

REGULAR COUNCIL MEETING

July 24, 2012
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, July 24, 2012, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor C. A. 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, Grant Administrator Dawn Colton, Deputy City Clerk Linda Wildman 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 – 7/10/2012

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of July 10, 2012, seconded by Councilperson Galbraith. The motion passed unanimously, 8-0.*

Public Services Committee – 7/5/2012

The **Public Service Committee** met Thursday, July 5, 2012, at 6:00 pm in the City Hall conference room. Present were Committee Chairperson Jerry Partridge and Committee Members Sue Galbraith and John Hollowell. Committee Member Roxanna Brush was excused. Also present were Public Utilities Director Al Kelm, Mayor Butch Grenz and Committee Recorder Connie Watts.

Chairperson Partridge called the meeting to order.

Loading Zone Sign at the Northwest Corner of Washington & Eighth Streets (Ed Martin)

Ed Martin, 901 N. 2nd Street, explained that he owns the St. Paul Apartments on the northwest corner of Washington & Eighth Streets. He does a lot of loading and unloading in the course of maintaining his apartments, and would like a loading zone sign placed there so that space would be available to him when he needs it.

** *Committee Member Galbraith moved to recommend approval of the loading zone in front of the St. Paul Apartments at Washington and Eighth Streets, seconded by Committee Member Hollowell. During discussion, Director Kelm asked who was to pay for the sign, which would cost about \$90. Mr. Martin agreed to pay for it. The motion then passed unanimously, 3-0.*

Discussion of Parking next to War Bonnet Inn

Ken Monet, 1015 S. Haynes, owner of the War Bonnet Inn, explained that about ten years ago the issue of truck parking on either side of Haynes came before the council. At that time the council decided NOT to allow parking on Haynes in front of the motel, but would allow it on the other side of Haynes across from the motel and on either side of the motel on Tompy and Sudlow. Nothing was put in writing about the side street parking. He is requesting the parking for trucks and busses on the side streets from the end of the yellow lines to the alley, within the legal limits of the parking distances from the alley.

It was mentioned that there may be a "No Trucks" sign on one of those side streets, which would have to be removed if the council decides to allow the trucks to park there. There was also discussion on the loaded semis that might be parking there on streets designed for residential use. Mr. Monet said most of the trucks that do park beside his business are not loaded. However, the BNSF vehicles may or may not be too heavy. Director Kelm said that,

over the past 30 years that the trucks have been parking there, it doesn't seem to have deteriorated the streets much at that location.

** *Committee Member Hollowell moved to recommend allowing truck parking on Tompy and Sudlow next to War Bonnet Inn, within the Department of Transportation setback requirements and no farther than the alley. Committee Member Galbraith seconded the motion, which then passed unanimously 3-0.*

Request of Citizens

There were no requests of citizens.

Adjournment

** *Having no more business to come before the Committee, Committee Member Galbraith moved to adjourn the meeting, seconded by Committee Member Hollowell and passed unanimously, 3-0.*

** *Councilperson Partridge moved to approve the minutes of the Public Services Committee of July 5, 2012, seconded by Councilperson Brush and passed unanimously, 8-0.*

Public Services Committee – 7/18/2012

The **Public Service Committee** met Wednesday, July 18, 2012, at 6:00 pm in the City Hall conference room. Present were Committee Chairperson Jerry Partridge and Committee Members Sue Galbraith and Roxanna Brush. Committee Member John Hollowell was absent. Also present were Public Utilities Director Al Kelm, Councilperson Dwayne Andrews, Mayor C.A. Grenz and Committee Recorder Billie Burkhalter.

Chairperson Partridge called the meeting to order.

To Approve Fire Crew Equipment Parking at the Water Plant for County Association Fire Equipment being Rented for the DNRC and BLM

Dwayne Andrews, Councilperson, stated the County Assistance Team was hired by BLM and DNRC to set up a staging in Miles City for wildland fire and equipment. The team was originally set up around the Water Plant Park area, but now has moved out to the Pine Hills area. Their Finance Chief and Director Kelm agreed upon a payment of \$300 for any possible damages that might have occurred during their time there. Director Kelm assured the Committee that there were no damages. Mayor Grenz suggested waiving the \$300 fee.

