REGULAR COUNCIL MEETING February 10, 2015 7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 10, 2015, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor Grenz called the meeting to order. Council Members present were Roxanna Brush, Sheena Martin, Dwayne Andrews, Ken Gardner, Jerry Partridge, John Hollowell and Susanne Galbraith. Mark Ahner was excused.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Public Works Director Scott Gray, Public Utilities Director Al Kelm, Interim Fire Chief Cameron Duffin, Grant Administrator /Historic Preservation Officer Connie Muggli, Planner in Training Dawn Colton 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: 1/27/2015

** Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of January 27, 2015, seconded by Councilperson Gardner and the motion **passed** unanimously, 7-0.

Finance Committee Meeting: 1/22/15

Finance Committee Meeting January 22, 2015

The Finance Committee met Thursday, January 22nd, 2015, at 11:00 a.m. in the City Hall Conference Room. Present were Committee Members Susanne Galbraith, John Hollowell and Dwayne Andrews. Committee Member Sheena Martin was absent. Also present was 911 Coordinator Heather Roos, Interim Fire Chief Cameron Duffin, Police Chief Doug Colombik, Public Works Director Scott Gray, Planner-in-Trainer/Grants Administrator Dawn Colton, Mayor C.A. Grenz and Committee Recorder/HR/Payroll Officer Billie Burkhalter.

Committee Member Galbraith called the meeting to order.

1. ELECTION OF CHAIRPERSON:

** Committee Member Andrews moved to nominate Committee Member Susanne Galbraith for Chairperson of the Finance Committee. The motion was seconded by Committee Member Hollowell.

After hearing no further nominations;

** The motion then passed unanimously.

2. REQUEST OF CITIZENS:

-None.

3. REVIEW AND RECOMMENDATION ON AMBULANCE BILL ASSISTANCE

Chairperson Galbraith closed the meeting.

#1 - Ambulance Request: #14-0900, #14-0896, #14-0888, #1201297

Patient will continue to make payments directly to Solestone.

#2-Ambulance Request: #14-1315, #14-1119

** Committee Member Andrews moved to recommend to City Council to allow Ambulance #2 Request: #14-1315 & #14-1119 to make payments of \$15.00 a month directly to Solestone. The motion was seconded by Committee Member Hollowell, and on roll call vote, motion passed unanimously 3-0.

Chairperson Galbraith reopened the meeting at 11:15 a.m.

4. REVIEW AND RECOMMENDATION ON CONTRACT WITH STEVENSON DESIGN FOR DESIGN AND CONSTRUCTION MANAGEMENT OF DENTON COMPLEX SIDEWALK PROJECT:

Administrator Colton requested the Committee continue with the process of reviewing this contract but that it not be forwarded to the City Council at this time. She explained that she has just been notified that all the City's available CTEP monies have been put towards the Tatro Street Project due to cost overruns. She is currently trying to find out exactly what the cost overruns are and if they qualify for CTEP approved projects. In the meantime, Administrator Colton requests that the Committee continue on as if they have the funds for the project. The Committee agreed.

Chairperson Galbraith stated that in the contract under Article 6: Payments and Compensation to the Architect; she believed that where it states "amounts unpaid thirty days (30) days after the invoice date shall bear interest from the date payment is due" seemed like too short of a time frame and requested that the time be extended to forty-five (45) days for the City's claim process. Committee Member Andrews agreed.

Director Gray stated the City's match for this project is \$9300, with the CTEP funding. Committee Member Andrews felt that the cost of the work to be done on the project is excessive.

** Committee Member Hollowell moved to recommend to City Council to approve the contract with Stevenson Design for Design and Construction Management of Denton Complex Sidewalk Project, with the condition that Article 6: Payments and Compensation to the Architect state forty-five (45) days. The motion was seconded by Committee Member Galbraith, and motion passed 2-1, with Committee Member Andrews opposed.

