

Public Safety Committee Meeting April 4, 2012

The **Public Safety Committee** met Wednesday, April 4, 2012, at 12:00 pm in the City Council Chambers. Present were Committee Chairperson John Uden and Committee Members Dwayne Andrews, Sue Galbraith and Mark Ahner. Also present were Mayor Chris Grenz, Public Utilities Director Al Kelm, Police Chief Doug Colombik and Committee Recorder Connie Watts.

1. **ORDINANCE NO. 1235:** An Ordinance Amending Sec. 3-37(B) Of The Code Of Ordinances Of The City Of Miles City, Montana Relating To Locations For Retail Sale Of Beer And Wine To Include Blocks 2 And 4 Of The Original Townsite (Commonly Known As The KOA Kampground) And Providing An Effective Date Thereof.

****** After brief discussion, *Committee Member Ahner moved to recommend to the council approval of Ordinance 1235, as presented, seconded by Committee Member Galbraith and, on roll call vote, passed unanimously, 4-0..*

2. **ORDINANCE NO. 1236:** An Ordinance Repealing Section 16-42, And Revising Sections 16-43, 16-45 And 16-46 Of The Code Of Ordinances Of The City Of Miles City, Montana Regarding Firearms So As To Conform To State Statute.

It was noted that this is merely a “housekeeping” ordinance to bring City Code in line with State statute. Committee Chair Uden mentioned that there are some issues with the state statute that would cause some changes in the near future; however, no matter what the city council does with this ordinance, changes can always be made later, if need be, to comply with the state. In particular, Chairman Uden quoted the following from a Montana Shooting Sports Association mailing:

“Because of some under-the-table deal-making in 1991, the Montana law about concealed weapons permits has had provisions preventing the exercise of CWP’s in “prohibited places”: bars, banks and public buildings. MSSA successfully advanced two bills in 1999 to roll back the prohibited places” restrictions.”

Committee Member Ahner referenced Section (1) “to a public assembly within the city limits”, stating he is not sure what a “public assembly” is. He also referenced P.1, Section (3), of Ordinance 1236, which amends Sec. 16-45, #3 of the City code, where an individual is prohibited from carrying a weapon, “in a park under the jurisdiction of the City of Miles City.” He feels citizens should be allowed to carry a weapon in a park for his or her own protection, especially in the case of a woman walking by herself.

Chairperson Uden also spoke against this prohibition, referencing the recent abduction and murder in Sidney. Many women are obtaining concealed weapon permits recently as a result of that incident. However, he said that is the current state law, and he is not sure if the city can change that. Local government may be able to enact more restrictive laws than the state, but he is not sure it can enact regulation less restrictive. It was not determined at this meeting if state law restricts carrying weapons in parks or whether that was part of the city's old code. City Attorney Huss will need to be consulted on this question.

Police Chief Colombik noted there has been an enormous volume of people obtaining concealed weapons permits. He said the sporting goods stores are running low on handguns and ammunition.

Committee Member Galbraith expressed concern with weapons being carried in a park where there may be children playing.

*** Committee Member Ahner moved to recommend adoption of Ordinance No. 1236 as presented by City Attorney Huss, seconded by Committee Member Andrews and, on roll call vote, passed unanimously, 4-0.*

3. **ORDINANCE NO. 1229** An Ordinance Amending Sections 22-144 Of The Code Of Ordinances Of The City Of Miles City Regarding Speed Limits, Providing For A 15 Mile Per Hour Speed Limit On Pearl Street From Its Intersection With Montana Avenue Through Its Intersection With South Jordan Avenue, And Providing For An Effective Date Thereof

*** Committee Member Uden moved to recommend Ordinance No. 1229 be adopted, seconded by Committee Member Galbraith and, on roll call vote, passed unanimously, 4-0.*

4. **Burlington Northern Depot Discussion.**

Chairperson Uden opened the meeting for discussion on this topic. **Connie Muggli**, 514 S. Prairie, of the Miles City Depot Acquisition and Restoration Project group (MCDARP) stated she had explained the project at the previous council meeting and was just present to try to answer any questions the Committee may have. She passed around some materials to the Committee, including pictures of the inside and outside of the building. **Kathy Doeden**, also of the MCDARP group, was also present.

Chairperson Uden was adamant, as were the other committee members, that the city not be placed in the position of being liable for the clean-up of the building. He stressed he wanted to avoid the type of situation the City was involved in with the old Holy Rosary Hospital building.

Ms. Muggli replied their mission always has been to avoid costs to the city or the county. Any activities or tasks have been funded by grants or interested individuals. The only potential cost to the City might be review by the City Attorney regarding legal terms of the

lease or any agreements BNSF and the City may enter into.

Committee Member Ahner referenced Page 8 of the Due Diligence Report, which lists four options presented to BNSF, none of which were satisfactory to them. BNSF also issued a deadline of **May 1, 2012**, for the City to make a decision. The City Attorney has already been asked to write a letter to BN to request an extension of time for this decision.

Two other options suggested by MCDARP are:

1. Relocation – the cost is prohibitive, close to \$2,000,000.
2. Eminent Domain – this would involve a lawsuit and the burden of proving the public good outweighs private property rights.

Ms. Muggli said the building has been listed as a historical building, which raises some barriers to demolition by BN. Also, she said, eminent domain can be used for the purpose of preserving historical buildings. She mentioned that the 1.44 acres the building sits on is zoned commercial, not industrial, so BN would have a difficult time using this property for expanded operations. Also, a land swap has been proposed, as BN as expressed interest in some property in the Industrial Park area.

The lease also needs to be looked at because, currently, there is a 30-day termination clause that has prevented anyone from taking the risk of investing in the building. MCDARP has proposed a 99-year lease.

5. **Adjournment**

*** Having no more business to come before the committee, Committee Member Ahner moved to adjourn, seconded by Committee Member Andrews and passed unanimously. The meeting was adjourned at 1:00 p.m.*

Respectfully Submitted:

Public Safety Committee Chairperson:

Connie L. Watts, Recorder

Chairperson John Uden