

# AGENDA

*Regular Council Meeting  
City Council Chambers*

*May 28, 2013  
7:00 p.m.*

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

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

- |    |                           |           |
|----|---------------------------|-----------|
| a. | City Council              | 5/14/2013 |
| b. | Finance Committee         | 5/20/2013 |
| c. | Public Services Committee | 5/22/2013 |
| d. | Special Council Meeting   | 5/22/2013 |

**2. SCHEDULE MEETINGS**

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

**4. APPOINTMENTS**

**5. PROCLAMATIONS**

**6. STAFF REPORTS**

**7. CITY COUNCIL COMMENTS**

**8. MAYOR COMMENTS**

**9. COMMITTEE RECOMMENDATIONS**

**a. Finance Committee Recommendations of May 20, 2013**

1. Approve Proposed Historic Preservation Fee Schedule for Provided Services

**b. Public Services Committee Recommendations of May 22, 2013**

1. Approve Fence Encroachment at 115 N. Winchester, contingent upon complying with Engineering Department's Regulations and installing a 6' Sidewalk

**10. PUBLIC HEARINGS**

**11. OLD BUSINESS**

**12. BID AWARD**



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**12. BID AWARD**

Current Production Model of a Hydraulic Excavator  
Current Production Model of a 4-Wheel Drive, Extendable Stick, Backhoe & Loader

### **BID OPENING**

Paving in Maintenance District 205

### **13. NEW BUSINESS**

- a. **RESOLUTION NO. 3591:** A Resolution Authorizing the Placement of Signs Prohibiting the Use of Un-Muffled Compression Brakes
- b. **RESOLUTION NO. 3594:** A Resolution Revising City Of Miles City Personnel Policies Regarding Recruitment And Selection
- c. **RESOLUTION NO. 3595:** A Resolution Approving A City Of Miles City Rsvp Criminal History Check Policy
- d. **RESOLUTION NO.3596:** A Resolution Authorizing The City Of Miles City To Enter Into An Agreement With The Montana Department Of Transportation For Street Sweeping For Fiscal Year 2013-2014.

### **14. ADJOURNMENT**

Public comment on any public matter that is not on the agenda of this meeting can be presented under Request 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. Public matter does not include contested cases and other adjudicative proceedings.

## **REGULAR COUNCIL MEETING**

**May 14, 2013**

**7:00 p.m.**

### **CALL TO ORDER**

The Regular Council meeting was held Tuesday, May 14, 2013, in the 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 Dwayne Andrews, Roxanna Brush, Mark Ahner, Jerry Partridge, John Uden, Bill Melnik, and Sue Galbraith. Councilperson Hollowell arrived shortly after the start of the meeting.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Fire Chief Dale Berg, Historic Preservation Officer Connie Muggli, HR/Payroll Officer Billie Burkhalter, MCPD Captain Casey Prell, Flood Administrator Sam Malenovsky, Finance Clerk Linda Wildman and Council Recorder/Deputy City Clerk Connie Watts.

### **PLEDGE OF ALLEGIANCE**

Mayor Grenz led the Council in the Pledge of Allegiance.

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

#### **Regular Council Minutes – 4/23/2013**

\*\* *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of April 23, 2013, seconded by Councilperson Galbraith. The motion passed unanimously, 7-0.*

#### **Human Resources Committee – 4/18/2013**

\*\* *Councilperson Uden moved to approve the minutes of the Human Resources Committee Meeting of April 18, 2013, with corrections. The motion was seconded by Councilperson Melnik and passed unanimously, 8-0.*

At this point the Mayor called for a break so the meeting could be moved upstairs to the Council Chambers. The conference room was full and people were standing in the hall to hear the proceedings.

### **Public Safety Committee – 4/24/2013**

- \*\* *Councilperson Galbraith moved to approve the minutes of the Public Safety Committee Meeting of April 24, 2013. The motion was seconded by Councilperson Andrews and passed unanimously, 8-0.*

### **Human Resources Committee – 5/7/2013**

- \*\* *Councilperson Uden moved to approve the minutes of the Human Resources Committee Meeting of May 7, 2013, with a correction. During discussion Councilperson Partridge said he felt immaterial corrections, such as misspellings, should be brought to the attention of the City Clerk before or after the meeting, but not during. Councilperson Uden's motion was seconded by Councilperson Melnik and passed unanimously, 8-0.*

### **SCHEDULE MEETINGS**

**Finance Committee** – Monday, May 20, 2013 @ 6:00

**Planning Board** – Tuesday, May 21, 2013 @ 6:00

**Public Service Committee** – Wednesday, May 22, 2013 @ 6:00

**Special Council Meeting** – Wednesday, May 22, 2013 @ 7:00

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

-None

### **APPOINTMENTS**

**City Clerk: Lorrie Pearce**

Councilperson Galbraith, along with Councilperson Hollowell, protested that Ms. Pearce does not meet the minimum qualifications as called for in the job description. Councilperson Galbraith said she would like to see the City advertise for applicants from a wider area, such as Billings or state-wide. Councilperson Partridge noted Ms. Pearce has no accounting experience or education.

Councilperson Ahner said he felt Ms. Pearce had more experience with governmental accounting, claims, auditing and complicated software in regards to budgeting than did the previous City Clerk prior to her employment with the City.

In response to Councilperson Ahner's comment and Mayor Grenz's assertion that the last two clerks that were hired did not have adequate experience either, Councilperson Galbraith noted that Becky Stanton had a bachelor's degree in accounting and had worked in the accounting department of a large energy company for over ten years. She also mentioned that no one from the City Clerk's office was even on the interview panel.

Councilperson Hollowell said that, while trying to fill a different City director position, both candidates had at least the minimum qualifications, yet the Mayor elected twice to reopen the position to try to find more qualified candidates. He felt there is a contradiction in the way these two positions have been handled.

**\*\*** *Councilperson Ahner moved to approve the appointment of Lorrie Pearce to the City Clerk position, seconded by Councilperson Brush. On roll call, the vote was tied at 4 to 4. Mayor Grenz broke the tie with a yes vote and the motion to approve passed, 4-5.*

### **Planning Board**

#### Jean Stewart

**\*\*** *Councilperson Brush moved to approve the appointment of Jean Stewart to the Planning Board, seconded by Councilperson Hollowell and, on roll call vote, passed unanimously, 8 to 0.*

#### Spencer Haynes

**\*\*** *Councilperson Brush moved to approve the appointment of Spencer Haynes to the Planning Board, seconded by Councilperson Uden and, on roll call vote, passed unanimously, 8 to 0.*

### **Miles City Housing Authority**

#### Jerry Smith

**\*\*** *Councilperson Hollowell moved to approve the appointment of Jerry Smith to the Miles City Housing Authority, seconded by Councilperson Andrews and, on roll call vote, passed unanimously, 8 to 0.*

#### Carol Hardesty

*\*\* Councilperson Ahner moved to approve the appointment of Carol Hardesty to the Miles City Housing Authority, seconded by Councilperson Andrews and, on roll call vote and after brief discussion, passed unanimously, 8 to 0.*

Sandy Hays (reappointment)

*\*\* Councilperson Uden moved to approve the appointment of Sandy Hays to the Miles City Housing Authority, seconded by Councilperson Ahner and, on roll call vote, passed unanimously, 8 to 0.*

Mike Schmitz

*\*\* Councilperson Hollowell moved to approve the appointment of Mike Schmitz to the Miles City Housing Authority, seconded by Councilperson Brush and, on roll call vote, passed unanimously, 8 to 0.*

### **Safety Culture Committee**

Fire Chief Dale Berg had been approached to reestablish the Safety Culture Committee, which has not been active since 2010. A member of the Council is required to sit on this board, so he was approaching the Council to ask for a volunteer.

Sue Galbraith said she would sit on this board. During discussion, the Council was told the City is required by the Montana Department of Labor to have a Safety Culture Committee. Each department has a representative on the Committee. The Committee reviews work comp claims by City employees, updates the City's Safety Policies, and encourages safety training and safe workplace practices.

*\*\* Councilperson Ahner moved to approve the appointment of Sue Galbraith to the Safety Culture Committee, seconded by Councilperson Uden and passed unanimously, 8-0.*

### **PROCLAMATIONS**

Mayor Grenz noted that May is National Foster Care Month.

### **STAFF REPORTS**



## **Public Utilities Director Al Kelm**

*Dike Study:* Director Kelm and Flood Administrator Malenovsky reported on this study. No monies will be received until mid to late August, and if work is started sooner, the City may not receive a grant. They met with the Army Corps of Engineers about doing some studies on the dike. The \$25,000 to \$100,000 study will qualify for a 50-50 match with the Corps, and the City's match can include in-kind services. Both the City, through Kadrmas, Lee and Jackson (KLJ), and the Corps are doing a study. The Corps study is more technical, but the City's study, although also technical, will incorporate more public involvement. No study will begin by the City until grant money is received. Community Development Block Grant (CDBG) is also one of the funding sources.

*Strevell Ave Project:* The work is moving along well. The engineer, Andy Marum, said the base of the street was worse than anticipated, so more dirt had to be removed to build it up again. He also said that was why the street had previously had so many problems. This extra work increased the costs by about \$34,000. The work to replace the water mains in this area from 6" to 10" is going right on schedule and sometimes ahead of schedule.

*Riverside Park:* Director Kelm said the new bathrooms will be finished and available for the Bucking Horse Sale. Final completion will be in 30 days.

*Swimming Pool Roof:* The roof is going up; the work should be done by the end of the month. June 3rd is the tentative date for opening the pool.

*Haynes Avenue Lift Station:* The new lift station is completed and working.

*Influent Building:* This should be completed by July or August.

## **Finance Clerk Linda Wildman**

Finance Clerk Wildman welcomed Lorrie Pearce as the new City Clerk. She then announced her resignation, effective June 14th. Deputy City Clerk for 25 years until January of this year, Wildman has 38.5 years with the City.

## **CITY COUNCIL COMMENTS**

**John Uden** – Said the hearings on the two wage grievances will be held in the near future.

... Noted there has recently been some work done on a few problem areas on the Tongue River dike.

**Jerry Partridge** – Miles City Redi Mix – feels it is a dangerous place and something needs to be done. The Mayor said Police Chief Colombik sent out a letter a few days ago.

**Roxanna Brush** – Mentioned the successful benefit that was recently held for a cancer victim and thanked the people of Miles City for their support.

**Sue Galbraith** – Praised Director Kelm for doing an amazing job with all the various projects around the City.

**Dwayne Andrews** – Thanked Linda Wildman very much for her long service with the City.

## MAYOR COMMENTS

- Noted the City has been approved for a \$500,000 TSEP grant for the Wastewater Plant Project
- Received a letter from Mac's Frontierland where they praised the workers on the lift station for their professionalism
- Thanked Keep America Beautiful for the clean-up over the weekend
- Said he has received a request from Fred Tetschner to use the City's shooting range to give gun safety and shooting lessons to young people. Attorney Rice will prepare a resolution to address this at the next council meeting.
- Distributed a sheet showing the CTEP funds that are available for Custer County
- Referenced the MMIA letter regarding insurance coverage for special events, which had been placed in the councilpersons' mailboxes. He said he has made arrangements for the insurance requirements for the Bucking Horse Sale - \$1,000,000 coverage and \$2,000,000 aggregate.
- Has received complaints about the sewer smell from the Wastewater Treatment Plant – Director Kelm has addressed this.

## **COMMITTEE RECOMMENDATIONS**

### **Recommendation from Public Safety Committee: 4/24/13**

1. Verbiage of “Jake Brake” signs to read: “Un-muffled Compression Brakes Prohibited

Attorney Rice informed the Council that the City cannot place the signs where they had anticipated without permission from the Department of Transportation; however, they can approve the verbiage.

