



# CITY OF MILES CITY AGENDA

*Regular Council Meeting  
City Council Chambers*

*July 14, 2015  
7:00 p.m.*

*REVISED 7/10/2015 10:18 AM*

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

1. **APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES**
  - A. City Council Meeting 6/23/2015
  - B. Finance Committee Meeting 6/18/2015
2. **SCHEDULE MEETINGS**  
Study Commission Meeting- July 16 @ 5:15om
3. **REQUEST OF CITIZENS & PUBLIC COMMENT**
4. **APPOINTMENTS**
5. **PROCLAMATIONS**
6. **STAFF REPORTS**  
Samantha Malenovsky- Discussion on flood control project
7. **CITY COUNCIL COMMENTS**
8. **MAYOR COMMENTS**
9. **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.
10. **BID OPENINGS**  
**BID AWARDS**
11. **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**

- 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**
- 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**
- 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**
- 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**

**12. UNFINISHED BUSINESS**

- 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**
- 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**

13. 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**
- 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.**
- 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**
- 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**

14. ADJOURNMENT

Public comment on any public matter that is not on the agenda of this meeting can be presented under Request of Citizens, provided it is within the jurisdiction of the City to address. Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on a matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings



# **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. 8<sup>th</sup> 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 29<sup>th</sup> @ 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.

## 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 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 4<sup>th</sup> 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.

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.

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C. A. Grenz, Mayor

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Lorrie Pearce, City Clerk



## **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 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.

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Chairperson Susanne Galbraith

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Recorder Lorrie Pearce



US Army Corps  
of Engineers®  
Walla Walla District

## SECTION 205

### Authority for: FLOOD DAMAGE REDUCTION PROJECTS

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**WHAT CAN THE CORPS DO?** Section 205 of the 1948 Flood Control Act, as amended, provides authority to the Corps of Engineers to plan and construct small flood damage reduction projects that have not already been specifically authorized by Congress. A project is accepted for construction only after detailed investigation clearly shows its engineering feasibility, environmental acceptability, and economic justification. Each project must be complete within itself, not a part of a larger project. The maximum federal expenditure per project is \$7 million, which includes both planning and construction costs. Costs of lands, easements, and operation and maintenance must be non-federal.

There are two types of projects: structural and nonstructural. Structural projects may include levees, flood walls, diversion channels, pumping plants, and bridge modifications. Nonstructural alternatives, which have little or no effect on water surface elevations, might include such measures as floodproofing, relocation of structures, and flood warning systems.

After a State or local agency requests a potential project, the Corps will conduct a feasibility study if it appears the problem may have a federal interest and if funds are available. The feasibility study begins at federal expense. After approximately \$20,000 has been expended, a decision is made whether to continue the study and if cost sharing is required. Study costs in excess of \$100,000 are shared 50/50 with the nonfederal sponsor according to a Feasibility Study Cost Sharing Agreement (FCSA). In the feasibility study the problem is defined, the federal interest is determined, potential solutions are identified, and the most feasible plan is chosen. The costs, benefits, and environmental impacts of the potential project are analyzed. A draft project cooperation agreement (PCA) is drawn up by which the federal Government and the sponsor agree to share project costs. No more than 3 years should pass between the start of the feasibility study and the time the project is ready for construction.

**WHAT ARE THE LOCAL RESPONSIBILITIES?** Costs for Section 205 flood damage reduction projects are shared between the federal government and a non-federal sponsor in accordance with the Water Resources Development Act of 1986, as amended. During construction the local sponsor must contribute a minimum of 35 percent of the total cost of a project, with credit granted toward this amount for providing lands, easements and rights-of-way, and pay a minimum cash requirement of 5 percent of the total project cost. The local sponsor (a state or local government) must have the legal and financial capability to fulfill the requirements of cost sharing and local cooperation. The sponsor generally must agree to the following:

- Contribute in cash the local share of project planning and construction costs.
- Provide all lands, easements, rights-of-way, relocations, and dredged material disposal areas.
- Provide any additional cash contributions needed to make the local sponsor's share of the flood damage reduction cost at least 35 percent.

- Hold and save the United States free from damages due to the construction and maintenance of the project, except damages due to fault or negligence of the United States or its contractors;
- Make all alterations and relocations of buildings, transportation facilities, storm drains, utilities, and other structures and improvements made necessary by the construction of the project (excluding approaches and facilities necessary for the normal interception and disposal of local interior drainage at the line of protection);
- Prepare a floodplain management plan designed to reduce the impact of future flood events in the project area;
- Comply with provisions of pertinent federal acts in carrying out the specified non-federal responsibilities of the project;
- Operate, maintain, repair, replace, and rehabilitate the project as long as the project is authorized.

