

**PROCEEDINGS OF CITY COUNCIL
MILES CITY, MONTANA**

**REGULAR COUNCIL MEETING April 14, 2015
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, April 14, 2015, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Council President John Hollowell called the meeting to order. Council Members present were Roxanna Brush, Mark Ahner, Sheena Martin, Dwayne Andrews, Ken Gardner, Jerry Partridge and Susanne Galbraith.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Public Utilities Director Al Kelm, Fire Chief Gary Warren, Fire Captain Cameron Duffin, Grant Administrator /Historic Preservation Officer Connie Muggli, Grant Writer/Planner in Training Dawn Colton and City Clerk/Minute Recorder Lorrie Pearce. Mayor Grenz was excused.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 3/24/2015

** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of March 24, 2015, seconded by Councilperson Andrews.*

** *Councilperson Ahner moved to change the following. On page 3, under comments, delete "the latter three" and replace with "all elected positions". The motion was seconded by Councilperson Brush and, on roll call vote, the motion passed unanimously, 8-0.*

* *The original motion to approve the minutes passed unanimously, 8-0*

Finance Committee Minutes: 4/02/2015

**Finance Committee Meeting
April 2, 2015**

The Finance Committee met Thursday, April 2nd, 2015, at 5:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson Susanne Galbraith and Committee Members Dwayne Andrews, John Hollowell and Sheena Martin.

Also present were Public Utilities Director Al Kelm, Police Chief Doug Colombik, Police Officer Barney Murnion, Mayor Grenz, Interim Fire Chief Cameron Duffin and Committee Recorder/City Clerk Lorrie Pearce.

Committee Member Galbraith called the meeting to order.

1. REQUEST OF CITIZENS:
-None.

2. REVIEW AND RECOMMENDATION ON AMBULANCE BILL ASSISTANCE

** *After a brief conversation, Committee Member Andrews moved to recommend to Council to accept \$15.00 a month payments. The motion was seconded by Committee Member Galbraith and passed unanimously, 4-0.*

3. SEMDC-REQUEST FOR LETTER OF SUPPORT AND SCOPE OF WORK FOR CITY OF MILES CITY

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

Postponed to a later date.

4. **DISCUSSION REGARDING DRUG TASK FORCE AND SCHOOL RESOURCE OFFICERS**

Chief Colombik explained that he is getting pressure from the State for the City of Miles City to provide a Drug Task Force Officer. He said the Police force is already working plenty of overtime, and didn't feel the City could provide a Drug Task Force Officer unless the 17th position was put back into the Police budget. A Drug Task Force Officer cost the City approximately \$17,000 a year, and the City really doesn't benefit from it because the Officer works on Federal investigations. He felt the City could pay the Drug Task Program their fee of \$4000-\$5000 and still receive the same services.

Chief Colombik reported the following on the School Resource Officer

- Custer County Commissioners were not sure if the County was going to provide any funding for the Officer. They thought a mill levy might be an option.
- School Supervisor Keith Campbell reported that the school district would pay, if approved by the School Board, 50% (approximately \$27,000) of the Officer's wages. City roll-up cost for the position is a total of \$45,000. For the three months in the summer when the SRO is not being used, the cost to the City is \$17,000.

Committee member Galbraith asked if the position could be part time, and if that would give the position adequate time to get everything completed.

Officer Murnion said it would be a challenge to address all the problems and felt that there are students from outside the city limits, and the County should provide some funding for the position.

5. **DISCUSSION AND RECOMMENDATION ON PURCHASE/REPAIR AMBULANCE**

Interim Fire Chief Duffin reported on the condition of City ambulances. He said there were two ambulances that are in good shape and useable. One ambulance is in rough shape and used on rodeos and other stand-by events. The A-20 ambulance, used as the third out ambulance and out of town transfers, recently blew its motor. He presented several options of repairs or purchases for replacing ambulance A-20.

- Replace motor with-rebuilt, approximately \$10,000
- Replace with a new motor, approximately \$16,000
- Purchase used ambulance, never know what you are going to get
- Purchase a Sprinter ambulance, approximately \$89,000. This ambulance is smaller and designed to be used on longer transports
- Re-Chassised ambulance for approximately \$89,000. New chassis, used box.
- Purchase a brand new full-sized ambulance made to specification, approximately \$150,000 to \$240,000
- Possibly refinance the InterCap loan. Ambulance fund has three \$13,000 payment left to pay off the purchase of two ambulances

** *Committee member Hollowell moved to postpone a decision until further information is received, seconded by Committee Member Galbraith and passed unanimously, 4-0.*

6. **REVIEW AND RECOMMENDATION ON BIDS FOR SANDER**

In the absent of Public Works Director, Director Kelm presented three bids for a sander.

