

# AGENDA

*Regular Council Meeting  
City Council Chambers*

*February 26, 2013  
7:00 p.m.*

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL**

**1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES**

- a. City Council Meeting 2/12/2013
- b. Flood Control Committee Meeting 1/16/2013
- c. Finance Committee Meeting 2/19/2013

**2. SCHEDULE MEETINGS**

**3. REQUEST OF CITIZENS& PUBLIC COMMENT**

**4. APPOINTMENTS**

**5. PROCLAMATIONS**

**6. STAFF REPORTS**

**7. CITY COUNCIL COMMENTS**

**8. MAYOR COMMENTS  
Roof for Swimming Pool**

**9. PUBLIC HEARINGS**

**10. OLD BUSINESS**

**11. BID AWARD  
Parks Department: Tool Cat (See Resolution 3581)**

**BID OPENING  
Printing Contract for the City of Miles City**

**12. NEW BUSINESS**

- a. **Recommendation of Finance Committee:** Water/Sewer Debts to Collection
- b. **Recommendation of Finance Committee:** Approval of Pay Increase for Floodplain Administrator
- c. **Recommendation of Finance Committee:** Approval of Deputy City Clerk Salary
- d. **Recommendation of Finance Committee:** Approval of Finance Clerk Salary

- e. **Recommendation of Finance Committee:** Purchase of Plotter & Software
- f. **Public Safety Committee Recommendation:** Handicap Parking Designation for Deb Kirkwood at 907 Garland
  
- g. **RESOLUTION 3581:** A Resolution Authorizing the City of Miles City to Purchase a 4 x 4 Utility Work Machine from Riverside Marine & Cycle, LLC, a Montana Limited Liability Company, D/B/A Bobcat of Miles City
  
- h. **RESOLUTION 3582:** A Resolution Approving A Real Property Lease Agreement Between The City Of Miles City And William Matzen For Continued Use Of Real Property For A City Impound Lot

#### **14. ADJOURNMENT**

Public comment on any public matter that is not on the agenda of this meeting can be presented under ARequest of Citizens@ provided it is within the jurisdiction of the City to address. Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on a matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings.

## **REGULAR COUNCIL MEETING**

**February 12, 2013**

**7:08 p.m.**

### **CALL TO ORDER**

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

Also present were Deputy City Attorney Erica Griffith, City Attorney Dan Rice, Finance Clerk Linda Wildman, Deputy City Clerk Connie Watts, City Planner Dianna Broadie, Police Chief Doug Colombik, Public Utilities Director Al Kelm, Historic Preservation Officer Connie Muggli and Council Recorder City Clerk Becky Stanton.

### **PLEDGE OF ALLEGIANCE**

Mayor Grenz led the Council in the Pledge of Allegiance.

### **APPROVAL OF COUNCIL & COMMITTEE MINUTES**

#### **Regular Council Minutes – 1/22/2013**

- \*\* *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of January 22, 2013, seconded by Councilperson Melnik. The motion passed 7-1, with Councilperson Brush voting nay.*

#### **Human Resources Minutes – 1/22/2013**

- \*\* *Councilperson Uden moved to approve the minutes of the Human Resources Meeting of January 22, 2013, with corrections, seconded by Councilperson Brush. The motion passed unanimously, 8-0.*

#### **Finance Committee Minutes – 1/29/2013**

- \*\* *Councilperson Ahner moved to approve the minutes of the Finance Committee Meeting of January 29, 2013, seconded by Councilperson Uden. The motion passed unanimously, 8-0.*

#### **Public Safety Minutes – 1/30/2013**

- \*\* *Councilperson Galbraith moved to approve the minutes of the Public Safety Meeting of January 30, 2013, with a correction, seconded by Councilperson Andrews. The motion passed unanimously, 8-0.*

#### **Public Services Minutes – 1/30/2013**

- \*\* *Councilperson Brush moved to approve the minutes of the Public Services Meeting of January 30, 2013, with a correction, seconded by Councilperson Galbraith. The motion passed unanimously, 8-0.*

#### **SCHEDULE MEETINGS**

**Finance Committee:** Tuesday, February 19, at 12:00p.m. Noon  
**Planning Board Meeting:** Tuesday, February 19, at 6:00p.m.

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

-None

#### **APPOINTMENTS**

**City Attorney: Daniel Z. Rice**

- \*\* *Councilperson Uden moved to approve the appointment of Daniel Z. Rice to the position of City Attorney, seconded by Councilperson Ahner. The motion passed unanimously, 8-0.*

Mayor Grenz administered the oath for City Attorney Rice, whereupon he took his seat with the City Council.

#### **PROCLAMATIONS**

-None

#### **STAFF REPORTS**

Police Chief Colombik spoke about the packet he had distributed to the Council that referenced pigeons and the diseases they carry. He explained the methods to control them and suggested using pigeon bait called Ova Control that inhibits reproduction. It could take 6 to 8 months before results are seen. The EPA and the Humane Society have approved this bait. There was discussion on the problem of pigeons for the various businesses in the City.

City Attorney Rice explained that he had talked with the Department of Agriculture and they are available as a resource for this matter.

*\*\* Councilperson Andrews moved to suspend the rules to send this item to Committee, seconded by Councilperson Galbraith. The motion passed 7-1, with Councilperson Ahner voting nay.*

*\*\* Councilperson Andrews moved to allow Police Chief Colombik and the Police Department to take active management action on the pigeon population in the City of Miles City due to immediate health concerns, seconded by Councilperson Melnik.*

Councilperson Uden asked where the money to pay for the costs of this process would come from, because the Police budget does not contain this item. Police Chief Colombik estimated the costs to be approximately \$2,500 for the first year. The cost would decrease each year due to fewer birds being hatched. The feeders would be an additional cost of \$2,500. The bait is \$6.95/lb. He stated that the birds needed to eat the bait every day in order for it to be effective.

City Attorney Rice did not see any legal issues with having the Police Department deal with the pigeon issue, and believes the Council can give them the authority within the Department to set out the feeders. He feels this matter needs to be sent to a Committee soon, which could then work with the Department of Agriculture to resolve this matter.

*\*\* The motion passed unanimously, 8-0.*

## **CITY COUNCIL COMMENTS**

Councilperson Andrews – is concerned about Council items not being followed up on such as the railroad quiet zones, Stabler lease, Deb Kirkwood handicap sign. How does the City follow-up on these items? Can the FEMA webinar be attended at City Hall on one computer? Dan Stanley had contacted him about jake brakes noise in the area of the Pine Hills School. He would like a sign on Haynes Avenue banning the use of jake brakes. Assistant City Attorney Griffith noted the law does not allow the outlawing of jake brakes that are muffled. She had addressed this item in a memo to the Public Safety Committee. City Planner Broadie addressed the quiet zones. There is a large

expense because of the upgrade to the signals. She also addressed the Stabler lease, noting that she recently sent notice for bids. She will contact Mr. Stabler with an update.

Councilperson Partridge – asked Public Utilities Director Kelm if Mrs. Height had contacted him, and she had not. He did, however, visit with the owner of the handicapped sign to let him know that it would be taken down. The owner is attempting to rent to another handicapped renter, so Director Kelm is waiting 30 days before acting.

Councilperson Galbraith – noted that the Flood Control Ordinance needs to be updated. She toured the Water and Wastewater Plants and wanted to commend the crews for saving money.

Councilperson Hollowell – asked where the City was with the Public Works Director position. Councilperson Uden explained that the two applicants were to be interviewed Thursday.