** *Committee Member Galbraith moved to recommend to the City Council to waive the \$300 fee due to no damage and the firefighters providing an important service to the area, seconded by Committee Member Brush.*

During discussion, Director Kelm questioned what to do with the Emergency Facilities and Land Use Agreement. Mr. Andrews explained the team does not intend to use the Water Plant area so the contract should be voided.

** *on original motion, the motion failed unanimously, 3-0.*

** *Committee Member Galbraith moved to recommend voiding the Emergency Facilities and Land Use Agreement, seconded by Chairperson Partridge and motion carried unanimously by the Committee.*

Request of Citizens

There were no requests of citizens.

Adjournment

** *Having no more business to come before the Committee, Committee Member Brush moved to adjourn the meeting, seconded by Committee Member Galbraith and passed unanimously, 3-0.*

** *Councilperson Melnik moved to approve the minutes of the Public Services Committee Meeting of July 18, 2012, seconded by Councilperson Brush. The motion passed unanimously, 8-0.*

SCHEDULE MEETINGS

Finance Committee: Thursday, July 26, 12:00 (noon)

Public Services Committee: Tuesday, July 31, 6:00 p.m.

Flood Control Committee: Thursday, August 2, 6:00 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

None

PROCLAMATIONS

None

STAFF REPORTS

Dawn Colton, Grant Administrator – Update on Riverside

Restroom Project: Administrator Colton said she received comments on the project manual Monday from the Community Transportation Enhancement Program (CTEP). CTEP had received all updates Monday, July 23rd, and now has a final version of the manual. They will verify that all the changes are made and will write a letter to the Federal Highway Administration asking for the appropriation. After the appropriation is received, the permission is given to do the project.

Administrator Colton expressed her appreciation to Matt May and his welding shop crew at the Custer County High School. They built some benches for the project, and a photograph of the benches was passed around to show to the council. The benches are reversible, so that the back can be flipped around to face the opposite direction.

Administrator Colton also thanked the Keep Miles City Beautiful organization, who has obtained a grant and will be donating trash cans to the project.

Al Kelm, Public Utilities Director – Update on Fire Door for

Upstairs: Director Kelm is still checking around to try to find used fire escape equipment. He has found nothing in Miles City, and is now trying various places in Billings.

Update on Riverside Park Water Tank Removal: In the council packet for this meeting is a resolution to approve the contract for demolition of the 1911 water tank. If this resolution is passed tonight, the company would like to be here next Friday to begin the removal of the tank.

A change order regarding this contract is also on the agenda, which would also need to be passed tonight if the company were to begin the tank removal next Friday. The City of Miles City requested the company to hire three Montana residents, matching the number of the company's employees. This change order increases the company's payroll estimate, which in turn increases the contract price in the amount of \$4,255.20.

Aquatic Center: Director Kelm also gave an update on the Aquatic Center. An overview of the project was placed in council members' mailboxes. The Mayor has said there has been money donated to the City, which is being used to pay for two free days at the pool (Wednesdays and

Sundays). The ROCKS children are also being allowed in free a couple of days per week.

Mayor Grenz noted that Victory Insurance has agreed to pay for another three days of free swimming.

CITY COUNCIL COMMENTS

Councilperson Uden

- asked Director Kelm if he knew why the citizens in the Neu Vu area might be experiencing **periodic drops in water pressure**. Director Kelm said he has not heard of this before, but it could possibly be a result of a momentary drop in pressure when the pumps are turned off.

- mentioned the number of young service men and women from Miles City currently serving in Afghanistan. He noted one in particular, **Marine Lcpl Christopher Bogner**, who has recently been seriously injured in an IED incident. He asked for a moment of silent reflection in support of our service men and women in harm's way, and especially for Lcpl Bogner.

Councilperson Brush

- asked that the **Strevell Street Project** be kept on the "update" list.
- was very impressed by the number of people who took advantage of the **free swimming**, and gave the Mayor her check in the amount of \$100 in support of this program

Councilperson Partridge

- said he was pleased the **pool program** is going so well.

Councilperson Hollowell

- asked if there was any new information on **the transportation plan meeting**. The Mayor said they had already had the meeting; Councilperson Hollowell was out of town at the time. Councilperson Uden said it was indicated at the meeting that a study in Miles City could range from \$100,000 to \$175,000, which would be a 50/50 split with the Department of Transportation.

- asked about the **new director's position** – the Mayor said he intends to wait until after the budget is finished before going forward with that.

