

AGENDA

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

***March 25, 2008
7:00 p.m.***

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

1. APPROVAL OF COUNCIL/COMMITTEE MINUTES

- a. Regular Council Minutes - 3/11/08
- b. Finance Committee Minutes - 3/6/08
- c. Public Service Committee Minutes - 3/13/08

2. REQUEST OF CITIZENS

3. PUBLIC HEARINGS

- a. Ordinance No. 1174: FY 07/08 Salary Ordinance

4. OLD BUSINESS

- a. Ordinance No. 1174: FY 07/08 Salary Ordinance(Final Adoption)
- b. Reconsideration of Ordinance No. 1175: Amendment to update Sec. 3-37, Code of Ordinances relating to locations of all beverage licenses
- c. Reconsideration of Deed Transfer of Lot 5, Block 15, Milwaukee Park Addition to First Lutheran Church

5. BID OPENING & BID AWARDS

- a. New Excavator
- b. New Backhoe/Loader

6. NEW BUSINESS

- a. Request of High Plains Car Club to place a bench in Riverside Park
- b. Recommendation from City County Planning Board for proposed amended plat-Mallett Tracts 3 & 4
- c. Recommendation from City County Planning Board for proposed amended plat-Ramage Tract B (Leisure Villa Condos)
- d. Resolution No. 3202: Adopt Memorandum of Understanding between City & County for FY07/08 Inter-local Agreement
- e. Resolution No. 3203: Repeal Resolution No. 3194

- 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

March 11, 2008

CALL TO ORDER

The regular council meeting was held Tuesday, March 11, 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, Jerry Partridge and LeRoy Meidinger. Councilperson Mike Cozzens and Doug Leidholt were absent.

Also present were City Clerk Kori Pray, Police Chief Kevin Krausz, AutoCad Engineer Jason Justice, Grant Writer and Administrator Steve Craddock 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 - 2/26/08
- ** *Councilperson Uden made a motion to approve the Regular Council Meeting Minutes of February 25, 2008 as printed and distributed, seconded by Councilperson Ackerman and motion was unanimous.*
- Parks Advisory Committee Minutes - 2/25/08

(To be inserted)

Councilperson Meidinger questioned the motion asking for \$250,000 to remodel the bathrooms in Riverside Park, wondering where the City would get the money. Mayor Whalen explained that two sources were being looked at, a CTEP grant for the majority of the funds and the Rotary Club would like to do fund raisers for the 13.2% match that would be required. Councilperson Meidinger suggested that they include this type of information in the motion from now on so that years from now there won't be any confusion when the minutes are referenced.

- ** *Councilperson Ackerman made a motion to approve the Parks Advisory Committee Minutes of February 25, 2008 as printed and distributed, seconded by Councilperson Uden and.*
- Public Safety Committee Minutes - 2/25/08

Public Safety Committee Meeting February 25, 2008

The Public Safety Committee met Wednesday, February 25, 2008 at 6:30 p.m. in the City Hall Conference Room. Present were Chairperson John Uden, Committee Members, Bill Melnik, Doug Leidholt, Tony Ackerman. Also present were, Mayor Joe Whalen, Police Chief Kevin Krausz, Asst. Police Chief Doug Colombik, Lieutenant Mark Reddick, Detective Josh Stratton and Recorder Mary Jo Richardson.

Consider Acquisition of Three (3) Tasers with Cameras by the Miles City Police Dept.

Asst. Police Chief Colombik and Lt. Reddick gave a Power Point presentation outlining how the taser is used and the benefit that the department might realize with the implementation of the taser. Statistics show that there is less chance of injury to the Officer and the person being apprehended when the Officer has use of a taser, without having to use deadly force.

Chief Krausz explained that they may be able to finance the purchase of these tasers from the sale of the old police cars. That money had been put into a salvage fund and is still available. Cost of each taser and camera is \$1,200 and the camera automatically starts to record when the taser is activated.

** Councilperson Leidholt made a motion to refer the purchase of 3 tasers with cameras to the Finance Committee with the Public Safety's approval and recommendation for purchase, seconded by Councilperson Melnik and, on roll call, vote motion was unanimous.

Consider Limiting Access to the Law Enforcement Firing Range to Law Enforcement Personnel Only.

The Firearms Instructor, Dan Baker, has been working to obtain grants for improvements to the Firing Range. He has raised the berms to keep the lead out of the river and has plans for additional changes. The community has been allowed to pick up a key and have unsupervised use. If use is restricted to Law Enforcement personnel it will reduce the City's liability and help reduce the vandalism.

** Councilperson Ackerman made a motion to recommend to the Council that use of the Firing Range be limited to Law Enforcement & Law Enforcement Training personnel only, seconded by Councilperson Leidholt and, on roll call vote, motion was unanimous.

Request of Citizens

- none

Meeting adjourned at 7:17 p.m.

** Councilperson Melnik a motion to approve the Public Safety Committee Minutes of February 25, 2008 as printed and distributed, seconded by Councilperson Ackerman and motion was unanimous.

