

# PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

## REGULAR COUNCIL MEETING December 09, 2014 7:00 p.m.

### CALL TO ORDER

The Regular Council meeting was held Tuesday, December 09, 2014, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Council President John Hollowell called the meeting to order. Council Members present were Roxanna Brush, Mark Ahner, Susanne Galbraith, Sheena Martin, Dwayne Andrews, Ken Gardner and Jerry Partridge. Mayor C.A Grenz was excused.

Also present were Public Works Director Scott Gray, Police Chief Doug Colombik, Public Utilities Director Al Kelm, Interim Fire Chief Cameron Duffin, Grant Administrator/Historic Preservation Officer Connie Muggli, Firefighter Daniel Robison and City Clerk/Minute Recorder Lorrie Pearce.

### PLEDGE OF ALLEGIANCE

Council President Hollowell led the Council in the Pledge of Allegiance.

### APPROVAL OF COUNCIL & COMMITTEE MINUTES

#### City Council Minutes: 11/25/2014

\*\* Councilperson Ahner moved to approve the minutes of the Regular Council Meeting of November 25, 2014, seconded by Councilperson Brush. On roll call vote the motion passed unanimously.

#### Special Council Meeting: 11/26/14

\*\* Councilperson Galbraith moved to approve the minutes of the Special Council Meeting of November 26, 2014, seconded by Councilperson Gardner. On roll call vote the motion passed unanimously.

#### Public Safety Committee Meeting: 11/20/14

##### *Public Safety Committee Meeting November 20, 2014*

*The Public Safety Committee met Thursday, November 20, 2014, at 6:00 pm in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members Roxanna Brush and Jerry Partridge. Committee Member Susanne Galbraith was excused. Also present was Public Works Director Scott Gray, Captain Mark Reddick, Captain Casey Prell and Committee Recorder/HR/Payroll Officer Billie Burkhalter.*

*Chairperson Ahner brought the meeting to order.*

**ORDINANCE NO. 1280: An Ordinance Amending Section 22-144 of the Code of Ordinances of the City of Miles City, Montana, so as to designate school zone speed limits within the City of Miles City:**

*Chairperson Ahner explained to the Committee that currently 15 mph school zone speed limits are not enforceable and cannot be until the Montana Department of Transportation (MDT) has completed an investigation in these areas.*

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*Chairperson Ahner stated that from this investigation MDT recommended that 15 mph speed zones be designated and supported by an Ordinance in school zones. He explained Custer County High School was not looked at due to this area not being designated as an Urban Route. He stated the City Council had previously decided that around Pearl Street there should be a 15 mph speed limit from half a block before Lincoln Street (east end) all the way over to Montana Ave where it intersects with Pearl Street so as to include Trinity Lutheran School. Director Gray stated he would recommend all of Pearl Street be included in this Ordinance.*

**\*\*** *Committee member Brush moved to recommend to Council to approve Ordinance No. 1280, an Ordinance Amending Section 22-144 of the Code of Ordinance of the City of Miles City, Montana, so as to designate school zone speed limits within the City of Miles City to include Director Gray's recommendation for all of Pearl Street to be included. Committee member Partridge seconded the motion.*

*Captain Reddick questioned if there were any recommendations from MDT on the hours of the speed limit. Chairperson Ahner stated MDT recommended that 15 mph be in effect through the school hours but the City Council recommended it be in effect all hours year round. Director Gray stated he would also recommend the 15 mph be in effect 24 hours a day for 365 days a year.*

**\*\*** *Committee member Brush moved to amend the original motion to include language in Ordinance No. 1280, to make the speed limit in this area be in effect 24 hours a day, 365 days a year. Committee member Partridge seconded the motion, which then passed unanimously, 3-0.*

*Director Gray requested in the area around Highland Park School to extend the 15 mph speed limit zone all the way to Sewell Street.*

**\*\*** *Committee member Partridge moved to amend the original motion to include language in Ordinance No. 1280 to extend the 15 mph speed limit to Sewell Street. Committee member Brush seconded the motion, which then passed unanimously, 3-0.*

**\*\*** *Original motion then passed unanimously, 3-0.*

## **TRAFFIC CONTROL MEASURES ON STOWER STREET**

*Doug Flint, 712 Atlantic, stated he lives in the area of Stower Street and is concerned with oversized vehicles, such as ranch pickups with trailers going down this street. He explained that Stower Street is narrow and with the addition of cars parking on both sides of the street, these oversized vehicles cause a traffic hazard. He questioned if the City could put a sign by the City Shop that could direct this traffic to the existing truck route. Chairperson Ahner stated that the signs that are currently on the truck route are intended for bigger vehicles then a horse trailer or 1 ton pickup and didn't believe it would be feasible to direct these vehicles in another direction. He did state that the City could be accommodating with adding additional signs along the truck route to try and alleviate the congestion.*

*Committee member Brush discussed the possibility of alleviating congestion of vehicles by allowing parking on only one side of the street. Committee member Partridge stated he was concerned with the parking around Lincoln School. The facility at this school continually park close to sidewalks even though they have been requested not to.*

*Chairperson Ahner requested Director Gray to research the area around the City Shop and see if additional truck routes signs would need to be placed. He further requested Director Gray to research the parking and crosswalk areas around Lincoln School. When Director Gray has completed these tasks he will bring them back to the Committee.*

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## REQUEST OF CITIZENS

None.

