

Human Resources Committee

April 4, 2013

The **Human Resources Committee** met Thursday, April 4, 2013, at 6:00 p.m. in the Conference Room at City Hall. Present were Committee Chairperson John Uden, Committee Members Bill Melnik, Mark Ahner and Roxanna Brush. Also present were Mayor C.A. Grenz, Community Service Planner Dianna Broadie, Historic Preservation Officer Connie Muggli and Committee Recorder HR/Payroll Officer Billie Burkhalter.

1. Roll Call

- Noted above

2. Consider creating a new Department for Historic Preservation Office

Chairperson Uden referenced City Attorney Dan Rice's letter, in which the Attorney has drafted an Ordinance that would revise a portion of Section 2-351. That Ordinance would change the Historic Preservation Officer from "a volunteer or employed by an appropriate City department" to the following: "a volunteer or employed by the City, and shall be under the supervision of the Mayor".

Chairperson Uden stated that apparently one of the issues is that the Historic Preservation Officer answers to three different supervisors; the Mayor, Community Service Planner and the Historic Preservation Commission. Preservation Officer Muggli explained she actually has to answer to an additional person, who is the State Preservation Officer, who can delegate additional activities to her. Preservation Officer Muggli stated she has a scope of work that the Commission designs as per the grant agreement, and she has a scope of duties with a pretty clear outline of what she is supposed to be doing. The Commission meets once a month, and decides if this will be completed or not. She also pointed out that her position description states she is accountable to the Commission. Preservation Officer Muggli questioned that since she does answer to a lot of people, she doesn't know where it all fits together, and would like some criteria about that.

Committee Member Brush stated she doesn't know where it all fits together either, as the Commission drafted the Historic Preservation Officer's job description, and she questions whether that position would even qualify as a "department" of the City. Preservation Officer Muggli explained that either the agreement or Ordinance states that her position will be attached to the City.

Chairperson Uden stated one of the purposes of this Committee is to address problems in a way that allows people to continue with their jobs. Based on information, it appears there are problems and questioned if Planner Broadie was having problems with the Historic Preservation office. Planner Broadie explained that this was not an appropriate place to discuss the issues between the two offices, but would state that supervision was an issue. Preservation Officer Muggli stated she believes the problem arose due to her not being aware that she needed to seek approval from the Planning

Officer for the process of applying for grants. She explained she just follows the scope of work and is confused on who she answers to and would like it resolved.

Committee Member Brush stated that due to this issue, there has been conflict in the Planning Board meetings and questioned whether what is being proposed would even solve the issues. She further explained that regardless of supervision, they work together, whether that is Zoning or Planning. Preservation Officer Muggli stated that is a good point, she needs to work with all the City departments on an equal basis and should not be under the influence of any departments that she works with.

Planner Broadie explained the Ordinance states the Historic Preservation Officer is under a department within the City, but the job description has the position accountable to the Commission. She had reworked the job description for clarity and sent it to the City Attorney to coincide with the Ordinance before this issue was placed on the agenda. Planner Broadie explained that either the job description needed to be changed or the Ordinance needed to be changed.

Committee Member Ahner questioned how the Historic Preservation Commission would feel if the position description was changed to state "supervision received directly from the Mayor, with consultation from the Commission". Preservation Officer Muggli stated it would be up to the City on how her position would be set up and it would not matter one way or the other to the Commission. What does matter is that the Commission will have the ability to do what it states in the CLG Agreement, in State and Federal law and in the Ordinance.

Preservation Officer Muggli explained that another thing she feels is an issue is that she does not understand Planner Broadie's role in the budget. The Historic Preservation budget is a special revenue fund and that budget is not under the Planning department at all. So she doesn't understand how Planner Broadie can direct her hours, activities and her budget.

Committee Member Ahner stated, after reading through Ordinance #1109, it doesn't state anywhere that the Commission will supervise the Historic Preservation Officer. Preservation Officer Muggli stated that it was in the CLG Agreement.

Committee Member Ahner asked both Planner Broadie and Preservation Officer Muggli if they were for or against moving supervision of this position to Mayor Grenz. Planner Broadie stated she was neutral on this decision. Preservation Officer Muggli responded that her position would be more effective under the supervision of the Mayor. Mayor Grenz stated he doesn't want to fix the blame just the problem and any hostilities are counterproductive; if this would help resolve the problem, then he is for it. He requested this be done on a probationary basis to make sure this works. If it does not, then they will need to look at it again. Mayor Grenz suggested adopting the revised Ordinance that was submitted by Attorney Rice, with a provision that states this would be reviewed in six months. The Committee was in agreement.

Committee Member Brush questioned what the Committee needed to do concerning the position description? Would the Historic Preservation Officer be a "City

employee" and have a City job description or be under the Commission with their job description. Chairperson Uden stated that, since Federal and State money was involved, the Commission would need to come up with a position description that encompasses all that, with the addition that it is a City employee position. Planner Broadie stated the draft revisions to the position description that she had submitted to the City Attorney would still apply and clarify this.

****** *Chairperson Uden moved to recommend to Council to adopt the Ordinance revising Section 2-351 of the Code of Ordinances of the City of Miles City, so as to call for the Historic Preservation Officer to be under the supervision of the Mayor and approved on a six month probationary basis. Motion seconded by Committee Member Brush and, on roll call vote, motion passed unanimously.*

3. Request of Citizens

- None

4. Committee Members' comments


Committee Member Brush requested that the proposed changes to the Hiring Policy be placed on the next agenda.

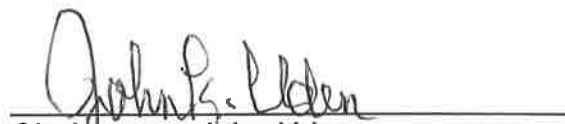
5. Adjournment

****** *Committee Member Brush moved to adjourn the meeting. The motion was seconded by Committee Member Melnik and passed.*

The meeting was adjourned at 7:00 p.m.

Respectfully submitted,


Billie D. Burkhalter, Recorder


Chairperson John Uden

HUMAN RESOURCES COMMITTEE AGENDA

DATE: Thursday, April 4, 2013

TIME: 6:00 PM

PLACE: City Hall Conference Room

AGENDA:

- 1) Roll Call**
- 2) Consider creating a new Department for Historic Preservation office.**
- 3) Citizen Request.**
- 4) Committee members' comments.**
- 5) Adjournment**

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



CITY OF MILES CITY

OFFICE OF THE CITY ATTORNEY

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Miles City, MT 59301
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DANIEL Z. RICE
City Attorney

April 1, 2013

Human Resources Committee
17 South 8th
Miles City, Montana 59301

Re: Historic Preservation "Department."

Councilman Uden and Committee,


I have reviewed the existing ordinances as they pertain to historic preservation, as well as other departments. I do not find express language "creating" any departments within the code of ordinances. Rather, it appears that any position which oversees others and/or reports directly to the Mayor is generally treated (collectively) as its own "department."

I have drafted the attached ordinance, which would revise that portion of Section 2-351 which calls for the preservation officer to be "a volunteer or employed by an appropriate city department" to the following: "a volunteer or employed by the city, and shall be under the supervision of the mayor."

I feel that it would be wise for the whole council to consider passing an ordinance for each established department within the city, stating in effect that "there is hereby created X department, and the department head of X department shall be Y." I have had difficulty determining precisely which departments there are within our city government, which persons are department heads, etc.

I have attached a relevant portion of the Butte-Silver Bow Municipal Code, which likewise calls for their preservation officer to be under the supervision of the chief executive / mayor, for your reference.

Sincerely,



Daniel Z. Rice

ORDINANCE NO. _____

AN ORDINANCE REVISING SECTION 2-351 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, SO AS TO CALL FOR THE PRESERVATION OFFICER TO BE UNDER THE SUPERVISION OF THE MAYOR.

The City Council of the City of Miles City has determined that, to ensure the efficient and independent operations of the historic preservation committee and historic preservation officer, the historic preservation officer shall be under the supervision of the mayor.

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

Section 1. Section 2-351 shall be amended to read as follows:

“Sec. 2-351. – Preservation officer.

A preservation officer will be appointed by the mayor with the concurrence of the city council and the commission. Such officer may be a volunteer or employed by the city, and shall be under the supervision of the mayor.

- (1) The preservation officer must have demonstrated interest, competence, or knowledge in historic preservation.
- (2) Duties of the preservation officer include coordinating local historic preservation programs, helping in the development of local surveys, preservation planning documents, providing assistance to the local commission, government agencies and the public and ensuring to the extent practicable, that the duties and responsibilities of the division are carried out.”

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

Said Ordinance read and put on its passage this ____ day of _____, 2013.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

ORDINANCE NO. _____

FINALLY PASSED AND ADOPTED this _____ day of _____, 2013.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

ORDINANCE NO. _____

Butte-Silver Bow Municipal Code

Title 2, Chapter 2.64

HISTORIC PRESERVATION COMMISSION*

Sections: 2.64.010 Purpose and intent. 2.64.020 Objective. 2.64.030 Scope. 2.64.040 Definitions. 2.64.050 Historic preservation commission (HPC) established. 2.64.060 Appointment—Terms—Vacancy. 2.64.070 Powers and duties. 2.64.080 Local historic preservation officer. 2.64.090 Meetings. 2.64.100 Local register property. 2.64.110 Design review protection, historic preservation guidelines, and certificates of appropriateness. 2.64.120 Demolition permit review and demolition by neglect program. 2.64.130 Local preservation incentives. 2.64.140 Appeals. 2.64.150 Appropriations. 2.64.160 Public safety exclusion. 2.64.170 Enforcement and penalties. 2.64.180 Severability clause.

* Prior ordinance history: Ords. 239, 267 and 396.

2.64.010 Purpose and intent.

The city and county of Butte-Silver Bow (city-county) hereby recognizes that the national historic landmark district is nationally known and is significant for its extensive national mining, labor history and concentrated collection of buildings and sites. The sheer number of extant contributing resources and the unique industrial character of the district are extraordinary, and represent an era and a way of life tied to the industrial growth of the nation. Butte's unique qualities have proven increasingly attractive to residents, businesses and tourists because, by their national historic landmark designation, they are important to all Americans.

As a matter of public policy, the city-county aims to preserve, enhance and perpetuate those aspects of the city-county that have cultural, architectural and/or archeological merit. Such historic preservation activities will promote and protect the health, safety, prosperity, education and general welfare of the people living in and visiting Butte-Silver Bow.

More specifically, this preservation ordinance is designed to achieve the following goals.

A. To provide for an appointed group of citizens of the city-county charged with establishing a local historic preservation program, integrating historic preservation into local, state and federal planning and decision-making processes and identifying, evaluating and protecting historic resources within the city-county's historic district;

B. To provide for a historic rehabilitation tax abatement review committee;

C. Recognize the uniqueness and visual character of the area by encouraging historic preservation activities;

D. Promote public appreciation and education by encouraging greater knowledge, awareness and understanding of the area's cultural history;

E. Promote heritage tourism as a benefit to the local economy by identifying and protecting the area's significant historical and cultural values;

F. Encourage the integration of historic preservation into private, local, state and federal decision-making processes having the potential to affect prehistoric and historic properties within the jurisdiction of the city-county;

G. Recognize the historical importance of the city-county's resources and carry that historical

property. Certificate of appropriateness is not required for ordinary maintenance and repairs.

G. "Certified local government" hereinafter referred to as "CLG" means a local historic preservation program that has been certified by the state historic preservation office (SHPO) and National Park Service. It is the local government, and not the HPC, that is certified. 36 CFR 61.

H. "City-county" means the local government of the city and county of Butte-Silver Bow, state of Montana, and where applicable, includes its officers, employees, agencies, boards and commissions.

I. "Conditional approval" means the HPC may offer measures to owners or applicants, that, if accepted, would allow the HPC to approve a permit or certificate of appropriateness.

J. "Council of commissioners" hereinafter referred to as "council" means the governing body of the local government of the city and county of Butte-Silver Bow, state of Montana.

K. "Demolition" means the complete or partial removal of an historic property. This includes the removal of major architectural features, landscape and historic signage.

L. "Demolition by neglect" means the improper maintenance or lack of maintenance of any historic property which results in substantial deterioration of the historic property and threatens its continued preservation.

M. "Design review protection" means a procedure designed to affect the physical condition of a property by avoiding deterioration, loss, danger or damage that shall be developed and used by the HPC to evaluate alteration and changes to local register properties, and shall apply in the case of demolition or demolition by neglect to historic properties.

N. "Historic preservation" means identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation and education and training regarding these activities or any combination.

O. "Historic preservation commission" means the commission created by this chapter and appointed by the chief executive and confirmed by the council, and that is responsible for creating and administering an historic preservation program for Butte-Silver Bow County.

P. "Historic property" means any prehistoric or historic district, site, landscape, building, structure, object or traditional cultural property included in, or eligible for, inclusion in the national register, including artifacts, records and material remains related to such a property or resource. Properties listed as contributing in a national historic landmark district are automatically listed in the National Register of Historic Places.

Q. "Historic rehabilitation tax abatement review committee" means the HPC created by this chapter which is responsible for hearing local tax abatement application requests for local register properties, and new construction within the historic district, and reporting its findings to the council.

R. "Integrity" means the ability of a property to convey its significance via its location, design, setting, materials, workmanship, feeling and association.

S. "Jurisdiction" means, solely for this chapter, that the jurisdiction of the HPC is identical to those of Butte-Silver Bow County.

T. "Local historic preservation officer" hereinafter referred to as "HPO" or "Preservation Advisor," means the official appointed by the local government who shall serve as the secretary to the historic preservation commission under the supervision of the chief executive.

U. "Local register property" means an historic property that has been designated to the local register by the HPC and are subject to the design review protection. Properties are listed with the consent of the owner. By consenting to have their property listed the owner(s) agree to maintain

ORDINANCE 1109

AN ORDINANCE ESTABLISHING A LOCAL PRESERVATION COMMISSION FOR THE CITY OF MILES CITY, MONTANA, AND PRESCRIBING ITS DUTIES AND FUNCTIONS.

WHEREAS, The historic resources and cultural heritage of Miles City contribute and provide cultural, educational, entertainment, recreational and economic benefits available to and used by the citizens of the City of Miles City and the State of Montana and thereby enhance the general welfare and environment.

WHEREAS, The establishment of a Miles City Preservation Commission will promote and encourage public programs to further public awareness and preservation of historic resources and cultural heritage of Miles City.

NOW THEREFOR BE IT ORDAINED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THE INCLUSION OF THE FOLLOWING ORDINANCE INTO THEIR MUNICIPAL CODE:

- Section 1: Establishment
- Section 2: Purpose and Function
- Section 3: Initial Appointment
- Section 4: Qualifications
- Section 5: Meetings and Records
- Section 6: Preservation Officer
- Section 7: Severability
- Section 8: Sunset Provision
- Section 9: Effective Date

Section 1: Establishment:

- (A) The City recognizes cultural heritage and historic preservation as qualities essential to human need and the physical beauty, economic health and quality of life of Miles City. A Preservation Commission of the City of Miles City (hereinafter referred to as the "Commission") shall be established to promote and coordinate cultural heritage and historic preservation activities in Miles City, Montana.
- (B) The Commission shall consist of ~~seven (7) members as follows:~~ three (3) members with professional expertise in the disciplines of history, planning, archeology, architecture, or other preservation related disciplines such as cultural geography or cultural anthropology, one (1) member from City government, and three (3) members from the public at large

Section 2: Purpose and Function:

- (A) The Commission will participate in surveys to assess local needs and aspirations concerning the promotion and preservation of the community's historic resources and cultural heritage.
- (B) The Commission will maintain a system for the survey and inventory of historic and prehistoric properties. The commission shall maintain this inventory of identified districts, sites and/or structures within the City of Miles City and make this information available to the public.
- (C) The Commission will use the National Register of Historic Places criteria for the designation of properties as a historic district or site and shall apply these criteria for local designation of historic and prehistoric properties.
- (D) The Commission will participate in the process of nominating to the National Register of Historic Places according to the Montana State Regulations for Certified Local Governments, Section VI (B). This includes reviewing and commenting on any National Register Nominations on property within the City of Miles City.
- (E) The Commission will review and comment on planning programs undertaken by the city, through the city zoning commission, the city/county planning board, and state and federal agencies which relate to historic resources such as land use, municipal improvements, housing and other public programs. This review and comment shall be scheduled within timelines in place for whatever action is being taken.
- (F) The Commission will be available to consult with city, state, and federal agencies on all undertakings, including but not limited to applications, environmental assessments, environmental impact statements and other similar documents pertaining to land use in historic districts, archeological sites, landmarks or neighboring properties within the City of Miles City. Comments by the commission shall be sent to the state historic preservation office and/or such agencies, commissions or officers as may be pertinent.
- (G) The Commission will review the local zoning regulations for their applicability to historic districts and sites and make appropriate recommendations to the city zoning commission concerning changes or modifications to the zoning regulations and/or district boundaries.
- (H) The Commission will make recommendations to the Board of Adjustment regarding variance applications within any Historic District Overlay Zone which require actions by the Board of Adjustment.
- (I) The Commission will create guidelines for restoration, alteration, decoration, demolition, landscaping or maintenance of buildings within designated historic

Ordinance. Regularly scheduled meetings shall be held at City Hall, unless another location is designated.

- (B) The Secretary of the Commission shall keep a record of the meeting's proceedings. Copies of the minutes shall be submitted to the City Council for inclusion to the guidelines set forth in the "Certified Local Government Program in Montana" and make all written or taped minutes available to the public.

Section 6: Preservation Officer:

- (A) A Preservation Officer will be appointed by the Mayor with the concurrence of the City Council and the Commission. Such Officer may be a volunteer or employed by an appropriate City department.

- (1) The Preservation Officer must have demonstrated interest, competence, or knowledge in historic preservation.

- (2) Duties of the Preservation Officer include coordinating local historic preservation programs, helping in the development of local surveys, preservation planning documents, providing assistance to the local Commission, government agencies and the public and ensuring to the extent practicable, that the duties and responsibilities of this Ordinance are carried out.

Section 7: Severability:

- (A) When discrepancies exist between this Ordinance and State or Federal laws, the State or Federal laws shall prevail.
- (B) When portions of this Ordinance become invalid due to conflict with State or Federal laws, the unaffected portions of this ordinance shall remain in force.

Section 8: Sunset Provision:

- (A) The provisions of this Ordinance shall be in effect for a period of ten (10) years from the effective date of the Ordinance.
- (B) Ninety (90) days prior to the expiration date of this Ordinance, the City Council shall conduct a public hearing to consider testimony concerning the effectiveness of the Commission.
- (C) Following public hearing and prior to the expiration date of this Ordinance, the City Council may amend this Ordinance for the continuation of the Commission.

- (D) Failure to amend the "sunset provisions" of this Ordinance, as prescribed above, shall cause the Commission to be disbanded and cease to exist as a commission of the City of Miles City.

Section 9: EFFECTIVE DATE.

(a) This Ordinance shall be in full force and effect thirty (30) days after its passage and approval.

(b) This Ordinance was presented as approved by the City Council as follows:

SAID ORDINANCE READ AND PUT UPON ITS PASSAGE THIS 22nd DAY OF JUNE, 1999.

GEORGE T. KURKOWSKI, Mayor

ATTEST:

Patricia D. Huss, City Clerk

SAID ORDINANCE PASSED AND APPROVED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 13th DAY OF JULY, 1999.

GEORGE T. KURKOWSKI, Mayor

ATTEST:

Patricia D. Huss, City Clerk

Agreement Number: MT-12-021

STATE OF MONTANA AGREEMENT

This agreement (Agreement) is hereby made between **City of Miles City**, 907 B Main Street, Miles City, MT 59301 (The "Subgrantee") and the Montana State Historic Preservation Office, Montana Historical Society, 1410 8th Ave, PO Box 201202 Helena, Montana 59620-1202 (The "Grantee"). The two parties, in consideration of mutual covenants and stipulations described below, agree as follows:

SECTION I: SERVICES

The Subgrantee shall:

1. Maintain an active Historic Preservation Commission (HPC) that will advocate for preservation, assist the HPO to accomplish preservation goals, and fill vacancies on the HPC promptly.
2. Participate in and carry out the responsibilities for Certified Local Government program status as outlined in "The Montana Certified Local Government Manual."
3. Insure historic preservation concerns are considered at all levels of local government planning and are incorporated as goals of other local, state, and federal projects.
4. Administer local preservation ordinances.
5. Have on staff a minimum half-time designated Historic Preservation Officer (HPO) who demonstrably plays an active and consistent role in the conduct of the subgrantee's historic preservation activities. On behalf of the Subgrantee it is the role of HPO to conduct these activities and/or work with the HPC to:
 - a. Regularly report on HPC activities at local government Commission meetings and be available for comment to these groups and other local government offices;
 - b. Monitor Preservation Covenants and Agreements and provide historic preservation information and assistance to property owners;
 - c. Provide technical assistance, direction, literature on historic preservation tax credits, National Register, Federal regulations and Secretary of Interior Standards;
 - d. Inspect and evaluate historic properties for potential and feasible reuse and rehabilitation;
 - e. Coordinate, promote and participate in events such as National Historic Preservation Week and/or other preservation related activities;
 - f. Cooperate and communicate with the Grantee and fellow HPO/HPCs in Montana and elsewhere as appropriate; and
 - g. Submit semi-annual progress reports, meeting minutes and financial reports per deadlines outlined in this agreement. In the Final Progress Report, the HPO will identify benefits the local government has derived as a result of the employment of a HPO, the needs of the local government for future professional preservation efforts, and any additional functions of the HPO carried out which further the understanding and implementation of historic preservation values

and objectives in the local government.

