

REGULAR COUNCIL MEETING

March 26, 2013
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, March 26, 2013, in the 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, Mark Ahner, Jerry Partridge, John Uden, Bill Melnik and Sue Galbraith. Councilperson Hollowell arrived shortly after the start of the meeting.

Also present were City Attorney Dan Rice, City Planner Dianna Broadie, Police Chief Doug Colombik and Council Recorder Deputy City Clerk Connie Watts.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes – 3/12/2013

** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of March 12, 2013, with a correction, seconded by Councilperson Galbraith. The motion passed unanimously, 7-0.*

Finance Committee Minutes – 3/7/2013

The **Finance Committee** met March 7, 2013, at 12:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner, Committee Members John Uden, Bill Melnik and Roxanna Brush. Also present were Councilpersons Jerry Partridge and Councilperson Sue Galbraith.

Also present were Mayor C. A. Grenz, Public Utilities Director Al Kelm, Grant Administrator Dawn Colton and Recorder City Clerk Becky Stanton.

Funding of Tatro Street Project

Steve Heidner, Project Manager for the Montana Department of Transportation (MDOT), explained that the department had questions for the City of Miles City on the Tatro Street Project. The project is scheduled to be let out for bid in August or September of 2013 with construction to start in 2014. The MDOT needs to have answers right away so this project does not get bumped from the current schedule.

Chairperson Ahner asked what amount the City has in the Urban Transportation Fund at the present time. These funds are used for roads. In the Urban Transportation Fund currently, there is approximately \$1.0 million available and the City/County will receive \$250,000 a year for a 5 year period. The total will be about \$2.5 million. The Tatro project costs are estimated to be \$2.0 million for construction and \$400,000 for engineering. Public Utilities Director Kelm mentioned that utility relocation is going to be more than first predicted.

Project Manager Heidner started asking the questions that MDOT needed answered. The first was what direction the City/County wants to go on sidewalk replacement along Milwaukee Street, and whether they want to only do what is necessary for ADA. It goes along with the second question, which was whether the City wants to use CTEP funds for sidewalk replacement/installation.

The total eligible expenses for CTEP are \$335,000. Custer County has approximately \$230,000 and the City of Miles City has approximately \$364,000 in

CTEP funds. These funds are used for curb, gutter and sidewalks. The match is 13.42%. It can be a community match but it needs to be non-federal funds. It does not need to be specifically City or County funds. The County can donate its funds to the City. After this year, unpledged CTEP funds will start to revert back to the State's General Fund and these funds will not be available to be dedicated to our community. As long as the City or County has plans to use the money, it will not revert back.

Director Kelm has visited with County Commissioners Kevin Krausz and Keith Holmlund, who mentioned that the County would give its portion of the CTEP funds to the City because the County currently does not have the funds for its share of the required match.

Chairperson Ahner noted that the Council wants sidewalks from Highway 59 North to Woodbury Street. Custer County has sufficient right of way for sidewalks on the north side of the road. The project can move forward with the current right of way. The sidewalks and lighting from Highway 59 North to Woodbury Street are in the current cost estimate.

Project Manager Heidner stated that MDOT needed to talk to the land owners about right-of-way for sidewalks on both sides of Tatro Street. The community desired sidewalks on both sides of the street.

Director Kelm suggested replacing all sidewalks along Milwaukee Street. The cost to replace the sidewalks along Milwaukee Street will cost \$70,000. A poll was taken of the Councilpersons in attendance and they all agreed to replace the sidewalks on Milwaukee.

Director Kelm also explained that trees in the boulevard are heaving many of the sidewalks and will need to be removed.

MDOT District Administrator Shane Mintz stated that MDOT needed a letter from both the City and the County explaining their desire to utilize CTEP funds. Director Kelm will draft the letter.

The third question was what does the City desire for pavement markings on this street. The City will epoxy paint the crosswalks and school handicap parking spots. There will not be centerlines painted on these streets as there are not any other streets with centerlines.

The fourth question was concerned with the possibility of vertically adjusting fire hydrants. If there are any fire hydrants that need to be adjusted, the City crews will operate the valves.

The fifth issue addressed Project Manager Heidner's understanding that there will not be any new water or sewer lines installed ahead of this project, since the City would not be able to fund it. Director Kelm verified that.

