

## **REGULAR COUNCIL MEETING**

**February 28, 2012**

### **CALL TO ORDER**

The regular council meeting was held Tuesday, February 28, 2012, in the City Council Room at City Hall. Mayor Butch Grenz called the meeting to order. Council members present were Dwayne Andrews, Roxanna Brush, John Hollowell, Mark Ahner, Jerry Partridge, John Uden, Bill Melnik and Sue Galbraith.

Also present were Fire Chief Dale Berg, Police Chief Doug Colombik, Public Services Director Al Kelm, Grant Administrator Dawn Colton, City Planner Dianna Broadie, Flood Administrator Samantha Malenovsky, RSVP Director Betty Vail, Ambulance/AP Clerk Connie Watts and Council Recorder City Clerk Becky Stanton.

### **PLEDGE OF ALLEGIANCE**

Mayor Grenz led the Council in the Pledge of Allegiance.

### **APPROVAL OF COUNCIL MINUTES**

Regular Council Minutes – 2/14/12

\*\* *Councilperson Brush made a motion to approve the Regular Council Meeting Minutes of February 14, 2012, with corrections, seconded by Councilperson Galbraith; motion carried unanimously, 8 – 0.*

Finance Committee Minutes – 2/17/12

The **Finance Committee** met February 17, 2012, at 12:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members Jerry Partridge, Bill Melnik and Roxanna Brush. Also present were Mayor Chris Grenz, Councilperson Sue Galbraith, Public Works Director Allen Kelm, Fire Chief Dale Berg, City Planner Dianna Broadie, Grant Administrator Dawn Colton, Utility Billing Clerk Diana Schweigert and Recorder/City Clerk Becky Stanton.

#### **Request for reimbursement of water bill overcharges at 17 N. Winchester**

When the push button meters were initially installed in 1989, this residence received a 5/8" meter but it was recorded as a 3/4" meter. It was charged as a 3/4" service, which not discovered until repair was done to the curb stop on December 1, 2011. The customer, Patty Brookman, is requesting a refund for sewer only of \$435.76 and she is willing to forego the water refund.

\*\* *Committee Member Brush moved to recommend to the Council to refund customer the amount noted, seconded by Committee Member Partridge. Motion carried unanimously, 4-0.*

#### **Bid review for 10" waterline under the Tongue River**

The City had received two bids, one from Western Municipal Construction, Inc. for \$225,000 and another from Macon Construction Company for \$286,000. Director Kelm stated that Kadrmass, Lee and Jackson Inc. had reviewed both bids and found no irregularities, checked three different references on each bidder and recommended Western Municipal for \$225,000. The horizontal driller was already preapproved.

\*\* *Chairperson Ahner moved to recommend to the City Council that Western Municipal Construction Inc. with a bid of \$225,000 be awarded the bid for the Tongue River 10" waterline boring, seconded by Committee Member Melnik. Motion carried unanimously, 4-0.*

**Recommendation to fund the Capital Improvement Program**

Chairperson Ahner noted that Ordinance 1151 dated December 14, 2004, established a Capital Improvement Program. This applies to the General Fund only and each purchase would still need to comply with the City's Purchasing Policy. State Statute requires that the fund needs to be keep separate from other funds, and the interest earned goes back into this fund.

\*\* Chairperson Ahner moved to recommend to the Council to approve funding in the amount of \$250,000 from the available General Fund Cash Reserves to be placed into a Capital Improvement Program Fund as created under Ordinance 1151, seconded by Committee Member Melnik. Motion carried unanimously, 4-0

**Resolution No. 3462 – A Resolution Authorizing a \$14,705 Fish, Wildlife and Parks Grant for Phase 3 improvements at Spotted Eagle Recreation Area**

Chairperson Ahner explained that this grant was not included in the current budget. The grant money would be used to establish another restroom at the Spotted Eagle Recreation Area.

\*\* Committee member Brush moved to recommend to the Council to approve this Resolution, seconded by Committee Member Melnik. Motion carried unanimously, 4-0.

**Request of Citizens**

Director Kelm noted that the Judge had denied the lawsuit with the child at the park. The next process is to go to the State Supreme Court.

There being no further business, the meeting was adjourned at 12:53 p.m.

\*\* Councilperson Ahner made a motion to approve the Finance Committee Meeting Minutes of February 17, 2012, without any corrections, seconded by Councilperson Andrews; motion carried unanimously, 8 – 0.

**SCHEDULED MEETINGS**

Public Service Committee Meeting                      March 5, 2012 12:00pm Noon  
Finance Committee Meeting                                March 6, 2012 6:00pm

**REQUEST OF CITIZENS**

Miles City Depot Acquisition & Restoration Project (MCDARP)

The Mayor explained that Connie Muggli would like to have City support to deny any demolition requests made to destroy the BN depot. The Mayor fully supports that request.

