

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## REGULAR COUNCIL MEETING     June 24, 2014 7:00 p.m.

### CALL TO ORDER

The Regular Council meeting was held Tuesday, June 24, 2014, in the City Hall 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, Mark Ahner, Dwayne Andrews, Ken Gardner and Jerry Partridge. John Hollowell, Susanna Galbraith and Sheena Martin were excused.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Public Works Director Scott Gray, Public Utilities Director Al Kelm, Historic Preservation Officer Connie Muggli, Grant Administrator/Planner in Training Dawn Colton, City Clerk Lorrie Pearce and Deputy City Clerk/Minute Recorder Connie Watts.

### PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

### APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 6/10/2014

**\*\***  
*Councilperson Ahner moved to approve the minutes of the Regular Council Meeting of June 10, 2014, seconded by Councilperson Brush and passed unanimously, 5-0.*

Finance Committee Meeting: 6/5/14

#### *Finance Committee Meeting June 5, 2014*

*The Finance Committee met Thursday, June 5, 2014, at 6:00 p.m. in the City Hall Conference Room. Present were Committee members Sue Galbraith, Dwayne Andrews, John Hollowell and Sheena Martin.*

*Also present were Mayor C.A. Grenz, Public Works Director Scott Gray, Historic Preservation Officer Connie Muggli and Recorder/City Clerk Lorrie Pearce.*

#### *Request of Citizens*

*None*

#### *Resolution No. 3686: A Resolution Adopting A Memorandum For The Determination Of Feasibility Of An Urban Renewal Plan With A Tax Increment Finance District Provision For The Downtown Core Of The City Of Miles City*

*Steve Zeier from Zeier Consulting, LLC explained that the feasibility of a Tax Increment Finance District in Miles City relates directly to the likelihood that such a District would successfully address the slow economic decline of the area and encourage investment in the main business corridor. He highlighted some facts that would make the TIFD a success.*

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- There are significant issues with multiple properties in the downtown such as empty storefronts, infrastructure deficiencies, and lack of investment that could be addressed.
- There is an upswing in the regional economy due to energy development in the Bakken area, and as a result there is increased market interest in Miles City to locate businesses as evidenced in the development of the South Haynes corridor.
- The increased volume of interstate traffic to and from the Bakken area, also results in increased market interest in Miles City to locate businesses, as evidenced in the development of the South Haynes corridor.
- There is an increased demand for housing across all income levels in the region.
- The downtown area generates higher per square foot tax revenues than large paved areas in surrounding business districts.
- The City is located in Census Tract 30017962000, making it eligible for New Market Tax Credits.
- The business corridor is listed on the National Register of Historic Places making a high percentage of properties eligible for Historic Preservation Tax Credits.

\* \* Committee Member Martin moved to recommend that the City Council approve Resolution No. 3686. The motion was seconded by Committee Member Andrews. After discussion, the motion carried unanimously, 4-0.

**Resolution No. 3687: A Resolution Authorizing The City Of Miles City To Enter Into A Main Street Program Grant Contract With The Montana Department Of Commerce**

Preservation Officer Muggli explained Resolution No. 3687 is a resolution to give approval to the Mayor to sign the contract.

\* \* Committee Member Andrews moved to recommend that the City Council approve Resolution No. 3687. The motion was seconded by Chairperson Martin; the motion carried unanimously, 4-0.

**Resolution No. 3688: A Resolution Approving The Receipt Of Grants In The Amount Of \$3,000 And \$2,750 From The Sandra Anderson Donor Advised Fund To Be Applied To The Miles City Tax Increment Finance District Project**

Preservation Officer Muggli explained that, by passing this resolution the City of Miles City is authorized to accept the grant money.

\* \* Committee Member Martin moved to recommend that the City Council approve Resolution No. 3688. The motion was seconded by Chairperson Andrews; the motion carried unanimously, 4-0.

**Resolution No. 3689: A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 For Unanticipated Grant Revenue To Historic Preservation Fund 2935 And Providing For Hearing Thereon**

Preservation Officer Muggli explained the resolution will authorize the City of Miles City to appropriate in the budget, money accepted through the grants that were discussed earlier.

\* \* Committee Member Andrews moved to recommend that the City Council approve Resolution No. 3689. The motion was seconded by Chairperson Martin; the motion carried unanimously, 4-0.

