

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## REGULAR COUNCIL MEETING July 22, 2014 7:00 p.m.

### CALL TO ORDER

The Regular Council meeting was held Tuesday, July 22, 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, Wayne Andrews, Ken Gardner, Susanne Galbraith, Sheena Martin, John Hollowell and Jerry Partridge.

Also present were Public Works Director Scott Gray, City Attorney Dan Rice, Historic Preservation Officer Connie Muggli, Interim Fire Chief/Battalion Chief Scott Moore, 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: 7/8/2014

\*\* *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of July 8, 2014, seconded by Councilperson Galbraith and passed unanimously; 8-0.*

#### Public Services Committee Meeting: 7/3/2014

##### Public Services Committee Meeting July 3, 2014

The Public Services Committee met Thursday, July 3, 2014, at 6:00 pm in the City Hall conference room. Present were Committee Chairperson Jerry Partridge and Committee Members Wayne Andrews, Susanne Galbraith and John Hollowell. Also present was Mayor Grenz, Public Utilities Director Al Kelm, Police Chief Doug Colombik, Historical Preservation Officer Connie Muggli and Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Partridge called the meeting to order.

1. REQUESTS OF CITIZENS/PUBLIC COMMENT  
None
2. ORDINANCE NO. 1273: 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"

Chief Colombik reported that citizens are currently responsible for maintaining boulevards, but the City has no authority to enforce that responsibility. This ordinance would give some leverage for enforcement and would assist the Police Department in handling public nuisance complaints.

\*\* *Committee Member Andrews moved to recommend approval of Ordinance No. 1273 to the Council, seconded by Committee Member Hollowell and passed unanimously; 4-0.*

3. 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

Committee Member Hollowell, who is building and donating the monument, said it will be placed on a concrete pedestal on the left side of the entrance, outside the

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fence to Tedesco Field. The monument will have a protective barrier around it so that it cannot be run into by traffic.

*\*\* After discussion, Committee Member Susanne Galbraith moved to recommend approval of Resolution No. 3700 to the Council, seconded by Committee Member Andrews and passed unanimously, 4-0.*

**A. Resolution No. 3704:** A Resolution Declaring The City Council Intent To Create A Miles City Downtown Urban Renewal District With Tax Increment Authority; Declaring The Existence Of Blight Within The Miles City Downtown Urban Renewal Area

Historic Preservation Officer Muggli explained that this resolution outlines the boundaries that have been proposed up to this point, and it will still have to go through the public process and approval by the City Council. She said that consultant Steve Zeier can join the meeting by conference call if the committee needs more information.

Mr. Zeier asked HPO Muggli to present the following points to the Council:

1. Inclusion of the property to the north of the downtown is necessary to encourage investment in the area. Either through direct assistance or via policy changes as a result of this planning process, redevelopment is sorely needed in these areas.
2. The Milwaukee R/R ROW is a natural boundary, as we have to balance the needs of the district with the needs of the whole. We went east along the RR to Woodbury, to include the old warehouses and industrial buildings, as there is potential there as the economy improves over the 15 year life span of the TIFD.
3. The "Wilderness Area" has potential if and when the floodway issues are mitigated. City-owned property that could soon be very valuable is worthy of inclusion.
4. The 7th street corridor and its adjacent industrial properties are at the end of their service life and are ripe for redevelopment all on their own. To include these as part of the entryway into the downtown and the larger community is critical.
5. Todd's (Steadman) property is a good one to include for the basic reason that if this district was in place two years ago, increment would already be generated. PLUS the sidewalk and infrastructure around it is in rough shape, to say the least. It is not "blighted", other than "many of the sidewalks are cracked or nonexistent", which, as part of the site plan, he is required to install. Our rationale was that it is a high density population area that will potentially draw people to downtown, and the city may/will be required to develop sidewalks across the BNSF tracks and further to link to downtown pedestrian walks and improve streets to provide better access for the people living there.

The area is larger than originally proposed, but they felt the potential for development in the enclosed area, balanced with the property values and the existing businesses, make it a really prime area. The area includes 529 property owners: a total of 146 acres of land with a total taxable valuation of \$46.1 million. The railroad owns quite a bit of this land, from which the TIFD would receive revenue from any improvements.

Quite a bit of development is already occurring in this area, the revenue of which would show up in City coffers in December, 2015. Also, the natural reappraisal process takes place in 2015 as well, so the City will see an immediate increase from that normal reappraisal process.

