

CALL TO ORDER

The Regular Council meeting was held Tuesday, May 8, 2012, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor Chris 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, City Attorney Jerry Huss, City Planner Dianna Broadie, Public Utilities Director Al Kelm and Council Recorder Connie Watts.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes – 4/24/2012

** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of April 24, 2012, seconded by Councilperson Ahner. The motion passed unanimously, 8-0.*

Public Safety Meeting – 5/1/2012

The **Public Safety Committee** met Tuesday, May 1, 2012, at 12:00 pm in the City Hall Conference Room. Present were Committee Chairperson John Uden and Committee Members Dwayne Andrews, Sue Galbraith and Mark Ahner. Also present were Mayor Chris Grenz, Miles City Police Captain Mark Reddick, Fire Chief Dale Berg and Committee Recorder Connie Watts.

1. Review Proposed False Alarm Ordinance from Police Department

Chairperson Uden stated he remembered an ordinance from years ago where businesses were assessed a cost on false alarms, but he doesn't know if the ordinance is still in effect. The ordinance proposed today by the Police Department is modeled after the Billings ordinance.

The alarms being referred to are those at a business which, when triggered after hours, usually automatically contact the alarm company, which then contacts dispatch and the manager/owner of the business. The manager then allows the PD to respond instead of checking it out him/herself.

The Committee felt that some education and communication needs to be done with the businesses having the most frequent false alarms and see if that doesn't help the situation.

** Committee Chair Uden moved that action on the false alarm ordinance be tabled for one month, allowing the police department to make contact with the alarm companies and business managements to try to rectify the problem. If no progress is made, then the ordinance can come back to this Committee. The motion was seconded by Committee Member Galbraith and, on roll call vote, passed unanimously, 4-0.

Captain Reddick was asked to keep track of all false alarms throughout this next month.

2. Review Proposed Mutual Aid Agreement from Fire Department

Chairperson Uden opened the meeting up for discussion.

Committee member Ahner stated we are currently subject to a state mutual aid agreement. The reason we are considering a local agreement is because the response time would be much faster. Under the State agreement, the Mayor and the County Commissioners have to make the decision to respond to an aid request. Under a local agreement, a list would be made available to both the City and County of people to call to request aid.

He noted that under "reimbursement", the responding entity could be reimbursed after the second hour for time and/or equipment.

Fire Chief Berg has researched many local mutual aid agreements across the state. He said they are already working under the two-hour parameter. Most structure fires can be taken care of or at least taken to the point where the other entity would be able to take over in the two hours. As far as brush or wild land fires, after the initial response, an assessment is able to be made as far as how much additional help is needed within the two-hour period. On county fires, not only is the DNRC available, but BLM is also available for those type of fires, and they have more equipment and trained personnel for that type of fire, also. MCFR would probably not be needed for much longer than the initial two hours anyway.

Chief Berg said that the City's ISO rating (Insurance Service Office) could be improved if this agreement is signed before the ISO conducts its evaluation in late summer or early fall. He also said the City and rural fire departments are working together better now than they have for the last twenty years.

** Committee Member Ahner moved to amend the draft agreement as written by Attorney Huss as follows:

P. 3 of 5, under "B.Command at the Scene" – 1. Replace "The Federal Emergency Management Agency (FEMA) with **"The National Incident Management System (NIMS)"** shall be utilized.

Same page, under "Reimbursement", following the first sentence under A. 1.: **"Beyond the second hour to a response the requesting party is obligated to reimburse the responding party for all financial obligations incurred that are directly related to an incident"**

2. ...of the same paragraph A: "The responding party may elect not to be reimbursed **for any or specific incurred expenses."**

V., B. "Insurance and Damages", 1. **"The responding party shall remain responsible..."for the initial two hours of response to an incident."**

The draft, as amended, shall then be forwarded to the County Commissioners and County fire warden for their review recommendations.

Committee member Dwayne Andrews seconded the motion and, on roll call vote, the motion passed unanimously, 4-0.

