

PROCEEDINGS OF CITY COUNCIL

MILES CITY, MONTANA

REGULAR COUNCIL MEETING January 27, 2015 7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, January 27, 2015, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor Grenz called the meeting to order. Council Members present were Roxanna Brush, Mark Ahner, Sheena Martin, Dwayne Andrews, Ken Gardner, Jerry Partridge, John Hollowell and Susanne Galbraith.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Public Works Director Scott Gray, Public Utilities Director Al Kelm, Interim Fire Chief Cameron Duffin, Dispatch Supervisor Heather Roos, Grant Administrator /Historic Preservation Officer Connie Muggli and HR/Payroll Officer/Minute Recorder Billie Burkhalter.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 01/13/2015

****** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of January 13, 2015, seconded by Councilperson Ahner and the motion **passed** unanimously, 8-0.*

Public Safety Minutes: 01/21/2015

Public Safety Committee Meeting January 21, 2015

The Public Safety Committee met Wednesday, January 21, 2015, at 6:00 pm in the City Hall Conference Room. Present were Committee Members Susanne Galbraith, Mark Ahner, Roxanna Brush and Jerry Partridge. Also present was Interim Fire Chief Cameron Duffin, Firefighter III/EMS Training Officer Mike Miller, Police Chief Doug Colombik, Public Works Director Scott Gray, Mayor C.A. Grenz and Committee Recorder/HR/Payroll Officer Billie Burkhalter.

Committee Member Ahner brought the meeting to order.

ELECTION OF COMMITTEE CHAIRPERSON

****** *Committee Member Galbraith moved to nominate Committee Member Ahner for Chairperson of the Public Safety Committee. Committee Member Brush seconded the motion.*

After hearing no further nominations;

****** *Motion then passed unanimously.*

TRAFFIC CONTROL MEASURES ON STOWER, PEARL AND TRUCK ROUTE

Chairperson Ahner explained that a citizen had previously approached the Committee with a concern that oversized vehicles, such as ranch pickups with trailers, traveling on Stower Street were presenting a hazard, especially when vehicles are parked on that street. He had wanted the City to put a sign by the City Shop that could direct this traffic to the existing truck route. The Committee had agreed to place additional signs along the truck route to try and alleviate congestion.

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Director Gray stated that the additional signage has been up for approximately two weeks. The Committee thanked Director Gray for completing this.

Chairperson Ahner explained the Committee had also previously discussed the issue of traffic control around Lincoln School on Pearl Street. Director Gray stated that as soon as the snow was clear in this area, he would address the crosswalks to make sure the painted yellow was the appropriate length. He further explained that there are 72 speed/school zone signs that will be placed in the school areas as soon as the ground thaws. He noted that this was a significant cost to the budget.

John Gorton, Principle of Lincoln School, explained that a lot of the parking congestion around Lincoln School is due to his staff, and they are currently trying to address this issue. There is a potential faculty parking area on Fort Street across from the Custer apartments. This area would need to be made more conducive for parking. Right now it is a tight fit for a pickup truck and there is an issue with a substantial curb, which could cause an issue for a compact car. Principal Gorton further explained the gravel would need to be removed along with the curb and gutter. They have also explored the idea of moving the fence deeper onto the playground area, but would prefer not to. Principal Gorton stated any help from the City crews with the curb and gutter in this area would be appreciated. Director Gray stated his department would be willing to assist with the curb and gutter removal and could provide the millings for the parking area.

Mayor Grenz suggested to take out the curb and gutter where the sidewalk is on Fort Street all the way down Custer Street and then make it perpendicular parking. Principal Gorton explained that there is not a sidewalk on the Lincoln side of Fort Street.

Director Gray added that another possibility to alleviate the traffic congestion could be to make it no parking at any time on the north side of Pearl Street from the alley going west to the intersection of Lake Street and do the same thing on Fort Street, but do it on the south side from Lake Street to half way between Custer and Jordan up to the alley. These areas could be designated as drop off only.

Cameron Duffin, 1605 Pearl, stated he is surprised that there aren't more accidents in this area, as when school is in session it is basically a one lane road. He would like to see parking be designated for only one side of Pearl Street. Cameron further explained that he has noticed a big difference in how fast vehicles travel now that there is a bigger police presence.

There was discussion concerning the possibility of parallel parking on Lake Street.

Chairperson Ahner requested that Director Gray work with Principal Gorton in regards to the facility parking area. He stated he personally did not have any issues with the City providing the millings to the school district but felt that they would need to reimburse the cost of City labor. Director Gray stated he did not think it would take more than a couple of hours.

There was discussion concerning Stower Street and the parking problems due to how narrow the street is.

