

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

REGULAR COUNCIL MEETING

**June 11, 2013
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 11, 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, Jerry Partridge, John Uden, Bill Melnik, John Hollowell and Sue Galbraith. Councilperson Mark Ahner was excused.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Fire Chief Dale Berg, Police Chief Doug Colombik, City Planner Dianna Broadie, Grant Administrator Dawn Colton, Historic Preservation Officer Connie Muggli, Swimming Pool Manager Tonya Chapweske, City Clerk Lorrie Pearce 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 – 5/28/2013

** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of May 28, 2013, seconded by Councilperson Galbraith and passed unanimously, 7-0.*

Special Council Meeting: 6/4/13

** *Councilperson Uden moved to approve the minutes of the Special Council Meeting of June 4, 2013. The motion was seconded by Councilperson Melnik and passed unanimously, 7-0.*

SCHEDULE MEETINGS

Planning Board: Tuesday, June 18th @ 6:00 – Upstairs in Council Chambers

REQUEST OF CITIZENS & PUBLIC COMMENT

Dorothy Armstrong, 1018 S. Stacy, spoke to the Council, urging them to fund the flood plain study. A copy of her comments, which she distributed to the Council members, is attached to these minutes.

Kevin Michael Gray, 501 Main St., addressed the Council regarding a sunken street outside the Olive Hotel. He has spoken with Al Nelson and the Mayor concerning this and the only thing the City has done so far is to erect “Caution, high curb” signs at the site. The Mayor asked Director Kelm to address this issue. Director Kelm said the plan is to try to address this issue in this next fiscal year; the monies in SD 204 have been mostly used up this year by the Strevell Street project.

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APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Grant Administrator Dawn Colton noted that there had been some confusion regarding the modifications on the AmeriCorps Pre-Site Visit Checklist. Administrator Colton explained the changes. An e-mail from AmeriCorps Unit Leader Andrew Jacobs, the Mayor's letter outlining the desired changes, and the original and modified Pre-Site Visit Checklists are attached.

CITY COUNCIL COMMENTS

Sue Galbraith

- ... Mentioned that she will be out of town June 13 through the 18th.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

None

PUBLIC HEARINGS

ORDINANCE NO. 1252: An Ordinance Amending Sections 24-4, 24-5, 24-7, 24-8, 24-16, 24-18, 24-46, 24-47, 24-50, 24-51, 24-53, 24-54, 24-58, 24-59, 24-62, 24-66, 24-67, 24-68, 24-70, And 24-71 Of The Code Of Ordinances Of The City Of Miles City, Montana To Conform To Changes In Montana Statute

Mayor Grenz called three times for comments from opponents, then three times for comments from proponents. Hearing no comments either for or against, the hearing was closed.

OLD BUSINESS

ORDINANCE NO. 1252: An Ordinance Amending Sections 24-4, 24-5, 24-7, 24-8, 24-16, 24-18, 24-46, 24-47, 24-50, 24-51, 24-53, 24-54, 24-58, 24-59, 24-62, 24-66, 24-67, 24-68, 24-70, And 24-71 Of The Code Of Ordinances Of The City Of Miles City, Montana To Conform To Changes In Montana Statute

- ** *Councilperson Uden moved to approve the Ordinance by title only, seconded by Councilperson Melnik.*

After extensive discussion,

- ** *Councilperson Brush moved to amend Councilperson Uden's motion by removing the following language from the Ordinance: P. 11, (e) "District regulations for three-plex" remove Paragraph #(5); Ps.*

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11&12, (f) "District regulations for four-plex" remove Paragraph #(5). Also change P. 13, Paragraph (5) "Site Plan Review. The site planin excess of a **four-plex...**" Councilperson Hollowell seconded the motion, and, on roll call vote, passed unanimously, 7-0.

* Councilperson Uden's original motion to adopt Ordinance 1252 then passed unanimously, as amended, on roll call vote.
Ordinance 1252 was adopted.

BID AWARDS

None

BID OPENING

None

NEW BUSINESS

- a. **RESOLUTION NO. 3598:** A Resolution Granting A Revocable License To Shanna Abbott For A Fence Encroachment Upon City Of Miles City Right Of Way For Winchester Avenue For The Benefit Of Lots 13 And 14 In Block 10 Of The East Side Addition To The City Of Miles City, Commonly Known As 115 North Winchester Avenue.

** Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Hollowell and, after brief discussion and on roll call vote, passed unanimously, 7-0. **Resolution No. 3598 was adopted.**

- b. **RESOLUTION NO. 3599:** A Resolution Authorizing The City Of Miles City To Purchase A Cat 420f Backhoe From Tractor & Equipment Co., A Montana Corporation

** Councilperson Uden moved to approve the Resolution, seconded by Councilperson Melnik and, after brief discussion and on roll call vote, passed unanimously, 7-0. **Resolution No. 3599 was adopted.**

- c. **RESOLUTION NO. 3600:** A Resolution Authorizing The City Of Miles City To Purchase A John Deere 210 GLC Hydraulic Excavator From RDO Equipment Co., A Delaware Corporation Registered To Do Business In Montana

** Councilperson Brush moved to approve the Resolution, seconded by Councilperson Melnik and, after brief discussion and on roll call vote, passed unanimously, 7-0. **Resolution No. 3600 was adopted.**

- d. **RESOLUTION NO. 3601:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For Hearing Thereon

** Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Uden and, after brief discussion and on roll call vote, passed unanimously, 7-0. **Resolution No. 3601 was adopted.**

- e. **RESOLUTION NO. 3602:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 To Appropriate Unanticipated Revenues To Building Inspector Fund No. 2394 For Contracted Professional

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Services.

- **** *Councilperson Brush moved to approve the Resolution, seconded by Councilperson Melnik and, after brief discussion and on roll call vote, passed unanimously, 7-0. Resolution No. 3602 was adopted.*
- f. **RESOLUTION NO. 3603:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 To Appropriate Unanticipated Revenues To Airport Fund 5610 For Fuel Supplies
- **** *Councilperson Uden moved to approve the Resolution, seconded by Councilperson Galbraith and, after brief discussion and on roll call vote, passed unanimously, 7-0. Resolution No. 3603 was adopted.*
- g. **RESOLUTION NO. 3604:** A Resolution Granting A Revocable License To J & T Property Management LLC, A Montana Limited Liability Company, Authorizing The Encroachment Upon City Of Miles City Right Of Way For South Lake Avenue For Purposes Of Constructing Off Street Angled Parking For The Benefit Of Lot 6 In Block 1 Of The Miles Reserve Addition To The City Of Miles City, Commonly Known As 1806 Main Street.
- **** *Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Melnik and, after brief discussion and on roll call vote, passed unanimously, 7-0. Resolution No. 3604 was adopted.*
- h. **RESOLUTION NO. 3605:** A Resolution Of Intent To Establish Fees For Historic Preservation Commission Services.
- **** *Councilperson Brush moved to approve the Resolution, seconded by Councilperson Hollowell and, after brief discussion and on roll call vote, passed unanimously, 7-0. Resolution No. 3605 was adopted.*

Review and Discussion of Wages for Lifeguards

While signing hiring sheets for lifeguards, Mayor Grenz noticed that the wages were not consistent with what was indicated by this fiscal year's salary resolution. That salary resolution sets the wage for lifeguards at \$7.65 per hour, but the hiring sheet set the wage at \$9 or \$10. He feels the higher wage is appropriate, considering the training they must have, which they pay for themselves, and the level of responsibility of the lifeguard position.

- **** *Councilperson Andrews moved to suspend the rules, seconded by Councilperson Uden and passed unanimously, 7-0.*
- **** *Councilperson Uden moved that the Mayor act outside the FY 12-13 salary resolution and pay the lifeguards at the higher rate of pay. The motion was seconded by Councilperson Brush and passed unanimously, 7-0.*

Discussion: On Whether There Is Any Interest In Purchasing The Lot That Midland Lumber Co. Had South Of Bridge Street

Mayor Grenz said he had been approached by an individual whose deceased family member owned the lot on Bridge street between MDU and the coffee shop, and asked whether the City would be interested in purchasing this lot. Councilperson Uden said he didn't think the City should commit to

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purchasing any property at this time; Councilperson Hollowell felt the issue should be run through the Directors for their opinions; Councilperson Brush thought it might be useful for parking; Councilperson Andrews said the City would have the opportunity to clean it up if we owned it. Mayor Grenz will tell the individual that the City is not interested at this time.


ADJOURNMENT

****** *Councilperson Partridge moved to adjourn the meeting, seconded by Councilperson Uden and passed unanimously, 7-0.*

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



C.A. GRENZ, Mayor



Lorrie Pearce
City Clerk



AmeriCorps National Civilian Community Corps Pre-Site Visit Check List

ORIGINAL

Project Number: 201301-400

Sponsoring Organization: City of Miles City, MT

Hand-off Call date and time: 5.20.13 9amPT/10amMT (APD meets with TL & UL 15 min prior)

Pre-Site Visit date and time: 4.30.2013

Location: Miles City, MT

Area of focus: Infrastructure Improvement

Sponsor name & contact information: Dawn Colton, Program Assistant, City of Miles City Engineering and Planning Office, 406-234-3493, dawncolton@milescity-mt.org

Team name and total members (F/M):

Blue 2, 9 members total (4F/5M)

Team Leader & contact information:

Melissa Kleppinger, 916.717.9962, Blue2Melissa@gmail.com

Unit Leader & contact information:

Blue Unit: Andrew Jacobs, (office) 916-640-0322, (cell) 202-528-3553, AJacobs@cns.gov

Project Overview

Project Abstract

The City of Miles City, with a current population of 8,410, is the largest urban center in the rural southeastern corner of Montana. Miles City has served as eastern Montana's largest city, providing hospitality, commerce, education, cultural, recreation, medical, government, and other services to a large rural region for over 125 years. The recent development of the Bakken Oil Field has given new life to Eastern Montana, and Miles City is now positioned to grow and prosper due to the influx of workers and businesses necessary to support the oil field industry. In recent years, Miles City has been experiencing a decline in population, resulting in a loss of business vitality and a falling tax base. Downtown businesses have closed or moved out to the more active Haynes Ave business district and Main Street is nearly deserted. The City's infrastructure and amenities are falling into disrepair, lacking the funds and/or personnel to keep in step with the needs. However, development of the Bakken Oil Field has opened opportunities for Miles City to see rapid economic growth. In an effort to prepare for the influx of workers and businesses, the City must find a way to make this town an attractive and affordable place to live and work.

The priority project is removal of trees, particularly the invasive species Russian Olives, in the banks and levee adjacent to the Tongue River. Approximately 3,500 inhabited structures in Miles City are within the floodplain boundary and, due to a number of factors, owners with mortgaged properties pay very high flood insurance rates. The second project is the clean-up of the 5-acre Milwaukee Park, which will contribute to efforts by City crews and numerous volunteer groups attempting to improve Miles City's image by presenting clean streets and parks. Maintenance of parks and other aesthetic features in Miles City have been difficult to maintain due to budget cutbacks and workforce reduction. The third project is located at

record

A



AmeriCorps National Civilian Community Corps Pre-Site Visit Check List

Modified

Project Number: 201301-400

Sponsoring Organization: City of Miles City, MT

Hand-off Call date and time: 5.20.13 9amPT/10amMT (APD meets with TL & UL 15 min prior)

Pre-Site Visit date and time: 4.30.2013

Location: Miles City, MT

Area of focus: Infrastructure Improvement

Sponsor name & contact information: Dawn Colton, Program Assistant, City of Miles City Engineering and Planning Office, 406-234-3493, dawncolton@milescity-mt.org; cell: 360.798.3699

Team name and total members (F/M):

Blue 2, 9 members total (4F/5M)

Team Leader & contact information:

Melissa Kleppinger, 916.717.9962, Blue2Melissa@gmail.com

Unit Leader & contact information:

