

REGULAR COUNCIL MEETING

August 28, 2012
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, August 28, 2012, in the Council Chambers 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, Bill Melnik, Sue Galbraith, Jerry Partridge and John Uden.

Also present were City Clerk Becky Stanton, Deputy City Clerk Linda Wildman, Payroll/HR Officer Billie Burkhalter, Police Chief Doug Colombik, City Attorney Jerry Huss, City Planner Dianna Broadie, Grant Administrator Dawn Colton, RSVP Director Betty Vail 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 – 8/14/2012

** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of August 14, 2012, seconded by Councilperson Uden.*

Corrections: Councilperson Ahner - P. 5, Resolution 3364: The minutes should read that the resolution passed 4-2, with Councilpersons Andrews and Galbraith voting no.

The motion then passed unanimously, 8-0.

Finance Committee Meeting – 8/9/2012

The **Finance Committee** met August 9, 2012, at 12:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members Bill Melnik, Roxanna Brush and Jerry Partridge. Also present were Council Member Sue Galbraith, Mayor Chris Grenz and Recorder City Clerk Becky Stanton.

Resolution No. 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 2012 B Bond

Chairperson Ahner explained that the City would receive a \$300,000 forgivable loan, if the City met certain requirements: a \$1,510,000 loan, and the City would use \$1,500,000 of the money set aside for capital improvements in the Water Fund. These loans and money will be used to update the Haynes Avenue Lift Station and the effluent building at the Waste Water Plant. He included in the packet the changes made to the bond (see packet for list of changes). He asked Utilities Director Al Kelm if he had seen anything different than in previous bonds and he said no.

** *Committee Member Brush moved to recommend to the Council to approve the Resolution, read by title only, and seconded by Committee Member Melnik. On roll call vote, motion carried unanimously, 4-0.*

Resolution No. 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).

Chairperson Ahner explained the agreement to the Committee. He stated that a contract was not included in the packet and motion should be contingent on the City Attorney reviewing and approving the agreement.

** Chairperson Ahner moved to recommend to the Council to approve the Resolution, read by title only, with the contingency that the agreement is reviewed and approved by City Attorney Huss. The motion was seconded by Committee Member Melnik, and on roll call vote, the motion carried unanimously, 4-0.

Resolution No. 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).

Chairperson Ahner explained the agreement to the Committee. He stated that a contract was not included in the packet and motion should be contingent on the City Attorney reviewing and approving the agreement.

** Committee Member Brush moved to recommend to the Council to approve the Resolution, read by title only, with the contingency that the agreement is reviewed and approved by City Attorney Huss. The motion was seconded by Committee Member Melnik, and on roll call vote, the motion carried unanimously, 4-0.

Resolution No. 3364: A Resolution to establish procedures for the sale or lease of City lands.

Chairperson Ahner explained that he had asked City Attorney Huss to make changes to the above Resolution which reflects Councilperson Uden's concerns in Sections 4 & 5, clearing up the language to show both lessee and purchaser. Section 7 is a new section, and Chairperson Ahner used the language from the Tire Rama Lease agreement and requested City Attorney Huss to insert it into the Resolution.

** Committee Member Brush moved to recommend to the City Council to approve the Resolution, read by title only, and seconded by Committee Member Melnik. On roll call vote, the motion passed unanimously, 4-0.

Request of Citizens

-None

There being no further business, the meeting was adjourned at 12:16 p.m.

Corrections: Councilperson Ahner noted that on Page 1, second paragraph, third sentence, it should read "\$1,500,000 of the money set aside for capital improvements." In the last sentence of that paragraph, the two references to "City Attorney Huss" should be changed to "Utilities Director Al Kelm"

The motion then passed unanimously, 8-0.

SCHEDULE MEETINGS

Finance Committee: Thursday, August 30, at Noon

REQUEST OF CITIZENS & PUBLIC COMMENT

Paul Oakland and Erik Doeden, M&L Enterprises: Would like to request permission from the Council to allow phasing in at approved 7 lots along Arrowhead Lane at the Southgate Subdivision. Mayor Grenz said this item would be placed on the Council agenda for September 11th.

PROCLAMATIONS

Family Day: 4TH Monday in September

Mayor Grenz read the proclamation declaring the 4th Monday in September as "Family Day – A Day to Eat Dinner with Your Children."

STAFF REPORTS

DAWN COLTON, Grant Administrator – Update on Riverside Restroom Project: Administrator Colton said approval has been received on the appropriation from the Federal Highway Administration. It has gone out to bid, the pre-bid meeting is set for September 13th and the bids will be opened on September 25, 2012.

AL KELM, Public Utilities Director – Update on Fire Door, Strevell Street Project and 1911 Riverside Park Water Tank Removal

Mayor Grenz said the Director was on vacation, but he did know that the Water Tank has been removed and the Strevell Street Project would begin next spring.