Councilperson Brush – noted that Dr. Hicswa was leaving the community in May and will be missed.

## **MAYOR COMMENTS**

Mayor Grenz congratulated Floodplain Administrator Sam Malenovsky on receiving the first ever Lewis and Clark Local Floodplain Award for 2013.

## **PUBLIC HEARINGS**

**ORDINANCE NO. 1249** An Ordinance Restricting The Budgeting And Expenditure Of General Fund Cash Reserves

*\*\* Mayor Grenz called for opponents three times and then called for proponents three times. Hearing none, the public hearing was closed.*

**ORDINANCE NO. 1250:** An Ordinance Revising Sections 16-43 Of The Code Of Ordinances Of The City Of Miles City, Montana So As To Prohibit The Discharge Of Firearms On City Owned Or Leased Lands Within Three (3) Miles Of The City Limits Except At Approved Shooting Ranges.

\*\* *Mayor Grenz called for opponents three times and then called for proponents three times. Hearing none, the public hearing was closed.*

## **OLD BUSINESS**

**ORDINANCE NO. 1249** An Ordinance Restricting The Budgeting And Expenditure Of General Fund Cash Reserves

\*\* *Councilperson Ahner moved to approve the Ordinance, read by title only, seconded by Councilperson Melnik.*

Councilperson Galbraith said she has a problem with this Ordinance. In the past eight years, the City overspent in FY 2005-2006 and FY 2011-2012. In FY 2011-2012 there was a difference between actual General Fund revenue versus expenditures of( \$288,668), but of that deficit \$250,000 was transferred from the General Fund to a Capital Fund. The actual loss then was \$38,668. She does not believe this Ordinance is necessary as it will restrict the Council at budget time. She feels it is taking power away from the Council. This year the Council has approved items with a budget amendment for a van for \$15,000, jail assessment study for \$10,000, health insurance for the Mayor for \$7,254 and possibly for the Riverside Park Restroom.

Councilperson Partridge stated he had been on the Council a long time and there are times when the City has been under \$10,000. Now there are strict rules about the reserves. He agrees with Councilperson Galbraith.

\*\* *The motion passed 5-3, with Councilpersons Galbraith, Partridge and Hollowell voting nay.*

**ORDINANCE NO. 1250:** An Ordinance Revising Sections 16-43 Of The Code Of Ordinances Of The City Of Miles City, Montana So As To Prohibit The Discharge Of Firearms On City Owned Or Leased Lands Within Three (3) Miles Of The City Limits Except At Approved Shooting Ranges.

\*\* *Councilperson Ahner moved to approve the Ordinance, read by title only, seconded by Councilperson Uden.*

Councilperson Ahner asked for clarification of the types of hunting and the advanced permission to hunt. It was determined that a semicolon instead of a comma in the Ordinance would make it clearer.

*\*\* Councilperson Andrews moved to place a semicolon in the Ordinance language in Section 1. Sec. 16-43 Discharge of firearms (b), third sentence "archery for big game hunting; (instead of a comma) shotgun and archery hunting. . .", seconded by Councilperson Ahner. The motion passed unanimously, 8-0.*

*\*\* The original motion passed unanimously, 8-0.*

## **BID AWARDS**

### **South Strevell/Merriam Street – Paving/Water/Storm Sewer Project**

Dowl HKM Project Engineer, Andy Marum, explained that Western Municipal is highly qualified and their references have been checked out. They have no objections to Western Municipal being awarded the job.

*\*\* Councilperson Ahner moved to approve the award of the bid for the S. Strevell, S. Merriam, S. Jordan and S Custer project to Western Municipal Construction in the amount of \$2,405,465 and that a contract be prepared and reviewed by the City Attorney and returned back to the Council, seconded by Councilperson Melnik.*

Councilperson Ahner explained the project consists of redoing the water and sewer and repaving on S. Strevell from Stower to Wilson; then on S. Merriam from Stower to Wilson replacing the water lines and storm sewer; then on S. Custer and S. Jordan from Stower to Sudlow replacing the water lines. This project will be split between two fiscal years.

*\*\* The motion carried unanimously, 8-0.*

## **BID OPENING**

### **Parks Department Request: Purchase of Tool Cat**

Director Kelm opened the only bid which was from Bobcat of Miles City. The bid amount was \$43,007 which includes the tool cat and the broom attachment.



*\*\* Councilperson Ahner made a motion to send the bid to the Finance Committee for review and recommendations, seconded by Councilperson Uden. The motion passed unanimously, 8-0.*

## **NEW BUSINESS**

### **Approval of claims**

*\*\* Councilperson Melnik moved to approve the January claims, seconded by Councilperson Brush. The motion passed unanimously, 8-0.*

### **Select Council Representatives for Mediation**

Councilperson Ahner nominated Councilperson Brush. Councilperson Galbraith nominated Dwayne Andrews.

*\*\* Councilperson Uden moved that the nominations cease, seconded by Councilperson Ahner. The motion passed unanimously.*

*\*\* Councilperson Partridge moved to accept the delegation by acclimation, seconded by Councilperson Ahner. The motion passed unanimously.*

**RESOLUTION NO. 3579:** A Resolution Authorizing The City Of Miles City To Apply For The Montana Department Of Commerce Montana Main Street Program As An Affiliate Member

*\*\* Councilperson Uden moved to approve the Resolution, read by title only, seconded by Councilperson Hollowell.*

Historical Preservation Officer Connie Muggli explained that the affiliate membership does not obligate the City of Miles City to anything in anyway. It is one way to attract funding to the City to aid in focusing on revitalizing the downtown area. There is funding with the Department of Commerce under this program.

*\*\* The motion passed unanimously, 8-0.*

**Acceptance of Easement at Southgate Meadows: Pump House, Water Tank, Storm Water Detention in New Development**

Director Kelm explained that the City of Miles City had never received an easement in Southgate for the water tank, pump house, storm water detention and the easement needs Council approval. This is a permanent easement. This easement has been reviewed by former City Attorney Huss.

\*\* *Councilperson Brush moved to accept the above easement, seconded by Councilperson Partridge. The motion passed unanimously.*

#### **Attorney's Legal Opinion – Lease/Purchase of City Lands**

Assistant City Attorney Griffith drafted an opinion on the above topic.

\*\* *Councilperson Ahner moved to ask the City Planner to advertise the five city lots for competitive bid at the Industrial Site.*

City Planner Broadie stated that she had sent the advertisement to the Miles City Star today.

Motion died because the advertisement had already been sent to the Miles City Star.

#### **ADJOURNMENT**

\*\* *Councilperson Uden made a motion to adjourn the meeting, seconded by Councilperson Melnik. Motion passed unanimously.*

The meeting was adjourned at 8:45 p.m.

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**C.A. GRENZ, Mayor**

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**Becky Stanton, City Clerk**

## **Flood Control Committee January 16, 2013**

The **Flood Control Committee** met Wednesday, January 16, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members John Hollowell, Jerry Partridge, Susanne Galbraith, and Dwayne Andrews. Also present were Floodplain Administrator Sam Malenovsky, Public Utilities Director Al Kelm, Representative from KLJ, Carl Jackson, Mayor C.A. Grenz and Recorder HR/Payroll Officer Billie Burkhalter.