- A. Custom Equipment- Henderson brand for \$13,489
- B. American Welding & Gas- Henderson brand for \$14,189
- C. American Welding & Gas- Meyer brand for \$8999

Director Kelm reported that Public Works Director Gray recommended purchasing the Henderson sander from Custom Equipment. This item is in the budget, and the amount in the budget is higher than the \$13,489 quoted. It has an 18 horse engine and he felt the power was needed for operation. Also, in the past the City has used Henderson brands and has had very good luck with them.

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

****** *Committee member Andrews moved to approve the purchase of a sander from Custom Equipment for an amount of \$13,489 seconded by Committee member Martin and passed unanimously, 4-0.*

7. REVIEW PURCHASING POLICY-RESOLUTION NO. 3786

****** *Committee member Hollowell moved to recommend approval of Resolution No. 3786 to the Council, and seconded by Committee member Martin.*

- Councilperson Andrews thought that on page 3, #7 should be deleted. After a short discussion, all Finance Committee Members agreed. He was also confused as to why the \$4000 in use of Gas Tax in construction was deleted. Clerk Pearce said that the City Attorney advised her not to put that section in the policy because it is already covered in the SID funds.

- Councilperson Hollowell thought \$80,000 was somewhat high. He felt that whoever is monitoring the budget would need to pay a lot of attention so certain items are not being overspent. He wanted to allow Directors to streamline the process as quick as possible, but didn't want them to go overboard. He felt that by approving the policy, and after the budget is approved, the Finance Committee or the Council doesn't have to approve the purchase again.

****** *Committee member Hollowell moved to change C #4 to read if a purchase was not approved in the budget, then the purchase must be approved in advance by City Council and Mayor.*

- Councilperson Andrews said that he would like to see steps in the purchasing policy to streamline the process. He said all Directors could use the staff report time at Council Meetings to update Council on spending.

- Director Kelm said that a load of chemicals for the water treatment plant is approximately \$12,000-\$14,000. Sometimes there is only a timeline of a week to order and receive the product.

- Clerk Pearce said that she added to the policy that if the purchase is not approved in the budget, it will need to be approved by Finance Committee and Mayor. And, already in the policy is "notification to the Finance Committee and Mayor if a purchase is being awarded to someone other than the lowest bidder".

* *Committee member Hollowell withdrew his motion.*

****** *Committee member Galbraith moved to change C #4 to read if purchase and amount were not approved in the budget, then the purchase must be approved in advance by City Council. The motion was seconded by Committee Member Hollowell and passed unanimously, 4-0.*

* *The original motion passed unanimously, 4-0.*

8. ORDINANCE NO. 1289: 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

Clerk Pearce explained that this was the same Ordinance that was presented last fall. She deleted the number of people at an event, and felt with that change, it would follow and meet MMIA's recommendations.

****** *Committee member Hollowell moved to recommend approval of Ordinance No. 1289 to the Council, seconded by Committee Member Galbraith and passed unanimously, 4-0.*

9. ORDINANCE NO., 1287: An Ordinance Revising Section 24-6 Through 24-10 Of The Code Of Ordinances Of The City of Miles City, Montana With Respect To Amendment of Zoning Chapter Or District Map

****** *Committee member Hollowell moved to recommend approval of Ordinance No. 1287 to Council, seconded by Committee Member Martin.*

Committee member Hollowell reported that the Ordinance was to remove gray areas in the current Ordinance on how the zoning process was done. He has received complaints from the public that the process was too difficult to follow and the time line for the process was too long.

The only problem that he sees is that there are two hearing being set. One for the Zoning Committee which takes 15 days, and one for Council which takes 15 days, for a total of one month. He said Consultant Dave DeGrandpre

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

did not have a problem with removing one of the hearings, but he thought that something needed to be firmly set to stipulate a time frame to the public. He is looking at ways to possibly streamline the process.

** *On roll call vote, Committee member Hollowell's motion passed 4-0.*

10. APPROVAL FOR AMBULANCE COLLECTIONS

** *Committee member Hollowell moved to recommend to Council to send ambulance bills for an amount of \$38,688.42 to collection. Seconded by Committee Member Galbraith and passed unanimously, 4-0.*

11. REVIEW CASH RECONCILIATION REPORT (December 2014)

The cash reconciliation report was reviewed.

12. ADJOURNMENT

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

The meeting was adjourned at 6:51 p.m.

** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of April 2, 2015, seconded by Councilperson Andrews. On roll call vote the motion passed unanimously, 8-0*

SCHEDULE MEETINGS

The following meetings will be held in the City Hall Conference Room:

- Miles City Study Commission: Thursday, March 16th @ 5:15 pm
- Finance: Thursday, April 30th @ 5:00 pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Citizen Amorette Allison, 402 South Lake Avenue, explained that a couple of times she has been locked in City Hall and suggested a crash bar be installed on the front doors.

Fire Captain Duffin said it is not required to have a crash bar on the front door.

APPOINTMENTS

Library Board of Trustees: Jean Stewart, Shirley Lund, Bert Pezzarossi

Council President Hollowell appointed Jean Stewart, Shirley Lund and Bert Pezzarossi to the Library Board of Trustees.

** *Councilperson Brush moved to approve Council President Hollowell's appointments, seconded by Councilperson Gardner and passed unanimously, 8-0.*

PROCLAMATIONS

None

STAFF REPORTS

Fire Captain Duffin announced that the Fire Department had received a \$500 grant to go towards the purchase of a thermo energy camera. He added that the successful SR Grant applicant will be announced in June, and Grant

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

Administrator Muggli is working on a grant to purchase an ambulance to replace A20, whose motor blew last month.

Clerk Pearce introduced new Fire Chief Warren to the Council.

Citizen Shantell Two Bears, 28 South Lake, had concerns about the hiring process of the new Fire Chief.

Attorney Rice said that all procedures in the hiring process were followed.

Local 600 Representative Ryan Smith, 1915 Main, welcomed the new Fire Chief and said the Union and Fire Department supports the new chief.

CITY COUNCIL COMMENTS

Dwayne Andrews: Said that the hiring committee made a recommendation, and wondered why it wasn't followed by the Mayor. He added that Human Resources had received half of the references when Mayor Grenz hired the new Fire Chief.

Payroll/Human Resources Burkhalter: Said that the City had received about half of the references when the Mayor made his appointment.

Attorney Rice: The Mayor can take the recommendation as advised, but doesn't have to follow it. He doesn't necessary have to hire the person recommended by the hiring committee.

Susanne Galbraith: Said that the Mayor wasn't in the interviews, and still made a decision. So, she thought the hiring policy should be changed.

Attorney Rice: Replied that the Mayor is almost never on the hiring committee. He is the Chief Executive, so he can decide if he is on the hiring committee or not.

MAYOR COMMENTS

- Council President Hollowell thanked the Program Public Information Group for the help on Flood Awareness Day. He also thanked Eastern Montana Realtors for their help and donations provided. The event was well attended.

STANDING COMMITTEE RECOMMENDATIONS

** *Councilperson Galbraith moved to approve a \$15 per month payment to the ambulance fund and to approve to send to collections an amount of \$38,688.42, seconded by Councilperson Gardner. After a brief discussion and on roll call vote, the motion passed 8-0.*

BID OPENINGS/AWARDS

Arrowhead Lane-SID #211

One bid was received from Century Construction in the amount of \$69,000.

** *Councilperson Brush moved to send the bid to Finance, seconded by Councilperson Gardner. After brief discussion, the motion passed by unanimous consent, 8-0. **The Arrowhead Lane bid was sent to the Finance Committee.***

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

PUBLIC HEARINGS

- A. **ORDINANCE NO. 1287:** An Ordinance Revising Section 24-6 Through 24-10 Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Amendment Of Zoning Chapter Or District Map

Council President Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

- B. **ORDINANCE NO. 1290:** An Ordinance Adopted Pursuant To The Montana Interim Zoning Statute Contained In Section 76-2-306 MCA Adopting An Interim Zoning Ordinance Pertaining To The Zoning Of Sexually Oriented Businesses

Council President Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

UNFINISHED BUSINESS

- A. **ORDINANCE NO. 1287** (*Second Reading*) An Ordinance Revising Section 24-6 Through 24-10 Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Amendment Of Zoning Chapter Or District Map

** *Councilperson Brush moved to adopt Ordinance 1287 by title only, seconded by Councilperson Galbraith. On roll call vote, the motion passed unanimously, 8-0. Ordinance 1287 was adopted.*

- B. **AMENDMENT: Approval of Site Plan Review: Midrivers:** (US Highway 12, approximately .2 miles east of the intersection with Herzog Road)

** *Councilperson Galbraith moved to approve the Midrivers site plan review, seconded by Councilperson Brush.*

Councilperson Brush explained the amendments were to delete verbiage in #5 because the storm water drainage plan is not in the City, and to add the signing of the “waiver of a right to Protest to annexation” form.

