

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 12, 2012, in the City Council Chambers at City Hall. Council Chair Mark Ahner called the meeting to order. Council members present were Dwayne Andrews, Roxanna Brush, John Hollowell, Mark Ahner, Jerry Partridge, John Uden and Sue Galbraith. Mayor Chris Grenz and Council member Bill Melnik were excused. Also present were Fire Chief Dale Berg, City Planner Dianna Broadie, Grant Administrator Dawn Colton, Public Utilities Director Al Kelm, Waste Water Plant Supervisor Dave Harris, RSVP Director Betty Vail, Floodplain Administrator Sam Malenovsky, Local 600 Representative Cameron Duffin and Recorder City Clerk Becky Stanton.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes – 5/22/12

** *Councilperson Uden moved to approve the Regular Council Meeting Minutes of May 22, 2012, seconded by Councilperson Andrews. The motion passed unanimously, 7-0.*

Public Service Committee – 5/29/12

** *Councilperson Galbraith moved to approve the Public Service Committee Minutes of May 29, 2012, seconded by Councilperson Brush. The motion passed unanimously, 7-0.*

Finance Committee – 5/30/12

** *Councilperson Brush moved to approve the Finance Committee Minutes of May 30, 2012, seconded by Councilperson Andrews. The motion passed unanimously, 7-0.*

SCHEDULE MEETINGS

Finance Committee: Wednesday, June 20, 2012 at 12:00 noon

Planning Board: Tuesday, June 19, 2012 at 6:00 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Muriel Rost, 1007 S Stacy Ave., suggested the Council vote for Ordinance No. 1230.

Brenda Schwab, 503 N 2 St., suggested the Council vote for Ordinance No. 1230.

Dwight Connelly, 11 N Strevell, stated if your next door neighbor was applying for this, would you vote for it?

Bill Puskas, 1014 N 2 St., is against Ordinance No. 1230.

Tami Wade, 10 Yucca, spoke in favor of Ordinance No. 1230 because the animals are only kept temporarily at the residence.

Alice Jerrel, 809 N. Lake Ave., is against Ordinance No. 1230.

Donna Corkins, 929 Gordon St., is an animal lover but is concerned about the number of licenses to be issued and who will oversee the kennels.

Chuck Puskas, 919 S. Strevell Ave., is against Ordinance No. 1230.

STAFF REPORTS

Director Kelm reported that the City has been contacted by the VA Hospital about purchasing its old water tank. It is a 250,000 gallon tank and would cost \$675,000.

He was contacted about the City purchasing the Carbon Hill properties.

The 20" Water Main project is complete.

CITY COUNCIL COMMENTS

Councilperson Uden commended Council Chair Ahner and the other Council members who attended the Budget meetings.

Councilperson Hollowell commented that the contractors did a fine job paving Cale Avenue and Dickinson Street.

MAYOR COMMENTS

There was a letter dated 1913 about a need for a new jail and fire hall for the City. A friend of the Mayor found it on e-bay. It is on Miles City Club letterhead. The current City Hall building was then built in 1914.

The Mayor is interested in getting an Investment Policy approved.

*** Councilperson Uden moved to send the draft investment policy to the Finance Committee, seconded by Councilperson Brush. On roll call vote, the motion passed unanimously, 7-0.*

The fire door between the Council Chambers and the Engineering Department was discussed.

The union contracts are for six years concerning the wage contract with a 2% cost of living increase for people under the average wages as outlined in the "Wage Analysis Study". After 3 years, the unions can bargain on non-wage issues.

*** Councilperson Uden moved to approve the above union contracts, seconded by Councilperson Brush. On roll call vote, the motion passed unanimously, 6-1, with Councilperson Hollowell voting nay.*

Keep America Beautiful has received a \$5,000 grant for trash receptacles in Riverside Park.

The old redwood from the pool decking will be auctioned off for reuse rather than being burned or sent to the landfill.

