

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

REGULAR COUNCIL MEETING

July 23, 2013  
7:00 p.m.

## CALL TO ORDER

The Regular Council meeting was held Tuesday, July 23, 2013, in the Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council Members present were Mark Ahner, Dwayne Andrews, Roxanna Brush, Sue Galbraith, John Hollowell, Jerry Partridge and John Uden. Councilperson Bill Melnik was excused.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Fire Chief Dale Berg, Police Chief Doug Colombik, Public Works Director Scott Gray, Flood Plain Administrator Samantha Malenovsky, City Clerk Lorrie Pearce, City Planner Dianna Broadie, Historical Preservation Officer Connie Muggli and Council Recorder/Deputy City Clerk Connie Watts.

## PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

The Mayor said he did not want to discuss the budget at this council meeting, but would like to wait until the next meeting for that discussion.

## APPROVAL OF COUNCIL & COMMITTEE MINUTES

### **Regular Council Minutes – 7/09/2013**

\*\* *Councilperson Ahner moved to approve the minutes of the Regular Council Meeting of July 9, 2013, seconded by Councilperson Uden and passed unanimously, 7-0.*

### **Flood Control Committee Meeting: 7/17/2013**

#### **Flood Control Committee July 17, 2013**

The Flood Control Committee met Wednesday, July 17, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members John Hollowell, Jerry Partridge, Susanne Galbraith, and Dwayne Andrews. Also present were Floodplain Administrator Sam Malenovsky, Director of Public Works Scott Gray and Recorder HR/Payroll Officer Billie Burkhalter.

#### **1. Recommend a Resolution of Intent to Establish a PPI and a PPI Committee (Program for Public Information)**

\*\* *Committee Member Galbraith moved to recommend a Resolution of Intent to Establish a Program for Public Information and a Program for Public Information Committee, seconded by Committee Member Andrews.*

Administrator Malenovsky informed the Committee that establishing a PPI (Program for Public Information) will increase Miles City's CRS (Community Rating System) points to help lower flood insurance premiums. The City can also obtain extra bonus points with the PPI by doing extra activities; for example, putting a flyer together notifying people about flood plain awareness. The PPI could be comprised of the Flood Plain Manager, Public Works Director, real-estate agents, lenders, a Public Information Officer and other key people from the community. Committee Member Galbraith stated she felt that someone from the Flood Control Committee should be involved in the PPI. Committee Member Andrews was in agreement. Administrator Malenovsky explained that the documentation for developing a PPI does specify that the participants should be flood plain residents, emergency disaster responders (Red Cross or Salvation Army), utility companies, Chamber of Commerce, builders, contractors, developers, real-estate agents, lenders, major employers and other government agencies outside the community. The committee needs to be comprised of at least five people, with half of the members being from outside local government.

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

Administrator Malenovsky stated that the PPI Committee would not be making decisions and would not be giving out information on floodplain projects. This committee would be getting floodplain information out to the general public.

Committee Member Andrews stated the most critical thing that has to be dealt with is the dike assessment and how it is handled. He believes the PPI could be part of this but the outreach that goes to the community is going to be integral to the success of the study. Public information is critical to get people involved and understand what the City is doing. It would make more sense to him to have this go hand in hand with the study and be used in a broader sense.

Administrator Malenovsky stated the problem is that, until a dike/levy gets built, over 80% of residences are in the floodplain, and they are going to start paying very high insurance premiums. The dike assessment is not going to give them any relief on flood insurance right now, but the PPI will. With the activities being completed by the PPI, it could potentially save on flood insurance premiums. Administrator Malenovsky stressed that the PPI needs to be about "flood awareness" to get the CRS points.

Administrator Malenovsky questioned if the Committee would want her to request letters of interest from people for the PPI Committee. The Committee was in agreement for her to do this, but also to keep the Flood Committee involved. Committee Member Andrews volunteered to be on the Committee, as he has worked as a Public Information Officer for ten years as a professional.

*\*\* On original motion and on roll call vote motion passed unanimously, 4-0.*

## 2. Requests of Citizens

Dorothy Armstrong, 1018 S. Stacey, stated when Administrator Malenovsky spoke at a previous Council meeting, she had stated that October 1<sup>st</sup> there would be a change in premiums. Mrs. Armstrong questioned if this was information that was going to be sent out to the public, as this change in premiums could drastically affect someone financially who is purchasing a house in August. Administrator Malenovsky advised that she is currently working on a letter to be distributed to insurance agents and would recommend that anyone who is purchasing property should be instructed to speak with their insurance agent. Mrs. Armstrong requested Administrator Malenovsky distribute this letter as quickly as possible.

## 3. Adjournment

*\*\* Committee Member Partridge moved to adjourn the meeting, seconded by Committee Member Andrews and passed unanimously, 4-0.*

There being no further business, the Committee adjourned at 6:40 p.m.

*\*\* Councilperson Hollowell moved to approve the minutes of the Flood Control Committee Meeting of July 17, 2013. The motion was seconded by Councilperson Andrews and passed unanimously, 7-0.*

## SCHEDULE MEETINGS

**Flood Control Committee:** Wednesday, August 7, 2013 @ 6:00 pm  
Dwayne Andrews reminded the Council of the **Public Safety Committee** set for tomorrow, July 24<sup>th</sup>.

## REQUEST OF CITIZENS & PUBLIC COMMENT

None

## APPOINTMENTS

None

## PROCLAMATIONS

None

## STAFF REPORTS

**Public Utilities Director Al Kelm:** Reported paving has started on Strevell and he hopes to have Merriam done next week. Mayor Grenz commended Director Kelm and his staff for the great job they have done on this project.

