

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## REGULAR COUNCIL MEETING

January 14, 2014  
7:00 p.m.

### CALL TO ORDER

The Regular Council meeting was held Tuesday, January 14, 2014, in the City Council 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 Roxanna Brush, Sue Galbraith, Mark Ahner, Sheena Martin, Ken Gardner, Jerry Partridge, John Hollowell and Dwayne Andrews.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Public Works Director Scott Gray, Fire Chief Dale Berg, Planner-in-Training/Grant Administrator Dawn Colton, City Clerk Lorrie Pearce and Deputy City Clerk/Minute Recorder Connie Watts. Two uniformed police officers were also present.

### PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

### APPROVAL OF COUNCIL & COMMITTEE MINUTES

#### Regular Council Minutes – 12/10/2013

- \*\* *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of December 10, 2013, seconded by Councilperson Ahner and passed unanimously, 8-0*

#### Finance Committee Minutes – 12/17/2013

##### Finance Committee Meeting December 17, 2013

The Finance Committee met Tuesday, December 17, 2013, at 12:00 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 Utilities Director Al Kelm, Public Works Director Scott Gray, Planner-in-Training/Grant Administrator Dawn Colton, Historic Preservation Officer Connie Muggli, Mayor C.A. Grenz, City Clerk Lorrie Pearce and Deputy City Clerk/Recorder Connie Watts.

##### ORDINANCE NO. 1261: Zone Change at Bobcat Property from Heavy Commercial to General Commercial

This ordinance has been recommended by the Zoning Board, and was passed on first reading at the last Council meeting December 10<sup>th</sup>.

- \*\* *Committee Member Brush moved to recommend approval of Ordinance No. 1261, seconded by Committee Member Melnik.*

Committee Member Brush, who is also a member of the Planning Board, noted that the ordinance references "Lot F-1....," and said it should read "Lot F-1, A,B,C, & D...."

- \*\* *Committee Member Brush moved to change Ordinance No. 1261 to read "Lot F-1, A,B,C & D, also referenced as Tract F-1....", seconded by Committee Member Uden and passed unanimously, 4-0.*

There was some conversation with **Roger Lothspetch**, the owner of the property, regarding site plan reviews for buildings that may be built on the property. He said he has formed a condominium association which, if the building is built under that association, it would not need a site plan review, as he understands it. This issue would have to be addressed as buildings are built.

He said he is also anxious to record the plat and asked when that could be done. Review and approval of the final plat will be placed on the January 14<sup>th</sup> agenda and, if approved, it could then be recorded.

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\* *Committee Member Brush's original motion to recommend approval of Ordinance No. 1261 was then passed unanimously, 4-0.*

**DNRC Contract for Grant Funds (\$6,000) for Professional Services to Apply for Environmental Protection Agency (EPA) Grant of \$400,000**

Chairperson Ahner informed the Committee that there is an element of urgency on this item, as the deadline for the EPA grant for \$400,000 must be submitted by January 22, 2014. If the Council approves receiving the \$6,000 DNRC grant (which requires a \$600 match) at the 12:30 p.m. Council meeting today, Requests for Proposal can be solicited immediately.

Connie Muggli, Historical Preservation Officer, noted that this EPA grant had been applied for last year, so all the background information is available for the current application. She feels that the individual who will be hired with the \$6,000 grant funds should have ample time to process the EPA grant, if the Council approves the DNRC contract.

The EPA grant, she explained, is an area-wide assessment grant designed to help with cleanup of contaminated properties. It applies to all City-owned property or any property within the City limits.

\*\* *Committee Member Uden moved to recommend approval of the DNRC contract for grant funds in the amount of \$6,000. The motion was 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 Melnik moved to adjourn the meeting, seconded by Committee Member Brush and passed unanimously, 4-0.*

The meeting was adjourned at 12:30 p.m.

\*\* *Councilperson Ahner moved to approve the minutes of the Finance Committee Meeting of December 17, 2013, seconded by Councilperson Brush and passed unanimously, 8-0*

**Special Council Minutes – 12/17/2013**

\*\* *Councilperson Brush moved to approve the minutes of the Special Council Meeting of December 17, 2013, seconded by Councilperson Galbraith and passed unanimously, 8-0*

**Special Council Meeting – 1/03/2014**

\*\* *Councilperson Galbraith moved to approve the minutes of the Special Council Meeting of January 3, 2014, seconded by Councilperson Gardner and passed unanimously, 8-0*