5. REQUEST FROM POLICE DEPARTMENT TO CHANGE OFFICER FROM DRUG TASK FORCE TO REGULAR OFFICER:

Chief Colombik explained to the Committee that he would like to eliminate the Drug Task Force position and make it a regular officer's position. He stated that since 1991, the Police Department has sent over an Officer to work as a Drug Task Force Officer. In that time there has only been one officer who returned back to the force, all the other employees have either quit or taken jobs at the State level. He strongly feels, with the resignation of the current Drug Task Force Officer, that it should not be filled and instead an officer should be added to the street. The Drug Task Force currently funds approximately \$46,000 towards an officer's salary. The City is currently paid up through this fiscal year with their share of the contract.

Chief Colombik stated in his department one of his biggest problems and concerns are the lack of coverage on the streets and lack of coverage of shifts. This is causing a liability for the City and causing huge amounts of overtime in his department.

Chairperson Galbraith stated she understood that the County will not be funding their portion of the SRO Officer for the next fiscal year. Chief Colombik explained he is currently trying to get a meeting scheduled with the County Commissioners. At this point it sounds like the school is willing to fund their portion of the position, but does not believe they are willing to fund more than their share. Chairperson Galbraith stated that if that is the case then the department would have a full time officer back.

Chairperson Galbraith requested to have this issue addressed once they find out if the County plans to fund the SRO Officer and for the Chief to bring it to the next budget cycle.

6. Review and Recommendation on Reimbursement of Impound Fees:

Chairperson Galbraith explained that a gentleman had his vehicle stolen and had not been informed when it was recovered, resulting in impound fees for fourteen (14) days.

- ** Committee Member Andrews moved to recommend to City Council to approve the recommendation to reimburse \$420.00 of impound fees. The motion was seconded by Committee Member Hollowell and motion passed unanimously 3-0.
- 7. Review and Recommendation on Crown Castle Lease at Airport:

Chairperson Galbraith explained Crown Castle, who currently has a lease agreement with the Airport, is requesting to renew the lease. It is recommended to approve Option 1, which is for Crown Castle to retain their lease for twenty-five (25) years, pay \$37,500 up front for the first ten (10) years and then make monthly rent payments thereafter.

- ** Committee Member Hollowell moved to recommend to City Council to approve Option 1: a twenty-five (25) year lease, with a payment up front of \$37,500 for the first ten (10) years and then monthly rent payments thereafter. The motion was seconded by Committee Member Galbraith and motion passed unanimously 3-0.
- 8. RESOLUTION NO. 3769: (*Referred from 1/13 meeting*) A Resolution Approving A Proposal From Dorsey& Whitney LLP For Provision Of Professional Services Related To Obtaining A Sewer System Revenue Bond For Wastewater Treatment Plant Upgrades:

Director Kelm explained that this is for the Wastewater Treatment Plant Upgrade in which the City will be borrowing approximately 6.2 million dollars. Dorsey & Whitney will be the bond counsel and has been used numerous times for City projects. Basically, they will be the guarantor that SRF will get their monies if the City could not pay the bonds back.

** Committee Member Andrews moved to recommend to City Council to approve Resolution No. 3769: A Resolution Approving a Proposal from Dorsey & Whitney LLP for Provision of professional services related to obtaining a Sewer System Revenue Bond for Wastewater Treatment Plant Upgrades. The motion was seconded by Committee Member Galbraith.

Committee Member Hollowell questioned why their fees are estimated and not exact amounts. Director Kelm stated he did not believe he would be able to get an exact cost as a lot of it is based off of time and materials. Director Kelm further stated he would get information on how they obtained the estimate, and try to get a firm number.

- ** On roll call vote the motion then passed, 3-0.
- RESOLUTION NO. 3770: (First Reading on 1/13) 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 # 1000-005-420160-143 To Fund 6 Months Benefits For One Full Time Dispatcher:

911 Coordinator Roos explained that in 2012, the City Council eliminated the part-time dispatch position and made it into a full time position due to the difficulty of filling the part-time position. In 2013, the City Council then eliminated that full-time position and split it into 2 part-time positions. She further explained that over the past 5 years her department has been through 7 part-time employees. She explained that it costs approximately \$6400 to train each new hire in dispatch. Over the years overtime has been increasing due to the revolving part-time position. Both part-time positions are currently not filled and she has had these positions advertised for over 60 days, with only 2 applicants, who both turned down the position.