The sixth question addressed some large trees in the boulevard along Milwaukee Street that may be impacted by the project, which would move the curb out 2 feet on each side of the street. There was discussion on removing and planting trees along Milwaukee Street. Grant Administrator Colton noted that if the City has to remove the trees, Keep Miles City Beautiful would be willing to replant them. It was agreed that trees would be removed by the MDOT contractor and that landscaping would not be included in the project proposal.

Custer County is willing to give its CTEP funds to the City of Miles City, as long as the City pays for the match.

Request of Citizens

-None

* * *Committee Member Uden moved to adjourn the meeting, seconded by Committee Member Melnik. The motion passed unanimously.*

The meeting was adjourned at 12:53 p.m.

** *Councilperson Ahner moved to approve the minutes of the Finance Committee Meeting of March 7, 2013, with a correction. The motion was seconded by Councilperson Melnik and passed unanimously, 7-0.*

Finance Committee Minutes – 3/20/2013

The **Finance Committee** met March 20, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner, Committee Members John Uden, Bill Melnik and Roxanna Brush and Councilperson Sue Galbraith.

Also present were Mayor C. A. Grenz, City Planner Dianna Broadie, Historic Preservation Officer Connie Muggli and Recorder Deputy City Clerk Connie Watts.

Review Bids for Lease of City Property at Industrial Site

Five proposals were received for the leasing of Lots 28-32, Tract E, of the Industrial Site, as set out on the attached spreadsheet. Nolley's Welding was the high bidder at \$1,850 per year for each lot.

** *After brief discussion, Committee Member Brush moved to recommend acceptance of the proposal from Nolley's Welding, seconded by Committee Member Uden and passed unanimously, 4-0.*

Review Draft of FY 2012-2013 Interlocal Agreement with Custer County

Chairperson Ahner said he had visited with the County Commissioners, and they have asked for a couple of small revisions in the draft Agreement, as follows:

P.2, Section 4: COMPENSATION FOR SERVICES: Paragraph A: 2nd Sentence: "This contract is for inspection services only and does not include repairs or maintenance, except as noted below."

4th Sentence: "County shall ~~have the responsibility of conducting~~ reimburse the City for any necessary repairs or maintenance."

P. 4, Section 8: TERMINATION: "This Agreement.....June 30, 2013; however, by mutual written consent of the City and County, this Agreement may be extended by an additional sixty (60) days.

Chairperson Ahner said the Commissioners have indicated that they are prepared to accept this Agreement, and could adopt it at their meeting on March 28th, if the City Council approves it on March 26th.

** *After brief discussion, Chairperson Ahner moved to recommend adoption of the draft Interlocal Agreement for FY 2012-2013, with the changes previously discussed, and that a resolution to that effect be presented at the next Council meeting. The motion was seconded by Committee Member Melnik and passed unanimously, 4-0.*

Discussion of Preliminary Fee Schedule for Historic Preservation Services

Preservation Officer Muggli's intent is to try to establish funding that would increase the visibility of the efforts and actions of the Historic Preservation Office. Other than grants, she is proposing to bring in additional revenue by charging for services of the Historic Preservation Office. She also talked about tax credits for businesses, as well as environmental assessment and clean-up funds that may be available for historic properties. She is also going to explore the possibility of finding a grant for funding operating expenses for the Historic Preservation Office.

Preservation Officer Muggli guided the Committee through two spreadsheets that she distributed – the Budget Analysis Projections for 2013 and the Proposed Budget for 2013-2014. Current funding consists of a grant from the State Historic Preservation Office and a match from the City, and is sufficient to cover salary only. By charging fees for services provided to the public and as part of the city permitting process, revenues may be increased in order to cover operating expense as well. Examples of current services that other Historic Preservation Offices in the state charge for include: Preparing National Register Nominations, historical research, design reviews, and administrative costs like photocopies and printing.

Historic Preservation and Brownfields Tax Credits are available for qualifying local businesses. Historic Preservation Tax credits are 25% of construction costs, and are available as soon as construction is completed. Brownfields Tax Credits are dollar for dollar of the cost of remediation for qualifying sites. Many of the historic buildings in the Historic District in Miles City are eligible for the tax credits, which would help make it financially feasible to preserve or renovate historic buildings for new businesses in the downtown area.