**Approval to purchase a used pickup for the Parks Department**

Public Works Director Gray said the used pickup is budgeted for \$ 15,000. He received three bids.

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- Auto Advantage- A 2003 4X4 has a lift kit, glass pak and more mileage for an amount of \$12,642
  - Jack's Body Shop- A 2009 4X4 for an amount of \$18,900
  - Mac's Frontier- A 2005 4X4 for an amount of \$ 12,500
- Director Gray recommended purchasing the pickup from Mac's Frontier.

\* \* Committee Member Andrews moved to approve purchasing the used pickup from Mac's Frontier for an amount of \$ 12,500. The motion was seconded by Chairperson Martin and, after a brief discussion, the motion carried unanimously, 4-0.

### **Approval to purchase a culvert pipe for Maintenance District # 205**

Public Works Director Gray explained that the culvert pipe will be used at the slough on Woodbury Street because the ends are crushed on the existing culvert and needs replaced to improve drainage. Maintenance District # 205 had \$50,000 budgeted for this item. He received three bids, and they were on the same pipe. He recommended accepting Agri Industries because it was the lowest.

\* \* Committee Member Andrews moved to approve purchasing culvert pipe from Agri Industries for an amount of \$ 17,889.10. The motion was seconded by Chairperson Martin and, after a brief discussion, the motion carried unanimously, 4-0.

### **Approval to purchase a new dump box for tandem axle truck**

- Public Works Director Gray explained that he had \$25,000 in the budget to purchase a new dump box. The old dump box needs replaced because the floor is rotting beyond repair. Two quotes were received:
- Custom Equipment- The box is a Henderson box which, through his experience, is a better box and it's fully painted. The price quoted was \$23,135.
  - Kois Brothers- The box is not quite as good as the Henderson box and would need to be painted. The price quoted was \$ 20,299.

Director Gray recommended purchasing the Henderson box from Custom Equipment.

\* \* Committee Member Andrews moved to approve purchasing a new dump box from Custom Equipment for an amount of \$ 23,135. The motion was seconded by Chairperson Martin and, after a brief discussion, the motion carried unanimously, 4-0.

### **Review and Discussion of over expended accounts**

City Clerk Pearce explained there are five funds that will need resolutions to approve appropriations. She said her goal was to get them on the June 10, 2014, Council meeting agenda.

- Airport- Fund 5610
- Lighting District 165- Fund 2400
- Lighting District 167- Fund 2420
- Building Code Inspector- Fund 2394
- Police Department/2 vehicles- Fund 1000-05

### **Adjournment**

There being no further business, Committee Member Andrews moved to adjourn the meeting, seconded by Chairperson Martin. The meeting was adjourned at 7:15 p.m.

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**\*\*** Councilperson Gardner moved to approve the minutes of the Finance Committee Meeting of June 5, 2014, seconded by Councilperson Gardner and passed unanimously, 5-0.

Finance Committee Meeting: 6/18/14

### Finance Committee Meeting June 18, 2014

The **Finance Committee** met Wednesday June 18, 2014, at 6:00 p.m. in the City Hall Conference Room. Present were Committee members Sue Galbraith, Dwayne Andrews, John Hollowell and Sheena Martin.

Also present were Public Works Director Scott Gray, City Attorney Dan Rice and Recorder/City Clerk Lorrie Pearce.

#### Request of Citizens

None

**RESOLUTION No. 3691:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Revenues To Building Inspector Fund No. 2394 For Contracted Professional Services

City Clerk Pearce explained that the resolution would increase the spending and the revenue for the building inspector's fund. The increase is needed because the cost for the inspection of the jail was higher than originally appropriated.

**\*\*** Committee Member Hollowell moved to recommend that the City Council approve Resolution No. 3691. The motion was seconded by Committee Member Andrews; the motion carried unanimously, 4-0.

**RESOLUTION No. 3692:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Revenues To Airport Fund 5610 For Federal Aeronautics Grant Fund

City Clerk Pearce explained that the resolution would increase the spending appropriation and the revenue for the airport fund. The increase is needed because the fund received an unexpected grant, which was associated with the increase in spending.

**\*\*** Committee Member Hollowell moved to recommend that the City Council approve Resolution No 3692. The motion was seconded by Chairperson Martin; after a short discussion, the motion carried unanimously, 4-0.

**RESOLUTION No. 3693:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unappropriated Cash Balances From The Capital Improvement Fund No. 4000 For The Purchase Of Two Police Vehicles

Councilperson Andrews said he was not going to support the resolution; he thought there was a better way to pay for the vehicles.