TIFD funds can be leveraged many different ways, such as low interest loans, funds for matching grants and so on.

She mentioned that the Redi-Mix property, also in this area, is a prime Brownsfield site.

Committee Member Andrews felt the Chamber of Commerce should be involved in this planning.

Committee Member Galbraith was concerned about including the Steadman apartments in this district, as the large increase in revenue the City would see in property taxes would, instead, be placed in the TIFD and not be available to the City's general fund. She felt this would be detrimental to the City, since those funds will be a significant amount which could otherwise be used to offset normal inflationary costs, such as utilities, insurance rates, etc.

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Committee Member Hollowell asked for clarification as to whether including the Oasis and/or Denton Field complex would be beneficial for the TIFD. HPO Muggli will contact Mr. Zeier with this question. She also noted that the boundaries can be amended up until final adoption.

\*\* *Committee Member Galbraith moved to recommend approval of Resolution No. 3705 to the Council, with the stipulation that the two new apartment complexes of the Steadman family be taken out of the Urban Renewal District, as well as the possible inclusion of the Oasis in the District. The motion was seconded by Committee Member Andrews and passed unanimously, 4-0.*

## ADJOURNMENT

\*\* Having no further business, *Committee Member Hollowell moved to adjourn, seconded by Committee Member Andrews and passed unanimously.* The meeting was adjourned at 6:25 p.m.

\*\* *Councilperson Galbraith moved to approve the minutes of the Public Services Committee Meeting of July 3, 2014, seconded by Councilperson Hollowell and passed unanimously. 8-0.*

## **Public Services Committee Meeting: 7/9/2014**

### **Public Services Committee Meeting July 9, 2014**

The Public Services Committee met Wednesday, July 9, 2014, at 5:30 pm in the City Hall conference room. Present were Committee Chairperson Jerry Partridge and Committee Members Dwayne Andrews, Susanne Galbraith and John Hollowell. Also present was Mayor Grenz, Sigrid Laird and Committee Recorder/Deputy City Clerk Connie Watts.

Chairperson Partridge called the meeting to order.

#### **4. REQUESTS OF CITIZENS/PUBLIC COMMENT None**

#### **5. Discussion of Placement of a Plaque for People who have Donated to the Swimming Pool**

Sigrid Laird, former Pool Director for many years, said that the Mayor had been contacted some time ago by a former Miles City citizen from the LeMier, who wanted to donate a substantial amount of money to the pool in memory of Joe Kelly, a former Miles City resident who passed away recently. The initial thought was to install a plaque at the pool with "nameplates" engraved with the donor's name that could be inserted in the plaque when a substantial donation was made.

The family members have now changed their minds, and would rather plant trees on Main Street, possibly in front of where their dad's office used to be.

The Committee expressed its interest in moving forward with the donation plaque, even without the LeMier family's participation.

Mrs. Laird noted that the plaque and metal plates are quite expensive, and suggested an alternative: a "memorial tree" that could be painted on the side of the pool building. Instead of name plates, leaves could be added for each donation with the donor's name painted on the leaf. She knows some artists that she says would probably paint the tree at no cost. She also said there is some money left in the pool fund that she had started last year that could be used for paint.

It was decided to not bring the issue before the Council until more details have been worked out.

## **ADJOURNMENT**

\*\* Having no further business, the meeting was adjourned at 5:40 p.m.

\*\* *Councilperson Partridge moved to approve the minutes of the Public Services Committee Meeting of July 9, 2014, seconded by Councilperson Hollowell and passed unanimously. 8-0.*

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## Finance Committee Meeting: 7/16/2014

### Finance Committee Meeting July 16, 2014

The **Finance Committee** met Wednesday, July 16, 2014, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members Sue Galbraith, Sheena Martin, and John Hollowell. Committee Member, Dwayne Andrews was absent. Also present were Mayor C.A. Grenz and Recorder/City Clerk Lorrie Pearce.