### **1. Elect Committee Chairperson**

Committee Member Hollowell opened the floor for nominations for Chairperson of the Flood Control Committee. Committee Member Andrews nominated John Hollowell. Hearing no further nominations,

*\*\* Committee Member Andrews moved to name John Hollowell as Chairperson of the Flood Control Committee, seconded by Committee Member Partridge, and, motion passed unanimously, 3-0, with Committee Member Hollowell abstaining.*

### **2. Discussion on contract with Kadrmas, Lee & Jackson, Inc. (KLJ) on Flood Project**

Carl Jackson, KLJ, explained he had presented Administrator Malenovsky and Director Kelm with a draft of the Short Form of Agreement between Owner and Engineer for Professional Services for the Flood Project. The Committee was given a copy of this draft. Mr. Jackson stated he was there for the Committee to answer any questions and explain anything more in detail.

Committee Member Andrews questioned Section 8.01; KL&J Additions to the Short Form of Agreement, item "E" (page 4 of 6) on who would be considered the representative of the City. Mr. Jackson responded that Flood Plain Administrator Malenovsky would be the point of contact for the City.

Committee Member Andrews questioned Appendix 1 Miles City Flood Control Feasibility Study; Scope of Work Section II. Engineer Shall Perform or Provide: 100 Project Management, Coordination and Background Data Review "B" (page 1 of 7) concerning a total of 5 general coordination meetings. He asked if those meetings would include the workshop meetings, and if the workshop meetings would be public. Mr. Jackson stated the workshop meetings are not included in the general coordination meetings. He further explained that, typically, workshop meetings are not public because they are basically unscheduled meetings with a specific agenda.

Committee Member Andrews stated 200 Preliminary Alternative Screening "A" (page 3 of 7.) needed further clarification. Mr. Jackson was agreeable to make the "do nothing" "2-dimensional model" and "letter of map amendment (LOMA)" and "permanent levee or flood wall" more detailed.

Committee Member Andrews requested the word "may" be replaced with "shall" every time it appears in section 400 Screened Alternative Analyses "C" (page 5 of 7). Mr. Jackson was in agreement.

Committee Member Andrews expressed his appreciation that the contract has many town ward meetings and will have material on the City's web page. He stressed that the public needs to be informed as much as possible through this process. It was noted that the social media page was not included in the initial fee summary, but will be looked into.

Committee Member Galbraith questioned the Short Form Agreement, Section 7.01 General Considerations "F" (page 3 of 6). She asked that, if the City is paying for this Study why would KLJ own the copyright? Mr. Jackson stated in his industry this would be referred to as "intellectual property". He explained that if you hire 10 engineers you will probably get 10 different ways to do a project. KLJ's decision making process and how they get there includes a bunch of data that goes into their drawings, exhibits, and models and there is always some subjectivity in that. If the City decides to hire another engineering firm and use the information they have been provided by KLJ, they cannot hold KLJ liable, because it cannot be assumed there is only one way to do a project. Mr. Jackson stated that the City would retain the information received from KLJ. Committee Member Galbraith still had concerns with the language in the contract. Mr. Jackson stated he would send information to Administrator Malenovsky to further explain this section.

Administrator Malenovsky questioned what the costs would be if KLJ had to survey a section of the levy. Mr. Jackson stated that to send out a surveying crew for a full day would be approximately \$2,200.

Administrator Malenovsky asked what the costs would be if they happened to need more general meetings than five. Mr. Jackson explained that it depended on who would need to attend those meetings. If it was just him, it could be approximately \$1000 for a full day.

Administrator Malenovsky stated that Grant Writer Dawn Colton is actively looking into grants for the costs of this study.

Chairperson Hollowell stated the recommended changes will be forwarded to the City Attorney and then to Council for direction on how to proceed.

### **3. Requests of Citizens**

-none

#### 4. Adjournment

\*\* *Committee Member Galbraith moved to adjourn the meeting, seconded by Committee Member Andrews and passed unanimously, 4-0.*

There being no further business, the Committee adjourned at 6:50 p.m.

Respectfully Submitted,

Flood Control Committee Chairperson

\_\_\_\_\_  
Billie D. Burkhalter, Recorder

\_\_\_\_\_  
John Hollowell, Chairperson

## **Finance Committee Meeting February 19, 2013**

The **Finance Committee** met February 19, 2013, at 12:00 p.m. in the City Hall Conference Room. Present were Committee members Mark Ahner, John Uden, Bill Melnik and Roxanna Brush. Also present were Mayor Chris Grenz, Public Utilities Director Al Kelm, Police Chief Doug Colombik, Parks Supervisor Brady Stone and Recorder City Clerk Becky Stanton.

### **Review Bid for Tool Cat**

Chairperson Ahner explained the bid of \$43,007, which includes the tool cat with the attachment of a 68" angle broom. There is also a repurchase agreement and an extended warranty option that could be purchased at additional costs. The Committee decided not to purchase either of them.

*\*\* Committee Member Uden moved to recommend to Council approval of purchasing from Bobcat of Miles City the Tool Cat with the attachment of a 68" angle broom. The motion was seconded by Committee Member Melnik; the motion carried unanimously, 4-0.*

### **Request to Purchase Plotter and Software for \$21,250**

Chairperson Ahner explained that the Flood Plain Administrator plotter and software would be acquired through a grant. The plotter will cost \$21,250, of which the grant will pay \$15,925 and the City will pay \$5,325 for its match. Director Kelm explained that the current plotter is broken and obsolete and the City cannot obtain service for it anymore. The new plotter will plot and/or copy maps or plans. The software is an ARC GIS. The City Planner has a license for ARC GIS software for her computer only. This new software will have a license that allows it to be placed on the server and have multiple users. Initially this item was budgeted for in FY 2012-2013, but Mayor Grenz requested that it be removed. The departments affected by this item are the Street Maintenance Districts, Water, Sewer, Planning and Flood Plain. The amount affecting these departments would be \$5,325 divided by 6 is \$887.50 each.

*\*\* Committee Member Brush moved to recommend to Council approval of spending authority to purchase the above. The motion was seconded by Committee Member Uden; the motion carried unanimously, 4-0.*

### **Review Options for City's Impound Lot**

Councilperson Ahner explained that Bill's Truck Service asked for an increase in the lease price of the lot he owns that the City uses for their impound lot. There was

discussion about using the area around the old Fish and Game Building for an impound lot. After discussion, it was decided to pay the impound charge for this year since it was already February. It was also determined to prepare the area around the Fish and Game Building to create an impound lot for the City.

- \*\* Committee Member Ahner moved to pay the amount due for the current impound lot for the year starting October, 2012, through September, 2013, and at budget time include funding for creating an impound lot on the City's property out by the Fish and Game Quonset . The motion was seconded by Committee Member Uden; the motion carried unanimously, 4-0.*

### **Review Pay.Gov Contract to Facilitate Water/Sewer Bill Payments**

City Clerk Stanton explained that customers ask to pay their water and sewer bill by credit card. There are two companies that provide that service to Cities and Counties with no charge to the entity. The customer, not the City, is charged a service charge for using their card. PayGOV does not charge any money for the equipment, while the other vendor would charge the City for any equipment. PayGOV also appears to provide better customer service.

- \*\* Chairperson Ahner moved to recommend to Council approval of using PayGOV to accept credit card payments for water and sewer bills, seconded by Councilperson Melnik.*

Councilperson Brush stated she would be voting no on this matter because she did not think the citizens would be very happy about paying the fees.

- \*\* The motion failed 2-2, with Committee Members Brush and Melnik voting nay.*

### **Request of Citizens**

Mayor Grenz asked about a computer for City Prosecutor Jeff Noble's office and wondered if Chairperson Ahner would place that on the next Finance agenda. City Clerk Stanton explained that she had visited with City Prosecutor Noble and asked if he would be willing to use a laptop that the City already had. He said that would be okay. The Committee decided to go with the laptop until the next year when he could budget for a computer for his office.