**STAFF REPORTS**

-None

**CITY COUNCIL COMMENT**

-None

**MAYOR COMMENT**

The City of Miles City received a gift of a bison statue from Bison Pipeline as thanks for the City's cooperation during their stay in Miles City.

The Miles City Public Library has received a \$3,000 grant from Humanities Montana entitled "Community Discussion of Social and Cultural Impact of Energy Boom in Eastern Montana."

Per City Attorney Huss, the City has two choices regarding the slough. The first option is to purchase the slough but by this choice, the City would be responsible for cleaning up any pollution liabilities. The second choice is to get a

right-of-way easement. Both choices will possibly require a certified survey.

- \*\* *Councilperson Brush made a motion to recommend City Attorney Huss proceed with a right-of-way easement with the State of Montana, seconded by Councilperson Galbraith; motion carried unanimously, 8-0.*

### **PUBLIC HEARINGS**

**Ordinance No. 1234:** An Ordinance revising Title 2, Article III, Division 2 of the Code of Ordinances of the City of Miles City Regarding the City Planning Board to Conform to State Statute, providing for Conditional Appointment of two additional members to the City Planning Board by Custer County Board of Commissioners; and providing an Effective Date Thereof.

Public comment was called for and, upon hearing none, the public hearing closed.

**Resolution No. 3431:** A Resolution approving the Work Plan and Budget for Fiscal Year 2011-2012 for Business Improvement District No. 101.

Public comment was called for and, upon hearing none, the public hearing closed.

### **OLD BUSINESS**

**Ordinance No. 1234: (Second Reading & Final Adoption)** An Ordinance revising Title 2, Article III, Division 2 of the Code of Ordinances of the City of Miles City Regarding the City Planning Board to Conform to State Statute, providing for Conditional Appointment of two additional members to the City Planning Board by Custer County Board of Commissioners; and providing an Effective Date Thereof.

- \*\* *Councilperson Ahner made a motion to amend Ordinance No. 1234 to change the number of members from nine to seven, seconded by Councilperson Hollowell; motion carried unanimously, 8-0.*

- \*\* *Councilperson Galbraith made a motion to approve Ordinance No. 1234 as amended, read in title only, seconded by Councilperson Andrews; motion passed unanimously, 8-0.*

**Resolution No. 3431:** A Resolution approving the Work Plan and Budget for Fiscal Year 2011-2012 for Business Improvement District No. 101.

- \*\* *Councilperson Ahner made a motion to approve Resolution No. 3431, read in title only, seconded by Councilperson Melnik; motion carried unanimously, 8-0.*

### **BID AWARD**

- \*\* *Councilperson Ahner made a motion to award the bid of \$225,000 to Western Municipal Construction for the 10" waterline that will go under the Tongue River, seconded by Councilperson Uden; motion carried unanimously, 8-0.*

### **NEW BUSINESS**

**Ordinance No. 1232: (First Reading)** An Ordinance amending Section 4.7 of Ordinance No. 1205 to clarify provisions regarding Notice of Violations of the Miles City Floodplain Ordinance.

- \*\* *Councilperson Hollowell made a motion for the Council to approve Ordinance No. 1232, read in title only, seconded by Councilperson Andrews.*
- \*\* *Councilperson Brush made a motion to amend Ordinance No. 1232, changing “realed” to “revealed” in Section 1 (a) in the last sentence, seconded by Councilperson Hollowell; motion carried unanimously, 8-0.*
- \*\* *On original motion; motion passed unanimously, 8-0.*

**Ordinance No. 1233: (First Reading)** An Ordinance Authorizing and Establishing the Procedure and Imposition of Impact Fees to Fund Capital Improvements in the City of Miles City, Establishing an Impact Fee Advisory Committee, and Providing for an Effective Date Thereof. - **Pulled**

**Resolution No. 3432:** A Resolution Levying an Assessment for Fiscal Year 2011-2012 upon all Property in Business Improvement District No. 101 and Determining the Method of Such Assessment.

- \*\* *Councilperson Ahner made a motion to adopt Resolution No. 3432, read in title only, seconded by Councilperson Galbraith; motion carried unanimously, 8-0.*

**Resolution No. 3464:** A Resolution approving a proposal from Data Imaging Systems, Inc., a Montana Corporation, to provide computer device monitoring services to the City of Miles City and to provide computer support and maintenance services.

- \*\* *Councilperson Brush made a motion to approve Resolution No. 3464, read in title only, seconded by Councilperson Melnik; motion carried unanimously, 8-0.*

**Resolution No. 3465:** A Resolution Accepting the Bid of Western Municipal Construction, Inc. for Installation of a 10” Water Main Beneath the Tongue River, Authorizing Issuance of a Notice of Acceptance, and Authorizing a Construction Contract Conditional upon Approval by the City Attorney.

