

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

REGULAR COUNCIL MEETING

October 8, 2013
7:00 p.m.

CALL TO ORDER

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

Also present were City Attorney Dan Rice, Fire Chief Dale Berg, Police Chief Doug Colombik, Public Works Director Scott Gray, Public Utility Director Al Kelm, Grant Administrator Dawn Colton and City Clerk/ Council Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes – 9/24/2013

****** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of September 24, 2013, seconded by Councilperson Melnik and passed unanimously, 7-0, with corrections.*

Finance Committee Meeting: 10/3/2013

Finance Committee Meeting October 3, 2013

The Finance Committee met Thursday, October 3, 2013, at 4:00 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 Public Works Director Scott Gray, Public Utilities Director Al Kelm, Grant Administrator Dawn Colton, City Clerk Lorrie Pearce and Deputy City Clerk/Recorder Connie Watts.

Contract with Century Paving for Concrete Work on Stower & Eighth Street

Public Works Director Scott Gray noted there was only one bid received, which was from Century Paving for \$57,200 to do all the work. With that bid, however, was an alternate bid from Century for \$44,000. This bid requires the City to remove the deteriorating concrete. In order to do this, the City would have to hire Doeden Construction to do the impact work, and then the City would remove the concrete with its excavator. As Doeden is very busy, they would not be able to commit to a certain date, and would have to "fit us in" as they found time. Director Gray recommended the City accept the bid of \$57,200 from Century.

Chairperson Ahner noted that the bid is very close to the \$55,000 that was placed in this year's budget for this project.

****** *Committee Member Brush moved to recommend awarding the bid to Century Paving in the amount of \$57,200 to do the work on Stower and Eighth Street, seconded by Committee Member Uden and passed unanimously, 4-0.*

EDA Contract for Water/Sewer Capacity Study

Public Utilities Director Al Kelm explained the City needs to do a Water and Sewer Capacity Study, particularly in the outlying areas. The study is necessary to determine what upgrades may have to be done in the event business and/or residential development takes place in those areas.

Grant Administrator Dawn Colton said the City has been awarded a \$50,000 grant from the Economic Development Administration (EDA) to conduct a Water/Sewer Capacity Study. In-kind labor and equipment, valued at \$20,360, would be contributed by the City toward the match

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requirements. The documents accepting the award must be received by the U.S. Department of Commerce in Denver by October 25th. Administrator Colton explained further that, if there is money left over after the designated outlying areas are completed, the next priority would be the Gordon Street area, where one of the City's main trunk lines is. It's possible that the current line may have to be replaced with a larger one to accommodate growth.

****** *Committee Member Uden moved to recommend accepting the EDA grant for a Water/Sewer Capacity Study, seconded by Committee Member Melnik and passed unanimously, 4-0.*

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 and passed unanimously, 4-0.*

The meeting was adjourned at 4:20 p.m.

****** *Councilperson Ahner moved to approve the minutes of the Finance Committee meeting of October 3, 2013, seconded by Councilperson Brush and passed unanimously, 7-0.*

SCHEDULE MEETINGS

Public Service:	Wed., Oct. 16, 2013 @ 6:00 pm
Public Safety:	Wed., Oct. 16, 2013 @ 6:30 pm
Planning Board:	Tue., Oct. 15, 2013 @ 6:00 pm

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Police Chief Colombik presented commendations to four officers who were involved in the shooting case at the VFW in 2012. Chief Colombik explained that the officers handled a highly intense situation in a very professional manner, because they chose to negotiate instead of using deadly force. Officers who received the awards were: Sergeant Steve Fenner, Officer Jim Stacey, Officer Ryan Ketchum and Captain Mark Reddick.

CITY COUNCIL COMMENTS

None

MAYOR COMMENTS

Mayor Grenz wanted to make note that Resolution 3634, removal of handicap parking signs along the north half of the east side of north 11th street, was not the City's idea. Mayor Grenz stated that the Methodist Church had contacted Public Safety Committee Chairperson Andrews and asked for the removal of the handicap parking signs.

COMMITTEE RECOMMENDATIONS

None

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PUBLIC HEARINGS

ORDINANCE 1255: An ordinance revising section 24-18 of the Code of Ordinances of the City of Miles City, Montana with respect to allowable heights of fences, hedges and visual obstruction.

Mayor Grenz called for comments from proponents three times, then called for comments from opponents three times. Hearing none, the hearing was closed.

