

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

**REGULAR COUNCIL MEETING September 22, 2015  
7:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, September 22, 2015, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council Members present were Ken Gardner, Jerry Partridge, Dwayne Andrews, Susanne Galbraith, John Hollowell and Roxanna Brush. Council Member Ahner was excused

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Public Works Director Scott Gray, Public Utilities Director Allen Kelm, Grant Writer/Planner in Training Dawn Colton 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: 9/8/2015**

**\*\*** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of September 8, 2015, and seconded by Councilperson Hollowell. The motion passed by unanimous consent, 6-0.*

**SCHEDULE MEETINGS**

None

**REQUEST OF CITIZENS & PUBLIC COMMENT**

Dwayne Rude 10 Arrow Circle asked to speak to the Council about several meetings held on the Diamond J development. He said a planning board meeting was held on September 1<sup>st</sup> covering the site plan review of Diamond J which was a public hearing. At that meeting, several residents of South Gate and himself spoke of their opposition to the development. September 8<sup>th</sup> where the site plan reviews was approved for Diamond J. There were South Gate residents that spoke of their opposition. On Sept 9<sup>th</sup> the Miles City Star wrote of their opposition to the development. September 18<sup>th</sup> there was an article in the Miles City Star in which Councilperson Hollowell stated that there were some South Gate Meadow residents who attended the Miles City Planning Board meeting when the development was discussed and at that time had no problem with the business going through. He was wondering why Mr. Hollowell decided to change the opinions of those who were against the development.

Councilperson Hollowell said that he made no comment to the paper, and the comment he made at the Council Meeting said some residents.

Mr. Rude wanted to set the record straight and have the public know that there were residents in South Gate that are opposed to the development.

Councilperson Hollowell said for the record that there was some opposition to Diamond J's site plan review for the South Gate area.

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Sharon Kearns, 1112 North Montana, presented a petition that was completed at the fair. The petition was for reducing the BNSF speed through town. The petition had 74 signatures. She said she heard several different views on the subject from a wide range of ages, and the petition was really to continue the discussion of the increased speed. She thought that the City could find a lot of support from North Dakota and South Dakota since there had been derailments in those states. She added that the City could have discussions publicly to put some pressure on BNSF and our representatives, and that doing nothing is giving consent.

Mayor Grenz said that he had been working on a Town meeting with some State Representatives and Senators.

Ms. Kearns said all surrounding communities were not being treated the same and Miles City is the only City the train is traveling 60mph through town.

Debbie Hanson, 1002 Pleasant Street, said that Miles City is the only town that the train is going 60 mph through town because somehow the town of Forsyth got BNSF to slow down to 45 mph. She didn't think BNSF was being a good neighbor nor were they worried about safety. She added that the City needs to have a bigger conversation with BNSF and make it public.

Both Kearns and Hanson asked Council and the Safety Board to take the subject more seriously.

### APPOINTMENTS

#### **City/County Health Board – Donna Faber**

\*\* *Councilperson Brush moved to approve Donna Faber as a City/County Health Board member, and seconded by Councilperson Galbraith. The motion passed by unanimous consent, 6-0.*

#### **City/County Health Board - Amber Trenka**

\*\* *Councilperson Brush moved to approve Amber Trenka as a City/County Health Board member, and seconded by Councilperson Galbraith. The motion passed by unanimous consent, 6-0.*

### PROCLAMATIONS

None

### STAFF REPORTS

Director Gray updated Council on the Safe Route to School project:

- There will be an inspection tomorrow for substantial completion, after that there will be some items on the punch list
- A few details to work out with the contractor and the property owners
- Snow removal will be the property owners responsibility
- In the winter the City will start cleaning the roads in front of residential areas, but not the sidewalks.
- Warned everyone, if vehicles are parked on the sidewalk it is a violation and could be a ticketed offense

Councilperson Galbraith thanked Tara Andrews for writing the grant.

Chief Colombik reported:

- There has been a significant drug arrest
- Dispatchers are doing a tremendous job
- City's auction will be late October

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### CITY COUNCIL COMMENTS

**Ken Gardner:** Commended the Maintenance crew for reacting so fast to a recent broken water line on the North side of town. He said everyone worked diligently until the job was completed.