The City and the County Commissioners have reached an agreement on the payment of the InterLocal funds due to the City for services provided by them.

PUBLIC HEARINGS

ORDINANCE NO. 1230: An Ordinance Amending The Definition Of “Kennel”, Defining “Animal Rescue Shelters”, Providing A Permitting Process Therefor, Regulating The Operations Thereof, Designating Animal Rescue Shelters As A Permitted Use In Certain Zones

Council Chair Ahner called for comments from the Public.

Proponents were Tami Wade, 10 Yucca Circle, Donna Bradley of Bozeman, Diane Grutkowski, 818 N. Lake, Sheila Capek, 817 N. Custer Ave., Laura Severe, 606 N. Prairie Avenue.

Opponents were Alice Jerrel, 809 N. Lake, Bill Puskas, 1014 N. 2 St., Donna Corkans, 929 Gordon St., Brenda Schwab, 503 N. 2 St., Mary DeAnda, 506 N. Winchester, Dwight Connelly, 11 N. Strevell Street.

ORDINANCE NO. 1241: An Ordinance Granting To Montana-Dakota Utilities Co., A Division Of MDU Resources Group, Inc., A Corporation, Its Successors And Assigns, The Franchise And Right To Construct, Maintain And Operate, Within And Upon, In And Under The Streets, Alleys And Public Grounds Of The City Of Miles City, Montana A Natural Gas Distribution System For Transmitting And Distributing Natural Or Manufactured Gas, Or A Mixture Of Both, For Public And Private Use.

Chairperson Ahner called for proponents and then opponents three times. Hearing none, the public hearing closed.

RESOLUTION NO. 3496: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2011-2012 To Appropriate Unanticipated Revenues And Cash Reserves To RSVP Fund No. 2985 For Professional Services And Operating Supplies

Chairperson Ahner called for proponents and then opponents three times. Hearing none, the public hearing closed.

OLD BUSINESS

ORDINANCE NO. 1230: An Ordinance Amending The Definition Of “Kennel”, Defining “Animal Rescue Shelters”, Providing A Permitting Process Therefor, Regulating The Operations Thereof, Designating Animal Rescue Shelters As A Permitted Use In Certain Zones

** *Councilperson Partridge moved to adopt the Ordinance, seconded by Councilperson Brush. Discussion. On roll call vote, the motion passed, 5-2, with Councilpersons Galbraith and Andrews voting nay.*

ORDINANCE NO. 1241: An Ordinance Granting To Montana-Dakota Utilities Co., A Division Of MDU Resources Group, Inc., A Corporation, Its Successors And Assigns, The Franchise And Right To Construct, Maintain And Operate, Within And Upon, In And Under The Streets, Alleys And Public Grounds Of The City Of Miles City, Montana A Natural Gas Distribution System For Transmitting And Distributing Natural Or Manufactured Gas, Or A Mixture Of Both, For Public And Private Use.

** *Councilperson Uden moved to adopt the Ordinance, read by title only, seconded by Councilperson Hollowell. On roll call vote, the motion passed unanimously, 7-0.*

RESOLUTION NO. 3496: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2011-2012 To Appropriate Unanticipated Revenues And Cash Reserves To RSVP Fund No. 2985 For Professional Services And Operating Supplies.

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

RESOLUTION NO. 3494: A Resolution, Pursuant To §69-7-111 Of The Montana Code Annotated, Of Intent To Increase Sewer Rates And Providing For Municipal Rate Hearing.

** *Councilperson Uden moved to adopt the Resolution, read by title only, seconded by Councilperson Hollowell.*

Council Chair Ahner and Director Kelm explained in detail the need for the above resolution. The City is required to meet very strict output standards for Waste Water. Failure to comply with these standards will result in large fines and stricter standards.

On roll call vote, the motion passed unanimously, 7-0.