- Finance Committee Minutes - 3/4/08

**Finance Committee Meeting
March 4, 2008**

The Finance Committee met Tuesday, March 4th, 2008 at 6:30 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner, Committee Members Jerry Partridge, Mike Cozzens and LeRoy Meidinger. Also present were Mayor Joe Whalen, Councilperson Tony Ackerman, Fire Chief Derrick Rodgers, Public Utilities Director Bruce Larson, Street Foreman Dale Marcil, Parks Foreman Marvin Brush, Deputy City Clerk Linda Wildman and Sidney Strand representing 1st Lutheran Church Foundation.

Fire Department request to purchase a water tender

Chairman Ahner explained that Fire Chief Rodgers is requesting to purchase a water tender and brush engine. The County owns the water tenders and brush engine that were being used by Miles City Fire.

Chief Rodgers said Miles City Fire is currently using a 2000 gallon water tender from Baker until May 2008. The department has been servicing fire contracts outside the City limits for over 25 years and brings in an average of \$36,500 per year in revenue. Also the City protects Spotted Eagle, around the dike and slough area. They would hope to rent out the tender to other agencies such as DNRC when available. He explained that the purchase of the correct water tender would give the City points for ISO rating. Chief Rodgers is requesting to borrow \$60,000 (\$35,000 for tender and \$25,000 for brush engine) with the first payment coming due next fiscal year. Rodgers intent is to look for a used tender in the "90's" depending on mileage.

Councilperson Meidinger expressed his opinion concerning the City having fire contracts outside the City limits and feels the City should not be doing so.

Chairman Ahner is concerned with the duplication of equipment due to the County's decision to form their own fire department. He hopes for further discussion with the County regarding this matter and a possible mutual aid agreement. He would like to wait to address this purchase until the FY08/09 Inter-local Agreement can be worked out. He recommended to defer

the purchase for a water tender and brush engine until end of March or the Finance meeting in April.

Parks Department request to purchase a turf sweeper

Director Larson presented a quote for \$19,900 for a SmithCo V-62 Sweeper. He has budgeted \$26,000 in the FY 07/08 Parks budget. They would still go to bid on this equipment however there are only two vendors in the area that can provide what the City is looking for.

Forman Brush explained this would replace a 1986 turf sweeper which they are having difficulty getting parts for. They would like to retain the 1986 sweeper as a backup rather than selling for salvage.

- ** Motion made by Chairman Ahner to recommend to City Council to allow the purchase by the Park Department for a turf sweeper up to the budgeted amount of \$26,000. Seconded by Committee Member Cozzens. Motion carried with Committee Member Meidinger opposing.

Public Works Department request to replace excavator and backhoe

Director Larson explained the buy back program the City has been involved with for about five years. The excavator and the backhoe are due for the buy back program. Estimated trade in value for the excavator is \$65,000 and backhoe \$40,000. He explained that he has cost savings in his water, sewer and public works capital funds due to a savings on the dump truck purchase. He neglected to budget enough for the backhoe and excavator however with the cost savings he will have appropriation for these purchases.

Director Larson explained that it has been beneficial to have both pieces of equipment which can be used on two separate projects at the same time. They would like to purchase a larger excavator with more lift.

Director Larson explained they would still need to go out for bid.

- ** Motion made by Committee Member Meidinger to recommend to City Council to go out for bid on the buy back program for excavator not to exceed the budgeted amount in Water, Sewer and Public Works Capital Funds. Seconded by Committee Member Cozzens. Motion carried.
- ** Motion made by Chairman Ahner to recommend to City Council to go out for bid on the buy back program for backhoe not to exceed the budgeted amount in the Water, Sewer and Public Works Capital Funds. Seconded by Committee Member Cozzens. Motion carried.

Request from First Lutheran Church Foundation to transfer Lot 7, Milwaukee Park Addition from City to the Foundation

Mr. Sidney Strand representing the 1st Lutheran Church Foundation explained the history behind the property they are requesting be given to the Foundation. Lots 4,5,6, & 8 were given to the City in 1996 by Robert Lausch and the Clark/Plummer families in 1995 and 1996 to be used as a City park. The City deeded this property over to First Lutheran Church when it ceased to be a park in 2002.

Director Larson pointed out that it was the intent of the City at that time to deed all the property however somehow Lot 7 was overlooked.

- ** Motion made by Chairman Ahner to recommend to City Council that the request to deed Lot 7, Block 15, Milwaukee Park Addition to First Lutheran Church Foundation be granted. Seconded by Committee Member Partridge. Motion carried.

Public Works Department request to purchase new sign machine

Director Larson explained they are having problems getting parts and supplies for the old sign machine which was given to the City in the early 70's. He did not budget for this purchase however and needs to overview his Maintenance District budgets for possible appropriation. The estimated cost for the machine is \$6,000 and another \$6,000 in the computer program and supplies.

Forman Marcil said the State is going to a new type of signing and the City may be required to replace all its signs. This machine is computer generated and the City has a computer to use. The largest expense is in supplies for start up.

Deputy City Clerk Wildman pointed out that purchases under \$10,000 are not a capital expense and should be purchased out of the Maintenance Districts regular budgets under small items of equipment and operating supplies.