## ADJOURNMENT

- \*\* *Having no more business to come before the Committee, Committee Member Partridge moved to adjourn the meeting, seconded by Committee Member Brush and passed unanimously, 3-0. The meeting was adjourned at 6:45 p.m.*
- \*\* *Councilperson Ahner moved to amend the Public Safety Committee Minutes of November 20, 2014 by adding “not” between the words area and being to the 2<sup>nd</sup> sentence in the 2<sup>nd</sup> paragraph on page 1. The motion was seconded by Councilperson Galbraith and passed unanimously.*
- \*\* *Councilperson Brush moved to approve the Public Safety Committee Minutes of November 20, 2014, seconded by Councilperson Galbraith and passed unanimously.*

## SCHEDULE MEETINGS

- Planning Board Meeting: Wednesday, December 10<sup>th</sup> @ 5:00 pm

## REQUEST OF CITIZENS & PUBLIC COMMENT

Resident Bette Jewell, 107 Ponderosa Street, explained that a report from a rezoning meeting last spring said that M&L Enterprise’s property would be approved for multi family dwelling, not heavy industrial. She was very surprised when she heard Brawler had purchased the property to build a manufacturing plant in the area. She looked at criteria for permitted uses and intent on all the different categories of zoning and compared it to Brawler’s web site. She said there were glaring differences and objections to the infractions that are listed on the site, as far as permitted use and intent that do not fall under General Commercial but falls under Heavy Commercial and Industrial. She asked who has the authority to approve the business concerning zoning and where would a group go if they wanted to protest the fact that an industrial manufacturing business is being built under General Commercial property.

Councilperson Brush asked if Brawler had submitted a plan for review. Director Gray said no. Councilperson Brush told Mrs. Jewell that the planning board would have to approve that the land is zoned correctly and the site plan reviewed she added that all meetings are noticed in the local paper.

Council President Hollowell told Mrs. Jewell that the Building Inspector enforces any zoning or rezoning.

Resident Dwayne Rude, 10 Arrow Circle Drive, said Brawler is a large scale manufacturing facility, and the new landowner of M&L Enterprise property and he had some concerns.

1. Will Brawler be vetted through zoning process to ensure capability with current land use?
2. Will Brawler be vetted by the subdivision review process to ensure that the development from subdivision meets the criteria of MCA Title 76, Chapter 3.
3. Will the process be reviewed to comply with the following
  - a. Agriculture
  - b. Agriculture user facilities
  - c. Local Service

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- d. Natural Environment
  - 1. Wildlife, Wildlife Habitat
  - 2. Natural Environment
  - 3. Public Health and Safety

He asked that Brawler be held to the same standards as everyone else, and that the decision from the Council will benefit the whole community, not just the select few. He asked that the City does its job correctly now so they don't come back and ask for forgiveness later. He said the residents are not going to give up their personal property rights and felt that there was a disconnect in the process and would like to see the experts handle all zoning, planning and subdivision issues.

## APPOINTMENTS

None

## PROCLAMATIONS

None

## STAFF REPORTS

***Public Works Director Scott Gray:*** Storm Water/Flood Control Dam at Southgate Meadows

Director Gray gave a brief history of Southgate, explaining that the area was developed in the late 70's and a lot of events have happened since then. When M&L Enterprise was processing Phase 1, the dam was removed, and another dam was built equal to the elevation of the previous dam. The new dam was approved by the City Planner and City Council, but not by an engineer. The City will have to hire an engineer and do whatever it takes to get his or her stamp of approval. He also said that storm water drains will need to be added, and some detention ponds will need to be built or replaced. The residents will probably need to pay for their items through an SID. He also encouraged residents to not put garbage, tree branches or grass clippings on the edge of the park because it causes flooding.

Resident Rod Rainey, 3 Arrow Circle Drive, said the dam was working when it was removed and asked if the South Gate residents will have to pay for the replacement through an SID. Director Gray said no, that the SID would pay for storm water drains and detention ponds. The City will have to pay for any dam repairs or improvements.

Resident Keith Hall, 413 Ponderosa Street, said that he lives on the corner of Ponderosa and Silver Sage and when it rains water will back up to the apple tree in his yard. He added that in the 13 years he has lived there he has seen a lot more buildings being built. The development is causing more water to drain down Ponderosa Street and Silver Sage Street. He asked if the developer is responsible for paying for the storm water. Director Gray said the developers will pay part of it and the residents will pay for part of it. He added that any new development will be inspected at every step by the City Sanitarian, who is a DEQ representative.