Chairperson Ahner requested Director Gray and Chief Colombik work with the School District for further solutions to traffic control on Pearl Street. He further requested Director Gray to speak with Montana Department of Transportation to see if the Urban Street Transportation Study could address traffic control measures to include Stower Street and Comstock Street.

Chairperson Ahner stated whatever the direction the City decided to go in regards to Stower Street and Pearl Street would need public meetings for the residents in this area. Long term solutions would have to be fully considered. This would need to be a step by step process, start with getting the facility parking addressed at Lincoln School and then move on to other possible measures.

PART-PAID FIREFIGHTER AND EMERGENCY CARE PROVIDER REQUIREMENTS

Chief Duffin explained that he had requested Fire Training Officer Mike Miller to develop this Part-Paid Firefighter and Emergency Care Provider Requirements packet.

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These requirements will add more accountability and responsibility for Part-Paid Firefighters in his department.

Training Officer Miller stated currently there are no requirements in place for part-paid firefighter staff. In the past, part-paid employees have been called in to respond to an incident, such as a structure fire, and they do not have the proper training, creating a liability for the City. With these new requirements, it will be mandatory for part-paid employees to come in to the Fire Department every month and train with the department. Training Officer Miller further explained that creating this new program will bring part-paid firefighters up to a higher level of care that will benefit the citizens and the City. Currently there are 12 part-paid employees and they are excited about implementation of this program.

Chief Duffin explained that the part-paid firefighters will be required to complete 24 hours a month ride along with the department, which is a 100% volunteered time.

Chairperson Ahner stated he was impressed with the presented program.

****** *Committee Member Partridge moved to recommend to Council to adopt the Part-Paid Firefighter and Emergency Care Provider Requirements, seconded by Committee Member Galbraith and motion passed unanimously, 4-0.*

REQUEST OF CITIZENS

- None.

ADJOURNMENT

****** *Having no more business to come before the Committee, Committee Member Galbraith moved to adjourn the meeting, seconded by Committee Member Brush and passed unanimously, 4-0.*

The meeting was adjourned at 7:10 p.m.

****** *Councilperson Ahner moved to approve the minutes of the Public Safety Meeting of January 21, 2015, seconded by Councilperson Gardner and the motion **passed** unanimously, 8-0.*

SCHEDULE MEETINGS

- None

REQUEST OF CITIZENS & PUBLIC COMMENT

Lynn Miller, 1805 Fort/122 S. Lake, explained she lives in the worst intersection in Miles City. She has lived there for four years and has had her parked vehicles hit six times, resulting in over \$10,000 worth of damage. She is retired from public service and has a lot of great ideas on how to make this intersection functional, and is willing to help out with a street study.

Councilperson Ahner stated the Public Safety Committee has been addressing the issue of traffic congestion around this area. This Committee will continue to meet to work on these problems. Director Gray has spoken with Lynn concerning this area.

Lilly Cruise stated her mission is to restore the fountain at Wibaux Park. She is working with the Miles City Historical Preservation office and the City to be able to accomplish this goal. Lilly is trying to make more people aware of this. She is asking for the City's blessing and for them to keep in mind that it will take a few summers to raise the funds.

Mayor Grenz stated he supported Lilly in this goal. Administrator Muggli said the fountain has been a priority for the Historical Preservation office and they are actively looking for grants.

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APPOINTMENTS

Miles City Preservation Commission:

- City Government Representative:* ***Sheena Martin***
- Community Representative:* ***Jenna Janshen***

****** *Councilperson Galbraith moved to approve the City Government Representative Sheena Martin and the Community Representative Jenna Janshen for the Miles City Preservation Commission, seconded by Councilperson Brush and **passed** unanimously, 8-0.*

PROCLAMATIONS

- None

STAFF REPORTS

Interim Fire Chief Duffin

- Explained Mayor Grenz has been concerned about the Fire Department turning down a few Billings or out of town ambulance transfers. Chief Duffin met with the Fire Departments EMS Training Officer, Medical Director and the CEO and Director of Nursing from Holy Rosary Hospital to address this issue. He identified that the hospital did not know what the department could or could not do and his department did not know the hospital's policies. A guideline will now be used by both the hospital and his department, so that everyone understands how out of town ambulance transfers are to be handled.

Mayor Grenz applauded Interim Fire Chief Duffin's work ethic in trying to resolve these issues. He recommended this become a policy.

- Stated that Special Olympics are doing the Polar Plunge at the Fire Department this year. This will take place at 1 p.m. on January 31st. He encouraged all to attend.

Dave DeGrandpre, Land Solutions, is in the process of updating the Miles City Growth Policy in conjunction with Community Services and Planning departments. They have been collecting background information on some of the issues the community feels they are facing, along with future goals. They have met with the Planning Board and will meet with the Zoning Commission, as well as conducting individual meetings with people and agencies around the community. They will use this information to identify key issues and trends in Miles City to develop specific goals and an action plan. There will be an on-line survey for the community to respond to that will be up and running in the near future.