6. Send at least one (1) person from the Certified Local Government to a State Historic Preservation Office (SHPO) - approved training. The attendee shall attend the entire training and report back to their Preservation Commission.

All work completed under this funding agreement must meet the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation as interpreted by the Grantee. Final products or services that do not fulfill the requirements of this Agreement, and do not comply with the appropriate Secretary of the Interior's Standards, will not be reimbursed, and any advance payments made in connection with such products or services must be repaid to the Grantee.

SECTION II: EFFECTIVE DATE, DURATION, AND REMUNERATION

The Agreement shall take effect as of April 2, 2012 and shall terminate March 31, 2013 unless a new termination date is set or the agreement is terminated pursuant to SECTION IV. Total payments by the "Grantee" for all purposes under this contract shall not exceed \$5,500. Payment shall be made on a reimbursement basis by request of Subgrantee to the SHPO.

SECTION III: CONSIDERATION AND PROCESS FOR PAYMENT

In consideration of Services rendered in this Agreement, the Grantee agrees to pay the Subgrantee as follows:

1. The Subgrantee agrees to submit semi-annual Progress Reports, meeting minutes, and Requests for Reimbursement. Reports will be accompanied by the following documentation:
 - a. The Subgrantee's name, address and agreement number **MT-12-021**;
 - b. Report discussing work completed during the reporting period. Include meeting agendas and minutes;
 - c. An itemized listing of cash or in-kind donations that comprise the non-federal match;
 - d. An itemized listing of project expenses that are charged to the federal grant;
 - e. The net request for payment; and
 - f. Products produced during the reporting period.
2. All Requests for Reimbursement must be approved by the Grantee prior to payment. Payment for work completed under this Agreement may be withheld pending the delivery and acceptance of such items. All Subgrantees must retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of 3 years or until an acceptable audit (accessible by auditors) has been performed and all claims and audit findings involving the records have been resolved. The 3-year retention period starts from the date of the submission of the final report. A final Request for Reimbursement must be submitted within thirty (30) days of the termination of this Agreement if they are to qualify for payment. *Retention Schedule*
3. All Requests for Reimbursement will be reviewed for eligibility and allowability under Chapters 12, 13 and 14 of the National Park Service's Historic Preservation Fund Manual and the State CLG

Grants Manual.

2. The process for the selection of subcontractors to perform the services under this Agreement, regardless of whether by competitive bidding or negotiated procurement, shall be conducted in a manner that provides maximum open and free competition. Procurement procedures shall not restrict or eliminate competition. Examples of what is considered to be restrictive of competition include, but are not limited to: (1) placing unreasonable requirements on firms or individuals in order for them to qualify to do business, (2) non-competitive practices between firms, (3) organizational conflicts of interest, and (4) unnecessary experience and bonding requirements.
3. Competitive bidding or negotiated procurement is required for all survey and planning subcontracts. Proposals shall be requested from an adequate number of sources (at least two or three sources) to permit reasonable competition. The Request for Proposals shall be publicized and reasonable requests by other sources to compete shall be honored to the maximum extent practicable. The Request for Proposals shall identify the survey or planning area, population, number of properties to be inventoried, funds available and volunteer support (if applicable). The Subgrantee shall document in writing the evaluation criteria used and the results of the technical evaluation of the proposals received, determinations of responsible offerors for the purpose of written or oral discussions, and selection for subcontract award. Subcontractors shall be selected on the basis of qualification, subject to negotiation of fair and reasonable compensation. Unsuccessful offerors shall be notified promptly. A copy of documentation of the selection process will be submitted to the Grantee prior to the initiation of the project.
4. Noncompetitive negotiation may be used with prior written approval from the Grantee when, after the solicitation in accordance with Section VI, 3. above, competition is determined inadequate.
5. The Subgrantee will notify the SHPO upon the selection of a subcontractor. Subgrantee will verify Subcontractor is not on the debarred list. A copy of this contract will be submitted to the SHPO for review and written approval prior to its execution.
6. Prior to the beginning of project work or any grant payment, the Subgrantee must submit to the SHPO the below listed items to demonstrate that the federal procurement requirements have been met in full:
 - a. Copies of the letters to qualified sources and public advertisements requesting proposals and/or invitations to bid;
 - b. Copy of the Subgrantee documentation of the selection criteria and process;
 - c. A copy of the successful proposal and a description of the Subgrantee reasons for selection;
 - d. Listing of the unsuccessful offerors; and
 - e. Copy of the proposed contract between the Subgrantee and the subcontractor.

Note: SHPO must review and approve all contracts between the Subgrantee and subcontractors prior to their execution. The parties agree that there will be no assignment or transfer of this Agreement or any interest in the Agreement and that no service required under this Agreement may be performed under subcontract unless both parties agree in writing.

SECTION VII: EQUAL EMPLOYMENT OPPORTUNITY

1. Pursuant to Sections 49-2-303 and 49-3-207 of the Montana Code Annotated and the federal Civil Rights Act of 1964, (as amended) and Equal Employment Opportunity statute, in all hiring or employment made possible by or resulting from this Agreement, the Subgrantee: 1) will not discriminate against any employee or applicant for employment because of race, color, social condition, religion, sex, age, national origin, marital status, creed, political affiliation, or physical or mental handicap; and 2) will take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to their race, color, religion, sex, or national origin. This requirement applies to, but is not limited to, the following: employment, promotion, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Subgrantee will comply with all applicable statutes and Executive Orders on equal employment opportunity, including enforcement provisions, as implemented by, but not limited to, Department of the Interior policies, published in 43 CFR 17.
2. The Subgrantee will comply with Section 504 of the Rehabilitation Act of 1973 which provides that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
3. The Subgrantee will comply with The Age Discrimination Act of 1975 prohibiting discrimination on the basis of age in programs and activities receiving Federal Financial assistance.

SECTION VIII: FAIR LABOR STANDARDS

The Subgrantee agrees to comply with all Federal and State wage and hour rules, statutes, and regulations, and warrants that all applicable Federal and State fair labor standards and provisions will be complied with both by the Subgrantee and any subcontractors, in the event that subcontracted services are employed to fulfill the terms and conditions of this Agreement are agreed upon by the MHS, SHPO and the Subgrantee.

SECTION IX: PROHIBITION AGAINST LOBBYING

The Subgrantee must conform to provisions of 18 USC 1913:

"No part of the money appropriated by an enactment of Congress shall in the absence of express authorization by Congress be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or any other device intended or designed to influence in any matter a Member of Congress, to favor or oppose, by vote or otherwise, any legislation of appropriation by Congress, whether before or after introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers or employees of the U.S. or its Departments or agencies from communicating to Members of Congress on the request of any Member of Congress, through the proper channels, requests for legislation or appropriation that they deem necessary for the efficient conduct of the public business." Thus, costs associated with activities to influence legislation pending before Congress, commonly referred-to as "lobbying" is unallowable

under this Agreement.