BECKY STANTON, City Clerk – Status on Finance Department Reorganization: City Clerk Stanton reported that she and the Mayor had reached a compromise on the reorganization. Councilperson Uden said he would like to thank Mayor Grenz and City Clerk Stanton for coming to a resolution.

CITY COUNCIL COMMENTS

None

MAYOR COMMENTS

None

APPOINTMENTS

-- **Connie Muggli as Historic Preservation Commission Officer**

** *Councilperson Uden moved to approve Connie Muggli as Historic Preservation Commission Officer, seconded by Councilperson Melnik and passed unanimously.*

PUBLIC HEARINGS

a. RESOLUTION NO. 3524: A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 165 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.

b. RESOLUTION NO. 3525: A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 167 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.

c. RESOLUTION NO. 3526: A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 171 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.

d. RESOLUTION NO. 3527: A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 172 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.

e. **RESOLUTION NO. 3528:** A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 195 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.

f. **RESOLUTION NO. 3529:** A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 202 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.

g. **RESOLUTION NO. 3530:** A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 173 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.

h. **RESOLUTION NO. 3531:** A Resolution Levying and Assessing a Tax Upon All of The Property Within Maintenance District No. 204 To Defray The Cost of Maintaining The Improvements In The Said Maintenance District No. 204 For The Fiscal Year 2012-2013.

i. **RESOLUTION NO. 3532:** A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 205 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 205 For Fiscal Year 2012-2013.

j. **RESOLUTION NO. 3533:** A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 207 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 207 For Fiscal Year 2012-2013.

k. **RESOLUTION NO. 3534:** A Resolution Pursuant To §2-9-212 Of The Montana Code Annotated, Authorizing A Permissive Medical Levy For Fy 2012-2013 To Fund Group Health Insurance Premium Contributions By The City And Providing For Hearing Thereon

l. **RESOLUTION NO. 3535:** A Resolution Pursuant To 15-10-203 MCA Authorizing The Budgeting Of An Increased Amount Of Ad Valorem Tax Revenues In FY 2012-2013 In Excess Of Property Tax Revenues For The Prior Fiscal Year And Providing For Public Hearing Thereon

m. **RESOLUTION NO. 3539:** A Resolution Approving And Adopting A Final Budget For The City Of Miles City For FY 2012-2013; Authorizing Procedure For Adjustments To Appropriations For Certain Fee Based Budgets; Authorizing Procedure For Transferring Appropriations Between Items Within The Same Fund

n. **RESOLUTION NO. 3540:** A Resolution Electing To Operate Under The All-Purpose Mill Levy And Fixing The Tax Levy For The General Fund, Ambulance Fund And Airport Fund To Be Levied And Assessed On All The Taxable Property In The City Of Miles City For Fiscal Year 2012-2013

Mayor Grenz called for public comment from opponents and then from proponents three times on each resolution. After hearing no comments either for or against on any of the Resolutions No. 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3539, or 3540, he then declared each Public Hearing closed.

OLD BUSINESS

a. **RESOLUTION NO. 3478:** A Resolution Authorizing The City Of Miles City To Enter Into An Agreement With Laurence R. Martin For Labor Relations Services

b. **RESOLUTION NO. 3524: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Property In

Special Improvement Lighting District No. 165 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013

c. RESOLUTION NO. 3525: (Second Reading & Final Adoption) A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 167 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013

d. RESOLUTION NO. 3526: (Second Reading & Final Adoption) A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 171 To Defray The Cost Of Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013

e. RESOLUTION NO. 3527: (Second Reading & Final Adoption) A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 172 To Defray The Cost Of Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013

f. RESOLUTION NO. 3528: (Second Reading & Final Adoption) A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 195 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013

g. RESOLUTION NO. 3529: (Second Reading & Final Adoption) A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 202 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013

h. RESOLUTION NO. 3530: (Second Reading & Final Adoption) A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 173 To Defray The Cost Of Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013

i. RESOLUTION NO. 3531: (Second Reading & Final Adoption) A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 204 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 204 For The Fiscal Year 2012-2013

j. RESOLUTION NO. 3532: (Second Reading & Final Adoption) A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 205 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 205 For Fiscal Year 2012-2013

k. RESOLUTION NO. 3533: (Second Reading & Final Adoption) A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 207 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 207 For Fiscal Year 2012-2013

l. RESOLUTION NO. 3534: (Second Reading & Final Adoption) A Resolution Pursuant To §2-9-212 Of The Montana Code Annotated, Authorizing A Permissive Medical Levy For FY 2012-2013 To

Fund Group Health Insurance Premium Contributions By The City And Providing For Hearing Thereon

** Councilperson Uden moved to suspend the rules to allow the grouping together of the many resolutions under Old Business. Councilperson Partridge seconded the motion which, on roll call vote, passed unanimously, 8-0.

