, for emergency use only. The road will be posted as an emergency route and will not be open for general public use. In exchange for usage of the road, the City will make safety improvements to it. He anticipated that by the time the MOU expires, a second route would have been installed.

Public Works Director Gray said there were several options being considered for a second exit so it's not going to happen overnight.

Councilperson Ahner mentioned that at the last council meeting Councilperson Galbraith made a motion to table the ordinance until a plan for a second exit had been developed. He asked if the emergency plan is the second exit. Mayor Grenz replied yes, and the plans for the permanent second exit should be completed in late fall.

Mayor Grenz informed the Council that the zone change is the only issue being voted on. The discussion on the second road is just for everyone's information.

- \*\* Councilperson Brush moved to retable the ordinance, seconded by Councilperson Ahner. On roll call vote, the motion failed 3-4 with Councilpersons Galbraith, Gardner, Martin and Hollowell voting no.
- \*\* Councilperson Galbraith's original motion to approve Ordinance No. 1268 passed 4-3, with Councilpersons Partridge, Ahner, and Brush voting no.

### NEW BUSINESS

- A. **RESOLUTION NO. 3678:** A Resolution Authorizing The City Of Miles City, Montana To Enter Into A Memorandum Of Understanding With Miles Community College For The Use Of Equipment And Facilities For Student Training And Community And Local Government Project Completion
  - \*\* Councilperson Ahner moved to defer the resolution until more information is produced, seconded by Councilperson Gardner. On roll call vote, the motion passed 6-1, with Councilperson Partridge voting no. **Resolution No. 3678 was tabled.**
- B. **RESOLUTION NO. 3679:** A Resolution Authorizing The City Of Miles City To Contract With Dennis Hirsch For Building Inspection Services For Fiscal Year 2014-2015
  - \*\* Councilperson Ahner moved to adopt the resolution, read by title only and seconded by Councilperson Galbraith. After a brief discussion and on roll call vote, the motion passed 6-1, with Councilperson Brush voting no. **Resolution No. 3679 was adopted.**

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

C. **RESOLUTION NO. 3680:** A Resolution Adopting Findings Of Fact And Approving The Amended Plat For The Purpose Of Boundary Line Relocation Of Lots 31-34 In Block 1 Of The Miles Addition To The City of Miles City

\*\* *Councilperson Galbraith moved to adopt the resolution, read by title only and seconded by Councilperson Gardner. After brief a discussion and on roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 3680 was adopted.*

D. **Site Plan Approval:** Magic Diamond Casino

\*\* *Councilperson Brush moved to grant the request for an addition to be added to the Magic Diamond Casino, seconded by Councilperson Hollowell and, on roll call vote, the motion passed by unanimous consent, 7-0.*

E. **Approval of April Claims**

\*\* *Councilperson Galbraith moved to approve the April claims, seconded by Councilperson Brush and, on roll call vote, the motion passed by unanimous consent, 7-0*

## ADJOURNMENT.

\*\* *Councilperson Hollowell moved to adjourn the meeting, seconded by Councilperson Brush and passed unanimously, 7-0.*

The meeting was adjourned at 8:10 p.m.

  
Lorrie Pearce  
City Clerk

  
C.A. Grenz, Mayor