

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

REGULAR COUNCIL MEETING June 23 2015 7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 23, 2015, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council Members present were Mark Ahner, Ken Gardner, Jerry Partridge, Sheena Martin, Dwayne Andrews, and Roxanna Brush. Council Members Susanne Galbraith and John Hollowell were excused.

Also present were City Attorney Dan Rice, Fire Chief Gary Warren, Police Chief Doug Colombik, Public Utilities Director Al Kelm, Deputy Fire Inspector Justin Russell and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 6/09/2015

****** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of June 9, 2015, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 6-0.*

SCHEDULE MEETINGS

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

- Human Resource Meeting June 29th @ 6pm

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Gary Warren: Reported that there were 733 alarms since January.

CITY COUNCIL COMMENTS

Ken Gardner: Read from a memo that City Council received from Legal Prosecutor, dated April 23, 2015. The memo asked for authorization for designated employees to carry fire arms at work. After reading the memo, he asked if carrying a fire arm could also apply to City Council. The consensus of the City Council was to look into the request, with Councilperson Andrews and Partridge opposing it.

Roxanna Brush: Asked when Bridge Street would be opened. Director Kelm thought later this fall. Also, she witnessed an adult fall and break his arm while crossing the Milwaukee tracks. She was wondering when they would be repaired. Mayor Grenz said he talked to Transco's Manager and he is trying to hire someone into the maintenance position, since the last one is no longer there.

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MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

- A. **RESOLUTION NO. 3805:** *(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 #2270-37-440140-350 to Fund Increased Expenses in the City Health Fund for Sanitarian Services**

****** *Councilperson Brush moved to approve the Resolution, by title only. The motion was seconded by Councilperson Ahner and on roll call vote, passed unanimously 6-0.*

- B. **RESOLUTION NO. 3807:** *(First Reading)* – **A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2014-2015 for State of Montana Payments on Behalf of Retirement Accounts and Providing for Hearing Thereon**

****** *Councilperson Gardner moved to pass the Resolution by title only, seconded by Councilperson Partridge.*

****** *Councilperson Ahner moved to amend the main motion to change the amount of \$425,235,000 to the correct amount of \$439,429,000. The motion was seconded by Councilperson Brush, and passed 6-0.*

****** *Councilperson Gardner's original motion passed 6-0.*

- C. **RESOLUTION NO. 3808:** **A Resolution Authorizing the City of Miles City to Enter Into an Agreement with the County of Custer County, Montana, and the School Board of Trustees, Miles City Unified School District, for the Funding of a School Resource Officer for FY 2015-2016**

****** *Councilperson Gardner moved to approve the Resolution, by title only. The motion was seconded by Councilperson Andrews and on roll call vote, passed unanimously 6-0. Resolution No. 3808 passed.*

- D. **RESOLUTION NO. 3809:** *(First Reading)*–**A Resolution Pursuant to Section 7-6-4006 of the Montana Code Annotated Authorizing Amendment of Final Budget for FY 2014-2015 to Appropriate Unanticipated Revenues to Historic Preservation Fund 2935**

****** *Councilperson Andrews moved to approve the Resolution, by title only. The motion was seconded by Councilperson Brush. After a brief*

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discussion, and on roll call vote, passed unanimously 6-0.

E. RESOLUTION NO. 3810: A Resolution Pursuant To 16-48 of The Miles City Code of Ordinances, Establishing Dates, Times and Locations For Discharge of Fireworks Within the City Limits for the Year 2015

****** *Councilperson Ahner moved to approve the Resolution, seconded by Councilperson Gardner.*

****** *Councilperson Ahner moved to amend his original motion to add Friday July 3, 2015 to the dates allowed to discharge fireworks, seconded by Councilperson Gardner. The motion passed 6-0.*

Attorney Rice asked why residents are not allowed to discharge small fireworks like smoke bombs and tanks in residential areas.

Councilperson Ahner explained that the original intent was to stop the discharging of firework around particular sites such as retirement and Veterans centers.

Deputy Fire Inspector Russell said that discharging fireworks is technically a fire hazard, especially if discharged in dry grassy areas. The decision to discharge fireworks in the wide open park area was for fire safety reasons. He did not feel that discharging non aerial fireworks in a residential area would be a problem.

****** *Councilperson Martin moved to amend the Resolution to state that non aerial fireworks will be allowed to be discharged in residential areas on the 4th of July. Councilperson Andrews seconded the motion, and on roll call vote, passed 4-2, with Councilpersons Ahner and Partridge voting no.*

****** *On roll call vote, the Councilperson Ahner's original and amended motion passed unanimously 6-0. Resolution No. 3810 passed as amended.*

F. RESOLUTION NO. 3811: (First Reading) A Resolution Pursuant to Section 7-6-4006 of the Montana Code Annotated Authorizing Amendment of Final Budget for FY 2014-2015 to Budget for Unanticipated Expenses in Ambulance Fund 5510

****** *Councilperson Brush moved to approve the Resolution, by title only. The motion was seconded by Councilperson Gardner and on roll call vote, passed unanimously 6-0.*

G. RESOLUTION NO. 3812: A Resolution Authorizing the City of Miles City to Contract with Dennis Hirsch for Building Inspection Services for Fiscal Year 2015-2016

****** *Councilperson Gardner moved to approve the Resolution, by title only. The motion was seconded by Councilperson Martin.*

Councilperson Brush said that at the last meeting a resolution was passed that stated that the Building Inspectors full fee would be forfeited if all steps were not followed.

Attorney Rice said that Inspector Hirsch would not sign the contract and proposed a revised contract.

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Councilperson Brush thought that changing the 100% to 20% would not hold enough teeth.

Councilperson Ahner thought that 20% was not enough to punish someone who violates the law.

*** Councilperson Ahner moved to amend the main motion in Section 2 part D to state "shall result in forfeiture of Inspector's fees for said permit, which shall be retained by the City". The motion was seconded by Councilperson Brush, and on roll call vote, passed unanimously 6-0.*

*** Councilperson Gardner's main motion passed unanimously 6-0. Resolution No 3812 passed as amended.*

H. ORDINANCE NO. 1296: (First Reading) An Ordinance Amending Section 22-151 of The Code of Ordinances Of The City of Miles City Regarding Applicability of Penalties For Refusing to Submit to Alcohol/Drug Breath and/or Blood Test

*** Councilperson Brush moved to approve the Ordinance by title only and seconded by Councilperson Gardner.*

Attorney Rice said the change is to bring the Ordinance in compliance with the City Judge's ruling on enforcement of this fine.

*** The motion passed unanimously 6-0.*

ADJOURNMENT

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

The meeting was adjourned at 7:56 p.m.


C. A. Grenz, Mayor


Lorrie Pearce, City Clerk