**SCHEDULE MEETINGS**

**Finance:** To be scheduled next week

**Flood Control:** Thursday, January 23, 2014 @ 6:00 (tentative)

**Planning Board:** Tuesday, January 21, 2014 @ 6:00

**REQUEST OF CITIZENS & PUBLIC COMMENT**

None

**APPOINTMENTS**

**Planning Board:** Dale Barta

\*\* *Councilperson Hollowell moved to approve the appointment of Dale Barta to the Planning Board. The motion was seconded by Councilperson Brush and passed unanimously, 8-0.*

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**Zoning Board:** Leif Ronning

- \*\* *Councilperson Ahner moved to approve the appointment of Leif Ronning to the Zoning Board. The motion was seconded by Councilperson Gardner and passed unanimously, 8-0.*

**Historical Preservation Committee:** Mark Browning (Reappointment)  
Doug Melton (Reappointment)

- \*\* *Councilperson Galbraith moved to approve the appointments of Mark Browning and Doug Melton to the Historical Preservation Committee. The motion was seconded by Councilperson Hollowell and passed unanimously, 8-0.*

**Airport Commission:** Calvin Carey  
Philip Emmons  
Doug Phair (Alternate)

- \*\* *Councilperson Galbraith moved to approve the appointments of Calvin Carey and Philip Emmons to the Airport Commission, with Doug Phair as an alternate. The motion was seconded by Councilperson Hollowell and passed unanimously, 8-0.*

**Standing Committees:**

Mayor Grenz nominated the following councilpersons for the **Finance Committee:**

Sue Galbraith, Sheena Martin, John Hollowell and Dwayne Andrews

- \*\* *Councilperson Ahner moved to approve the Mayor's nominations for the Finance Committee, seconded by Councilperson Brush and passed unanimously.*

Mayor Grenz nominated the following councilpersons for the **Public Service Committee:**

Sue Galbraith, Jerry Partridge, John Hollowell and Dwayne Andrews

- \*\* *Councilperson Galbraith moved to approve the Mayor's nominations for the Public Service Committee, seconded by Councilperson Hollowell and passed unanimously.*

Mayor Grenz nominated the following councilpersons for the **Public Safety Committee:**

Sue Galbraith, Sheena Martin, Mark Ahner and Roxanna Brush

- \*\* *Councilperson Brush moved to approve the Mayor's nominations for the Public Safety Committee, seconded by Councilperson Gardner and passed unanimously.*

Mayor Grenz nominated the following councilpersons for the **Human Resources Committee:**

Ken Gardner, Sheena Martin, Mark Ahner and Roxanna Brush

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\*\* *Councilperson Ahner moved to approve the Mayor's nominations for the Human Resources Committee, seconded by Councilperson Brush and passed unanimously.*

Mayor Grenz nominated the following councilpersons for the **Flood Control Committee**:

Ken Gardner, Sheena Martin, John Hollowell and Dwayne Andrews

\*\* *Councilperson Brush moved to approve the Mayor's nominations for the Flood Control Committee, seconded by Councilperson Ahner and passed unanimously.*

Councilperson Brush noted Carol Hardesty and Dawn Leidholt also need to be reappointed to the **Planning Board**, as their terms are expiring. This will be placed on the next agenda.

\* She also informed the Council that it needs to appoint a representative from its number to the **Planning Board**. Councilperson Hollowell has been serving in this capacity, and she *moved that he continue in this position*. The City Attorney then suggested this appointment should be placed on the next agenda. *Councilperson Brush then withdrew her motion.*

After further discussion with the City Attorney, it was determined that the Council member could be appointed, but the public appointments would need to be set on the next agenda.

\*\* *Councilperson Brush then moved to have John Hollowell sit on the Planning Board to fulfill the Council's commitment to the Board. The motion was seconded by Councilperson Ahner and passed unanimously.*

## ELECTION OF COUNCIL PRESIDENT

\*\* *Councilperson Ahner nominated Councilperson Hollowell as Council President, seconded by Councilperson Andrews.*

Mayor Grenz asked for other nominations. Hearing none, the nominations were closed.

*The nomination for Councilperson Hollowell as Council President then passed unanimously, 8-0.*

## PROCLAMATIONS

None

## STAFF REPORTS

**City Clerk Pearce** announced a Budget Training Session scheduled for Wednesday, January 29<sup>th</sup> at 9:00 a.m. A gentleman from Local Government Services will be giving the training until about 12:00. He will also be around after lunch to answer questions from councilmembers and directors.

**Historical Preservation Officer Connie Muggli** was to give an update on the Depot but, due to illness, was not able to attend the meeting.

**Planner-in-Training/Grant Administrator Dawn Colton** reported that the CDBG grant announcements were received for the flood control study.

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The County and City each received \$15,000. Mayor Grenz noted that we had requested \$60,000, and received half of that. An additional \$30,000 will have to be found at budget time.