Councilperson Hollowell said that the Police Department has two vehicles that are not operable anymore, and thought the Police Department needed the vehicles.

**\*\*** Committee Member Hollowell moved to recommend that the City Council approve Resolution No. 3693. The motion was seconded by

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Chairperson Martin; on roll call vote, the motion passed 3-1, with Councilperson Andrews voting no.

**RESOLUTION NO. 3694:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Lighting District NO.165 Fund 2400 For Electrical Utilities

City Clerk Pearce explained that Lighting District No. 165 and 167 seem to always need adjustment at the end of the year. The resolution would increase the spending in the electric account. She also said there should be enough money in the special assessment account at the end of the year to pay for the overexpendure.

\* \* Committee Member Andrews moved to recommend that the City Council approve Resolution No. 3694. The motion was seconded by Committee Member Hollowell; after a short discussion, motion passed unanimously, 4-0.

**RESOLUTION NO. 3695:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Lighting District NO.167 Fund 2420 For Electrical Utilities

\* \* Committee Member Martin moved to recommend that the City Council approve Resolution No. 3695. The motion was seconded by Chairperson Andrews; the motion carried unanimously, 4-0.

**RESOLUTION NO. 3696:** A Resolution Adopting A Special Prosecution Policy For The City of Miles City, Montana

City Attorney Rice explained that Shawn Quinlan will not be working for the prosecution after June 30, 2014. This policy would give the City Attorney authority to screen other attorneys and, with the Mayor's approval, a list of the combined pool would be available for the City Prosecutor to call when needed. They would be contracted and not paid through City's payroll. He explained that the list would be used in the busier half of the year. He also explained that there is a limit as to how many cases a prosecutor can have in a year, and City Prosecutor Jeff Noble is at his maximum of 300. The process would save the City about \$1200 a month.

\* \* Committee Member Andrews moved to recommend that the City Council approve Resolution No. 3696. The motion was seconded by Chairperson Galbraith; after a long discussion, and on roll call vote, the motion carried unanimously, 4-0.

**RESOLUTION NO.3697:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For Hearing Thereon

City Clerk Pearce said this resolution is accepting money from the State and transferring it to the Mayor, Police, and Fireman's retirement accounts.

\* \* Committee Member Andrews moved to recommend that the City Council approves Resolution No. 3697. The motion was seconded by Chairperson Galbraith; the motion carried unanimously, 4-0.

**ORDINANCE NO. 1272:** An Ordinance Enacting Section 17-114 Of The City Code Of The City of Miles City, Montana, So As To Require Liability Insurance In Specified Amounts Prior To Issuance Of A Park Use Permit

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*\*\* Committee Member Andrews moved to recommend that the City Council approved Ordinance 1272. The motion was seconded by Committee Member Martin.*

*City Attorney Rice explained that Montana Municipal Interlocal Authority (MMIA) suggested the City adopts an Ordinance that specifies an amount of insurance coverage for special events.*

*Committee Member Hollowell asked where the street dance and alcohol would be included.*

*\*\* Committee Member Hollowell moved to amend number three to read "Any use of City property, regardless of exclusivity, which includes, but not limited to any of the following activities. After a short discussion, Committee Member Hollowell withdrew his motion.*

*\*\* Committee Member Hollowell moved to amend his motion to include to number three **k: consumption of alcohol**. The motion was second by Chairperson Galbraith.*

*After a long discussion, it was decided the Ordinance should be table until the Ordinance is revised to clarify policy on alcohol and street dances.*

*\*\* Committee Member Hollowell moved to table Ordinance No. 1272 until the next meeting. The motion was seconded by Committee Member Andrews; and on roll call vote, the motion carried passed, 4-0.*

### **Review Bid of Arrowhead Drive District # 204: Paving, New Curb and Gutter**

*Public Work Director Gray said that the City received one bid for the Arrowhead Drive project and he thought it was very high. The one bid received from Century Construction for an amount of \$256,937. There were four line item bids that stood out to him:*

- Curb and gutter- The quote of \$27.50 per linear foot was a little high*
- Dirt work- The quote of \$62,000 was high because they are charging for equipment usage*
- Paving- The quote of \$66,000 was high, though it should be closer to \$60,000.*
- Pit run- The quote of \$50 per ton was very high. He said that you can buy pit run locally at about \$ 11.25 a ton.*