Chairman Ahner is deferring this purchase until a future Finance meeting to allow Director Larson to overview his budgets and provide the Committee with more information.

FY 08/09 Budget Schedule and Process

Chairman Ahner explained the reason for changing the budget process. The Mayor and he would like to have the budgets set by June 30th understanding that the cash on hand figures will not be available until approximately July 20th. He is encouraging the departments to live within the estimated revenues and balance their proposed budgets based on that. He further mentioned that this is the Mayor's budget calendar and as Finance Chairman he would conform to the Mayors process.

Mayor Whalen said he will lead a discussion on the City's long-range budgetary vision, mission and community-wide goals at the March 11th Council meeting. He would like the Council to see what the priorities are in each ward. He has directed the City Clerk to present a Preliminary Financial Outlook to the Council, Directors and himself by April 10th.

Committee Member Meidinger is concerned that the Mayors budget calendar does not allow the Finance Committee opportunity to discuss individual budgets with department directors. Chairman Ahner explained the calendar allows for budget revisions by the City Council from June 16th through July 15th as well as an opportunity to discuss budgets with Department Directors. He said that it could be changed to reflect that these revisions would be done by the Budget Committee if that would be clearer. He stressed again that this is the Mayors Budget Calendar and can be set as he directs.

Request of Citizens:

None.

There being no further business the Committee Member Cozzens moved to adjourn, seconded by Committee Member Partridge. Motion carried with adjournment at 8:00 p.m.

** Councilperson Ahner made a motion to approve the Finance Committee Minutes of March 4, 2008 as printed and distributed, seconded by Councilperson Uden and, on roll call vote, motion carried 4/2 with Councilpersons Meidinger and Partridge opposed.

REQUEST OF CITIZENS

– Travis Austin, commented on the fact that parking tickets were being issued for the two hour parking violation and wondered when this started and why the public was not notified that ticketing would begin again. It was explained that the local businesses were complaining about employees are parking on Main Street and the side streets leaving no place for their customers to park and so the ticketing was implemented again.

PUBLIC HEARINGS

– None

OLD BUSINESS

– Mayor's Report of Developments re: Proposed Corps of Engineers Flood Map for Miles City

Mayor Whalen has received communications from DRNC who works hand in hand with FEMA. They are pushing through the Executive Planning Committee that is looking at additional funds to make available to the communities along the Yellowstone River. These funds would help in the 35% match that the cities would need.

There has been more activity on the part of FEMA and DNRC and more interest

in Miles City. DNRC would like us to present a "Flood Awareness Fair" on the week on April 29th with events that are designed to inform and engage the local population on the National Flood Insurance Program. There will be approximately 14 groups participating. Will have a Flood Control Task Force Meeting on Thursday, March 20th at 6:30 p.m.

Mayor Whalen was contacted by the Montana Disaster and Emergency Services Representative to discuss pre-disaster mitigation. He introduced new information for programs available from FEMA, grant programs to provide planning, technical assistance and actual flood control projects. Our new Grant writer/Administrator, Steve Craddock along with John Marks and this item will be high on the priority list.

- Discussion of Breach of Agreement by Custer County Water & Sewer District No. 2 re: Funding of Carbon Hill Water Tank construction

Mayor Whalen invited Don Bundy and Jeff Maki of the Custer County Water & Sewer District, to the Council Meeting to address the topic and he did not hear back from them. Mayor Whalen then read a memo that was sent on March 2005 where it states that the CCWSD would be willing to contribute \$50,000 to the Carbon Hill Water Tank Construction and also \$50,000 to the Northeast Water System. He has since been informed that they have withdrawn the offer to contribute \$50,000 to the Carbon Hill Water Tank.

Mayor Whalen explained that the financial package that has been put together relies on the contribution that was pledged by the CCWSD. Today he received a letter from CCWSD asking for the blue prints and plans and will forward all requested information to them but is wondering why they are questioning the project at this late date.

BID OPENING & AWARD

- None

NEW BUSINESS

- Long-term Community Needs Assessment & Budgetary Goals for FY 08/09

Mayor Whalen polled members of Council in regards to the feedback they have received from their constituents as to how the City is doing, is the City allocating it's money satisfactorily. Comments received were favorable regarding the City's progress with updates to the infrastructure. They would like to see growth in the community, an increase in the tax base, affordable housing, housing for the elderly, and environmentally safe businesses. They would also like to see more recreation for the youth and clothing stores and department stores coming to the area. Also comments were made that the Fire Department is excessive for a City this size, the streets need improvement and the City should re-evaluate the purchase of new equipment.

- Ordinance #1174: FY 07/08 Salary Ordinance

****** *Councilperson Ahner made a motion to adopt Ordinance #1174, read by title only, seconded by Councilperson Uden and, on roll call vote, motion was unanimous.*

- Ordinance #1175: Amendment to Update Sec. 3-37, Code of Ordinances Relating to Locations of all Beverage Licenses

** *Councilperson Uden made a motion to adopt Ordinance #1175 read by title only, seconded by Councilperson Ackerman.*

It was noted that the location in question violates the City's Code of Ordinance by being within 600 feet of a Church.

