

RESOLUTION NO. 3616

A RESOLUTION APPROVING AND ADOPTING A FINAL BUDGET FOR THE CITY OF MILES CITY FOR FY 2013-2014; AUTHORIZING PROCEDURE FOR ADJUSTMENTS TO APPROPRIATIONS FOR CERTAIN FEE BASED BUDGETS; AUTHORIZING PROCEDURE FOR TRANSFERRING APPROPRIATIONS BETWEEN ITEMS WITHIN THE SAME FUND

WHEREAS, there was presented to the City Council of the City of Miles City, Montana a preliminary budget for the City of Miles City for fiscal year 2013-2014;

AND WHEREAS, a public hearing was duly noticed and held on July 30, 2013 and again on August 13, 2013, upon such preliminary budget as required by §7-6-4024 MCA;

AND WHEREAS, upon due consideration of all matters presented at such public hearing, and the City Council having made such amendments, if any, to such preliminary budget as deemed necessary;

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

1. The budget attached hereto as Exhibit "A" (hereinafter "the Final FY 2013-2014 Budget"), and by this reference made a part hereof, is hereby approved and adopted.
2. The appropriations set forth in the Final FY 2013-2014 Budget are hereby authorized.
3. The spending for each fund in the FY 2013-2014 Budget is limited at the level of detail set forth in Exhibit "A" to this resolution, except that:
 - a. Pursuant to the authority of §7-6-4031 MCA, the City Council is hereby authorized throughout the budget period, by appropriate resolution, to transfer appropriations in the Final FY 2013-2014 Budget between items within the same fund; and
 - b. Pursuant to the authority of §7-6-4012 MCA, adjustments to appropriations for the following fee-based funds may be authorized by the City Council during FY 2013-2014:
 - i. Fund No. 2394 Building Inspection Fund
 - ii. Fund No. 2770 Health

- iii. Fund No. 5510 Ambulance Fund
- iv. Fund No. 5610 Airport Fund
- v. Fund No. 6040 Public Works Garage Fund

Provided, all adjustment of fee-based appropriations must be based upon the cost of providing services supported by the fees, and fully funded by the related fees for services, fund reserves, or nonfee revenue such as interest.

4. This Resolution is effective July 1, 2013.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 27th DAY OF AUGUST, 2013.**



C.A. Grenz, Mayor

ATTEST:



Lorrie Pearce, City Clerk

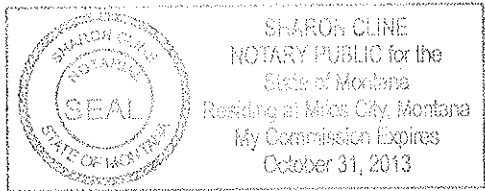
Affidavit of Publication

STATE OF MONTANA }
County of Custer } ss.

Mary Halvorson, being duly sworn on her oath, says that she has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State. 2013-2014 Municipal Budget. A printed and true copy which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period, July 17 and 24, 2013.

Signed Mary Halvorson
Subscribed and sworn to before me this 7th
day of August, 2013
Sharon Cline

LEGAL NOTICE
NOTICE IS HEREBY GIVEN that the City Council of the City of Miles City has completed its preliminary municipal budget for Fiscal Year 2013/2014. The budget has been placed on file and is open to inspection in the office of the City Clerk at City Hall, 17 S. 8th, Miles City, Montana, and will be available for review between July 18, 2013, and July 29, 2013. The City Council will meet for the purpose of conducting hearings on the preliminary budget beginning July 30, 2013, at 6:00 P.M. at City Hall, and may be continued at 6:00 P.M. from day to day thereafter until such hearings have been completed. The City Council shall meet again on Tuesday, August 27, 2013, at 7:00 P.M. or, upon subsequent notice, within 30 days of receiving certified taxable values from the Department of Revenue, for the purpose of considering the adoption of Resolution No. 3616 which fixes the final budget and makes appropriations for Fiscal Year 2013/2014. At this meeting the City Council will also consider the adoption of Resolution No. 3617, which sets mill levies for Fiscal Year 2013/2014. Any resident or taxpayer may appear at any of the foregoing meetings and be heard for or against any part of the budget. For information or questions, please contact the City Clerk at 234-3462. (Published July 17, and 24, 2013)



VE TO

§7-5-4205(3) MCA and §2-106(6) of the Code of Ordinances of Miles City, Montana provide that the mayor has the power to "veto any objectionable part of a resolution or ordinance and approve the other parts." §2-106(7)(b) of the Code of Ordinances of Miles City, Montana provides that "the veto power of the mayor as to resolutions must be exercised in writing at the next regular meeting." Accordingly, I hereby veto the following parts of Resolution 3616, as amended and passed by the City Council at its regular meeting of August 27, 2013.