Chairperson Galbraith explained the increase would be to cover insurance costs for the rest of the year for the full time position.

** Committee Member Hollowell moved to recommend to City Council to approve Resolution No. 3770: 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 #100-005-420160-143 to fund 6 months benefits for one full time Dispatcher. The

motion was seconded by Committee Member Galbraith and on roll call vote, motion passed unanimously 3-0.

- 10. ORDINANCE NO. 1283: (First Reading on 12/23/14) An Ordinance Changing The Zoning Of The S 1/2SW1/4SE1/4, Less 7.5 Acres Of Section 25, Township 8 North Range 47 East M. P. M., From Agriculture District Zone To Semi Rural Zone, And Providing For A Hearing Thereon:
 - ** Committee Member Hollowell moved to recommend to City Council for approval of Ordinance No. 1283. The motion was seconded by Committee Member Andrews.

Committee Member Andrews questioned how public comment impacts the decision by the Zoning Commission, as he has been told it doesn't.

Director Gray stated that when there is a rezone proposal that comes to the Commission, if there are no protests and it conforms to the standards, the Zoning Commission will usually pass unanimously. He further explained that if the notified residents come in and protest, it does weigh into the decision of the Commission. Their decision will then be forwarded to the City Council.

- ** On roll call vote the motion then passed, 3-0.
- 11. ORDINANCE NO. 1284: (First Reading on 12/23/14) An Ordinance Amending Section 20-68 Of The Code Of Ordinances Of the City Of Miles City, Montana, So As To Allow Alternated Forms Of Surety For Persons Making Utility Connections And Providing For A Hearing Thereon:
- ** Committee Member Hollowell moved to recommend to City Council to approve Ordinance No. 1284. The motion was seconded by Committee Member Andrews and, on roll call vote, the motion passed unanimously, 3-0.
 - 12. ORDINANCE NO. 1285: (First Reading on 1/13) An Ordinance Changing The Zoning Of Tract A In Certificate Of Survey No. 141761, Tract B In Certificate Of Survey No. 158155, And Tract 1 Of The Ponderosa Tracts / Hardesty Tracts, From Mixed Zones To Heavy Commercial Zone, And Providing For A Hearing Thereon (McBain-Sanjel Request: Yellowstone Valley):
- ** Committee Member Andrews moved to recommend to City Council to approve Ordinance No. 1285. The motion was seconded by Committee Member Hollowell and, on roll call vote, the motion passed unanimously, 3-0.

ADJOURNMENT

** Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Galbraith and passed unanimously, 4-0.

The meeting was adjourned at 12:19 p.m.

** Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of January 22, 2015, seconded by Councilperson Gardner and the motion **passed** unanimously, 7-0.

Public Services Committee: 1/30/15

Public Services Committee Meeting January 30, 2015

The Public Services Committee met Friday, January 30th, 2015, at 12:00 pm in the City Hall conference room. Present were Committee Members Jerry Partridge, Dwayne Andrews, John Hollowell and Susanne Galbraith. Also present was Planner-in-Training/Grants Administrator Dawn Colton and Committee Recorder/HR/Payroll Officer Billie Burkhalter.

Committee Member Partridge called the meeting to order.

1. ELECTION OF CHAIRPERSON:

** Committee Member Andrews moved to nominate Committee Member Jerry Partridge for Chairperson of the Public Services Committee. The motion was seconded by Committee Member Galbraith.

After hearing no further nominations:

** Motion then passed unanimously.

2. MILES CITY LONG RANGE TRANSPORTATION PLAN - 2015:

Administrator Colton explained the purpose of the Transportation Plan is to have transportation engineers look over the entire town to identify Mile City's problems and offer solutions. The Department of Transportation's (DOT) role in the plan is to help pay for the study and identify potential funding mechanisms. Administrator Colton would also be looking for funding along with applying for the grants. DOT will be contributing \$120,000 to the Transportation Plan, and the City will be paying \$30,000.

Administrator Colton stated that right now this is a broad scope plan but, once a consultant is hired, the scope will be narrowed. The plan will be extensively reviewing the City's truck route and issues with Southgate. As the City continues to build south, it will identify potential routes and roads with connectivity to existing development. It will also pinpoint where new development should be located.

Administrator Colton explained that she wants to make sure they are addressing everything in the Transportation Plan that the Committee feels needs to be looked at.

Committee Member Galbraith questioned why the section in the Transportation Plan that reads "Inventory improvements necessary for safety and ADA requirements. Improvements may include curb, sidewalks, street crossings and parking" was crossed out of the plan. Administrator Colton stated that there is a plan for the Ameri-Corp team to come back to Miles City and inventory the town, looking at lots, streets, sidewalks, gutters and ADA access.

Committee Member Galbraith stated that she was concerned with this section being taken out of the Transportation Plan, as it would aid in grant funding to address ADA access. Administrator Colton stated she would need to speak with Director Gray, as he has been working with an ADA plan and felt this would be a duplication of that study. Committee Member Galbraith stated that, regardless of this, she would prefer this be kept in the Transportation Plan.

Committee Member Hollowell questioned if keeping the ADA in the Transportation Plan would generate more funding than the \$150,000. Administrator Colton stated no, but once the Transportation Plan is completed and they start applying for funding, ADA being included in this would support the application. She further stated that it is in the broad scope of Objective 2.2, basically addressing mobility and access ability.

Committee Member Galbraith requested that the Transportation Plan address areas around schools, parks and hospitals.

3. REQUEST OF CITIZENS/PUBLIC COMMENT:

-None.

ADJOURNMENT

- ** Having no further business, *Committee Member Andrews moved to adjourn, seconded by Committee Member Hollowell and passed unanimously, 4-0.* The meeting was adjourned at 12:25 p.m.
- ** Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of January 30, 2015, seconded by Councilperson Brush and the motion **passed** unanimously, 7-0.

SCHEDULE MEETINGS

Human Resources Committee: 2/11/15 @ 6:00 p.m.
 Public Safety Committee: 2/12/15 @ 6:00 p.m.
 Flood Control Meeting: 2/17/15 @ 6:00 p.m.

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• CTAP Training Meeting at MCC: 2/17/15 @ 6:00 p.m. to 10:00 p.m.

Miles City Study Commission: 2/19/15 @ 5:15 p.m.
 Finance Committee: 2/19/15 @ 1:00 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

Miles City Airport Commission: Bob Lunde

Mayor Grenz offered Bob Lunde as a new member of the Airport Commission and requested approval of the Council. The Council had no objections. The appointment must still be approved by the Airport Commission.

PROCLAMATIONS

None

STAFF REPORTS

Interim Fire Chief Duffin – SAFER Grant

Interim Fire Chief Duffin reported that he has been working with City Grant Administrator Connie Muggli on this grant. The purpose of the Grant is "... to provide funding directly to fire departments to help communities meet industry minimum standards and attain 24-hour staffing to provide adequate protection from fire and fire related hazards, and to fulfill traditional missions of fire departments." The grant would pay 100% of the total cost of new employees for two years, with a 0% match. It would fund up to five additional employees in the Fire Department. Chief Duffin felt the fifth person might not be sustainable and viable, so he proposed asking for only four.

The National Fire Protection Association recommends four people per shift; he currently has three shift positions and one daytime supervisor position. He is only calling in one part-paid person now on calls instead of two, as they have done before. As a result, there have been some ambulance transfer requests to Billings that he has had to turn down.

Mayor Grenz called for a straw poll from the Council whether the council members felt Chief Duffin should pursue the grant. All Council members voted "aye."