** *On original motion, by roll call vote, motion failed 0/6.*

– Recommendation from Finance Committee to Deed Lot 7, Block 15, Milwaukee Park Addition to First Lutheran Foundation

Mayor Whalen explained that this was part of the area that had been previously deeded back to the First Lutheran Foundation. The area had been given to the city to use as a park with the agreement that if it ceased to be a park it would revert back to the Foundation.

** *Councilperson Ahner made a motion to accept the recommendation of the Finance Committee to deed Lot 7, Block 15, Milwaukee Part Addition to the First Lutheran Foundation, seconded by Councilperson Meidinger and, on roll call vote, motion was unanimous.*

– February Claims Detail

** *Councilperson Ackerman made a motion to approve February Claims Detail, seconded by Councilperson Ahner and, on roll call vote, motion was unanimous.*

APPOINTMENTS

– Mayor Whalen introduced the two new City employees, Jason Justice, who will fill the Eng Tech/AutoCAD position, and Steve Craddock, who will fill the Eng. Tech/Grant Writer and Administrator position.

ROUNDTABLE

LeROY MEIDINGER

...4th and Tatro, the trench has settled and it needs to be repaired.

BILL MELNIK

...gave copies of the Miles City Economic Development Council's annual report to the members of Council. Mayor Whalen questioned whether

JOHN UDEN

...the 10 block of N. 5th Street is heaving.

...expressed the need for a Code Enforcement Officer and wondered about the status of that position. Mayor Whalen feels that since the Police Department is now fully staffed, that every officer can cite violations. It was suggested that a brief presentation be given to the Officers on the subject.

JERRY PARTRIDGE

...commented that he feels the money that is given to the Miles City Economic Development Council is money well spent.

MARK AHNER

...would like to schedule a Finance Committee Meeting with the County Commissioners for April 1st at 6:30 p.m. to discuss the Interlocal Agreement.

...wondered if the paving project for 204 & 205 are ready to go to bid.

...has been working on a budget calendar and has moved up the dates for preliminary budgets.

...took a tour of the Custer County Art & Heritage Center and would encourage everyone to check out the expansion project. It is well under way and it is very impressive for a community this size to have such a wonderful facility.

TONY ACKERMAN

...if anyone has names for the Miles City Leadership Program, pass them on to him.

...he had a list of pot holes that needed repair, but the street crews have already repaired them.

...met with Sanjel and they are looking at expansion and would like to know who to contact and what codes to follow.

MAYOR WHALEN

...would like a Human Resource Meeting scheduled to discuss changes to the City's Organizational Chart and the Labor Union Contracts. Councilperson Melnik said he could hold that meeting Wednesday, March 26th at 6:30 p.m.

...gave Mark Browning, Director of the Custer County Art & Heritage Center permission to hold the "Quick Draw" in Riverside Park in conjunction with the Bucking Horse Sale activities again this year.

...the people who select the Christmas Tree for the Capital will be coming through Miles City and it would be nice to plan the Christmas Stroll at that time.

** The meeting was adjourned at 8:54 p.m.

JOE R. WHALEN, Mayor

ATTEST:

K. L. Pray, CMC, City Clerk

FINANCE COMMITTEE MEETING
March 6, 2008, 6:30pm
City Hall Conference Room

Committee members present: Chairman Mark Ahner, Jerry Partridge, Mike Cozzens

Absent: LeRoy Meidinger

Others present: Mayor Joe Whalen, County Commissioners Milo Huber and Jack Nesbit, City Councilmen Doug Leidholt and Tony Ackerman, Fire Chief Derrick Rodgers and Police Chief Kevin Krausz, City Clerk Kori L. Pray as Recorder

The Finance Committee meeting was called to order by Chairman Mark Ahner at 6:36pm to cover 4 items of business:

1. *Inter-local Agreement Ambulance for FY 08/09*
2. *Inter-local Agreement County Jail Service for FY 08/09*
3. *Inter-local Agreement Animal Control Service for FY 08/09*
4. *Request of citizens*

Ambulance

Chairman Ahner requested that no action be taken in the form of a motion on the agenda items, but rather a verbal agreement between the Finance Committee and County Commissioners be reached in an effort to form a final Inter-local agreement between City and County before the new budget year begins. Chief Rodgers and Chairman Ahner presented the following proposed budget information:

- 7 Full time employees, total proposed net ambulance budget \$299,793*
- County portion - 14% of total ambulance calls, or \$41,971*
- Adjusting factor - will increase county contribution amount by 3% for a county contribution amount of \$43,230.15 for the 2009/10 FY*

The two available commissioners agreed that the figures presented were acceptable, and agreed with the finance committee that the 3% variable factor was a figure they could tolerate. The 3% adjusting factor would be applied to the aforementioned budget for the next two consecutive years, depending on the net ambulance budget. The safety net factor of 15% was discussed as well, and the commissioners did not disagree with including this in the calculations; Commissioner Nesbit nodded agreement and Commissioner Huber did not respond.

In closing, Jerry Partridge did not agree, requesting a 1 year budget.

Mark Ahner agreed with the 3% adjusting factor and the 15% safety net

Mike Cozzens agreed with the 3% adjusting factor and the 15% safety net

*see attached documentation prepared by Chief Rodgers and Chairman Ahner

Animal Control

Chairman Ahner presented a letter provided by Chief Krausz, with assistance from Sheriff Harbaugh, offering the following budget information:

- Proposed budget for FY 08/09 is \$67,268
- County portion – 25% of total, or \$13,142
- If 21% used rather than 25%, county portion would be \$11,039.28

The commissioners would review the information and discuss it with the County attorney and District judge.

Jail Service

Chairman Ahner provided past agreements on jailing reimbursement. He reported to the commissioners that the City had not been paying jailing fees to the County since 2000 because state statute was followed rather than updating City ordinance to override state statute. \$6,300 per year reimbursement was discussed with the commissioners, and they would take it under advisement.

Request of Citizens

There were no citizens with requests.

Adjourn: Mike motioned to adjourn with 2nd from Jerry and all in favor, at 7:54pm.

LeRoy Meidinger, Ward I

Mark Ahner, Ward III

Jerry Partridge, Ward II

Mike Cozzens, Ward IV

Public Service Committee Meeting March 13 , 2008

The **Public Service Committee** met Thursday, March 13th,2008 at 6:30 p.m. in the City Hall Conference Room. Present were Chairperson Mike Cozzens, Committee Members Jerry Partridge, Mark Ahner and LeRoy Meidinger. Also present were, Engineering and Operations Director Bruce Larson, Lead Foreman Dale Marcil, Shop Foreman Bill Ronning, Building Inspector Dennis Hirsch and Recorder Billie Burkhalter.

Should the City establish \$65/sq.ft. as the basis for all building permits?

Building Inspector Hirsch stated the Committee might want to consider establishing \$65/sq. ft as the basis for all building permits to make the system more uniform. He does not believe the costs would be any different from what they are now.

Building Inspector Hirsch will do more research into this proposal with actual comparisons and bring it back to the Committee.

Should the City pursue the purchase of a mobile asphalt “hot mix” plant in order to conserve paying costs, recycle old pavement and ensure adequate supply?

Mayor Whalen gave a video presentation on the benefits of using a mobile asphalt hot mix. The video outlined the use of a portable unit called the Bagela which recycles used asphalt, either chunks or milled, back into a hot mix. This hot mix is then used for repairs of streets, parking lots, driveways, bicycle paths or any other asphalt surface. This is particularly useful for street repair in the winter time because the hot mix produces a much more durable and longer lasting patch than cold mix. Director Larson and Foreman Marcil both supported using this method due to its availability, efficiency and price.

This issue is referred to the Finance Committee for further information on the specs of this machine.

Request from community group to install tree shelter belt at Spotted Eagles.

Foreman Ronning explained he has been approached by organizations to install a tree shelter belt at Spotted Eagle. The Girl Scouts would plant the trees and DNRC would donate the trees. The Baptist Church group has also contacted him concerning assisting with the fencing around the tree shelter. Larry Murphy explained he has plans to start with three Lombardy Poplar trees, due to the fact they are fast growing, and then continue with Juniper trees. Foreman Ronning explained all the man power would be donated time and they would only require the use of the City's pump.

* * Councilperson Ahner moved to recommend the City Council proceed with installation of a shelter belt at Spotted Eagle as long as it is at a minimum cost to the City. Motion seconded by Councilperson Partridge and motion carried unanimously.

Should the City accept an offer by MCC's Dan Archer to help rehabilitate Stanley Field Basement Diamond?

Mayor Whalen explained Dan Archer from Miles Community College has offered to rehabilitate Stanley Field Basement Diamond. He has a class that will be working with heavy equipment, surveying, engineering and grading. This class would need to start working on Stanley Field by May 1st. MCC would provide the heavy equipment, labor, grading and landscape shaping. The City would provide the fuel for the equipment, irrigation water during season, millings for parking lot and some fencing. Councilperson Ahner stated he was under the impression the Outlaw Baseball Club would provide for everything with the exception of the watering. Mike Etchemendy stated he believes the Outlaws can still accomplish this. Mike stated all he needs is the go ahead from the Committee and he will begin raising money for this program. He explained he would not want to put any burden on the City and would only ask for help with the expense of the water.

This issue will be brought back to the Public Service Committee with further plans for Stanley Field.

Request of Citizens:

none.

There being no further business the committee adjourned at 8:30 p.m.

Public Service Committee:

Mike Cozzens, Chrm. Ward IV

Jerry Partridge, Councilperson Ward II

Mark Ahner, Councilperson Ward III

LeRoy Meidinger, Councilperson Ward

ORDINANCES
MILES CITY, MONTANA

ORDINANCE 1174

AN ORDINANCE ESTABLISHING WAGES AND SALARIES FOR CITY EMPLOYEES FOR FISCAL YEAR 2007-2008

WHEREAS, MCA 7-4-4201 requires the City Council to determine by resolution or ordinance the compensation of city employees,

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

That the following wages and salaries be paid city employees for the fiscal year 2007-2008.