BID OPENINGS AND AWARDS

Director Kelm opened the bids received for the Haynes Avenue Lift Station and Wastewater Influent Building. The first bid was from Dick Anderson Construction: Schedule 1- the Haynes Avenue Lift Station - \$1,181,000, Schedule 2 – the Head Works Building \$1,931,000, and for both Schedule 1 & 2 - \$2,899,000. The second bid was from COP Construction: Schedule 1- the Haynes Avenue Lift Station - \$1,479,325, Schedule 2 – the Head Works Building - \$2,143,500, and for both Schedule 1 & 2 - \$3,591,425. The third bid was from Jackson Contractors' Group: Schedule 1- the Haynes Avenue Lift Station - \$982,150, Schedule 2 – the Head Works Building \$1,612,450, and for both Schedule 1 & 2 - \$2,533,600. The fourth bid was from Williams Brothers: Schedule 1- the Haynes Avenue Lift Station - \$0, Schedule 2 – the Head Works Building \$1,624,000.

** *Councilperson Uden moved to send the bids to the Finance Committee, seconded by Councilperson Andrews. On roll call vote, the motion passed unanimously, 7-0.*

The Finance Committee recommended approval for the bid award to Century Paving Company for the Street Maintenance District No. 205 Paving Project for Lincoln Street over to Head Start. The bid was for \$187,308.

** *Councilperson Brush moved to accept the bid by Century Paving Company, seconded by Councilperson Galbraith. On roll call vote, the motion passed unanimously, 7-0.*

NEW BUSINESS

May Claims Approval.

** *Councilperson Hollowell moved to approve the May claims, seconded by Councilperson Brush. The motion passed unanimously, 7-0.*

Recommendation of Denial of Zone Change (Leighton & Haynes) by zoning Commission: J & M Properties

** *Councilperson Andrews moved to approve the denial of the Zoning Change, seconded by Councilperson Galbraith.*

Janette Jones spoke on behalf of J & M Properties explaining where the property is located. She explained that the property owners do not want to zone the entire lot for Residential A because General Commercial gives them more development options. The above request is to change the zoning on the property from Heavy Commercial to General Commercial which is consistent with the surrounding lots.

On original motion with roll call vote, the motion failed, 3-4, with Councilpersons Uden, Ahner, Brush and Andrews voting nay. The motion failed so Zoning Change will occur.

Recommendation for Approval of Southgate Subdivision by Planning Board

** *Councilperson Uden moved to approve the Southgate Subdivision, seconded by Councilperson Andrews.*

There was discussion about the ingress/egress and drainage issues. The developer is building drainage dams and is working on an alternative egress/ingress access. Southgate residents expressed concerns on both issues and enforcement of the laws. Council Chair Ahner explained that a vote for the site plans review and the attached conditions do not mean this will not come before the Council again. Planner Broadie explained final approval for each Phase will come before the Council.

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

Finance Committee Recommendation, May 30, 2012: Request for Purchase of Restrooms at Spotted Eagle

** *Councilperson Galbraith moved to approve the purchase of restrooms, seconded by Councilperson Uden. The motion passed unanimously, 7-0.*

Approval of Finance Committee recommendation to send ambulance bills to collection

** *Councilperson Andrews moved to approve sending the ambulance bills to collection, seconded by Councilperson Galbraith. The motion passed unanimously, 7-0.*

RESOLUTION NO. 3497: A Resolution Authorizing The Leasing To Raymond Jerrel And Peggy Jerrel Of Miles City, Of Lots 13, 22 And 23 Of Tract E Of The Industrial Site Owned By The City Of Miles City, Montana

** *Councilperson Brush moved to approve the above lease, seconded by Councilperson Uden. On roll call vote, the motion passed unanimously, 7-0.*

RESOLUTION NO. 3498: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2011-2012 To Appropriate Unanticipated Revenues To Building Inspector Fund No. 2394 For Contracted Professional Services

** *Councilperson Brush moved to approve the Resolution, read by title only, seconded by Councilperson Uden. On roll call vote, the motion passed unanimously, 7-0.*