*\*\* Councilperson Andrews moved to approve the verbiage of the “jake brake” signs, seconded by Councilperson Uden and, on roll call vote, passed unanimously, 8-0.*

2. Placement of “jake brake” signs

*\*\* Councilperson Hollowell moved to approve the placement of the “jake brake” signs, contingent upon the approval of the Department of Transportation. The motion was seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 8-0.*

3. “No Parking Here to Corner” at 121 S. Center to other side of the driveway

*\*\* Councilperson Galbraith moved to move the “No Parking Here to Corner” sign at 121 S. Center to the other side of the driveway, seconded by Councilperson Hollowell. After brief discussion, the motion, on roll call vote, passed unanimously, 8-0.*

### **Recommendations from Human Resource Committee: 5/7/2013**

1. Approve the Recruitment & Selection Policy that has been drafted by the City Attorney

*\*\* Councilperson Ahner moved to approve the Recruitment and Selection Policy, seconded by Councilperson Melnik.*

Councilperson Andrews felt it was important to put some checks and balances in the policy. There are several places in the policy that reference “the mayor or the mayor’s designee.” He said he felt the policy gives the Mayor total hiring power, and leaves the department head completely out of

the decision making when it comes to hiring someone for his or her department. He feels the department head is probably one of the people who is best suited to determine what the job requirements are and whether the prospective employee can meet the minimum qualifications of the position.

In Step 2 (B), the document refers to “the City reserves the right to hire.” Councilperson Andrews said he doesn’t know who “the City” is, and feels this should be clarified.

Step 3(C), states, “copies of all final ads will be retained for record-keeping....” Councilperson Andrews felt that “by the Human Resource Officer” should be added to that sentence.

Under Application Screening, (B), where it says “the Mayor, in *consultation* with the immediate supervisor...” he felt it should say “in *concurrence* with the immediate supervisor, so that both the Mayor and the immediate supervisor would agree on the person to be hired.

Personal Interview (A) “...Mayor shall appoint...” It should read, he felt, “...Mayor shall appoint *in concurrence with department head...*”

(C) “The Mayor *in concurrence with the department head...*” was also a suggestion by Councilperson Andrews. Councilperson Andrews stressed that these are simply suggestions that, he felt, would make a better document and a better procedure.

P. 6, Employment Confirmation. Councilperson Andrews said he was not sure where the salary survey fits into this, as it only states, “....Mayor shall establish a salary being offered for the position, so long as the salary is within the amount budgeted for the position.” He felt it should be added, “...*and is reflected in the 2012 wage analysis survey.*”

Councilperson Partridge stated he will vote against this revised hiring policy because it gives the Mayor unusual powers he has not had before.

Attorney Rice said it does not expand the Mayor’s power, but only sets out options he would already be legally entitled to do.

Councilperson Galbraith asked about P. 4, Step 3, (B) General Public Recruitment. “The Mayor may elect to utilize....or other appropriate sources.” She felt there should be some consistency in whether the recruitment is “far and wide” or simply locally. She felt that, specifically, department heads should be recruited at least state-wide.

Councilperson Ahner pointed out that P. 1.13.5, Number (G) states that “Provision must be made for an annual review ...of this Policy...”

\*\* *Councilperson Partridge then called for the question, seconded by Councilperson Brush. On roll call vote, the motion on the question failed 5 to 3, with Councilpersons Melnik, Hollowell and Andrews voting no. A vote on the question requires a 2/3 vote of the council to pass, or six yes votes.*

Councilperson Hollowell asked if, after internal and external recruitment, whether that is the end of the process. Attorney Rice said the Mayor is not bound to hire just because it has been opened internally and externally.

\*\* *On Councilperson Ahner’s original motion to approve the Recruitment & Selection Policy, and on roll call vote, the motion passed 5 to 3, with Councilperson Galbraith, Partridge and Andrews voting no.*

2) Amend Ordinance #1254 to state under the 1<sup>st</sup> paragraph, last sentence, to include six months for a trial period when the ordinance will then be reviewed.

\*\* *Councilperson Brush moved to amend Ordinance 1254 to include a “sundowner” statement: In the first paragraph, last sentence, “to include a six-month trial period, after which the ordinance will then be reviewed.” The motion was seconded by Councilperson Hollowell.*

Councilperson Ahner referred to the memo received by Attorney Rice, in which he stated “if the ordinance is adopted as drafted, and if the new arrangement works well, no action will need to be taken. If after six months the arrangement is not working well, it would then be appropriate to revise the code again, as we are doing now.” Attorney Rice recommended the ordinance remains as is and, if the arrangement is not working after six months, it can then be revised. If it is working, nothing will need to be done. It makes the ordinance cumbersome and “broken.”

\*\* *After additional discussion, and on roll call vote, Councilperson Brush’s motion to amend Ordinance 1254 failed 7-1, with Councilpersons Galbraith, Ahner, Melnik, Hollowell, Uden, Partridge and Andrews voting no.*

3) Amend RSVP Criminal Check Policy to state, "Applicants have the right to review and challenge the results of the National Service Criminal History Check; a Copy Will Be Provided to the Applicant upon Request."

\*\* *Councilperson Brush moved to approve the amendments to the RSVP Criminal Check Policy, seconded by Councilperson Ahner and, on roll call vote, passed unanimously, 8-0.*

4) Recommendation to Adopt RSVP Criminal Check Policy

\*\* *Councilperson Uden moved to adopt the RSVP Criminal Check Policy, seconded by Councilperson Brush and, on roll call vote, passed unanimously, 8-0.*

## **PUBLIC HEARINGS**

**ORDINANCE NO. 1254:** An Ordinance Revising Section 2-351 of the Code of Ordinances of the City of Miles City, Montana, so as to Call for the Preservation Officer to be Under the Supervision of the Mayor

Mayor Grenz called for comments from proponents three times, then called for comments from opponents three times. Hearing no comments, the hearing was closed.

**RESOLUTION NO. 3588:** A Resolution of Intent to Create A Special Improvement District Number 211, To Improve And Pave Certain Portions Of Arrowhead Lane, Including Curb And Gutter, Within The Southgate Meadows Subdivision In Miles City, Montana.

Mayor Grenz called for comments from proponents three times. There were four comments in favor of the Resolution: Ron Stanton, 333 Arrowhead Lane, Sue Stanton, 317 Arrowhead Lane, John Klamm, 415 Briar Lane, and Paul Oakland, 414 Missouri. The Mayor then called for comments from opponents three times. Hearing no further comments, the hearing was closed.

## **OLD BUSINESS**

**ORDINANCE NO. 1254:** An Ordinance Revising Section 2-351 of the Code of Ordinances of the City of Miles City, Montana, so as to

Call for the Preservation Officer to be Under the Supervision of the Mayor

\*\* *Councilperson Ahner moved to accept Ordinance No. 1254, read by title only, seconded by Councilperson Melnik. After brief discussion, during which it was noted that the City Planner is not in favor of this change, the motion passed, 5 to 4, with Mayor Grenz breaking the tie with a yes vote. Councilpersons Galbraith, Partridge, Brush and Andrews voted no. **Ordinance No. 1254 was adopted.***

**BID AWARDS**

-None

**BID OPENING**

Current Production Model of a Hydraulic Excavator  
Current Production Model of a 4-Wheel Drive, Extendable Stick,  
Backhoe & Loader

There were three bids received for the Excavator and the Backhoe, as follows:

NAME	EXCAVATOR	REPURCHASE	BACKHOE	REPURCHASE
Titan	\$180,377 TI = \$74,120 Case CX210C Avail: 120 days	Yr 3= \$129,770 Yr 4= \$121,894 Yr 5= \$114,665	\$98,878 TI = \$46,528 Case 580 SN Avail 60-90 days	Yr 3= \$71,137 Yr 4= \$66,869 Yr 5= \$62,857
T & E	\$209,700 TI = \$101,000 320 EL CAT Avail 20-45 days	Yr 3= \$119,850 Yr 4= \$108,700 Yr 5= \$ 97,550	\$101,645 TI = \$44,000 CAT 420F Avail 110-135 days	Yr 3= \$60,475 Yr 4= \$52,050 Yr 5= \$43,700
RDO	\$214,800 TI = \$120,000 210 JD GLC Avail = ?	Yr 3= \$129,500 Yr 4= \$118,700 Yr 5= \$109,800	\$109,000 TI = \$50,000 JD 310SK Avail = ?	Yr 3= \$71,200 Yr 4= \$65,100 Yr 5= \$60,200

\*\* *Councilperson Ahner moved to refer the bids for the Excavator to the Finance Committee, seconded by Councilperson Uden and, on roll call vote, passed 7-1, with Councilperson Partridge voting no.*

\*\* *Councilperson Uden moved to refer the bids for the Excavator to the Finance Committee, seconded by Councilperson Melnik and, on roll call vote, passed 7-1, with Councilperson Partridge voting no.*

## **NEW BUSINESS**

### **Approval of April claims**

**\*\*** *Councilperson Brush moved to approve the April, 2013, claims, seconded by Councilperson Uden and, on roll call vote, passed unanimously.*

**ORDINANCE NO. 1252:** An Ordinance Amending Sections 24-4, 24-5, 24-7, 24-8, 24-16, 24-18, 24-46, 24-47, 24-50, 24-51, 24-53, 24-54, 24-58, 24-59, 24-62, 24-66, 24-67, 24-68, 24-70, And 24-71 Of The Code Of Ordinances Of The City Of Miles City, Montana To Conform To Changes In Montana Statute (First Reading)

**\*\*** *Councilperson Brush moved to adopt the ordinance on first reading and read by title only. The motion was seconded by Councilperson Ahner and, on roll call vote, passed unanimously.*

## **ADJOURNMENT**

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

The meeting was adjourned at 9:30 p.m.

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**C.A. GRENZ, Mayor**

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**Connie Watts, Deputy City Clerk**



## **Finance Committee Meeting May 20, 2013**

The **Finance Committee** met Monday, May 20, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members John Uden, Bill Melnik and Roxanna Brush.

Also present were Mayor C. A. Grenz, Public Utilities Director Al Kelm, Historic Preservation Officer Connie Muggli, City Planner Dianna Broadie, Shop Mechanic Scott Ask, Shop Foreman Dan Decker and Deputy City Clerk/Recorder Connie Watts.

### **Street Sweeping/Cleaning Agreement with MDOT**

Chairperson Ahner presented the FY 2013-2014 Sweeping Agreement with the State of Montana Department of Transportation.

- \*\*** After discussion, *Committee Member Uden moved to recommend approval of the Sweeping Agreement, as presented. The motion was seconded by Committee Member Melnik and passed unanimously, 4-0.*

### **Proposed Historic Preservation Fee Schedule for Provided Services**

Preservation Officer Muggli said that fund raising is an ineligible activity under the State Historical Preservation Grant, and they have been providing the bulk of the operating monies for quite some time. A fee schedule, therefore, would generate additional revenue for the Preservation Society. These fees would not be mandatory to the public, as they are fees for services desired but not required. A copy of the proposed fee schedule is attached to these minutes. After additional discussion,

- \*\*** *Committee Member Uden moved to recommend approval of the proposed fee schedule, seconded by Committee Member Ahner and passed unanimously 4-0.*

### **Review of Bids for Hydraulic Excavator**

Three bids were submitted for the Excavator, as set out in the attached chart. Director Kelm said that, bottom line, the Excavator actually came in under budget by \$70,755.