<u>POSITION</u>	<u>AMOUNT</u>
Elected and Appointed	
City Council	\$250.00/MONTH
City Court Judge	\$1225.00/MONTH
Mayor	\$1666.67/MONTH
Treasurer	\$1666.67/MONTH
Airport Manager	\$2879.64/MONTH
Historical Preservation Officer	\$8.00/HOUR

Administrative/Finance

City Clerk	\$3333.34/MONTH
Deputy Clerk	\$3362.45/MONTH
Human Resources/Payroll Officer	\$3164.04/MONTH

Engineering & Operations

Utilities Delivery Director	\$3660.38/MONTH
Treatment Plants Director	\$3660.38/MONTH
Community Services Admin.	\$3362.45/MONTH

Fire Department

Chief	\$3531.07/MONTH
Ambulance Billing Clerk	\$15.28/HOUR
Prob Part-paid fire fighters:	\$7.00/HOUR

Part-paid fire fighters who have achieved the Basic Fire Fighter Certification will be paid a base wage of \$7.00 per hour during their six-month probationary period. Upon the successful completion of their probationary period, the base rate is increased to \$8.00 per hour. Beginning with the initial hiring, part-paid fire fighters are entitled to the following increases to their base pay: \$1.00 per hour for E.M.T., \$.25 per hour for Fire fighter I certification (upon completion), \$.50 per hour for Fire fighter II certification (and after 2 years of service), \$.75 per hour for Fire fighter III certification (and upon 3 years of service.)

The probationary designation means under six months of service.

Police Department

Chief	\$3750.00/MONTH
Asst. Chief	\$3300.00/MONTH

Swimming Pool

Head Lifeguards	\$7.00/HOUR
Lifeguards	\$6.50/HOUR

Lifeguards receive an additional \$.20 per hour for WSI certification and \$.05 per hour for each year of service. The Manager receives an additional \$7.50 per month for each year of service.

ORDINANCES
MILES CITY, MONTANA

Library

Director \$3366.00/MONTH

LONGEVITY/STIPENDS

Longevity pay is calculated at the rate of \$.05 per hour (or \$7.50 per month for salaried employees) for each year of service after the employee's applicable date for new longevity. Non union employees retain their present level received as longevity as of June 30, 1993. For each additional year of service after this date, salaried employees shall receive an additional amount of \$7.50 per month and hourly employees shall receive an additional \$.05 per hour. The fire chief and assistant fire chief, if they are certified fire fighters, shall receive as longevity 1% of their base pay per month for each year of service, in accordance with state law.

Elected officials, seasonal employees, reserve officers and part-paid fire fighters do not receive longevity pay.

Any employee who achieves an EMT certification shall be paid an additional \$50 per month.

EMPLOYEE HEALTH INSURANCE

A maximum of \$473.65 shall be paid by the employer for medical insurance. (See union contracts for specifics on health insurance.)

COLLECTIVE BARGAINING UNITS

- **AFSCME 283A:** City Shop, Treatment Facilities, Library and Clerical. Wages and Benefits for members of this union shall be paid in accordance with their bargaining agreement dated July 1, 2006, through June 30, 2008, as per Exhibit A, attached, and specifically in accordance with Addendum A of that contract dated July 1, 2006, through June 30, 2008.

- **AFSCME 283B:** Police Officers, Dispatchers, Animal Control and Clerical. Wages and Benefits for members of this union shall be paid in accordance with their bargaining agreement dated July 1, 2006, through June 30, 2008, as per Exhibit B, attached, and specifically in accordance with Addendum A of that contract dated July 1, 2006, through June 30, 2008.

- **INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 600:** Firefighters/Ambulance Personnel. Wages and Benefits for members of this union shall be paid in accordance with their bargaining agreement dated July 1, 2008, through June 30, 2010, as per Exhibit C, Attached.

Said ordinance read and put upon its passage this 11th day of March, 2008.

MAYOR

ATTEST:

CITY CLERK

FINALLY PASSED AND ADOPTED this 25th day of March, 2008.

MAYOR

ATTEST:

CITY CLERK

ORDINANCES
MILES CITY, MONTANA

ORDINANCE NO. 1175

AN ORDINANCE AMENDING SEC. 3-37 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA RELATING TO LOCATIONS FOR RETAIL SALE OF ALCOHOLIC BEVERAGES TO INCLUDE BLOCK 5 OF THE MILES ADDITION TO THE CITY OF MILES CITY.

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

Section 1. Section 3-37 of the Code of Ordinances of the City of Miles City, Montana is amended by adding Subsection (a)(11) to read as follows:

“(11) Block 5 of the Miles Addition to the City of Miles City, Montana according to the official plat and survey thereof on file and of record in the office of the county clerk;

Section 2. This amendment shall become effective thirty (30) days following its final passage.

Said ordinance read and put on its passage this 11th day of March, 2008.

Joe Whalen, Mayor

ATTEST:

Kori Pray, City Clerk


FINALLY PASSED AND ADOPTED this 25th day of March, 2008.