**HOW CAN A STUDY BE REQUESTED?** We may begin a Section 205 study after we receive a written request from the prospective sponsor. A sample letter is offered below.

*District Engineer  
U.S. Army Corps of Engineers, Walla Walla District  
ATTN: Planning  
201 North 3<sup>rd</sup> Street  
Walla Walla, WA 99362*

*Dear Sir:*

*This letter is to seek the assistance of the U.S. Army Corps of Engineers under Section 205 of the 1948 Flood Control Act, as amended, in reducing flood damages along (river or creek) in the vicinity of (city or town, etc.)*

*(Briefly describe the nature and severity of the flooding problem. Briefly describe the known issues that might affect the acceptability of any recommended solutions, from the perspective of local government and/or the public.)*

*It is understood that, if the study indicates a project with a federal interest is likely, the (non-federal sponsor) would be required to enter into a contract to pay half the cost of the feasibility study after the first \$100,000. Further, if it is found feasible to develop a flood damage reduction project, the (non-federal sponsor) would be able to pay at least 35 percent of the total cost of a project, with credit granted toward this amount for providing lands, easements and rights-of-way, and pay a minimum cash requirement of 5 percent of the total project cost.*

*Please contact (name, address, telephone) for further information.*

*Sincerely,  
(Name and title of public official authorized to request study)*

For more information, contact Plan Formulation, at 509-527-7296 or Email:  
[cenww-pd-ec@usace.army.mil](mailto:cenww-pd-ec@usace.army.mil)

# Public Hearing





## 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.

*WHEREAS*, the City of Miles City wishes to amend the budget for Fiscal Year 2014-2015 to provide funding for increased expenses in the City's health fund for Sanitarian services, as permitted by §7-6-4006, MCA;

*AND WHEREAS*, such amendment of the final budget will result in an overall increase in appropriation authority within fund # 2270-37-440140-350,

*AND WHEREAS* the provisions of §7-6-4006 MCA require public hearing upon any budget amendment resulting in an overall increase in appropriation authority,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Montana as follows:

The appropriations for the Final Budget for Fiscal Year 2014-2015 for Fund No. 2270 shall be increased in the following amount:

Fund No. 2270-37-440140-350 Health Fund, professional services in the sum of \$3,000, said amount being paid from Health Fund 2270-101000.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2014-2015 on the 14<sup>th</sup> day of July, 2015, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 23<sup>RD</sup> DAY OF JUNE, 2015.

\_\_\_\_\_  
C. A. GRENZ, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF  
MILES CITY, MONTANA, THIS 14<sup>th</sup> DAY OF JULY, 2015.

\_\_\_\_\_  
C. A. GRENZ, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

## 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

*WHEREAS*, the City of Miles City has been credited with \$439,429.00 from State of Montana for payments by the State on behalf of Public Employee Retirement System (PERS), Montana Peace Officer Retirement System (MPORS) and Montana Firefighters Unified Retirement System (FURS) contributions and for which additional funds no provision was made in the Final Budget for Fiscal Year 2014-2015;

*AND WHEREAS*, as permitted by §7-6-4006 MCA, the City of Miles City desires to amend its final budget for Fiscal Year 2014-2015 to appropriate and expend such additional funds for PERS, MPORS and FURS contributions;

*AND WHEREAS*, such amendment of the final budget will result in an overall increase in appropriation authority,

*AND WHEREAS* the provisions of §7-6-4006 MCA require public hearing upon any budget amendment resulting in an overall increase in appropriation authority,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Montana as follows:

1. The revenues for the Final Budget for Fiscal Year 2014-2015 for the General Fund 1000 shall be increased in the following fund in the following amount:

Fund No. 1000-330000- \$439,429.00

2. The appropriations for the Final Budget for Fiscal Year 2014-2015 for Fund 1000 General Fund shall be amended in the following fund as follows:

Fund No. 1000.001.410200.190 of the General Fund 1000 shall be increased in the sum of \$2,223.00;

Fund No. 1000.005.420140.190 of the General Fund 1000 shall be increased in the sum of \$243,501.00;

Fund No. 1000.007.420460.190 of the General Fund 1000 shall be increased in the sum of \$193,705.00;

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendments to the Final Budget for Fiscal Year 2014-2015 on the 14th day of July, 2015 at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 23 TH DAY OF JUNE, 2015.

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA THIS 14TH DAY OF JULY, 2015.

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

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.