- \*\* Committee Member Uden moved to adjourn the meeting, seconded by Committee Member Brush. The motion passed unanimously.*

The meeting was adjourned at 12:50 p.m.

Respectfully Submitted:

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Chairperson Mark Ahner

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City Clerk Becky Stanton



*(For reference on Finance Cmte Recommendations Only)*  
*#NB a,b,c,d*

**Finance Committee Meeting  
January 29, 2013**

The **Finance Committee** met January 29, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Committee members Mark Ahner, John Uden, Bill Melnik and Roxanna Brush. Also present were Councilpersons Sue Galbraith and Dwayne Andrews, Mayor Chris Grenz, Deputy City Clerk Connie Watts, Public Utilities Director Al Kelm, Floodplain Administrator Sam Malenovsky, Human Resource/Payroll Officer Billie Burkhalter, Finance Clerk Linda Wildman and Recorder City Clerk Becky Stanton.

**Selection of Committee Chairperson**

- \*\* Chairperson Melnik moved to nominate Committee Member Mark Ahner as Chairperson to the Finance Committee, seconded by Committee Member Brush.*
- \*\* Committee Member Uden moved to close nominations, seconded by Committee Member Melnik. The motion carried unanimously, 4-0.*
- \*\* The original motion carried 3-0, with Committee Member Ahner abstaining. Committee Member Ahner is elected to be Chairperson of the Finance Committee.*

*#a*  
**Water and Sewer Debts to Collection**

- \*\* Committee Member Uden moved to recommend to Council approval of sending the water and sewer debts to collection. The motion was seconded by Committee Member Melnik; the motion carried unanimously, 4-0.*

**Request to Solicit Bids for Sewer Camera System**

Public Utility Director Kelm explained that the new camera would help the crews find problem areas in the sewer collection lines which cause sewer backups. When the problem is located, the crews can repair the area instead of the entire line. The old camera is not reliable anymore and needs repairs, often at a cost of about \$2,000 each time. The new camera would be a tractor type camera that would fit into a 4" pipe and moves forwards and backwards with a tilt head on it. It can also look up service lines, find grease buildups and much more.

- \*\* Committee Member Brush moved to recommend that the City Council approve the request to solicit bids for the sewer camera system. The motion was seconded by Committee Member Uden; the motion carried unanimously, 4-0.*

CITY OF MILES CITY, PO Box 910, Miles City, MT 59301

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Date: January 15, 2013

To: Finance Committee Members

From: Becky Stanton, City Clerk of City of Miles City

RE: Write-off for Water/Sewer accounts

Utility Billing Clerk Diana Schweigert has submitted a listing of accounts that need to be wrote off and sent to the collection agency.

Please find the listing attached.

BLACK MOUNTAIN SOFTWARE UTILITY BILLING SYSTEM

CITY OF MILLS CITY

ADJUSTMENTS

For Postdate from 01/11/2013 to 01/11/2013 Ordered by ADJUSTMENT NUMBER from AP and Year 1 - 2013

15:56:20 - 01/11/2013

JOURNAL

ALL ADJUSTMENT NUMBERS  
ALL ACCOUNTS

ADJUSTMENT TYPES: CHARGE-OFF

Adjustment Type	Service	Amount
CHARGE-OFF		
	CURB STOP	-106.00
	SEWER	-1596.94
	STATE FEE	-38.00
	WATER	-4199.21
	Total for : CHARGE-OFF	-5940.15
	<b>Grand Total of Adjustments:</b>	<b>-5940.15</b>

\*\* *Committee member Uden moved to recommend that the Council approve the Ordinance. The motion was seconded by Committee Member Melnik;*

Committee Member Brush explained that she would probably vote no on this motion since it had come from Council with less than a two-thirds vote. She believes that it is not beneficial to the Mayor because if he had something that he wanted passed, there is a good chance that it would fail because of the two-thirds majority requirement.

Finance Clerk Wildman explained that she has worked with the Budget Committee a number of years and feels this Ordinance restricts the powers of the Council. She explained that, through the budget process, it is possible to balance the General Fund revenues and expenditures. She explained the process to the Committee.

Chairperson Ahner stated that this Ordinance forces the Budget Committee and the Council to have a balanced budget for the General Fund.

*The motion passed unanimously, 4-0.*

#6, c, d

**Review of Position Salaries for the following: Floodplain Administrator, City Attorney, Deputy City Clerk, Accounts Payable Clerk**

Chairperson Ahner asked to review the Floodplain Administrator position first.

Floodplain Administrator Malenovsky explained she was first hired as an Auto-Cad Tech. When John Marks terminated his employment with the City of Miles, she was appointed by Mayor Whalen to Floodplain Administrator. Mayor Whalen stated that when she got certified, he would ask for a raise for her. With the change in Mayors, that never occurred. On April 18, 2012, the Human Resources Committee heard her case and voted to "recommend the City provide an appropriate raise, with the amount to be determined by the Finance Committee".

Chairperson Ahner referred to the Human Resources minutes dated April 18, 2012, and noted that Human Resources Chairperson Uden recommended a \$1 - \$2 per hour increase. He referred to Resolution No. 3550 which is the resolution establishing wages and salaries for city employees for FY 2012-2013, and asked Floodplain Administrator Malenovsky if she made the wage listed in the Resolution. She said yes. Chairperson Ahner stated he is very impressed with everything Floodplain Administrator Malenovsky has accomplished in the short time she has been the Administrator. She became a certified Floodplain Manager on July 22, 2011. She is being recognized by

Department of Natural Resources and Conservation (DNRC) as the first ever recipient of the Lewis & Clark Floodplain Manager Award, 2013. This award recognized outstanding individual effort and contributions to floodplain management at the local level. She has also been nominated for the Association of State Floodplain Managers National Larry R. Johnston Local Floodplain Manager Award for 2014.

Chairperson Ahner asked if she would compromise with a \$1.50 raise. She said yes.

#6  
\* \*  
*Committee Member Uden moved to recommend that the Council approve Floodplain Administrator Malenovsky receive a \$1.50 per hour raise effective January 1, 2013. The motion was seconded by Committee Member Brush.*

Mayor Grenz felt that the raise should be effective April 18, 2012, when the Human Resources Committee recommended the raise.

\* \*  
*Committee Member Brush moved to amend the motion to have the increase in wages be retroactive back to July 1, 2012, when the current Fiscal Year's budget went into effect. The motion was seconded by Committee Member Melnik; the amended motion passed, 3-1, with Chairperson Ahner voting nay.*

\* \*  
*The original motion passed unanimously, 4-0.*

Chairperson Ahner asked to review the City Attorney position next because he is looking for guidance for compensation for the City Attorney position. The position was changed from a contracted attorney to a City employee due to a state statute.

Committee Member Uden explained that he feels paying the new attorney \$150 per hour is appropriate.

Chairperson Ahner argued against that because a new attorney will not be as fast and efficient as City Attorney Huss was because of his vast experience in working with the City. Attorney Dan Rice, who was the only applicant for that position, told Chairperson Ahner that he was willing to, on his own time, come up to speed in order to not burden the City with a steep learning curve.

