

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

REGULAR COUNCIL MEETING

September 10, 2013  
7:00 p.m.

## CALL TO ORDER

The Regular Council meeting was held Tuesday, September 10, 2013, in the City Council Chambers 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, John Uden and Bill Melnik.

Also present were City Attorney Dan Rice, Fire Chief Dale Berg, Police Chief Doug Colombik, Flood Plain Administrator Samantha Malenovsky, Public Works Director Scott Gray, City Clerk Lorrie Pearce, Animal Control Officer Brian Certain, Payroll/HR Officer Billie Burkhalter, Dispatch Director Heather Roos, Children's Librarian Hannah Nash, Police Department Secretary Karen Hathaway, Historical Preservation Officer Connie Muggli, numerous police officers 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 – 8/27/2013**

\*\* *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of August 27, 2013, seconded by Councilperson Uden and passed unanimously, 8-0, with a correction.*

### **Public Service Committee Meeting: 8/14/2013**

#### **Public Services Committee Meeting August 14, 2013**

The Public Service Committee met Wednesday, August 14, 2013, at 6:00 pm in the City Hall council chambers. Present were Committee Chairperson Sue Galbraith and Committee Members Dwayne Andrews, John Hollowell, and Jerry Partridge. Also present were Mayor C. A. Grenz, Public Utilities Director Al Kelm, Public Works Director Scott Gray, Grant Administrator Dawn Colton and Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Galbraith called the meeting to order.

#### **Milestown Community Improvement Inc. – Seeking Permission for Improvements and Installation of Frisbee Golf Course at Milwaukee Park**

Brandon Janshen and John Goff of Milestown Community Improvement, Inc., presented a proposal to the Committee to establish a nine-hole Frisbee golf (folf) course in Milwaukee Park. The group's original proposal had been for a Folf course in Riverside Park. However, after meeting with this Committee in June, it was decided that Riverside Park is too busy to accommodate the course. A suggestion had been made to explore Milwaukee Park for the project.

Mr. Goff and Mr. Janshen took the alternative proposal back to their group who, after visiting Milwaukee Park, became enthusiastic with the idea. The group then organized a clean-up, and the City removed a lot of branches and tree limbs. Committee Member Andrews commented that the park looks very good. Public Utilities Director Kelm concurred, saying it has never looked this good.

A 9-hole course has been plotted, and the Committee was provided with copies of the proposed design. The group has received a lot of community support. The group would like to reclaim the "shortcut" road currently running through the Park. They would also, as a longer-term goal, like to work with a landscaper to plant grass. There is no grass now, only weeds. The water is already there, but Mr. Goff said they would like to obtain a sponsor for a sprinkling system. Committee Member Partridge suggested Transco, as that company had expressed a possible interest in the Park in the past.

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The area is also a designated "Brownfield" site, so obtaining grants may be possible.

Public Works Director Gray asked about the maintenance on the Park. The City has just acquired 11 additional acres it is responsible for maintaining (Bender Park Soccer Field), so the care of the Park would be an issue. Mr. Goff said many groups are anxious to work with the MCII group, including Pine Hills School, for the upkeep.

Committee Member Hollowell asked when the group expected to begin the project and when it might be finished. Mr. Goff said they cannot start until they receive approval from the City. After that it should be finished before the end of this year.

\*\* *Committee Member Partridge moved to recommend allowing Milestown Community Improvement, Inc. to do improvements in Milwaukee Park and install a "Folf" Course, seconded by Committee Member Andrews and, on roll call vote, passed unanimously, 4-0.*

### Discussion and Recommendations on CTEP Projects

Chairperson Galbraith placed this item on the agenda because she was not sure what the Council was going to decide on the Tatro project. At the Council meeting yesterday the Council voted to proceed with the project. She then turned the floor over to Grant Administrator Colton.