CITY COUNCIL COMMENTS

Mark Ahner: Requested permission to be absent for more than ten days, missing the first scheduled City Council meeting in February.

****** *Councilperson Brush moved to allow Councilperson Ahner to be absent for more than ten days, seconded by Councilperson Galbraith and the motion **passed** 7-0, with Councilperson Ahner abstaining.*

John Hollowell:

- A Flood Control meeting is tentatively set for February 17, 2015, at 6:00 p.m. The Committee will make a recommendation to the City Council on an option for the Flood Assessment Study.

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- Expressed sadness in the passing of Ryan Watts. He was a young growing pillar of our community; it was unexpected and very tragic for Miles City. Ryan was very involved within lots of aspects of our community. He will be sadly missed.

Roxanna Brush: Questioned how to initiate a review of Elected Officials' wages and benefits. Attorney Rice stated he will let Roxanna know if the Human Resources or Finance Committee should address this.

Jerry Partridge: Public Service Committee has a meeting at noon concerning the Miles City Long Range Transportation Plan on January 30th, 2015.

MAYOR COMMENTS

- Requested a moment of silence for the passing of Ryan Watts.

STANDING COMMITTEE RECOMMENDATIONS

- None.

BID OPENINGS/AWARDS

- None.

PUBLIC HEARINGS

- a. **RESOLUTION NO. 3767:** 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 # 4000-501-410100-940 And #4000-141000 To Fund The Purchase Of Two Police Vehicles.

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

- b. **RESOLUTION NO. 3769:** A Resolution Approving A Proposal From Dorsey & Whitney LLP For Provision Of Professional Services Related To Obtaining A Sewer System Revenue Bond For Wastewater Treatment Plant Upgrades

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

- c. **RESOLUTION NO. 3770:** 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 # 1000-005-420160-143 To Fund 6 Months Benefits For One Full Time Dispatcher.

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

- d. **ORDINANCE NO. 1283:** Ordinance Changing The Zoning Of The S1/2SW 1/4SE1/4, Less 7.5 Acres Of Section 25, Township 8 North Range 47 East M.P.M. From Agriculture District Zone To Semi Rural Zone, And Providing For A Hearing Thereon (*Thomas Moore-Leighton Boulevard*)

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

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- e. **ORDINANCE NO. 1284:** An Ordinance Amending Section 20-68 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Allow Alternate Forms Of Surety For Persons Making Utility Connections

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

UNFINISHED BUSINESS

- a. **RESOLUTION NO. 3767:** 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 # 4000-501-410100-940 And #4000-141000 To Fund The Purchase Of Two Police Vehicles.

****** *Councilperson Ahner moved to approve Resolution No. 3767 by title only, with corrections, and seconded by Councilperson Andrews. On roll call vote, the motion **passed** by unanimous consent. **Resolution No. 3767 was adopted.***

- b. **RESOLUTION NO. 3769:** A Resolution Approving A Proposal From Dorsey & Whitney LLP For Provision Of Professional Services Related To Obtaining A Sewer System Revenue Bond For Wastewater Treatment Plant Upgrades

****** *Councilperson Galbraith moved to approve Resolution No. 3769 by title only, seconded by Councilperson Gardner.*

Director Kelm stated he wrote an email to Dorsey & Whitney asking how the bond fees are determined and why are they estimated. Their reply was that bond fees are based on the amount of bond and amount of time expected to be working on the issue.

***** *On roll call vote, the motion **passed** by unanimous consent. **Resolution No. 3769 was adopted.***

- c. **RESOLUTION NO. 3770:** 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 # 1000-005-420160-143 To Fund 6 Months Benefits For One Full Time Dispatcher.

****** *Councilperson Galbraith moved to approve Resolution No. 3770 by title only, and seconded by Councilperson Brush. On roll call vote, the motion **passed** by unanimous consent. **Resolution No. 3770 was adopted.***

- d. **RESOLUTION NO. 3773:** A Resolution Adopting a Part-Paid Firefighter & Emergency Care Provider Requirements Policy.