3. Adjournment

** *Having no more business to come before the Committee, Committee Member Galbraith moved to adjourn, seconded by Committee Member Ahner and passed unanimously. The meeting was adjourned at 1:05 p.m.*

** *Councilperson Uden moved to approve the minutes of the Public Safety Meeting of May 1, 2012, seconded by Councilperson Melnik. The motion passed unanimously, 8-0.*

Finance Meeting – 5/2/2012

The **Finance Committee** met May 2, 2012, at 12:00 noon in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members Bill Melnik, Jerry Partridge and Roxanna Brush. Councilperson John Uden was also in attendance. Also present were City Planner Dianna Broadie, Floodplain Administrator Sam Malenovsky, and Recorder City Clerk Becky Stanton.

Ordinance No. 1239 - An Ordinance amending Ordinance No. 796 to change the zoning of Tract 1 of Certificate of Survey No. 63949, located in the SW1/4 of Section 23, Township 8 North, Range 47 East, M.P.M., Custer County, Montana.

From General Commercial District to Industrial, providing for a hearing thereon, and providing an effective date thereof. (Opti-Blend at Valley Drive East)

***Committee Member Brush moved to recommend to the City Council to approve the Ordinance, seconded by Committee Member Partridge.*

Chairperson Ahner explained that the Zoning Commission has made recommendations for approval of the Ordinance as it is drafted. City Planner Broadie explained that their current facility is not large enough for their planned facility. They purchased other land on Valley Drive East.

***Motion carried unanimously, 4-0.*

Review of Zoning Commission's recommendations related to animal rescue shelters

* * *Committee Member Melnik moved to recommend to the City Council to approve the recommendation, seconded by Committee Member Brush.*

* * *Committee Member Brush moved to amend the recommendations in "Section 24-20 Special Uses (b) Regulations for animal rescue Shelters/animal Foster Care (5) For purposes of determining the total number of allowed animals, litters being rescued shall count the same as adult animals to read as "For the purposes of determining the total number of allowed animal, litters under 4 months of age being rescued shall count the same as one adult animal.," seconded by Committee Member Melnik. Motion carried unanimously, 4-0.*

* * *Original motion carried unanimously, 4-0.*

Chairperson Ahner stated that the Public Safety Committee which initially drafted this language had recommended that certain things be done concerning animal shelters. He then read the recommendations from the Public Safety Committee. They read as follows:

An application should be in a form provided by the Clerk's office and shall contain the following:

- i) Name of permit applicant, address of applicant (where the shelter will be located), and phone number of applicant;
- ii) Declaration by the applicant that they will not exceed eight animals;
- iii) Verification of current rabies vaccination for each animal held in the facility;
- iv) A statement that the applicant will not violate any of the provisions set out in the ordinance regarding animal rescue shelters;
- v) There would not be a fee for filing that application;
- vi) There would be notification sent by the City Clerk's office to all property owners within 250 feet of the exterior boundaries of the property for which the permit is sought;

In considering whether to grant such a permit, the City Council shall consider the following criteria:

- a. An animal rescue shelter shall not have more than eight (8) animals at any given period of time, including personally owned pets
- b. Animal rescue shelters shall not be a for-profit enterprise;
- c. The operator of an animal rescue shelter shall not knowingly accept animals from any jurisdiction outside of Custer County, Montana;

The granting of a permit would require an affirmative of two-thirds vote of the City Council.

Revocation of the permit would occur if there was failure to comply with any of the Animal Control Regulations or Ordinance.

* * *Chairperson Ahner moved that the Zoning Commission's recommendations that have been adopted as amended and the Public Safety Committee's recommendations in regards to an animal shelter be incorporated by the City Attorney into one Ordinance, if possible, and be made available to the City Council for its review and approval, seconded by Committee Member Melnik. Motion carried unanimously, 4-0.*

Review of Lease Proposal for United Parts and Supply, L. L. C.