BID AWARDS

Public Works Director Gray mentioned that one bid was received from Century Construction for \$57,200, and an alternate bid from Century for \$44,000. This bid will cover repairs on 8th Street and Stower. Director Gray explained that the bid was presented to the Finance Committee, and the full bid of \$ 57,200 was recommended.

****** *Councilperson Ahner moved to approve the Century Construction bid of \$57,200, seconded by Councilperson Uden. On roll call vote, the motion passed unanimously, 7-0.*

BID OPENING

Public Works Director Scott Gray reported that there were no bids received for the re-roofing of City Hall. The notice was in the Miles City Star twice, and he personally made phone calls to contractors. Director Gray will re-open the bid early next spring.

OLD BUSINESS

ORDINANCE NO. 1255: (SECOND READING) An ordinance revising section 24-18 of the Code of Ordinances of the City of Miles City, Montana with respect to allowable heights of fences, hedges and visual obstruction.

Councilperson Brush asked if this ordinance would cover the bushes that grow around power and light poles. Attorney Rice responded that if it was an obstruction, it would be covered.

****** *Councilperson Galbraith moved to adopt Ordinance 1255 by title only, seconded by Councilperson Melnik. After brief discussion and on roll call vote, the motion passed by unanimous consent, 7-0.*

NEW BUSINESS

ORDINANCE NO. 1256: (FIRST READING) An Ordinance Revising Section 16-46 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Restrict The Open Carry And Display Of Firearms By Minors.

Several citizens expressed their concern that Ordinance 1256 would take away rights for minors that are already covered under State law. Other comments from citizens were that the ordinance did not cover repercussion, fines, the use of bow and arrows, paint guns and/or handguns.

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****** *Councilperson Galbraith moved to adopt Ordinance 1256 by title only, seconded by Councilperson Melnik. After a long discussion, roll call vote was taken. The **motion failed** with a vote of 2-5. Galbraith and Partridge voted yay, Melnik, Uden, Ahner, Brush and Andrews voted nay.*

ORDINANCE NO. 1257: (FIRST READING) An Ordinance Revising Section 16-45 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Include Rifles And Shotguns In The Definition Of Deadly Weapon, And To Require That Concealed Weapons Permit Holders Carrying A Weapon In A Park Carry Such Weapon Concealed.

****** *Councilperson Galbraith moved to adopt Ordinance 1257 by title only. Ordinance 1257 died for lack of a second.*

RESOLUTION NO. 3640: A Resolution Authorizing The City Of Miles City To Enter Into A Construction Contract With Century Companies, Inc., A Montana Corporation, For Replacement Of Concrete Pavement On 8th Street And Stower.

****** *Councilperson Brush moved to adopt Resolution 3640 by title only, seconded by Councilperson Uden. On roll call vote, the **motion passed** by unanimous consent, 7-0.*

RESOLUTION NO. 3641: A Resolution Authorizing The City Of Miles City To Accept A Financial Assistance Award From The U.S. Department Of Commerce For A Water/Sewer Capacity Study Of Miles City & Custer County Water/Sewer District #2.

Councilperson Brush mentioned that this study will not include the entire Miles City area. Public Utility Director Kelm explained that the study will take place on Haynes Avenue and Baker road area. This area is where the majority of inquiries are being requested. With the study, the City can report to the developer what the water capacity is for growth in that area. Mayor Grenz was concerned that since the study did not cover the entire area of Miles City, it would affect the impact fee. Mayor Grenz asked for a review of the impact fee requirements before proceeding with the grant.

Councilperson Ahner said Attorney Rice had reviewed the contract and wanted to make everyone aware of the stiff requirements for acceptance of the grant. Councilperson Ahner explained that the total cost will be approximately \$100,000, with Custer County Rural Water and Sewer District donating \$15,000 towards the grant. Also, the grant has an in-kind requirement of \$20,000, and the remaining will be paid by the City.

****** *Councilperson Galbraith moved to adopt Resolution 3641 by title only, seconded by Councilperson Andrews. On roll call vote, the **motion passed** by unanimous consent, 7-0.*

APPROVAL OF SEPTEMBER CLAIMS

****** *Councilperson Uden moved to approve September claims, seconded by Councilperson Melnik. On roll call vote, the **motion passed** by unanimous consent, 7-0.*


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ADJOURNMENT

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

The meeting was adjourned at 8:02 p.m.


C.A. GRENZ, Mayor


Lorrie Pearce
City Clerk