1. \$13,345 of the appropriation for Account 1000.005.420140, Object 111, as reflected in the FY 2013-2014 Budget attached as Exhibit "A" to said Resolution 3616, by striking the following language: "Increase per amendment amount of \$13345 to include Secretary." This results in a reduction of appropriations of \$13,345 for Account 1000.005.420140, Object 111.

2. In the event that a Court of competent jurisdiction should rule that the veto of the above portions of Resolution 3616, as amended are ineffective, then it is my intent of this veto to veto Resolution 3616, as amended, in its entirety. I am not in agreement with a budget for FY 2013-2014 that includes the expenditures that I have vetoed above.

My objections to the Resolution, as amended, are:

1. The budget as amended requires the use of the City's cash reserves. The Ambulance Fund continues to run in the red, presently at -\$280,432.44, and may require a loan from the general fund. There are significant future expenses faced by the City and its taxpayers, to include the much needed improvements to the dike. Although it is hoped that grant money will be available to assist in paying for studies, to include private engineering studies as well as Army Corps of Engineers studies, as well as construction, this grant money is not guaranteed. The taxpayers are also being faced with the expense of the DEQ mandated water and sewer plant upgrade, and the new county detention center. I feel that it is important that the City's spending be limited, to avoid the depletion of the cash reserves, and further tax increases in the future which will be a burden on the City's taxpayers, particularly those on fixed incomes.

2. The position which is funded by the item I have vetoed will require that calls made to the police department can be routed through dispatch when no one is available to answer the phones at the police department.

DONE at the regular City Council meeting of September 10, 2013.



C.A. Grenz, Mayor

- Asked why a **primary election** would not be held. He was told that, in a partisan election it would be needed to pare the candidates down to one Republican and one Democrat candidate. However, in a nonpartisan election, there can be up to four candidates for each open position.

Sue Galbraith

- Complimented our Flood Plain Administrator for her efforts in **reducing the flood insurance** by 5%.
- Said she understood that there are two vacant positions on the **Airport Commission** and suggested the City place this item on the agenda to fill the position for which it is responsible.

John Uden

- Complimented the *Miles City Star* for the flood plain articles
- Complimented the Fire Chief and others responsible for the lifesaving efforts on the Yellowstone River recently.

Roxanna Brush

- Congratulated an individual who was graduating from the Community Services Program.

Mark Ahner

- Congratulated Public Works Director Scott Gray and Public Utilities Director Al Kelm for finishing up the impound lot at the old Fish, Wildlife and Parks property, which will save the City \$45,000 a year

MAYOR COMMENTS

Veto of Police Department Secretary

Mayor Grenz read his veto, as set out below:

VETO

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1. \$13,345 of the appropriation for Account 1000.005.420140, Object 111, as reflected in the FY 2013-2014 Budget attached as Exhibit "A" to said Resolution 3616, by striking the following language: "Increase per amendment amount of \$ 13345 to include Secretary." This results in a reduction of appropriations of \$13,345 for Account 1000.005.420140, Object 111.

2. In the event that a Court of competent jurisdiction should rule that the veto of the above portions of Resolution 3616, as amended are ineffective, then it is my intent of this veto to veto Resolution 3616, as amended, in its entirety. I am not in agreement with a budget for FY 2013-2014 that includes the expenditures that I have vetoed above.

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C.A. Grenz, Mayor

Veto Discussion:

Councilperson **Galbraith** said the \$13,346 that is being vetoed by the Mayor will not make a lot of difference in the budget. She feels the Police Department secretarial position is very important. She sends all the evidence to the state, keeps the sexual predator list updated, as well as many other things that would, if this veto passes, have to be done by police officers. She feels the position is very important well worth the minimum wage she secretary is paid.

Attorney Rice said the veto needs to be confirmed or overridden, and can be done at this meeting or the next.

** *Councilperson Hollowell moved to vote on the veto at this meeting, seconded by Councilperson Brush and, on roll call vote, **passed unanimously, 8-0.***

** *Councilperson Hollowell moved to override the veto, seconded by Councilperson Galbraith and, on roll call vote, **the motion failed, 4-4,** with Councilpersons Melnik, Uden, Ahner and Brush voting no. The motion to override a veto would have had to pass by 2/3 vote. **The veto was confirmed.***

COMMITTEE RECOMMENDATIONS

Public Services Committee: 8/14/13: