

# PROCEEDINGS OF CITY COUNCIL

## MILES CITY, MONTANA

### REGULAR COUNCIL MEETING March 24, 2015 7:00 p.m.

#### CALL TO ORDER

The Regular Council meeting was held Tuesday, March 24, 2015, in the Council Chambers at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Mayor Grenz called the meeting to order. Council Members present were Roxanna Brush, Sheena Martin, Dwayne Andrews, Mark Ahner, Ken Gardner, Jerry Partridge, Susanne Galbraith and John Hollowell.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Public Utilities Director Al Kelm, Interim Fire Chief Cameron Duffin, Grant Administrator /Historic Preservation Officer Connie Muggli, Police Chief Doug Colombik and City Clerk/Minute Recorder Lorrie Pearce.

#### PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

#### APPROVAL OF COUNCIL & COMMITTEE MINUTES

##### City Council Minutes: 3/10/2015

**\*\*** *Councilperson Ahner moved to approve the minutes of the Regular Council Meeting of March 10, 2015, seconded by Councilperson **Gardner** and **passed** unanimously, 8-0.*

##### Human Resources Committee Meeting: 3/05/15

###### **Human Resources Committee March 5, 2015**

The **Human Resources Committee** met Thursday, March 5, 2015, at 6:00 p.m. in the Conference Room at City Hall. Present were Chairperson Roxanna Brush, Committee Members Sheena Martin, Ken Gardner and Mark Ahner. Also present was City Clerk Lorrie Pearce and HR/Payroll Officer /Committee Recorder Billie Burkhalter.

#### **1. REVIEW BENEFITS/COMPENSATION OF ELECTED OFFICIALS:**

HR Officer Burkhalter explained she surveyed other like cities and towns for wage and benefit information concerning elected officials. She discovered that a lot of cities that responded did insure their elected officials, along with providing stipends. She reported wages that were paid to the City Council and Commissioners were often higher than what is currently being paid in Miles City.

HR Officer Burkhalter handed out payroll spreadsheets for the Council that reflected the current cost of health insurance, along with other payroll spreadsheets that showed projected costs of increased salaries.

Chairperson Brush had researched cities in surrounding states that were like in size to Miles City and reported wages from these communities.

Committee Member Gardner stated he felt the Committee recommending an increase to the Council's wages is a conflict of interest. Chairperson Brush explained that it has been over ten years since the last increase and it needed to be looked at and, as a City, they needed to be able to attract good people to run for office.

Committee Member Ahner explained that the last time the City Council had been given an increase it was only given to the newly elected officials when he or she took office. After discovering that he was making more money than other City

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Council members, he moved to have their pay increased. He felt it was only fair to pay everyone equally. Committee Member Gardner agreed.

**\*\*** *Committee Member Brush moved to recommend to the City Council beginning January 1, 2016, that City Council pay be increased \$1000 per year; (to total \$4000 per year) and, furthermore, these wages be reviewed when the other City employees' wages are reviewed. The motion was seconded by Committee Member Martin and passed unanimously.*

Chairperson Brush explained in her research she found that most cities and towns did offer elected officials insurance and, most commonly, the official would have to choose to accept it or not at the start of his or her term.

After the Committee reviewed the costs of providing health insurance to all elected officials, it was decided that this was not something the City could fiscally afford.

**\*\*** *Committee Member Brush moved to recommend to the City Council that beginning January 1, 2016, the pay for the elected positions of City Judge, Treasurer and Mayor be increased \$2000 per year; furthermore, the benefit of health insurance would be kept with the Mayor's position. These wages will be reviewed when the other City employees' wages are reviewed. The motion was seconded by Committee Member Martin and, on roll call vote, motion passed unanimously.*

### **2. APPROVAL OF UPDATED POSITION DESCRIPTION:**

- Assistant Utility Billing Clerk**

City Clerk Pearce had requested HR Officer Burkhalter to clean up the Assistant Utility Billing Clerk's position description along with adding "other duties as assigned". City Clerk Pearce explained that there is a lot of work in the City Clerk's office and she would like the ability to be able to request employees do additional duties.

HR Officer Burkhalter explained that the original position description does not accurately reflect what the duties are of the Assistant. The intent of the position is for the Assistant Utility Billing Clerk to be able to do the same duties as the Utility Billing Clerk. In reviewing the current position description, she felt it was short sighted. HR Officer Burkhalter developed the updated description to conform to the Utility Billing Clerk description and added additional duties as assigned by the City Clerk.

Committee Member Ahner recommended that the word "very" be deleted from the Education and Experience and Minimum Qualifications section. Under the Job Performance section he recommended the semi-colon be deleted after the word tactfully. The Committee was in agreement.

**\*\*** *Committee Member Ahner moved to recommend to adopt the presented Assistant Utility Billing Clerk position description with noted changes. The motion was seconded by Committee Member Martin, and on roll call vote, motion passed unanimously.*

### **3. REVIEW AND RECOMMENDATION OF UPDATED PERSONNEL POLICY MANUAL:**

- Section 5: Leave Administration**

HR Officer Burkhalter explained that she updated and remodeled the entire Personnel Policy Section 4: Leave; replacing it with a new Section 5: Leave Administration. She did submit this information to City Attorney Rice, who made corrections and approved her forwarding it on to this Committee.

- Section 5: Leave Administration**
- Vacation Leave**

**\*\*** *Committee Member Martin moved to recommend to City Council to adopt the presented Vacation Leave Policy. The motion was seconded by Committee Member Martin and motion passed unanimously.*

- Section 5: Leave Administration**
- Sick Leave**

**\*\*** *Committee Member Brush moved to recommend to City Council to adopt the presented Sick Leave Policy. The motion was seconded by Committee Member Ahner and motion passed unanimously.*

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- **Section 5: Leave Administration**
- **Holiday Leave**

Committee Member Ahner requested this policy be deferred to the next meeting until more information can be given regarding the Mayor's and Governor's ability to declare a holiday.

- **Section 5: Leave Administration**
- **Jury Duty and Witness Leave**

**\*\*** *Committee Member Ahner moved to recommend to City Council to adopt the presented Jury Duty and Witness Leave Policy. The motion was seconded by Committee Member Brush and motion passed unanimously.*

- **Section 5: Leave Administration**
- **Military Leave**

Committee Member Ahner requested that "in a calendar year" be added in the Policy section after the word leave.

**\*\*** *Committee Member Brush moved to recommend to City Council to adopt the presented Military Leave Policy with the above noted changes. The motion was seconded by Committee Member Ahner and, on roll call vote, motion passed unanimously.*

- **Section 5: Leave Administration**
- **Funeral Leave**

**\*\*** *Committee Member Ahner moved to recommend to City Council to adopt the presented Funeral Leave Policy. The motion was seconded by Committee Member Gardner.*

After further discussion, it was decided this was not a policy the Committee would support.

**\*\*** *Committee Member Ahner moved to amend the original motion to recommend to not adopt the presented Funeral Leave Policy. The motion was seconded by Committee Member Gardner and motion passed unanimously.*

- **Section 5: Leave Administration**
- **Disaster and Emergency Leave**

**\*\*** *Committee Member Brush moved to recommend to City Council to adopt the presented Disaster and Emergency Leave Policy. The motion was seconded by Committee Member Martin and motion passed unanimously.*

- **Section 5: Leave Administration**
- **Maternity and Paternity Leave**

**\*\*** *Committee Member Brush moved to recommend to City Council to adopt the presented Maternity and Paternity Leave Policy. The motion was seconded by Committee Member Martin and motion passed unanimously.*

- **Section 5: Leave Administration**
- **Family Medical Leave (FMLA)**

**\*\*** *Committee Member Brush moved to recommend to City Council to adopt the presented Family Medical Leave Policy. The motion was seconded by Committee Member Gardner and motion passed unanimously.*

- **Section 5: Leave Administration**
- **Leave without Pay**

**\*\*** *Committee Member Martin moved to recommend to City Council to adopt the presented Leave without Pay Policy. The motion was seconded by Committee Member Ahner and motion passed unanimously.*

#### 4. REQUEST OF CITIZENS:

-None.

#### 5. COMMITTEE MEMBER COMMENTS:

-None.

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### 6. ADJOURNMENT:

The next Human Resources Committee meeting is scheduled for March 18<sup>th</sup>, 2015, at 6:00 p.m.

*\*\* Committee Member Ahner moved to adjourn the meeting. The motion was seconded by Committee Member Martin and passed.*

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

*\*\* Councilperson Gardner moved to approve the minutes of the Human Resources Committee Meeting of March 5, 2015, seconded by Councilperson Brush and passed unanimously, 8-0.*

### Human Resources Committee Meeting: 3/18/15

#### Human Resources Committee March 18, 2015

The **Human Resources Committee** met Wednesday, March 18, 2015, at 6:00 p.m. in the Conference Room at City Hall. Present were Chairperson Roxanna Brush, Committee Members Sheena Martin, Ken Gardner and Mark Ahner. Also present was 911 Supervisor Heather Roos and HR/Payroll Officer /Committee Recorder Billie Burkhalter.

### 7. UPDATE JOB DESCRIPTION FOR DISPATCHER:

911 Supervisor Roos explained the current job description for Dispatchers is from 1994 and very outdated. The proposed position description was developed by the former police chief and more accurately reflects the duties of a dispatcher.

HR Officer Burkhalter stated that, with the approval of 911 Supervisor Roos she combined the new position description with the current one and came up with what is now being presented. She explained that she made sure the proposed position description conformed to City policy.

Committee Member Ahner recommended that the "Chief of Police" be deleted from Accountable To. Under the Areas of Job Accountability and Performance: 911 Telecommunicator Duties and Responsibilities section the word "public" be inserted after the word general in the 17<sup>th</sup> bullet sentence. The Committee was in agreement.

*\*\* Committee Member Ahner moved to recommend to adopt the presented Custer-Garfield Emergency Telecommunicator position description with noted changes. The motion was seconded by Committee Member Gardner and, on roll call vote, motion passed unanimously*

### 8. REVIEW AND RECOMMENDATION FOR LEAVE ADMINISTRATION POLICY:

#### • Section 5: Leave Administration - Holiday Leave

Chairperson Brush explained the Committee requested HR Officer Burkhalter to research the Holiday Leave policy concerning the section that gives the authority to the Mayor and Governor to declare a holiday.

HR Officer Burkhalter presented City Attorney Rice's email that states that the Mayor and/or Governor has the ability to declare a legal holiday for the level of government he or she oversees.

Committee Member Ahner stated he still disagrees with the Mayor or Governor having the ability to randomly declare a holiday. He believes the City employees receive enough benefits and, if they are going to be paid, that they either be at work or take vacation time. He is going to recommend to the Council to strike this sentence out of the policy.

Chairperson Brush noted that if the Council feels it's necessary, they can make the recommendation to put it back in.

*\*\* Committee Member Ahner moved to recommend to City Council to adopt the presented Holiday Leave Policy with the sentence "Every day declared a legal holiday by the Governor of Montana or the Mayor of Miles City" removed. The motion was seconded by Committee Member Brush.*

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HR Officer Burkhalter questioned whether taking this sentence out of the Holiday Leave Policy really takes the authority away. If this is an Executive Order, then the Mayor and/or Governor would still be able to declare a holiday.

The Committee requested HR Officer Burkhalter to contact City Attorney Dan Rice concerning this issue and get back to them prior to the next City Council meeting.

**\*\*** *On original motion, and on roll call vote, motion passed unanimously.*

### **9. REQUEST OF CITIZENS:**

-None.

### **10. COMMITTEE MEMBER COMMENTS:**

-None.

### **11. ADJOURNMENT:**

**\*\*** *Committee Member Ahner moved to adjourn the meeting. The motion was seconded by Committee Member Gardner and passed.*

The meeting was adjourned at 6:30 p.m.

**\*\*** *Councilperson Brush moved to approve the minutes of the Human Resources Committee Meeting of March 18, 2015, seconded by Councilperson Galbraith and passed unanimously, 8-0.*

## **SCHEDULE MEETINGS**

- Finance Committee: 4/2/15 @ 5:00 p.m.
- Health Board: 4/6/15@ 5:15p.m.

## **REQUEST OF CITIZENS & PUBLIC COMMENT**

Interim Fire Chief Duffin listed several accomplishments that he completed during his time as Interim Fire Chief. He asked the Council for its support in the hiring of the Fire Chief position.

## **APPOINTMENTS**

### **Fire Chief:**

Mayor Grenz appointed Gary L. Warren to the Fire Chief position. He said that Mr. Warren was the number one applicant on the list that he received from the hiring committee.

**\*\*** *Councilperson Ahner moved to appoint Gary L. Warren to the Fire Chief Position, seconded by Councilperson Gardner.*

Councilperson Ahner said that there were about 30 applicants, and the hiring committee submitted the best qualified applicants. He felt that Council needed to support the hiring committee decision because it was the committee's decision based on facts found through the interview process. He felt if the Council did not agree with the hiring committee recommendation it could cause concern in the future.

Councilperson Hollowell felt that the City had always tried to hire within and if the Council hired outside the Fire Department, that it would take away any incentive for future hiring.

Councilperson Partridge agreed with Councilperson Hollowell. He added that the City rarely hires from outside.

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Councilperson Brush said she liked the idea of promoting within, but felt that the hiring committee was smart and intelligent and the Council needed to trust its decision.

Councilperson Andrews asked the Mayor if the hiring committee suggested bringing the top three applicants before Council to interview, and then decide who would be the best person for the position.

Mayor Grenz said the hiring committee suggested that to him, but he felt that the committee had done a complete job and decided to appoint the top applicant.

Councilperson Galbraith said that she thought the City should hire within the organization.

**\*\*** *On roll call vote the vote was 4-4, with Councilperson Galbraith, Partridge, Hollowell and Andrews voting no. As the tie breaker, Mayor Grenz voted yes.*

### **PROCLAMATIONS**

Mayor Grenz proclaimed April 7, 2015 as Recognition for National Service Day.

### **STAFF REPORTS**

*None*

### **CITY COUNCIL COMMENTS**

**Mark Ahner:** Informed the Council that he talked to the County Clerk & Recorder and she needs a formal letter from the City that specifies the salary for elected positions. The letter is needed as soon as possible so it can be on the ballot.

**Roxanna Brush:** Reported that the Human Resources Committee is recommending Council members receives a \$1000/year raise, and the Mayor, Judge and Treasurer positions receive a \$2000/year raise. She added the Committee had discussed giving all elected positions insurance, which would cost the City approximately \$74,000 a year. The Committee felt the amount was unreasonable, so it was recommending offering health insurance to only the Mayor's position.

### **MAYOR COMMENTS**

*None*

### **STANDING COMMITTEE RECOMMENDATIONS**

*None*

### **BID OPENINGS/AWARDS**

*None*

### **PUBLIC HEARINGS**

*None*

### **UNFINISHED BUSINESS**

*None*

# PROCEEDINGS OF CITY COUNCIL

## MILES CITY, MONTANA

### NEW BUSINESS

- A. **APPROVAL OF SITE PLAN REVIEW:** Middrivers (US Highway 12 approximately .2 miles east of the intersection with Herzog Road)

\*\* *Councilperson Brush moved to adopt staff report-SPR-2015-01 as finding of facts and approve the site plan review for Middrivers with the conditions that are listed in the staff report in the packet. Motion was seconded by Councilperson Hollowell. On roll call vote, the motion passed 8-0.*

- B. **APPROVAL OF SITE PLAN REVIEW:** Ingraham & Sons: (808 N. Montana)

\*\* *Councilperson Brush moved to adopt the staff report-SPR-2015-02 as finding of facts and approve the site plan review for Ingraham and Sons, with compliance of conditions as listed in the staff report. Motion was seconded by Councilperson Gardner.*

Councilperson Brush said the plan was deferred from Planning Board to City Council because the building permit had already been issued and the building was already built. The Planning Board expressed concern to her on approving plans when a building is already complete. She felt the site plan review would have passed through the Planning Board if the building hadn't already been built.

Councilperson Ahner said he didn't have a problem with the site plan review, but he did have a problem with the City procedures for site plan review applications and how they are executed.

Attorney Rice, Director Kelm, Mayor Grenz and Councilperson Brush discussed the difference between the City's site plan review procedures and the Building Inspector procedures.

Attorney Rice said all criteria were met on this particular site plan review.

\*\* *On roll call vote, the motion passed by unanimous consent, 8-0.*

- C. **ORDINANCE NO. 1287: (First Reading)** An Ordinance Revising Section 24-6 Through 24-10 Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Amendment Of Zoning Chapter Or District Map

\*\* *Councilperson Hollowell moved to adopt Ordinance No. 1287, read by title only and seconded by Councilperson Brush. After a short discussion and on roll call vote, the motion passed by unanimous consent, 8-0.*  
**Ordinance No. 1287 was referred to Finance Committee.**

- D. **ORDINANCE NO. 1288: (First Reading)** An Ordinance Revising Section 24-164 Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Compensation Of Members Of The Board Of Adjustment

\*\* *Councilperson Ahner moved to adopt Ordinance No. 1288, read by title only and seconded by Councilperson Gardner.*

Councilperson Hollowell said that the City adopted section A and C, but did not adopt section B of the Building Code Bureau, so the payment to the Board of Adjustment would not apply. Attorney Rice agreed.

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**\*\*** *On roll call vote, the motion **failed** 8-0.*

**E. RESOLUTION NO. 3788:** A Resolution Creating A Leave Administration Policy Within The City Of Miles Personnel Policies

**\*\*** *Councilperson Brush moved to approve Resolution No. 3788, read by title only and seconded by Councilperson Andrews. On roll call vote, the motion **passed** 8-0. **Resolution No. 3788 was adopted.***

**F. RESOLUTION NO. 3789:** A Resolution Authorizing The City Of Miles City To Enter Into A Subrecipient Agreement For The Miles City Area Transportation Plan

**\*\*** *Councilperson Gardner moved to adopt Resolution No. 3789, read by title only and seconded by Councilperson Galbraith.*

Councilperson Ahner asked the following:

- Page 2, 1<sup>st</sup> paragraph: “any scope revision or increase in project cost must be agreed to beforehand in writing”, does this give the City the opportunity to discuss in advance any excess expenses that is not in the agreement?
- Page 3, Section 10: “this agreement may be terminated for convenience by either party”, does this give the City the opportunity to terminate the agreement at any time, if the City did not agree with a process?
- Page 2: “indirect cost rate is 9.13% for State fiscal year 2015”, then in the next paragraph it states that “if the project extends across more than one fiscal year, the annual rate may change.” He asked that if the next fiscal year was 10%, would the total cost to the City be increased?

Director Gray replied yes to questions 1 and 2, and thought the anticipated interest rate would be 10.37% for fiscal year 2016.

**\*** *On roll call vote, the motion **passed** 7-1, with Councilperson Ahner voting no. **Resolution No. 3789 was adopted.***

**G. RESOLUTION NO. 3790:** A Resolution Authorizing The City Of Miles To Enter Into An agreement Entitled “State Of Montana Agreement” With The State Of Montanan Historic Preservation Office For Partial Funding Of The Historic Preservation Officer Position

**\*\*** *Councilperson Galbraith moved to approve Resolution No. 3790, read by title only and seconded by Councilperson Andrews. After a brief discussion and on roll call vote, the motion **passed** 8-0. **Resolution No. 3790 was adopted.***

**H. RESOLUTION NO. 3791:** A Resolution Approving New By-Laws For The Miles City Airport Board

**\*\*** *Councilperson Gardner moved to adopt Resolution No. 3791, read by title only and seconded by Councilperson Hollowell.*

Mayor Grenz explained the change was that the board went from five members to seven members.

**\*\*** *On roll call vote, the motion **passed** 8-0. **Resolution No. 3791 was adopted.***



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### ADJOURNMENT

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

The meeting was adjourned at 8:05 p.m.



C.A. Grenz, Mayor



Lorrie Pearce, City Clerk

**Council Staff Report - Final  
SPR-2015-02 Site Plan Review  
Ingraham & Sons Shop  
Meeting Date: March 24, 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 January 20, 2015. The application was deemed sufficient for review on March 2, 2015. The 60 day review period expires on May 1, 2015.

The Planning Board held a public hearing on March 17, 2015 at 6:00 PM in the City Hall Conference Room. The Planning Board did not send a recommendation for approval, conditional approval or denial to the City Council.

**II. GENERAL INFORMATION**

**A. Project Applicant**

|                   |   |
|-------------------|---|
| <b>Applicant:</b> | Marc Ingraham<br>Ingraham & Sons  |
| <b>Owner:</b>     | Marc Ingraham<br>Ingraham & Sons<br>602 Orr St<br>Miles City, MT<br>59301 |

**B. Project Description**

The applicant and owner propose to construct a new building on the property to serve as a maintenance shop and vehicle storage. The lot currently has no structures but is already in use as vehicle storage and staging. The proposed 40' by 100' building will be slab-on-grade construction (elevated with fill to BFE plus 6 inches).

**C. Legal Description of Subject Property**

Tract B is located in the SW1/4 of Section 27, Township 8 North, Range 47 East, filed as Document #144125 in Envelope 479A at the Custer County Courthouse.

**D. Location**

The project site is located on the east side of Montana Ave, near the intersection of Montana Ave and Ivy St, adjacent to the Transco Railcar Repair train tracks. See Figures 1 and 2.

**Figure 1: Location of the subject property**

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SPR-2015-02 Site Plan Review  
Ingraham & Sons Shop  
Meeting Date: March 24, 2015

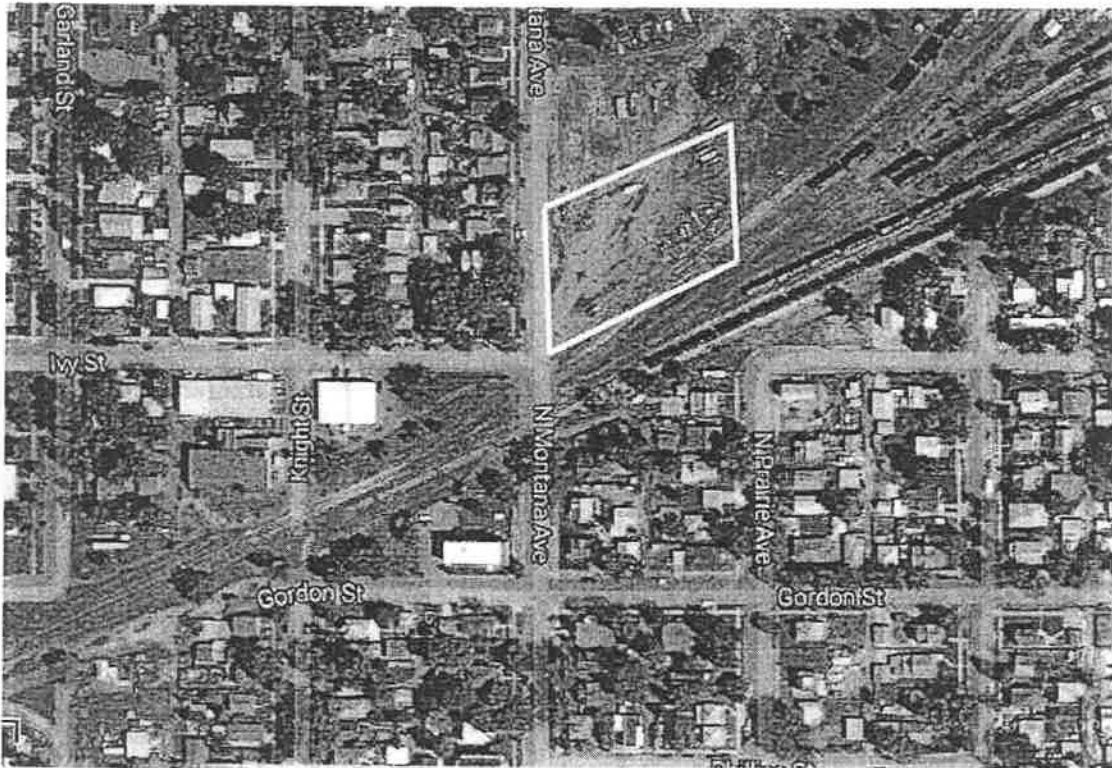


Figure 2: Looking northeast across the property from Montana Ave



**E. Land Use & Zoning**

**Existing Land Use:** The property is currently used for vehicle storage and staging.

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SPR-2015-02 Site Plan Review  
Ingraham & Sons Shop  
Meeting Date: March 24, 2015**

**Proposed Land Use:** Commercial shop for vehicle maintenance and storage.

**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 north, east, and south. A Residential A (RA) zone lies across Montana Ave to the west and across the railroad tracks to the south.

**III. COMMENTS RECIEVED**

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

- David Bourn spoke in favor of the proposed project.

**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**

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:** There is an existing driveway just north of the Transco tracks on Montana Ave serving as access the project site. Construction of the proposed building will improve the access and will have no impact on circulation patterns.*

**1.2 Emergency access/fire prevention measures**

***Finding #3:** Emergency access to the site and buildings will be the existing curb cut on Montana Ave. The site is of sufficient size to provide for easy access for emergency and fire equipment. A fire hydrant is currently located within 20 feet of the proposed building. 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.*

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Ingraham & Sons Shop  
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1.3 Traffic impacts to the surrounding road network

**Finding #4:** *The proposed building will not impact the surrounding road network as this business has been operating from the site for approximately seven years.*

1.4 Adequate storm drainage

**Finding #5:** *French drains will detain storm water runoff from the west side of the building. Downspouts on the east side of the building will be directed to the easternmost portion of the property that has historically retained storm water without overflow onto neighboring properties. The applicant has submitted engineered, stamped drainage plans for the site.*

1.5 Provisions for water, sewer and utilities

**Finding #6:** *The site has water and sewer available from Montana Ave. A power pole is located in the northwest corner of the property.*

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 is large enough (1.3 acres) to accommodate the parking requirements for the existing use. (Equipment parking and occasional visitors)*

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. On October 30, 2014, the owner received a variance from the floodplain ordinance to construct the building at BFE +6 inches without floodproofing.*

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.*

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. If the previously discussed safety concerns of Miles City Fire Department and the local building inspector are adequately addressed, the proposal will have no detrimental effect on public health, safety or general welfare.*

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*

**Council Staff Report - Final  
SPR-2015-02 Site Plan Review  
Ingraham & Sons Shop  
Meeting Date: March 24, 2015**

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

**VI. RECOMMENDATION**

Per Zoning Code 24-96(f)(8), the Planning Board "shall recommend approval, conditional approval or denial to the City Council...". However, the Planning Board voted (6-1) to send this application to Council without a recommendation or adopting the findings of fact.

Per Zoning Code 24-96(f)(10), "The City Council shall review the application and approve, approve with conditions, or deny the site plan application. The decision shall be based on the evaluation criteria in subsection (g) of the Ordinance. The City Council shall adopt finding of fact in support of its decision. The City Council may require conditions of approval designed to limit impacts to neighboring land uses and public facilities."

**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 2015-
02. 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. The water, sewer and other utilities connections shall be approved by the applicable service providers prior to construction.
6. Approved plans for adequate storm water drainage and a copy of a Municipal Facilities Exemption (MFE) from DEQ review shall be obtained prior to occupancy of the building.

**City Council Staff Report SPR-2015-01 Site Plan Review  
Mid-Rivers Telephone Cooperative, Inc. Operations Center  
Meeting Date: March 24, 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 complete application was received on January 28, 2015 and was ~~determined complete~~ for review on February 2, 2015. The Planning Board held a public hearing on March 17, 2015 at 6:00 P.M. 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 March 24, 2015. The 60 day review period expires on April 3, 2015.

Note: In the staff report presented to the planning board, condition #5 required storm water drainage plans to be approved by the Montana Department of Environmental Quality (DEQ). After learning that DEQ does not have review authority in this case, condition #5 was amended to require that the applicant's storm water drainage plans undergo local sanitation review rather than DEQ review. This modification is shown in underline – ~~striketrough~~ format.

**II. GENERAL INFORMATION**

**A. Project Applicant**

|                   |   |
|-------------------|---|
| <b>Applicant:</b> | Stevenson Design, Inc.<br>909 Main Street<br>Miles City, MT 59301                             |
| <b>Owner:</b>     | Mid-Rivers Telephone Cooperative, Inc.<br>1101 Main Street PO Box 398<br>Miles City, MT 59301 |

**B. Project Description**

The applicant and owner propose to construct a new operations center building for Mid-Rivers Telephone Cooperative, Inc. on land currently used as a grazing pasture. The proposed building would measure 208 feet by 70 feet, equating to 14,560 square feet. On the site plan the applicant has also noted two areas of potential future expansion to the proposed building – to the west a 100 foot by 70 foot expansion and to the east a 25 foot by 70 foot expansion.

**C. Legal Description of Subject Property**

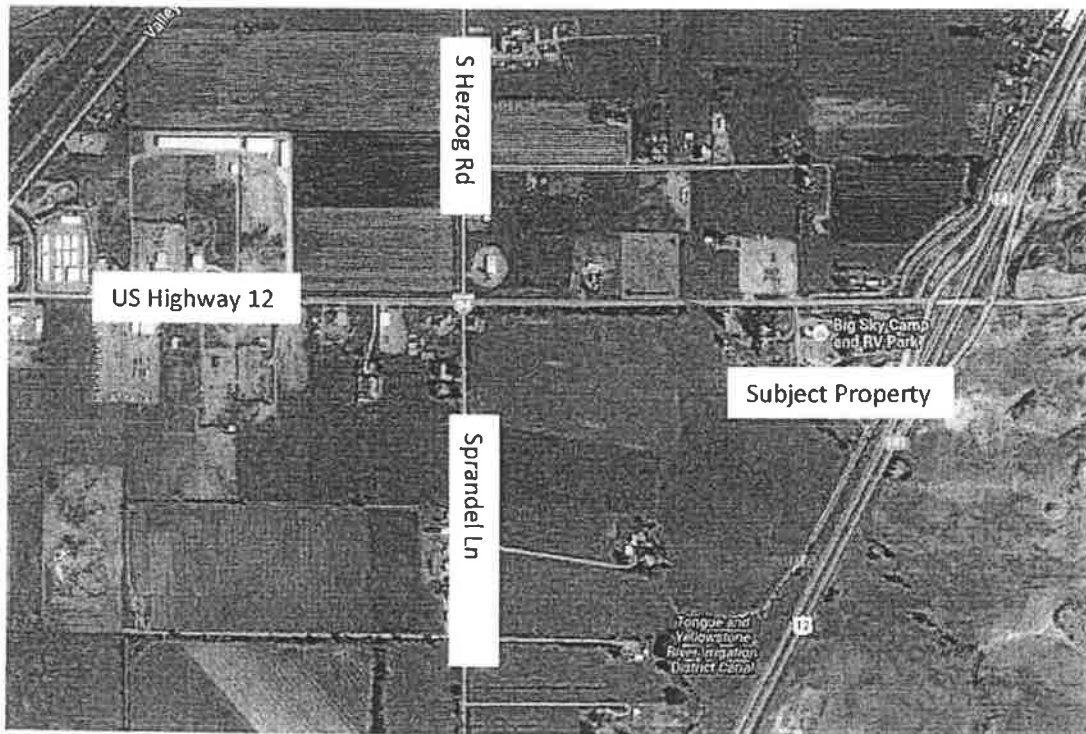
M&B Tract of Certificate 13641 located in the SE ¼ SW ¼ of Section 24, Township 8 North, Range 47 East, P.M.M., Custer County, Montana.

**D. Location**

The project site is located along the north side of US Highway 12, approximately 0.2 miles east of the intersection with Herzog Road. To the west and east of the property are two residential lots both with single family homes and both over four acres in size. To the north of the property are two lots – one vacant and one with several outbuildings. To the south of the property is US Highway 12, with agriculture uses south of US Highway 12. Please see Figure 1.

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**Figure 1: Location of the subject property**



**E. Land Use & Zoning**

**Existing Land Use:** The property is currently used as a grazing pasture.

**Proposed Land Use:** Mid-Rivers Telephone Cooperative, Inc. Operations Center.

**Existing Zoning:** Heavy Commercial (HC).

**Proposed Zoning:** No change from HC.

**F. Surrounding Land Use & Zoning**

**General Description:** The property is surrounded by HC to the west, General Commercial (GC) to the east and south, and industrial to the north.

**III. COMMENTS RECIEVED**

**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.

- Aaron Arthur – representing Mid-Rivers Communications, spoke to expected traffic generation to and from the facility as well as the potential for future building expansion



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should there be a need sometime in the future. Mr. Arthur also satisfactorily answered questions about storm water runoff and protection of the irrigation line on the south side of the property.

**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 Sanitarian
- Miles City Public Works
- Miles City Public Utilities
- Montana Department of Transportation
- Custer County Planner
- Custer County Sheriff
- Custer County Water Sewer District
- Custer County Conservation 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).*

#### **EVALUATION CRITERIA PER SECTION 24-96**

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:** The applicant has proposed relocating an existing approach from US Highway 12, located on the southeastern portion of the property, to middle of the property. An approach permit dated January 14, 2015 has been issued by the Montana Department of Transportation. The permit is for a paved 40 foot wide approach with 25 foot flare outs where the approach meets US Highway 12. The existing approach will be removed and graded.*

*Internal driving surfaces will be gravel and serve eight garage doors and 21 parking spaces, one of which will be for disabled parking. Given the layout of the building, the proposed access, and 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*