\* \*  
*Committee Member Uden moved that the consideration for salary for the City Attorney be tabled until a future meeting and after interviews are conducted. The motion was seconded by Committee Member Melnik. The motion passed, 3-1, with Chairperson Ahner voting nay.*

Chairperson Ahner asked to review the Deputy City Clerk's position next. Chairperson Ahner placed this on the agenda to be transparent in reference to salary. The Council has set salaries twice; first with the adoption of the budget and second with the adoption of the Salary Resolution No. 3550. The salary used was the MSU study

average wage for Deputy City Clerk, which was \$34,216 or \$16.45 per hour. City Clerk Stanton explained that the position was advertised at \$16.78 per hour, which is the \$16.45 plus a 2% cost of living raise that everyone who was eligible received on July 1, 2012. Human Resource/Payroll Clerk Burkhalter explained that anyone who was at the average wage or below was eligible for a 2% increase July 1<sup>st</sup> per the MSU study. City Clerk Stanton stated that the \$16.45 was what was budgeted but the position was budgeted for the entire year. The difference for the year at the \$.33 increase is \$343.20 for salary alone plus \$102.96 for rollups, for a total of \$446.16. Chairperson Ahner asked City Clerk Stanton if she was still within her budget. She stated that currently she is under budget.

*\*\* Chairperson Ahner moved to recommend to the Council approval of the wages as set by the MSU study of \$34,216 for the Deputy City Clerk for the FY 2012-2013 with the projected 2% increase effective January 1, 2013. The motion was seconded by Committee Member Uden. The motion passed, unanimously, 4-0.*

Chairperson Ahner asked to review the Finance Clerk's position next. The salary, according to Resolution No. 3550, was \$15.97 per hour. He asked the status of this position. City Clerk Stanton explained that the position was awarded to Linda Wildman who applied internally. Because it was a lateral move for her, her salary stayed the same, which is \$25 per hour. Because she is a working retiree, she does not have some of the rollup costs that another employee would have. Her total costs for half of a year with rollups to the Finance Department are \$9,150.12. Another employee at the \$15.97 plus rollups would cost the Finance Department \$10,022.32. That is a savings of \$872.20.

Mayor Grenz requested clarification as to why Linda Wildman negotiated her wage of \$25 per hour after retiring. Was it to train a new City Clerk?

Finance Clerk Wildman responded that after she retired and was asked to come back to work for the City, she requested \$25 per hour. Former City Clerk Kori Pray wanted her to come back and Ms. Wildman thought it best for her and Ms. Pray. In addition to the training the City Clerk, she was still performing the duties of Deputy City Clerk. She made note that the \$15.97 per hour was for an entry level employee and not one with 38 years' experience. She requires no training for her position and she will be doing more than Account Receivables and Payables; she will be training the new Deputy City Clerk. Currently Ms. Watts is still doing Ambulance billing for December and clean-up nearly full time, so Ms. Wildman is still doing Deputy City Clerk duties as well as Finance Clerk duties.

Chairperson Ahner explained his concern was that the Council had no idea that the transfer was being done at Ms. Wildman's current rate of pay. The Council had passed a budget with \$15.97 per hour for the Finance Clerk's position and that was what they thought the position would pay regardless of who filled the position. The Finance Department has a budget and as long as they stay within that budget, that is

his main concern. He just does not want department heads arbitrarily moving people around without regard to the budget set by the City Council.

City Clerk Stanton explained that other departments have transferred employees who internally bid a different position and allowed them to not take a cut in pay.

#2  
\* \* *Chairperson Ahner moved to recommend to the Council approval of the amount of \$25 per hour for Finance Clerk for the remainder of the FY 2012-2013. The motion was seconded by Committee Member Uden. The motion passed unanimously, 4-0.*

**Request of Citizens**

-None

There being no further business, Committee Member Brush moved to adjourn the meeting, seconded by Committee Member Uden. The meeting was adjourned at 8:10 p.m.

Respectfully Submitted:

\_\_\_\_\_  
Chairperson Mark Ahner

\_\_\_\_\_  
City Clerk Becky Stanton



# CITY OF MILES CITY

17 S. 8th, P.O. Box 910  
Miles City, MT 59301-0910

Telephone: 406-234-3462  
Fax: 406-234-2903

December 11, 2012

Kent Atwood, SHMO  
Montana Disaster and Emergency Services (DES)  
P.O. Box 4789  
Fort Harrison, MT 59636-4789

*For reference on  
NB # 2 - Plotter  
software. See also  
Finance minute of 2-19-13*

**RE: DR-1996-P-5-F ArcGIS Miles City 5% Funding Commitment Letter**

Dear Kent:

This letter is to confirm that Miles City, in accepting a Hazard Mitigation Grant Program (HMGP) grant for the ArcGIS software Mitigation Project, is fully aware that the project funding will be conducted as follows:

- HMGP Funding \$ 15,925.00
- Miles City Match \$ 5,325.00
- Total Project Cost \$ 21,250.00

It is understood the total project cost projection is based upon preliminary estimates and may be subject to change. It is also understood that Miles City is prepared to satisfy its match by either cash or well-documented "in kind" contribution. The value of these local contributions may exceed the minimum (25%) match amount requirement but no additional FEMA Federal funds are available. Miles City will collect and provide detailed documentation to verify cash, "in kind" and/or other task match expenditures associated with this project.

Sincerely,

Chris A. Grenz, Mayor





ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.  
 380 New York Street  
 Redlands, CA 92373-8100  
 Phone: (909) 793-2853 Fax: 909-307-3049  
 DUNS Number: 06-313-4175 CAGE Code: OAMS3

*To expedite your order, please attach a copy of this quotation to your purchase order.  
 Quote is valid from: 03/15/2012 To: 06/13/2012*

**Quotation # 20402201**

Date: March 15, 2012

Customer # 448634 Contract # 2004MPA3427

CITY OF MILES CITY  
 PLANNING & COMMUNITY SERVICES  
 17 S 8TH ST  
 MILES CITY, MT 59301

ATTENTION: Dawn Colton  
 PHONE: (406) 234-3493  
 FAX:

Material	Qty	Description	Unit Price	Total
109897	1	ArcGIS Server Standard Workgroup Up to Two Cores License	4,750.00	4,750.00
			Item Total:	4,750.00
			Subtotal:	4,750.00
			Sales Tax:	0.00
			Estimated Shipping & Handling(2 Day Delivery) :	0.00
			Contract Pricing Adjust:	0.00
			<b>Total:</b>	<b>\$4,750.00</b>

\* Please indicate on your purchase order if this purchase is funded through the American Recovery and Reinvestment Act, and whether Esri is a Prime Recipient, Sub-recipient, or Vendor for reporting purposes.

For questions contact: Jeremy Morgan	Email: <a href="mailto:jmorgan@esri.com">jmorgan@esri.com</a>	Phone: (909) 793-2853 x3317
Acceptance of this quotation is limited to the Esri License Agreement and the Quotation Terms and Conditions This Quotation is made in confidence for your review. It may not be disclosed to third parties, except as required by law. <b>If sending remittance, please address to: Esri, File No. 54630, Los Angeles, Ca 90074-4630</b>		





**Quotation # 20418278**

Date: January 3, 2013

Customer # 448634 Contract #

CITY OF MILES CITY  
PLANNING & COMMUNITY SERVICES  
17 S 8TH ST  
MILES CITY, MT 59301

ATTENTION: Dawn Colton  
PHONE: (406) 234-3493  
FAX:

ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.  
380 New York St  
Redlands, CA 92373-8100  
Phone: (909) 793-2853 Fax: 909-307-3049  
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

*To expedite your order, please attach a copy of this quotation to your purchase order.  
Quote is valid from: 01/03/2013 To: 04/03/2013*

Material	Qty	Description	Unit Price	Total
93198	2	ArcGIS for Desktop Basic (formerly ArcView) Single Use License*	1,350.00	2,700.00
			Item Total:	2,700.00
			Subtotal:	2,700.00
			Sales Tax:	0.00
			Estimated Shipping & Handling(2 Day Delivery) :	0.00
			Contract Pricing Adjust:	0.00
			<b>Total:</b>	<b>\$2,700.00</b>

\*A volume discount has been applied. Quantity discounts apply on a per-order, per-item basis. If you wish to purchase a different number of licenses, please contact me for a revised quotation with adjusted per-unit pricing.