*Director Gray said Century Construction is charging 17.5% for a mobilization fee, which is usually 10%. He thought that since Century was going to be in Miles City completing other projects, the quote was too high.*

*Eric Doedon, M&L Enterprise, thought it was in the City's best interest to reject the bid.*

*Becky Stanton, Arrowhead Drive resident, expressed concerns that if the project was rebid, the work may not be completed until next year, and the price would increase anyway. She personally would hesitate to reject the bid, and felt the project should be completed this year.*

*Eric Doedon asked that if the project was rebid, could it be concrete instead of asphalt.*

*Resident Becky Stanton thought if it was rebid, it should include both.*

*\*\* Committee Member Andrews moved to recommend that the City Council reject the bid received from Century Construction. The motion*

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*was seconded by Councilperson Galbraith. After a long discussion and on roll call vote, the motion passed unanimously, 4-0.*

### Adjournment

*There being no further business, Committee Member Hollowell moved to adjourn the meeting, seconded by Chairperson Galbraith. The meeting was adjourned at 5:55 p.m.*

**\*\***

*Councilperson Gardner moved to approve the minutes of the Finance Committee Meeting of June 18, 2014, seconded by Councilperson Andrews and passed unanimously, 5-0.*

### SCHEDULE MEETINGS

None

### REQUEST OF CITIZENS & PUBLIC COMMENT

*Mike Coryell, Executive Director, Miles City Economic Development Council*

- Presented the Council with a plaque and letter of appreciation for the City's support over the years.
- Assured the Finance Committee that he is preparing the packet requested by that committee and should have it completed the beginning of next week.

### APPOINTMENTS

None

### PROCLAMATIONS

None

### STAFF REPORTS

*Connie Muggli, Historical Preservation Officer*

- Distributed copies of a memo from Steve Zeier of Zeier Consulting regarding boundary selection for the proposed TIF District. He will be contacting Council members for their input. Because he has a fairly tight deadline, she asked that everyone respond to him as quickly as possible.
- The Brownsfields workshop was extremely successful. She thanked everyone who attended the workshop and also for being great hosts.

### CITY COUNCIL COMMENTS

None

### MAYOR COMMENTS

None

### STANDING COMMITTEE RECOMMENDATIONS

*Finance Committee: 6/18/14: Reject Century Paving Bid for new Curb and Gutter and Paving at Arrowhead Drive in MD #204*

Public Works Director Gray said only one bid was received, and he felt that bid of \$256,000 was way too high. Many residents in that area concurred. He wanted to rebid, with an option for asphalt or concrete.

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**\*\***  
*Councilperson Ahner moved to approve the Finance Committee's recommendation to reject the Century Paving bid, seconded by Councilperson Andrews and passed unanimously, 5-0.*

### **BID OPENING**

None

### **BID AWARDS**

None

### **PUBLIC HEARINGS**

#### **A. Zoning Commission's Recommendation to DENY Rezoning on behalf of Diamond J Construction, LLC**

City Attorney Rice, Attorney Gary Ryder, Attorney Mark Noemmg and Mayor Grenz discussed whether or not to hold this public hearing tonight, as only five councilmembers were present. Although five is enough for a quorum, it would not be enough to vote to approve the zone change, as that would require a three-fourths vote of the entire Council, or six members. It was decided to hold the public hearing but delay vote of the Council until the next meeting. The Council would then issue written findings based on the outcome of that vote.

#### **PROPONENTS COMMENTS:**

Mayor Grenz opened the public hearing, calling for comments from proponents.

*John Peila*, 216 Silo Lane, Kinsey – Co-owner of Diamond J Construction: Mr. Peila said he was not aware that the City had jurisdiction outside of the City limits, which is why he did not contact the City when he began his project. The intended use for the property is an office and shop, and it will be a tidy and well-kept area. He noted they have received a permit from the State, a septic permit from the County, a storm water permit from the Montana Department of Environmental Quality and plans from a local engineering firm. Not once did they ever hear they might not be in zoning compliance.

Five years ago when they built their last shop on the south end, the City required them to install and pay for a larger water and sewer line to accommodate development in that area, which they did do. Now that they want to grow further on the south end, they are being told they cannot build there.

As far as the spot zoning argument, the largest contiguous neighbor next to him has recently filed for commercial zoning also, so it seems that spot zoning would not be an issue.