#### Request of Citizens

**Discussion on 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**

\* \* *Committee Member Hollowell moved to recommend to Council approval of Ordinance No. 1272. The motion was seconded by Committee Member Martin.*

Committee Member Hollowell asked why the City is asking for \$750,000 per claim and \$1,500,000 per occurrence in the proof of liability insurance. Mayor Grenz explained that the City of Miles City has a \$750,000 deductible, and from there the insurance kicks in. If you have two claims in one accident and both occurrence were over \$750,000 deductible, the City would have to pay the difference up to the \$1,500,000. Chairperson Galbraith explained that insurance companies does not sell insurance in one half increments, so the City should change the liability insurance required to \$1,000,000 and per occurrence to \$2,000,000. She added that MMIA recommended the City change the verbiage in Section 17-114 from "additional named insured" to "additional insured."

Chairperson Galbraith explained that the committee will need to determine the amount of people involved in an event. Mayor Grenz replied that he didn't think the amount of people were relevant. Committee Member Martin asked if there is a reason for the limitation of people for each event.

After a long discussion, it was decided that there was not enough information provided to make any decision on the Ordinance.

\* \* *Committee Member Hollowell moved to table Ordinance No. 1272. The motion was seconded by Chairperson Galbraith; and by roll call vote, passed unanimously 3-0.*

#### Adjournment

There being no further business, Committee Member Martin moved to adjourn the meeting, seconded by Committee Member Andrews. The meeting was adjourned at 6:30 p.m.

\*\* *Councilperson Gardner moved to approve the minutes of the Finance Committee Meeting of July 16, 2014, seconded by Councilperson Galbraith and passed unanimously. 8-0.*

#### SCHEDULE MEETINGS

- Human Resources Committee: 6:00 Tuesday, July 29
- Finance Committee: 6:00 Wednesday, July 30

#### REQUEST OF CITIZENS & PUBLIC COMMENT

None

#### APPOINTMENTS

None

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## PROCLAMATIONS

None

## STAFF REPORTS

### ***Connie Muggli, Historical Preservation Officer***

- Reported on the TIF District, saying the project is still well within budget, as only about 1/3 of the total has been expended to date. She anticipates a public meeting about August 20<sup>th</sup>, where she will solicit input from citizens. She and Scott Zeier will be meeting with staff and hope to have a steering committee appointed by mid-August.
- The Oasis and Washington School may be added to the District. A resolution with the final plan and boundaries will need to be adopted, probably in September.

## CITY COUNCIL COMMENTS

### ***Ken Gardner***

- In light of the recent tragedy at Spotted Eagle, he felt the number of “No Lifeguard” signs should be increased, and the current ones repainted. He also suggested a new sign be posted in a more visible place by the swimming area.
- He felt that more trash cans are needed, possibly four more. Director Gray will address this.
- He commended Walleyes Unlimited for the wonderful job they do in maintaining and improving the area.

### ***Mark Ahner***

- Agreed with Ken – feels the “No Lifeguard” signs need to be refurbished.

### ***Roxanna Brush***

- Noted that the signs at Triangle Park have been blown around. The Yield Signs have been purchased and will be installed soon.
- Asked how the clean-up on Fourth and Mississippi is progressing. The Mayor said that Director Gray should have the court order on his desk in the morning.

### ***John Hollowell***

- Heard from a citizen who reported that there may be a salvage yard on the 3100 block of Box Elder. He will visit with Police Chief Colombik regarding this issue.
- As a member of the Economic Development Committee, he reported that group feels a City/County Planning Board needs to be formed. A straw poll was taken to gauge the thoughts of the Council on this issue. Mayor Grenz then asked for a motion.

\*\* *Councilperson Hollowell moved the Council show its support for a City/County Planning Board, seconded by Councilperson Brush and passed unanimously.*

## MAYOR COMMENTS

None

## STANDING COMMITTEE RECOMMENDATIONS

None

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## BID OPENING

### **Paving on Arrowhead Drive SID #211**

Two bids were received, as follows:

EHC, LLC:	Asphalt:	No bid
	Concrete:	\$344,794
Century Companies:	Asphalt:	\$258,025
	Concrete:	\$386,375

Mayor Grenz referred the bids to the Finance Committee.

## BID AWARDS

None

## PUBLIC HEARINGS

**Petition by Jerry and Kathy Doeden** to Vacate an Alley and a Portion of Yellowstone Blvd located in Blocks 4 & 2, Milwaukee Park Addition, in the City of Miles City, Montana

Mayor Grenz called for comments from proponents.