RESOLUTION NO. 3499: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2011-2012 To Appropriate Unanticipated Revenues To Airport Fund 5610 For Fuel Supplies

** *Councilperson Uden moved to approve the Resolution, read by title only, seconded by Councilperson Brush. On roll call vote, the motion passed unanimously, 7-0.*

RESOLUTION NO. 3500: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2011-2012 To Appropriate Unanticipated Revenues To Lighting District No. 165 Fund 2400 For Electrical Utilities

** *Councilperson Galbriath moved to approve the Resolution, read by title only, seconded by Councilperson Hollowell. On roll call vote, the motion passed unanimously, 7-0.*

RESOLUTION NO. 3501: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2011-2012 To Appropriate Unanticipated Revenues To Library Grant Fund 2880 For Office Supplies And Materials

** *Councilperson Partridge moved to approve the Resolution, read by title only, seconded by Councilperson Brush. On roll call vote, the motion passed unanimously, 7-0.*

RESOLUTION NO. 3502: A Resolution Of The City Of Miles City, Montana, Designating Samantha Malenovsky, Flood Administrator, As The Environmental Preparer For Neighborworks Montana Home Grant Application For First Time Homebuyer Assistance Program

** *Councilperson Galbraith moved to approve the Resolution, read by title only, seconded by Councilperson Uden.*

** *Council Chair Ahner moved to amend the original motion by striking the name Sam Malenovsky to read the "Flood Administrator", seconded by Councilperson Uden. On roll call vote, the motion passed unanimously, 6-0, with Councilperson Hollowell abstaining, due to being related to Sam Malenovsky.*

** *On original motion with roll call vote, the motion passed unanimously, 7-0.*

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 Brush moved to approve the Resolution, read by title only, seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 7-0.*

ORDINANCE NO. 1242: (FIRST READING) An Ordinance Revising Section 18-28 Of The Code Of Ordinances Of The City Of Miles City Regarding The Compensation Of Members Of The Miles City Police Commission; And Providing An Effective Date Thereof

** *Councilperson Uden moved to approve the Resolution, read by title only, seconded by Councilperson Brush and, on roll call vote, passed unanimously, 7-0.*

This item was referred to the Public Safety Committee.

ORDINANCE NO. 1243: (FIRST READING) An Ordinance Amending Ordinance No. 796 To Change The Zoning Of Lots 1 Through 8 In Block 11 Of The Richland Addition Located In Section 26, Township 8 North, Range 47 East, M.P.M., Custer County, Montana, From Mobile Home Residential (MH-A) To Light Industrial (Li), Providing For A Hearing Thereon, And Providing An Effective Date Thereof

** *Councilperson Partridge moved to approve the Resolution, read by title only, seconded by Councilperson Hollowell and, on roll call vote, passed unanimously, 7-0.*

ORDINANCE NO. 1244: (FIRST READING) An Ordinance Amending Ordinance No. 796 To Change The Zoning Of A Portion Of Tract 2b Of Hardesty Tracts Located In The Sw¼ Of Section 26, 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

** *Councilperson Hollowell moved to approve the Resolution, read by title only, seconded by Councilperson Brush and, on roll call vote, passed unanimously, 7-0.*

APPOINTMENTS

Mayor recommendation to appoint Ed Curnan to Police Commission

** *Councilperson Uden moved to appoint Ed Curnan to the Police Commission, seconded by Councilperson Hollowell and, on roll call vote, passed, 6-1 with Councilperson Partridge voting nay.*

Mayor recommendation to appoint Arlene Corbin to Library Board

** *Councilperson Brush moved to appoint Arlene Corbin to the Library Board, seconded by Councilperson Uden and, on roll call vote, passed unanimously, 7-0.*

ADJOURNMENT

** *Councilperson Uden moved to adjourn the meeting, seconded by Councilperson Brush and passed unanimously, 7-0. Meeting adjourned at 9:55 p.m.*

Mark Ahner
Council Chair

ATTEST:

Becky Stanton
City Clerk