****** *Councilperson Galbraith moved to approve Resolution No. 3773 by title only, and seconded by Councilperson Gardner. On roll call vote, the motion **passed** by unanimous consent. **Resolution No. 3773 was adopted.***

- e. **ORDINANCE NO. 1283:** Ordinance Changing The Zoning Of The S1/2SW 1/4SE1/4, Less 7.5 Acres Of Section 25, Township 8 North Range 47 East M.P.M. From Agriculture District Zone To Semi Rural Zone, And Providing For A Hearing Thereon (*Thomas Moore-Leighton Boulevard*)

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****** Councilperson Ahner moved to approve Ordinance No. 1283 by title only, with corrections, and seconded by Councilperson Brush. On roll call vote, the motion **passed** by unanimous consent. **Ordinance No. 1283 was adopted.**

f. ORDINANCE NO. 1284: An Ordinance Amending Section 20-68 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Allow Alternate Forms Of Surety For Persons Making Utility Connections

****** Councilperson Gardner moved to approve Ordinance No. 1284 by title only, and seconded by Councilperson Galbraith. On roll call vote, the motion **passed** by unanimous consent. **Ordinance No. 1284 was adopted.**

NEW BUSINESS

a. SITE PLAN APPROVAL: Horse Shoe Bar and Casino Hwy 59 & Steel St.

****** Councilperson Brush moved to approve the Site Plan for the Horse Shoe Bar and Casino on Hwy 59 & Steele Street and adopt the Findings and Fact Staff Report with the listed conditions, with an additional amendment that the property owners sign a no protest annexation letter. The motion was seconded by Councilperson Galbraith.

Attorney Janette Jones, representing JM Properties, owners and developers of the Horse Shoe Bar and Casino, stated the easement issues with the retention ponds have been adequately addressed and will continue to be addressed as construction ensues. At this point, the construction plans do not anticipate impacting negatively the easement area.

Administrator Colton stated that Building Inspector Dennis Hirsch is going to want some more detailed drawings for the site plan. He is having issues with parking and how the berm will work with the culvert. Attorney Jones stated that additional plans are available and can be supplemented and submitted to the Building Inspector. However, she pointed out that the plans were drawn up by HKM and have been previously submitted to the State for other projects in that area and have been approved.

Councilperson Ahner commented that in the past the City has had problems with getting letters of no protest annexation from the owners or developers in this area. In the Custer County Water & Sewer District (CCW&SD) contract it states that, for any commercial properties, this is a requirement. This letter will need to be submitted upfront, as the City's Public Utilities Director will not allow any water or sewer hook-ups to be approved until it has been received.

Attorney Jones explained that this is the first time she has heard that this letter would be required, as this had not been discussed at the Planning Board meeting. The developers have never been approached about this requirement. Furthermore, there was contact with Andrew Marum with CCW&SD, and there was also no indication that this would be needed.

Attorney Jones explained to the Council that she is not stating that her clients are saying no to this stipulation. She is just stating that she will need to discuss this with her client, as well as review the ramifications of this letter.

***** On roll call vote, the motion **passed** by unanimous consent.

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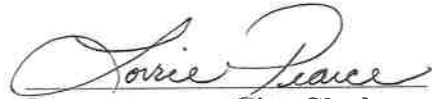
ADJOURNMENT

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

The meeting was adjourned at 8:15 p.m.



C.A. Grenz, Mayor



Lorrie Pearce, City Clerk

**City Council Staff Report SPR-2014-09
Site Plan Review
Horseshoe Bar & Casino
Meeting Date: January 27, 2015**

I. REVIEW PROCEDURE

This proposal requires Site Plan Review by the Miles City Planning Board and City Council under Section 24-96 of the Code of Ordinances (Ordinance No. 1258). The application was received on December 8, 2014. The Planning Board held a public hearing on January 20, 2015 at 6:00 PM in the City Hall Conference Room. The Planning Board's recommendation for conditional approval has been forwarded to the City Council. City Council is scheduled to review the application on January 27, 2015. The 60 day review period expires on February 10, 2015.

II. GENERAL INFORMATION

A. Project Applicant

Applicant:	Mike Wacker JM Properties LLC
Owner:	JM Properties LLC PO Box 398 Miles City, MT 59301

B. Project Description

The applicant and owner propose to construct a new building on the currently vacant lot to serve as a bar and casino. The proposed 48' by 82' building would have a main floor of 3,936 square feet and an upper floor of 1,024 square feet.

The main floor would contain the bar/lounge area, casino, kitchen, restrooms, with an exterior patio area and smoking enclosure, while the upper floor would contain an office, restroom, and storage area.

C. Legal Description of Subject Property

Lot 1 of the Steel Minor Subdivision, located in the NW1/4 NW1/4 of Section 2, Township 7 North, Range 47 East.

D. Location

The project site is located along the southeast side of the Interstate I-94 eastbound on-ramp at the NW corner of the intersection of S. Haynes Avenue and Steel Street. The property address is 3105 Steel Street, Miles City, Montana. To the east of the property is the Guesthouse Inn. To the south of the property is Steele Street. Please see Figures 1 and 2.