*WHEREAS*, the City of Miles City has received unanticipated revenues from donations in the amount of \$1,000.00, and has incurred unanticipated expenses for building and office rental in the amount of \$900.00, and travel in the amount of \$2,276.84, in Fund No. 2935;

*AND WHEREAS* as permitted by Section 7-6-4006 MCA, the City of Miles City desires to amend its final budget for FY 2014-2015 to appropriate the total amount of such unanticipated revenues in the sum of \$1,000.00 and to increase the budget for unanticipated expenses in the amounts of \$900.00 for building and office rental and \$2,276.84 for travel in Fund No. 2395;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. The budget for Fund No. 2935 shall be amended as follows:

2935-365070 is hereby increased in the amount of \$1,000.00;  
2935-11-460461-531 is hereby increased in the amount of \$900.00;  
2935-11-460465-370 is hereby increased in the amount of \$2,276.84.

2. The following budget transfers are hereby authorized:

2935-101000 is hereby decreased in the amount of \$900.00.  
2935-101036 is hereby decreased in the amount of \$ 2,274.84

**BE IT FURTHER RESOLVED** that a public hearing shall be held on the above proposed amendment to the Final Budget for FY 2014-2015 on the 14<sup>th</sup> day of July, 2015 at 7:00p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with Section 7-1-4127 MCA at least 2 times with at least 6 days separating each publication.

**SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 23<sup>th</sup> DAY OF JUNE, 2015.**

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED  
QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS  
14<sup>th</sup> DAY OF JULY, 2015.**

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

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.**

*WHEREAS*, the City of Miles City has incurred unanticipated expenses for the replacement of a motor in Ambulance 20, in Fund No. 5510;

*AND WHEREAS* as permitted by Section 7-6-4006 MCA, the City of Miles City desires to amend its final budget for FY 2014-2015 to increase the budget for unanticipated expenses in the amount of \$16,115.38 in Fund No. 5510;

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF MILES CITY, MONTANA AS FOLLOWS:**

1. The budget for Fund No. 5510 shall be amended as follows:

5510-010-420730-364 is hereby increased in the amount of \$16,115.38;

2. The following budget transfers are hereby authorized:

5510-101000 is hereby decreased in the amount of \$16,115.38.

**BE IT FURTHER RESOLVED** that a public hearing shall be held on the above proposed amendment to the Final Budget for FY 2014-2015 on the 14<sup>th</sup> day of July, 2015 at 7:00p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with Section 7-1-4127 MCA at least 2 times with at least 6 days separating each publication.

**SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 23<sup>rd</sup> DAY OF  
JUNE, 2015.**

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED  
QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS  
14<sup>th</sup> DAY OF JULY, 2015.**

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk



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.

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, as follows:

Section 1. Section 22-151 shall be amended to read as follows:

**Section 22-151. Refusal to Submit to Alcohol/Drug Breath and/or Blood Test.**

(a) Any person operating or in actual physical control of a motor vehicle while under the influence of alcohol and/or drugs creates a significant risk to public safety, health and general welfare. To help secure public safety, health and general welfare for all persons, the City of Miles City adopts this section in an effort to deter persons from engaging in this dangerous activity. This section is adopted pursuant to Montana Code Annotated 61-12-101 which grants authority and powers to local authorities to regulate the operation of motor vehicles by a person while under the influence of alcohol and/or drugs.

(b) It is unlawful to refuse to submit to a breath or blood test for alcohol and/or drugs, and a warrant may be obtained to collect a sample of the person's blood for testing, pursuant to Montana Code Annotated 61-8-402 and 46-5-224 when the person has either refused to submit to a breath, blood or urine sample in the past, or when the person has a previous DUI conviction. It is unlawful and it constitutes a misdemeanor offense for any person operating or in actual physical control of a motor vehicle suspected of doing so under the influence of alcohol and/or drugs to refuse to submit to one or more tests to detect alcohol and/or drugs requested and designated by any peace officer as defined by Montana State Law. A person may only be charged under this section if a warrant has been obtained for the collection of a blood sample pursuant to Montana Code Annotated 61-8-402 and 46-5-224, and a blood sample has been collected, or was attempted to be collected. Prior to charging a person with a violation of this section, a peace officer must inform the person requested to take the designated breath and/or blood test that refusing the test when the person has refused prior testing, or has a prior DUI conviction, is a misdemeanor offense under Miles City Municipal Code and identify the penalties associated with the offense. If any arrested person refuses to submit to one or more tests requested and designated by a peace officer as provided for pursuant to Montana State Law, the refused test may not be given, unless a warrant has been obtained for the collection of blood. ~~However, the person refusing to submit to any such requested tests may be charged with a misdemeanor offense pursuant to this section.~~ In the event a blood sample is obtained through a warrant, following a person's refusal to submit

to the requested tests as set forth in this section, the person may be charged with a misdemeanor offense pursuant to this section.