Mr. Dan Rice, attorney for Sam and Doug Ohnstad, explained that United Parts and Supply is currently in the building of Tire Rama. This building will be torn down when they demolish it later this summer. United Parts wants to lease Parcel 1 of the existing Tire Rama lease and Tire Rama is willing to release that parcel. United Parts wants to lease it with an option to purchase with a lease similar to the Tire Rama Lease.

Chairperson Ahner explained that Tire Rama had subleased to United Parts in previous years. They did not have a problem doing that again but they wanted to wait until they had constructed their new building. It would work best for both parties to each lease from the City.

- * * *Committee Member Partridge moved to recommend to the City Council to approve the proposed lease with United Parts and Supply, L. L. C as drafted by their attorney, Mr. Rice, with the caveat that the City Attorney would also review it, and also with the amended language stating the City is not responsible for any demolition to existing structures and septic system costs, seconded by Committee Member Melnik. Motion carried unanimously, 4-0.*

Requesting approval to go out for bid for Paving in Maintenance District 205

Chairperson Ahner provided a map and explained the paving would occur on Lincoln Street and Montana Avenue intersection to Edgewood and Merriam by the Headstart Building.

- * * *Committee Member Brush moved to give the Public Works Department the opportunity to move forward with getting bids for paving in Maintenance District 205 as illustrated on the map, seconded by Committee Member Partridge. Motion carried unanimously, 4-0.*

Budget Review Schedule

Chairperson Ahner explained the schedule is done every year. The reason for the schedule is for the City Clerk's, Council's and the Mayor's benefit. Both the Mayor and City Clerk's office has reviewed it. The major difference between this years and previous year's calendar is to have the Budget Committees preliminary work completed by July 1st. The amount of cash carryover will not be available until mid-July so Lighting and Maintenance Districts will not be completed. The Budget Committee will review the Budgets between June 4th and June 15th.

- * * *Committee Member Brush moved to approve the Budget Review Schedule, seconded by Committee Member Partridge. Motion carried unanimously, 4-0.*

Request of Citizens

-None

There being no further business, the meeting was adjourned at 1:02 p.m.

- ** *Councilperson Ahner moved to approve the minutes of the Finance Meeting of May 2, 2012, seconded by Councilperson Uden. The motion passed unanimously, 8-0.*

SCHEDULE MEETINGS

Public Services Committee: Monday, May 14, 2012, at 6:30 p.m.

Planning Board Meeting: Tuesday, May 15, 2012 at 6:00 p.m.

Human Resources Committee: Wednesday, May 16, 2012, at 7 p.m.

Human Resources Committee Chairperson Uden will be out of the state that week; Committee Member John Hollowell was designated as substitute chair.

Finance Committee: Wednesday, May 30, 2012, at 12:00 noon

Finance Committee Chairperson Ahner stated that budget meetings to review department budgets will be taking place from the 4th through the 15th of June. The schedule will be published by the middle of this month. He encouraged staff and council members to attend.

REQUEST OF CITIZENS & PUBLIC COMMENT

Scott Elder – July 4th Parade Committee

Mr. Elder, of the Fourth of July Parade Committee, spoke to the Council to request a waiver of the event insurance that may be required for this function. He explained the Committee has no money; it requires no fee to participate in the parade. The group is geared toward volunteerism and service groups.

Mayor Grenz said that he has called MMIA, who stressed the group should have special event insurance. He asked the council to decide if the City should purchase the special event insurance. The event is not until July, so there is plenty of time to send it to the Finance Committee. Mr. Elder said their quote last year was \$250.

Mary Elizabeth Irion, 141 Balsam Drive, explained that the special event insurance has been waived by a previous administration in the past, and that is what they are asking for today -- not for the City to purchase the insurance, but just for a waiver.

Councilperson Uden felt it should be sent to the Finance Committee , but Mayor Grenz felt that would not give them very much time, since May 30th is the next Finance Committee meeting and the next Council meeting after that was June 12th.