Grant Writer/Planner in Training Colton explained the following should also be amended in the MRTC staff report:

Amend Finding #5 as follows: (changes highlighted)

Adequate storm drainage

Finding #5: *Storm water runoff will increase at the site due to construction of the new building. The site plan notes that all surface water on the property will drain to a detention pond located in the northwest corner of the property sized at 3,383 cubic feet to accommodate a 2-year, 24 hour storm event.*

The site plan indicates that the finished structure and approach will be less than one acre. ~~However, in regard to the total amount of area disturbed, the site plan does not appear to take into account grading on the site.~~ In the event construction activities disturb an area equal to or greater than one acre, a Storm Water Pollution Prevention Plan Permit from Montana DEQ will need to be obtained prior to start of site improvements and construction. **The applicant should be aware that the DEQ may require a Storm Water General Permit for “Storm Water Associated with Industrial Activities” to ensure that any ground water contamination does not reach protected surface waters. The City of**

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

Miles City only has authority to review stormwater runoff that is discharged into the City storm sewer system.

~~Land Solutions has obtained comments from Mike Rinaldi, Miles City Health & Sanitarian Officer. Mr. Rinaldi has requested additional information regarding storm water runoff including a formal storm water site plan with calculations stamped by an engineer because this is a commercial project. In addition, that the applicant will need to ensure that all roof runoff drains away from the structure and parking lot to avoid pooling of water around the building and in the parking area. To ensure DEQ and Miles City requirements for storm water drainage are adequately addressed by the applicant, a condition should require approval of the storm water drainage plans by the DEQ or its designee, prior to construction.~~

** Councilperson Galbraith moved to amend her motion to include verbiage recommendation by Grant Writer/Planner in Training Colton and Councilperson Brush. The motion was seconded by Councilperson Brush.

** Councilperson Galbraith moved to amend her second motion to include an attachment to the minutes of finding #5, add the highlighted and delete the verbiage that is crossed out. Councilperson Brush seconded the motion. The motion passed by unanimous consent, 8-0.

* Councilperson Galbraith's original motion was passed, 8-0. **The Amended site plan review for Midrivers was approved.**

NEW BUSINESS

A. **ORDINANCE NO. 1289:** (First Reading) 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

** Councilperson Galbraith moved to adopt Ordinance No. 1289 by title only, with corrections, seconded by Councilperson Andrews.

Councilperson Galbraith explained the correction would be in Sec. 17-114- Liability Insurance Required. She said the word **named** should be deleted and "on a primary/non-contributory basis" be added to the sentence.

Attorney Rice explained that the following changes reflected the view of MMIA.

John Menyhart, President of Mitchell Insurance, had viewed the Ordinance and made the recommendations to Attorney Rice. He added that the \$750,000 per claim and \$1,500,000 per occurrence would cost the park permit user approximately \$83.00. This would not include an alcohol variance. If a vendor were to purchase that same amount in addition to their own insurance, it would cost approximately \$800.00 to \$1000.00.

* On Roll call vote the motion passed, 8-0. **Ordinance No. 1289 passed on first reading.**

B. **ORDINANCE NO. 1290:** An Ordinance Adopted Pursuant To The Montana Interim Zoning Statute Contained In Section 76-2-206 MCA Adopting An Interim Zoning Ordinance Pertaining To The Zoning Of Sexually Oriented Businesses

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

** *Councilperson Gardner moved to approve the ordinance, read by title only and seconded by Councilperson Ahner.*

Officer Muggli explained the Ordinance is a preplanned process to protect citizens and law enforcement officers from the danger that these types of businesses may bring to the City. And, as the TIF coordinator, she felt downtown needed to be protected to maintain property values.

Attorney Rice explained that if the ordinance passed, it would be in effect for six months and could then be extended for two years with Council approval.

* *On roll call vote, the motion passed unanimously, 8-0. **Ordinance No. 1290 was adopted.***

C. **ORDINANCE NO. 1291:** (First Reading) An Ordinance Revising Section 2-51 Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Compensation Of Members Of The City Council

** *Councilperson Ahner moved to approve Ordinance No. 1291 by title only, seconded by Councilperson Brush.*

Councilperson Ahner explained that the Council had not received a raise in 12 years and, if the raise was approved it would go into effect January 1, 2016.