He said the company is willing to do whatever the City may request – covenants, annexation, planting trees as a buffer zone, etc. He said they have quite a bit of money in the project already, and would like to do whatever it may take to get the project moving forward.

Mr. Peila feels this project will be a benefit to the community. The company pumps millions of dollars a year into the community; they have about 40 employees who live and work in Miles City, and they want to be a part of the community and help it grow. He asked the Council to approve the zone change.

*Emmett Willson*, N. Saturday Drive: Co-owner of Diamond J, also asked the Council to approve the zone change and help them grow with Miles City.



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*Fred Wacker*, 71 Dent Addition: Rancher and businessman in Miles City. He supports developing along Highway 59 South in a very orderly way. He gave a brief history of development along North Haynes, Horizon Park and Southgate Meadows, saying the community needs to stop the bickering and support the individuals and companies who want to grow and develop Miles City.

He noted that the City can only really grow one direction – south. There's a river on the north, a large government landowner on the west, and a large government landowner to the east.

Mr. Wacker felt there would have not been a problem to begin with if this community had a city/county planning board. There was one, but the City & County couldn't get along so it was dissolved. Our two local governments need to work hand in hand so this type of thing doesn't happen in the future.

He encouraged the Council to move forward, be progressive, support development and support these individuals who are trying to help Miles City grow. They are citizens of Montana, citizens of this community, and this community needs people like that – young people, who can make things happen.

*Gardner*, Miles City. Felt the Council was crippling these people who are trying to help Miles City grow. He asked for support for the zoning.

*Howard Shawver*, 46 Agate Drive, asked that the Council not cripple young businessmen who are willing to make things happen, and asked for its support for the zone change.

*Brad Certain*, 1022 Cottonwood: He is the largest landowner next to the Diamond J property, and said he is in favor of the zone change. The development south of town, which is the way it has to go, can be done properly with covenants. Miles City has already lost some businesses to Sidney and Glendive and is in the process of losing more, due to the lack of commercial property available. He asked for Council support of the zone change.

*Monte Lesh*, 182 River Run Drive. Mr. Lesh also said growth has to be to the south. He is a real estate broker and has received numerous requests for property outside of the two-mile zone so they can build what they need to build without having to deal with these zoning issues.

Other proponents encouraging the Council to pass the rezoning request were *Dave Gillette*, *Karl Dryga*, *Robert Tooke* and a few others. These people were also concerned that without growth, young people in Miles City will not be able to stay, but will have to leave town to find jobs.

*Mark Noemig*, Billings, is the attorney for Diamond J. Mr. Noemig summarized the staff's report, noting that spot zoning was addressed and was deferred to the City Attorney, whose report was in the Council packet. The staff also concluded that changing the zoning would conserve the value of the building and would be an appropriate use of the land.

He said the City staff had recommended the zone change be passed, contingent upon the City Attorney's opinion on spot zoning. The Montana Supreme Court has found that just because one person is benefiting from the land doesn't necessarily mean it is spot zoning, because it must also be shown to be detrimental to the general public. He encouraged the Council to adopt its staff recommendations instead of the Zoning Commission's recommendations.

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### OPPONENTS COMMENTS:

Mayor Grenz then called for comments from opponents.

*Gary Ryder*, attorney for Barbara Todoroff, owner of one of the affected properties, agreed with Mr. Wacker that the County and the City need to work together to smooth out the development issues. He noted that all the property owners within 150 feet have protested the rezone. Peila and Certain both have experience with real estate and he felt they should have known about the two-mile zone outside of the City. Mr. Ryder also said this tract was done without a subdivision review.

*Sharon Ofedal*, Hwy 59 South, was concerned about the Veteran's Cemetery, which she felt should not be adjacent to commercial property. She said the Zoning Board felt the petition to rezone should be denied, as do the majority of surrounding property owners, who do not desire the zone change.

*Barbie Nicholas*, 114 Wells, Richmond, Kentucky – As an owner of property along Hwy 59 South, she feels her land will be devalued if the rezone takes place.

*Bill Ofedal*, Hwy 59 South, said he is not against progress, as he has been involved in much progress over the years. However, this is not being done properly. He also said the City and County need to get together to “develop a road map” for development. As growth will naturally go south, new homes will also have to go south. This proposal, he feels, will mix homes and businesses.

### ON REBUTTAL:

*John Peila*, responding to a comment from one of the opponents, said he is aware that the location on Truscott is not in good shape; however, that is why a bigger location is needed.