Once your order is processed, you will receive an email with your software authorization number(s) along with instructions on how to download the software and complimentary data & maps from <http://customers.esri.com>.

\* Please indicate on your purchase order if this purchase is funded through the American Recovery and Reinvestment Act, and whether Esri is a Prime Recipient, Sub-recipient, or Vendor for reporting purposes.

<b>For questions contact:</b> Erin Fair	<b>Email:</b> <a href="mailto:efair@esri.com">efair@esri.com</a>	<b>Phone:</b> (909) 793-2853 x1263
<p>Acceptance of this quotation is limited to the Esri License Agreement and the Quotation Terms and Conditions  This Quotation is made in confidence for your review. It may not be disclosed to third parties, except as required by law.</p> <p><b><i>If sending remittance, please address to: Esri, File No. 54630, Los Angeles, Ca 90074-4630</i></b></p>		



2595 Enterprise Ave.  
 Billings, Montana 59102  
 (406) 652.4414 fax: (406) 652.7825  
 1-800-548-7887  
 bcole@selbys.com

# QUOTE

Quote No.: 1  
 DATE: 02/28/12

EXPIRATION DATE: 3/30/2012

Company: City of Miles City  
 Attn: Samantha Malenovsky  
 Dept: Engineering  
 City: Miles City  
 Phone: 406-234-3493

Customer e-mail: smalenovsky@milescity-mt.org  
 State: MT 59103  
 Fax: 406-234-6392

Product Description:  
**Canon iPF825 with Contex Scanner**

SALESPERSON	JOB	SHIPPING METHOD	SHIPPING TERMS	DELIVERY DATE	PAYMENT TERMS	DUE DATE
BC	N/A				NET 30	

Itm #	QTY	PART NUMBER	VENDOR	DESCRIPTION	LIST PRICE	DISCOUNT	Disc Amount	LINE TOTAL
1	1	iPF825	Canon	44" 2 roll printer	\$7,495.00	0%	0	\$7,495.00
2	1	Cx4450MFP Bundle	Contex	44" Scanner*	\$7,460.00	0%	0	\$7,460.00
3	1	D5133	Selby's	Line Conditioner	\$144.00	0%	0	\$144.00
4	1		Selby's	Delivery & Installation	\$850.00	0%	0	\$850.00

\*Includes 44" scanner, stand, software, 17" touchscreen, PC

Less trade for HP500

TOTAL

SUBTOTAL	\$15,949.00
	\$2,150.00
	\$13,799.00

Special Notes:  
**Price includes delivery to your site, assembly by Selby's personnel, and removal of old plotter. We will also remove the other old printer you and I discussed.**

Quotation prepared by: Brad Cole

This is a quotation on the goods named, subject to the conditions noted below:

To accept this quotation, sign here and return:

X \_\_\_\_\_ PO # \_\_\_\_\_

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TESTED 15/07/09

HOME TONER INK PHOTO PAPER PRINTERS CUSTOMER SERVICE
There are 4 Item(s) in your cart. [Login](#) [View Cart](#) [Check Out](#)



These are the current items in your shopping cart.  
You can alter the quantity and then click "recalculate"

Remove	Description	Quantity	Unit Price	Total
<input type="checkbox"/>	Genuine OEM Canon Ink Cartridge, Cyan, High Capacity . Canon part number: PFI-703C, 2964B001AA	<input type="text" value="1"/>	\$299.95	\$299.95
<input type="checkbox"/>	Genuine OEM Canon Ink Cartridge, Magenta, High Capacity . Canon part number: PFI-703M, 2965B001AA.	<input type="text" value="1"/>	\$299.95	\$299.95
<input type="checkbox"/>	Genuine OEM Canon Ink Cartridge, Yellow, High Capacity . Canon part number: PFI-703Y, 2966B001AA.	<input type="text" value="1"/>	\$299.95	\$299.95
<input type="checkbox"/>	Genuine OEM Canon Ink Cartridge, Black, High Capacity . Canon part number: PFI-703BK, 2963B001AA.	<input type="text" value="1"/>	\$299.95	\$299.95
<b>Product Cost</b>				<b>\$1,199.80</b>

**Cart Options**

**Get Shipping Rates:**  
\*Enter the 5 digit Zip Code you are shipping to then click the "Recalculate" button. (US customers only)

Next Day [\$103.29]  
Second Day [\$66.73]  
Third Day [\$38.53]  
Ground [\$0.00] (1-4 Days) (Continental U.S.)  
Ground [\$13.48] (1-4 Days) (HI and AK)

**Do You Have a Coupon?**  
\*Enter your coupon code then click the "Recalculate" button to see discounts.

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[Recalculate](#)

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If you are a returning customer,  
please sign in to your account  
for faster checkout.

Email

Password

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If you are a new customer,  
please enter your email address  
to begin.

Email

OR

Re-type Email

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**Genuine OEM Toner**



PFI-303C

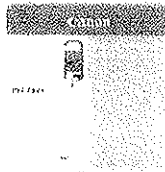
Part Number: **PFI-303C**

Genuine OEM Canon Ink Cartridge, Cyan, . Canon part number: PFI-303C,  
2959B001AA. Ink Cartridge compatible with Canon ImagePROGRAF iPF825.

**\$187.95**

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PFI-703Y

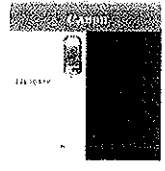
Part Number: **PFI-703Y**

Genuine OEM Canon Ink Cartridge, Yellow, High Capacity . Canon part number: PFI-703Y, 2966B001AA. Ink Cartridge compatible with Canon imagePROGRAF iPF825.

\$299.95 | 1

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PFI-703BK

Part Number: **PFI-703BK**

Genuine OEM Canon Ink Cartridge, Black, High Capacity . Canon part number: PFI-703BK, 2963B001AA. Ink Cartridge compatible with Canon imagePROGRAF iPF825.

\$299.95 | 1

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PFI-703MBK

Part Number: **PFI-703MBK**

Genuine OEM Canon Ink Cartridge, Matte Black, High Capacity . Canon part number: PFI-703MBK, 2962B001AA. Ink Cartridge compatible with Canon imagePROGRAF iPF825.

\$299.95 | 1

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"The following hunting exceptions apply: ...Waste Water Plant Manager/Operator "24 hours in advance --" archery "season for big game hunting; shotgun and archery hunting" of upland game birds, spring turkey and waterfowl..."

\*\* Committee Member Partridge moved to recommend approval of Ordinance 1250 with the corrections stated above, seconded by Committee Member Hollowell and, on roll call vote, passed unanimously.