- \*\*** *Committee Member Brush moved to recommend accepting the bid of RDO Equipment for the John Deere 210GLC in the amount of \$214,800, with a trade-in value of \$120,000, for a net price of \$94,800. The motion was seconded by Committee Member Melnik and passed unanimously, 4-0.*

### **Review of Bids for 4-Wheel Drive, Extendable Stick, Backhoe and Loader**

Three bids were submitted for the Backhoe, as set out in the attached chart.

- \*\* After discussion, Councilperson Brush moved to recommend accepting the bid of Tractor & Equipment Company for the CAT 420F in the amount of \$101,645, with a trade-in value of \$44,000, for a new purchase price of \$57,645. The motion was seconded by Committee Member Melnik and passed unanimously, 4-0.

### **Discuss Asbestos Remediation of Old FWP Building**

Director Kelm had Bruce Ingraham, Ingraham Environmental, looked at the Fish, Wildlife and Park building with regards to leasing it to another party. Mr. Ingraham said he felt there was a liability issue because of the asbestos. He felt it needed a \$3000 study to determine what type asbestos was there and to come up with a plan to remove it. Mr. Ingraham said he thought an asbestos report had been completed by a prior inspector, and it should be here somewhere at City Hall. No copy of the report has been found by FWP, the previous inspector, or the EPA. No matter what it is being used for, however, the asbestos would have to be removed from the building.

Historic Preservation Officer Muggli said she would check to see if there may be funds available through a grant to clean up the asbestos.

### **Review Ordinance #1252 – Amendments to Miles City’s Zoning Ordinance**

Chairperson Ahner noted that this Zoning Ordinance comes to the Committee from the Council on first reading.

City Planner Broadie said the Ordinance actually needs many revisions, of which this one will be the first stage. The others will be presented to the Council at later dates. She noted this revision broadens the definition of “historic district” to include areas like the Convent.

Regulations shall be made in accordance with the City’s growth policy. They are trying to make the Ordinance more City specific. After additional discussion,

- \*\* Committee Member Ahner moved to recommend Ordinance #1252 be adopted, seconded by Committee Member Uden and passed unanimously, 4-0.

### **Request of Citizens**

None

**Adjournment**

Having no more business to come before the Committee,

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

The meeting was adjourned at 7:00 p.m.

Respectfully Submitted:

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

\_\_\_\_\_  
Deputy City Clerk Connie Watts



HISTORIC PRESERVATION COMMISSION  
PROPOSED FEE SCHEDULE

SERVICES	Miles-City Exposed Fee	Commission Budget	Red Lodge	Bozeman	Butte	Billings	Tampa, FL	Washington, DC	Grand Rapids
<b>MATERIALS</b>									
Document Copies	City Schedule	\$50.00							
120.96/Ink w/avg 1700 pgs = .07 per page									
Photographic Images Post Cards -	\$5						\$15		
Design Guidelines							\$5		
Designation Reports							\$5		
Secretary of Interior's Standards for Rehabilitation	\$5								
Historic District Maps (Development cost? - Printing)	\$5						\$10		
<b>STAFF ACTIVITIES:</b>									
<b>Direct Public Services:</b>									
Family genealogy and historic research	Miles City \$0 - Initial Search \$25/hour for extensive search	Commission Budget \$300.00	Red Lodge \$0 - Initial Search \$25/hour for extensive search	Bozeman	Butte	Billings	Tampa, FL	Washington, DC	Grand Rapids
Design Guideline Consultation	???								
Grant Writing (non-profit/historic, economic dev, incentives, etc *Note: Page rates based on hourly median Montana salary for professional technical writers expected to produce 2000/day, and could range between \$15 - \$30 depending on page content requirements: Forms or actual composition of original copy	\$35/hour - research + page or word rate	\$350.00							
Initial Determination of Historic Significance							\$250 Residential + .01/sq ft \$ 750 - Commerci al + .02/sq'		
Preparation of Nomination to Historic Register - Research & Writing	\$35.00/hr	\$500.00	Refer to consultant	Refer to consultant	Refer to consultant	Refer to consultant			
Proposed Budget - Commission Fee Revenue Fiscal Year 2013-2014		\$1,200.00							

STAFF ACTIVITIES: Municipal Services	Wills City	Commissioner Budget	Red Judge	Bozeman	Butte	Billings	Tampa, FL	Washington, DC	Grand Rapids
Certificate of Appropriateness Standard Application Reviews			N/A	Issues: No fee posted	Proposed	Issues: No fee posted	\$100		Staff - \$10.00 HPC - \$50.00
Balconies over Right of Way (BLC)							\$500		
Encroachment Signs (BLC)							\$100		
Exterior Painting (BLC)							\$50		
Site Plan Review - New Construction or Addition of more than 40% of the original structure			\$200	No fee online		No fee online	\$250 - Residential + .01/ sq'		New Construction Review \$300.00 (Garages separate)
Large Scale Addition Application Review: Over 1200 square feet)							\$250 - Commercial + .02/sq'		\$150.00
Demolition of Contributing Structure				Ordinance	Ordinance	Ordinance	\$250 - Residential + .01/sq ft		\$150 Demolition
Variance							\$750 - Commercial + .02/sq'		Application Reviews (includes garages)
Administrative Appeal							\$200		
Tax Exempt Application							\$250		
							\$250		

**Definitions: Certificates of Appropriateness:**

**Bozeman:** A Certificate of Appropriateness (COA) applies within the Neighborhood Conservation Overlay District. This district is shown in the colored shading on the linked Neighborhood Conservation Overlay District map. If you are located within these areas you may still develop or remodel your property but some special standards apply. The main focus of the Neighborhood Conservation Overlay District is historic preservation. Work to repair an existing structure is often exempt from the requirement for a COA. Historic preservation is integrated into the City's regulatory program through Design Guidelines. The design guidelines apply within the Neighborhood Conservation Overlay District and within national register historic districts.

**Butte:** "Certificate of appropriateness" means a signed and dated document that shall be submitted to and approved by the HPC for proposed alteration or change by an applicant of a local register property. Certificate of appropriateness is not required for ordinary maintenance and repairs. (Proposed - not yet passed/implemented)

**Billings:** Certificate of Appropriateness: A signed and dated document that shall be submitted to the Yellowstone Historic Preservation Board for recommendation of the appropriateness of any new construction, demolition, exterior alteration or change of location of an historic site or structure located within a Historic District or designated on the Local Register. This certification is required prior to the issuance of a building permit, demolition permit or sign permit.

Rubber Tired Backhoe									
Company	Model	Purchase Price	Trade-in	Net Price	Buy Back	Delivery	Recommend		
Titan Machinery	Case 580 SN	98,878.00	\$46,528.00	\$52,350.00	Year 3 Year 4 Year 5	\$71,137.00 \$66,869.00 \$62,857.00	60-90 days		
Tractor and Equipment	Cat 420F	101,645.00	\$44,000.00	\$57,645.00	Year 3 Year 4 Year 5	\$60,475.00 \$52,050.00 \$43,700.00	110-135 days	CAT 420F	
RDO Equipment	John Deere 310sk	109,000.00	\$50,000.00	\$59,000.00	Year 3 Year 4 Year 5	\$71,200.00 \$65,100.00 \$60,200.00	60 days		
Hydraulic Excavator									
Company	Model	Purchase Price	Trade-in	Net Price	Buy Back	Delivery	Recommend		
Titan Machinery	Case CX210C	180,377.00	\$74,120.00	\$106,257.00	Year 3 Year 4 Year 5	\$129,770.00 \$121,894.00 \$114,665.00	120 Days		
Tractor and Equipment	Cat 320E L	\$209,700.00	\$101,000.00	\$108,700.00	Year 3 Year 4 Year 5	\$119,850.00 \$108,700.00 \$97,550.00	20-45 Days		
RDO Equipment	John Deere 210GLC	\$214,800.00	\$120,000.00	\$94,800.00	Year 3 Year 4 Year 5	\$129,500.00 \$118,700.00 \$109,800.00	110 Days	John Deere 210GLC	

## **Public Services Committee Meeting May 22, 2013**

The **Public Service Committee** met Wednesday, May 22, 2013, at 6:00 pm in the City Hall conference room. Present were Committee Chairperson Sue Galbraith and Committee Members Jerry Partridge, Dwayne Andrews and John Hollowell. Also present were Grant Administrator Dawn Colton and Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Galbraith called the meeting to order.

### **1. Request by Shanna Abbott for Fence Encroachment at 115 N. Winchester Avenue**

Shanna Abbott, 115 N. Winchester Ave., presented her request for a fence encroachment on City property. She requested permission to put in a six-foot wide sidewalk at the curb, extending the full width of the front of her property. She mentioned that there are no other sidewalks on that block. She would then like to put in a fence at the sidewalk with the sides connecting to the existing fence in her backyard. A diagram of the property is attached to these minutes.

The Committee members cautioned Ms. Abbott to check with the Engineer's Office upstairs at City Hall to determine the exact requirements with which she needed to comply to install the fence. For example, a fence in the front yard can be no higher than three feet in the front of the property. After some additional discussion,

*\*\* Committee Member Hollowell moved to recommend allowing the fence encroachment, contingent upon the homeowner complying with all the regulations from the Engineering Department and also contingent upon the installation of the six-foot sidewalk. The motion was seconded by Committee Member Partridge and, on roll call vote, passed unanimously, 4-0.*

### **2. Update on Montana Ave. Sidewalks/Milwaukee Railroad Crossing**

Grant Administrator Colton updated the Committee on the above-mentioned sidewalks, which would be a CTEP project. This Committee had selected the Milwaukee project to be second priority. This project consists of replacing the sidewalk from Gordon to Ivy along North Montana Street, including repairing the crossing at the Milwaukee tracks. In addition, the project would construct a sidewalk from Lincoln Street to Bender Park. She included pictures of the site. Administrator Colton performed a review of the site, and now recommends dropping the portion of the project from Lincoln to Bender Park.

One side of the street would be very conducive to putting in a sidewalk. Then the sidewalk might have to switch to the other side of the street because of ditches on that side, and then would have to switch back. Both sides of the street encounter the Slough, which may



need to have a bridge constructed over it. She feels this stretch of sidewalk would be very problematic and, because of all the "fix" issues, would also become very expensive. It is, however, not in the flood-way. The sidewalk, alone, to Bender Park would be \$80,000.

Engineering is currently figured at 35% of the construction. If no right of way issues are encountered, those costs could drop to 25%. She has talked to Transisco to determine if there are permits required, but has not heard back from them yet.

There are two options to repairing the Milwaukee crossing. One is to place concrete blocks between the tracks as has been done on 10th Street. The other is to place wooden blocks between the tracks which, of course, deteriorate much faster than the concrete.

**Discussion: Sidewalks/CTEP/Matching** Committee Member Hollowell asked how the committee would feel about recommending to the Council that individuals whose properties fall within the CTEP project areas be required to pay the 13% match. All members of the Committee were in favor of considering this idea.

### 3. Request of Citizens

There were no requests of citizens.

### ADJOURNMENT

\*\* Having no further business, *Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Hollowell and passed unanimously, 4-0.*

The meeting was adjourned at 6:25 p.m.