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Figure 1: Location of the subject property

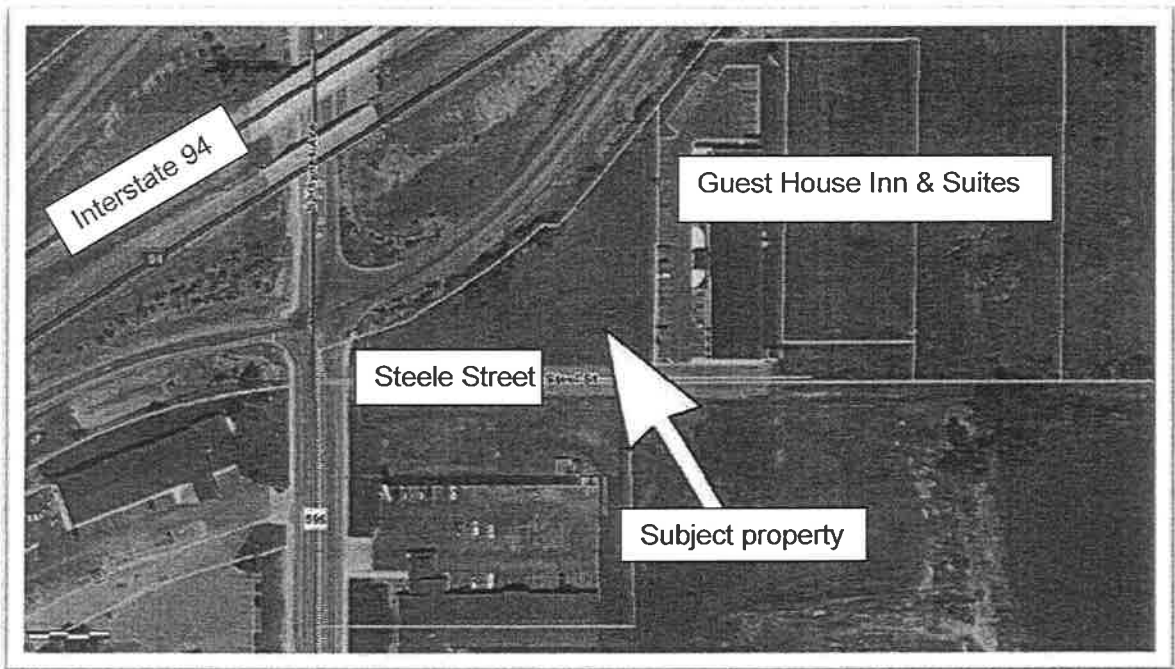
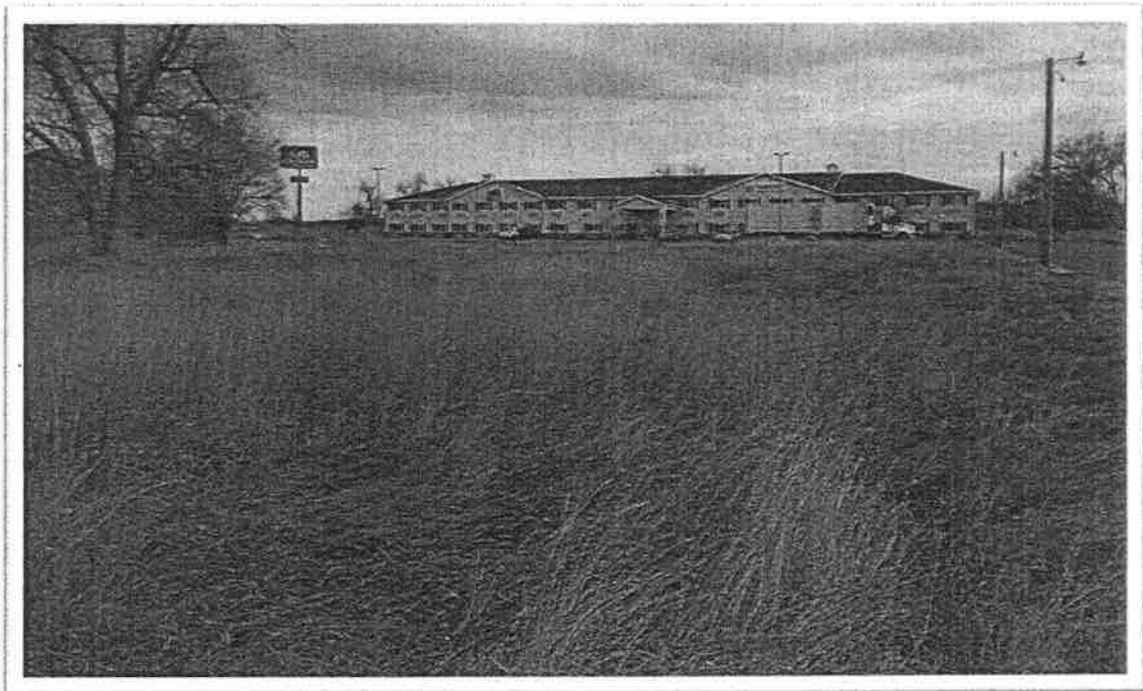


Figure 2: Looking east across the property toward Guest House Inn & Suites



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E. Land Use & Zoning

Existing Land Use: The property is currently vacant.