*(For reference on New Business Public Safety Recommendation Only)*

**3. HANDICAP PARKING AT 907 GARLAND FOR DEB KIRKWOOD**

\*\* After discussion, Committee Member Galbraith moved to recommend approval of a handicapped parking sign in front of Ms. Kirkwood's house at 907 Garland as long as she resides there, upon the condition that, if Ms. Kirkwood were to move or no longer need the sign, it would be taken down. Ms. Kirkwood shall bear all monetary costs involved in the sign. Committee Member Partridge seconded the motion and, on roll call vote, it passed 3 to 1, with Committee Member Hollowell voting no.

**CITIZEN REQUESTS**

Director Kelm said he was approached by an individual at 121 S. Center, right across the street from the High School. That individual asked that the sign "No Parking Here to Corner", which is on the corner of Fort and S Center, be moved to the other side of his driveway. This item will be brought for consideration before this committee on a subsequent meeting date.

**ADJOURNMENT**

\*\* Having no more business before the Committee, Committee Member Partridge moved to adjourn, seconded by Committee Member Galbraith and passed unanimously. The meeting was adjourned at 12:40 p.m.

Respectfully Submitted:

Public Safety Committee Chairperson:

\_\_\_\_\_  
Connie L. Watts, Recorder

\_\_\_\_\_  
Chairperson Dwayne Andrews

**RESOLUTION NO. 3581**

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO PURCHASE A 4x4 UTILITY WORK MACHINE FROM RIVERSIDE MARINE & CYCLE, LLC, A MONTANA LIMITED LIABILITY COMPANY, D/B/A BOBCAT OF MILES CITY.**

*WHEREAS*, the City has advertised for and accepted bids for the purchase of a 4x4 Utility Work Machine;

*AND WHEREAS* Riverside Marine & Cycle, LLC, a Montana limited liability company, d/b/a Bobcat of Miles City, of 2323 South Haynes, Miles City, Montana was the lowest responsible bidder for such project;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. The Contract for the purchase of a Bobcat Company model Toolcat 5600 F-series and 68" Angle Broom is hereby approved and adopted by this Council subject to final written approval of the City Attorney.
2. The Mayor of the City of Miles City, upon written approval of the City Attorney, is hereby empowered and authorized to execute said Contract on behalf of the City of Miles City and bind the City of Miles City thereto; and
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Contract and bind the City of Miles City thereto.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2013.**

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Stanton, City Clerk





---

**CITY OF MILES CITY**  
**OFFICE OF THE CITY ATTORNEY**

---

513 Main Street, P.O. Box 728  
Miles City, MT 59301  
Telephone: 406-232-4070  
Fax: 406-232-4093

**DANIEL Z. RICE**  
City Attorney

February 21, 2013

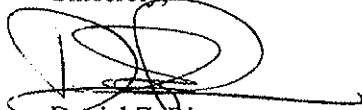
Mayor C. A. Grenz  
17 South 8<sup>th</sup>  
Miles City, Montana 59301

Re: Resolution 3581 – Approval of Contract

Dear Mayor,

I have drafted a Contract between the City of Miles City and Riverside Marine & Cycle, LLC d/b/a Bobcat of Miles City for the purchase of a 4x4 Utility Work Machine and brush, in the amount of \$43,007.00. As required by Ordinance for all contracts in excess of \$25,000.00, I am submitting this written approval of the aforementioned contract.

Sincerely,



Daniel Z. Rice

## CONTRACT

THIS CONTRACT, effective the 26<sup>th</sup> day of February, 2013, by and between the City of Miles City, hereinafter called the "OWNER," and Riverside Marine & Cycle, LLC, a Montana limited liability company, d/b/a Bobcat of Miles City, hereinafter called the "DEALER," who represents that it is licensed and registered to do business in the State of Montana.

W I T N E S S E T H:

**WHEREAS**, the OWNER intends to purchase from Dealer a 2013 4x4 Utility Work Machine, hereinafter called "EQUIPMENT," pursuant to a bid package advertised by OWNER on January 25, 2013; January 31, 2013; and February 7, 2013; wherein DEALER was the lowest responsible bidder.

**NOW, THEREFORE**, THE OWNER and DEALER for the consideration herein set forth, agree as follows:

THE DEALER AGREES to furnish one 2013 4x4 Utility Work Machine conforming to the bid package hereinbefore referenced, and designated by DEALER to be a 2013 Bobcat Toolcat 5600 F-Series machine and 68" Angle Broom.

1. **INCORPORATION OF BID PACKAGE.** The City of Miles City 2013 4x4 Utility Work Machine Bid Package, and all requirements and specifications contained therein, is hereby incorporated into this Contract as if fully set forth herein. DEALER represents and warrants that the equipment being furnished by it is in strict compliance with the requirements and specifications contained in said bid package.

2. **PURCHASE PRICE.** The total purchase price for the Equipment hereinbefore described shall be FORTY THREE THOUSAND SEVEN DOLLARS and 00/100 (\$43,007.00), said payment being due upon delivery of the Equipment to OWNER.

3. DELIVERY. DEALER shall make the Equipment ready for pickup by OWNER on February 27, 2013, or as soon thereafter as OWNER is able to accept the same.

4. PARAGRAPH HEADINGS. The paragraph headings herein are for convenience only and do not define, limit or construe the contents of such paragraphs.

5. TIME AND BINDING EFFECT. It is mutually agreed that the time of payment shall be an essential part of this contract and that all of the terms and conditions herein contained shall extend to and be obligatory upon the heirs, executors, administrators, personal representatives and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have made and executed this Contract on the day and year first above written.

**“OWNER”**

The City of Miles City, Montana

By: \_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Rebecca Stanton, City Clerk

**“DEALER”**

Riverside Marine & Cycle, LLC  
d/b/a Bobcat of Miles City

By: \_\_\_\_\_  
Matthew Lothspeich, Member

**RESOLUTION NO. 3582**

**A RESOLUTION APPROVING A REAL PROPERTY LEASE AGREEMENT  
BETWEEN THE CITY OF MILES CITY AND WILLIAM MATZEN FOR CONTINUED  
USE OF REAL PROPERTY FOR A CITY IMPOUND LOT**

*WHEREAS*, the City of Miles City currently leases real property from William Matzen consisting of Lots 6 and 7 in Block 12 of the Original Townsite of Miles City, Montana;

*AND WHEREAS*, certain provisions of the existing lease require updating and modification;

*AND WHEREAS*, an updated lease has been drafted incorporating the necessary changes;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF MILES CITY, MONTANA AS FOLLOWS:**

The City Council hereby authorizes and approves the revised terms and conditions of the Lease Agreement between the City of Miles City and William Matzen, attached hereto as Exhibit "A," and made a part hereof, and hereby authorizes the Mayor of the City of Miles City to execute such lease and bind the City of Miles City thereto and to perform the terms and conditions of such lease.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,  
MONTANA, THIS 26<sup>TH</sup> DAY OF FEBRUARY, 2013.**

---

C.A. Grenz, Mayor

ATTEST:

---

Rebecca Stanton, City Clerk

## LEASE AGREEMENT

NOTICE: THIS CONTRACT IS SUBJECT TO ARBITRATION PURSUANT TO TITLE 27,  
CHAPTER 5, MONTANA CODE ANNOTATED

**THIS AGREEMENT**, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between **WILLIAM MATZEN**, of 1900 N. Strevell, Miles City, Montana 59301, hereinafter called "*Lessor*", and **CITY OF MILES CITY, MONTANA**, a political subdivision of the State of Montana, of P. O. Box 910, Miles City, Montana, hereinafter called "*Lessee*".

