

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, March 27<sup>th</sup>, 2012, in the City Council Chambers at City Hall. Mayor Chris Grenz called the meeting to order. Council members present were Dwayne Andrews, Roxanna Brush, John Hollowell, Mark Ahner, Jerry Partridge, Bill Melnik and Sue Galbraith. Councilperson John Uden was excused.

**PLEDGE OF ALLEGIANCE**

Mayor Grenz led the Council in the Pledge of Allegiance.

**APPROVAL OF COUNCIL & COMMITTEE MINUTES**

**Regular Council Minutes – 3/13/12**

\*\* *Councilperson Brush moved to approve the Regular Council Meeting Minutes of March 13, 2012, seconded by Councilperson Galbraith.*

\*\* *Councilperson Ahner then moved to amend the regular council minutes as follows:*

1. City Council Comment, 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence should read, “The aquatic group feels...”
2. New Business, d., first italicized sentence should read, “...Resolution by title only”
3. New Business, e., first italicized sentence should read, “...Resolution by title only”
4. New Business, h., Purchase of Soft Start Equipment, 2<sup>nd</sup> paragraph, 5<sup>th</sup> line, should read “...plant and five”

*On the motion to amend, the motion passed unanimously, 7-0, on roll call vote.*

*On the original motion to approve the Regular Council Meeting, the motion passed unanimously, 7-0, on roll call vote.*

**City Health Board – 3/8/12**

\*\* *Councilperson Brush moved to accept the City Health Board minutes, to be amended as follows: Number 3), second paragraph, should read, “**Board Member Amber Trenka nominated...**” and “**...seconded by Board Member Donna Faber.**” On roll call vote, the motion passed unanimously, 7-0.*

**Finance Committee – 3/14/12**

The **Finance Committee** met March 22, 2012, at 12:00 noon in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members Bill Melnik and Roxanna Brush. Committee Member Jerry Partridge was absent. Also present were Public Utilities Director Allen Kelm, City Planner Dianna Broadie and Deputy City Clerk Linda Wildman.

**Bid Review of 1911 Water Tank Demolition**

*Chairperson Ahner explained Kadrmass, Lee & Jackson Engineers have provided their review and recommendation on the award of the demolition of the 1911*

water tank to Pittsburg Tank and Tower in the amount of \$37,421. Two bids were received as follows: Pittsburg Tank & Tower Maintenance Co, Inc. \$37,421 Iseler Demolition, Inc. \$46,800

Public Utilities Director Kelm explained the bid and contract documents have been forwarded to Attorney Huss for his review.

\*\* Committee Member Brush moved to recommend to the City Council to approve and accept the bid as recommended by KLJ to Pittsburg Tank & Tower Maintenance Co, Inc., seconded by Committee Member Melnik. Motion carried unanimously.

#### **Review of Ordinance No. 1233: Development Impact Fees**

Chairman Ahner briefly explained sections from the ordinance concerning items that will need completion such as setting up an Impact Fee Advisory Committee, completing a service area report and establishing fees, before coming back to Council.

\*\* Committee Member Melnik moved to recommend to the City Council to adopt Ordinance 1233 as was previously amended, seconded by Committee Member Brush. Motion passed unanimously.

#### **Review of regulations on animal abuse shelters and Ordinance 1230**

Chairman Ahner stated that this item would not be discussed today, as it had not been approved by the Zoning Commission .

#### **Request of Citizens**

-None.

\*\* Committee Member Brush moved to adjourn, seconded by Committee Member Melnik and passed unanimously.

There being no further business, the meeting was adjourned at 12:15 p.m.

\*\* Councilperson Ahner moved to approve the Finance Committee Minutes of 3/14/12, seconded by Councilperson Brush and, on roll call vote, passed unanimously, 7-0.

#### **Flood Control Committee – 3/21/12**

Councilperson Ahner noted the agenda says, “Flood Plain Control Board” and should say, “Flood Control Committee.”

The Flood Control Committee met Wednesday, March 21, 2012, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson John Hollowell and Committee Members Susanne Galbraith, Jerry Partridge and Dwayne Andrews. Also present were Mayor Chris Grenz, Floodplain Administrator Sam Malenovsky, Public Utilities Director Al Kelm and Recorder Connie Watts.

**ORDINANCE NO. 1232: AN ORDINANCE AMENDING SECTION 4.7 OF ORDINANCE 1205 TO CLARIFY PROVISIONS REGARDING NOTICE OF VIOLATIONS OF THE MILES CITY FLOODPLAIN ORDINANCE**

\*\* Committee Member Andrews moved to recommend acceptance of the Ordinance, seconded by Committee Member Partridge.

Floodplain Administrator Malenovsky explained the purpose of the ordinance was to establish a way to deal with violations of the floodplain regulations, as there is nothing in place right now. The wording in the City’s ordinance is taken directly out of the draft model ordinance that the State is working on right now. This wording has been approved by the State, as well as by FEMA.

Chairperson Hollowell stated the ordinance is for the protection of the individual, so people are aware of the repercussions of their choices as it relates to property in the floodplain, but also because our participation in FEMA can be jeopardized if the regulations are not enforced.

The motion by Committee Member Andrews was then passed unanimously, 4-0, on roll call vote.

ORDINANCE NO. 1237: AN ORDINANCE AMENDING SECTION 5.4(B)(3) OF ORDINANCE 1205, THE MILES CITY, MONTANA, FLOODPLAIN ORDINANCE (CODIFIED AS SECTION 12-54(B)(3) OF THE MILES CITY CODE OF ORDINANCES), REGARDING STANDARDS FOR RESIDENCES IN THE FLOODWAY FRINGE, AND PROVIDING AN EFFECTIVE DATE THEREOF

\*\* *Committee Member Partridge moved to recommend approval of the Ordinance, seconded by Committee Member Galbraith.*

Floodplain Administrator Malenovsky explained this ordinance has not gone before Council yet, and originally began as a way for property owners to comply with the elevation regulations. This ordinance, however, give residents more options than just using fill. The other options offered by this ordinance would include stem walls, pilings or other acceptable means.

The wording in Ordinance1237 is also taken directly out of the draft model ordinance that the State is working on right now. This wording has also been approved by the State and by FEMA.

\*\* *After discussion, Committee Member Partridge moved to approve the Ordinance as amended by City Attorney Huss, which include numbers 2, 3, 6, 7, & 8 of the footnotes (see attached ordinance draft). The motion to amend was seconded by Committee Member Andrews and passed unanimously, 4-0, on roll call vote.*

*The original motion by Committee Member Partridge to recommend acceptance of Ordinance 1237 then passed unanimously, 4-0, on roll call vote.*

#### Community Rating System Updates by Floodplain Administrator

Floodplain Administrator Malenovsky explained the rating system to the Committee. Twelve communities in Montana participate in the Community Rating System, which awards points to the community for putting on certain informational programs, hosting a flood awareness day, performing maintenance on the dike, etc., which can then be used to lower flood insurance rates in that community. Right now we are at a Class 9, which gives us a 5% reduction in insurance premiums. This can be reclassified every five years, which would be 2014 for Miles City.

A community can set a PPI Board (Program for Public Information) consisting of outside people (realtors, insurance agents, developers, etc.), which would also make the community eligible for 40% extra bonus points.

Mayor Grenz suggested the council set up a PPI board as soon as possible by way of a resolution. Floodplain Administrator Malenovsky will follow up on this.

#### Adjournment

\*\* *Councilperson Partridge moved to adjourn the meeting, seconded by Councilperson Galbraith and passed unanimously, 4-0.*

There being no further business, the Committee adjourned at 6:35 p.m.

\*\* *Councilperson Galbraith moved to approve the Flood Control Committee minutes of 3/21/12, seconded by Councilperson Hollowell and, after discussion and on roll call vote, passed unanimously, 7-0.*

### **SCHEDULE MEETINGS**

Public Safety Committee: Wednesday, April 4, 2012 at 12:00 noon  
Public Services Committee: Thursday, April 5, 2012 at 12:00 noon

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

#### **BN Depot: Connie Muggli, Chairman, Miles City Depot Acquisition & Restoration Project (MCDARP)**

Ms. Muggli reported on the MCDARP due Diligence Report, dated March 27, 2012, which was distributed to all council members. Copies of the report are also available at the City Clerk's office at City Hall.

“BNSF originally offered to donate the building in an August, 2009 meeting with the mayor, contingent upon findings discovered through the performance of due diligence as a safeguard for the city against financial risk and liability. The MCDARP task force was appointed to identify alternatives to demolition and evaluate the feasibility of restoration of the property.” “...BNSF has issued a **deadline of May 1, 2012**, for a final decision to accept the donation of the building.”

After extensive reporting by Ms. Muggli and council discussion, Mayor Grenz asked City Attorney Huss to contact BN for an extension of time to allow the issue to go before various committees, including Committee of the Whole.

\*\* *Councilperson Brush moved to refer this issue to the Public Safety Committee, seconded by Councilperson Andrews and passed unanimously.*

## **PROCLAMATIONS**

### **Proclamation Declaring April 2012 Sexual Assault Awareness Month**

Mayor Grenz read the proclamation that proclaimed the month of April, 2012, as SEXUAL ASSAULT AWARENESS MONTH, and urged all citizens to join together to prevent sexual abuse.

## **STAFF REPORTS**

### **City Planner Broadie: Tax Abatement for Milestown Development**

City Planner Broadie reported on the tax abatement application submitted by Todd Steadman of Milestown Development. The tax abatement begins upon the issuance of the construction permit. Taxes will be reduced by 50% for the first five years, with an addition of 10% per year after that until it reaches full tax value at the end of 10 years.

Todd Steadman, president of Milestown Development, addressed the council. He explained there would be three floors in each building, containing approximately 1,100 to 1,200 square foot apartments. The current plan calls for 132 units, which would rent from \$1,000 to \$1,500 per month.

Mike Coryell, director of Miles City Economic Development, also spoke to the council. He said he had discussed the project with the Department of Revenue, and feels more research is needed to see what this project may be eligible for.

Mayor Grenz asked City Attorney Huss to write an opinion as to whether this application for tax abatement qualifies under state statute. In response to a question, Mr. Huss said this is not the same as the five-year abatements the City has done in the past, as those were reconstruction and this is new construction.

Councilperson Andrews commended Mr. Steadman for his vision and feels that, if the City can help him in any way to accomplish this project, we should do that.

## **CITY COUNCIL COMMENTS**

**Councilperson Partridge** reported the Miles City Public Library ran a Trivial Pursuit Tournament, at which over \$1,000 was raised for library repairs. He commended the City Librarian, Sonja Woods, for these efforts.

**Councilperson Ahner** mentioned the Municipal Elected Officials Workshop in Billings May 9-11, 2012. He encouraged new members, especially, to attend that workshop.

**Councilperson Brush** thanked those who have started picking up the trash around town and said she, and the council, appreciate it.

## **MAYOR COMMENTS**

Mayor Grenz noted that Judge Homme has requested to move his office to a building across the alley.

\*\* *Councilperson Galbraith moved to refer Judge Homme's request to the Finance Committee, seconded by Councilperson Hollowell and passed unanimously.*

The MDU easement is up for its 25-year renewal.

\*\* *Councilperson Brush moved to refer this item to the Finance Committee, seconded by Councilperson Melnik and passed unanimously.*

## **STANDING COMMITTEE RECOMMENDATIONS**

### **Recommendations from 3/14/12 Finance Committee Meeting:**

1. Approve Zoning Regulations on keeping of chickens as recommended by the Zoning Commission
2. Approve Stevenson Property Rezoning as recommended by Zoning Commission

### **Recommendations from 3/22/12 Finance Committee Meeting:**

1. Approve Bid of Pittsburgh Tank & Tower in the amount of \$37,421 for 1911 Water Tank Demolition
2. Approve Ordinance No. 1233: Development Impact Fees

### **Recommendations from 3/21/12 Flood Plain Control Board:**

1. Approve Ordinance No. 1232 regarding Notice of Violations of the Miles City Floodplain Ordinance.
2. Approve Ordinance No. 1237 regarding Standards for Residences in the Floodway Fringe

Mayor Grenz stated the recommendations will be addressed later in the meeting with resolutions and ordinances.

## **PUBLIC HEARINGS**

**ORDINANCE NO. 1232:** An Ordinance Amending Section 4.7 Of Ordinance No. 1205 To Clarify Provisions Regarding Notice Of Violations Of The Miles City Floodplain Ordinance

Floodplain Administrator Sam Malenovsky explained that this ordinance provides a way to deal with violations of the Floodplain ordinance.

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

**ORDINANCE NO. 1233:** 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

Mayor Grenz explained that we now charge a hookup fee. With an impact fee, the city can assess a separate charge, which would be held in escrow until the need arises for capital improvements.

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

## **OLD BUSINESS**

**ORDINANCE NO. 1232: (SECOND READING & FINAL ADOPTION)** 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 moved to adopt the ordinance by title only, seconded by Councilperson Galbraith. After brief discussion and on roll call vote, the motion passed unanimously, 7-0.*

**ORDINANCE NO. 1233: (SECOND READING AND FINAL ADOPTION)** 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

\*\* *Councilperson Ahner moved to adopt the ordinance by title only, seconded by Councilperson Melnik. After brief discussion and on roll call vote, the motion passed unanimously, 7-0.*

## **BID OPENINGS AND AWARDS**

**RESOLUTION NO. 3477:** A Resolution Accepting The Bid Of Pittsburg Tank & Tower Maintenance Co., Inc. For Demolition Of The 1911 Elevated Water Storage Tank In Riverside Park, Authorizing Issuance Of A Notice Of Acceptance, And Authorizing A Construction Contract Conditional Upon Approval By The City Attorney

\*\* *Councilperson Galbraith moved to adopt the Resolution by title only, seconded by Councilperson Ahner. On roll call vote, the motion passed unanimously, 7-0.*

## **NEW BUSINESS**

**RESOLUTION NO. 3473:** A Resolution Approving An Agreement With The State Of Montana Department Of Environmental Quality (DEQ) For Funding Certain Energy Improvements To The City Of Miles City Water And Wastewater Treatment Plants, And Authorizing The Mayor To Execute Such Agreement

\*\* *Councilperson Ahner moved to adopt the resolution by title only, seconded by Councilperson Brush. During brief discussion, Councilperson Ahner noted the City's energy savings should amount to about \$7,000 per year. On roll call vote the motion passed unanimously, 7-0.*

**RESOLUTION NO. 3474:** A Resolution Of Intent To Reduce Fee For Floodplain Variance Permit Applications From \$375.00 To \$75.00.

\*\* *Councilperson Galbraith moved to adopt the resolution by title only, seconded by Councilperson Brush and, on roll call vote, passed unanimously.*

**ORDINANCE NO. 1237: (FIRST READING)** An Ordinance Amending Section 5.4(B)(3) Of Ordinance 1205, The Miles City, Montana Floodplain Ordinance (Codified As Section 12-54(B)(3) Of The Miles City Code Of Ordinances), Regarding Standards For Residences In The Floodway Fringe, And Providing An Effective Date Thereof

\*\* *Councilperson Hollowell moved to adopt the ordinance by title only, seconded by Councilperson Galbraith.*

\*\* *Councilperson Galbraith moved to amend the ordinance to add the ARM and CFR references behind Section 1 (b) (ARM 36.15.702 (I)(A)(II) and 44 CFR 60.3(C)(2)), (d) (ARM 36.15.702(a)) and (g)(44 CFR 60.3(c)(6) and (12), as requested by Floodplain Administrator Malenovsky. The motion to amend was seconded by Councilperson Melnik and, on roll call vote, passed 6-1, with Councilperson Ahner voting no.*

*After brief discussion and on roll call vote, the motion passed unanimously, 7-0. During discussion, Councilperson Hollowell noted that the ordinance allows other means to comply with the floodplain regulations other than fill.*

\*\* *Councilperson Partridge moved to suspend the rules to send Ordinance 1237 to committee, as it has already been through the Flood Control Committee. The motion was seconded by Councilperson Hollowell and, on roll call vote, failed, with Councilpersons Ahner and Brush voting no. On a motion to suspend rules, the vote must be unanimous to pass. **Ordinance 1237 was referred to the Flood Control Committee.***

**ORDINANCE NO. 1238: (FIRST READING)** An Ordinance Amending Ordinance No. 796 To Change The Zoning Of Lots 6 Through 15 Of Block 12 Of The Miles Addition To The City Of Miles City And Lots 6 Through 10, And The West Half Of Lots 11 Through 14 In Block 12 Of The Clark Addition To The City Of Miles City From "A" Residential To General Commercial District, And Providing An Effective Date Thereof.

\*\* *Councilperson Ahner moved to adopt the ordinance by title only, seconded by Councilperson Galbraith. After brief discussion and on roll call vote, the motion passed unanimously, 7-0. **Ordinance 1238 was referred to the Finance Committee.***

**ORDINANCE NO. 1227: (FIRST READING)** An Ordinance Revising Section 4-3 Of The Code Of Ordinances Of The City Of Miles City Regarding The Keeping Of Chickens In The City Limits, Adding Section 24-20 To The Code Of Ordinances Of The City Of Miles City To Provide Zoning Regulations For The Keeping Of Chickens,

Providing For A Hearing Thereon, And Providing An Effective Date Thereof.

\*\* *Councilperson Partridge moved to adopt the ordinance by title only, seconded by Councilperson Andrews and, on roll call vote, passed unanimously.*

\*\* *Councilperson Partridge moved to suspend the rules to refer the ordinance to committee, as it has already been through numerous committees before reaching this point. Councilperson Andrews seconded the motion and, on roll call vote, it passed unanimously.*

**ORDINANCE NO. 1229: (FIRST READING)** An Ordinance Amending Sections 22-144 Of The Code Of Ordinances Of The City Of Miles City Regarding Speed Limits, Providing For A 15 Mile Per Hour Speed Limit On Pearl Street From Its Intersection With Montana Avenue Through Its Intersection With South Jordan Avenue, And Providing For An Effective Date Thereof

\*\* *Councilperson Brush moved to adopt the ordinance by title only, seconded by Councilperson Melnik and, on roll call vote, passed unanimously.*  
**Ordinance 1229 was referred to the Public Safety Committee.**

### **ADJOURNMENT**

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