

PROCEEDINGS OF CITY COUNCIL MILES CITY, MONTANA

REGULAR COUNCIL MEETING July 14 2015

7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, July 14, 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, Susanne Galbraith, John Hollowell and Roxanna Brush.

Also present were City Attorney Dan Rice, Fire Chief Gary Warren, Police Chief Doug Colombik, Public Works Director Scott Gray, Historic Preservation Officer/Grant Writer Connie Muggli, Floodplain Administer/Auto Cad/Assistant PWPV Samantha Malenovsky 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: 6/23/2015

** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of June 23, 2015, and seconded by Councilperson Brush. The motion passed by unanimous consent, 8-0.*

Finance Committee Meeting: 6/18/15

**Finance Committee Meeting
June 18, 2015**

The Finance Committee met Thursday, June 18, 2015, at 7:00 p.m. in the City Hall Conference Room. Present were Committee Chairperson Susanne Galbraith and Committee Members Dwayne Andrews, Sheena Martin and John Hollowell.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens:

None

2. Review and Recommendation on proposals for revisions to the Local 600 Collective Bargaining Agreement requested by the Local 600

Proposals will be reviewed by Human Resource Department

3. Review and Recommendation on Revisions to Ordinance No. 1296: An Ordinance Inaction A New Section of 12-151 Of The Code of Ordinances Of The City Of Miles City, Entitled "Refusal To Submit To Alcohol/Drug And Or Breath/Blood Test"

** *Committee member Hollowell moved to recommend to Council to approve the Ordinance, seconded by Chairperson Galbraith.*

Chairperson Galbraith explained that the changes were to clean up the wording so the City Judge would be in compliance with the law.

** *The motion passed 4-0*

4. Review and Recommendation on Resolution No. 3805: A Resolution

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~~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

** *Committee Member Hollowell moved to recommend approval of the Resolution. The motion was seconded by Committee Member Martin.*

Chairperson Galbraith explained that the City Sanitation's contract changed a year ago, and it was not changed in the budget.

** *The motion passed 4-0.*

5. Adjournment

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

The meeting was adjourned at 7:05 p.m.

** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of June 18, 2015, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 8-0.*

SCHEDULE MEETINGS

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

- Study Commission Meeting- July 16th @ 5:15pm
- Finance Committee Meeting- July 22nd @ 6pm
- Health Board Meeting- July 15th @ 5:15pm
- Planning Board Meeting- July 21st @ 6pm
- Human Resource Meeting- July 22nd @ 6pm

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Samantha Malenovsky: Discussion on flood control project

Administrator Malenovsky updated the Council on the floodplain

- The Silver Jacket group, which consist of: DNRC, DES, Army Corps of Engineers and FEMA is working on an emergency action plan. An exercise is scheduled for October 1. Having this in Miles City will give credit to CRS to help lower flood premium.
- Steering Committee- Has been working on funding for engineering portion and grant portion on the project. They would like a decision on the logo.
- Section 205- DNRC had contacted her to see if the City was still interested.
 - The Army Corps will pay up to 10 Million dollars to help cover the cost of the levy. The amount wouldn't cover the entire

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cost, but would cover the cost for Tongue River. Then a study would be associated @ a 50/50 cost. The first \$100,000 would be covered by the Army Corp and then the City would have to come up with a certain amount. She pointed out that the City wouldn't have to come up with all the money at once.

- Construction would be a 65/35 cost share. Army Corp would work with the City on budgeting. With Council approval to proceed with Section 205, the negotiations could begin with no commitment to the City at this time. The consensus of the Council was to proceed.

Dan Rice: State statues are black and white as far as employees carrying concealed weapons in government building. It's not allowed. He added that the City of Miles City already had an ordinance on open carry of firearms and it's not allowed except in parks.

Scott Gray: Received a call from Shane Mintz (MDT) and the State will be reimbursing the City \$52,000. This was the amount that was short on the Tatro Safe Routes to School project.

Gary Warren: Reported that the Ambulance will be receiving a Lucas device from the Montana Department of Public Health and Human Services. This device provides chest compression to the person in need. Safety day is Saturday from 9am-Noon at the Oasis. Tomorrow there will be a disaster drill at the State School.

Ken Gardner: Would like to see an effort made to have a supporting officer at all Council Meetings. And thought a drill would be beneficial to the Council.

Chief Colombik said that he would work on the schedule with his officers. He also suggested having an escape drill in the future. He said he would work with Chief Warren and come up with something.

CITY COUNCIL COMMENTS

Susan Galbraith: Expressed her concern on the BNSF train traveling 60 MPH thru town. Other Council Members expressed their concern also.

Attorney Rice said that BNSF is regulated under Federal law and as a City we can not regulate or meddle with them.

John Hollowell: Asked about upgrading the train tracks. He thought if the City could prove that the tracks are not upgraded to a Class 4, then the City could stop the 60 MPH thru town.

Attorney Rice said again that the Federal law regulates this. The City does not have any authority to do anything.

Mark Ahner: Thanked the Park department for all their hard work on the July 4th celebration. He also applauded the Custer County Historic Society for the mural displayed on the Lions Shelter and dedicated to the City.

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

Finance Committee- 7/9/15

Recommend approval to send to collections, Ambulance Requests #14-1338, #14-1480 for an amount of \$1,334.40.

** *Councilperson Galbraith moved to approve sending \$1,334.40 for the*

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ambulance to collection, seconded by Councilperson Hollowell. The motion passed 8-0.

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. **RESOLUTION NO. 3805: 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**

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

- B. **RESOLUTION NO. 3807: 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**

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

- C. **RESOLUTION NO. 3809: 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**

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

- D. **RESOLUTION NO. 3811: 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**

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

- E. **ORDINANCE NO. 1296: 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**

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

UNFINISHED BUSINESS

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CONSENT AGENDA

****** Councilperson Brush moved to place items A thru D on a consent agenda, seconded by Councilperson Gardner. The motion passed 8-0.

- A. **RESOLUTION NO. 3805:** *(Second 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
- B. **RESOLUTION NO. 3807:** *(Second 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
- C. **RESOLUTION NO. 3809:** *(Second 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
- D. **RESOLUTION NO. 3811:** *(Second 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 Hollowell moved to pass all items on the Consent agenda, seconded by Councilperson Galbraith. **Resolution No 3805, 3807, 3809 and 3811 passed.**

- E. **ORDINANCE NO. 1296:** *(Second 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 Hollowell. After a brief discussion the motion passed 8-0*
Ordinance No. 1296 passed

NEW BUSINESS

- A. **RESOLUTION NO. 3813:** *(First Reading)* A Resolution Approving the Work Plan and Budget for Fiscal Year 2015-2016 for Business Improvement District No. 101, and Providing for Hearing Thereon

****** *Councilperson Hollowell moved to pass the Resolution by title only, seconded by Councilperson Andrews.*

****** *Councilperson Hollowell moved to amend the main motion to add the word "tourism" to the title. The motion was seconded by Councilperson Ahner, and passed 8-0.*

****** *Councilperson Hollowell's original motion passed 8-0.*

- B. **ORDINANCE NO. 1297:** *(First Reading)* An Ordinance changing the zoning of lots 11 and 12 in Block 4 of the Clark Addition to the City of Miles City, Montana, From General Commercial Zone to Residential "A Zone, and Providing for a Hearing Thereon.

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****** *Councilperson Gardner moved to approve the Ordinance, by title only. The motion was seconded by Councilperson Hollowell and on roll call vote, passed unanimously 8-0. Ordinance was referred to Finance Committee*

C. ORDINANCE NO. 1298: (First Reading) An Ordinance Enacting Section 16-42 and Revising Sections 16-43 and 16-45 of the Code of Ordinances of the City of Miles City, Montana, so as to Establish a Definition of the Word "Firearm" as Used in the City Code

****** *Councilperson Galbraith moved to approve the Ordinance, by title only. The motion was seconded by Councilperson Brush.*

Attorney Rice explained that he had received a general complaint and found the definitions in the ordinance for firearms were in three different places, with three different descriptions. The change is to clean up the firearm Ordinance.

****** *On roll call vote, the Ordinance passed unanimously 8-0. Ordinance was referred to Public Safety*

D. RESOLUTION NO. 3814: A Resolution authorizing the City of Miles City to Adopt A Donation Policy to Accept Donations to fund Renovation of Connors Stadium at Denton Sports Complex

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

Officer Muggli said the Park department does not have the money to contract or hire a company to mount the signs. She asked that the last sentence in the seating section and press box be deleted.

Attorney Rice asked if the City had a specification for the signs. Officer Muggli said that the signs will need to be approved by the City.

****** *Councilperson Galbraith moved to strike the last sentence in the seating sections and press box advertising, seconded by Councilperson Ahner. The motion passed 8-0*

****** *Councilperson Hollowell moved to add the words "signage as approved by the City" after the words professional quality in both the Seating Sections and Press Box Advertising section, seconded by Councilperson Brush. The motion passed 8-0*

****** *Councilperson Hollowell's original motion passed unanimously 8-0. Resolution No. 3814 passed*

ADJOURNMENT

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

The meeting was adjourned at 8:15 p.m.

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C. A. Grenz, Mayor

C. A. Grenz

Lorrie Pearce, City Clerk

Lorrie Pearce