SECTION X: INDEMNIFICATION

The Subgrantee agrees that it will hold harmless and indemnify the MHS from any and all losses that may result to the Grantee because of negligence on the part of the Subgrantee, its agents, representatives, or employees. The Subgrantee shall hold harmless the MHS from any and all claims arising out of the execution of this Agreement for injury to third persons, including their agents, employees, or volunteers, recipients, and to the public at large, for injury to property of persons, which arise out of any Subgrantee's actions.

SECTION XI: WORKERS' COMPENSATION

The Subgrantee and all independent subcontractors earning compensation under this funding agreement must elect to be bound personally and individually by the provisions of compensation plans 1, 2 or 3, but he/she may apply to Montana Workers' Compensation division for an exemption from the Worker's Compensation Act. The application must be made in accordance with the rules adopted by the division.

The division may deny the application only if it determines that the applicant is not an independent contractor. When the division approves an application it is conclusive as to the status of an independent contractor and precludes the applicant from obtaining benefits under this chapter.

SECTION XII: MODIFICATIONS AND PREVIOUS AGREEMENTS

1. This instrument contains the entire Agreement between the parties, and no previous statements, promises, or inducements made by either party or agent of either party which are not contained in this written agreement shall be valid or binding. This agreement may not be enlarged, modified, or altered except in writing signed by the parties and attached to the original of this Agreement, except as provided under Section IV (1). No change, addition, or erasure of any printed portion of this Agreement shall be valid or binding upon either party.
2. Any changes that substantially alter the scope of work or the cost of the approved project must be submitted as a project amendment. These amendments must have prior written approval from NPS before the change is implemented. Change orders will be treated as amendments. SHPO will be consulted to review the change to determine if it substantially alters the scope of work or the cost of the approved project. If the change is determined to be substantial, the SHPO will process the amendment through NPS. Failure to notify the SHPO of any such changes may be construed as just cause for revocation and/or recovery of the grant funds.

SECTION XIII: CONFLICT OF INTEREST

No officer or employee of the MHS or member of the Society Board or State Preservation Review Board and no member of the Subgrantee's governing body at localities in which the project is situated or being carried out who exercises any functions or responsibilities, or who enjoys a position of influence in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Agreement which affects his or her personal or pecuniary interest. The

Subgrantee agrees that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement.

SECTION XIV: COPYRIGHT PROHIBITION

1. Except as otherwise provided in the terms and conditions of the grant agreement, the Subgrantee is free to copyright any books, publications, or other copyrightable materials developed as a result of this Agreement. However, any such copyrightable materials will be subject to a royalty-free, nonexclusive, and irrevocable license throughout the work to the Grantee and/or the US Government to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.
2. Any materials produced as a result of this Agreement which are to be publicly distributed, shall include the following statement:

The (activity) that is the subject of this (type of publication) has been financed (in part/entirely) with Federal funds from the National Park Service, U.S. Department of Interior, and administered by the SHPO of Montana. The contents and opinions do not necessarily reflect the views or policies of the U.S. Department of the Interior or the Montana Historic Preservation Office, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior or SHPO.

3. Publications must include the nondiscrimination statement:

This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, age, or disability in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to:

Office for Equal Opportunity
National Park Service
1849 C Street, N.W.
Washington, D.C. 20240

4. The Subgrantee shall not include in the materials produced as a result of this Agreement any copyrighted matter without the written approval of the copyright owner that provided SHPO and the United States Government with written permission to use the material in the manner provided herein.

SECTION XV: AUDITING

The Subgrantee agrees to allow access to the records of the activities covered by this Agreement as may be necessary for legislative post-audit and analysis purposes in determining compliance with the terms

of this Agreement. The Subgrantee shall maintain all administrative and fiscal records relating to this project for three years after the final grant reimbursement is made by the Grantee to the Subgrantee. Notwithstanding the provisions of SECTION IV, this Agreement shall automatically terminate upon any refusal of the Subgrantee to allow access to records necessary to carry out the legislative post-audit and analysis functions set forth in Title 5 Chapter 12 and 13, MCA and the financial and programmatic audit conducted by the Secretary of the Interior and the Comptroller General of the United States provided for in OMB Circular A-102, as amended.

SECTION XVI: SEVERABILITY

It is understood and agreed by the parties hereto that if any term or provision of this contract is by the courts held to be illegal or in conflict with any Montana law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the contract did not contain the particular term or provision held to be invalid.

SECTION XVII: EXECUTION


This Contract consists of this Agreement and pages of attachments; the original copy is to be retained by SHPO. A copy of the original and attachments, if any, has the same force and effect for all purposes as the original.

Each party has full power and authority to enter into and perform this Agreement, and the person signing the Agreement on the behalf of each party has been properly authorized and empowered to enter into this Agreement. Each party further acknowledges that it has read this Agreement, understands it, and agrees to be bound by it.


To express the parties' intent to be bound by the terms of this Agreement, they have executed this document on the date set out below:



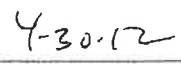
Subgrantee



Date



Administrator, Centralized Services Division
Montana Historical Society



Date

Certified Local Government:

Miles City MT

Address:

Contact Person:

Kathy Doeden

Period of Grant Request: April 1, 2012 to March 31, 2013

Scope of Work: The National Park Service asks we grant funds to CLGs for kinds and levels of work that reflect increasing sophistication, skills, and roles by the Preservation Officers, in other words, tasks that reflect improvement in community thinking. For this section, please itemize regular work duties (not including special projects) – products or projects starting or completing, meetings to be attended, etc., and more specifically, ways in which the local program will grow and develop. Please tie your tasks to your community's Preservation Plan. If not, please explain.

(Check if Scope of Work is continued on additional pages.)

Scope of Work for the SHPO grant: the Commissioners agreed on the following:

Office Space – locate office space, sort materials and move before 5/31/12 when lease expires.

Design Guidelines: prepare for presentation to City.

National Register Nominations: continue to add sites to National Historic Register.

Attend City and Economic Development meetings as necessary.

Coordinate Preservation with local economic development and planning.

Develop an acquisition/de-acquisition policy.

Attend State CLG training.

Respond to requests for information.

Preservation Plan: Melton mentioned that the State Preservation Plan will be available soon so we will wait until that is available before reviewing the Miles City plan.

Job description for Preservation Officer: Melissa distributed a first draft. Members were asked to make any suggestions/changes on their copy and bring to the next meeting when it will be finalized.

Let Draft

*Review for change
Vote to accept
in March
meeting
2012*

JOB DESCRIPTION
MILES CITY PRESERVATION COMMISSION

POSITION: Historic Preservation Officer

DATE: February 9, 2012

ACCOUNTABLE TO: Miles City Preservation Commission

SUMMARY OF WORK: This position is to coordinate the local historic preservation programs, help in the development of local surveys, projects and historic preservation planning documents, advise and provide assistance to the local historic preservation commission, government agencies and the Public in regard to the duties and responsibilities delegated to the Certified Local Government (CLG) by the State Historic Preservation Office (SHPO).

JOB CHARACTERISTICS:

Nature of Work: This position involves administrative, supervisory and professional duties requiring adherence to professional standards of accuracy, integrity and tact. Some travel is required.