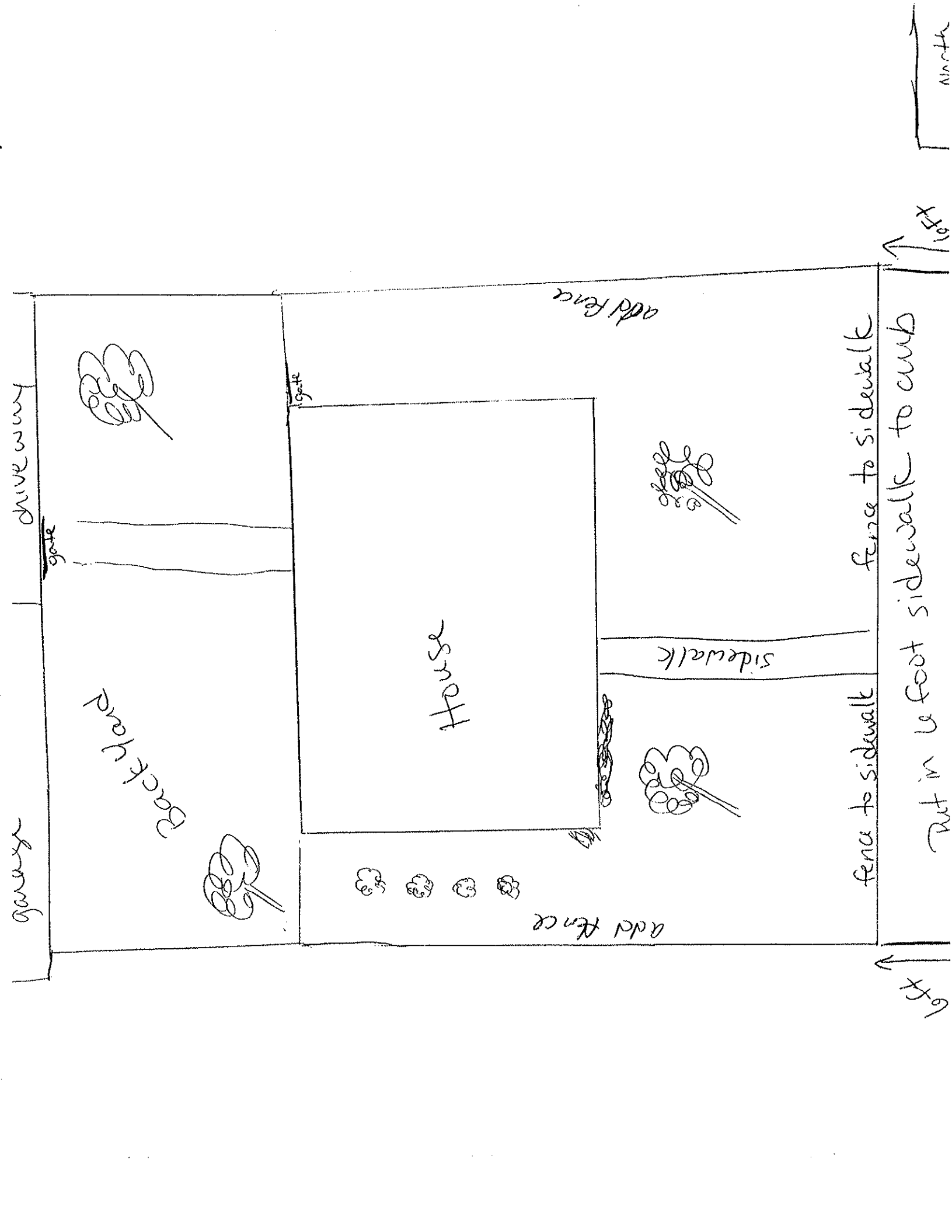
Respectfully Submitted:

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Susanna Galbraith, Chairperson

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Connie L. Watts, Recorder



## SPECIAL COUNCIL MEETING

May 22, 2013  
7:00 p.m.

### CALL TO ORDER

The Special Council meeting was held Wednesday, May 22, 2013, in the Conference Room at City Hall at 7:00 p.m. Mayor C.A Grenz called the meeting to order and led the Council in the Pledge of Allegiance.

Council Members present were Dwayne Andrews, Sue Galbraith, Bill Melnik, John Uden, Mark Ahner, Jerry Partridge, John Hollowell and Roxanna Brush. Also present were Grant Administrator Dawn Colton, City Attorney Dan Rice and Recorder/Deputy City Clerk Connie L. Watts.

### NEW BUSINESS

**RESOLUTION NO. 3592:** A Resolution Authorizing The City Of Miles City To Enter Into A Service Project Sponsor Agreement With Americorps National Civilian Community Corps.

Administrator Colton explained the project to the Council, and referred them to the pre-site visit checklist, which outlined the projects that the Americorps team, consisting of nine people from 18 to 24 years old, is prepared to complete. The project consists of removing Russian Olives, considered an invasive species by the DNRC, clean up trails around Spotted Eagle, and paint the "I" Barn at the fairgrounds. The DNRC will be following behind the tree removals and poisoning them to completely kill the trees.

Nine restaurants have signed up to provide meals while the team is here, and they will be camping at the fairgrounds. It was noted that the team is federally insured, and they will not be driving our vehicles.

Councilperson Andrews does not feel the Russian Olives should be removed around Spotted Eagle, as they provide a good habitat for a number of wildlife and birds. Many council members agreed. Attorney Rice said the project checklist could be amended and returned with the signed agreement. He also suggested a letter from the Mayor be sent outlining any desired changes. That letter, along with the checklist, is attached to these minutes.

**\*\*** *Councilperson Galbraith moved, seconded by Councilperson Melnik, to approve the contract with Americorps and adopt the Resolution, read*

by title only. On roll call vote, the motion passed unanimously, 8-0.  
**Resolution 3592 was adopted.**

**RESOLUTION NO. 3593:** A Resolution Authorizing Fred Tetschner to Give Marksmanship Lessons at the City of Miles City Shooting Range

It was explained that Mr. Tetschner, as a member of the Custer County Rod and Gun Club, will be conducting shooting lessons for young people each Tuesday night for seven weeks. He mentioned that the Police Department does not typically use the range on Tuesday nights.

The Resolution requires Mr. Tetschner to obtain \$1,000,000 liability insurance, to provide a schedule to the Miles City Police Department of the dates and times of lessons, and to have all participants sign the Assumption of Risk, which is attached to this resolution.

*\*\* Councilperson Brush moved to adopt the Resolution, read by title only, and seconded by Councilperson Andrews. On roll call vote, the motion passed unanimously, 8-0.*

#### **PUBLIC COMMENT**

-None

#### **ADJOURNMENT**

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

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**C.A. Grenz**  
**Mayor**

**ATTEST:**

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**Connie L. Watts**  
**Deputy City Clerk**



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# CITY OF MILES CITY

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

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

May 23, 2013

Jennifer Szeliga  
Deputy Region Director for Programming  
AmeriCorps NCCC Pacific Region  
3427 Laurel Street  
McClellan, CA 95652

**RE: Sponsor Agreement 201301-400 for Miles City**

Dear Ms. Szeliga,

Enclosed is the signed Sponsor Agreement for our AmeriCorps team. The Agreement includes the Pre-Site Visit Checklist by reference only. The City Council has requested that a few points within the Checklist be clarified prior to execution of the Agreement. Please note the changes as follows:

Project Abstract, Paragraph 2: Please delete the following sentences: "The second project is the clean-up of the 5-acre Milwaukee Park, which will contribute to efforts by City crews and numerous volunteer groups attempting to improve Miles City's image by presenting clean streets and parks. Maintenance of parks and other aesthetic features in Miles City have been difficult to maintain due to budget cutbacks and workforce reduction."

Change the next sentence: "third" to "second".

Project Objectives: Modify #1 from 'and around lake' to "of the Tongue River."  
Delete objective #3.

Thank you for this opportunity and we look forward to working with you.

Sincerely,

A handwritten signature in cursive script that reads "C. A. Grenz".

Chris A. Grenz, Mayor

# Revised Checklist



## AmeriCorps National Civilian Community Corps Pre-Site Visit Check List

**Project Number:** 201301-400

**Sponsoring Organization:** City of Miles City, MT

**Hand-off Call date and time:** 5.20.13 9amPT/10amMT (APD meets with TL & UL 15 min prior)

**Pre-Site Visit date and time:** 4.30.2013

**Location:** Miles City, MT

**Area of focus:** Infrastructure Improvement

**Sponsor name & contact information:** Dawn Colton, Program Assistant, City of Miles City Engineering and Planning Office, 406-234-3493, [dawncolton@milescity-mt.org](mailto:dawncolton@milescity-mt.org); cell: 360.798.3699

**Team name and total members (F/M):**

Blue 2, 9 members total (4F/5M)

**Team Leader & contact information:**

Melissa Kleppinger, 916.717.9962, [Blue2Melissa@gmail.com](mailto:Blue2Melissa@gmail.com)

**Unit Leader & contact information:**

Blue Unit: Andrew Jacobs, (office) 916-640-0322, (cell) 202-528-3553, [AJacobs@cns.gov](mailto:AJacobs@cns.gov)

### *Project Overview*

#### Project Abstract

The City of Miles City, with a current population of 8,410, is the largest urban center in the rural southeastern corner of Montana. Miles City has served as eastern Montana's largest city, providing hospitality, commerce, education, cultural, recreation, medical, government, and other services to a large rural region for over 125 years. The recent development of the Bakken Oil Field has given new life to Eastern Montana, and Miles City is now positioned to grow and prosper due to the influx of workers and businesses necessary to support the oil field industry. In recent years, Miles City has been experiencing a decline in population, resulting in a loss of business vitality and a falling tax base. Downtown businesses have closed or moved out to the more active Haynes Ave business district and Main Street is nearly deserted. The City's infrastructure and amenities are falling into disrepair, lacking the funds and/or personnel to keep in step with the needs. However, development of the Bakken Oil Field has opened opportunities for Miles City to see rapid economic growth. In an effort to prepare for the influx of workers and businesses, the City must find a way to make this town an attractive and affordable place to live and work.

The priority project is removal of trees, particularly the invasive species Russian Olives, in the banks and levee adjacent to the Tongue River. Approximately 3,500 inhabited structures in Miles City are within the floodplain boundary and, due to a number of factors, owners with mortgaged properties pay very high flood insurance rates. The second project is located at Spotted Eagle Recreation Area, named for the Sioux chief who camped with his people nearby, which offers a perfect place for walking, boating, swimming, picnicking, fishing or a scenic drive. The site has picnic tables, grills, a trap and skeet shooting range, bow & arrow target range, horseshoe pits, and nature trails. Construction of a second walking trail,

approximately 3200 ft., at Spotted Eagle will provide additional opportunities for physical activities, bird watching and wildlife viewing. Completion of the trail brings the City one step closer to completing the 2007 Master Plan for this area. The need for more walking paths has also been identified in all Community Needs Assessments conducted since 1999. The final project is painting up to three buildings at the Eastern Montana Fairgrounds. With only one full-time maintenance person on staff, these necessary tasks will not be completed without additional help.

Through these projects, a team will gain new knowledge in a variety of hands-on skills in addition to knowledge in the following areas: basics of hydrology and floodplain issues; how FEMA/ACOE/DEQ work with local authorities; learn first-hand how floods happen and about typical mitigation measures; introduction to sound environmental practices and why certain natural species should be controlled; how local government operates by attending Council and Committee meetings.

**Project Objectives**

1. Russian Olive removal along levee of the Tongue River
2. Walking trail maintenance/construction at Spotted Eagle
3. Power washing & scrape fairgrounds barns in prep for painting

**Project Dates**

Team departs Sacramento: 6.3.2013  
**Team arrives at project: 6.5.2013**  
 First day of work: 6.6.2013  
  
 Last day of work: 6.21.2013  
**Team departs project: 6.24.2013**  
 Team arrives next project: 6.25.2013

**Arrival Plan**

Call Dawn on her cell an hour or two out – the team's arrival time will determine the meet-up location. If it is still business hours, the team will likely meet at City Hall; if later, the team will go straight to the Fairgrounds.