Administrator Colton then said that the Council voted to continue with the Tatro Street Project, instead of delaying it for 3-5 years while waiting for the County to put in a Rural Improvement District. The CTEP balance at this time, including Custer County's balance, is \$163,677, with a \$21,965 match. This is NOT use-it-or-lose-it money. Administrator Colton's breakdown is set out below:

According to Mike Wherley, the following is a breakdown of our CTEP funds:

Total CTEP monies (City/County):	\$470,260
Minus Indirect Costs: (approx. 10%, required by CTEP) <u>\$47,026</u>	\$423,234

Total CTEP monies available for projects: \$109,837 (Total project cost of (\$124,571 with match of \$14,740)

Breakdown of Accounts (minus Indirect Costs):

Account	Balance	Match	Comments
Custer Co CTEP Balance	\$ 53,840	\$7,225.41	This is not "use-it-or-lose-it" money as long as it stays with Custer County. The County is willing to transfer these funds to the City at any time.
Miles City CTEP Must-Spent Balance	\$0	\$0	If Tatro Street project moves forward, our fund balance is not "use-it-or-lose-it" money
Miles City CTEP "Safe" Mc	\$109,837	\$14,740	This money must be spent by Sept 2014.
	\$163,677	\$21,965	

The CTEP money is being phased out. The new MAP-21 Transportation Alternatives (TA) program is available now, applications due 9/6/13. This program is on a 2-yr cycle. The program focuses on bike or pedestrian pathways and multi-use paths. This is a competitive process. Some planning projects that determine the need for bike/pedestrian paths is also acceptable. Projects can combine CTEP & TA funds. The local entity will no longer manage projects; DOT will handle all of those tasks with local input. Any project located in the DOT Right-of-way will not require a match, other projects require a 13.42% cash match and there is no project cost limit (award ceiling). The landscaping component of the CTEP program has been eliminated in the TA program and Historic Preservation is limited to historic transportation facilities. The West End beautification project will not be eligible.

The Tatro Street project and the SRTS project are accounted for in the numbers above. Our remaining balance of \$109,837 is NOT "use-it-or-lose-it". We have until at least Sept 30, 2014, to use this money.

#### CURRENT PROJECTS:

SRTS- \$25,000: City's CTEP contribution, match is \$3,875, project cost is \$25,903

TATRO-CTEP Share is \$360,433, City share is \$55,867, project cost (sidewalk, curb & gutter) is \$416,300

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## PRIORITY PROJECTS IDENTIFIED BY THIS COMMITTEE

1	SRS-Phase II Phase II	Tara Andrews	\$13,561
2	Montana Ave Sidewalks/Milwaukee RR Crossing <i>NEED CLARIFICATION</i>	Suzanne / Dwayne	\$95,000
3	Milwaukee Street Sidewalks	Mark Ahner	\$75,000
4	Wibaux Park- ADA sidewalks to Strevell	Suzanne /Kiwanis	\$ 121,005
5	Riverside Park - Phase II	Dawn Colton	\$ 100,000
6	Historic Preservation for Main Street Beautification of West End Entrance	Kathy Doeden  Connie <i>Mugeli</i>	\$
		Running Total:	\$ 316,005

## ADDITIONAL WORTHY PROJECTS

Triangle Park-Sidewalks,Curb & Gutter

Sidewalk from Pool house to Main Street

Downtown Sidewalks-side streets from 5th to 10th, between Main and Bridge

- #1 Delete
- #2 Montana Crossing, then through to Ivy. On the question of wood vs. cement, the Committee decided on wood, as they can be easily replaced and are less expensive. It was mentioned that the manager of Transco at one time said the company would fix the crossing. Administrator Colton will contact him.
- #3 Delete – This is part of the Tatro Street Project.
- #4 Numbers are a rough estimate. Administrator Colton felt that we should at least connect Strevell to the Park for handicapped veterans.
- #5 The Committee felt this item should remain on the list.
- #6 This item would have to be deleted, as it would not qualify.

Mayor Grenz said he felt the 4<sup>th</sup> Street crossing by the Tongue River Bridge should be included, as there are no sidewalks on either side of that crossing. He said it is heavily used by kids walking and on bicycles going to baseball and football practices and games. Councilperson Partridge agreed, but noted that the Council had already agreed to do #4 with Kiwanis.

Administrator Colton noted that with MAP-21 Transportation Alternatives (TA) several small projects can be combined into one project, so the Fourth Street and the Montana Street Crossing to Ivy could be combined, or the Fourth Street Crossing with Phase II of the Riverside Park Project.

### Revise Zoning Ordinance Sec. 24-18: Maximum Height of Fences and Hedges; Projecting Tree Branches or Shrubbery

Director Gray referred to the revised ordinance draft included in the packet. He said it would be mostly cleaning up the language to make it easier to understand. He stated that there have been a number of people in the last few months asking about fence encroachments and height restrictions. Committee Member Hollowell felt all these scenarios could be handled through the appeals process, which would have to go through the variance board.