- \*\* *Councilperson Ahner made a motion for the Council to approve Resolution No. 3465, read in title only, seconded by Councilperson Brush; motion carried unanimously, 8-0.*

**Resolution No. 3466:** A Resolution Approving the Extension of the Real Property Lease Agreement between the City of Miles City and the U.S. Department of Veterans Affairs for RSVP Offices for an Additional One Year Term, Commencing April 1, 2012 and Expiring March 31, 2013.

- \*\* *Councilperson Galbraith made a motion for the Council to approve Resolution No. 3466, read in title only, seconded by Councilperson Melnik; motion carried unanimously, 8-0.*

**Resolution No. 3467:** A Resolution Authorizing the Establishment of a Handicapped Parking Space and Appropriate Signage at 413-415 S. Center.

- \*\* *Councilperson Partridge made a motion for the Council to approve Resolution No. 3467, read in title only, seconded by Councilperson Galbraith; motion carried 7-1, with Councilperson Brush voting nay.*

**Resolution No. 3468:** A Resolution Authorizing the Establishment of a Handicapped Parking Space and Appropriate Signage at 1021 Woodbury.

\*\* *Councilperson Uden made a motion for the Council to approve Resolution No. 3468, read in title only, seconded by Councilperson Melnik; motion failed, 0-8.*

**Recommendation from Finance Committee to reimburse water bill overcharges at 17 N. Winchester:**

\*\* *Councilperson Ahner made a motion for the Council to reimburse Patricia Brookman at 17 N Winchester Avenue in the amount of \$435.65, seconded by Councilperson Andrews.*

Councilperson Ahner explained the customer had the incorrect water line size installed at the water meter in 1989 (3/4" versus 5/8") and was billed incorrectly since that time. She is requesting a partial reimbursement on the sewer charges only.

*Motion carried unanimously, 8-0.*

**Resolution No. 3469:** A Resolution Establishing a General Fund Capital Improvement Program Fund and Approving Transfer of \$250,000.00 in General Fund Cash Reserves to the General Fund Capital Improvement Program Fund.

\*\* *Councilperson Brush made a motion for the Council to approve Resolution No. 3469, read in title only, seconded by Councilperson Melnik; motion carried unanimously, 8-0.*

**Resolution No. 3470:** A Resolution Adopting Path Plan for the Riverside Park Walking Paths in the City of Miles City.

Grant Administrator Colton explained that the Rotary Club wanted to donate a restroom in Riverside Park to the City. Their donation was attached to a CTEP project for pathways in the Park. The Council needed to choose between two pathway plans so the project can move forward.

\*\* *Councilperson Partridge made a motion for the Council to approve Resolution No. 3470 with Plan #2, seconded by Councilperson Uden; motion carried unanimously, 8-0.*

**APPOINTMENTS**

Planning Board Appointments:

Appointed by: City Council – two terms

Terms End: 12/31/13, 12/31/14

Appointed by Mayor – 5 terms

2 Terms End: 12/31/13

3 Terms End: 12/31/14

\*\* *Councilperson Ahner made a motion to approve the appointment of John Hollowell to the Planning Board for the 12/31/13 term, seconded by Councilperson Uden; motion carried, 7-1 with Councilperson Hollowell abstaining.*

\*\* *Councilperson Partridge made a motion to approve the appointment of Roxanna Brush to the Planning Board for the 12/31/14 term, seconded by Councilperson Hollowell; motion carried, 7-1 with Councilperson Brush*

*abstaining.*

Mayor Grenz then appointed members to the Planning Board as follows (see appointed by Mayor):

Member Name	Appointed by	Special Requirements	Term Ends
John Hollowell	City Council	Member of City Council	12/31/13
Roxanna Brush	City Council	General-may be employee/office holder	12/31/14
Ken Monier	Mayor	Needs County Commission designation	12/31/14
Carol Hardesty	Mayor	City Resident	12/31/13
John Laney	Mayor	City Resident	12/31/14
Twila Wilhelm	Mayor	Resident of extraterritorial jurisdiction	12/31/14
Dale Thom	Mayor	Resident of extraterritorial jurisdiction	12/31/13

**PROCLAMATIONS**

-None

**ADJOURNMENT**

\*\* *Councilperson Brush made a motion to adjourn the meeting, seconded by Councilperson Partridge. Motion carried unanimously, 8-0.*

Meeting was adjourned 8:20 p.m.

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C.A. GRENZ, Mayor

ATTEST:

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BECKY STANTON, City Clerk