Personal Contact: Continual contact with volunteers and the public. Routine contact with the Commission, the City Council, the City Zoning Commission, the City/County Planning Board and state and federal agencies which relate to historic resources such as land use, municipal improvements, housing and other public programs. Occasional contact with other community organizations and businesses.

Supervision Received: Direction from the Commission

Supervision Exercised: Direct supervision of volunteers.

Essential Functions: Position requires grant writing skills, have very good organizational skills and be able to work with deadlines. Position must have demonstrated interest, competence and knowledge in historic preservation, communicate orally and in writing, read written material, calculate mathematical figures, maintain files, possess an ability to work with the public and have an appreciation of the local cultural heritage. Must have good computer skills and other technical skills pertaining to the duties of the Historic Preservation Officer.

AREA OF JOB ACCOUNTABILITY AND PERFORMANCE:

General Duties: Processes, prepares and submits reports to the State Historic Preservation Office and any other agencies as may be pertinent; insures documentation of local preservation activities. Able to make a clear connection between historic preservation and economic development.

Complies with all city, state and federal policies; adheres to the requirements set forth by the State Historic Preservation Commission; uses proper phone etiquette, courtesy and appropriate interpersonal communications skills on a routine basis; performs other related duties as requested.

principles of budget preparation; and computer literacy.

Skills: This position requires the use of computers, cameras and other technical equipment (such as scanners, digital cameras). Also the ability to drive a vehicle..

Abilities: This position requires the ability to work well with people of all ages; to plan, direct historic preservation goals; to demonstrate initiative; to solve problems; to prepare accurate reports; to keep the Commission informed; to communicate effectively orally and in writing; to follow verbal and written instructions.

PREFERRED EDUCATION AND EXPERIENCE:

- Five years experience in historic preservation or
- Bachelor's degree in history, architectural history, architecture, archaeology or closely related historic preservation field or
- Master of History degree or equivalent; and
- Willingness to learn

OTHER REQUIREMENTS:

Have the ability to physically examine and document historic resources including structures, sites and districts; have a valid driver's license; must have a personal vehicle and vehicle liability insurance; must be able to travel overnight; must be eligible for coverage by the City insurance carrier; must be bondable, if required.

JOB PERFORMANCE STANDARDS:

Evaluation of this position will be based primarily upon performance of the preceding requirements and duties. Examples of job performance criteria include, but are not limited to, the following:

- Develops and coordinates local cultural heritage and historic preservation programs,
- Plans, organizes, directs and coordinates functions of the Preservation Commission
- Establishes and maintains effective working relationships with the different government entities, the public and the community
- Prepares and maintains a survey and inventory of identified historic districts and structures within the City of Miles City
- Maintains resources and materials in an organized manner so they are accessible to the public
- Studies any changes or modifications to zoning regulations and district boundaries
- Maintains knowledge of guidelines for restoration, alteration, decoration, demolition, landscaping of historic buildings
- Works well with local zoning, planning and building departments of the City of Miles City
- Keeps Commission members informed on all pertinent issues and submits sound recommendations for the designation of properties as an historic site
- Works appropriate hours as directed by the Commission
- Prepares, maintains and submits accurate and timely report and records
- Develops, organizes and supervises programs effectively

John Uden 951-3060
HR Comm.

- Preservation History
 - Commission members
 - Hist. Pres. Officer
 - Job description
 - Ordinance 1109 establishing the M.C. Pres. Commission
 - CLG Grant request 2012/13
 - 5 copies each.
- I do not have the copy of the programmatic agreement

Request sent to Mayor Whalen 7/21/11
No reply was received.

A Brief History of Miles City Historic Preservation Efforts 1982 - 2011 and Request for Office Space

1982 - 1992: Three Historic Districts listed on the National Register of Historic Places:

The Main Street District, East Main District and Carriage House District. The research for these districts was paid for with grants of more than \$50,000 from the State Historic Preservation Office (SHPO), matched by many local volunteer hours and money from the sale of two books written by the researchers and volunteers, Miles City: An Architectural History and Beautiful City of Miles.

1990: A City Ordinance established the Miles City Arts Culture and Historic Preservation Commission, a group of eleven volunteers appointed by the City and charged with coordinating, encouraging and facilitating arts, culture and historic preservation in Miles City. The establishment of the Commission made Miles City a Certified Local Government (CLG) for Historic Preservation, one of eleven in the state, and made us eligible for funds from SHPO to assist in our mission.

1990 - 1997: SHPO funding paid for the following: Travel expenses for Commission members to attend meetings, signs for historic properties and districts, printing 30,000 copies of walking tour brochures, two slide projectors, film and developing, TV/VCR for presentations, and an easel for office use.

1997: The Preservation Commission "sunsetted out".

July, 1999: The Commission was reinstated and agreed that after 17 years of volunteer efforts, having a staffed office with regular hours and visibility in the community would make the information accumulated over the preceding years more accessible and allow historic preservation to become an important tool for the future of Miles City. The Commission applied for funding from SHPO for approximately half of the cost of wages for a half time Preservation Officer. The City agreed to the match for wages and Amorette Allison was hired as Miles City Historic Preservation Officer (HPO), effective July 1, 2000.

Although the City agreed to provide matching funds for wages, they had no space for a preservation office so the Preservation Commission agreed to set up office space and pay the rent, phone and utilities for an office at 907B Main Street. The Preservation Commission and the nonprofit Custer County Historical Society have paid these costs since 2000. They also did extensive remodeling before the office opened, including construction of a handicap accessible restroom. The cost for remodeling exceeded \$2000 and included more than 100 hours of volunteer time.

July 2011: To date, the costs paid by the Preservation Commission and the Custer County Historical Society for rent, phone and utilities have exceeded \$30,000.

The Miles City Preservation Commission is now requesting that the City of Miles City provide office space for the Historic Preservation Office because raising funds to make these payments has used time and effort that could have been expended in actual preservation efforts and nearly exhausted the resources of the Commission and the Custer County Historical Society. The fact that Miles City does not provide office space for the preservation office also limits our ability to receive additional grants. There are fifteen cities in Montana with preservation officers. Twelve of them provide office space for their preservation officers. This makes it easier for them to receive additional grant funding because the local government commitment to preservation is reflected in their budgets.

7/21/11

A Brief History of Miles City Historic Preservation Efforts 1982-2011 and Request for Office Space p.2

2000 – 2011 the HPO, the Preservation Commission and other volunteers have produced Ghost Tours and made other presentations to educate the public, produced books, provided information for the city and general public, written grant requests, worked on Design Guidelines, helped with events like the Preserv-a-Rama, provided grants for owners of historic property, encouraged owners of historic property to apply for interpretive signs, assisted and advised the city in their efforts to improve historic Riverside Park and with plans to integrate historic districts with existing and proposed pedestrian and bike paths, and coordinated with other city offices on projects such as floodway issues.

Amorette and volunteers from the Preservation Commission responded to 2009 Main Street fires and the threat of demolition of the BN Depot. Amorette spent many extra hours dealing with issues arising from the fires. Commission members were also involved. Amorette and commission members Kathy Doeden and Connie Muggli are members of the Miles City Depot Acquisition and Restoration Project (MCDARP) and have donated hundreds of hours. The Custer County Historical Society raised \$3500 to match a \$1500 grant from the National Trust for Historic Preservation to pay for the structural engineering study of the BN depot.