Proposed Land Use: Commercial bar and casino.

Existing Zoning: General Commercial (GC).

Proposed Zoning: No change from GC.

F. Surrounding Land Use & Zoning

General Description: The property is surrounded by the GC District to the east, north, northeast, west, southwest, and south. The A Residential District (RA) is located to the southeast.

III. COMMENTS RECEIVED

Public Comment: Notice of the Planning Board's public hearing was satisfied according to Subsection 24-96(f)(6) of the city codes. The Planning Board heard the following comments at the public hearing.

- Janet Krutzfeldt-Jones – representing JM Properties, spoke to actions taken recently to address concerns with MDOT, and the pipeline owners.
- Bill Markovich – spoke in support for the construction of this project.

Agency/Other Comments: As solicited by Land Solutions, contract planner for Miles City, comment has been received by the following agencies and interested parties:

- Miles City Fire and Rescue
- Miles City Sanitarian
- WBI Energy and Transmission
- Cenex Harvest States
- Montana Department of Transportation
- Custer County Planner
- Miles City Historic Preservation Commission
- Custer County Water Sewer District

The comments received will be discussed further in applicable sections of this report and are attached.

IV. SUBMITTAL REQUIREMENTS

The applicant is required to submit all of the materials listed in Subsection 24-96(e)(1) through (6). If it becomes apparent during review that a reasonable decision cannot be reached based on the existing submittal, the review period timeline will be suspended until the required information is submitted. If the required information is not submitted within 60 days, the application will be deemed expired.

Finding # 1: The applicant has submitted all of the required materials listed in 24-96(e)(1) through (6).

V. EVALUATION CRITERIA PER SECTION 24-96

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Horseshoe Bar & Casino
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According to Subsection 24-96(g)(1), reviewers shall consider the applicant's plans to ensure safety of circulation patterns, emergency access/fire prevention measures, traffic impacts to the surrounding road network, adequate storm drainage, provisions for water, sewer, and other utilities, the city's historic preservation policies, and adequate parking. Plans shall also be reviewed to ensure they comply with other standards in the zoning regulations such as setbacks, height restrictions, signage, and design requirements.

All evaluation criteria are listed below. Following each criterion is a draft finding by the administrator in *italics* evaluating how the plans relate to the criterion:

1.1 Safety of circulation patterns

Finding #2: *Two approaches to Steele Street, a private street, are proposed, one on the southeast and one on the southwest side of the building. The approaches and internal pavement or concrete driving surface would serve 48 parking spaces: 45 typical spaces and three handicap spaces. Some of the parking spaces have the label "gravel surface" on the site plan, presumably because they would be located within a Cenex petroleum pipeline easement.*

The width of the driving surface varies throughout the parking lot due to its irregular shape. Some parking spaces appear difficult to access, while others appear to confine the main driving surface clearance to as little as ±14-feet to the west of the building. However, overall, the project provides more parking than required by the zoning ordinance, and if the confining parking spaces are eliminated, the project would still provide sufficient parking. Ultimately it will be in the owner's best interest to ensure the parking lot is functional. Given the layout of the building, the proposed accesses, parking and driving areas, the site plan provides safe on-site traffic circulation with conditions that require parking in compliance with the zoning code and fire department approval of the access and circulation plans.

1.2 Emergency access/fire prevention measures

Finding #3: *Emergency access to the site and buildings will be readily available given the two road approaches and internal circulation system. A fire hydrant is currently located at the southwest corner of the Guest House Inn & Suites, approximately 125 feet from the proposed building. Ryan Smith, Captain/Fire Inspector for Miles City Fire and Rescue has commented via email that the plans seem to be in compliance with fire regulations with the buildings being sprinkled and proper exits throughout the facility; all decisions are not made final until final completion of the building and final inspection. Any fire department requirements, such as additional fire hydrants, access improvements, sprinkler systems, and other fire code requirements will be sufficiently addressed with a condition requiring fire department approval prior to occupancy.*

1.3 Traffic impacts to the surrounding road network

Finding #4: *Steel Street is a private roadway that currently only serves the Guest House Inn & Suites hotel. South Haynes Avenue is a high capacity roadway serving this and other properties with no major deficiencies. Interstate 94 is an interstate highway with off-and on-ramps in the immediate vicinity that are not expected to be changed as part of this project; however, changes to the interstate highway facilities are planned immediately adjacent to the site, which according to Montana Department of Transportation (MDT) Glendive District Administrator Shane Mintz, is likely to have some impact on the property and future development. During a telephone conversation on December 29, 2014, Mr. Mintz indicated the intersection of Steele Street and South Haynes Avenue is currently located closer to the*

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Site Plan Review

Horseshoe Bar & Casino

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interstate onramp than federal safety regulations allow. As such, the intersection is likely to be relocated farther to the south when improvements are made later this decade (plans have not been finalized to date).

