

CALL TO ORDER

The Regular Council meeting was held Tuesday, July 10, 2012, in the Conference Room at City Hall. Mayor C. A. Grenz called the meeting to order. Council members present were Dwayne Andrews, Roxanna Brush, John Hollowell, Mark Ahner, John Uden, Bill Melnik and Sue Galbraith. Council member Jerry Partridge was excused. Also present were Fire Chief Dale Berg, City Attorney Jerry Huss, City Planner Dianna Broadie, Public Utilities Director Al Kelm, Police Captain Casey Prell 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 – 6/26/12

** *Councilperson Uden moved to approve the Regular Council Meeting Minutes of June 26, 2012 with corrections, seconded by Councilperson Melnik. Motion passed unanimously, 7-0.*

Special Council Meeting – 7/2/12

** *Councilperson Galbraith moved to approve the Special Council Minutes of July 2, 2012, seconded by Councilperson Brush. Motion passed unanimously, 7-0.*

Finance Committee – 7/2/12

The **Finance Committee** met July 2, 2012, at 1:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members Bill Melnik and Jerry Partridge. Committee member Roxanna Brush was excused. Also present were Mayor Chris Grenz, City Planner Dianna Broadie, Fire Chief Dale Berg, and Recorder City Clerk Becky Stanton.

Request to waive Ambulance bill

Chairperson Ahner asked everyone except the Committee Members, Fire Chief, Recorder and ambulance client to step out of the meeting due to privacy laws. The patient's spouse provided written and verbal explanations describing the situation. Chairperson Ahner explained that previous requests have been denied and that the patient negotiates a monthly amount to pay.

** *No motion was made, so the request died.*

Review of Resolution No. 3506 - A Resolution Authorizing The Leasing To Todd Neiffer And Elizabeth Neiffer Of Miles City, Of Lots 6 And 7 Of Tract E Of The Industrial Site Owned By The City Of Miles City, Montana;

** *Committee Member Partridge moved to recommend to the Council to approve the Resolution, read by title only, and seconded by Committee Member Melnik. Motion carried unanimously, 3-0.*

Review of Resolution No. 3507- A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2011-2012 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For Hearing Thereon

* * *Committee Member Melnik moved to recommend to the City Council to approve the Resolution, read by title only, and seconded by Committee Member Partridge. Motion carried unanimously, 3-0.*

Review of Ordinance No. 1245: An Ordinance Amending Ordinance No. 796 To Change The Zoning Of Tract 2A, JE Morrison Tracts, Section 34, Township 8 North, Range 47 East, Custer County Montana, Located On The Southwest Corner Of Haynes Avenue And Leighton Boulevard And Bordered On The West By Legion Avenue From Heavy Commercial District To General Commercial District, Providing For A Hearing Thereon, And Providing An Effective Date Thereof

Planner Dianna Broadie explained this Ordinance has received a tie vote from the Zoning Commission. This was because the owner of this property was uncertain of its use at the time of the Zoning Commission meeting. Mayor Grenz, a member of the Zoning Commission, explained that he voted nay because the owner did not have any set plans for the site. Recently the owner submitted a plan for the property, so the Mayor is comfortable with approving the Ordinance.

* * *Committee Member Ahner moved to recommend to the City Council to approve Ordinance No. 1245, read by title only, and seconded by Committee Member Melnik.*

Committee member Partridge asked City Planner Broadie if she thought the issues had been taken care of. She was concerned about setbacks, but the property plan has resolved this issue.

** *Motion carried unanimously, 3-0.*

Review of Ordinance No. 1246: An Ordinance Amending Ordinance No. 796 To Change The Zoning Of The West 171 Feet Of Lots C, D, And E Of Lothspeich Minor Subdivision In Section 34, Township 8 North, Range 47 East, Custer County Montana, And Located Between Haynes Avenue And Miles Community College, South Of Lynam Subdivision And North Of Franks Body Shop, From C Residential District To General Commercial District, Providing For A Hearing Thereon, And Providing An Effective Date Thereof.