It was felt one individual should be responsible for fielding these issues. Committee Member Andrews suggested Dennis Hirsch, the building inspector. Public Utilities Director Kelm, however, said this has always been dealt with by the Public Works office.

Much discussion was had regarding the height restriction *from the street level grade*. Mayor Grenz pointed out that, because of new flood plain restrictions, many people have and will be building their houses higher using dirt fill. Then the height from street grade level will no longer be applicable, since, by following those flood regulations, the fence itself could be lower than the foundation of the house.

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- \*\* *Committee Member Hollowell moved to recommend accepting the proposed Zoning Ordinance revision for Section 24-18 as provided by the Public Works Director, seconded by Committee Member Partridge and passed unanimously, 4-0.*

## Request of Citizens

There were no requests of citizens.

## ADJOURNMENT

- \*\* *Having no further business, Committee Member Partridge moved to adjourn the meeting, seconded by Committee Member Andrews and passed unanimously, 4-0.*

The meeting was adjourned at 7:20 p.m.

- \*\* *Councilperson Galbraith moved to approve the minutes of the Public Service Committee meeting of August 14, 2013. The motion was seconded by Councilperson Melnik and passed unanimously, 8-0.*

## Finance Committee Meeting: 8/26/2013

### Finance Committee Meeting August 26, 2013

The Finance Committee met Monday, August 26, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members John Uden, Roxanna Brush and Bill Melnik.

Also present were Mayor C. A. Grenz, Public Utilities Director Al Kelm, and Public Works Director Scott Gray.

### Discussion of Lighting/Maintenance Assessment

**RESOLUTION 3621:** 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 2013-2014.

Chairperson Ahner explained that the previous budget was \$2,192,000 and now is reduced to \$ 1,456,000. Public Utilities Director Kelm explained that the reduction includes: roadway resurfacing from \$798,000 to \$686,990. The Tatro Street project match for CTEP of \$56,800 was previously in 205 and should have been posted to 204. Repaving from Moorehead to Haynes Ave was included in the \$686,990. Also included in the \$686,990 is paving at South Gate and concrete replacement on 8<sup>th</sup> and Stower for the Urban Renewal Project for an amount of \$55,000. And to bring the concrete up to grade by the Olive Motel will be \$55,000-\$56,000. After a discussion on taxpayers being hit hard, the jail bond issue, the dike issue and 6 million dollars needed for the Sewer Plant Phase II, it was decided to reduce the budget by \$ 56,000. The proposed cost for a typical lot within the District is \$1,400,826, with a sq. ft. cost of .030897, for a total amount of \$216.28. An increase of \$ 4.20.

- \*\* *Chairperson Ahner moved to recommend approval of the resolution to the Council, seconded by Committee Member Uden and passed unanimously, 4-0.*

**RESOLUTION 3622:** 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 2013-2014

Chairperson Ahner explained the reduction to the District of \$ 59,300 to \$12,400 was because of the Tatro Street Project initially being posted in District 204. The proposed cost for a typical lot within the District is now \$430,621 with a sq. ft. cost of .030776 for an amount of \$ 215.43. A reduction of \$45.49.

- \*\* *Chairperson Ahner moved to recommend approval of the resolution to the Council, seconded by Committee Member Brush and passed unanimously, 4-0.*

**RESOLUTION 3623:** 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 2013-2014

Chairperson Ahner proposed changes for a typical lot within the District of \$4,878 with a sq. ft. cost of .009660 for an amount of \$67.62. A reduction of \$ 2.57 per average lot. The approximate square footage would be changed from 10,000 to 7,000. This would make it consistent with District 204 and 205, and with the calculations used for the last couple years.

- \*\* *Chairperson Ahner moved to recommend approval of the resolution to the Council, seconded by Committee Member Brush and passed unanimously, 4-0.*

**RESOLUTION 3624:** 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 2013-2014

The proposed cost for a typical lot within the District is \$158,000, with a sq. ft. cost of .004976. A reduction of \$ 1.77 per average lot.

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**\*\*** *Chairperson Ahner moved to recommend approval of the resolution to the Council, seconded by Committee Member Brush and passed unanimously, 4-0.*

**RESOLUTION 3625:** 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 2013-2014

The proposed cost for a typical lot in the District is \$29,900 with a sq. ft. cost of .010957. An increase of \$ .24 per average lot.