Public Works Director Scott Gray- Denton Field

His staff has recently been approached about continued improvement to the Denton Field Sports Complex. Recent improvements over the last five years include the bathhouse and docks at the Oasis, Riverside Park bathroom and walkway with lights, improvements on the JC Field dugouts, Tedesco field improvements, and Connor's field football bleachers, press box and concession stand. Director Gray stated the complex draws a lot of visitors and efforts are now being made to place the Complex on the National Register of Historic Places.

There are still many improvements needed. A committee was recently formed to evaluate the facility. The committee members toured the Complex and drew up a list of things that need to be done. Some of those items include the press box on the baseball side, baseball dugouts and the roof on the grandstand. The restrooms are not adequate or ADA compliant. Public safety issues would be his first priority.

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He expressed the desire to start moving forward on the solid numbers and working with Connie Muggli on procuring funds, including grants and corporate sponsorships. Director Gray felt strongly that the City needs to be proactive in not letting a great facility fall into neglect. After the weather warms up, he would like the Council to tour the Denton Sports Complex. He has received huge community support for this project.

City Planner-in-Training Dawn Colton- Surface Transportation Board, Washington, DC

The City Planner-in-Training had distributed to the Council a letter she had recently received from the Surface Transportation Board asking for comments on another environmental impact statement on the Tongue River Railroad. They are asking the City to concur with the second to the last paragraph on Page 3, as follows: "OEA (on behalf of FHWA) is requesting your written concurrence with the following statements: (1) the Spotted Eagle Recreation Area is eligible for Section 4(f) protection; (2) there are no other City-managed Section 4(f) properties potentially affected by the proposed Tongue River Railroad; and (3) the proposed Tongue River Railroad would not adversely affect the activities, features, and attributes of the property identified above and a de minimis impact finding is appropriate or could be reached with the development and implementation of additional mitigation measures not yet identified." After discussion, City Planner Colton said she would try to get someone to come down from Helena to speak with the Council. Mayor Grenz asked that this issue be placed on the next agenda.

CITY COUNCIL COMMENTS

Roxanna Brush

- Received a call from a citizen who wished to thank the rescue squad that came and helped him with his wife when she was sick.
- The County Commissioners want to meet with her on Tuesday, February 17th regarding the Health Board. Attorney Rice said he had sent the county attorney an email saying it was his understanding that he (the County Attorney) was to write a draft to consolidate the two health boards. Ultimately, the County Attorney will be advising that board.
- Susanna Galbraith: Thanked the community for the tremendous success of the Special Olympics event at the Fire Department recently. Over \$10,000 was raised, 60% of which stays in the community. Only about \$1600 had been expected.

John Hollowell:

- The Flood Control committee will be reviewing recommendations regarding the options that KLJ has developed for the flood assessment study.
- Economic Development Committee: No updates are available at this time.
 The Committee has currently been going through more internal checks right now.
- He received a letter from Jim Atchinson, who was in Helena fighting for HB l228 to increase the coal board funding.

MAYOR COMMENTS

• Mentioned the "blind" corner between the Rib and Chop patio and Murdoch's. When people park on that east/west street, it is almost impossible to see a vehicle coming when stopped on the north/south street. In answer to his question whether on-street parking was allowed, City Planner Colton reported that the covenants in that area had been rescinded, except for prohibited uses. Therefore, on-street parking is not prohibited in that area.

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- Reported that HB1008, which would allow cities to impose a local option tax, is currently moving through the legislature. He urged letters be written to Tim Burton to support this measure.
- Mayor Grenz noted that Councilperson Galbraith's father and Sigrid Laird were in the hospital. He wished them both a speedy recovery.

STANDING COMMITTEE RECOMMENDATIONS

Finance Committee Meeting of 1/22/15

- Ambulance Bill Requests: The Committee had recommended to lower the monthly required payment to \$15 per month.
- Reimbursement of \$420 for Impound Fees: The Committee had recommended paying these fees. The individual was not told that his vehicle was in the impound lot, which had accumulated \$420 in fees before he was notified.
- ** Councilperson Galbraith moved to approve the recommendations, seconded by Councilperson Andrews and **passed** unanimously, 7-0.

BID OPENINGS/AWARDS

- None.

PUBLIC HEARINGS

A. ORDINANCE NO. 1285: An Ordinance Changing The Zoning Of Tract A In Certificate Of Survey No. 141761, Tract B In Certificate Of Survey No. 158155, And Tract 1 Of The Ponderosa Tracts / Hardesty Tracts, From Mixed Zones To Heavy Commercial Zone, And Providing For A Hearing Thereon (McBain-Sanjel Request: Yellowstone Valley)

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

UNFINISHED BUSINESS

- A. ORDINANCE NO. 1285: (Second Reading) An Ordinance Changing The Zoning Of Tract A In Certificate Of Survey No. 141761, Tract B In Certificate Of Survey No. 158155, And Tract 1 Of The Ponderosa Tracts / Hardesty Tracts, From Mixed Zones To Heavy Commercial Zone, And Providing For A Hearing Thereon (McBain-Sanjel Request: Yellowstone Valley)
- ** Councilperson Galbraith moved to approve Ordinance No. 1285 by title only, seconded by Councilperson Gardner
 - ** Councilperson Hollowell moved to amend the motion to reflect the revised legal description for Tracts A & B, as set out in the title of the above Ordinance 1285. The motion to amend was seconded by Councilperson Gardner and, on roll call vote, passed unanimously.
 - On roll call vote, Councilperson Galbraith's motion to approve Ordinance No. 1285 then passed, as amended, by unanimous consent. Ordinance No. 1285 was adopted.

NEW BUSINESS

A. SUBDIVISION APPROVAL: Meadows Subdivision, Amended

Block 2, Lot 3A-1 Subsequent Minor Subdivision (*Dairy Queen/Farm Credit Services Property*)

- ** Councilperson Brush moved to approve the Meadows Subdivision, Amended Block 2, Lot 3A-1, Subsequent minor Subdivision, seconded by Councilperson Hollowell. After discussion and on roll call vote, the motion passed unanimously, 7-0. The subdivision was approved.
- B. Ballot re: Proposed Plan of Dissolution for Eastern Plains Resource Conservation and Development Area, Inc.

City Attorney Rice explained that Eastern Plains Resource Conservation and Development Area, Inc. predates the local Economic Development Council and has been defunct for several years. The group has \$20,000 in a bank account, which will be distributed to the members after the group is dissolved.

- ** Councilperson Brush moved to approve the proposed plan for dissolution, seconded by Councilperson Gardner and, on roll call vote, passed unanimously, 7-0. The Proposed Plan for Dissolution was approved.
- C. ORDINANCE NO. 1286: (First Reading) An Ordinance Changing The Zoning Of Lots 9, 10, 11 And 12 In Block 86 Of The Miles City Original Townsite From Residential A Zone To General Commercial Zone, And Providing For A Hearing Thereon (Request by Douglas Emeline 816 Atlantic)
- ** Councilperson Galbraith moved to accept Ordinance No. 1286 on first reading, read by title only and seconded by Councilperson Gardner. On roll call vote, the motion passed unanimously, 7-0. Ordinance No. 1286 passed on first reading and was referred to the Finance Committee. The second reading and public hearing is set for March 3, 2015.
- **D. RESOLUTION NO. 3774:** A Resolution Authorizing The City Of Miles City To Enter Into An Agreement With M&L Enterprises For Subdivision Phase II, III and IV Deadline Extension (Southgate Meadows)
- ** Councilperson Gardner moved to accept Resolution No. 3774, read by title only and seconded by Councilperson Hollowell. After brief discussion and on roll call vote, the motion passed unanimously, 7-0. Resolution No. 3774 was adopted.
- E. Approval of Claims for January, 2015
- ** Councilperson Hollowell moved to approve the January claims, seconded by Councilperson Andrews. The motion passed unanimously, 7-0.

 January claims were approved.

ADJOURNMENT

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

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

C.A. Grenz, Mayor

Lorrie Pearce, City Clerk

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