All of Riverside Park is considered a significant property with respect to the Main Street Historic District, as it was Fort Keogh's ferryboat landing.

These facts are unknown to most people. Preservation Officer Muggli reiterated that these are the types of things the Historic Preservation Commission wants to let people know about. There is no funding, however, for any type of

publicity, which is why she is looking at different revenue options. She will meet with the Commission to work on adopting a fee schedule.

Discussion of Swimming Pool Facility

Chairperson Ahner noted that the City has set aside \$15,000 in the Capital Improvement Program for roofing for the bath house, and Sigrid Laird has collected almost \$10,000 for improvements. Mrs. Laird is concerned that, if no progress is made on the swimming pool improvements, she will have to return the donations.

Chairperson Ahner directed the committee's attention to the handout, Page 1 of which is a "contractor's letter" and which sets out the specifications for the roof. The second page is a listing of the local building and roofing contractors. Director Allen Kelm has sent this letter out to the contractors on the list. If anyone has any other contractors he or she feels should be notified, Chairperson Ahner asked that Director Kelm be contacted.

Committee Member Uden asked Director Muggli if there might be anything available to help with the renovation of the swimming pool. Ms. Muggli will do some exploration in this regard. Mr. Uden also wondered if City Hall might qualify for some historic funding. Ms. Muggli noted that CTEP has a historic preservation category and some City properties might be eligible for funding through that category.

Request of Citizens

-None

Adjournment

Having no more business to come before the Committee,

*** Committee Member Uden moved to adjourn the meeting, seconded by Committee Member Melnik. The motion passed unanimously.*

The meeting was adjourned at 7:00 p.m.

*** Councilperson Ahner moved to approve the minutes of the Finance Committee Meeting of March 20, 2013, seconded by Councilperson Uden. The motion passed unanimously, 7-0.*

SCHEDULE MEETINGS

Human Resources Committee: Thursday, April 4, 2013, at 6:00 p.m.

Public Services Committee: Wednesday, April 3, at 6:00 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

-None

APPOINTMENTS

-None

PROCLAMATIONS

Troops Arriving Home

Mayor Grenz read the proclamation to the Council.

STAFF REPORTS

-None

CITY COUNCIL COMMENTS

Mark Ahner – Distributed to the Council Members a copy of the National Association of Realtors Summary Sheet, called the Big Waters Flood Insurance Reform Act of 2012. It has to do with the five-year reauthorization of the National Flood Insurance Program. He encouraged all Council Members to

read it, especially those who sit on the Flood Control Committee, as there may be some benefits to the City through this new law. He did visit with Flood Plain Administrator Samantha Malenovsky about this, and she is going to discuss this at a meeting she is attending in Bozeman this week.

Sue Galbraith – was contacted by someone regarding the Airport Commission. The Commission had submitted two names to fill its board, Paul Grutkowski and Patrick Lifo. Councilperson Galbraith requested this item be placed on the next Council agenda. Mayor Grenz said he was not opposed to that, but he would like Mr. Lifo to come to the next Commission meeting to introduce himself. He does not know the man and said he is concerned about who would be placed in the position. Councilperson Galbraith noted that the Commission had already approved the candidate, but Mayor Grenz said he would rather do his own checking. He will see if he can get the appointments on the next Council agenda

Dwayne Andrews – Mentioned that, through research, the Council had determined that a City employee would be needed to handle pigeon control, probably the Animal Control Officer. He would like to see the City begin to move forward on this issue.

Roxanna Brush – Wanted to recognize Washington Middle School's Builders' Club. They recently donated \$300 to the Food Bank, \$400 to CNADA, and \$300 to Big Sky Honor Flight. She commended the instructors, Mrs. Peale and Mrs. Chapweske, for doing a good job.

John Uden – Would like to recognize the work that is being done on the restrooms in Riverside Park, which has been started early. He also mentioned the work being done on East Main Street, as well as the sidewalk replacement in front of the Montana Bar. He said he hoped others in Miles City would follow the example for sidewalk replacement.