** *Councilperson Uden moved that the City purchase the special event insurance for the Fourth of July celebration, seconded by Councilperson Andrews and, on roll call vote, passed unanimously, 8-0.*

PROCLAMATIONS

Mayor Grenz noted that May 14th, 2012, is **Great American Cleanup Day**. He said that if anyone would like to sign up to help clean up someone else's yard or help the City crews, the sign-up is at the Chamber of Commerce office. All help is greatly appreciated.

STAFF REPORTS

None

CITY COUNCIL COMMENTS

Councilperson Andrews

- has taken a job that requires him to be out of town during the day; he will *not be available for any noon meetings*. He is currently on the Human Resources, Flood Control and Public Safety committees.

Councilperson Ahner

- American Legion Post #5 will be hosting a *Memorial Day Program* on Monday, May 28th, at 11:00 a.m. Local talent, including the Truman Bovee Quartet, will be playing and food will be provided.

Councilperson Uden

- *will be absent* beginning this Thursday, May 10th, until the 18th or the 19th.

- Has discussed the Fourth of July parade with Mary Elizabeth Iron, who said they have not yet chosen a grand marshal. Councilperson Uden strongly suggested the committee consider honoring our military, especially our national guardsmen here in Miles City, by making the *National Guard here in Miles City a group of parade marshals*.

Mary Elizabeth Irion replied that we have 115 soldiers in our Guard, 90 of which have been deployed to Afghanistan. She felt it would be better to bestow this honor next year, the 10th anniversary of the Fourth of July Parade, when more soldiers could be here to participate.

Councilperson Hollowell

- wished to thank all the employees who helped *clean up the trees around the dike*; it looks great.

- felt the *Flood Awareness Day* on Friday, May 4th was very interesting and was a great success.

MAYOR COMMENTS

- *Budget Vision* – As we are currently in negotiations with all three unions, the mayor felt it inappropriate to discuss that right now. However, he did say “we will do the best we can with what we’ve got. We will be as frugal with the taxpayer’s money as possible.”

- He distributed copies of *memorandums from department heads* regarding what they view as key issues that will impact their departments for fiscal year 2012-2013.

- asked the council members to let him know how they would feel about *committing CTEP funds to install sidewalks and lighting on both sides of Tatro Street*:

Councilperson Andrews: yes

Councilperson Hollowell: yes

Councilperson Ahner: yes, on the sidewalks, if we are able, through MDOT, to acquire the additional right-of-way required to put sidewalks through the portion currently on the county right-of-way. On the lighting issue, he was of the understanding from MDOT that the lighting on one side would be sufficient to cover both sides of the street.

Councilperson Uden: yes, even if it means not putting the walkway in through Riverside Park

Councilperson Partridge: yes, on both sides of Tatro. He is not, however, in favor of putting sidewalks in for people who should be responsible for putting them in themselves.

Councilperson Melnik: yes

Councilperson Galbraith: yes

- asked the council members if they would be in favor of putting water and sewer in on the Tatro project:

Councilperson Andrews: yes, if we have the funding

Councilperson Brush: yes, contingent on funding

Councilperson Hollowell: not at this time, needs more information

Councilperson Ahner: not at this time, too many unknowns

Councilperson Galbraith: yes, if we have the funding

Councilperson Melnik: yes

Councilperson Uden: no commitment at this time

Councilperson Partridge: yes

Mayor Grenz noted this is about a 1.5 million dollar project, and he would not want to see it all torn up to put in water & sewer, which he feels is going to have to be done at some time in the future, anyway.

OLD BUSINESS

BNSF Depot Project

Mayor Grenz stated we have received an extension on the time deadline of May 1st. City Attorney Huss noted they have also backed off the indefinite term lease, which will make a huge difference. Connie Muggli is researching how long a lease is needed in order to obtain grant funding. It was reiterated that the City has no interest in owning the building; it is simply doing what it can to assist the historical group in their endeavor to restore it.