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## CITY COUNCIL COMMENTS

### **Roxanna Brush**

- Mentioned that construction on the new armory on North Haynes has begun. She cautioned the public to be watchful of increased truck traffic and reminded everyone that the speed limit is 25 mph, not 35 mph.

### **Dwayne Andrews**

- Referred to the last council meeting when it was agreed to change the speed limit on Wells Street to 15 miles per hour. The City Attorney, after extensive research, has discovered that the City is not legally able to do that. Councilperson Andrews said we need to come up with some other way to address this situation.

City Attorney Rice explained that, by state statute, the speed limit in city limits is 25 mph. The speed limits in some school zones may be lowered, but other areas must be designated "special speed zones, which must be approved by the state after a traffic and engineering investigation. Those investigations, except for school routes, must be paid for by the City.

Attorney Rice also explained that the City is authorized to lower speed zones on designated arterial streets, but only in school zones.

- Asked if anything has been done to rectify the hazardous buildings at the old cement plant. Director Kelm said that had been referred to the Police Chief, as he is now in charge of public nuisances. Mayor Grenz said the building inspector has condemned some buildings in the City, he is not sure if those had been condemned yet.

### **John Uden**

- Requested to be absent for more than 10 days, as he has a family issue out of town. He will be gone from August 9 to August 26.

\*\* *Councilperson Ahner moved to approve the absence of Councilperson Uden for a period of greater than 10 days, beginning on August 9. The motion was seconded by Councilperson Brush and passed unanimously, 7-0.*

- Reminded the Council that the old Cenex building is also hazardous.

## MAYOR COMMENTS

Mayor Grenz referenced City Planner Dianna Broadie's resignation letter, which was quoted in an article in the *Miles City Star's* Monday, July 15<sup>th</sup> edition. He expressed disappointment with *The Star* for printing the article. He also addressed each allegation of the letter, and called on Councilperson Brush, Public Utilities Director Al Kelm and Historic Preservation Officer Connie Muggli to testify as to their recollections of various events and conversations.

## COMMITTEE RECOMMENDATIONS

None

**PROCEEDINGS OF CITY COUNCIL  
MILES CITY, MONTANA**

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

None

**BID AWARDS**

None

**BID OPENING**

None

**NEW BUSINESS**

**Decision on Final Plat – Adrian Minor Subdivision**

City Planner Dianna Broadie explained that the applicant has met all standard conditions and site-specific conditions of the plat, and she recommended the Council approve the Adrian Minor Final Plat.

**\*\*** *Councilperson Ahner moved to approve the Adrian Minor Subdivision Plat, as illustrated and described by the City Planner. The motion was seconded by Councilperson Andrews and, after brief discussion and on roll call vote, passed unanimously, 7-0.*

**RESOLUTION NO. 3615:** A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With The State Of Montana For Construction And Maintenance Of Sidewalk, Curb And Gutter Along Tatro And Milwaukee Streets In Miles City, Montana.

**\*\*** *Councilperson Uden moved that Resolution 3615, read by title only, be approved by the Council. The motion was seconded by Councilperson Brush.*

Councilperson Ahner noted that the Montana Department of Transportation had informed the Council last fall that the sidewalk project from Hwy 59 to Montana would cost approximately \$255,000. Grant Administrator Dawn Colton says MDOT is now quoting \$416,000 for that project. This would result in a significant increase in the City's match responsibility, and MDOT is asking the City for a commitment on the CTEP portion. He is also concerned that the County's possible plans for creating a Rural Improvement District (RID) might push the City's project back at least two to three years. If that happens, and the City does not utilize the CTEP funds within three years of the commitment, those funds will be lost. The County is holding a meeting tomorrow night on the Tatro Street RID.

**\*** *Councilperson Brush moved to table the issue until more information on the County's plans are obtained, seconded by Councilperson Partridge and, on roll call vote, passed unanimously, 7-0.*

**RESOLUTION NO. 3618:** A Resolution Of Intent To Develop A Program For Public Information

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

**PROCEEDINGS OF CITY COUNCIL  
MILES CITY, MONTANA**

Flood Plain Administrator Malenovsky explained that this resolution would authorize the setting up of a committee of local people, such as insurance agents, real estate agents and lenders, which would help the community earn bonus points that could lower flood insurance rates. Councilperson Andrews has volunteered to sit on this committee.

- \* *On roll call vote, Councilperson Andrews' motion to adopt the resolution passed unanimously, 7-0. **Resolution No. 3618 was adopted.***

**RESOLUTION NO. 3619:** A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With The State Of Montana For Certain Future Improvements On And Along Tatro Street In Miles City, Montana.

- \*\* *Councilperson Ahner moved to defer discussion and action on this resolution until the meeting when the Council deals with Resolution 3615. The motion was seconded by Councilperson Brush and, on roll call vote, passed unanimously, 7-0.*

**Approval of June Claims**

- \*\* *Councilperson Brush moved to approve June claims, seconded by Councilperson Uden.*

\* Councilperson Galbraith asked about Claim #122598, Lines 3 and 7, which both show an overspent expenditure. *She then moved to table approval of claims to the next Council meeting to allow for an explanation on this claim to be provided.* Director Kelm said he had \$48,000 budgeted for those payments, but the total of the two payments actually amounted to \$50,000, for a deficit of \$2,000. *With that explanation, Councilperson Galbraith withdrew her motion to table.*


- \* *Councilperson Brush's motion to approve June claims then passed unanimously, 7-0.*

**ADJOURNMENT**

- \*\* *Councilperson Galbraith moved to adjourn the meeting, seconded by Councilperson Brush and passed unanimously, 7-0.*

The meeting was adjourned at 8:15 p.m.

  
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C.A. GRENZ, Mayor

  
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Lorrie Pearce  
City Clerk