Blue Unit: Andrew Jacobs, (office) 916-640-0322, (cell) 202-528-3553, AJacobs@cns.gov

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The priority project is removal of trees, particularly the invasive species Russian Olives, in the banks and levee adjacent to the Tongue River. Approximately 3,500 inhabited structures in Miles City are within the floodplain boundary and, due to a number of factors, owners with mortgaged properties pay very high flood insurance rates. The second project is located at Spotted Eagle Recreation Area, named for the Sioux chief who camped with his people nearby, which offers a perfect place for walking, boating, swimming, picnicking, fishing or a scenic drive. The site has picnic tables, grills, a trap and skeet shooting range, bow & arrow target range, horseshoe pits, and nature trails. Construction of a second walking trail,

Inclement Weather Plans	Fairgrounds – barns that need interior painting; library – supporting reading and other programs; the VA hospital and ECU have asked for support in gathering stories from veterans and in simply talking with them.
Service-Learning Explanation	<p>Service-Learning is a method for making the connection between thinking and doing.</p> <p>It helps Members understand the significance of what they do in a community while giving them an opportunity to use their skills in a practical setting.</p> <p>Service-learning also gives the Members a chance to acquire new skills that may benefit them throughout their lives (see page 14 of the Sponsor Handbook for more information).</p>
Pictures/Video of Project Site	Yes
NCCC Pacific Region Sponsor Handbook Reviewed	Yes
Project Tools/Materials Requested	<p>Team to bring:</p> <ul style="list-style-type: none"> - Hardhats - PPE - windbreakers/rain coat
Sponsor Vehicle Use	TBD
Weekly Debrief Meetings (Sponsor/Team Leader and Sponsor/Team)	<p>Team Leader should schedule weekly meetings with Sponsor and/or Site Supervisor.</p> <p>Team Leader should maintain contact with the Sponsor/Site Supervisor on a regular basis.</p> <p>Weekly debriefs will occur with the appropriate site supervisor of the week.</p>
Corps Member Supervision/Discipline	<p>This is the role of the Team Leader in conjunction with the support of the Unit Leader.</p> <p>The Unit Leader is always available to assist whenever needed.</p>
Project Safety Concerns	Ticks – identification and training will be provided on what to do.

Housing Overview

Mailing Address with Zip Code	<p>Weekly mail should be sent to:</p> <p>Attn: Dawn Colton 17 S. 8th St, Miles City, 59301</p>
Street Address (if different from above)	<p>Eastern Montana Fairgrounds 42 Garryowen Road Miles City, MT 59301</p>

store any valuables in the van.

Additional Information

Team Position Notes	POL – VA & Holy Rosary Hospital are looking for volunteers; Keep Montana Beautiful – Dawn is the President and can connect the team with additional service opportunities through EMI CAP – community college, high school in town EL – Dawn is knowledgeable about recycling PT – many areas available for PT, including trails near the fairgrounds
Budget Notes	Standard food budget; Walmart & Albertsons on Haynes Ave for shopping.
Waivers and Tort Claims Act	Members cannot sign liability waivers. NCCC members are covered 24 hours a day during their NCCC commitment and are covered under the Federal Tort Claims Act. If requested, NCCC can supply documentation explaining our coverage through our legal counsel in Washington DC.
Disaster Response Overview	All teams are trained and certified by the American Red Cross to provide disaster relief assistance. Members are on stand-by to assist the American Red Cross, FEMA, and other disaster-response and recovery: An entire team could get called from their regularly scheduled project to respond to a national disaster. The Sponsor will be notified within 24-48 hours of the decision to remove Members – or the entire team (see page 19 of the Sponsor Handbook).

Other Notes

Dawn Colton

From: Jacobs, Andrew W.
Sent: Tuesday, June 11, 2013 5:12 PM
To: dawncolton@milescity-mt.org
Subject: Pre-Site Checklist
Attachments: Project Addendum Request and Approval form.doc

Hello Dawn,

In reference to our conversation earlier, the objectives listed on the pre-site checklist are the basic areas that the team can generally work in. However, there is some flexibility involved in what the team can do as long as it is within the general scope of work listed in the Pre-Site or the application. Not everything listed *must* be done, but if it is reference it potentially could.