NEW BUSINESS

Approval of Claims for April, 2012

** *Councilperson Brush moved to approve the claims, seconded by Councilperson Melnik and passed unanimously, 8-0.*

Request for Fence Encroachment for Tyson Jones, 1319 N. Strevell

** *Councilperson Uden moved to refer this item to the Public Services Committee, seconded by Councilperson Galbraith and passed unanimously, 8-0.*

Request for “People Corral” and alcohol variance on Sunday, May 20, 2012, for the Bison and Montana Bars

Police Chief Colombik noted that the Police Department has an easier time controlling things with the “people corrals” in place. City Attorney Huss noted that granting an alcohol variance is the prerogative of the Mayor, and does not need consent of the council.

~~Rotary Club~~ Milestown Community Improvement Corporation, Inc. plan for ~~Tedesco Dugout Remodel~~ Jaycee Park Improvements

It was noted that the Agenda was in error, and this item should have read “Milestown Community Improvement Corporation, Inc.” instead of Rotary Club and “Jaycee Park Improvements” instead of Tedesco Dugout Remodel.

** *Councilperson Uden moved that the plan be approved, seconded by Councilperson Hollowell. During discussion, Barrie Matthews, president of MCIC, said the labor will all be donated and he feels this is a great gift to the City. Mayor Grenz responded the City appreciates it very much. *The motion then passed unanimously, on roll call vote, 8-0.**

RESOLUTION NO. 3481: A Resolution Accepting Environmental Assessment of Robert Peccia & Associates to allow proceeding with Proposed Action of Executing A Grant Contract with the Montana Department of Commerce for Treasure State Endowment Program (TSEP) Funds and implementation of Recommendations of the 2012 Preliminary Engineering Report of Robert Peccia & Associates

** *Councilperson Ahner moved to adopt the resolution by title only, seconded by Councilperson Melnik and, on roll call vote, passed unanimously, 8-0.*

RESOLUTION NO. 3484: A Resolution Authorizing the City of Miles City to Enter into an Agreement with Laurence R. Martin for Labor Relations Services

*** Councilperson Ahner moved to refer this resolution to the Finance Committee, seconded by Councilperson Uden and, on roll call vote, passed unanimously, 8-0.*

During discussion, City Attorney Huss said we need to find out if travel time is going to be billed as attorney time. In response to the Council's query, Attorney Huss confirmed that this is a very good law firm, with expertise in the area of labor law.

RESOLUTION NO. 3485: A Resolution approving A Mutual Aid Agreement with Custer County, Montana allowing the exchange of Equipment, Supplies and Personnel During Emergency or Disaster Situations

*** Councilperson Ahner moved to defer this resolution to the May 22, 2012, Council meeting, as the County has not yet had a chance to review it. The motion was seconded by Councilperson Uden and, on roll call vote, passed unanimously, 8-0.*

RESOLUTION NO. 3486: A Resolution designating a bus stop on the North side of the 1000 Block of Main Street, restricting parking therein during certain hours, and authorizing the placement of bus stop signs at such location

*** Councilperson Andrews moved to adopt Resolution 3486 by title only, seconded by Councilperson Galbraith.*

*** After some discussion, Councilperson Ahner moved to amend the resolution to insert a clause (Paragraph #5) specifying that when it ceases to be used as a bus stop, the area would revert back to normal parking. Councilperson Brush seconded the motion to amend and, on roll call vote, it passed 7-1, with Councilperson Partridge voting no.*

*** After further discussion, Councilperson Hollowell moved to further amend the resolution (Paragraph #6) to require the bus company to pay for the signage, as well as the removal, if there is a cost to that. The motion was seconded by Councilperson Galbraith and, on roll call vote, passed 7-1, with Councilperson Ahner voting no.*

On the motion to adopt Resolution No. 3486, as amended and on roll call vote, the motion passed unanimously, 8-0.

RESOLUTION NO. 3487: A Resolution Authorizing the leasing to and granting an option to purchase to United Parts and Supply, L.L.C., a Montana Limited Liability Company of Miles City, of parcel 1 of the Anderson Tract of Tract E of the Industrial Site owned by the City of Miles City, Montana

*** Councilperson Ahner moved to adopt the resolution by title only, seconded by Councilperson Melnik.*

Councilperson Ahner said the Finance Committee has recommended passage of this agreement, which has been modified slightly.