### COUNCIL COMMENTS:

*Councilperson Ahner*: The request to rezone did not talk about annexation, but if the owners were to request annexation, then that irrevocable request would result in site plan review, building permits, plan for services, etc. There is currently no plan for development in this area. He felt that annexation into the City might change some of the factors such as orderly growth, provision of City services, etc. He was also concerned about the lack of process that occurred regarding this property, as is required by Montana Subdivision and Planning Act for subdivisions less than 160 acres.

*Councilperson Gardner*: Said he is pro-growth, but he felt it must be done in an orderly fashion. He would feel very uncomfortable supporting this rezone.

*Councilperson Brush/County Commissioner Vicki Hamilton*: Asked County Commissioner Vicki Hamilton, in the audience, how she felt about this issue. Commissioner Hamilton said the commissioners are pro-growth. She also said the City/County Planning Board fell apart because the County was unfairly represented – only one County member was on the Board. The two-mile zone, she pointed out, is entirely in the City's jurisdiction.

*Councilperson Andrews*: Said he will support the rezone because he believes it will be good for Miles City's economic development. Mr. Andrews thinks the spot zoning issue will be resolved, and he feels the City needs to support economic development, not hinder it.

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Councilperson Brush: Said she is for responsible growth. As the Truscott property is the only example she has regarding Diamond J's management of its property, she will vote no on this issue.

**\*\*** *Councilperson Andrews then moved to send the rezone to ordinance. The motion died for lack of a second.*

**\*\*** *Councilperson Brush moved to set the matter for discussion and final vote at the next council meeting, seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent.*

**B. ORDINANCE NO. 1268:** An Ordinance Changing The Zoning Of Block 5 Of The Southgate Meadows Subdivision From Local Commercial To General Commercial And Providing For A Hearing Thereon

Mayor Grenz opened the public hearing, calling for **comments from proponents.**

*Erik Doeden, Paul Oakland John Peila, Marty Lesh and Karl Dryga* all expressed their support for the Ordinance.

*Attorney Gary Ryder*, who represents adjacent land owners, said they had no objection as long as the property remained residential.

Mayor Grenz then called for **comments from opponents.**

*Dave Jewell*, Southgate Meadows. Said he was concerned about a lack of a second exit out of Southgate.

*Betty Jewell*, Southgate Meadows, also expressed a concern about a lack of a second exit.

Mayor Grenz explained that a temporary emergency exit has been arranged for with Butch Krutzfeldt, who had years ago constructed a road toward the east. He has agreed to allow the road to be used as an emergency exit in exchange for the City graveling it. A permanent exit will be looked at this fall. The State is in the process of making some decisions regarding the Broadus Interchange on South Haynes/Hwy 59 South, and nothing can be decided until that has been settled.

Hearing no more comments, the hearing was declared closed.

10 MINUTE RECESS – 8:37 pm TO 8:47 pm

**\*\*** *Councilperson Gardner moved to suspend the rules to allow the Mayor to move up Ordinance 1268 on the agenda, as the attorney representing one of the parties needed to get back to Billings. The motion was seconded by Councilperson Andrews and, on roll call vote, the motion passed, 4-1, with Councilperson Ahner voting no.*

**\*\*** *Councilperson Gardner moved to move "Unfinished Business, Ordinance 1268" up on the agenda to directly after the public hearing for Ordinance No. 1268, seconded by Councilperson Brush and passed unanimously, 5-0.*

**\*\*** *Councilperson Andrews moved to adopt Ordinance No. 1268, read by title only and seconded by Councilperson Gardner.*

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Councilperson Ahner noted the Zoning Commission recommended approval with the condition that a second exit be seriously considered. He said he cannot support this without a commitment for a second exit.

Mayor Grenz again explained that he has a commitment from Butch Krutzfeldt for a temporary emergency exit. Mr. Krutzfeldt owns a road toward the east of Southgate. He has agreed to allow the road to be used as an emergency exit in exchange for the City graveling it. He has also contacted the Fire Department, and the road has been approved by the Department as an emergency exit.

A permanent exit will be looked at this fall. The State is in the process of making some decisions regarding the Broadus Interchange on South Haynes/Hwy 59 South, and nothing can be decided until that has been settled.

\* *On roll call vote, Councilperson Andrews' motion to adopt Ordinance No. 1268 was approved 4-1, with Councilperson Ahner voting no.*

**C. RESOLUTION NO. 3689:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 For Unanticipated Grant Revenue To Historic Preservation Fund 2935 And Providing For Hearing Thereon

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

**D. RESOLUTION NO. 3691:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Revenues To Building Inspector Fund No. 2394 For Contracted Professional Services

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

**E. RESOLUTION NO. 3692:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Revenues To Airport Fund 5610 For Federal Aeronautics Grant Funds

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

**F. RESOLUTION NO. 3693:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unappropriated Cash Balances From The Capital Improvement Fund No. 4000 For The Purchase Of Two Police Vehicles

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

**G. RESOLUTION NO. 3694:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Lighting District NO.165 Fund 2400 For Electrical Utilities

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

- H. **RESOLUTION NO. 3695:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Lighting District NO.167 Fund 2420 For Electrical Utilities

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

Councilperson Ahner asked City Clerk Pearce if the third line under “Now, Therefore....” should be deleted, as it refers to Lighting District No. 165. Clerk Pearce will correct the Resolution.

### UNFINISHED BUSINESS

- A. **RESOLUTION NO. 3689:** *(Second Reading)* A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 For Unanticipated Grant Revenue To Historic Preservation Fund 2935 And Providing For Hearing Thereon

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*Councilperson Ahner moved to approve Resolution 3689, read by title only. The motion was seconded by Councilperson Brush and, on roll call vote, passed unanimously, 5-0. Resolution 3689 was adopted.*

- B. **RESOLUTION NO. 3691:** *(Second Reading)* A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Revenues To Building Inspector Fund No. 2394 For Contracted Professional Services

\*\*  
*Councilperson Ahner moved to approve Resolution 3691, read by title only. The motion was seconded by Councilperson Brush and, on roll call vote, passed unanimously, 5-0. Resolution 3691 was adopted.*

- C. **RESOLUTION NO. 3692:** *(Second Reading)* A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Revenues To Airport Fund 5610 For Federal Aeronautics Grant Funds

\*\*  
*Councilperson Gardner moved to approve Resolution 3692, read by title only. The motion was seconded by Councilperson Brush and, on roll call vote, passed unanimously, 5-0. Resolution 3692 was adopted.*

- D. **RESOLUTION NO. 3693:** *(Second Reading)* A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unappropriated Cash Balances From The Capital Improvement Fund No. 4000 For The Purchase Of Two Police Vehicles

# PROCEEDINGS OF CITY COUNCIL

## MILES CITY, MONTANA

**\*\*** *Councilperson Brush moved to approve Resolution 3689, read by title only. The motion was seconded by Councilperson Gardner and, on roll call vote, passed 4-1. **Resolution 3693 was adopted.***

**E. RESOLUTION NO. 3694:** *(Second Reading) A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Lighting District NO.165 Fund 2400 For Electrical Utilities*

**\*\*** *Councilperson Brush moved to approve Resolution 3694, read by title only. The motion was seconded by Councilperson Gardner and, on roll call vote, passed unanimously, 5-0. **Resolution 3694 was adopted.***

**F. RESOLUTION NO. 3695:** *(Second Reading) A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 To Appropriate Unanticipated Expenses To Lighting District NO.167 Fund 2420 For Electrical Utilities*

**\*\*** *Councilperson Gardner moved to approve Resolution 3695, read by title only. The motion was seconded by Councilperson Brush and, on roll call vote, passed unanimously, 5-0. **Resolution 3695 was adopted.***

### NEW BUSINESS

**A. RESOLUTION NO. 3702:** *A Resolution Accepting The Dedication Of A Frisbee Golf Course At Milwaukee Park*

**\*\*** *Councilperson Brush moved to adopt Resolution No. 3702, read by title only. The motion was seconded by Councilperson Andrews and, on roll call vote, the motion passed 5-0. **Resolution No. 3702 was adopted.***

Miles City Improvement, Inc. announced they will be sponsoring a Bar-B-Q on Sunday, July 27<sup>th</sup>, at 4:00 and encouraged everyone to come down and see the improvements that they have completed in Milwaukee Park.

**B. ORDINANCE NO. 1273: (First Reading)** *An Ordinance Enacting A New Section 20-11 Of The Code Of Ordinances Of The City Of Miles City, Entitled "Maintenance Of Public Right Of Way"*

**\*\*** *Councilperson Ahner moved to adopt, on first reading, Ordinance No. 1273, read by title only. The motion was seconded by Councilperson Brush and, after discussion and on roll call vote, the motion passed 5-0. The Ordinance was referred to the Public Services Committee.*

**C. ORDINANCE NO. 1274: (First Reading)** *An Ordinance Enacting A New Section 22-151 Of The Code Of Ordinances Of The City Of Miles City, Entitled "Refusal To Submit To Alcohol/Drug Breath And/Or Blood Test"*

**\*\*** *Councilperson Ahner moved to adopt, on first reading, Ordinance No. 1274, read by title only. The motion was seconded by Councilperson Gardner and, on roll call vote, the motion passed 5-0. The Ordinance was referred to the Public Safety Committee.*

# PROCEEDINGS OF CITY COUNCIL

## MILES CITY, MONTANA

**D. RESOLUTION NO. 3696:** A Resolution Adopting A Special Prosecution Policy For The City Of Miles City, Montana

**\*\*** *Councilperson Gardner moved to adopt the Resolution, read by title only. The motion was seconded by Councilperson Brush and, on roll call vote, the motion passed 5-0. Resolution No. 3696 was adopted.*

**E. RESOLUTION NO. 3697: (First Reading)** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2013-2014 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For Hearing Thereon

**\*\*** *Councilperson Ahner moved to adopt, on first reading, Resolution No. 3697, read by title only. The motion was seconded by Councilperson Partridge and, on roll call vote, the motion passed 5-0. The Ordinance was referred to the Finance Committee.*

**F. RESOLUTION NO. 3698:** A Resolution Authorizing The Miles City To Enter Into A Gravel Stockpile Lease Agreement With The Montana Department Of Transportation

**\*\*** *Councilperson Brush moved to adopt Resolution 3698, read by title only and seconded by Councilperson Gardner.*

Director Gray explained that there is a limited amount of gravel that can come out of there because the county road is on one side and the old dump is on another side; the gravel is mostly for the City to use for maintenance.

*On roll call vote, the motion passed 5-0. Resolution No. 3698 was adopted.*

**G. RESOLUTION NO. 3699:** A Resolution Pursuant To §16-48 Of The Miles City Code Of Ordinances, Establishing Dates, Times And Locations For Discharge Of Fireworks Within The City Limits For The Year 2014

**\*\*** *Councilperson Ahner moved to adopt Resolution 3699, read by title only and seconded by Councilperson Gardner.*

Councilperson Brush asked the public to please clean up their fireworks debris in the parks.

*On roll call vote, the motion passed 5-0. Resolution 3699 was adopted.*

**H. RESOLUTION NO. 3700:** A Resolution Authorizing The Outlaw Baseball Club To Place A Concrete Monument At Tedesco Field In Honor Of The Tedesco Family And Sponsors Of Tedesco Field

**\*\*** *Councilperson Ahner moved to refer the resolution to the Public Services Committee for review and recommendations and whether it is consistent with our donation policy. The motion was seconded by Councilperson*

*Gardner and, on roll call vote, the motion passed 5-0. Resolution No. 3700 was referred to the Public Services Committee.*

# PROCEEDINGS OF CITY COUNCIL

## MILES CITY, MONTANA

- I. **RESOLUTION NO. 3701:** A Resolution Adopting Findings Of Fact And Approving The Amended Plat For The Purpose Of Boundary Line Relocation Of Lots 17-20 In Block 3 Of The Highland Park Addition To The City Of Miles City

**\*\*** *Councilperson Brush moved to adopt Resolution 3701, read by title only. The motion was seconded by Councilperson Ahner and, on roll call vote, the motion passed 5-0. Resolution 3701 was adopted.*

### Resignation of Fire Chief Dale Berg

Mayor Grenz noted that Fire Chief Dale Berg has tendered his resignation after 20 years of service. He said he wanted to thank Chief Berg for his service, and feels that the Fire Department has a better working relationship with the Rural Fire Department and the City Administration than it has had in many years, thanks to Chief Berg. He will be missed.

### ADJOURNMENT.

**\*\*** *Councilperson Brush moved to adjourn the meeting, seconded by Councilperson Ahner and passed unanimously, 5-0.*

The meeting was adjourned at 9:35 p.m.

  
\_\_\_\_\_  
C.A. Grenz, Mayor

  
\_\_\_\_\_  
Lorrie Pearce  
City Clerk