Joe Whalen, Mayor

ATTEST:

Kori Pray, City Clerk

Memorandum

To: Honorable Joe Whalen
From: George W. Huss 
cc:
Date: March 16, 2008
*Subject: Transfer of Lot 7, Block 15 Milwaukee
Park Addition to First Lutheran Church
Foundation*

I have been requested to prepare a resolution and deed to transfer Lot 7, Block 15 of the Milwaukee Park Addition to the First Lutheran Church Foundation. In my opinion, this action would be in violation of the general prohibition of gifts of public funds to private individuals, but is also a violation of Article II, Section 5 of the Montana Constitution. prohibiting state establishment of a religion.

I think there may be some confusion about this matter given prior actions of the City. On June 25, 2002, the City quit claimed to the First Lutheran Church ELCA all of its right title and interest in Lots 4, 5, 6 and 8 of Block 15 of the Milwaukee Park Addition. It did not include Lot 7. There was a specific reason for this.

The reason for the City's action can be found in Resolution 2940, adopted in June of 2002. The April 8, 1996 deed from Mamie G. Clark, Barbara A. Plummer and Phillip A. Clark to Lots 4, 5, 6, and 8, contained a specific condition as follows:

"Subject to the express condition that the Grantee [City] shall use said Lots for the purpose of providing a public park for the benefit of the citizens of Grantee for a period of fifty (50) years, and that in the event said lands shall cease to be used by Grantee for such purpose during said period then, in that event, title to such lands shall pass to the First Lutheran Church ELCA of Miles City, Montana, or its successors and assigns, or in default, title shall revert to Grantors or the survivors of them, or the heirs of the survivor of them."

In 2002, the City decided to discontinue operation of "Bert Clark Park" which had been conducted on Lots 4, 5, 6, 7 and 8. By operation of the specific terms of the deed to Lots 4, 5, 6 and 8, title to them transferred to the First Lutheran Church ELCA when the city discontinued use of the land as a public park. The City did not have any option as to whether to transfer the land to the Church. The City's title to the land ended when it

discontinued use of its a a public park. The Quit Claim deed was given solely to avoid any cloud on title to these lots.

In contrast, Lot 7 of Block 15 of the Milwaukee Park Addition was transferred to the City by Robert E. Lausch by quit claim deed dated November 16, 1995. That deed had no special conditions similar to those in the deed to Lots 4, 5, 6 and 8. Thus, when the City discontinued operation of Clark Park in 2002, title to Lots 7 of Block 15 remained with the City.

Transferring Lot 7 of Block 15 of Milwaukee Park Addition to the First Lutheran Foundation without adequate consideration to the City would constitute a gift of public property to a religious organization or for the benefit of a religious organization. It would be tantamount to using City tax funds to make Sunday donations to selected churches in Miles City. Such action would clearly amount to a violation of the state and federal constitutional provisions prohibiting state establishment of a religion.

When the First Lutheran Church received Lots 4, 5, 6 and 8 as a result of the discontinuance of use of the property as a public park, the question arose as to what the City could do with the remaining Lot 7. At that time, the First Lutheran Church was contemplating selling their land at auction, and it was proposed that all five lots would be sold as one unit, with the City receiving 20% of the sale proceeds for its 1 lot and the Church receiving 80% of the sale proceeds for its 4 lots. This can still be done without violating the Montana Constitution since the funds from the public lands will remain in the public coffers.

A second alternative would be to have Lot 7 appraised and sell it to the First Lutheran Foundation for its appraised price, with the City retaining the proceeds.

However, whatever alternative is selected, clearly the land cannot be simply deeded over to the First Lutheran Foundation, no more than it could be sold and the proceeds then donated by the City to the Catholic Church, a Jewish synagogue, a Muslim mosque , or a Buddhist temple.

Mayor Whalen

From: Mary Elizabeth Irion [mmtirion@midrivers.com]
Sent: Monday, February 11, 2008 10:52 AM
To: 'Mayor Whalen'
Cc: mmtirion@midrivers.com
Subject: request of city

Dear Mayor Whalen,

I am writing to you on behalf of the 45 members of the High Plains Classics Car Club to find out the proper procedure to place a request with the city. I have been asked to talk to the city about the idea of placing a permanent bench in Riverside Park in honor of our deceased members and receiving your approval. This club has been active in Miles City for 15 years and vehicle enthusiasts have enjoyed their car shows, which are a great family event. The car shows bring in or out approximately 300-330 people, which in turn adds a little lift to our economy. One of the members, who recently passed away, had always talked about the need for more benches in the park. This location is a fitting tribute, being the car shows are most often in Riverside Park, weather permitting. The club would follow the city's specifications on materials so that everything in the park is appealing and place it where we are instructed. We do plan to place the names of those deceased members on the bench, in some fashion.

Will you please steer the car club in the right direction?