(c) The Penalties for violations of Section 22-151 are established as follows. Incarceration is not a penalty for a violation of this section. A person convicted under section 22-151 shall be subject to fines of:

1. For a first offense, the fine is \$300.00; no portion may be suspended, waived or deferred by the court; and
2. For a second or subsequent offense, the fine is \$500.00; no portion may be suspended, waived or deferred by the court.

(d) If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

**Section 2.** This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

**FINALLY PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

# New Business



## **RESOLUTION NO. 3813**

### **A RESOLUTION APPROVING THE WORK PLAN AND BUDGET FOR FISCAL YEAR 2015-2016 FOR BUSINESS IMPROVEMENT DISTRICT NO. 101, AND PROVIDING FOR HEARING THEREON**

*WHEREAS*, the City of Miles City by Ordinance 1202 established Business Improvement District No. 101;

*AND WHEREAS*, §7-12-1132 MCA requires the trustees of such business improvement district to annually submit to the City Council of the City of Miles City, for its approval, a work plan and proposed budget for the ensuing fiscal year;

*AND WHEREAS*, on June 12, 2015, the trustees of said District did submit to the City Council their proposed work plan for FY 2015-2016;

*AND WHEREAS*, the City Council has considered and approves of such work plan and proposed budget, and desires to finally approve the same, following a public hearing as required by §7-12-1132(3) MCA

### **NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

Upon hearing and full consideration, the City Council of the City of Miles City hereby approves the work plan and proposed budget of Business Improvement District No. 101 for FY 2015-2016, attached hereto as Exhibit "A" and made a part hereof.

**BE IT FURTHER RESOLVED** that pursuant to §7-12-1132(3) MCA, a public hearing shall be held on the above proposed approval on the 28<sup>th</sup> day of July, 2015, at 7:00 p.m. in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §15-10-203 MCA, at least 2 times with at least 6 days separating each publication. Such publication shall be placed in a portion of the newspaper other than that portion utilized for legal and classified advertisements.

**SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 14<sup>TH</sup>  
DAY OF JULY, 2015.**

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,  
MONTANA, THIS 28<sup>TH</sup> DAY OF JULY, 2015.**

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

Exhibit "A"

In accordance with City of Miles City Ordinance No. 1202 this is the Marketing Plan for FY 15/16 using a July 1, 2015 through June 30, 2016 fiscal year.

**Formulas:** By using a conservative number of Rooms within the district (**502**) and a occupancy rate of (**50% annually**) it calculated to **91,615.00** As has been the practice of all previous TBID's formed in Montana a customary fee of \$1.00 per room night is being used for these calculations. This yields a marketing budget of **\$91,615.00** for this fiscal year.

Using the last three years of bed tax collections as a basis for dividing the funds into a quarterly budget base it percentages out as follows: 1st Quarter **36%**, 2nd Quarter **21%**, 3rd Quarter **15%**, and 4th Quarter **28%**.

**1st Quarter: \$32,984.00**

**2nd Quarter: \$19,236.50**

**3rd Quarter: \$13,732.50**

**4th Quarter: \$25,662.00**

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**Total            \$91,615.00**

<b>EVENT ADVERTISING</b>	<b>\$40,000.00</b>
<b>MARKETING EXPENSE</b>	<b>\$21,500.00</b>
<b>PRINT ADVERTISING</b>	<b>\$8,500.00</b>
<b>RADIO ADVERTISING</b>	<b>\$5,000.00</b>
<b>SPORTING EVENTS</b>	<b>\$8,500.00</b>
<b>TRAVEL</b>	<b>\$1,115.00</b>
<b>RECRUITMENT</b>	<b>\$5,000.00</b>
<b>INSURANCE</b>	<b>\$2,000.00</b>
<b>OPPORTUNITY</b>	<b>\$13,083.55</b>
	<hr/>
	<b>\$104,698.55</b>





**ORDINANCE NO. 1297**

**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.**

**WHEREAS**, the owners of the below described real property, Casey Lapp and Beth Lapp, have made application for the property to be rezoned from General Commercial District (GC) zone to Residential A (RA) zone;

**AND WHEREAS**, such property is situated within the incorporated city limits of the City of Miles City, Montana;

**AND WHEREAS**, Section 24-8 of the Miles City Code requires that such application be referred to the City Zoning Commission for public hearing and recommendation to the City Council prior to any action by the City Council upon such application;

**AND WHEREAS**, the Miles City Zoning Commission, on June 25, 2015, held a public hearing upon said application, and upon deliberation, recommended to the City Council that such zoning change be approved.

**BE IT ORDAINED**, by the City Council of the City of Miles City, Montana, as follows:

**Section 1.** Zoning for the following described real property located within the incorporated city limits of the City of Miles City, Custer County, Montana, is hereby rezoned from General Commercial District (GC) zone to Residential A (RA) zone, to wit:

Lots 11 and 12 in Block 4 of the Clark Addition to the City of Miles City, Custer County, Montana, according to the official plat and survey thereof on file with the Clerk and Recorder in and for Custer County, Montana.

**Section 2.** The City of Miles City Staff Report prepared as part of the review of this application is hereby adopted as Findings of Fact to support the Council’s decision.

**Section 3.** A public hearing shall be held upon this proposed zoning change before the City Council at 7:00 P.M. on the 11th day of August, 2015, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

**Section 4.** The City Clerk shall give notice of the date, time and place of such hearing by publication in the Miles City Star at least 15 days prior to the date of such hearing, in accordance with MCA Sections 76-2-303 and 305.

**Section 5.** This ordinance shall be in full force and effect thirty (30) days after its final passage and approval.

Said Ordinance read and put on its passage this 14th day of July, 2015.

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

**FINALLY PASSED AND ADOPTED** this 11th day of August, 2015.

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C.A. Grenz, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

**CITY OF MILES CITY**  
**Zoning Commission**  
Box 910  
Miles City, MT 59301

June 26, 2015


Mayor Grenz and City Council,

RE: Proposed re-zone for 200 North Lake Avenue (Clark Addt., Blk 4, Lots 11 & 12)

The Miles City Zoning Commission conducted its public hearing on June 25, 2015 to consider the request to re-zone the above described area. After reviewing comments from the public hearing, the Zoning Commission recommends approval of the zone change from General Commercial (GC) to Residential "A".

Please schedule this for review by the City Council at your earliest convenience.

Respectfully,

A handwritten signature in cursive script that reads "LeRoy S. Meidinger". The signature is written in black ink and includes a small flourish at the end.

LeRoy Meidinger, Chair  
Zoning Commission



# PETITION FOR ZONE CHANGE

## Community Services & Planning

City of Miles City 17 S. 8<sup>th</sup> Street, P.O Box 910 Miles City, MT 59301 406-234-3493

Date Received: 5-26-15  
(to be filled out by City)

Note: If more than one property/petitioner a list of signatures and legal descriptions may be attached to this application.

I, Bern Lapp (Signature) is/are petitioning the City of Miles City to rezone the following property:

### LEGAL DESCRIPTION OF PROPERTY:

Street Address or General Location 200 N. Lake

Tract/s \_\_\_\_\_ in Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Clark Addt; B1K 4; Lots 11 + 12

OR

Lot/Tract/s \_\_\_\_\_ of ~~\_\_\_\_\_~~ (Subdivision Name) in Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Assessor Number/s or Geocode \_\_\_\_\_

### PRIMARY CONTACT:

Applicant Name: Casey Lapp / Bern Lapp (Please print) If a business, Contact Name \_\_\_\_\_ (Please print)

Address: 200 North Lake Ave.

Phone: \_\_\_\_\_ Cell Phone: 853-0762 Email: bern.lapp@hotmail.com  
853-3269

### DESCRIPTIVE DATA:

Total area in acres: 0

Existing Zoning: Gen. Comm. Proposed Zoning: Residential "A"

Existing Use: Residential

Yes  No Purpose of the zone change is for pending development/sale. If so please explain the nature of the proposal or state any other reason for requested change: Selling home

Miles City Zoning Committee

Staff Report

June 25, 2015

Zone Change Request

Beth Lapp has requested a change in the zoning designation of her property from General Commercial to Residential A, which is located in the Clark Addition. The proposed zone change would make it possible to sell the home. Surrounding land uses include General Commercial to the Southwest and North and Residential to the South and East of the property.

Finding of facts

The following is an evaluation of the zone change request under the criteria and guidelines for zoning regulations provided in Montana code Annotated 76-2-304.

1. Does the proposed zone change comply with the Miles City Growth Policy?

The Growth policy does not include a future land use map or other information designating the property for specific land uses or zoning designations.

The Growth Policy includes a statement that is applicable to this proposal:

“Zoning amendments shall consider the needs of the petitioner, neighboring property owners, and the greater community.” (Zoning, p.36). In this case, the landowner (petitioner) has requested a change in zoning designation. No concerns have been voiced to date by neighboring property owners and a residential designation would result in allowing this property to be sold. Based on this information, the proposal generally complies with the 2008 Miles City Growth Policy.

2. Is the proposed zone change designed to secure safety from fire and other dangers?

The property would be served by city water with a fire hydrant to the South of the property which would help with fire protection. The property is assessable by Valley Drive East to the north of the property, Palmer St. to the south of the property, and N. Lake to the West of the property and would provide adequate emergency access. Therefore, the proposal is generally designed to secure safety from fire and other dangers.

3. Is the proposed zone change designed to promote public health, public safety, and the general welfare?

The building is located in a designated floodplain. Therefore, the proposed zone change will have some impact on public health, safety or general welfare. The proposed zone change will provide more residential property for this area, which could be considered a benefit to the public.

4. Is the proposed zone change designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities?

Transportation – The property is served by three streets. Pedestrian traffic is available by a sidewalk to the south and no bicycle facilities are available to the property.

Water and Sewer – Adequate city water and sewer are available.

Schools – School facilities are available to the surrounding properties.

Parks – Adequate parks are available to this property.

Other Public Requirements – Solid waste, mail delivery, and public utilities are available to this property.

Based on the above information, the proposed zone change is generally designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public facilities.

5. Does the proposed zone change provide reasonable provision of adequate light and air?

The proposed property is similar in size of a residential lot which is sufficient size to provide adequate light and air.

6. How would the proposed zone change effect motorized and non- motorized transportation systems?

As stated previously, adequate motorized vehicular access is available via a state highway, and city streets. There is pedestrian traffic available by a sidewalk, but no bicycle facilities are available in the vicinity of the property.

7. Does the proposed zone change promote compatible urban growth and is it suitable for the proposed land use?

According to the map entitled, Miles City & Surrounding Jurisdiction Zoning Map (9/20/12), the zoning designation to the Southwest and North is General Commercial, and zoning to the South and East is Residential. This is an area with a mixture of General Commercial and Residential nearby. Changing the zoning to Residential A will allow for the property to be sold as residential and would therefore promote compatible urban growth. The proposed land use is for the property to be sold as Residential A to allow it to be sold as a residence.

8. Would the proposed zone change conserve the value of building and encourage the most appropriate use of the land?

As stated above, this area contains a mixture of land uses, ranging from Residential to General Commercial. Changing the zoning on the subject property to Residential A would continue this pattern and therefore conserve the value of building and encourage the most appropriate use of the land.

Recommendation:

Adopt this report as findings of fact and recommend approval of the zone change to City Council.

**RE-ZONE  
200 North Lake  
Property Owner List  
for  
Casey and Beth Lapp**

Casey & Beth Lapp  
200 N. Lake  
Miles City, MT 59301

600 Café  
600 Main Street  
Miles City, MT 59301

Carla King  
210 N. Lake  
Miles City, MT 59301

Montameda Properties, LLC  
1820 Valley Dr. East  
Miles City, MT 59301

Michael Dishon  
211 N. Custer  
Miles City, MT 59301

Lynne & Jerry Lufborough  
PO Box 1035  
Miles City, MT 59301

Sigrid Laird  
203 N. Custer  
Miles City, MT 59301

Larry Bennett  
118 N. Lake  
Miles City, MT 59301

Brett & Keely Dodd  
110 N. Lake  
Miles City, MT 59301

Kathy Groh  
108 N. Lake  
Miles City, MT 59301

Karina Soucy  
119 N. Custer  
Miles City, MT 59301

Alan & Colleen Schock  
619 S. Center  
Miles City, MT 59301

Richard Schieffert  
PO Box 417  
Miles City, MT 59301

Jerome & Billie Struck  
210 N. Cottage  
Miles City, MT 59301

Sidney & Nancy Reynolds  
RR 1, Box 2296  
Miles City, MT 59301

Roberta Jones  
202 N. Custer  
Miles City, MT 59301

Wm. & Ashley Hubbell  
206 N. Custer  
Miles City, MT 59301

Glenn Zimmer  
120 N. Custer  
Miles City, MT 59301

6/29/15

**From: Casey Lapp**

200 North Lake Ave, Miles City, MT 59301

**To: Lorrie Pearce**

City Clerk, Miles City, MT 59301

Dear Lorrie Pearce of the City Clerk's office:

I am writing in regards to the rezone applicatoin for my residence at 200 North Lake Ave in Miles City, MT 59301. My wife Beth Lapp has filled out the application with both of our names but my name did not appear on the request according to an email from Dan Rice.

I am requesting the rezone of 200 North Lake Ave from commercial to Residential A.

If you have any questions please feel free to call me at (406) 853-3269 or my wife Beth Lapp can be reached at (406) 853-0762 as I am unavailable during the daytime.

Sincerely,

A handwritten signature in black ink, appearing to read 'Casey Lapp', written in a cursive style.

Casey Lapp

Homeowner of 200 North Lake Ave.



**ORDINANCE NO. 1298**

**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.**

Pursuant to the authority granted under § 45-8-351(2)(a), the City Council of the City of Miles City has previously enacted ordinances to regulate the discharge of rifles, shotguns and handguns, and the concealed carry of certain weapons on certain public property. Said ordinances are inconsistent as to the definition of "firearms," and as such, the City Council desires to adopt a definition for the same, to ensure consistency in the Code of Ordinances. Further, the City Council desires to clarify the carrying of weapons in City Parks with regards to concealed weapons permit holders.

**BE IT ORDAINED**, by the City Council of the City of Miles City, Montana, as follows:

**Section 1.** There is hereby enacted a Section 16-42, entitled "Firearms – definition."

**"Sec. 16-42. – Firearms - definition.**

- (a) Whenever used in the Code of Ordinances of the City of Miles City, Montana, the word "Firearm" shall include the following:
- (1) Any small arms weapon, including, but not limited to a rifle, shotgun, pistol, or revolver, which fires a projectile which is propelled by gunpowder;
  - (2) Any bb gun or pellet gun, with the exception of toy type guns which shoot non-metallic projectiles at a velocity which is not great enough to penetrate human skin."

**Section 2.** Section 16-43(a) and 16-43(b) shall be amended to read as follows:

**"Sec. 16-43. – Discharge of firearms.**

- (a) It shall be unlawful for any person to willfully shot or fire off a firearm within the limits of the city.

(b) It shall be unlawful for any person to willfully discharge a firearm upon any city-owned or city leased property within three miles beyond the city limits of the City of Miles City, including, but not limited to, Spotted Eagle Recreation Area, Frank Wiley Field, the city wastewater treatment plant and adjoining former lagoon area, the city water treatment plant property and pumping plant park, and the industrial site west of the city limits. This prohibition shall not apply to authorized users of the Miles City Police Department pistol range adjacent to the city water treatment plant, nor to shotgun users of the trap shooting range at Spotted Eagle Recreation Area during daylight hours. The following hunting exceptions apply: with permission obtained 24 hours in advance from the airport manager or the waste water plant manager/operator, archery for big game hunting; shotgun and archery hunting of upland game birds, spring turkey and waterfowl on city-owned property which is fenced outside of the runways at the airport, and hunting access is also allowed at the wastewater plant, providing hunting access to the river.

...”

**Section 3.** Section 16-45(a) shall be amended to read as follows:

**“Sec. 16-45. – Carrying weapon in prohibited place.**

(a) It is unlawful for any person to purposely or knowingly carry, concealed or unconcealed, any dirk, dagger, firearm, slingshot, sword, sword cane, billy knuckles made of any metal or hard surface, knife having a blade four inches long or longer, razor, not including a safety razor, or other deadly weapon in the following places:

- (1) In a publicly owned building within the city limits;
- (2) In a park within the city, unless such person has a concealed weapon permit (CWP) valid in the State of Montana, in which case they may carry the same in a concealed fashion;
- (3) In a school within the city limits.

**Section 4.** This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

**FINALLY PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk



**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 .**

*WHEREAS*, the City wishes to renovate Connors Stadium in the Denton Sports Complex,

*AND WHEREAS* the City wishes to solicit donations for Phase I of the renovation through the sponsorship of donors,

*AND WHEREAS*, the City Staff have proposed a Donation Policy specific to this phase of the Connors Stadium renovation,

*AND WHEREAS*, the City wishes to adopt said policy,

**NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:**

1. The City hereby adopts the Connors Stadium Donation Policy attached hereto as "Exhibit A".
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said policy and bind the City of Miles City thereto.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 14th DAY OF JULY 2015.**

---

C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

EXHIBIT A:

## **Connors Stadium Phase I Donation Policy**

To celebrate the 75th anniversary of the Denton Sports Complex, the City will nominate Connor's Stadium to the National Register of Historic Places and renovate the baseball park. The complex was completed in 1940 as a WPA project. Connor's Stadium is one of those few in the nation with the designation of "Wooden Ball Park" saved by the WPA in the '40s. The field is also featured as the "best amateur ball park" in the nation in the online Baseball Stadium Museum.

Because it is a historic facility, a significant tourism attraction and more importantly, a treasured local landmark, maintaining the historical design aesthetic and preserving the historical character while modernizing the facility is important. This project is about preserving a landmark that is woven deeply into the community's collective experience. The renovations will honor the teams that have played at this beautiful ball park and ensure the future of the stadium for the youth and community to enjoy.

Phase I includes demolition and replacement of the roof canopy and press box structure in time for the 2016 spring season. The existing structure has deteriorated over the years and the City wishes to ensure a safe facility for baseball teams and fans into the future. Phases II and III include construction of accessible bathrooms and grandstands on the third base line, and renovation of the dugouts and locker rooms.

The estimated cost for phase I (to replace the press box, columns, canopy and any rotted wooden structure) is approximately \$280,000, which will be covered by donations and grants. All donors to this project will be recognized within the stadium in a variety of ways. The names of individuals and groups making unassigned cash donations will be displayed on plaques in the stadium entrance areas. Other funding options with specific recognition are listed below:

### **Funding Options**

#### **American Legion Bricks - \$75 per brick**

The bricks are designed to commemorate the players that have played baseball in Connors Stadium in the past.

Each brick carries the American Legion Emblem to honor the long term commitment and dedication of local American Legion Post #5 to the game of baseball and to Miles City's Connors Stadium in the Denton Sports Complex. Each brick provides three customizable lines of text for name, team or position played and years played on the field.

**THIS IS A LIMITED EDITION OF 381 BRICKS ONLY.** The bricks will be permanently displayed as a cap on top of the wall that runs up the stairs and around the front of the grandstand.

### **The Following Funding Options Are First Come - First Served**

#### **Benches \$500 half a bench or \$1,000 for a full bench**

Bleachers in each of the three stadium sections may be purchased to commemorate a special person. By purchasing a bench, or half bench, that row of seats will be referred to by the name of the family or

individual commemorated, rather than a number. A plaque with the individual's or family's name will be mounted on the back of that row of bleachers. This donation does not imply reserved seating for those individuals or families as reserved seating is not sold for general events. This does not preclude the sale of reserved seating for special, high attendance events that may be planned for the Stadium as part of this fund-raising effort.

### **Seating Sections: \$5,000 per section for a term of five years** *Added*

Business sponsors and non-profit organizations may purchase one of the three sections of seating under the roof canopy in Connor Stadium. Each section will feature the company's painted logo on the back wall of the grand stands above the bleachers, and another sign suspended from the roof canopy in front of the fans. Each section will be referred to by the business's name. Example: Smith family row in the Acme Company section. The City will coordinate sign installation; business sponsors will be responsible for the cost of their professional quality signage and maintenance of that signage in the stadium. For an additional fee, the City will manage the installation and maintenance of the signage for the business sponsor. *Added per Finance Committee*

### **Press Box Advertising**

*Added per Finance Committee*  
Business sponsors may purchase advertising rights to the Press Box with a donation of one (1) year for \$3,000 or, three (3) years for \$7,500 or, five (5) years for \$10,000. ~~\$10,000 for a five-year period.~~ The sponsor is responsible for the cost of installation and maintenance of their professional quality signage in the stadium. For an additional fee, the City will manage the installation and maintenance of the signage for the business sponsor.

### **Old Growth Beam and Posts Auction**

The City will host an auction to sell to the highest bidder the old growth timber beams and posts from the original construction of the roof canopy. The canopy must be "deconstructed" carefully, rather than demolished. The canopy roof rafters are supported on the rear of the stadium with 8x8 wood timber beams supported off the rear concrete wall. Beam spans range from 40'-4" at the front of the stadium to 49'-2" at the mid-span condition. The structural engineering report indicates that the 8x8 timber beams are in good condition with the exception of the end of one exposed beam.

9" to 11" diameter wood poles support the beam lines. Two of the poles are in good condition; the remaining six are in various conditions.

Other material may be available for auction upon demolition of the field. All such material will be sold as is.

### **Corporate Sponsor Proposals**

The youth baseball associations and the schools sell signage and advertising to fund teams and events at the Stadium. The City cannot rename the stadium or offer business sponsorship name recognition signage in the areas utilized by these groups.

However, the City will entertain proposals from business sponsors to fund any portion of the construction project. Example proposals might include hosting fund-raising event sponsorship or

funding the construction of the press box, replacing the protective netting, or a making a direct donation.