### MAYOR COMMENTS

A letter was received from Scout Troop 222 commending Hannah Nash on her presentation on Bullying.

### STANDING COMMITTEE RECOMMENDATIONS

#### **Public Service Committee – First Interstate Bank: Building site plan**

Councilperson Partridge encouraged Council to approve the continuation of the First Interstate Bank building site plan

Director Gray said that First Interstate Bank is purposing extending Dickinson Street with Moorhead from the college out to Haynes Ave to bring traffic into their site and the college. They would build the road to specification and in return donate the street to the City. He added that the City cannot accept the street until the final Platt is approved.

Steve Nesterak representative of First Interstate Bank added that he wanted to thank Al Kelm and Scott Gray for all the hard work that's been done on this project. First Interstate Bank had submitted a permit application for approval which will take about three weeks and hopefully have a site and road plan to submit soon.

### BID OPENINGS

None

### BID AWARDS

None

### PUBLIC HEARINGS

- A. RESOLUTION NO. 3842: A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the Water Fund 5210 and Sewer Fund 5310**

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

### UNFINISHED BUSINESS

- A. RESOLUTION NO. 3842: (Second Reading) A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the Water Fund 5210 and Sewer Fund 5310**

**\*\* Councilperson Galbraith moved to approve the resolution by title only and seconded by Councilperson Gardner. The motion passed 6-0 Resolution No. 3842 passed**

### NEW BUSINESS

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**A. RESOLUTION NO. 3843: A Resolution to Establish an Urban Renewal Agency Pursuant to Title 7 Chapter 15 Part 42 of the Montana Code Annotated to be Known the Miles City Downtown Urban Renewal Board of Commissioners and to Act as an Advisory Board Only to the Miles City City Council**

**\*\*** *Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Brush and on roll call vote passed 6-0. Resolution No. 3843 passed*

**B. RESOLUTION NO. 3844: A Resolution Approving the Deferment of the Water Connection and Development Fees and Sewer development Fee For the Miles City Livestock Commission**

Director Kelm explained that the \$5,280 is a cost that would be deferred for development and connection fees for one year. This would allow the business to get back on their feet, and would be one less bill for them to pay right away.

**\*\*** *Councilperson Gardner moved to approve the Resolution, seconded by Councilperson Galbraith and on roll call vote passed 6-0. Resolution No. 3844 passed*

**CONSENT AGENDA**

Mayor Grenz asked for a motion to suspend the rules for items C thru G to a consent agenda.

**\*\*** *Councilperson Galbraith moved to suspend rules for a consented agenda, to approve items C thru G, seconded by Councilperson Brush and on roll call vote passed 6-0*

**C. RESOLUTION NO. 3845: A Resolution Approving a Short Form of Agreement Between Owner and Engineer for Professional Services With Dowl HKM Engineering, For the Provision of Engineering Services to the City of Miles City for a 5-Year Period**

**D. RESOLUTION NO. 3846: A Resolution Approving a Short Form of Agreement Between Owner and Engineer for Professional Services With Interstate Engineering, Inc., For the Provision of Engineering Services to the City of Miles City for a 5-Year Period**

**E. RESOLUTION NO. 3847: A Resolution Approving a Short Form of Agreement Between Owner and Engineer for Professional Services With Kadrmas, Lee & Jackson D/B/A KLJ, For the Provision of Engineering Services to the City of Miles City for a 5-Year Period**

**F. RESOLUTION NO. 3848: A Resolution Approving a Short Form of Agreement Between Owner and Engineer for Professional Services With Robert Peccia & Associates, For the Provision of Engineering Services to the City of Miles City for a 5-Year Period**

**G. RESOLUTION NO. 3849: A Resolution Approving a Short**

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~~Form of Agreement Between Owner and Engineer for Professional Services With Sanderson Stewart, For the Provision of Engineering Services to the City of Miles City for a 5-Year Period~~

- \*\*  
*Councilperson Galbraith moved for the approval of consented agenda C thru G, seconded by Councilperson Andrews. The motion passed on roll call vote 6-0,  
Resolution No. 3845,3846,3847,3848 and 3849 passed*
- H. **RESOLUTION NO. 3850: (First Reading) A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the Treasurer Fund 1000**
- \*\*  
*Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Brush and on roll call vote passed 6-0.  
Resolution No. 3850 passed first reading*
- I. **RESOLUTION NO. 3851: (First Reading) A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the City Hall Maintenance Fund 1000**
- \*\*  
*Councilperson Gardner moved to approve the Resolution, seconded by Councilperson Galbraith.*
- \*\*  
*Councilperson Brush moved to amend the original motion to change all wordings from Treasurer Fund to City Hall Fund, seconded by Councilperson Hollowell. The motion passed by roll call vote 6-0 Resolution No. 3851 passed first reading*
- \*\*  
*Councilperson Gardner's original motion passed 6-0*
- J. **RESOLUTION NO. 3852: A Resolution Granting A Revocable License to Carla Dickerson, Patricia Sax, Laura Sax, Mark Sax, and Glenn Sax, For the Installation of a Sewer Service Line in the Right of Way Area at the Intersection of Wells Street and North Fifth Street**
- Director Kelm explained that the house has City water, but is on a septic system. The owner would like to remove the septic system and connect to City sewer. The piping would come down the East side of Fifth Street to hook up to the City line. The lines would be a 2 inch service line not a main line.
- \*\*  
*Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Gardner. By roll call vote the motion passed 6-0  
Resolution No. 3852 passed*
- K. **RESOLUTION NO. 3853: A Resolution Relating to \$59,703 for the City of Miles City Special Improvement District No. 211 Bond; Fixing the Form and Details and Providing for the Execution and Delivery Thereof and Security Therefor**
- \*\*  
*Councilperson Brush moved to approve the Resolution, seconded by Councilperson Galbraith. By roll call vote the motion passed 6-0  
Resolution No. 3853 passed*

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**L. RESOLUTION NO. 3854: A Resolution Approving A Short Form of Agreement Between Owner and Engineer for Professional Services Between the City of Miles City, Montana, and Interstate Engineering, Inc., for Development of the Miles City Long Range Transportation Plan**

Councilperson Galbraith said that the Finance Committee recommended approval. She added that the plan will cost \$122,000, but 80% will be covered by the Department of Transportation and the Planner has applied for a CDBG grant for \$20,000. In the worst scenario the study will cost the City \$26,000 and the best scenario would be \$6,000

**\*\* Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Andrews. By roll call vote the motion passed 6-0 Resolution No. 3854 passed**

**M. RESOLUTION NO. 3855: A Resolution Authorizing the City of Miles City to Enter Into A Montana Department of Commerce Coal Board Contract to Assist in Funding the Frank Wiley Miles City Airport Improvement Project**

**\*\* Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Gardner. By roll call vote the motion passed 6-0 Resolution No. 3855 passed**

**N. ORDINANCE NO. 1299: (First Reading) An Ordinance Adopted Pursuant to the Montana Interim Zoning Statute Contained in Section 76-2-306 MCA Extending Interim Zoning Ordinance 1290 Pertaining to the Zoning of Sexually Oriented Businesses**

**\*\* Councilperson Gardner moved to approve the Ordinance, seconded by Councilperson Brush. By roll call vote the motion passed 6-0 Ordinance No. 1299 passed first reading and was referred to Finance Committee**

**O. Approval of Cowtown Agriculture to Create Diagonal Parking on 5<sup>th</sup> Street**

**\*\* Councilperson Brush moved to approve the diagonal parking on Fifth Street, seconded by Councilperson Gardner.**

Councilperson Brush said it was approved by the planning board. The boards concerns were:

- Along Pleasant Street: The owner said a sidewalk will be installed and their product would be move behind the sidewalk
- Trucks would be loading and offloading on Fifth Street. Director Gray said the trucks will access on fifth street and exit on Pleasant street.

**\*\* Councilperson Brush moved to amend her original motion to include a sidewalk on Pleasant Street as a condition, seconded by Councilperson Gardner and passed 6-0**

**ADJOURNMENT**

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

The meeting was adjourned at 8:20 p.m.



C.A. Brenz, Mayor



Lorne Pearce, City Clerk