We appreciate Miles City's wage support for the Historic Preservation Officer. Awareness of the value of preserving our unique history and culture has increased due to the involvement of the HPO. The design of the two new buildings constructed on Main St. following the 2009 fires shows that private business sees that value. Plus the City benefits from the property taxes. There are many opportunities to continue improvements in the historic district and adjacent areas that would not only benefit the city financially but also improve the quality of life for our residents. The HPO and the Preservation Commission have the expertise and experience to continue these efforts but we need to be relieved of the necessity of raising money for office expenses.

The Preservation Commission and the Custer County Historical Society never intended to continue to pay for office space indefinitely. The ADA accessible space at 907B Main is larger than we need. There is a large conference table in the back with space for meetings or another city office. We had hoped that the City could make use of the extra space and take over the rent, phone and utility payments. If that is not an option, we ask that you find space for the preservation office in our historic City Hall or perhaps the Library.

Thank you for your consideration of our request.



Kathy Doeden, Chairman, Miles City Preservation Commission

5hrs volunteer time went into this request.

A Brief History of Historic Preservation in Miles City

1982 - 1992: Three Historic Districts listed on the National Register of Historic Places

1. Main Street District
2. East Main District
3. Carriage House District

The research for these districts was paid for with grants from the State Historic Preservation Office (SHPO), matched with many local volunteer hours and money from the sale of two books, Miles City, an Architectural History, and Beautiful City of Miles, published by the Custer County Historical Society with additional funding from a bequest to the Historical Society.

1990 - A City Ordinance established the Miles City Arts, Culture and Historic Preservation Commission, a group of eleven volunteers appointed by the City and charged with coordinating, encouraging and facilitating arts, culture and historic preservation in Miles City.

The establishment of the Commission meant that Miles City was a Certified Local Government (CLG) for Historic Preservation, one of eleven in the state, making us eligible for funds from SHPO to assist in our mission.

1990 - 1997 - SHPO funding paid for the following (about \$1000 per year)

1. Travel expenses for Commission members to attend meetings
2. Signs for historic properties and districts
3. Printing three editions (10,000 each) of the walking tour brochure
4. Two slide projectors
5. Film and developing
6. Easel for planner and preservation office use
7. TV/VCR for presentations
8. Miscellaneous materials and equipment

The Commission "sunsetting out" in 1997 and was reinstated as the Historic Preservation Commission in July, 1999. The new commission has seven members and we are once again eligible for funds from the SHPO. Communities having a salaried half time Preservation Officer are eligible for more funds than those with all volunteer preservation efforts. The new Commission feels that having a staffed office with regular hours and some visibility in the community will make the information accumulated over the past eighteen years more accessible and allow historic preservation to become an important tool for the future of Miles City. The federal fiscal year runs June to July, so we are presenting a budget for the six month period January through June, 2000. The amount available this year was \$5500 for the whole year, The required match is 40%, cash and/or in-kind. Since this would be a City position (either on the City payroll or an independent contractor), some support by the City is needed to establish our Historic Preservation Office.

August, 1999



OFFICE OF HISTORIC PRESERVATION

CITY OF MILES CITY, MONTANA

| Member Name | Address | Work Phone | Email |
|----------------------|--|--------------------------------|------------------------------------|
| Kathy Doeden | 246 Sunrise Road, Miles City, MT 59301 | (406) 232-2992 | doeden@midrivers.com |
| Doug Melton | 517 N. Earling, Miles City, MT 59301 | (406) 233-2847 | doug1melton@blm.gov doug1melton |
| Melissa Hartman | 310 N. Jordan, Miles City, MT 59301 | (406) 234-3433 | mhartman@midrivers.com |
| Ms. Denise Hartse | P.O. Box 743, Miles City, MT 59301 | (406) 234-0450 | localife@midrivers.com |
| Dianna Broadie | 220 S. Merriam, Miles City, MT 59301 | (406) 234-6339 | dbroadie@milescity- mt.org |
| Mr. Mark Browning | 85 Waterplant Road, Miles City, Montana 59301 | (406) 234-0635 406-863-3771 | mebrowning@ midrivers.com |

STATE HISTORIC PRESERVATION OFFICE CERTIFIED LOCAL GOVERNMENT COORDINATOR

KATE HAMPTON SHPO 225 N. ROBERTS (P.O. BOX 201202) HELENA, MT. 59620 406-444-1687

khampton@mt.gov

Contact info for all the HPOs: <http://mhs.mt.gov/phpq/communitypres.asp>

CLG manual outlines responsibilities of the communities,
preservation commissions, HPOs + SHPO: mhs.mt.gov/shpo/clgmanual

PRESERVATION COMMISSION

Created by Ord. No. 1109 with a 10 year sunset clause
Ord No. 1190 Repealed sunset clause of ordinance 1109.

Section 1: Establishment:

- (A) The Commission shall consist of seven (7) members as follows: three (3) members with professional expertise in the disciplines of history, planning, archeology, architecture, or other preservation related disciplines such as cultural geography or cultural anthropology, one (1) member from City government, and three (3) members form the public at large

Section 3: Initial Appointment:

- (A) All appointments to the Commission shall be made by the Mayor with the approval of the City Council.
(B) Members shall be appointed for a term of three (3) years. A staggered roster of terms shall be established.

7 MEMBERS

3 members with professional expertise in the disciplines of history, planning, archeology, architecture, or other preservation related disciplines

1 member from City government

3 members form the public at large.

| <u>Member</u> | <u>Term End</u> |
|---------------|-----------------|
|---------------|-----------------|

| | |
|---------------|---------|
| Kathy Doeden* | 12/2012 |
|---------------|---------|

| | |
|------------------|---------|
| Melissa Hartman* | 12/2012 |
|------------------|---------|

| | |
|---------------|---------|
| Denise Hartse | 12/2011 |
|---------------|---------|

| | |
|--------|---------|
| Vacant | 12/2012 |
|--------|---------|

| | |
|--------------|---------|
| Doug Melton* | 12/2013 |
|--------------|---------|

| | |
|----------------|----------------------------------|
| Dianna Broadie | 12/2011 (City government member) |
|----------------|----------------------------------|

| | |
|---------------|---------|
| Connie Muggli | 12/2013 |
|---------------|---------|

8/12 Hired as HPO
MARK BROWNING 12/2013 REPLACES CONNIE MUGGLI

*professional members

COPY

ORDINANCE 1109

AN ORDINANCE ESTABLISHING A LOCAL PRESERVATION COMMISSION FOR THE CITY OF MILES CITY, MONTANA, AND PRESCRIBING ITS DUTIES AND FUNCTIONS.

WHEREAS, The historic resources and cultural heritage of Miles City contribute and provide cultural, educational, entertainment, recreational and economic benefits available to and used by the citizens of the City of Miles City and the State of Montana and thereby enhance the general welfare and environment.

WHEREAS, The establishment of a Miles City Preservation Commission will promote and encourage public programs to further public awareness and preservation of historic resources and cultural heritage of Miles City.