She anticipates the final plats for Southgate and Horizon Park will be ready for approval on the next agenda.

Contracted Planner Dave DeGrandpre told her the subdivision regulations are almost complete; those should be ready by February.

### CITY COUNCIL COMMENTS

#### Roxanna Brush

- Asked about the ordinance for the site plan review; it will be on the agenda for the January 28<sup>th</sup> meeting
- Reminded the public that no four-wheelers are allowed in any park in Miles City. She has noticed a lot of tracks in Milwaukee Park. Councilperson Brush thought maybe some signs should be placed by that park as a reminder. The Mayor asked Public Works Director Gray to look into this.

#### Mark Ahner

- Requested the Council's permission to be gone for more than ten days, as he is going on vacation.

**\*\* Councilperson Brush moved to allow Councilperson Ahner to be gone for more than 10 days, seconded by Councilperson Andrews and passed unanimously.**

- Reported that he and the Mayor met today with the Custer County Commissioners regarding the Interlocal Agreement. Although the agreement should have been finalized in June, there were two items that were not able to be agreed upon.

The **payment of jail fees** was one of two items that, so far, had not been settled. The county attorney and the sheriff brought to Councilperson Ahner's and the Mayor's attention that prisoners transferred to Glasgow are now being paid for by the county. Last year the County approached the City to purchase a transport vehicle, which it did at a cost of \$14,600. The County Attorney thought that the City should be paying the incarceration and transportation costs for city prisoners, and the City Attorney disagreed. Statute states that if the facility is located in the County, the County bears the burden for all the costs. The statute is silent, however, on the respective responsibilities in the event the detention facility is located outside the County. An attorney general's opinion could be sought if the attorneys could not agree, but it could take a long time for an AG opinion, if one were to be forthcoming at all.

The County reported its costs through October 31, 2013, (about 1/3 of the way through the 13/14 fiscal year) were about \$14,600, which is what the City paid for the transport vehicle. The Sheriff proposed \$9,000 per year, which is less than what it would cost by charging per prisoner per day.

The City's counter-proposal was to consider the two parties even at the end of October, and then the City would pay \$6,000 (2/3 of the annual amount of \$9,000) for the remainder of the fiscal year ending June 30, 2014. Beginning July 1, 2014, the County would pay

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to the County \$9,000 for the fiscal year ending June 30, 2015. The County Commissioners unanimously accepted the counter proposal.

**Unmetered Water:** Councilperson Ahner said it was discovered that the City had been overbilling the County by 25% to 30% for unmetered water at the fairgrounds for at least 10 years. The County wanted the City to go back ten years, but the City proposed to waive fees for unmetered water for the next three years. Last year the City paid \$8,000 in booking fees. Both the City Attorney and the County Attorney agreed that the City should not have paid any booking fees other than those cited under City ordinance. Citations for City ordinances are fairly rare.

Councilperson Ahner recommended the Finance Committee meet next week and review the Interlocal Agreement. It could then be placed on the January 28<sup>th</sup> agenda. The County accepted this final draft. A letter of agreement between the City and County on these two issues will be an exhibit to the resolution that the City Attorney will draft.

## John Hollowell

- Noted that Mike Coryell asked for an appointment by the City to the Economic Development Board. He said they prefer it be an active council member. They also need someone on the Economic Development Committee, also. Bill Melnik previously sat on the Board and Councilperson Hollowell sat on the Committee. He said they would prefer to combine those positions so that the same person would fill both seats.

Councilperson Hollowell said he would volunteer for both positions, as he currently sits on one of them now.

## Jerry Partridge

- Noted that there is more oil being transported by rail through Miles City, which can be extremely explosive. He felt it was very important to try to implement a speed limit, possibly for 15 mph, for the trains going through town. Mayor Grenz asked City Attorney Rice to look into this.

## Sue Galbraith

- Would like the Council to reconsider the appointments on some of the standing committees. She noted that new Councilperson Sheena Martin has been appointed to four committees, while Councilperson Partridge is only on one. She asked if Councilperson Partridge would mind taking Councilperson Martin's place on one of those committees. He said he would be happy to do that.

\*\* *Councilperson Brush moved to appoint Councilperson Partridge to the Public Safety Committee in place of Councilperson Martin. The motion was seconded by Councilperson Galbraith and passed unanimously.*

## MAYOR COMMENTS

- Commended the City crews for their efficient management of snow removal.
- He asked Public Works Director Gray to spread salt on the sidewalks under the underpass, as it is pretty slick.
- He was contacted by a volunteer at the hospital who was concerned that the city wasn't plowing Boutelle Street. He noted that is hospital

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property, and the City will plow to the City limits. The hospital has a private company that plows the rest of it.