**Daily/Weekly Schedule**

M-F, 7-3 (this is the schedule of the staff the team will be working with; there is some room for flexibility, but this is the best schedule for the team to work in order to have appropriate support).

**Sponsor Holidays and/or Special Events**

None (possible Mosquito Festival – may be an ISP)

**NCCC Holidays and/or Special Events**

None

**Sponsor/Supervisor Contact Information**

Samantha Malenovsky, Floodplain Administrator, [smalenovsky@milescity-mt.org](mailto:smalenovsky@milescity-mt.org)  
 Brady Stone, Parks Supervisor, [parksmtc@hotmail.com](mailto:parksmtc@hotmail.com)  
 Bill Ronning & Dennis Schroeder – Public Works  
 Laborer/President-Miles City Walleyes Chapter

**On-Site Communications (phone/fax)**

City Hall has phone and fax during business hours; for after-hours fax and landline, team will need to use a truck stop on Haynes Ave.

**Orientation & Training Overview**

Dawn will kick-off the orientation and training and will then hand it over to the staff who will work directly with the team on the various projects. Training will be project by project.

Incident Weather Plans	Fairgrounds – barns that need interior painting; library – supporting reading and other programs; the VA hospital and ECU have asked for support in gathering stories from veterans and in simply talking with them.
Service-Learning Explanation	<p>Service-Learning is a method for making the connection between thinking and doing.</p> <p>It helps Members understand the significance of what they do in a community while giving them an opportunity to use their skills in a practical setting.</p> <p>Service-learning also gives the Members a chance to acquire new skills that may benefit them throughout their lives (see page 14 of the Sponsor Handbook for more information).</p>
Pictures/Video of Project Site	Yes
NCCC Pacific Region Sponsor Handbook Reviewed	Yes
Project Tools/Materials Requested	<p>Team to bring:</p> <ul style="list-style-type: none"> <li>- Hardhats</li> <li>- PPE</li> <li>- windbreakers/rain coat</li> </ul>
Sponsor Vehicle Use	TBD
Weekly Debrief Meetings (Sponsor/Team Leader and Sponsor/Team)	<p>Team Leader should schedule weekly meetings with Sponsor and/or Site Supervisor.</p> <p>Team Leader should maintain contact with the Sponsor/Site Supervisor on a regular basis.</p> <p>Weekly debriefs will occur with the appropriate site supervisor of the week.</p>
Corps Member Supervision/Discipline	<p>This is the role of the Team Leader in conjunction with the support of the Unit Leader.</p> <p>The Unit Leader is always available to assist whenever needed.</p>
Project Safety Concerns	Ticks – identification and training will be provided on what to do.

### ***Housing Overview***

Mailing Address with Zip Code	<p>Weekly mail should be sent to:</p> <p>Attn: Dawn Colton 17 S. 8th St, Miles City, 59301</p>
Street Address (if different from above)	<p>Eastern Montana Fairgrounds 42 Garryowen Road Miles City, MT 59301</p>



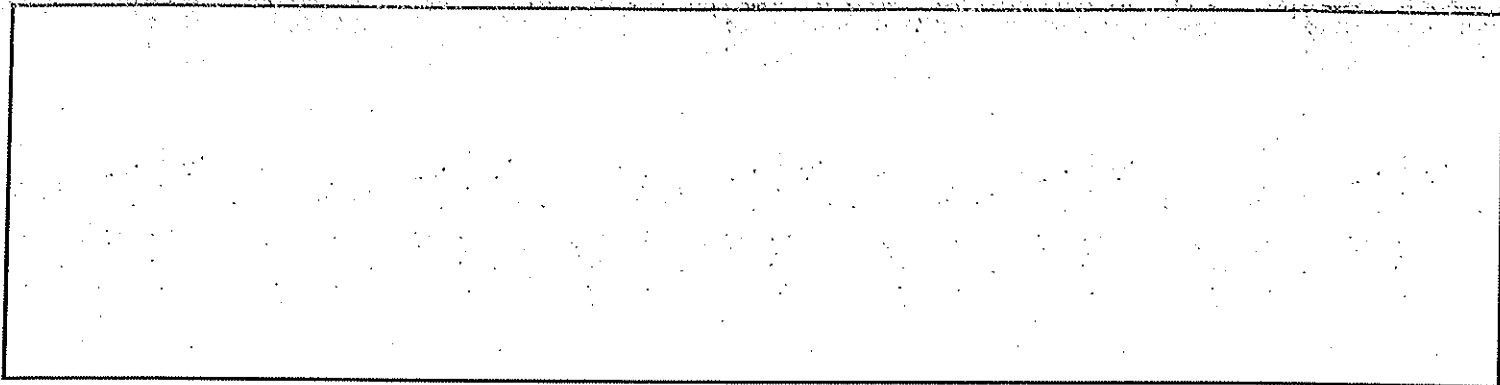
Housing Point-of-Contact and Contact Information	Chet Holmes – County Fairgrounds Superintendent, cell: 406.951.4582
Estimated Travel Time to Project Site	5-10 minutes
Housing Description	Tent camping at the fairgrounds; in case of rain, another building will be made available (Home Show building) – there are a few events being held here in the first days the team is present.
Furnished/Unfurnished	N/A
Bathroom Facilities	Full bathroom facilities with showers (similar to a campground, others visiting/staying at the fairground may use these)
Meal Plan and/or Kitchen/Cooking Facilities	<p>Team will cook own meals. There is a building owned by the 4H on the fairgrounds property (near camping site) that the team will be able to utilize for cooking. There is an industrial kitchen, with full freezer, full fridge, stand-up coolers, etc.</p> <p>On occasion other groups may need to use the kitchen, primarily for the freezer/coolers and oven/stove. The team shouldn't have a problem in still using the space, but may need to buy fewer grocery items in the days before others need the space. Chet will work with TL to share dates of when the space will be needed.</p> <p>There is also a screened in porch attached to the kitchen that the team can use to cook using the coleman stove; there is also a charcoal BBQ outside available for use (provide your own charcoal).</p>
Laundry Facilities	Numerous Laundromats throughout town, downtown and on Haynes Ave.
Housing Supplies	<p>Team to bring:</p> <ul style="list-style-type: none"> <li>- Kitchen kit</li> <li>- Coleman stove</li> <li>- Tents</li> <li>- Sleeping mats</li> <li>- Sleeping bags</li> <li>- Flashlights</li> <li>- Tarps</li> <li>- Pillows</li> <li>- Towels</li> </ul>
Cleaning Supplies, Toilet Paper, etc.	TP provided; team to provide cleaning supplies
Cell Phone Access	Cell service is available in town and along highway 94
Internet Access	Library, coffee shops
Special Housing Rules/Security	Chet to review upon arrival
Housing Safety Issues	As the Fairgrounds are a public place, the team will want to

store any valuables in the van.

**Additional Information**

<b>Team Position Notes</b>	<p>POL – VA &amp; Holy Rosary Hospital are looking for volunteers; Keep Montana Beautiful – Dawn is the President and can connect the team with additional service opportunities through EMI</p> <p>CAP – community college, high school in town</p> <p>EL – Dawn is knowledgeable about recycling</p> <p>PT – many areas available for PT, including trails near the fairgrounds</p>
<b>Budget Notes</b>	<p>Standard food budget; Walmart &amp; Albertsons on Haynes Ave for shopping.</p>
<b>Waivers and Tort Claims Act</b>	<p>Members cannot sign liability waivers.</p> <p>NCCC members are covered 24 hours a day during their NCCC commitment and are covered under the Federal Tort Claims Act.</p> <p>If requested, NCCC can supply documentation explaining our coverage through our legal counsel in Washington DC.</p>
<b>Disaster Response Overview</b>	<p>All teams are trained and certified by the American Red Cross to provide disaster relief assistance.</p> <p>Members are on stand-by to assist the American Red Cross, FEMA, and other disaster-response and recovery.</p> <p>An entire team could get called from their regularly scheduled project to respond to a national disaster.</p> <p>The Sponsor will be notified within 24-48 hours of the decision to remove Members – or the entire team (see page 19 of the Sponsor Handbook).</p>

**Other Notes**



**Pre-Site Visit Attendees**

**Title**

Dawn Colton	Program Assistant, Miles City
Scott	Miles City
Sam Malehovsky	Floodplain Administrator, Miles City
Bill Ronning	Public Works, Miles City
Chet Holmes	Fairgrounds Caretaker
Mike	County Extension Agent
Deanne Reeves	APD, AmeriCorps NCCC

HISTORIC PRESERVATION COMMISSION  
PROPOSED FEE SCHEDULE

SERVICES	Miles City Proposed Fee	Commission Budget	Red Lodge	Bozeman	Butte	Billings	Tampa, FL	Washington, DC	Grand Rapids
<b>MATERIALS</b>									
Document Copies	City Schedule	\$50.00							
120.96/ink w/avg 1700 pgs = .07 per page									
Photographic Images Post Cards -	\$5								
Design Guidelines							\$15		
Designation Reports							\$5		
Secretary of Interior's Standards for Rehabilitation	\$5						\$5		
Historic District Maps (Development cost? - Printing)	\$5						\$10		
<b>STAFF ACTIVITIES:</b>									
<b>Direct Public Services:</b>									
Family genealogy and historic research	Miles City \$0 - Initial Search \$25/hour for extensive search	Commission Budget \$300.00	Red Lodge \$0 - Initial Search \$25/hour for extensive search	Bozeman	Butte	Billings	Tampa, FL	Washington, DC	Grand Rapids
Design Guideline Consultation	???								
Grant Writing (non-profit/historic, economic dev, incentives, etc	\$35/hour - research + page or word rate	\$350.00							
*Note: Page rates based on hourly median Montana salary for professional technical writers expected to produce 2000/day, and could range between \$15 - \$30 depending on page content requirements: Forms or actual composition of original copy									
Initial Determination of Historic Significance							\$250 Residential + .01/sq ft \$ 750 - Commercial + .02/sq'		
Preparation of Nomination to Historic Register - Research & Writing	\$35.00/hr	\$500.00	Refer to consultant	Refer to consultant	Refer to consultant	Refer to consultant			
Proposed Budget - Commission Fee Revenue Fiscal Year 2013-2014		\$1,200.00							

# Finance Recommendations

STAFF ACTIVITIES: Municipal Services	Miles City	Commission Budget	Ret. Judge	Bozeman	Butte	Billings	Tampa, FL	Washington, DC	Grand Rapids
Certificate of Appropriateness Standard Application Reviews			N/A	Issues: No fee posted	Proposed	Issues: No fee posted	\$100		Staff - \$10.00 HPC - \$50.00
Balconies over Right of Way (BLC)							\$500		
Encroachment Signs (BLC)							\$100		
Exterior Painting (BLC)							\$50		
Site Plan Review - New Construction or Addition of more than 40% of the original structure			\$200	No fee online		No fee online	\$250 - Residential + .01/sq' \$250 - Commercial + .02/sq'		New Construction Review \$300.00 (Garages separate) \$150.00
Large Scale Addition Application Review: Over 1200 square feet)									
Demolition of Contributing Structure				Ordinance	Ordinance	Ordinance	\$250 - Residential + .01/sq ft \$750 - Commercial + .02/sq'		\$150 Demolition Application Reviews (includes garages)
Variance							\$200		
Administrative Appeal							\$250		
Tax Exempt Application							\$250		

**Definitions: Certificates of Appropriateness:**

**Bozeman:** A Certificate of Appropriateness (COA) applies within the Neighborhood Conservation Overlay District. This district is shown in the colored shading on the linked Neighborhood Conservation Overlay District map. If you are located within these areas you may still develop or remodel your property but some special standards apply. The main focus of the Neighborhood Conservation Overlay District is historic preservation. Work to repair an existing structure is often exempt from the requirement for a COA. Historic preservation is integrated into the City's regulatory program through Design Guidelines. The design guidelines apply within the Neighborhood Conservation Overlay District and within national register historic districts.