**\*\*** *Chairperson Ahner moved to recommend approval of the resolution to the Council, seconded by Committee Member Uden and passed unanimously, 4-0.*

**RESOLUTION 3626:** 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 2013-2012

Chairperson Ahner mentioned that the FY year should be changed from 2013-2012 to 2013-2014. And the proposed cost of a typical lot in the District is \$3,200 with a sq. ft. cost of .003285. An increase of .41 per average lot.

**\*\*** *Chairperson Ahner moved to recommend approval of the resolution to the Council, seconded by Committee Member Melnik and passed unanimously, 4-0.*

**RESOLUTION 3627:** 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 2013-2014

Chairperson Ahner explained that the reason the calculated percent amount was changed, is that we have a \$ 15,000 carryover from last year, because anticipated improvements were not completed. The proposed cost of a typical lot in the District is \$21,400 with a sq. ft. cost of .011009. A decrease of \$ 4.57 per average lot.

**\*\*** *Chairperson Ahner moved to recommend approval of the resolution to the Council, seconded by Committee Member Melnik and passed unanimously, 4-0.*

**RESOLUTION 3628:** 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 2013-2014

The proposed cost of a typical lot in the District is \$1,410 with a sq. ft. cost of .001819. No change to this District.

**\*\*** *Chairperson Ahner moved to recommend approval of the resolution to the Council, seconded by Committee Member Uden and passed unanimously, 4-0.*

**RESOLUTION 3629:** 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 2013-2014

The proposed cost to a typical lot in the District is \$6,000 with a sq. ft. cost of .008321. An increase of \$ 2.43 per average lot.

**\*\*** *Chairperson Ahner moved to recommend approval of the resolution to the Council, seconded by Committee Member Melnik and passed unanimously, 4-0.*

**RESOLUTION 3630:** 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 2013-2014

The proposed cost to a typical lot in the District is \$7,850 with a sq. ft. cost of .008903. An increase of \$.59 per average lot.

**\*\*** *Chairperson Ahner moved to recommend approval of the resolution to the Council, seconded by Committee Member Brush and passed unanimously, 4-0.*

**RESOLUTION 3631:** A Resolution Pursuant To §2-9-212 Of The Montana Code Annotated, Authorizing A Permissive Medical Levy For FY 2013-2014 To Fund Group Health Insurance Premium Contributions By The City And Providing For Hearing Thereon

Chairperson Ahner explained the DOA spreadsheet and that the money would go to the General Fund to offset the Medical expenses for insurance. There was a brief discussion between taking Choice # 1 (the proposed levy) or Choice # 2 ( a levy of 6.72 for an amount of \$ 47,796.00). The proposed property tax levy will be 20.41 which amounts to \$ 145,053.

**\*\*** *Councilperson Bush moved to recommend approval of the resolution to the Council, seconded by Committee Member Uden and passed unanimously, 4-0.*

**RESOLUTION 3632:** A Resolution Pursuant To §15-10-203 Of The Montana Code Annotated, Authorizing The Budgeting Of An Increased Amount Of Ad Valorem Tax Revenues In FY 2013-2014 In Excess Of The Property Tax Revenues For The Prior Fiscal Year And Providing For Hearing Thereon

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Chairperson Ahner explained that the estimate for Real Property tax is 1,450,000, and Personal Property tax is \$ 80,000. The proposed mill levy will be 208.70. This will be distributed, with 206.2 going to General Fund, 1.0 going to Ambulance fund, and 1.5 going to Airport fund.

**\*\*** *Councilperson Bush moved to recommend approval of the resolution to the Council, seconded by Committee Member Melnik and passed unanimously, 4-0.*

## Request of Citizens

Dorothy Armstrong asked if there will be a public hearing on all resolutions that were gone through tonight. Ahner replied that there will be a public hearing tomorrow night at the Council meeting, before voting on them.

## Adjournment

Having no more business to come before the Committee,

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

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

**\*\*** *Councilperson Uden moved to approve the minutes of the Finance Committee meeting of August 26, 2013, seconded by Councilperson Ahner and passed unanimously, 8-0.*

## **Public Safety Committee Meeting: 8/29/2013**

### **Public Safety Committee Meeting August 29, 2013**

The Public Safety Committee met Thursday, August 29, 2013, at 6:00 pm in the City Hall Conference Room. Present were Chairperson Dwayne Andrews and Committee Members Sue Galbraith, John Hollowell and Jerry Partridge. Also present were Police Chief Doug Colombik and Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Andrews brought the meeting to order.