**1. DESCRIPTION OF LEASEHOLD PREMISES.** The Lessor hereby leases to the Lessee to occupy and use for the purpose stated below, the following described property located in Miles City, Custer County, Montana, to-wit:

Lots 6 and 7 in Block 12 of the original Townsite of the Town, now City, of Miles City, Montana, according to the official plat and survey thereof on file and of record in the office of the Clerk and Recorder of Custer County, Montana.

Together with the right of ingress and egress to the leasehold premises.

**2. TERM OF LEASE.** This lease shall be for a period of one (1) year. The effective date of this lease shall be the 1<sup>st</sup> day of October, 2012 and this lease shall terminate at midnight on the 30<sup>th</sup> day of September, 2013, subject to earlier termination as provided for herein.

**3. CONSIDERATION.** The Lessee agrees to pay the Lessor as rent for said parking spaces the sum of Four Thousand Five Hundred and no/100 Dollars (\$4,500.00) per year, payable in advance at the execution of this Lease.

**4. USE OF PREMISES BY LESSEE.** Lessee shall use the leasehold premises leased hereunder for impoundment of motor vehicles and such other personal property as the Lessee may elect to store or impound upon the leasehold premises.

**5. POSSESSION.** The Lessee shall be entitled to possession of the leasehold premises immediately upon commencement of the term of this lease and shall surrender possession immediate upon termination of the term of this lease, or upon termination as otherwise provided for in this Agreement. Provided, however, that upon termination of this lease, either by expiration or earlier termination, Lessee shall have thirty (30) days after the date of termination in which to remove any vehicles or other personal property stored or impounded upon the leasehold premises.

**6. INGRESS AND EGRESS.** Lessor shall provide to Lessee ingress and egress to the leasehold premises sufficient to allow towing of motor vehicles on to the leased premises.

**7. MAINTENANCE OF FENCE.** The leasehold premises is currently enclosed with a fence. During the term of this Lease, Lessor, at Lessor's sole expense, shall maintain the fence enclosure around the leasehold premises in at least as good condition as it was at the commencement of this lease and shall promptly repair any damage or deterioration to such fence. It is the intent of this paragraph that such fence be maintained in such condition as to provide a secure impoundment area of the vehicles and other property impounded or stored upon the leasehold premises by Lessee.

**8. CONTROL OF WEEDS AND VERMIN.** Lessee, at its sole expense, shall, during the term of this lease, control weeds, vegetation and vermin upon the leasehold premises.

**9. TAXES AND ASSESSMENTS.** The Lessor shall pay all taxes and assessments upon the real property that is the subject of this Lease.

**10. SNOW REMOVAL.** Lessee, at its expense, shall be responsible for snow removal upon the leasehold premises during the term of this lease. Lessor shall not accumulate or place upon the leasehold premises snow removed from Lessor's property.

**11. INSURANCE.** Lessee, at Lessee's expense, shall maintain such premises liability insurance and other forms of insurance upon the leasehold premises as Lessee deems appropriate.

**12. PROTECTION OF IMPOUNDED PROPERTY.** Lessor shall not be obligated nor responsible for the protection or security of vehicles or other personal property impounded or stored upon the leasehold premises and Lessee shall indemnify, defend and hold Lessor harmless from any and all claims arising from damage or loss to vehicles or other personal property impounded or stored on the leasehold premises unless such damage or loss is the result of the intentional act of Lessor or his agents. Provided, however, that nothing herein shall be construed as imposing any obligation of Lessee to any third party or parties for the protection of vehicles or other personal property impounded or stored upon the leasehold premises.

**13. ASSIGNMENT.** This lease may not be assigned or sublet by Lessee without the prior written consent of the Lessor, which consent shall not unreasonably be withheld.

**14. BREACH OF LEASE.** Upon failure of either party to carry out any material provision of this lease, the non-defaulting party shall serve written notice upon the defaulting party specifying the default. The defaulting party shall have thirty (30) days to correct the default and, if the default is not corrected as charged, the non-defaulting party may, at its option, either correct the default and collect the cost from the defaulting party, or cancel this lease and collect damages caused by the default from the defaulting party. In the event that Lessee is the defaulting party and the default remains uncured as provided herein, Lessee agrees to immediately redeliver possession of the premises to the Lessor, subject to Lessee's right to remove personal property provided for in Section 5 of this Lease.

**15. EARLY TERMINATION.** Either party may terminate this lease prior to the end of the term of this Lease, by providing to the other party sixty (60) days advanced written notice of its intent to terminate this lease. In the event of early termination of this lease, rental shall be prorated to the effective date of termination and Lessor shall, upon the effective date of termination, tender to Lessee the prorated rentals for the unused term of the lease. "Effective date of termination" shall be sixty (60) calendar days after the date notice was given of intent to terminate this lease.

**16. OPTION TO RENEW.** At lease sixty (60) days prior to the expiration of the initial lease term, Lessee, may, at Lessee's option, offer, in writing to Lessor, to renew this lease for one additional term of one (1) year from and after the date of expiration of the original term. Such renewal shall be under the same terms and conditions of the original term of this lease. In the event that Lessee exercises this Option to Renew, Lessee shall tender to the Lessor the annual rental for the renewal term on or before October 1, 2013.

**17. NOTICES.** Any notice hereunder shall be in writing and may be delivered personally or by registered or certified mail with postage prepaid. Notice shall be deemed complete when deposited in a United States Post Office addressed to the Lessor at the following address:

William Matzen  
1900 N. Strevell  
Miles City, Montana 59301

and to Lessee at the following address:

c/o Mayor  
City of Miles City  
P. O. Box 910  
Miles City, Montana 59301



If either party changes their address then they shall give written notice to the other party of the change of address. Any notice given under this contract shall be deemed complete when deposited in a United States post office.

**18. LITIGATION.** Any controversy between the parties under this Agreement involving sums in dispute of less than \$3,000.00 shall be submitted to arbitration pursuant to the provisions of the Uniform Arbitration Act, Title 27, Chapter 5, M.C.A. If it is necessary for either party to institute legal proceedings to compel the other party to comply with the arbitration provisions of this Section, then the prevailing party in such proceedings shall be entitled to recover from the non-prevailing party all reasonable costs and expenses, including reasonable attorneys' fees, incurred in compelling the resisting party to arbitrate. If the sum in controversy exceeds the sum of \$3,000.00 then either party may proceed to seek redress through judicial proceedings and each party shall pay their own attorneys' fees incurred in such proceedings.

**19. FUTURE DOCUMENTS.** Both parties shall cooperate fully and in good faith in executing such other and further documents as may be necessary to carry out the intent and purpose of this Lease.

**20. RECORDING FEES.** Should Lessee desire to record or file this Lease, Lessee shall pay all costs of recording or filing. In the event that Lessee records or files this Lease, Lessee, at the termination of this lease, shall file or record a Surrender of Lease in all governmental offices in which it has filed or recorded the Lease.

**21. ENTIRE AGREEMENT AND MODIFICATION.** This Agreement constitutes the entire agreement of the parties and supersedes all prior negotiations, agreements and memoranda. This Agreement may be modified only by written instrument executed by all parties to this Agreement.

**22. BINDING EFFECT.** This Agreement shall be binding upon the heirs, successors and assigns of the parties hereto. Nothing herein shall be construed as waiving or otherwise modifying the prohibition against assignment or subletting contained herein.

**IN WITNESS WEHREOF,** the parties have executed this Agreement on the date first above set forth.

**LESSOR**

\_\_\_\_\_  
William Matzen

**CITY OF MILES CITY – LESSEE**

By: \_\_\_\_\_  
C. A. Grenz – Its Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk