

AGENDA

***City Hall Council Chambers
Regular Council Meeting***

***April 22, 2008
7:00 p.m.***

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

1. APPROVAL OF COUNCIL/COMMITTEE MINUTES

- a. Regular Council Minutes - 4/11/08
- b. Parks Advisory Commission Minutes - 4/7/08

2. REQUEST OF CITIZENS

3. PUBLIC HEARINGS

4. OLD BUSINESS

- a. Resolution No. 3202: Adopt Inter-local Agreement memorandum of Understanding between City & County for FY 07/08
- b. Resolution No. 3203: A Resolution to Repeal Resolution No. 3194, Authorizing the Mayor to suspend City Services to Custer County

5. BID AWARDS

6. NEW BUSINESS

- a. Resolution No. 3208: Resolution adopting a Growth Policy for the City of Miles City
- b. Letter of request for Open Container Variance and Street Closure for May 16 & 17, 2008 (Bucking Horse Sale) & June 13, 2008 (All 70's Class Reunion)
- c. Proclamation - Motorcycle Awareness Month

7. APPOINTMENTS

8. ROUNDTABLE

9. 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

April 8, 2008

CALL TO ORDER

The regular council meeting was held Tuesday, April 8, 2008 in the Council Chambers at City Hall. Mayor Whalen called the meeting to order at 7:00 p.m. Council members present were, Bill Melnik, Mark Ahner, Tony Ackerman, John Uden, Doug Leidholt, Jerry Partridge and LeRoy Meidinger.

Also present were City Clerk Kori Pray, Police Chief Kevin Krausz, Fire Chief Derrick Rodgers, City Treasurer John Moorehead and Council Recorder Mary Jo Richardson.

PLEDGE OF ALLEGIANCE

Mayor Whalen led the council in the Pledge of Allegiance.

APPROVAL OF COUNCIL/COMMITTEE MINUTES

– Regular Council Minutes - 3/25/08

** Councilperson Leidholt made a motion to approve the Regular Council Meeting Minutes of March 25, 2008 as printed and distributed, seconded by Councilperson Ackerman, and on roll call vote, motion carried unanimously.

– Human Resources Committee Minutes - 3/26/08

Human Resource Committee Minutes March 26, 2008

The Human Resource Committee met Wednesday, March 26, 2008 at 6:30 p.m. in the Conference Room at City Hall. Present were Human Resource Chairman Bill Melnik, Committee Members John Uden, Tony Ackerman and Doug Leidholt. Also present was Mayor Joe Whalen, Utilities Director Bruce Larson, W/WW Plant Superintendent, City/County Planner John Marks and Recorder/Human Resources Officer Mary Jo Richardson.

Proposed Restructure of Engineering & Operations

Chairperson Melnik called the meeting to order and noted that a quorum was present. Chairperson Melnik turned the meeting over to the Mayor to make his presentation. The Mayor explained that this reorganization is a result of the vacancy created when City Engineer Lloyd DeVies left and his position was not filled. Utilities Director Larson has taken over many of the duties that were previously performed by the City Engineer.

This reorganization will restructure the job descriptions currently listed as Director of Engineering & Operations, Water/Wastewater Supervisor and Public Utilities Director and combine the duties under job descriptions of Public Works Director and Public Utilities Director with Al Kelm as the Public Utilities Director.

The Mayor pointed out that currently, according to ordinance, the City requires a City Engineer and the ordinance would have to be changed to reflect the restructure.

** Councilperson Uden made a motion that the Human Resources Committee direct the Mayor to proceed with the reorganization plan and at the next meeting, new job descriptions will be presented for the committee's comment and approval, seconded by Councilperson Ackerman and motion was unanimous.

Request of Citizens

– Councilperson Ackerman mentioned that at the 911 Committee Meeting they agreed to contributing \$56,000 toward a 911 Supervisor position. They will do a job description and have the Human Resources Committee review. They would like the Human Resources Officer sit in on the interviews and will make a recommendation to Council for approval.

- Mayor Whalen reported that the changes to the MOU with the County were approved and the changes will be sent to Council for approval.

He also announced that Union negotiations for 283A and 293B will be held on April 9th.

Having no further business, meeting was adjourned.

** Councilperson Ackerman a motion to approve the Human Resources Committee Minutes of March 26, 2008 as printed and distributed, seconded by Councilperson Melnik and motion carried 6/1 with Councilpersons Meidinger opposed.

- Finance Committee Minutes - 4/2/08

**FINANCE COMMITTEE MEETING
APRIL 2, 2008, 6:30PM**

Committee members present: Jerry Partridge, LeRoy Meidinger, Mark Ahner
Open position: Mike Cozzens' former position for Ward IV representation.

Others present: Councilmen Doug Leidholt and Tony Ackerman, Treasurer John Moorhead, Public Works/Utilities Director Bruce Larson, Police Chief Kevin Krausz, Mr. Strand, Miles City Star reporter John Halbert, Mayor Joe Whalen, City Clerk Kori L. Pray as recorder

The Finance committee meeting was called to order by Chairman Mark Ahner at 6:30pm to discuss the following agenda items:

1. Purchase request for 3 each taser / camera units
2. Disposition of Lot 7, Block 15, Milwaukee Park Addition
3. Repurchase Agreement bids
4. FY 2008-09 City Council's preliminary budget
5. Excavator bid review
6. Backhoe/loader bid review
7. Request of citizens

Repurchase Agreement bids

The repurchase agreement bids were supplied by Treasurer Moorhead to available Council and committee members for review. Three local financial institutions were requested to bid and the criteria was provided to them; Treasurer Moorehead and Chairman Ahner also visited each of the three institutions and met with representatives of each to go over the stipulations of the bid requests. Stockman Bank and 1st Interstate Bank both bid, Stockman Bank for 1, 2 and 3 years, 1st Interstate Bank for only the 3 year term. Stockman Bank bid .20 under the T-bill rate, 1st Interstate Bank bid .36 over the T-bill rate. Jerry Partridge moved to recommend to Council to accept the 3 year bid from 1st Interstate Bank, with 2nd from Mark and all in favor. LeRoy Meidinger requested the 1st Interstate Bank president Terry Wagner write a letter stating that banking transaction fees they would charge the City would never exceed the \$500 yearly maximum estimated; Treasurer Moorhead would take care of it.

Purchase request for 3 each taser / camera units

The purchase of the taser/camera units, total cost of \$4,200 was recommended to Council, motion by Chairman Ahner, 2nd by LeRoy Meidinger and all in favor. Proceeds from donations and the sale of old police cars would pay for the purchase, and Chief Krausz confirmed that the MMIA policy would be followed.

Disposition of Lot 7, Block 15, Milwaukee Park Addition

The Disposition of Lot 7 Block 15 of the Milwaukee Addition was tabled until more information could be provided by FEMA on the flood way and the property issues therein; the City may eventually need to buy properties in the flood way, which would mean buying the aforementioned property back in the future because of it's location. Also, Mr. Strand planned on building on this site, and new construction was not allowed in the flood way. FEMA would hold a public hearing in September-October 2008 with updated flood plain information, and this issue would be reviewed again after that time.

FY 2008-09 City Council's preliminary budget

The Council's budget would remain the same as last year per the finance committee members.

Excavator bid review

Backhoe/loader bid review

P.W./Utilities Director Bruce Larson presented the bids and repurchase quotes on the excavator and backhoe. RDO Equipment out of Billings was the low bidder, and Bruce recommended the Finance committee accept RDO's bids. Jerry Partridge made the motion to recommend to Council to accept RDO's excavator bid, 2nd from Chairman Ahner, and all in favor. Jerry Partridge made the motion to recommend to Council to accept RDO's backhoe bid, 2nd from LeRoy Meidinger and all in favor.

Request of citizens

Jerry Partridge requested information from Mayor Whalen on when Council and community needed to act on the flood plain information. Mayor Whalen reported that FEMA will be coming in to present a newly revised flood plain map, compiled and based upon the former flood plain map, and the revisions suggested by DNRC. This new map is hoped to be better for Miles City, and will be reviewed and provided in the aforementioned public hearing slated for September-October 2008.

Chairman Ahner requested participation for an April 10, 2008 Finance meeting at the Courthouse meeting room with the Commissioner to discuss the Inter-local agreement; proposed time would be 6:30pm. No opposition was met by committee members, so meeting tentatively scheduled.

LeRoy Meidinger motioned to adjourn at 7:25pm, with 2nd from Jerry Partridge and all in favor.

*** Councilperson Partridge made a motion to approve the Finance Committee Minutes of April 2, 2008 as printed and distributed, seconded by Councilperson Uden and, on roll call vote, motion was unanimous.*

REQUEST OF CITIZENS

– Jerry Meidinger, expressed his opposition to the closure of Yellowstone Street. Mayor Whalen explained that the entire dike road was not going to be closed, only the area by the KOA Campground. Mr. Meidinger is opposed to having any of the dike road closed.

Mr. Meidinger also asked that the fire hydrant at 5th and River be examined, since it was replaced there seems to be a problem with it.

PUBLIC HEARINGS

– None

OLD BUSINESS

– Resolution #3202: Adopt Inter-local Agreement Memorandum of Understanding between City and County for FY 07/08

*** Councilperson Ahner made a motion to adopt Resolution #3202, contingent to the approval and signature of the County Commissioners, read by title only, seconded by Councilperson Ackerman.*

Council President Mark Ahner read the changes that had been made to the MOU to Council since it had been received late and was not in the packets. Councilperson Uden doesn't think this it is appropriate to vote on something that they have not seen.

*** on roll call vote, motion failed 3/4 with Councilpersons Meidinger, Melnik, Uden and Partridge opposed.*

This will be on the next agenda after the Council has had a chance to review the document.

- Resolution #3203: A Resolution to Repeal Resolution #3194, Authorizing the Mayor to suspend City Services to Custer County

Item withdrawn from Agenda

- Closure of Yellowstone Blvd. (aka, Dike road or levee) to Motorized Traffic from Pleasant St. to Orr St.

Lisa and Kevin McRae, owners of the KOA Campground, have petitioned the City for closure of the Dike Road by their facility.

- ** *Councilperson Uden made a motion to refer the closure of Yellowstone Blvd. to the Public Services Committee, seconded by Councilperson Ackerman and, on roll call vote, motion carried 6/1 with Councilperson Leidholt opposed.*

BID OPENING & AWARD

- New Excavator

- ** *Councilperson Ahner made a motion to award the excavator bid to RDO, seconded by Councilperson Leidholt and, on roll call vote, motion was unanimous.*

- New Backhoe/Loader

- ** *Councilperson Ahner made a motion to award the backhoe/loader bid to RDO, seconded by Councilperson Uden and, on roll call vote, motion was unanimous.*

NEW BUSINESS

- Emergency Resolution #3204: Resolution Authorizing the Mayor to Request a General Investigation Study for Flood Control through our Congressional Delegation

Mayor Whalen explained that City has two options for funding, 1) A General Investigation Study that will provide for a fully comprehensive solution instead of a piece meal study; amount is limited only to congressional authorization also known as an "earmark"; the Army Corps of Engineers has offered to write legislation on behalf of Miles City in support of a General Investigative Study. Timing is critical as it will take time to write the study and it has to be in to Senator Baucus in the month of May. 2) Section 205 study through the Army Corps of Engineers. This program is limited in score and is a cost share up to \$10 million in a Federal/non Federal program. Given the two options and the limited time frame we have, Mayor Whalen asked Attorney Huss for Resolution #3204.

- ** *Councilperson Uden made a motion to adopt Emergency Resolution #3204, seconded by Councilperson Partridge and, on roll call vote, motion was carried 5/2 with Councilpersons Meidinger and Melnik opposed.*

- Resolution #3205: Resolution Authorizing the City of Miles City to Adopt a Growth Policy

- ** *Councilperson Ackerman made a motion to adopt Resolution #3205, read by title only, seconded by Councilperson Melnik and, on roll call vote, motion carried 6/1 with Councilperson Meidinger opposed.*

- Resolution #3206: Establishment of an Investment Policy for the Financial assets of the City of Miles City

(Item pulled from Agenda)

- Resolution #3207: Resolution of the City of Miles City to Endorse the Montana Tourism and Recreation Charter

John Laney, Director of the Miles City Chamber of Commerce explained the Montana Tourism and Recreation Charter to the Council and it's emphasis on attracting the "Geotourist" with the endorsement of National Geographic.

- ** *Councilperson Ackerman made a motion to adopt Resolution #3207, read by title only, seconded by Councilperson Melnik and, on roll call vote, motion was unanimous.*

- Recommendation from Finance Committee to Award Bank Repurchase Agreements to First Interstate Bank

- ** *Councilperson Partridge made a motion to approve the recommendation to Award Bank Repurchase Agreements to First Interstate Bank, seconded by Councilperson Leidholt.*

Councilperson Uden asked the Council if they felt he should abstain from the vote since his wife is employed a First Interstate Bank and they did not feel there was a conflict of interest.

- ** *on roll call vote, motion was unanimous.*

- Recommendation from Public Safety & Finance Committees to purchase three tasers for Miles City Police Department

- ** *Councilperson Uden made a motion to approve the recommendation from the Public Safety and Finance Committees to purchase three tasers for the Miles City Police Department, seconded by Councilperson Ackerman and, on roll call vote, motion was unanimous.*

- Ward IV Council Seat Nominations, Interviews and Election

As the only applicant for the Ward VI Council seat, Leif Ronning was interviewed by the Council.

- ** *Councilperson Melnik made a motion to nominate Leif Ronning for Ward IV Councilperson, seconded by Councilperson Uden and, on roll call vote, motion was unanimous.*

Leif Ronning took his place at the Council table as Ward VI Councilperson.

- March Claims Detail

- ** *Councilperson Leidholt made a motion to approve March Claims Detail, seconded by Councilperson Partridge and, on roll call vote, motion carried 6/1 with Councilperson Meidinger opposed and Councilperson Ahner absent.*

APPOINTMENTS

- None

ROUNDTABLE

TONY ACKERMAN

...has viewed preliminary plans for the bench for Riverside Parks and is impressed with the design.

...attended a productive meeting with the County Sanitarian and DES on the flood plain and they will have additional information and contacts.

JERRY PARTRIDGE

...will wait until the next Council Meeting to set a date for the Public Service Meeting.

LeRoy MEIDINGER

...asked about the list for paving projects.

MAYOR WHALEN

...the problem between the City and Custer Co. Water & Sewer Dist. is resolved and they will be contributing \$50,000 to the project as planned.

...members of RSVP spoke to Mayor Whalen and would like to be more active in City projects. They will assist in helping with Code Enforcement and act as a liaison between the property owners and the City and assist with animal control.

...the City will host a "River Awareness Summit" on April 29th at MCC all day with a panel discussion in the evening.

...The Montana Democratic Committee plans to hold their convention in Miles City, as well as the Wildlife Federation.

...wondered about a City wide Clean Up Day and was told that the Chamber of Commerce usually sets the day and the City crews make pick ups for the elderly on the Friday of the two day event.

** The meeting was adjourned at 9:25 p.m.

JOE R. WHALEN, Mayor

ATTEST:

K. L. Pray, CMC, City Clerk

Parks Advisory Commission Meeting
April 7, 2008 @ 6:00 p.m.

Chairperson Mark Browning called the meeting to order. Parks Advisory Commission Members: Daren Horton, Bill Ronning and Dennis Schroeder were present. Also present were Mayor Joe Whalen, Council President Mark Ahner, Parks Foreman Marvin Brush, Eng. Tech/ Grant Writer Steve Craddock and Commission Recorder Billie Burkhalter. Rick Huber, Melynda Hould and Chad Sutter were absent.

Request of Citizens

-none

Clint Blackwood of Mt Fish Wildlife & Parks **-Bike & Pedestrian Trails**

Clint Blackwood of Mt Fish Wildlife & Parks spoke with the Commission concerning the Recreational Trail Program (RTP) that gives one million dollars in grant fund monies to projects that fit into this category. He explained 30% goes to non-motorized, 30% goes to motorized and 40% goes to diversified use. A maximum of \$35,000 goes to each project and projects can be rolled together for eligibility of \$70,000. The money would first need to be spent on the project and then RTP would reimburse the organization. A 20% match of money or in kind work is required. The deadline for applications is July 1st, 2008. Eng. Tech Craddock stated they would need to develop a master trail plan for the Recreational Trail Program.

*** Bill Ronning moved to recommend to the City Council to support the initiative to apply for and move forward with the grant application for the trails system, seconded by Daren Horton and carried unanimously.*

Dog Park

Janet Young presented a plan for establishing a Dog Park in Riverside Park. She explained this Dog Park would be in a designated fenced off area where dogs can play off their leash. This area would require multiple access gates with varied terrain with trees and bushes to provide interest and protection from sun and wind, there would also need to be access to water. A board would be set up to set rules and regulations for the park and volunteers could be enlisted to monitor the park at various times. Parks Foreman Brush stated he was not in favor of this Dog Park being established in Riverside Park for many reasons; amount of space that would be required; enforcement; and to close to children's playground. He suggested that a more realistic area would be Spotted Eagle or possibly behind Tedesko. Janet will work on the proposal and bring it back to the Commission at a later date.

Swimming Pool Committee Report:

Daren Pitcher, Director of the non-profit organization Fun2U explained that they are continuing to raise funds for an outdoor/indoor pool for the community. The organization is in the beginning stages but the community has been very supportive. He will keep the Commission informed of the organizations progress.

Riverside Park restrooms grant progress:

Mayor Whalen spoke with Chad Sutter concerning the plans for a restroom in Riverside Park and his opinion is to build a project locally and not to do a pre-fab style. Mayor Whalen stated he agreed and did not feel prefab style would fit into Miles City. Chairperson Browning stated the Commission had previously decided not to go pre-fab. The Commission decided to move forward with the process of getting estimates on a locally designed restroom facility.

Adjourn:

Meeting adjourned 8:05 p.m.

Respectfully submitted,

Billie D. Burkhalter
Parks Advisory Commission Recorder

RESOLUTION NO. 3202

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH CUSTER COUNTY, MONTANA AS TO THE PROVISION OF SERVICES FOR FY 2007-2008

WHEREAS the Miles City City Council and the Commissioners for Custer County, Montana jointly met on January 22, 2008 in a public meeting at City Hall for the purposes of the discussion of services to be provided between the City of Miles City and Custer County, Montana;

AND WHEREAS, at such meeting the City Council and County Commissioners agreed to the provision of certain services and the compensation for such services;

AND WHEREAS, at such meeting the City Council and County Commissioners agreed to memorialize their agreement to the provision of such services and the compensation therefor by a written memorandum of understanding, pending the adoption of a formal agreement by joint resolution of the two governing bodies;

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

1. It does hereby authorize, adopt and ratify the *Memorandum of Understanding*, attached hereto as Exhibit "A" and made a part hereof, between the City of Miles City, Montana and Custer County, Montana;
2. The Mayor of the City of Miles City and the President of the City Council are hereby empowered and authorized to execute said Memorandum of Understanding on behalf of the City of Miles City and bind the City of Miles City thereto;
3. The Mayor of the City of Miles City is hereby authorized and directed to take all future actions necessary to carry out the terms of the Memorandum of Understanding.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 22ND DAY OF APRIL, 2008.

Joe Whalen, Mayor

ATTEST:

Kori Pray, City Clerk

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is entered into between the City of Miles City, Montana, a Montana municipal corporation, acting through its City Council, and Custer County, Montana, a political subdivision of the State of Montana, acting through its Board of Commissioners.

Pursuant to a special meeting of the City Council of the City of Miles City and the Custer County Commissioners conducted at 9:00 a.m. on January 22, 2008 at City Hall for the purpose of discussion of the Interlocal Agreement between the City and the County, the City Council and County Commissioners arrived at an understanding to proceed with the following actions:

1. To adopt a joint resolution providing for the City to provide the following services to the County during FY 2007-2008 in return for the following payments from the County:

County wide ambulance service	\$40,956.00
Animal control within the Mosquito Dist.	\$12,158.00
Dispatch services	\$72,680.00
Gravel	\$1,082.00
Unmetered water at the fairgrounds	\$2,612.00
Bullard Stree lift station services	\$1,392.00

2. The County will enter into a contractual agreement with the Board of Trustees of the Miles City Library for the Library to provide library services to County residents who do not live within the City limits in return for a payment from the County to the Library of \$35,000.00, effective retroactively to July 1, 2007.

3. The City will not provide wildland fire protection or wildland fire protection services to the County for the remainder of the 2007-2008 Fiscal Year unless specifically agreed to in writing between the parties. The City accepts the compensation from the County to date for wildland fire services during FY 2007 - 2008 in full satisfaction of the wildland fire services provided by the City to the County during FY 2007 - 2008.

4. Service provided by the City of Miles City's Fire and Rescue Department in support of ambulance operations outside of the City limits but within the limits of Custer County, Montana (i.e. vehicle extrication, water rescue, etc.) will be billed separately to the County on an actual cost basis and paid for by the County. The County will continue to make available to the City, at no cost, the County's rescue vehicle which will continue to be housed at the Miles City Fire Station.

5. The City and County will diligently and in good faith pursue the negotiation of a comprehensive Interlocal Agreement for FY 2008-2009. The City will include consideration of jail services and county health services as part of those negotiations.

6. The County will not independently consider the establishment of a different method of providing ambulance service outside of the City limits from that currently provided through the City. Any such consideration shall be conducted in a joint manner. For the two successive fiscal years, beginning on July 1, 2009 and July 1, 2010, the County shall increase its contribution to the City for the ambulance service as follows:

- A. "Projected Net Ambulance Budget" for purposes of this Agreement shall be (1) the budgeted operating expenses of the Ambulance Fund for the 2008-2009 Fiscal Year, utilizing seven (7) FTE personnel, and including bad debt losses, but excluding contractual allowance charges for Medicare, Medicaid, and V.A.; (2) reduced by actual billing receipts of the Ambulance Fund for Fiscal Year 2006-2007. The parties are in agreement that the dollar amount of the "Projected Net Ambulance Budget" for the purposes of this Agreement is \$299,793.00.
- B. The Projected Net Ambulance Budget shall be multiplied by fourteen percent (14%) to arrive at the County's contribution for FY 2008-2009, (\$41,971.00). For FY 2009-2010, the County's contribution for ambulance service by the City shall be 103% of the FY 2008-2009 contribution, (\$43,230.00) and, for FY 2010-2011, the County's contribution for ambulance service by the City shall be 106% of the FY 2008-2009 contribution (\$44,489).
- C. It is agreed that the City and the County will re-evaluate and adjust the County's contribution for the ambulance service if a *substantial change* occurs in the budgeted expenditures and/or revenues in the fiscal years beginning on July 1st, 2008, July 1st, 2009 and July 1, 2010. At the conclusion of each fiscal year, there shall be calculated the "*Actual Net Ambulance Budget*" as follows:
- There shall be calculated an "Actual Net Ambulance Budget" at the conclusion of each fiscal year as follows: (1) the actual operating expenses of the Ambulance Fund for such fiscal year, utilizing seven (7) FTE personnel, and including bad debt losses, but excluding contractual allowance charges for Medicare, Medicaid, and V.A.; (2) shall be reduced by the actual billing receipts of the Ambulance Fund for such fiscal year. The result shall be the "*Actual Net Ambulance Budget*".
- D. The Actual Net Ambulance Budget for that fiscal year shall be divided by
- | | |
|------------------|--------------------------------|
| For FY 2008-2009 | \$299,793; |
| For FY 2009-2010 | \$308,787 (103% of \$299,793); |
| For FY 2010-2011 | \$317,781 (106% of \$299,793) |
- If the quotient is .85 (85%) or less, or 1.15 (115%) or greater, there is a "*substantial change*" for purposes of this section.
- E. If there is a "*substantial change*", as defined above, the County's contribution for that fiscal year will be increased or decreased by the quotient determined under subsection (D), above.

By way of example:

Example 1. The County's contribution for FY 2009 - 2010 was \$43,230.00. The Actual Net Ambulance Budget for FY 2009-2010 is calculated, in the manner provided above, to be \$260,000.00. The Actual Net Ambulance

Budget (\$260,000.00) divided by the amount from subsection D for FY 2009-2010 (\$308,787.00) results in a quotient of .8420. Since this quotient is less than .85, the criteria of "substantial change is met and the County's contribution would be decreased to .842 times its actual contribution. $\$43,230.00 \times .8420 = \$36,399.85$. The City would refund the County \$6,830.15, ($\$43,230.00 - \$36,399.85$)

Example 2. The County's contribution for FY 2009 - 2010 was \$43,230.00. The Actual Net Ambulance Budget for FY 2009-2010 is calculated, in the manner provided above, to be \$345,000.00. The Actual Net Ambulance Budget (\$345,000.00) divided by the amount from subsection D for FY 2009-2010 (\$308,787.00) results in a quotient of 1.1173. Since this quotient is less than 1.15, the criteria of "substantial change is not met and the County's contribution for FY 2009-2010 would remain at \$43,230.00.

7. The City Council will repeal Resolution No. 3194.

8. The County will repeal Resolution 2008-27, or amend its provisions to fully comply with this memorandum of understanding.

The signators hereto agree to promptly undertake all actions necessary to fully carry out this Memorandum of Understanding, including voting in favor of such resolutions necessary to implement its terms and conditions.

This Memorandum of Understanding is effective upon its execution by the Mayor and the President of the Miles City Council and by a majority of the membership of the Custer County Board of Commissioners.

DATED this 10th day of April, 2008.

City of Miles City:

Joe Whalen - Mayor

Mark Ahner - City Council President

Custer County Commissioners:

Jack R. Nesbit
Jack Nesbit

Milo Huber
Milo Huber

Gary Matthews
Gary Matthews

RESOLUTION NO. 3203

**A RESOLUTION REPEALING RESOLUTION 3194, ADOPTED DECEMBER 11, 2007,
REGARDING TERMINATION OF SERVICES TO CUSTER COUNTY, MONTANA.**

WHEREAS the Miles City City Council, on April 22, 2008, adopted Resolution 3202 authorizing a Memorandum of Understanding between the City of Miles City and Custer County, Montana regarding the provision of City services to Custer County and compensation therefor.

AND WHEREAS, the provisions of such Memorandum of Understanding provided for the repeal by the City Council of Resolution 3194, adopted December 11, 2007, which authorized the Mayor to terminate the provision of City services to Custer County under certain terms and conditions;

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

Resolution 3194, adopted December 11, 2007, is hereby repealed.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 22ND DAY OF APRIL, 2008.**

Joe Whalen, Mayor

ATTEST:

Kori Pray, City Clerk

RESOLUTION NO. 3208

A RESOLUTION ADOPTING A GROWTH POLICY FOR THE CITY OF MILES CITY.

WHEREAS, the Miles City Planning Board has, following publication of notice as required by §76-1-602, conducted a public hearing upon a proposed growth policy for the City of Miles City;

AND WHEREAS after due consideration of the recommendations and suggestions elicited at such public hearing, the Miles City Planning Board has, by resolution duly adopted, recommended to the City Council of the City of Miles City that the Growth Policy, a copy of which is attached hereto as Exhibit "A" and made a part hereof, be adopted as the growth policy for the City of Miles City;

AND WHEREAS at its regular Council meeting on April 8, 2008 the City Council of the City of Miles City adopted a resolution of intent to adopt the Growth Policy, attached hereto as Exhibit "A".

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

The City Council of the City of Miles City hereby adopts the Growth Policy, attached hereto as Exhibit "A" and made a part hereof, as the growth policy for the City of Miles City.

SAID RESOLUTION PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 22ND DAY OF APRIL, 2008.

Joe Whalen, Mayor

ATTEST:

Kori Pray, City Clerk

April 17, 2008

Mayor Joe Whalen
City of Miles City
17 S. 8th
Miles City, MT 59301

Dear Joe,

Please accept this letter as a formal request for an open container variance and street closure for the following dates.

Friday May 16th

Saturday May 17th

Bucking Horse Sale 6:00 P.M. to 2:00 A. M.

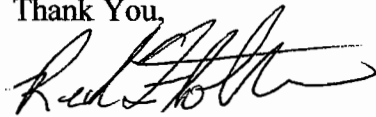
Friday June 13th

All 70's Class Reunion 7:00 P. M. to 2:00 A.M.

As always I will be arranging the security, cleanup and port o potties for the BHS dates. The June date will only be for the one block of Main Street from 7th st. to 8th st.

Thank you for your consideration in this matter and if you have any questions please feel free to contact me at 853-1234.

Thank You,



Rick Flotkoetter

A PROCLAMATION

MOTORCYCLE SAFETY AND AWARENESS MONTH

WHEREAS, Motorcycle riding is a popular form of recreation and transportation for thousands of people throughout Eastern Montana, the State of Montana and the nation; and

WHEREAS, motorcycle registrations in Montana has grown from 18,225 in 1995 to 80,096 in 2005 (a 439% increase) and,

WHEREAS, the safe operation of a motorcycle requires the use of special skills developed through a combination of training and experience, the use of good judgment, and a thorough knowledge of traffic laws and licensing requirements; and

WHEREAS, motorcycling can be an enjoyable activity when safety is of paramount consideration and all laws and regulations are observed; and

WHEREAS, the Motorcycle Safety Awareness Campaign is intended to reduce the number of accidents, injuries and fatalities associated with motorcycling, by encouraging motorcycle operators to participate in rider education programs, wear the proper apparel, to not drink and ride, and operate their vehicle defensively according to the rules of the road; and

WHEREAS, motorcycle organizations, clubs, dealerships, groups, and highway safety officials in our state should join the ABATE (American Bikers Aiming Towards Education) of Montana in actively promoting safe operation, increased rider training, improved licensing efforts and motorist awareness; and

WHEREAS, This special motorcycle Safety Awareness Campaign encourages other motor vehicle operators to be cautious and observe these smaller vehicles, especially during the seasonal returns of motorcyclists to Montana's streets and highways;

NOW, THEREFORE, I, JOE WHALEN, BY THE AUTHORITY INVESTED IN ME, AS MAYOR OF MILES CITY, MONTANA, DO HEREBY PROCLAIM MAY OF 2008 AS MOTORCYCLE SAFETY AWARENESS MONTH IN MILES CITY, MONTANA.