Written comments have been obtained from the MDT regarding the proposed use. MDT stated they don't have an approach permit to issue for this development, but they do request the City of Miles City include the following conditions prior to final approval:

- 1. The developer must communicate and coordinate with MDT regarding MDT's Broadus Interchange – Miles City project; and*
- 2. Prior to entering MDT right-of-way for any reason, the developer must follow MDT's permitting review and approval process; and*
- 3. The developer must submit hydraulic plans to MDT for review and approval to ensure they don't negatively impact MDT right-of-way or any downstream landowners.*

If MDT's requests relating to the surrounding public road network are met, the surrounding road network will not be significantly impacted by the proposed bar and casino.

1.4 Adequate storm drainage

Finding #5: *Storm water runoff will increase substantially at the site due to construction of the new building and hard surfaced parking lot. Information submitted with the application included a document entitled "Storm Drainage Planning Study For Miles City, Montana South of I-94", along with related material from 1998 - 1999. This document, which addresses storm water drainage based on conditions from the time of the study and potential 90% lot coverage with impervious surfaces on the site that includes this lot, recommends a detention pond on each lot to limit discharge during a 5-year storm to predevelopment runoff rates. The plan indicates ponds are sized to further control runoff of to the 100-year storm. Discharge from the detention ponds at the northwest corners of each lot would be into the existing drainage way at the toe of the on-ramp embankment.*

The current site plan indicates a detention pond must be sized for 2,550 cubic feet with a flow control outlet to a 24" culvert under the I-94 on-ramp, which is consistent with the information from 1998 - 1999. It is unclear whether this document should be considered applicable to the current proposal.

Land Solutions has obtained comments from Mike Rinaldi, Miles City Sanitarian. Mr. Rinaldi has requested additional information regarding storm water runoff and road maintenance and access easements, including a formal storm water site plan with calculations stamped by an engineer, because this is a commercial project. To ensure DEQ and Miles City requirements for storm water drainage are adequately addressed by the applicant, a condition should require approval of the storm water drainage plans by the Miles City Sanitarian, and if applicable, DEQ, prior to occupancy of the structure. In addition, a Stormwater Pollution Prevention Plan Permit from Montana DEQ must be obtained prior to start of site improvements and construction.

Another concern regarding storm water drainage is the apparent proposal to locate storm water drainage facilities, such as detention ponds, above buried high-pressure gas pipelines, where easements are also likely to control such activities. Cenex Harvest States (CHS) and WBI Energy and Transmission have been asked for comment to address this concern because it is imperative the storm water plans for this project are reasonable and will serve the property long-term.

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Horseshoe Bar & Casino

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In an email dated January 13, 2015, CHS Pipelines and Terminals Environmental Health and Safety Manager Mike Stahly wrote, "The Cenex Pipeline is a high pressure (up to approximately 1400 psi) buried steel pipeline that transports liquid petroleum (gasoline and diesel fuels) to distribution points in Montana and North Dakota. Cenex Pipeline, LLC is concerned about the proposed development, and would request that the planners and developers maintain close communication with us during the process of considering this development. Our concern is for public safety and the future safe operation and maintenance of the pipeline."

In an email dated January 5, 2015, Wade Nielsen of WBI Energy Transmission wrote, "Typically if at all possible we do not prefer to have detention ponds over the pipeline or easement. At this point WBI Energy does not have enough information regarding the grading of the site to determine if a detention pond or grading would be acceptable over our pipeline."

A condition should require the applicant to demonstrate the easement holders and owners of the buried pipelines have been contacted regarding the proposal and storm water drainage plan prior to construction.

1.5 Provisions for water, sewer, and other utilities

Finding #6: The Custer County Water & Sewer District noted the "land owner will become a customer of the CCWSD because the property exists within the boundary of the District. The District requires a permit be obtained prior to the installation of any water or sanitary sewer service lines. Terms of the permit, and the utility service contract, are available at the District office, 713 Pleasant in Miles City, MT. The CCWSD has no further comments on this site plan."

Water and Sewer hookups will require approval from the City's Public Utilities Director. Other utilities services will require approval by the service providers.