Thank you,

Mary Elizabeth Irion

_____ NOD32 2282 (20070521) Information _____

This message was checked by NOD32 antivirus system.
<http://www.eset.com>

_____ NOD32 EMON 2282 (20070521) information _____

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<http://www.eset.com>

Miles City - Custer County

City-County Planning Board

City Hall
P.O. Box 910
Miles City, Montana 59301
(406) 234-6339

March 20, 2008

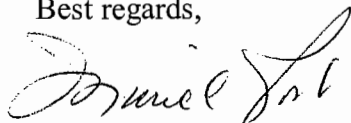
Custer County Commissioners
City of Miles City 76-3-601(2)(b), MCA

RE: Mallett Tracts 3 & 4 Amended Plat

The City/County Planning Board has reviewed this proposed amended plat and make the following recommendations:

- 1) Use Mallett Tract 3 & 4 Amended Plat as the name of this division on the plat. Parcel numbering should follow recorded plat.
- 2) Include appropriate language dedicating the south half of Mallett Lane to the public.
- 3) Minor edits in legal description: first course in narrative after POB does not match drawing.
- 4) Extend water, sewer, and storm drain mains in Mallett Lane to accommodate replatting of parcels.
- 5) Show stub-out lines to 8 feet behind curb.
- 6) Extend stub-outs of all services to Mallett Tract 2 as agreed by owner.
- 7) Use same numbering sequence on both plat and street/utilities design, ie 3A, 3B, 4A.
- 8) Design for storm drainage for Parcel 2, show necessary easements.
- 9) Submit final street and utilities design for approval prior to final plat approval and commencement of construction.
- 10) Bonding for 125% of the cost of public improvements is required prior to final plat approval.
- 11) Preliminary plat approval is for two years.

Best regards,



Muriel Rost, Vice President
City/County Planning Board

MR/dll

Miles City - Custer County

City-County Planning Board

City Hall
P.O. Box 910
Miles City, Montana 59301
(406) 234-6339

March 20, 2008

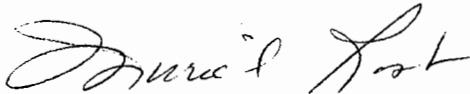
Mayor Joe Whalen & City Council,

RE: Ramage Tract B Amended Plat (Leisure Villa Condos)

The City/County Planning Board has reviewed this proposed amended plat and make the following recommendations:

- 1) Subject to a 30 foot (+-) wide access easement on the east side of Tract B2. Directional traffic control will be needed if Tract B1 changes to Residential "B" and Tract B2 remains commercial.
- 2) An easement with Holy Rosary Hospital on the alley.
- 3) Traffic improvement designs must be approved prior to final plat approval.
- 4) Improvement must be completed prior to final plat approval.
- 5) Preliminary approval period is two years.

Best regards,



Muriel Rost, Vice President
City/County Planning Board

MR/dll



CITY OF MILES CITY

17 S. 8th, P.O. Box 910
Miles City, MT 59301

Telephone: (406) 234-3462

March 21, 2008

To: Members, City Council
From: Joe Whalen, Mayor
RE: Interlocal Memorandum of Understanding

I received this morning a copy of the Memorandum of Understanding between the City and County that was revised by the County Attorney and sent to the City Attorney. You'll find the M.O.U. attached, complete with additions/deletions/modifications in italics, attached.

A couple of the County changes concern me:

a. Under Item 1, the addition implies that the City and County have signed a "separate written agreement" for Dispatch Services. Though I did receive a draft copy of a separate Dispatch Agreement, I do not recall signing such an agreement and, generally, wouldn't support unbundling items from the overall M.O.U. or Interlocal Agreement. We thoroughly discussed the Dispatch Center during several negotiations and arrived at an acceptable figure to both parties. Signing a "separate agreement" sets an undesirable precedent for future negotiations and gives the County an opportunity to secure the only agreement that it believes it needs from the City at the expense of all of the other services outlined in the M.O.U. I recommend that it be struck from the M.O.U.

b. The final sentence of Item 8 of the agreement, again in italics, effectively permits the County to act unilaterally in regard to ambulance service after July 1, 2008, which is contrary to my understanding of the terms of the Memorandum. This may or may not be the intention of the County but it is the effect. We agreed that the City would be a full partner in any decisions to the delivery of ambulance services within Custer County. Incidentally, the County has already violated this agreement by purchasing an ambulance from Newcastle Ambulance. I recommend that this language also be struck from the M.O.U. before adoption.

Please visit with me if you have concerns about this M.O.U. apart from those outlined above.

Sincerely,

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 25TH DAY OF MARCH, 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

By separate written agreement subsequent to January 22, 2008, the City and County have agreed as to the provision of Central Dispatch services. The \$72,680.00 payment called for hereunder shall be credited to sums due under this separate Central Dispatch agreement.

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.

EXHIBIT "A" (Page 2 of 2)

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..

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. The term of this agreement is for the Fiscal Year 2008, more specifically, from July 1, 2007 to June 30, 2008. The terms of this agreement shall not extend beyond Fiscal Year 2008 unless agreed to in writing by both parties.

DATED this ____ day of March, 2008.

City of Miles City:

Joe Whalen - Mayor

Mark Ahner - City Council President

Custer County Commissioners:

Jack Nesbit

Milo Huber

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 March 25, 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 25TH DAY OF MARCH, 2008.

Joe Whalen, Mayor

ATTEST:

Kori Pray, City Clerk