Mark Ahner – Councilperson Ahner referenced Councilperson Andrews' comments on the pigeons. He feels that if there is a health hazard and we need to have somebody take the certification test so that we can begin to take care of the pigeons, then we need to do that. He feels the Animal Control Officer is the ideal person to do that. Animal Control Officer Brian Certain has studied the pigeon problems for years, and he should get certified so that he will be able to deal with the problem. The Council has already approved purchasing the equipment and supplies needed to get moving on the program. Mayor Grenz said he will talk to the Police Chief about this. In response to Councilperson Andrews' request, he said this issue will be placed on the next Council agenda.

Police Chief Colombik soon after joined the meeting, having been at a different meeting earlier in the evening. He was asked by the Mayor to speak on the pigeon problem. Chief Colombik thought that had been put on hold, but the Mayor said the Council wants to get moving on the program. Chief Colombik felt it would be a good program, but he simply does not have the manpower to do it. The feeders have to be filled every day, 365 days a year.

The first step would be to get Animal Control Officer Brian Certain certified, and then proceed to the next step. Attorney Rice has checked with the Department of Agriculture, and a City employee is able to get licensed/certified. He will check to see if the certified individual could have people under him to help with the work.

MAYOR COMMENTS

-None

PUBLIC HEARINGS

-None

OLD BUSINESS

-None

BID AWARDS

Lease of Industrial Site, Lots 28-32, Tract E, to Nolley's Welding

Councilperson Ahner said the Finance Committee had recommended awarding the bid to Nolley's Welding, the highest bidder by far, in the amount of \$9,250 per year, or .0638 cents per square foot. The minimum bid that would have been accepted is .015 cents per square foot. He also noted that Nolley's is a current lessee in good standing at the Industrial Site. The lease is for a five-year term.

*** Councilperson Uden moved to approve the Industrial Site lease of Lots 28 through 32, Tract E, to Nolley's Welding, seconded by Councilperson Melnik and passed 7-1, with Councilperson Hollowell voting no.*

BID OPENING

-None

NEW BUSINESS

RESOLUTION 3584: A Resolution Of Intent To Annex Pursuant To Title 7, Chapter 2, Part 45 MCA, Certain Lands Wholly Surrounded By The City Of Miles City, Montana, To-Wit: Lothspeich Minor Subdivision Together With Tract 1 Of Stolz Tracts In Section 34, Township 8N, Range 47E, Custer County, Montana.

*** Councilperson Brush moved to approve the resolution by title only, seconded by Councilperson Uden.*

Councilperson Hollowell asked City Planner Broadie if the property in this annexation would be on City water and sewer or, as it is currently, in the Custer County Water and Sewer District. The property would still be in the Custer County Water and Sewer District, so it would be under that district.

Mayor Grenz referenced the roadway to the property, which would be an extension of Dickinson Street to Haynes Avenue. He asked whose responsibility it is to put that in. Planner Broadie explained that it is normally the responsibility of the developer, but the County allowed the subdivision to designate it as a private roadway. The comment from the City was to ask that it be a public roadway, but the City had no jurisdiction. The County approved an easement, but not a roadway. Under State Statute, there must be physical and legal access approved by the Department of Transportation. She doesn't feel there is legal access to the subdivision, which is one reason she feels the annexation is important. If development does occur, the City would have more control to make sure things are done properly.

Councilperson Ahner asked that, if the City were to annex this property, would the City be liable for the decisions made previously by the County. City Planner Broadie explained that the City would in no way be responsible for decisions the County had made.

Councilperson Brush asked if the subdivision had been approved by the County. City Planner Broadie said it had, but there is some question as to the legality, due to the access questions. The previous access, before the farmhouse had been torn down, was an agriculture access. As it would now become a commercial access, the Department of Transportation has the right to approve that change, which has not been done.

** *Councilperson Brush's motion, on roll call vote, was then passed unanimously, 8-0.*

RESOLUTION 3585: A Resolution Approving An Interlocal Agreement With Custer County, Montana, For The Provision Of Services For FY 2012-2013

** *Councilperson Ahner moved to approve Resolution 3585, read by title only, seconded by Councilperson Uden.*

Councilperson Ahner summarized the Interlocal Agreement, which the County indicated they would sign on Tuesday of next week (April 2) if the Council approves it tonight. After some additional discussion, and on roll call vote,

** *Councilperson Ahner's motion then passed by unanimous consent, 8-0.*

ADJOURNMENT

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

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

C.A. GRENZ, Mayor

Becky Stanton, City Clerk