Director Gray informed the residents that the storm water program that is being implemented will help with the flood water insurance. And he wanted the residents of Southgate to be aware that, in the last month, another subdivision in that area had been approved by the County.

***Interim Fire Chief Duffin*** welcomed Firefighter Daniel Robinson to the Fire Department. He said Firefighter Robinson was married with three boys.

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## CITY COUNCIL COMMENTS

*Councilperson Brush* commented that the North side of town where she lives does not have curbs, sidewalks, gutters, or detention ponds. She hopes that the City and all residents can work together and get through the process.

*Councilperson Ahner* said that it was the first time he had heard about the neglect and insufficiency of the City on the drainage at South Gate Meadows. He felt the City needed to restore the dam on the East side of the subdivision. He commended Director Gray for admitting that the City had made a mistake and that the City will be responsible to correct it.

*Councilperson Galbraith* thanked the Fire Department for its hard work gathering toys for the Toys for Tots project. She said the department will be handing out 800 children toys and 40 to disabled adults. She also wanted to thank Utility Billing Clerk Patti Bissell for her hard work on the new water/sewer collection policy. She said it has made a huge difference on the collected amount, and by the end of next year the estimated amount sent in for collection will decrease to about \$500.00.

## MAYOR COMMENTS

None

## STANDING COMMITTEE RECOMMENDATIONS

*Finance Committee: 12/08/14:* Recommend to approve Water/Sewer Collection Accounts in the amount of \$3,394.43

\*\* *Councilperson Ahner moved to approve the Water/Sewer Collection Accounts in the amount of \$ 3,394.43, seconded by Councilperson Gardner. On roll call vote the motion passed unanimously.*

*Finance Committee: 12/08/14:* Recommend to approve Ambulance Collection Accounts in the amount of \$28,146.46

\*\* *Councilperson Galbraith moved to approve Ambulance Collection Accounts in the amount of \$ 28,146.46, seconded by Councilperson Brush. On roll call vote the motion passed unanimously.*

## BID OPENING

None

## BID AWARDS

None

## PUBLIC HEARINGS

None

## UNFINISHED BUSINESS

**A. RESOLUTION NO. 3760:** A Joint Resolution Of The Board Of Commissioners Of Custer County, Montana, And The City Council Of Miles City, Montana, Approving A Letter Of Agreement Pertaining To Rates For Services For FY 2014-2015

\*\* *Councilperson Galbraith move to approve Resolution No. 3760 by title only and seconded by Councilperson Martin. On roll call vote,*

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*the motion passed by unanimous consent. Resolution No. 3760 was adopted.*

**B. RESOLUTION NO. 3762:** A Resolution Approving An Agreement To Furnish Engineering Services Between The City Of Miles City And Peccia & Associates, Inc., For Wastewater Engineering Services

*\*\* Councilperson Ahner move to approve Resolution No. 3762 by title only, with correction on item 2 of the resolution to say "is" instead of his. The motion was seconded by Councilperson Brush. After a brief conversation and on roll call vote, the motion passed by unanimous consent. Resolution No. 3762 was adopted.*

## NEW BUSINESS

**A. RESOLUTION NO. 3765:** A Resolution Supporting The Continued Funding Of The Local Government Center At Montana State University

*\*\* Councilperson Gardner moved to approve Resolution No. 3765 by title only, seconded by Councilperson Brush. On roll call vote, the motion passed by unanimous consent. Resolution No. 3765 was adopted.*

**B. RESOLUTION NO. 3766: (First Reading)** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2014-2015 To Increase The Budgeted Amount In Fund # 1000-011-411840-350 And #1000-011-411840-370 To Provide Funding For TIFD Project For Historic Preservation

Historic Preservation Officer Muggli explained that the extra money was to pay Steve Zeier for extra work completed in August and September. Mr. Zeier organized and ran some mandatory meetings during her absence from work. She added, if the full amount is not spent, it will revert back to General Fund.

*\*\* Councilperson Andrews moved to approve Resolution No 3766, read by title only and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent.*

**C. Closing of City Hall at 1:00 p.m. on December 24, 2014**

Clerk Pearce reminded the Council that four hours will be paid to all City Hall employees from their appropriate funds.

*\*\* Councilperson Galbraith moved to approve the closing of City Hall at 1:00 pm on December 24, 2014, seconded by Councilperson Partridge. On roll call vote, the motion passed with a vote of 6-1. Councilperson Ahner voted no.*

**D. Approval of November Claim**

*\*\* Councilperson Galbraith moved to approve November claims, seconded by Councilperson Andrews. After a brief discussion and on roll call vote, the motion passed by unanimous consent.*

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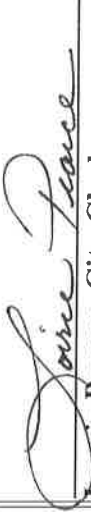
**ADJOURNMENT**

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

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



**John Hollowell, Council President**



**Lorrice Pearce, City Clerk**