MAYOR COMMENTS

- said he drove by Jaycee Park the other day and the **new dugouts** have been completed. He thanked Barrie Matthews and the Milestown Community Improvement Corporation for their work on this project

PUBLIC HEARINGS

SEWER RATE INCREASE

Mayor Grenz opened the public hearing. Director Kelm then explained that there will be an increase of \$3.00 on the base sewer rate, which will satisfy repayment of the loan that we will be taking out for Phase I of the Wastewater Treatment Plant upgrade and the replacement of the Haynes Avenue Lift Station. These projects need to be done in order to comply with Department of Environmental Quality and Environmental Protection Agency requirements. The City will be using \$1.5 million of its own money, will borrow \$1.810 million and \$300,000 of that will be "forgiven loans."

Mayor Grenz explained the rate increase is structured to increase \$3.00 per year on the base rate for the next 15 years. *He then called for comments from proponents and then opponents three times and, hearing none, the hearing was closed.*

ORDINANCE 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.

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

ORDINANCE 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.

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

OLD BUSINESS

ORDINANCE 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.

** *Councilperson Ahner moved to adopt the ordinance, read by title only and seconded by Councilperson Uden. After brief discussion and on roll call vote, the motion passed unanimously, 8-0.*

ORDINANCE 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.

** *Councilperson Ahner moved to adopt the ordinance, read by title only and seconded by Councilperson Brush. On roll call vote, the motion passed unanimously, 8-0.*

BID AWARDS

None

NEW BUSINESS

Barrie Matthews Request to Purchase City Property Behind Big Sky Smile Center

Mr. Matthews explained that the property is not actually behind his property, but is directly on the west side, toward the armory. He has maintained this 25 foot strip of land, which runs the whole length of the block, since his purchase of his property in 2008. He would like to develop this land, including possibly sprinklers and curb and gutter, but is unwilling to invest this money into property he does not own.

*** Councilperson Uden moved to refer this issue to the Finance Committee, seconded by Councilperson Melnik and passed unanimously, 8-0.*

Open Public Hearing on the Preliminary Municipal Budget for FY 2012-2013

Mayor Grenz opened the public hearing on the preliminary budget for FY 2012-2013. He commended the Budget committee and the City Clerk's office for the hard work they have done preparing this budget.

The public hearing will remain open from until the regular council meeting on August 28th, 2012.

RESOLUTION NO. 3478: 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 the resolution, read by title only, to the Finance Committee. The motion was seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 8-0. Resolution 3478 was referred to the Finance Committee.*

RESOLUTION 3514: A Resolution Authorizing The City Of Miles City To Enter Into An Emergency Facilities And Land Use Agreement With The Montana Department Of Natural Resources And Conservation For Water Plant Park, The Former Fish & Game Quonset, And The Denton Sports Complex Warming House.

This resolution was in response to a request by the Department of Natural Resources & Conservation to allow wildland firefighters to camp on City property. The firefighters have now moved to State lands by Pine Hills School.

*** Councilperson Ahner moved to approve the resolution, read by title only and seconded by Councilperson Hollowell. On roll call vote, the motion failed, 7-0, with Councilperson Andrews abstaining. Resolution 3514 failed.*

RESOLUTION NO. 3515: A Resolution, Pursuant To Title 7, Chapter 2, Part 46 MCA Annexing Certain Lands To The City Of Miles City, Montana, By Petition Of The Landowner, To-Wit: Tract 1 Of Certificate Of Survey No. 49207 In Section 2, Township 7 North,

Range 47 East, Custer County, Montana (Commonly Known As The Super 8 Motel Property)

** *Councilperson Brush moved to refer the resolution, read by title only, to the Public Services Committee. The motion was seconded by Councilperson Partridge and, on roll call vote, passed unanimously, 8-0. Resolution 3515 was referred to the Public Services Committee.*

RESOLUTION NO. 3516: A Resolution Of Intent To Annex Certain Contiguous Government Lands To The City Of Miles City, Montana, To-Wit: That Portion Of The Right Of Way Of Montana State Highway 59 South Commencing At The Intersection Of Such Highway With The Southerly City Limit Line Of The City Of Miles City On Highway 59 South, Thence Southerly, The Full Width Of Such Right Of Way, To That Point At Which The Southerly Boundary Line Of Tract 1 Of Certificate Of Survey 49207 In Section 2, Township 7 North, Range 47 East, Custer County, Montana (Commonly Known As The Super 8 Motel Property) Intersects The Easterly Boundary Of Such Right Of Way, Providing For Notice Thereof, And Providing For A Public Hearing Thereon