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*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 through the approach off of US Highway 12 and with ample driving and turnaround space on-site. Currently there is not a fire hydrant located on the site and the applicant does not have plans for a fire hydrant until City water is brought to the site. Custer County Rural Fire Chief Bud Peterson was contacted to review the site plan, however, no comments have been received. Any fire department requirements, such as need for fire hydrants, access improvements, sprinkler systems, and other 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:**

*US Highway 12 is two-lane roadway serving this and other properties with no major deficiencies. On the approach permit issued from MDT it is stated that there will be approximately 50 trips per day to and from the site. Given the capacity of US Highway 12 and the small number of trips per day to and from the site, the surrounding road network will not be significantly impacted by the proposed Mid-Rivers Operations Center.*

1.4 Adequate storm drainage

**Finding #5:** *Storm water runoff will increase at the site due to construction of the new building. The site plan notes that all surface water on the property will drain to a detention pond located in the northwest corner of the property sized at 3,383 cubic feet to accommodate a 2-year, 24 hour storm event.*

*The site plan indicates that the finished structure and approach will be less than one acre. However, in regard to the total amount of area disturbed, the site plan does not appear to take into account grading on the site. In the event construction activities disturb an area equal to or greater than one acre, a Storm Water Pollution Prevention Plan Permit from Montana DEQ will need to be obtained prior to start of site improvements and construction.*

*Land Solutions has obtained comments from Mike Rinaldi, Miles City Sanitarian. Mr. Rinaldi has requested additional information regarding storm water runoff including a formal storm water site plan with calculations stamped by an engineer because this is a commercial project. In addition, the applicant will need to ensure that all roof runoff drains away from the structure and parking lot to avoid pooling of water around the building and in the parking area. 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 DEQ or its designee, prior to construction.*

1.5 Provisions for water, sewer, and other utilities

**Finding #6:**

*Custer County Water & Sewer District noted that "this parcel is within the service area of the CCW&SD, and the District is willing to provide service to this property provided they follow the District's rules and policies, and make appropriate arrangements and obtain necessary approvals for any needed improvements to the water and sewer systems. A*

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sewer main exists near the south boundary of this property, so connecting for sewer service should be relatively straightforward. This main has adequate capacity to service this property.

"No water main exists in this area. A (water) main is under construction to the Optiblend property and arrangements are in the works to possibly extend this main to the Cenex property, but this possible extension is not a certainty at this time. A main can be extended further to the Mid-Rivers property but that will need to be designed with the required approvals obtained. As this water main is extended further east along Highway 12, pressures will slowly reduce due to the increasing ground elevations and increasing losses in the pipeline due to the increasing length. Domestic demand should not be a problem but there will be a limit to the fire flow available at this location due to these two factors. A more detailed analysis of this matter is needed with a brief report prepared that can be reviewed and coordinated with the District. This of course depends on the fire flow needs for this building and its design, which may be able to be modified to fit within any fire flow limitations."

In addition, Miles City's public utilities director noted that for the drains in the shop area, a sand and oil separator will need to be installed for the sewer line.

For water the applicant proposes installing a well. In addition, the site plan also shows a stub out for future city water connection should a water main be extended to the site in the future.

All other utility 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 shows 21 parking spaces, one of which will be for disabled parking. The applicant has stated that 12 full time employees will use the facility on a regular basis. As the zoning code requires one parking space per employee, the project provides more parking than required. 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 HC 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.*

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

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**Finding #11:** *The proposed project is located in an established commercial area. The proposal includes building a new operations center for Mid-River Communications. The proposal will have no detrimental effect on public health, safety or general welfare.*

- 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 operations center will not substantially impair or diminish the permitted uses in this area as the property has been zoned for heavy 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 relocated ingress and egress point will directly access US Highway 12 a public street. The commercial use will add minimal traffic (50 trips per day) to US Highway 12, which will likely increase traffic at the intersection of US Highway 12 and Interstate-94. However, given the capacity of US Highway 12 and limited number of trips per day the proposed operations center will not substantially increase traffic congestion on public streets.*

**V. 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.

**VI. 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-2015-01. 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 State Fire Marshall 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 Heavy Commercial (HC) District Section 24-61.

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5. Hard copies of the storm water drainage plans shall be submitted for review to the Miles City Sanitarian. Miles City Sanitarian approval of the storm water drainage plans shall be required prior to construction.

~~5. Storm water drainage plans shall approved by Montana DEQ or its designee. Approval of the storm water drainage plans shall be required prior to construction.~~

6. In the event, construction activity disturbs an area equal to or greater than one acre, a Stormwater Pollution Prevention Plan Permit from Montana DEQ will need to be obtained prior to start of site improvements and construction. Prior to construction, the applicant will need to document the entire area of disturbance, not just the finished construction area.

7. Sand and oil separators will need to be installed on drains in the shop area.

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

9. The owner or authorized representative must follow the conditions laid out in the approach permit issued by MDT.