* *After a brief discussion the motion failed, 3-5. Councilpersons Galbraith, Gardner, Partridge, Hollowell and Andrews voted no. **Ordinance No. 1291 failed.***

D. **ORDINANCE NO. 1292:** (First Reading) An Ordinance Revising Section 2-246(A) Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Advertisements For Bids

** *Councilperson Galbraith move to approve Ordinance No. 1292 by title only, seconded by Councilperson Gardner.*

Councilperson Ahner said that he realized the change is so City staff does not have to advertise for bid and can purchase items up to \$80,000. But, he felt \$80,000 was too high for a community our size, and suggested \$50,000.

* *Councilperson Galbraith amended her first motion to change the maximum purchase price cap of \$80,000 to \$50,000. The motion was seconded by Councilperson Gardner, and passed with a vote of 8-0. **Ordinance No. 1292 passed on first reading, as amended, and was sent to the Finance Committee.***

E. **ORDINANCE NO. 1293:** (First Reading) An Ordinance Pursuant To MCA 7-4-4201 Establishing Wages For The Mayor, City Judge, And City Treasurer, Effective January 1, 2016

** *Councilperson Brush moved to approve Ordinance No. 1293, seconded by Councilperson Ahner.*

Councilperson Brush explained that the Human Resource Committee thought that by raising the Mayor, City Judge and City Treasurer salary it would help attract qualified candidates for this upcoming election. She added the raise would be \$2,000 for each position.

Councilperson Ahner said the raise is less than 1 percent, and it has been twelve years since those three positions received an increase.

**PROCEEDINGS OF CITY COUNCIL
MILES CITY, MONTANA**

** *On roll call vote, the motion passed unanimously, 5-3, with Councilperson Galbraith, Gardner and Andrews voting no. **Ordinance No. 1293 passed on first reading.***

F. RESOLUTION NO. 3792: 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

** *Councilperson Brush moved to approve Resolution No. 3792 by title only, seconded by Councilperson Ahner.*

Historic Preservation Officer Muggli explained that the first time the TIF was created and passed through Council, the Department of Revenue did not certify the City. DOR reported that not all residents of Miles City were properly notified. Also, on page three, item #4, the date should be changed from April 21, 2015 to May 12, 2015.

* *Councilperson Brush moved to amend her first motion to change the date on page three, item #4 to May 12, 2015, Councilperson Ahner seconded the motion. On roll call vote, the motion passed unanimously, 8-0. **Resolution No. 3792 was adopted.***

G. RESOLUTION NO. 3793: A Resolution Adopting Findings Of Fact And Approving The Amended Plat, For The Purpose Of Boundary Line Relocation, Of Lots 3-6, In Block 45 Of The Miles City Original Townsite

** *Councilperson Brush moved to approve Resolution 3793 by title only, seconded by Councilperson Galbraith.*

Councilperson Brush explained that the Recreation Bowling Alley may be in the process of being sold, and there is a building right next to it that Mr. Duffy would like to keep. This resolution would relocate the boundary of the property so that he could keep that building.

* *On roll call vote, the motion passed unanimously, 8-0. **Resolution 3793 was adopted.***

H. Support Letter for CDBG ED Planning Grant Application regarding Miles Community College Armory Project

** *Councilperson Galbraith moved to approve the support letter, seconded by Councilperson Brush. After a brief discussion and on roll call vote, the motion passed unanimously, 8-0. **The Support Letter for CDBG ED Planning Grant Application was approved.***

I. Request for Approval of Fourth Of July Events: Parade/Riverside Park Events

Councilperson Ahner requested for approval of the following:

- For the Public Works Director to work with the Montana Department of Transportation to Close Main Street on July 4th from 9am to Noon
- The City Police to provide an escort for the parade
- Usage of Riverside Park after the parade. This would include the City waiving the event from the permit usage process and the City would purchase the liability insurance.

**PROCEEDINGS OF CITY COUNCIL
MILES CITY, MONTANA**

****** *Councilperson Gardner moved to approve Councilperson Ahner's requests for approval, seconded by Councilperson Brush. After a brief conversation, the motion passed unanimously, 8-0. **Request for Approval of Fourth Of July Events passed.***

Mary Elizabeth Grue, 414 Balsam Drive, added that the Fourth of July event is coordinated by volunteers and everything is donated. The event in the park is to celebrate volunteerism, and said that the event is a model for other towns.

J. Approval of March claims

****** *Councilperson Martin moved to approve March claims, seconded by Councilperson Galbraith and passed unanimously, 8-0. **March claims were approved.***

ADJOURNMENT

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

The meeting was adjourned at 8:33 p.m.


John Hollowell, Council President


Lorrie Pearce, City Clerk