City Planner Broadie explained this Ordinance has received unanimous approval from the Zoning Commission. Changing these lots from C Residential to General Commercial will match the other Commercial zoning on N. Haynes Avenue.

* * *Committee Member Partridge moved to recommend to the City Council to approve Ordinance No. 1246, read by title only, and seconded by Committee Member Melnik. Motion carried unanimously, 3-0.*

Review of Resolution No. 3364: Establish procedures for the sale or lease of City lands.

Chairperson Ahner explained the current procedures that guide the City on the above issue and explained the changes recommended in the Resolution. The basic question to be answered is, 'Does the City want to put all renewing leases up for competitive bid even though it is a lessee in good standing, or does the City want to just have competitive bidding on vacant lots only.' Then, if they have competitive bidding on all renewals, should the current lessee have the option to match a higher bidder? After discussion, Chairperson Ahner offered to go back to City Attorney Huss and have him change the Resolution to reflect that current lessees in good standing have the option to renew their lease without any competitive bidding process.

* * *No action was taken at this time.*

Request of Citizens

-None-

There being no further business, the meeting was adjourned at 1:35 p.m.

** *Councilperson Ahner moved to approve the Finance Committee Minutes of July 2, 2012, seconded by Councilperson Andrews. The motion passed unanimously, 7-0.*

SCHEDULE MEETINGS

Planning Board: Tuesday, July 17, 2012, at 6:00 p.m

REQUEST OF CITIZENS & PUBLIC COMMENT

Mike Coryell, Miles City Area Economic Development, (MCAED), updated the Council about the developments on the County Jail situation. The Miles City Area Planning Committee, a non-political group with members from the County, City, MCAED, Chamber of Commerce, legislature and others, are researching the County Jail problems. An assessment of that facility is going to cost about \$50,000 to \$80,000 and the group is trying to find a way to fund it. The study will aid in determining what is needed by all parties.

Mark Browning of the Rotary Club spoke about the Riverside Bathroom project. He would like a deadline for completion so that he can tell Rotary International when their donation to the project will be finished. Director Kelm explained that changes have been made to the project that prolonged the progress. Currently the plan has been submitted to CTEP, then it goes to MDOT for review, and then the comments or corrections made by both entities are returned to the City and Dowl HKM to complete. Once complete, then the plans are sent to FHWA who appropriates the money for the project and the City receives the Notice to Proceed. The project goes out to bid at that point. Because of the above process, it is not possible to give a set-in-stone deadline. The timeline would depend on the above process and then the availability of a building that meets the specifications, along with the possibilities of winter shut downs.

Councilperson Ahner requested that the Council receive updates on this matter every Council meeting.

STAFF REPORTS

Director Kelm said he had met with the DNRC about the wildland firefighters staying at the Water Plant Park and the ice skating rink area. The Fairgrounds have several scheduled activities and the firefighters need to move to a different location. The City is offering several locations for them.

Director Kelm said there were over 90 children at the pool today. They are enjoying it. Fire Chief Berg said the firefighters personally raised money for a defibrillator to be kept at the pool. The lifeguards have been trained to use it during their first-aid classes.

CITY COUNCIL COMMENTS

Councilperson Uden thanked Fire and Police Departments for their great handling of the fireworks vendors and the citizens during the Fourth of July. He thanked the citizens for their restraint from shooting off fireworks during a hazardous time.

Councilperson Andrews presented the City with a plaque of appreciation from the wildland firefighters. He said they have just been wonderful to work with, especially Director Kelm. He said the firefighters are moving over to the Pine Hills School area. He would also like follow-up from the Mayor and staff on the various projects, resolutions and ordinances. He would like to know the results of these items.

Councilperson Brush wanted to know the status of the ROCKS children being able to swim at the pool. Mayor Grenz said he received an envelope from John Munsell with approximately \$700 in it which will cover swimming for the ROCKS program.

Councilperson Anher stated that the Budget Calendar indicates that the Budget will be available to the Public July 16th. He also would like an update on major projects. He asked about the salvage of the docks being put out for bid to the public.

Councilperson Hollowell thanked the VFW for the wonderful show and the Fire Department for no fires over the Fourth. There was another traffic incident at the Horizon Parkway and Highway 59 South. A truck was pulling out of the truck wash onto Highway 59 South while three cars were trying to turn onto Horizon Parkway from Highway 59 South. The cars were blocked from turning as was the truck. The cars had to pull into the truck wash drive way in order to get out of the truck's path so it could pull onto the highway. He thanked the firefighters for fighting the area fires and for staying in Miles City.

MAYOR COMMENTS

Letter from Debra LaFontaine, Master Planner, Montana Dept of Military Affairs Re: Is the City interested in acquiring the Armory –

Ms. LaFontaine has contacted Mayor Grenz about the City purchasing the Armory. It would sell for the assessed value. She was wondering if the City would be interested in purchasing it.

MDOT will have staff in Miles City to talk about a Transportation Plan on July 19th. No time has been set yet. A poll was taken of the Council, and Councilpersons Brush, Galbraith, Uden and Hollowell committed to attend. The Mayor will let MDOT know that the City does want to schedule the presentation.

John Munsell asked various businesses for donations, which has raised enough money to cover swimming for the ROCKS children. There was discussion on what to do with the extra money that has been raised. The Mayor made the decision to have every Sunday during the season as a free day of swimming for families and also one other day of the week. If more money is raised, then there will be free swimming lessons for under privileged children.

PUBLIC HEARINGS

ORDINANCE NO. 1243: 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

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

ORDINANCE NO. 1244: 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.

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

RESOLUTION NO: 3507: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2011-2012 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For A Hearing Thereon

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

OLD BUSINESS

ORDINANCE NO. 1243: 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 Brush moved to adopt the Ordinance, read by title only and seconded by Councilperson Ahner. On roll call vote, motion passed unanimously, 7-0.*

ORDINANCE NO. 1244: 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 Ahner moved to adopt the Ordinance, read by title only and seconded by Councilperson Uden. On roll call vote, the motion passed unanimously, 7-0.*

RESOLUTION NO: 3507: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2011-2012 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For A Hearing Thereon

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

RESOLUTION NO. 3506: A Resolution Authorizing The Leasing To Todd Neiffer And Elizabeth Neiffer Of Miles City, Of Lots 6 And 7 Of Tract E Of The Industrial Site Owned By The City Of Miles City, Montana

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

BID OPENINGS AND AWARDS

-None

NEW BUSINESS

RESOLUTION NO: 3513: A Resolution, Pursuant To §69-7-111 Of The Montana Code Annotated, Of Intent To Decrease For Two Years, Then Incrementally Increase For 13 Years, Monthly Minimum Water Rates And Monthly Overage Water Rates, And Providing For Municipal Rate Hearing Thereon

*** Councilperson Ahner moved to refer the Resolution, read by title only, to the Finance Committee, seconded by Councilperson Uden. The motion passed unanimously, 7-0.*

Approval of bench installation on City property - Holy Rosary Hospital walking path

Director Kelm said the City had been approached by Jackie Muri, Director of the Holy Rosary Healthcare Foundation to place a bench along a “special” place of the walking path. She had been approached by a donor who had lost her husband. It would be on City property.

*** Councilperson Uden moved to approve the placement of a bench, seconded by Councilperson Galbraith.*

City Attorney Huss suggested that the Council follow previous protocol and grant them a revocable license agreement. Then if the City ever needs to change that property, it could do so.

*** Councilperson Uden moved to amend the previous motion to reflect a revocable easement agreement, seconded by Councilperson Galbraith. On roll call vote, the motion passed unanimously, 7-0.*

*** Original motion passed unanimously, 7-0.*

APPOINTMENTS

-None

ADJOURNMENT

*** Councilperson Brush moved to adjourn the meeting, seconded by Councilperson Andrews and passed unanimously, 7-0. Meeting adjourned at 8:25 p.m.*

C. A. Grenz
Mayor

ATTEST:

Becky Stanton
City Clerk