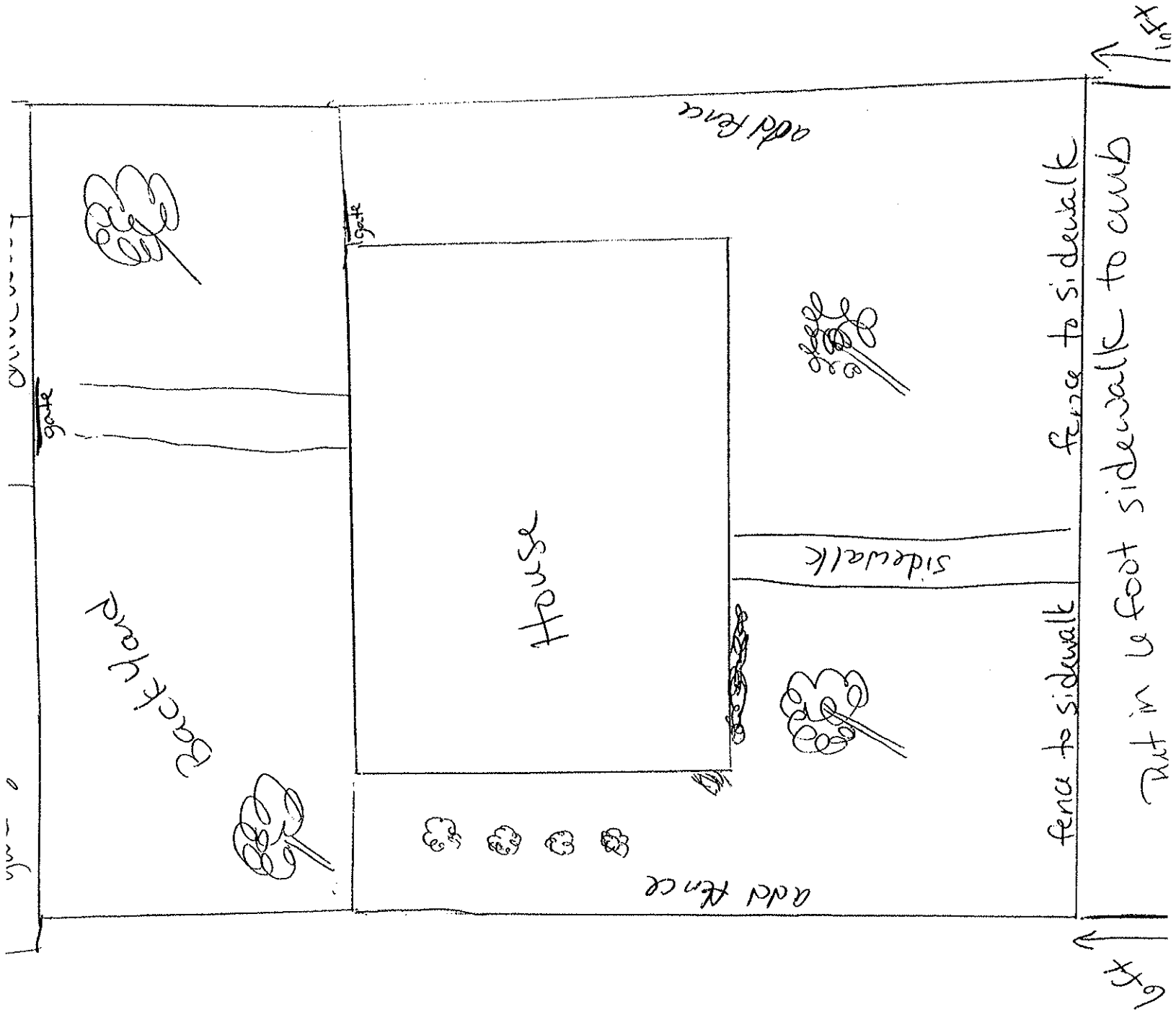
**Butte:** "Certificate of appropriateness" means a signed and dated document that shall be submitted to and approved by the HPC for proposed alteration or change by an applicant of a local register property. Certificate of appropriateness is not required for ordinary maintenance and repairs. (Proposed -- not yet passed/implemented)

**Billings:** Certificate of Appropriateness: A signed and dated document that shall be submitted to the Yellowstone Historic Preservation Board for recommendation of the appropriateness of any new construction, demolition, exterior alteration or change of location of an historic site or structure located within a Historic District or designated on the Local Register. This certification is required prior to the issuance of a building permit, demolition permit or sign permit.

# Finance Recommendations / Bid Awards

Rubber Tired Backhoe									
Company	Model	Purchase Price	Trade-in	Net Price	Buy Back	Delivery	Recommend		
Titan Machinery	Case 580 SN	98,878.00	46,528.00	52,350.00	Year 3	60-90 days			
					Year 4				
					Year 5				
Tractor and Equipment	Cat 420F	101,645.00	44,000.00	57,645.00	Year 3	110-135 days	CAT 420F		
					Year 4				
					Year 5				
RDO Equipment	John Deere 310sk	109,000.00	50,000.00	59,000.00	Year 3	60 days			
					Year 4				
					Year 5				
Hydraulic Excavator									
Company	Model	Purchase Price	Trade-in	Net Price	Buy Back	Delivery	Recommend		
Titan Machinery	Case CX210C	180,377.00	74,120.00	106,257.00	Year 3	120 Days			
					Year 4				
					Year 5				
Tractor and Equipment	Cat 320E L	209,700.00	101,000.00	108,700.00	Year 3	20-45 Days			
					Year 4				
					Year 5				
RDO Equipment	John Deere 210GLC	214,800.00	120,000.00	94,800.00	Year 3	110 Days	John Deere 210GLC		
					Year 4				
					Year 5				

# Public Service Recommendations



11.11.14

**RESOLUTION NO. 3591**

**A RESOLUTION AUTHORIZING THE PLACEMENT OF SIGNS PROHIBITING THE USE OF UN-MUFFLED COMPRESSION BRAKES**

*WHEREAS* the Public Safety Committee has recommended the placement of signage reading "Un-muffled Compression Brakes Prohibited" on Haynes Avenue at the northern and southern points of entry of the corporate limits of the City of Miles City, Montana;

*AND WHEREAS*, the City Council has determined that the placement of such signage is advisable;

*AND WHEREAS*, pursuant to City Code Sec. 22-87 the City of Miles City must obtain permission from the State Department of Highways prior to placement of any traffic control device upon a highway;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Miles City, Montana as follows:

1. Upon receiving permission from the State Department of Highways for the State of Montana, signage reading "Un-muffled Compression Brakes Prohibited" shall be placed on the northern and southern points of entry of the corporate city limits of the City of Miles City, Montana, on Haynes Avenue.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28th DAY OF MAY, 2013.**

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

ATTEST:

\_\_\_\_\_  
Connie Watts, Deputy City Clerk



**RESOLUTION NO. 3594**

**A RESOLUTION REVISING CITY OF MILES CITY PERSONNEL POLICIES  
REGARDING RECRUITMENT AND SELECTION**

*WHEREAS*, the City of Miles City has established certain personnel policies for officers and employees of the City of Miles City, which are set forth in the City of Miles City Personnel Manual;

*AND WHEREAS*, such policies include a policy entitled "Recruitment and Selection" at pages 1.13.1 through 1.13.5 of the Personnel Manual;

*AND WHEREAS*, the City Council finds that certain revisions to such policy recommended by the Human Resources Committee should be adopted;

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

1. That the revised "Recruitment and Selection" policy, attached hereto as Exhibit "A" and made a part hereof, consisting of seven (7) pages marked 1.13.1 through 1.13.7, shall replace the existing pages 1.13.1 through 1.13.5 of the Personnel Manual.

2. Such changes to the policy shall become effective immediately upon the passage of this resolution.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,  
MONTANA, THIS 28th day of May, 2013.**

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

ATTEST:

\_\_\_\_\_  
Connie Watts, Deputy City Clerk

## RECRUITMENT AND SELECTION

### Policy and Objectives

Applications for employment with the City of Miles City are considered without regard to race, color, creed, religion, sex, marital status, age, national origin, disability, medical condition, ancestry, or any other consideration made unlawful by Federal, State, or Local laws. The City shall maintain records necessary to establish compliance with the State and Federal civil rights laws, and offer the general public statistical data describing its composition based on race, age, and gender. Selection is based on individual qualifications for the job. Selection criteria include work experience, education and training, special knowledge and abilities, other job related factors, and potential for development. The City is committed to providing reasonable accommodations to individuals with disabilities, in order to extend equal opportunity to such candidates with respect to all aspects of employment including recruitment, hiring, promotions, and transfers.

In accordance with the existing laws, the City recognizes preference in *hiring* in case of a disabled applicant who is otherwise *equally* and *substantially* qualified for the open position. The City also recognizes preference in hiring of documented veterans in accordance with current State statutes. The application of these preferences will be reviewed between the Mayor and the Human Resources/Payroll Officer prior to initiating any recruitment process.

### Duties of Mayor, pursuant to Ordinance 2-107:

- ✓ Appoint members of City Boards, **with consent** of the City Council
- ✓ Appoint members of advisory boards –**consent not needed** by the City Council
- ✓ Appoint all City Department heads, **with consent of the majority** of the City Council
- ✓ Appoint and remove all other department employees – **consent not needed** by the City Council
- ✓ Different rules exist for firefighters and police

### Procedure for Filling Open Positions

Open positions are defined as vacancies resulting from employee termination, transfer, promotion, or vacancies created by authorized additions to staff. To initiate the recruitment and selection process, all open positions are declared on a Personnel Requisition form (see attached). The Personnel Requisition form is initiated and retained by the Human Resource/Payroll Office, and submitted to the Mayor, for approval. If a current Job Description is not on file for the opening, or the job description needs to change, the supervisor must complete a Position Description Worksheet (see attached), and submit this form along with the Personnel Requisition to the Human Resources Committee for approval.

Recruitment for an opening with the City of Miles City will progress through the sequence of checking for qualified laid-off workers (Job Registry), internal recruitment followed by external/public recruitment.

- ✓ All advertisements must be reviewed and approved by the Mayor or the Mayor's designee prior to placement.

#### Summary of Recruitment and Selection Policy:

1. Open positions start with the **Job Registry** for employees who have been laid off. Qualified, laid off employees receive the highest level of preference for filling openings, but do not have exclusive hiring rights.
2. Next, **Internal Recruitment** for current City employees. City reserves the right to open all job searches outside the organization. Qualified internal applicants will be considered, but being an internal applicant is not exclusive criteria for selection.
3. Finally, **Open Recruitment Process**

#### Step One - "Job Registry" Recruitment (3 Working Days Maximum)

- A. Employees who have been laid-off through no fault of their own by the City are eligible for inclusion on a re-call list known as a Job Registry for a period of one (1) year. This registry along with other pertinent employee files will be maintained by the Human Resource/Payroll office and referred to as a first step when an opening occurs within the City. Laid-off employees who are contained on this Job Registry and identified by the Mayor as possessing the minimum qualifications are informed about the opening, and requested to apply if interested. Notification will be done by registered mail to the laid-off employee's last known mailing address. Registry candidates must apply for these vacancies within three (3) working days of this notification.
- B. The Human Resource/Payroll Office will compare all openings to the Job Registry list for identification of potential candidates, and submit the list of potential candidates to the Mayor or the Mayor's designee. Qualified laid-off employees of the City will receive the highest level of preference in filling openings when possible. However, inclusion of a laid-off employee on the Registry list must not be interpreted as exclusive hiring rights.
- C. Registry members will be considered prior to Internal (see below) recruitment. In circumstances when a tie between two substantially equally qualified applicants exists on the Registry list, the candidate with longer *continuously active* City service will be selected.
- D. An employee's participation on the re-call list ends when:
  - An employee refuses a reinstatement offer;
  - An employee withdraws in writing from participation; or
  - One year has elapsed since the employee's effective date of lay-off.
- E. Recruitment activities through re-call list methods are not considered solicitation for applications from the general public; therefore, preference on basis of veteran status, disability, or Indian race is not applicable.