*Kathy Doeden* explained that she is trying to update the old plats to reflect how the property stands currently. Most of the non-existent streets and alleys have previously been vacated, but half of an alley and a portion of Yellowstone Boulevard were inadvertently missed when the others were vacated. They are trying to get a loan on the property and comply with FEMA requirements. FEMA requires the property be contiguous, and claims that the alley breaks the continuity.

Mayor Grenz then called for comments from opponents. There were no proponent comments, and the hearing was closed.

## UNFINISHED BUSINESS

**RESOLUTION NO. 3707:** *(Deferred from July 8, 2014, Council Meeting)* A Resolution Authorizing The City Of Miles City To Enter Into A Contract For Attorney Services With W. G. Gilbert, III, P.C., A Montana Professional Corporation, For Special Legal Services Related To Montana Water Court Case No. 42C-184

\*\* *Councilperson Galbraith moved to approve Resolution 3707, read by title only and seconded by Councilperson Gardner.*

City Attorney Rice explained that water rights law is a very specialized area of law, with its own court system. Mr. Gilbert is an expert in this field. Attorney Rice had written memos to the Council outlining Mr. Gilbert's credentials and explaining the need for his services.

Councilperson Ahner noted that the City Attorney had answered most of his questions; however, he said that Mr. Gilbert has estimated between four and five thousand dollars, but there was no guarantee it would not go higher.

\*\* *Councilperson Galbraith moved to amend her motion so that, on Page 3, Item 6c, the payment clause would read 30*

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days instead of 7 days. Councilperson Brush seconded the motion, which passed 7 to 1, with Councilperson Partridge voting no.

\*\* Councilperson Ahner moved to amend Councilperson Galbraith's motion so that, on Page 3, Item 6c, the payment clause would read, "...below; total compensation not to exceed \$5,000 without the prior written approval of the City Council." The motion was seconded by Councilperson Brush and, on roll call vote, passed 7-1, with Councilperson Partridge voting no.

\* Councilperson Galbraith's original motion to approve Resolution 3707, as amended, was then passed unanimously, on roll call vote, 8-0.  
**Resolution No. 3707 was adopted.**

## NEW BUSINESS

A. **RESOLUTION 3668:** A Resolution Authorizing The City Of Miles City To Enter Into An Agreement Entitled "Interlocal Agreement For Montana Firefighters Testing Consortium" With Certain Cities And Fire Districts In The State Of Montana

\*\* Councilperson Gardner moved to approve Resolution 3668, read by title only and seconded by Councilperson Galbraith. After brief discussion and on roll call vote, the motion passed by unanimous consent, 8-0.  
**Resolution No. 3668 was adopted.**

B. **RESOLUTION NO. 3706:** A Resolution Vacating, Discontinuing, And Closing A Portion Of Yellowstone Boulevard In Block 4 And The Alley In Block 2 Of The Milwaukee Park Addition To The City Of Miles City, Montana

\*\* Councilperson Galbraith moved to approve Resolution 3706, read by title only and seconded by Councilperson Gardner.

Councilperson Ahner expressed concern that some of the property the City would be vacating may need to be condemned and purchased by the City when it comes time to build a new dike, as recommended by FEMA or the Corps of Engineers. Councilperson Galbraith said she had the same concern.

It was also suggested that the alley could be "closed" or "abandoned" instead of "vacated", which would retain ownership for the City. It still may not satisfy FEMA, however.

Doedens are attempting to procure a loan on the property, which would require a LOMA (Letter of Map Amendment.) She has only 90 days to do this, and has already used up 45 of them.

\*\* Councilperson Brush moved to table the issue, seconded by Councilperson Partridge and, on roll call vote, passed 7-1, with Councilperson Andrews voting no.

Councilperson Hollowell suggested Mrs. Doeden talk with the Flood Plain Administrator and other City Staff to see how this could be resolved.

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C. **RESOLUTION NO. 3709:** *(First Reading)* A Resolution Revising And Correcting Resolution 3697, And 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 Brush moved to approve Resolution No. 3709, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0. A public hearing on Resolution No. 3709 will be held August 12<sup>th</sup>, 2014.*


## Approval of June Claims


\*\* *Councilperson Galbraith moved to approve June claims, seconded by Councilperson Brush. After discussion, the motion passed by unanimous consent, 8-0. June claims were approved.*

## ADJOURNMENT.

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

The meeting was adjourned at 8:10 p.m.

  
Lorrie Pearce  
City Clerk

  
C.A. Grenz, Mayor