### **Restrict the Open Carry of Firearms in Public by Children (ages 14-17) who are not Accompanied by a Parent or Guardian. See City Code Section 16-46.**

Chairperson Andrews said that City Attorney Rice asked him to place this on the agenda, as he is concerned that the City does not have anything concerning this issue right now. After discussion,

**\*\*** *Committee Member Galbraith recommended that City Code Section 16-46 be amended to restrict the open carry of firearms in public by children ages 14-17 who are not accompanied by a parent or guardian. The motion was seconded by Committee Member Hollowell and, on roll call vote, passed unanimously, 4-0.*

### **Add "rifles" and "shotguns" to the list of weapons which may not be carried in the parks, etc., found in City Code Section 16-45.**

This was also an item suggested by the City Attorney. Although in favor of this suggestion, it was brought up that Spotted Eagle is a City park, and the Custer County Rod and Gun Club members regularly use shotguns in the Club's designated area. A variance for the Club was suggested, or an exception for "designated areas," which would be defined in the ordinance.

**\*\*** *Committee Member Galbraith moved to recommend adding "rifles and shotguns" to the list of weapons which may not be carried in the parks, etc., found in City Code Section 16-45, with the exception of designated areas which would be defined in the Ordinance – specifically the Custer County Rod and Gun Club area at Spotted Eagle. The motion was seconded by Committee Member Partridge and, on roll call vote, passed unanimously, 4-0.*

### **Wells Street Discussion: Possible Signs to Curb Speed Limit – for example, "Children at Play"**

Chairperson Andrews said that, although we are not able to put up 15 mph speed limit signs there, he was unwilling to let the matter drop. He suggested that a "Children at Play" sign might encourage people to slow down, along with additional police patrols.

Ken Gardner, who lives on that street, agreed with Chairperson Andrews, and thought that "SLOW – Children at Play" might be a good option. Police Chief Colombik said he would also try to help with this problem by additional police presence.

**\*\*** *Committee Member Partridge moved to recommend placing a "SLOW – Children at Play" sign at the Wells Street location, seconded by Committee Member Galbraith. On roll call vote, the motion passed by unanimous consent, 4-0.*

## **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, 4-0. The meeting was adjourned at 6:20 p.m.*

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- \*\* *Councilperson Andrews moved to approve the Public Safety Committee minutes of August 29, 2013, seconded by Councilperson Melnik and passed unanimously, 8-0.*

## **Flood Control Committee Meeting: 9/3/2013**

### **Flood Control Committee September 3, 2013**

The Flood Control Committee met Tuesday, September 3, 2013, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members John Hollowell, Jerry Partridge and Susanne Galbraith. Also present were, Floodplain Administrator Sam Malenovsky, and Recorder HR/Payroll Officer Billie Burkhalter. Committee Member Dwayne Andrews was excused.

#### **1. Approval of Program of Public Information (PPI) (attached)**

Chairperson Hollowell explained to the Committee that he has had Attorney Dan Rice review the Program of Public Information (PPI) document and it meets with his approval. He also stated Committee Member Andrews reviewed it and supports it.

- \*\* *Committee Member Galbraith moved to recommend to the City Council to approve the Program for Public Information (PPI) document, seconded by Committee Member Partridge.*

Administrator Malenovsky advised the Committee that she added the following language under Other Public Information Efforts: "Hold meetings with local Civic groups, as needed."

- \*\* *Committee Member Galbraith moved to amend the Program of Public Information (PPI) document to insert language under Other Public Information Efforts: "Hold meetings with local Civic groups, as needed", seconded by Committee Member Partridge and motion passed unanimously, 3-0.*

- \*\* *On original motion and on roll call vote, motion passed unanimously, 3-0.*

#### **2. Requests of Citizens**

-None.

#### **3. Adjournment**

- \*\* *Committee Member Galbraith moved to adjourn the meeting, seconded by Committee Member Partridge and passed unanimously, 3-0.*

There being no further business, the Committee adjourned at 6:15 p.m.

- \*\* *Councilperson Melnik moved to approve the Flood Control Committee meeting minutes of September 3, 2013, seconded by Councilperson Galbraith and passed unanimously, 8-0.*

## **SCHEDULE MEETINGS**

<b>Finance Committee:</b>	Wed., Sept. 11, 2013 @ 6:00 pm
<b>Human Resources:</b>	Wed., Sept. 18, 2013 @ 6:00 pm
<b>Planning Board:</b>	Tue., Sept. 17, 2013 @ 6:00 pm

## **REQUEST OF CITIZENS & PUBLIC COMMENT**

*Sam and Doug Ohnstad*, who lease a tract at Industrial Park for their United Parts building, expressed his appreciation for the City's cooperation and invited the Council to come look at his new building.

## **APPOINTMENTS**

None

## **PROCLAMATIONS**

None

## **STAFF REPORTS**

None

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**CITY COUNCIL COMMENTS**

**Dwayne Andrews**

- Asked why a **primary election** would not be held. He was told that, in a partisan election it would be needed to pare the candidates down to one Republican and one Democrat candidate. However, in a nonpartisan election, there can be up to four candidates for each open position.

**Sue Galbraith**

- Complimented our Flood Plain Administrator for her efforts in **reducing the flood insurance** by 5%.
- Said she understood that there are two vacant positions on the **Airport Commission** and suggested the City place this item on the agenda to fill the position for which it is responsible. Mayor Grenz said the Airport Commission is changing its by-laws, which will change the way the Commission positions are chosen. If that change goes through, it will be the City's pick on the next two Commissioners.

**John Uden**

- Complimented the *Miles City Star* for the flood plain articles
- Complimented the Fire Chief and others responsible for the lifesaving efforts on the Yellowstone River recently.

**Roxanna Brush**

- Congratulated an individual who was graduating from the Community Services Program.

**Mark Ahner**

- Congratulated Public Works Director Scott Gray and Public Utilities Director Al Kelm for finishing up the impound lot at the old Fish, Wildlife and Parks property, which will save the City \$45,000 a year

**MAYOR COMMENTS**

**Veto of Police Department Secretary**

Mayor Grenz read his veto, as set out below:

\*\*\*\*\*

**VETO**

§7-5-4205(3) MCA and §2-106(6) of the Code of Ordinances of Miles City, Montana provide that the mayor has the power to "veto any objectionable part of a resolution or ordinance and approve the other parts." §2-106(7)(b) of the Code of Ordinances of Miles City, Montana provides



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that "the veto power of the mayor as to resolutions must be exercised in writing at the next regular meeting." Accordingly, I hereby veto the following parts of Resolution 3616, as amended and passed by the City Council at its regular meeting of August 27, 2013.

1. \$13,345 of the appropriation for Account 1000.005.420140, Object 111, as reflected in the FY 2013-2014 Budget attached as Exhibit "A" to said Resolution 3616, by striking the following language: "Increase per amendment amount of \$ 13345 to include Secretary." This results in a reduction of appropriations of \$13,345 for Account 1000.005.420140, Object 111.

2. In the event that a Court of competent jurisdiction should rule that the veto of the above portions of Resolution 3616, as amended are ineffective, then it is my intent of this veto to veto Resolution 3616, as amended, in its entirety. I am not in agreement with a budget for FY 2013-2014 that includes the expenditures that I have vetoed above.

My objections to the Resolution, as amended, are:

1. The budget as amended requires the use of the City's cash reserves. The Ambulance Fund continues to run in the red, presently at - \$280,432.44, and may require a loan from the general fund. There are significant future expenses faced by the City and its taxpayers, to include the much needed improvements to the dike. Although it is hoped that grant money will be available to assist in paying for studies, to include private engineering studies as well as Army Corps of Engineers studies, as well as construction, this grant money is not guaranteed.

The taxpayers are also being faced with the expense of the DEQ mandated water and sewer plant upgrade, and the new county detention center. I feel that it is important that the City's spending be limited, to avoid the depletion of the cash reserves, and further tax increases in the future which will be a burden on the City's taxpayers, particularly those on fixed incomes.

2. The position which is funded by the item I have vetoed will require that calls made to the police department can be routed through dispatch when no one is available to answer the phones at the police department.

DONE at the regular City Council meeting of September 10, 2013.



C.A. Grenz, Mayor

\*\*\*\*\*

**Veto Discussion:**

Councilperson **Galbraith** said the \$13,346 that is being vetoed by the Mayor will not make a lot of difference in the budget. She feels the Police

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Department secretarial position is very important. She sends all the evidence to the state, keeps the sexual predator list updated, as well as many other things that would, if this veto passes, have to be done by police officers. She feels the position is very important well worth the minimum wage the secretary is paid.

Attorney Rice said the veto needs to be confirmed or overridden, and can be done at this meeting or the next.

\*\* *Councilperson Hollowell moved to vote on the veto at this meeting, seconded by Councilperson Brush and, on roll call vote, **passed unanimously, 8-0.***

\*\* *Councilperson Hollowell moved to override the veto, seconded by Councilperson Galbraith and, on roll call vote, **the motion failed, 4-4,** with Councilpersons Melnik, Uden, Ahner and Brush voting no. The motion to override a veto would have had to pass by a 2/3 vote. **The veto was confirmed.***

## COMMITTEE RECOMMENDATIONS

### **Public Services Committee: 8/14/13:**

- a. Recommendation to allow Milestown Community Improvement, Inc. to make improvements and install a Frisbee Golf Course at Milwaukee Park

\*\* *After discussion, Councilperson Galbraith moved to approve the Folf course for Milwaukee Park and put it in a resolution form to be presented at the next council meeting. The motion was seconded by Councilperson Uden and **passed unanimously, 8-0.***

### **b. CTEP Project Recommendations**

There was only discussion on this item, and no action was taken.

- c. Recommendation to revise the Zoning Ordinance, Section 24-18, regarding maximum height of fences and hedges and projecting tree branches or shrubbery

\*\* *Councilperson Uden moved to revise the Zoning Ordinance Section 24-18, seconded by Councilperson Andrews and **passed unanimously, 8-0.***

### **Public Safety Committee: 8/29/13**

- a. Recommendation to revise City Code, Section 16-46 regarding restricting the open carry of firearms in public by children 14-17
- b. Recommendation to revise City Code, Section 16-45, to add rifles and shotguns to the list of weapons which may not be carried in the parks

There was extensive discussion on Paragraph a. Members of the audience, including Fred Tetschner of the Custer County Rod and Gun Club, felt this would restrict a young hunter's right to carry his gun from the house to the car when going out to hunt. When asked whether there have been problems with minors carrying guns or rifles in town, Police Chief Colombik answered no. Many members of the audience, as well as some Council members, felt this additional restriction is not needed, as there has been no problem

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identified. Others felt this would be a proactive measure to prevent a problem before one occurs.

- \*\* *Councilperson Brush moved that Public Safety recommendations (a) and (b) above be drafted into ordinance form. The motion was seconded by Councilperson Galbraith and passed 6 to 2, with Councilpersons Ahner and Melnik voting no.*

## **Recommendation to erect "SLOW – Children at Play" signs on Wells Street**

Councilperson Andrews explained that, since it is not possible to put a reduced speed limit sign on that street, he felt this type of sign might be helpful in getting people to slow down.

- \*\* *Councilperson Andrews moved to erect a sign, "SLOW – Children at Play" on Wells Street, seconded by Councilperson Galbraith and passed 7-1, with Councilperson Brush voting no.*

## **PUBLIC HEARINGS**

None

## **OLD BUSINESS**

None

## **BID AWARDS**

None

## **BID OPENING**

None

## **NEW BUSINESS**

### **Approve August Claims**

- \*\* *Councilperson Uden moved to approve the claims for August, 2013, seconded by Councilperson Melnik. After brief discussion and on roll call vote, the motion passed by unanimous consent, 8-0.*

### **RESOLUTION 3635: A Resolution Adopting A Program For Public Information**

- \*\* *Councilperson Andrews moved to adopt Resolution 3635, read by title only, and seconded by Councilperson Galbraith.*

Councilperson Andrews explained that the Program for Public Information is a comprehensive plan on a wide variety of issues, such as flood insurance and the dike assessment . He said that Flood Plain Administrator Malenovsky has done an outstanding job on putting the committee and the PPI document together.

Administrator Malenovsky explained that it is a way for the people in the community to become informed about flood insurance and dike assessment issues. A committee made up of insurance agents, realtors, lenders and City officials, as well as a document outlining outreach projects, is necessary to qualify for Community Rating System (CRS) credits, which can result in a possible reduction in flood insurance rates.

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- \* *On roll call vote, the motion passed unanimously, 8-0. Resolution 3635 was adopted.*

**ADJOURNMENT**

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

The meeting was adjourned at 8:30 p.m.

  
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**C.A. GRENZ, Mayor**

  
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**Lorrie Pearce**  
**City Clerk**