- F. The Human Resources/Payroll Officer shall notify all applicants determined qualified, if a Job Registry applicant is selected; or, if the applicant(s) are not selected and that the City intends on recruiting internally.
- G. Once the Human Resources/Payroll Officer has determined that no qualified Registry applicants exist and notifications have been made or mailed, the process moves to step 2.

**Step 2 - Internal Recruitment (5 Working Days)**

- A. Under the internal method of recruitment all interested current staff are notified and those responding are considered for existing openings. Qualified Internal applicants will be considered in accordance with this policy, however, an "Internal Applicant" status must not be interpreted as the exclusive criteria for selection.
- B. An updated list of all current job openings will be posted internally. This list will indicate the date of opening, the position title, and a contact name for further inquiry. All internal candidates inquiring about open positions will be given an opportunity to apply; however, the City reserves the right to hire applicants from outside when it determines, in its sole discretion, by and through the Mayor or the Mayor's designee that this approach is necessary or desirable.
- C. Interested employees must submit their application in the form of a memorandum to the Human Resource/Payroll Office through their immediate supervisor. This memorandum should be prepared once the employee has reviewed the Job Description associated with the opening, and determined that he/she meets the minimum requirement of the position. Further applications will not be accepted beyond the designated closing date of the position.
- D. The Human Resources/Payroll Officer will notify all internal applicants if selected, or, if they are not selected and that the City intends to recruit externally. Once the Mayor has determined that it is in the best interest of the City to recruit externally, and notifications have been made or mailed, the process moves to step 3.
- E. Recruitment activities through internal methods are not considered solicitation for applications from the general public; therefore, preference on basis of veteran status, disability, or Indian race is not applicable.
- F. In the event an internal applicant meets minimum qualifications for the position, but the City determines that it is in the best interest of the City to recruit externally, qualified internal applications will be carried over to Step 3. The Human Resources/Payroll Officer will notify the internal applicant that their application will be considered along with those who apply externally.
- G. In the event the City determines that it will consider internal applications without posting externally, the internal applicants will move through the hiring process established herein, beginning at the paragraph titled "Application Screening," below. If at any time the internal applicants are removed from the selection process, or if the City determines during the selection process that external recruitment would be in the City's best interest, the process will revert to Step 3.

**Step 3 - General Public Recruitment (10 working days)**

- A. The Human Resource/Payroll office will post a vacancy externally to the general public if no qualified Registry candidate has been identified, and if no internal

applicants have been selected. Vacancies posted to the general public will generally remain open for two (2) weeks when possible, but may be closed sooner, or extended at the discretion of the Mayor, in consultation with the Human Resources/Payroll Officer.

- B. All City vacancies subject to external procedures will be made known to the job-seeking public. The Mayor may elect to utilize any of the following recruitment sources, Job Service listing, newspaper, the Internet, the community colleges, or other appropriate sources. The Mayor, in consultation with the Human Resources/Payroll Officer may also limit its recruitment to specific geographical areas, but will consider all applications received prior to closing date, irrespective of the applicant's place of residence.
- C. All employment advertisements must be reviewed and approved by the Mayor prior to placement. Copies of all final ads will be retained for record-keeping and compliance purposes. Recruitment sources will include both internal and external origins, as described above.

#### **Application Screening**

- A. The Mayor and the immediate supervisor for the position being hired will screen applications for basic qualifications, and the Human Resources/Payroll Officer will notify applicants directly if they do not possess these qualifications. All candidates must complete a City employment application form.
- B. Applications of candidates will be forwarded to the Mayor for consideration. The Mayor, in consultation with the immediate supervisor for the position being hired, will select the top candidates for interview based upon a review of qualifications and/or supplemental application questions. All applications received will be logged in the Applicant Flow Log (see attached). This log is then retained when the position is filled
- C. All applications and/or resumes will be retained by the City for two years, or as mandated by the Federal and State laws.
- D. Applicants will be informed that if selected, they will be required to provide the City with specific documents establishing their identity and employment eligibility, in accordance with Immigration Reform and Control Act of 1986.

#### **Applicant Selection Process**

- A. The purpose of the selection process is to identify potential employees who are best qualified to meet the specific work requirements and successfully perform the job duties of the open position. In that light, selection procedures will be based on a specific job analysis.
- B. All applicants remaining in competition at each level of the selection process shall be treated consistently with respect to:
  - contents of the procedure applied;
  - persons involved in administering the process; and,
  - the maximum amount of time allotted when timed procedures are utilized.
- C. However, consistent treatment should not imply identical treatment.

- D. Individuals involved with evaluating applicants' qualifications must be familiar with the position to be filled, and must use job-related questions, suggested responses, and rating scales to evaluate candidates. This technique must permit accurate comparison of the applicant against the job requirements, as well as the applicant pool.
- E. Certain entities within the City government may be mandated to require specific qualifications, or use particular measuring guidelines (e.g. POST test) not necessarily pertinent to other departments.
- F. Any unsuccessful applicant claiming employment preference will be provided a written notice of the hiring decision.
- G. Provisions must be made for an annual review and update of this Recruitment & Selection Policy by the Human Resources Committee.

#### **Personal Interview of Selected Candidates**

- A. The Mayor shall appoint Hiring Committee, consisting of 3 members, one of which must be the immediate supervisor for the position being hired. The Human Resource/Payroll Officer shall be an advisor to the Hiring Committee, and shall attend all meetings of, and interviews conducted by, the Hiring Committee. The Hiring Committee, along with the Mayor, in the event the Mayor wishes to be present, shall conduct interviews of selected applicants. All questions asked in a personal interview must be job-related and designed to help the interviewer identify the best-qualified candidate for the position. The Employment Interview Guide and the Interviewer's Report (see attached) provide examples for the pre-employment interview process. The primary objective of the personal interview is to achieve the best match between the candidate's qualifications and the job requirements. Therefore, the interview is intended to provide more in-depth information on aptitudes, attitudes, and capabilities of the applicant.
- B. The Mayor and/or the Hiring Committee will utilize a "structured interview" method consisting of a certain number of pre-set, job-related (as determined by the job analysis) questions addressed to every candidate. The responses of the applicants are then measured against a pre-determined set of guidelines, and ranked accordingly.
- C. The Mayor, with the advice of the Hiring Committee, shall select a person or persons who to be offered employment, and shall rank those who are acceptable for employment to determine the order in which employment shall be offered, subject to successful references and background check.

#### **References**

- A. Prior to making an employment offer to the selected candidate, a Telephone Reference Check (see attached) encompassing employment history, education, qualifications, and other pertinent information must be performed. This reference check must cover a period of at least five years of paid recent employment when possible, and/or be provided by no less than two former employers.
- B. All interviewed candidates will be required to consent to an Authorization to Conduct Background Investigation for Past Employment & other references &/or for Criminal Background, if criminal background check is applicable.

### **Employment Confirmation:**

- A. Once the final selection is made the successful candidate must be provided with an official Confirmation Letter from the Mayor's office, and the Mayor must sign the payroll request form. In preparing the Confirmation Letter, the Mayor shall establish a salary being offered for the position, so long as the salary is within the amount budgeted for said position. If the Mayor feels that an increased salary is necessary, such increased amount must be approved by the City Council.
- B. The Confirmation letter will address the following topics:
- Title of the job offered
  - Supervisor's name and the hiring department
  - Starting salary and benefits
  - Pay grade and step
  - Classification, i.e. exempt/non-exempt status
  - Any other terms and conditions of employment, i.e., incentive compensation plan, company-furnished car or car allowance, relocation assistance, early salary review, etc.
  - Starting date
  - Request for documentation regarding identity and employment eligibility
  - Language emphasizing the "at-will" nature of employment, and the probationary period
  - Request for applicant's signature on confirmation letter, and a deadline for the return of said letter to the City.
- C. The Confirmation Letter must accentuate the point that the City does not recognize any other offers or promises made to the candidate, and that no City employee other than the Mayor is authorized to modify the conditions of the offer, or enter into any agreement with the applicant. The Confirmation Letter must indicate that the appointment is subject to the consent of the City Council, when applicable. Furthermore, the Confirmation Letter should state that the "at-will" condition of the employment could only be altered by a written agreement signed by the Mayor.

### **Documentation Retention**

- A. On every selection the City complete, the following documentation must be retained for a period of two (2) years:
- A description of the current duties of the job
  - A copy of the vacancy announcement
  - A copy of the newspaper advertisement, and a list of all recruitment sources used
  - All applications, supplemental question responses, and any other application materials received
  - A copy of all selection procedures and any criteria used to evaluate performance (suggested responses and rating scale)



- Any written evaluations
- The names and titles of any persons who participated in the design or administration of the selection procedures
- Records or other information necessary for applicant flow
- All correspondence with the applicants

**Closing**

These rules shall be followed unless they conflict with negotiated labor contracts, which shall take precedence to the extent applicable.



**RESOLUTION NO. 3595**

**A RESOLUTION APPROVING A CITY OF MILES CITY RSVP CRIMINAL HISTORY CHECK POLICY**

*WHEREAS*, the City of Miles City sponsors the Retired Senior Volunteer Program, hereinafter referred to as "RSVP;"

*AND WHEREAS*, RSVP has requested that the City of Miles City approve a City of Miles City RSVP Criminal History Check Policy in order to comply with certain Federal requirements;

*AND WHEREAS*, the City Council finds that such policy should be adopted;

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

1. That the City of Miles City RSVP Criminal History Check Policy, attached hereto as Exhibit "A," and made a part hereof, is hereby approved and adopted.
2. Said policy shall become effective immediately upon the passage of this resolution.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28th day of May, 2013.**

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C.A. Grenz, Mayor

ATTEST:

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Connie Watts, Deputy City Clerk

## Exhibit "A"

### City of Miles City

#### RSVP CRIMINAL HISTORY CHECK POLICY

Under the Serve America Act (SAA), RSVP grantees are required to conduct and document a National Service Criminal History Check that includes a fingerprint based FBI criminal history on individuals, paid through Corporation for National & Community Service (CNCS) grant funds, who begin work on or after April 21, 2011.

The National Service Criminal History Check must include (1) a nationwide check of the Department of Justice's National Sex Offender Public Web site (NSOPW) (<http://www.nsopw.gov>) and (2) either (a) a name or fingerprint-based search of the official state criminal history registry in the state in which the grantee is operating and of the official state criminal history registry in the state in which the individual resides at the time of application, or (b) submission of fingerprints through a state central record repository to the Federal Bureau of Investigation for a national criminal history background check.