** Councilperson Uden then moved to group Items a through l together so as to vote on them all at once. Councilperson Partridge seconded the motion which, on roll call vote, passed unanimously, 8-0.

** Councilperson Uden moved to approve Items a through l (Resolutions 3478 and Resolutions 3524 through 3534).

During discussion, Mayor Grenz called for comment from the public on Resolution 3478, as no public hearing had been required and, therefore, public comment had not yet been called for. After discussion, and after Councilperson Uden called for the question and upon roll call vote, the motion passed unanimously, 8-0.

m. RESOLUTION NO. 3535: (Second Reading & Final Adoption) A Resolution Pursuant To 15-10-203 MCA Authorizing The Budgeting Of An Increased Amount Of Ad Valorem Tax Revenues In FY 2012-2013 In Excess Of Property Tax Revenues For The Prior Fiscal Year And Providing For Public Hearing Thereon

** Councilperson Ahner moved to approve the resolution, read by title only. After discussion and on roll call vote, the motion passed unanimously, 8-0.

BID AWARDS

None

NEW BUSINESS

a. RESOLUTION NO. 3539: A Resolution Approving And Adopting A Final Budget For The City Of Miles City For FY 2012-2013; Authorizing Procedure For Adjustments To Appropriations For Certain Fee Based Budgets; Authorizing Procedure For Transferring Appropriations Between Items Within The Same Fund

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

Extensive discussion followed. Councilperson Ahner explained, for the public's benefit, the differences between last year's budget and this year's. Some of those differences are: about ½ FTE increase in the City's Dispatch Center; an additional ½ FTE in the water & sewer dept. to train an individual who will replace someone who is retiring in April; a full-time Deputy City Clerk; the Contracting of Ambulance Billing Services, Capital Improvement projects in the Parks and Swimming Pool areas, City Hall, water & sewer projects, street maintenance projects and in the Library. It also funds employees salaries, as a minimum, at the state-wide average for a comparable sized community.

Other comments were voiced by Bill Puskas, 1014 N. 2nd, Mary Elizabeth Irion, 141 Balsam Dr, as well as several councilpersons and department heads.

*** After discussion, and on roll call vote, the motion passed by unanimous consent, 8-0.*

b. RESOLUTION NO. 3540: A Resolution Electing To Operate Under The All-Purpose Mill Levy And Fixing The Tax Levy For The General Fund, Ambulance Fund And Airport Fund To Be Levied And Assessed On All The Taxable Property In The City Of Miles City For Fiscal Year 2012-2013

*** Councilperson Uden moved to adopt the resolution by title only, seconded by Councilperson Melnik. On roll call vote, the motion passed unanimously, 8-0.*

c. RESOLUTION NO. 3541: To Provide for Truck Parking next to Best Western Motel

City Attorney Huss explained that the only prohibition on truck parking is under Sec. 22-189 of the City Code. In order to change that section of code, it would need to enact an ordinance to make that change; it cannot be done by a resolution.

d. RESOLUTION NO. 3542: A Resolution Authorizing The City Of Miles City To Dispose Of Walk-In Cooler At The Former Fish & Game Quonset By Transferring It To Range Riders, Inc., A Montana Nonprofit Public Benefit Corporation.

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

e. RESOLUTION NO. 3543: A Resolution Authorizing The City Of Miles City To Dispose Of A Surplus Used Snow Plow By Transferring It To The Town Of Terry, Montana

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

f. Easement request from Oftedal Construction: 300feet of city property along currently existing access road west of Miles City Airport

*** Councilperson Galbraith moved to refer the easement request to the Airport Commission, seconded by Councilperson Brush. After brief discussion and on roll call vote, the motion passed unanimously, 8-0. The easement request was referred to the Airport Commission.*

g. Animal Rescue Shelter Permit Application: Diane Grutkowski, 818 N. Lake

*** Councilperson Brush moved to approve the application, seconded by Councilperson Uden.*

DISCUSSION:

Councilperson Andrews noted that four letters had been received in opposition to the application; City Planner Dianna Broadie said she had also received one call in opposition. Twenty-seven letters of notification of this application had been sent to landowners within 250 feet of the proposed shelter.

Some of the citizens at the meeting who spoke in opposition to the rescue shelter were: Alyce Jerrell, Donna Corkins and Bill Puskas.

After extensive discussion and on roll call vote, the motion passed 6-2, with Councilpersons Andrews and Galbraith voting no. The Animal Rescue Shelter Permit Application at 818 N. Lake was approved.

ADJOURNMENT

*** Councilperson Brush moved to adjourn the meeting, seconded by Councilperson Ahner and passed unanimously, 8-0. The meeting was adjourned at 8:45 p.m.*

C.A. GRENZ, Mayor

Connie L. Watts, Council Recorder