## COMMITTEE RECOMMENDATIONS

None

## PUBLIC HEARINGS

**ORDINANCE NO. 1261:** An Ordinance Amending Ordinance No. 796 To Change The Zoning Of Lot F-1, Also Referenced As Tract 1-F, Of The Horizon Park Subdivision, An Addition To The City Of Miles City, Custer County, Montana, From Heavy Commercial (HC) To General Commercial (GC), And Providing An Effective Date, And A Hearing Thereon. *(Bobcat Property)*

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.

## BID AWARDS

None

## BID OPENING

None

## OLD BUSINESS

**ORDINANCE NO. 1261:** *(Second Reading)* An Ordinance Amending Ordinance No. 796 To Change The Zoning Of Lot F-1, Also Referenced As Tract 1-F, Of The Horizon Park Subdivision, An Addition To The City Of Miles City, Custer County, Montana, From Heavy Commercial (HC) To General Commercial (GC), And Providing An Effective Date, And A Hearing Thereon. *(Bobcat Property)*

Dave DeGrandpre, contracted Planner for the City, explained that Heavy Commercial would have a higher impact on the area than General Commercial. In a Heavy Commercial area a person would expect to find factories, truck washes, pipe storage yards, etc. The General Commercial designation would allow multi-family dwellings and other consumer-type commerce. He felt General Commercial would be appropriate for this area.

\*\* *Councilperson Galbraith moved to approve Ordinance No. 1261 by title only, seconded by Councilperson Brush. On roll call vote, the motion passed by unanimous consent, 8-0. Ordinance No. 1261 was adopted.*

## NEW BUSINESS

### **Petition to De-Annex Super 8 Motel**

The Council was concerned about the precedent of allowing properties to “de-annex.” The materials submitted with the petition showed a 40% increase in his property taxes from before he was annexed into the City. It was noted that the owner had petitioned the City to be annexed, thinking that it could mean an increase in his business since he could then become a member of the TBID (Tourism Business Improvement District.)

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**Resolution No. 3655:** A Resolution Of Intent To Exclude Certain Lands From The Incorporated City Limits Of The City Of Miles City, Montana, Said Property Commonly Known As Super 8 Motel

\*\* *Councilperson Galbraith moved to approve Resolution 3655 by title only. The motion died for lack of a second. Resolution No. 3655 was not passed.*

\*\* *Councilperson Brush moved to note that the Resolution to exclude the Super 8 Motel property was not in the best interests of the City. The motion was seconded by Councilperson Galbraith and, on roll call vote, passed unanimously, 8-0.*

**Resolution No. 3656:** A Resolution Authorizing The Miles City Board Of Health To Enter Into A Cooperative Agreement With The Montana Department Of Public Health And Human Services For Inspections Of Licensed Establishments In Miles City, Montana, And Compensation.

\*\* *Councilperson Brush moved to approve Resolution 3656 by title only, seconded by Councilperson Ahner and, on roll call vote, passed unanimously. Resolution 3656 was adopted.*

**Resolution No. 3658:** A Resolution Of The City Council Of The City Of Miles City, Montana, Calling For An Election On The Question Of Conducting A Local Government Review And Establishing A Study Commission To Do So

\*\* *Councilperson Galbraith moved to approve Resolution 3658 by title only, seconded by Councilperson Partridge.*

City Attorney Rice explained he would like this resolution tabled. He said that, because of a change in statute since the last time this was dealt with, he was not aware that figures for estimated costs had to be included. The resolution, therefore, will have to be revised.

\*\* *Councilperson Galbraith moved to table Resolution 3658, seconded by Councilperson Ahner and, on roll call vote, passed unanimously. Resolution No. 3658 was tabled.*

**Approval of Amended Horizon Park Subdivision Plat (Bobcat Property) to Exclude the Dry Sewer Line**

\*\* *Councilperson Hollowell moved to approve the amended Horizon Park Subdivision Plat, seconded by Councilperson Galbraith. On roll call vote the motion passed unanimously, 8-0. The Amended Horizon Park Subdivision Plat was approved.*

## APPROVAL OF DECEMBER CLAIMS

Councilperson Ahner reviewed the claims and noted that travel vouchers should be attached to the claims. Also, the airport did not have any receipts attached to its credit card statement.

\*\* *Councilperson Ahner moved to approve December claims, seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 8-0.*



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**ADJOURNMENT**

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

The meeting was adjourned at 8:40 p.m.



C.A. Grenz, Mayor



Lorrie Pearce  
City Clerk