If anything that is outside of the scope of work comes up you can fill out the attached document to potentially add things.

Please let me know if you have any questions!

Thanks,

Andrew Jacobs
Unit Leader, Pacific Region
3427 Laurel Street
McClellan, CA 95652
202-528-3553



CITY OF MILES CITY

17 S. 8th, P.O. Box 910
Miles City, MT 59301-0910

Telephone: 406-234-3462
Fax: 406-234-2903

May 23, 2013

Jennifer Szeliga
Deputy Region Director for Programming
AmeriCorps NCCC Pacific Region
3427 Laurel Street
McClellan, CA 95652

RE: Sponsor Agreement 201301-400 for Miles City

Dear Ms. Szeliga,

Enclosed is the signed Sponsor Agreement for our AmeriCorps team. The Agreement includes the Pre-Site Visit Checklist by reference only. The City Council has requested that a few points within the Checklist be clarified prior to execution of the Agreement. Please note the changes as follows:

Project Abstract, Paragraph 2: Please delete the following sentences: "The second project is the clean-up of the 5-acre Milwaukee Park, which will contribute to efforts by City crews and numerous volunteer groups attempting to improve Miles City's image by presenting clean streets and parks. Maintenance of parks and other aesthetic features in Miles City have been difficult to maintain due to budget cutbacks and workforce reduction."

Change the next sentence: "third" to "second".

Project Objectives: Modify #1 from 'and around lake' to "of the Tongue River."
Delete objective #3.

Thank you for this opportunity and we look forward to working with you.

Sincerely,

Chris A. Grenz, Mayor

6-11-13

I wish to speak to the issue of the flood plain study that will be needed to address the situation in Miles City. Right now many homeowners are paying flood insurance premiums. Those with secondary homes or rentals have already started to see increases in their premiums. Homeowners have not yet started to see increases, but the Biggert-Waters bill has provisions for increases.

Earlier in the spring this issue was brought before the City Council and several at that meeting spoke about the possibility of obtaining a grant (approximately \$60,000.00 I believe) that would help fund the study whose cost at that time was \$180,000.00. It was anticipated the grant application would be available in June and the grant would be considered shortly thereafter. It is my understanding that that grant did not materialize and there may be other opportunities for grants, but it will be fall before we know about those.

Since this is the budget planning season, I urge the Finance Committee and the City Council to include the \$180,000.00 for the flood study in the budget for the fiscal year 2013-2014. It seems prudent to move forward with the study so that the community knows we are trying to solve the problem in some manner. Just saying we are pursuing a grant to help with the cost is not acceptable to those folks who are paying the premiums and who wish to solve the problem in some way.

I am aware that Sam has made arrangements for an informational meeting to discuss alternatives and how to approach the situation and that has the potential to help us receive additional funds. That, too, is a step in the right direction, but we need to allocate the funds so the study can be done. With that in mind, what has been done to divide the study into "parts" that could be addressed in stages?

It is my opinion and that of many others that we are already seeing people who do not want to look at or purchase properties affected by flood insurance. That has the potential to reduce property values at a time when values are increasing. If property values decrease, tax revenues will decrease. Increased annual flood insurance premiums for property owners are already limiting the amount purchasers can borrow, again having the effect of reducing property values.

Right now the area in the flood way cannot be further developed, and much of the property in the flood fringe will be cost-prohibitive to develop or remodel.

I know all of you are charged with being fiscally responsible with tax payer money, but those same tax payers are the ones who are paying the flood insurance premiums. They deserve your serious consideration of budgeting for the needed flood study in the fiscal year 2013-2014 year.

I personally have lived in the flood way and have paid the flood insurance premiums. This was not the most effective way to spend otherwise discretionary money. The issue has been discussed and discussed and pushed ahead. NOW is the time to help our community by funding the flood study.

Dorothy Armstrong, long time citizen and Realtor