Because of the importance of proper screening and because the NSOPW is a widely-available and free public resource, the NSOPW search must be nationwide (i.e. all states and territories) in order to meet the National Service Criminal History Check requirement. If any of the databases comprising the NSOPW are down, offline, or otherwise unavailable, the NSOPW check is incomplete until all databases are checked. Additionally, because of the availability of this free public resource, grantees must conduct an NSOPW check for any individual currently serving or working in a covered position defined under this rule, regardless of when the individual was hired or stated service, and regardless of their access to vulnerable populations. Finally, as a prudential action, all Corporation of National and Community Service grantees, when conducting a search of the name-based NSOPW, should include not only the applicant's current legal name, but also any previous names or aliases by which the applicant may have been known.

**RSVP employees** must complete the NSOPW check before beginning work.

It is not necessary to perform an additional National Service Criminal History Check on an individual who serves consecutive terms of service with the same grantee (City of Miles City) when the break in service does not exceed 120 days, as long as the original check is a compliant check.

CNCS considers the cost of this required National Service Criminal History Check a reasonable and necessary program grant expense, such cost being presumptively eligible for reimbursement. In any event, a grantee should include the costs associated with its screening process in the grant budget it submits to CNCS for approval.

Refusal to participate in background check: Any individual who refuses to consent to the Criminal History Check, or makes a false statement in connection with a grantee's inquiry concerning the individual's criminal history, is not eligible to serve as an employee of RSVP/City of Miles City.

**Documentation Requirements:**

The City of Miles City must retain the criminal history check results along with written documentation that they considered the results in selecting the individual. The City of Miles City must review and determine that the information returned by the governmental body issuing criminal history registry results provides information that would allow the City to determine whether or not an individual was eligible to work or serve. For example, if the City received a document from the statewide criminal history registry that indicates that they individual is "cleared" for service/employment based upon an agreement that describes CNCS's standards for eligibility, that clearance document may be retained as the sufficient documentation of the criminal history check results, along with written documentation that the grantee considered the result in selecting the individuals.

**Disqualification of Registered Sex Offenders and Convicted Murderers:**

An individual who has been convicted of murder and/or is registered, or who is required to be registered, on a state sex offender registry is deemed unsuitable for, and may not serve as an employee of RSVP.

**Right to Review and Challenge:**

Applicants have the right to review and challenge the results of the National Service Criminal History Check. A copy of such results shall be provided to the applicant upon request.

**RESOLUTION NO. 3596**

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR STREET SWEEPING FOR FISCAL YEAR 2013-2014.**

*WHEREAS*, pursuant to Section 60-2-204 MCA the City of Miles City has negotiated an agreement with the Montana Department of Transportation for the City of Miles City to provide street sweeping and flushing services upon specific sections of state highway within or abutting the City of Miles City, a copy of which is attached hereto as Exhibit "A";

*AND WHEREAS*, the City Council of the City of Miles City finds that it is in the best interest of the City of Miles City to enter into such agreement with the Montana Department of Transportation;

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

1. The Agreement for the provision of street sweeping and flushing service between the City of Miles City, Montana and the Montana Department of Transportation, attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by the Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City and to bind the City of Miles City thereto.
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 Agreement and to 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 28th DAY OF MAY, 2013.**

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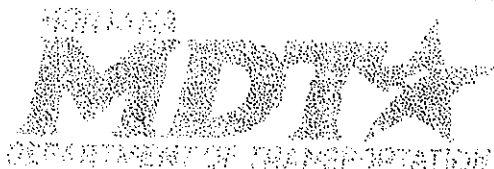
C.A. Grenz, Mayor

ATTEST:

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Connie Watts, Deputy City Clerk

EXHIBIT "A"



Miles City Area Office  
P.O. Box 460  
217 North Fourth Street  
Miles City, Montana 59301

## Street Sweeping Agreement

This agreement is between the City of Miles City and the Montana Department of Transportation (MDT) for defining street sweeping and flushing responsibilities of the City and MDT in accordance with state law which allows MDT to enter into an agreement with local governments to provide maintenance of State routes with provision for full reimbursement. The term of this agreement shall be for one year beginning July 1, 2013.

**LIMITS OF AGREEMENT:** The listing of streets and intersections identified under ITEMS COVERED is a full and complete listing of areas covered by this agreement. Unless otherwise defined, that list includes all intersections along the route and intersecting streets for a distance of 15' or to the end of the curb radius return, whichever is greater, and shall include all of the street right of way. During the term of this Agreement, additional areas may be added by written Agreement of the parties.

**SCOPE OF AGREEMENT:** This agreement covers all activities ordinarily associated with street sweeping and flushing activities.

**ITEMS COVERED:** Payment to the City for this Agreement shall be for the following:

### STREET CLEANING ACTIVITIES:

The City will flush the streets identified below once per week and sweep and clean the streets identified below once every other week, unless otherwise noted. This will begin July 1, 2013 through October 15, 2013 and begin again on April 15, 2014 through June 30, 2014, approximately six months.

- a. Main Street beginning at the westernmost end of the Tongue River bridges proceeding east to the intersection of Main Street and Haynes Avenue.
  - b. North Seventh Street beginning 15' south of the intersection of North Seventh Street and Main Street and proceeding North to the old Milwaukee Railroad tracks.
  - c. Haynes Avenue beginning at the intersection with East Main Street and proceeding south to the south side of the entrance to the Comfort Inn, south of the Broadus Interchange. \*The City of Miles City will sweep and flush every 3<sup>rd</sup> week of the month.
  - d. The Montana Department of Transportation will assist in sweeping activities when excessive sand or leaves have been deposited on the designated state routes.
- If additional sweeping or flushing is requested by the Montana Department of Transportation, and approved by the Maintenance Chief, the agreed rate will be \$55.00 per hour for sweeping and \$32.00 per hour for flushing.

**MONTANA PRODUCT PREFERENCE:** The City will provide Montana-made goods where those goods are comparable in price and quality to those required by this Agreement pursuant to Section 18-1-112(1), MCA.

**COSTS / PAYMENT:** The costs associated with this Agreement shall be \$1415.00 per month for a period of six months beginning July 1, 2013 and ending June 30, 2014. This will be a lump sum cost for the activity described, and shall be paid to the City on an annual basis.

The City shall submit billing and a narrative summary of the work done in the period of this Agreement on or before June 10, 2014. MDT agrees to make payment within 20 calendar days of receipt of the billing.

**RECORDS:** The labor, equipment and materials used on the streets covered in this Agreement shall be assigned a special budget category by the City. No record keeping shall be attempted to break contractual costs against individual streets that are covered in this Agreement. All City records concerning this project are open for review and/or audit by representatives of MDT or the Legislative Auditor at any reasonable time.

**TERMINATION:** This Agreement may be terminated upon thirty days written notice, delivered by certified mail, return receipt requested, by either party. Upon service of such notice, MDT is liable only for actual work completed as of the date of the notice.

**HOLD HARMLESS / INDEMNIFICATION:** MDT agrees to hold harmless and/or indemnify the City for damages resulting from the construction or design done by MDT of the streets and areas covered by this Agreement. This holds harmless / indemnification clause shall not cover damages, which are caused whether directly or indirectly by the work done by the City pursuant to this Agreement. The City agrees to defend, protect, indemnify and save harmless MDT and the State against and from all claims, liabilities, demands, causes of action, judgments, and losses claimed to be due to the City's performance of the activities of this Agreement.

**CIVIL RIGHTS COMPLIANCE:** The City must comply with all applicable Federal and State laws including, but not limited to, prevailing wage laws and those laws referred to in the two-page NOTICE attached hereto, which is made a part of this Agreement by its reference.

**LAW AND VENUE:** The laws of Montana govern This Agreement. The parties agree that, in the event of any dispute concerning this Agreement, any litigation will be adjudicated utilizing the appropriate, established legal/judicial systems.



**ENTYRE AGREEMENT:** This document, with the attached Notice, contains the entire Agreement between the parties, and no statements, promises or inducements made by either party or its agents which in any way modifies, alters or changes the contents of the document is binding. Any subsequent modification must be done by a separate written document.

IN WITNESS THEREOF, the parties hereto caused this Agreement to be executed in duplicate by their duly authorized officers.

**STATE OF MONTANA  
DEPARTMENT OF TRANSPORTATION**

By: \_\_\_\_\_ Date \_\_\_\_\_  
District Administrator

**CITY OF MILES CITY**

By: \_\_\_\_\_ Date \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

\_\_\_\_\_

Enclosures

Notice Approved for Legal Content per the attached signature page of the original Agreement.

## NON-DISCRIMINATION NOTICE

During the performance of this Agreement, \_\_\_\_\_ (hereafter in this Section "the Party"), for itself, its assignees and successors in interest, agrees as follows:

### A) COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

- (1) Compliance with Regulations: The Party shall comply with all Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, 49 Code of Federal Regulations (CFR), Part 21, as they may be amended (hereafter referred to as the Regulations), which are incorporated by reference and made a part of this Agreement, even if only state funding is here involved.
- (2) Nondiscrimination: The Party, with regard to the work performed by it during the Agreement, shall not discriminate on the grounds of sex, race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Party shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR Sec. 21.5.
- (3) Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations, whether by competitive bidding or negotiation by the Party for work to be performed under a subcontract, including procurement of materials or leases of equipment, any potential subcontractor or supplier shall be notified by the Party of the Party's obligations under this Agreement and the Regulations relative to nondiscrimination.
- (4) Information and Reports: The Party will provide all reports and information required by the Regulations, or directives issued pursuant thereto, and permit access to its books, records, accounts, other sources of information and its facilities as may be determined by State or the Federal Highway Administration (FHWA) to be pertinent to ascertain compliance with Regulations or directives. Where any information required of the Party is in the exclusive possession of another who fails or refuses to furnish this information, the Party shall so certify to the Department or the FHWA as requested, setting forth what efforts it has made to obtain the information.
- (5) Sanctions for Noncompliance: In the event of the Party's noncompliance with the nondiscrimination provisions of this Agreement, State may impose sanctions as it or the FHWA determines appropriate, including, but not limited to,
  - (a) Withholding payments to the Party under the Agreement until the Party complies, and/or
  - (b) Cancellation, termination or suspension of the Agreement, in whole or in part.
- (6) Incorporation of Provisions: The Party will include the provisions of paragraphs (1) through (6) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Party will take such action with respect to any subcontract or procurement as the State or the FHWA may direct to enforce such provisions including sanctions for noncompliance: Provided, however, that in the event the

Party is sued or is threatened with litigation by a subcontractor or supplier as a result of such direction, the Party may request the State to enter into the litigation to protect the interests of the State, and, in addition, the Party or the State may request the United States to enter into such litigation to protect the interests of the United States.

**B) COMPLIANCE WITH THE MONTANA GOVERNMENTAL CODE OF FAIR PRACTICES, SEC. 49-3-207, MCA**

In accordance with Section 49-3-207, MCA, the Party agrees that for this Agreement all hiring will be made on the basis of merit and qualifications and that there will be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing the Agreement.

**C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA)**

- (1) The Party will comply with all regulations relative to implementation of the AMERICANS WITH DISABILITIES ACT.
- (2) The Party will incorporate or communicate the intent of the following statement in all publications, announcements, video recordings, course offerings or other program outputs: "The Party will provide reasonable accommodations for any known disability that may interfere with a person in participating in any service, program or activity offered by the Party. In the case of documents, recordings or verbal presentations, alternative accessible formats will be provided. For further information call the Party."
- (3) All video recordings produced and created under contract and/or agreement will be closed-captioned.

**D) COMPLIANCE WITH PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN DEPARTMENT OF TRANSPORTATION FINANCIAL ASSISTANCE PROGRAMS, 49 CFR PART 26**

Each Agreement the Department signs with a Party (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

**The Party, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Party shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the Party to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate**