Dan Rice, attorney for **United Parts and Supply**, said the company would like to erect a new building in the Industrial Park area on top of a leasehold with option to purchase on a portion of the Anderson Tract (Tire Rama). Tire Rama is completing construction of its new facility, and will not have room for United Parts on the side. Currently Tire Rama and United Parts share an old building, which will come down later this summer. There is about an acre and a quarter on the west side of the Anderson Tract that Tire Rama does not utilize, and they are willing to release that, subject to approval of United Parts being able to lease and option to purchase the same.

Mr. Rice showed the council a picture of the old building to be torn down and a picture of a new building that, essentially, is what the new United Parts and Supply building will look like. Upon approval of this resolution from the Council, the old building will be removed and construction on the new building will begin immediately afterwards – about a \$300,000 improvement.

City Attorney Huss has reviewed the proposed lease and option to purchase and made a few changes, which are acceptable to Mr. Rice and his clients.

Mr. Rice confirmed that his client would be willing to pay for a survey, if one is deemed necessary. There has been a survey done by Mr. Brewer of HKM, it just has not yet been recorded.

On roll call vote the Resolution passed unanimously, 8-0.

RESOLUTION NO. 3488: A Resolution Authorizing Modification of the Lease and Option to purchase between the City of Miles City and the Tire Guys, Inc. to remove Parcel 1 of the Anderson Tract of Tract E of the Industrial Site from the Lease and Option and to proportionately reduce rentals thereunder

** *Councilperson Hollowell moved to adopt the resolution by title only, seconded by Councilperson Melnik and, on roll call vote, passed unanimously, 8-0.*

RESOLUTION NO. 3489: A Resolution Authorizing Change Order No. 5 to CMG Construction, Inc. on the Contract for Water System Improvements for Phase 3 Water Main Replacement 20” Transmission Main dated April 12, 2011

** *After brief discussion, Councilperson Galbraith moved to adopt the resolution by title only, seconded by Councilperson Brush and, on roll call vote, passed unanimously, 8-0.*

ORDINANCE NO. 1240: (FIRST READING) An Ordinance of the City of Miles City prohibiting parking of motor vehicles and campers upon private property for camping and sleeping purposes, providing a penalty for violation

** *Councilperson Brush moved to adopt the ordinance by title only, in its “rough-draft” form, seconded by Councilperson Hollowell.*

Discussion: Council members: – Agreed with the theory, but felt it was too restrictive; were reluctant to regulate what people do on their private

property; felt it was premature at this time; felt we do not yet have an issue on this and it is not needed at this time; noted has been tried before and failed.

There were also two members of the public objecting to this ordinance, and one member of the public who felt the ordinance was necessary to protect the camping park businesses.

On roll call vote, the motion to adopt Ordinance No. 1240 failed, with Councilpersons Galbraith, Melnik, Uden, Partridge, Ahner and Andrews voting no.

Discussion: Pay off Riverside Park Water Tank Loan

Mayor Grenz said we don't have enough information on this yet.

Discussion: FY 12/13 Interlocal Agreement with Custer County

Mayor Grenz said we have already discussed this.

Additional Discussion:

Prior to the adjournment of the meeting, there was brief discussion on the CTEP monies for the Riverside Park restrooms and walking path, sidewalks and lighting on Tatro Street, and Safe Route to School on N. Lake and Lincoln. It was estimated about \$300,000 for the restrooms and park, 10% of the safe route not to exceed \$25,000 and about \$300,000 for the sidewalks on Tatro Street. There is a good possibility there is enough CTEP money for all of them. Director Kelm thought there might be about \$900,000 available. Planner Broadie noted that part of the Tatro Street project is in the County, so a portion of the County's CTEP funds could be used also.

ADJOURNMENT

** *Councilperson Ahner moved to adjourn the meeting, seconded by Councilperson Uden and passed unanimously, 8-0.*

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

C.A. GRENZ, Mayor

**Connie L. Watts
Council Recorder**