** *Councilperson Uden moved to refer the resolution, read by title only, to the Public Services Committee. The motion was seconded by Councilperson Partridge and, on roll call vote, passed unanimously, 8-0. Resolution 3516 was referred to the Public Services Committee. Mayor Grenz commended Planner Dianna Broadie for her hard work on these annexations.*

RESOLUTION NO. 3517: A Resolution Granting A Revocable License To Holy Rosary Healthcare Foundation For A Bench Encroachment Upon City Of Miles City Right Of Way On The East Side Of South Strevell Avenue, South Of Its Intersection With Boutelle Street

** *Councilperson Brush moved to approve the resolution, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion passed unanimously, 8-0. Resolution 3517 was approved.*

RESOLUTION NO. 3518: : A Resolution Authorizing The City Of Miles City To Contract With Dennis Hirsch For Building Inspection Services For FY 2012-2013

Mayor Grenz said Mr. Hirsch's attorney required more time to review the contract, so Resolution 3518 was pulled from the agenda.

RESOLUTION 3519: Bond Resolution Relating to \$1,810,000 Sewer System Revenue Bonds (DNRC Water Pollution Control State Revolving Loan Program) Consisting of \$300,000 Subordinate Lien Taxable Series 2012A Bond and \$1,510,000 Series 2012B Bond

** *Councilperson Brush moved to refer the resolution, read by title only, to the Finance Committee. The motion was seconded by Councilperson Melnik and, on roll call vote, passed unanimously, 8-0. Resolution 3519 was referred to the Finance Committee.*

RESOLUTION 3520: A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With Williams Brothers Construction, LLC, A Washington Limited Liability Company For

Construction Of The Schedule II Wastewater System
Improvements (Effluent Building).

** *Councilperson Galbraith moved to refer the resolution, read by title only, to the Finance Committee. The motion was seconded by Councilperson Brush and, on roll call vote, passed unanimously, 8-0. Resolution 3520 was referred to the Finance Committee.*

RESOLUTION 3521: A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With Dick Anderson Construction, Inc., A Montana Corporation, For Construction Of The Schedule I Wastewater System Improvements (Haynes Avenue Lift Station).

** *Councilperson Brush moved to refer the resolution, read by title only, to the Finance Committee. The motion was seconded by Councilperson Melnik and, on roll call vote, passed unanimously, 8-0. Resolution 3521 was referred to the Finance Committee.*

RESOLUTION 3522: A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With Pittsburg Tank & Tower Company, Incorporated, For Demolition Of The 1911 Elevated Water Tank In Riverside Park

** *Councilperson Ahner moved to approve the resolution, read by title only and seconded by Councilperson Brush. On roll call vote, the motion passed unanimously, 8-0. Resolution 3522 was approved.*

RESOLUTION 3523: A Resolution Authorizing Change Order No. 1 To Pittsburg Tank & Tower Company, Incorporated. On The Contract For Demolition Of The 1911 Elevated Water Tank In Riverside Park

** *Councilperson Ahner moved to approve the resolution, read by title only and, as a part of his motion, to suspend the rules which require that a resolution subjecting the City to any financial obligation must be reviewed by Committee. The motion was seconded by Councilperson Uden. On roll call vote the motion passed 6-2, with Councilpersons Hollowell and Brush voting no. Resolution 3523 was approved.*

**Tongue River Electric Cooperative, Inc.: Easement Request along
Horizon Parkway**

** *Councilperson Galbraith moved to refer this item to the Public Services Committee, seconded by Councilperson Andrews. On roll call vote the motion passed 7-1, with Councilperson Partridge voting no. This item was referred to the Public Services Committee.*

Approval of Claims: June, 2012

** *Councilperson Brush moved to approve the claims for June, 2012, seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 8-0. June claims were approved.*

Deputy City Clerk Linda Wildman requested Councilperson Ahner, Chairperson of the Finance Committee, to set a **Budget Committee meeting** for Lighting Districts, Maintenance Districts, and the Permissive Medical Levy for FY 2012-2013.

ADJOURNMENT

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

The meeting was adjourned at 8:00 p.m.

C.A. GRENZ, Mayor

**Connie L. Watts
Council Recorder**