1.6 The City's historic preservation policies

Finding #7: The proposed structure does not impact the City's historic preservation policies. The site is not located in a designated historic district and does not have a structure that is historic (50+ years old) or eligible for listing on the National Register of Historic Places.

1.7 Adequate parking

Finding #8: The site plan indicates a total of 48 vehicular parking spaces (including 3 handicap accessible), which exceeds the requirements of the zoning. There appears to be adequate parking proposed on-site to accommodate employees and customers.

In addition to Subsection 24-96(g)(1), Subsection 24-96(g)(2) adds the following criteria (following each criterion is a draft finding by the administrator in *italics*): No site plan application approval shall be given unless it is determined that:

- a. The use complies with all applicable regulations in the district in which it is located.

Finding #9: The proposal has been reviewed for compliance with the applicable regulations for the GC district, such as setbacks, height restrictions, signage, and design requirements. The use complies with all applicable regulations for this district.

- b. The use complies with all adopted regulations and policies.

Finding #10: There are no known conflicts with other adopted regulations and policies in the Miles City Code of Ordinances. Prior to occupancy the applicant must demonstrate compliance with Fire Codes and IBC 2012 Building Codes through the building permit process.

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- c. The use will not be detrimental to or endanger public health, safety or general welfare.

Finding #11: *The proposed project is located in an established commercial area. The proposal includes establishing a new bar and casino. If the previously discussed safety concerns of Miles City Fire Department, the local building inspector, MDT, CHS and WBI are adequately addressed, the proposal which will have no detrimental effect on public health, safety or general welfare.*

Figure 3: Sign indicating danger from an high pressure gas line on the property



- d. The existing and reasonably anticipated permitted uses in the area will not be substantially impaired or diminished by the establishment of the proposed use.

Finding #12: *The proposed new business operation will not substantially impair or diminish the permitted uses in this area as the property has been zoned for general commercial uses.*

- e. Adequate utilities, access ways, drainage, and other necessary site improvement have been provided or will be provided prior to the use being initiated.

Finding #13: *All utilities, access ways, drainage and other site improvements will be required prior to the use being initiated.*

- f. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on public streets.

Finding #14: *The new ingress and egress points are to directly access Steele Street, a private street, and not the surrounding public streets. The commercial use will add traffic to Steele Street, which will increase traffic at the intersection of Steele Street and South Haynes Avenue. As discussed previously in this report, MDT has commented on the proposal and has requested conditions that will allow MDT to ensure ingress and egress is designed to minimize traffic*

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congestion on public streets.

VI. RECOMMENDATION

The Planning Board recommends that the City Council adopt this staff report as findings of fact and recommends conditional approval of this project, subject to the following conditions.

VII. CONDITIONS

Prior to occupancy, the developer shall demonstrate compliance with the following conditions:

Standard Conditions:

1. All site development and use of the property shall be in accordance with the Miles City Zoning Codes, the approved application and plans, and as discussed in Staff Report SPR 2014-09. Any modifications shall require additional review by the City of Miles City.

Site-Specific Conditions:

2. The owner or authorized representative shall obtain a Building Permit prior to start of construction. A permit is required for construction, additions, alterations, repairs, relocation, demolition, change of occupancy, or electrical, gas, mechanical or plumbing system projects. Exemptions are listed in IBC 2012 Section 105.2.

3. The owner shall submit a letter of review from the Miles City Fire Department indicating adequate fire protection plans have been developed and the department can adequately respond to emergencies at the facility. Any fire department requirements, such as fire hydrants, access plans/improvements, sprinkler systems, and other fire code requirements shall be approved by the fire department prior to occupancy.

4. The owner shall maintain adequate parking space for employees at a minimum of one space per employee and reasonably adequate spaces for visitor parking as required by Miles City Code of Ordinances for the General Commercial (GC) District Section 24-59(c)(6).

5. Storm water drainage plans shall be approved by the Miles City Sanitarian, and if applicable, DEQ, prior to occupancy of the structure.

6. A Stormwater Pollution Prevention Plan Permit from Montana DEQ must be obtained prior to start of site improvements and construction.

7. The water, sewer and other utilities connections shall be approved by the applicable service providers prior to construction.

8. The owner or authorized representative shall communicate and coordinate with Montana Department of Transportation (MDT) regarding MDT's Broadus Interchange – Miles City project.

9. Prior to entering MDT right-of-way for any reason, the owner or authorized representative must follow MDT's permitting review and approval process.

10. The owner or authorized representative must submit hydraulic plans to MDT for review and approval to ensure they don't negatively impact MDT right-of-way or any downstream landowners.

11. The owner or authorized representative shall demonstrate the gas pipeline easement holders and owners of the buried pipelines have been contacted and their concerns addressed regarding the proposal and storm water drainage plans prior to construction, specific to no excavation or lowering of grade and graveled surfaces.