NOW THEREFOR BE IT ORDAINED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THE INCLUSION OF THE FOLLOWING ORDINANCE INTO THEIR MUNICIPAL CODE:

- Section 1: Establishment
- Section 2: Purpose and Function
- Section 3: Initial Appointment
- Section 4: Qualifications
- Section 5: Meetings and Records
- Section 6: Preservation Officer
- Section 7: Severability
- Section 8: Sunset Provision
- Section 9: Effective Date

Section 1: Establishment:

(A) The City recognizes cultural heritage and historic preservation as qualities essential to human need and the physical beauty, economic health and quality of life of Miles City. A Preservation Commission of the City of Miles City (hereinafter referred to as the "Commission") shall be established to promote and coordinate cultural heritage and historic preservation activities in Miles City, Montana.

(B) The Commission shall consist of seven (7) members as follows: three (3) members with professional expertise in the disciplines of history, planning, archeology, architecture, or other preservation related disciplines such as cultural geography or cultural anthropology, one (1) member from City government, and three (3) members from the public at large.

Section 2: Purpose and Function:

- (A) The Commission will participate in surveys to assess local needs and aspirations concerning the promotion and preservation of the community's historic resources and cultural heritage.
- (B) The Commission will maintain a system for the survey and inventory of historic and prehistoric properties. The commission shall maintain this inventory of identified districts, sites and/or structures within the City of Miles City and make this information available to the public.
- ✓ (C) The Commission will use the National Register of Historic Places criteria for the designation of properties as a historic district or site and shall apply these criteria for local designation of historic and prehistoric properties.
- ✓ (D) The Commission will participate in the process of nominating to the National Register of Historic Places according to the Montana State Regulations for Certified Local Governments, Section VI (B). This includes reviewing and commenting on any National Register Nominations on property within the City of Miles City.
- ✓ (E) The Commission will review and comment on planning programs undertaken by the city, through the city zoning commission, the city/county planning board, and state and federal agencies which relate to historic resources such as land use, municipal improvements, housing and other public programs. This review and comment shall be scheduled within timelines in place for whatever action is being taken.
- ✓ (F) The Commission will be available to consult with city, state, and federal agencies on all undertakings, including but not limited to applications, environmental assessments, environmental impact statements and other similar documents pertaining to land use in historic districts, archeological sites, landmarks or neighboring properties within the City of Miles City. Comments by the commission shall be sent to the state historic preservation office and/or such agencies, commissions or officers as may be pertinent.
- ✓ (G) The Commission will review the local zoning regulations for their applicability to historic districts and sites and make appropriate recommendations to the city zoning commission concerning changes or modifications to the zoning regulations and/or district boundaries.
- ✓ (H) The Commission will make recommendations to the Board of Adjustment regarding variance applications within any Historic District Overlay Zone which require actions by the Board of Adjustment.

- / (I) The Commission will create guidelines for restoration, alteration, decoration, demolition, landscaping or maintenance of buildings within designated historic districts, new construction within those districts and individual building or sites listed or having the potential to be listed on the National Register.
- / (J) The Commission will review any projects affecting historic districts and individual historic, potentially historic or archeological properties within the City of Miles City, using the Commission's established design guidelines and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (referred to as the "Secretary's Standards").
- / (K) The Commission may participate in, promote and conduct public information, educational and interpretive programs pertaining to cultural heritage and preservation.
- / (L) The Commission may initiate, develop and implement programs and/or proposals which encourage, promote and/or develop cultural heritage and historic preservation within the city/county planning zone.
- / (M) The Commission will foster public and private partnerships for providing programs regarding cultural heritage and historic preservation for the City of Miles City.

Section 3: Initial Appointment:

- (A) All appointments to the Commission shall be made by the Mayor with the approval of the City Council.
- (B) Members shall be appointed for a term of three (3) years. A staggered roster of terms shall be established.

Section 4: Qualifications:

- (A) Members should have a broad and informed perspective of cultural heritage and preservation along with a demonstrated knowledge and responsiveness to the existing preservation community and to the community at large.
- (B) Members shall represent a cross section of the city's age, multi-cultural, socio-economic, professional, and volunteer diversity and have an appreciation for Miles City's cultural traditions.

Section 5: Meetings and Records:

(A) The Commission shall conduct a minimum of four (4) regularly scheduled meetings each year, except that the Chairperson may cancel any meeting or schedule special meetings when such meetings are necessary to carry out the provisions of the Ordinance. Regularly scheduled meetings shall be held at City Hall, unless another location is designated.

(B) The Secretary of the Commission shall keep a record of the meeting's proceedings. Copies of the minutes shall be submitted to the City Council for inclusion to the guidelines set forth in the "Certified Local Government Program in Montana" and make all written or taped minutes available to the public.

Section 6: Preservation Officer:

(A) A Preservation Officer will be appointed by the Mayor with the concurrence of the City Council and the Commission. Such Officer may be a volunteer or employed by an appropriate City department.

(1) The Preservation Officer must have demonstrated interest, competence, or knowledge in historic preservation.

(2) Duties of the Preservation Officer include coordinating local historic preservation programs, helping in the development of local surveys, preservation planning documents, providing assistance to the local Commission, government agencies and the public and ensuring to the extent practicable, that the duties and responsibilities of this Ordinance are carried out.

Section 7: Severability:

(A) When discrepancies exist between this Ordinance and State or Federal laws, the State or Federal laws shall prevail.

(B) When portions of this Ordinance become invalid due to conflict with State or Federal laws, the unaffected portions of this ordinance shall remain in force.

Section 8: Sunset Provision: *eliminated May 12, 2009*

(A) The provisions of this Ordinance shall be in effect for a period of ten (10) years from the effective date of the Ordinance.

(B) Ninety (90) days prior to the expiration date of this Ordinance, the City Council shall conduct a public hearing to consider testimony concerning the effectiveness of the Commission.

(C) Following public hearing and prior to the expiration date of this Ordinance, the City Council may amend this Ordinance for the continuation of the Commission.

(D) Failure to amend the "sunset provisions" of this Ordinance, as prescribed above, shall cause the Commission to be disbanded and cease to exist as a commission of the City of Miles City.

Section 9: EFFECTIVE DATE.

(a) This Ordinance shall be in full force and effect thirty (30) days after its passage and approval.

(b) This Ordinance was presented as approved by the City Council as follows:

SAID ORDINANCE READ AND PUT UPON ITS PASSAGE THIS _____ DAY
OF _____, 1999.

GEORGE T. KURKOWSKI, Mayor

ATTEST:

Patricia D. Huss, City Clerk

SAID ORDINANCE PASSED AND APPROVED BY A DULY CONSTITUTED
QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA,
THIS _____ DAY OF _____, 1999.

GEORGE T. KURKOWSKI, Mayor

ATTEST:

Patricia D. Huss, City Clerk

5
August 12, 2009
original date
of adoption

JOB DESCRIPTION

MILES CITY PRESERVATION COMMISSION

POSITION: Historic Preservation Officer

DATE: May 4, 2012

ACCOUNTABLE TO: Miles City Preservation Commission

SUMMARY OF WORK: This position is to coordinate the local historic preservation programs, help in the development of local surveys, projects and historic preservation planning documents, advise and provide assistance to the local historic preservation commission, government agencies and the Public in regard to the duties and responsibilities delegated to the Certified Local Government (CLG) by the State Historic Preservation Office (SHPO).

JOB CHARACTERISTICS:

Nature of Work: This position involves administrative, supervisory and professional duties requiring adherence to professional standards of accuracy, integrity and tact. Some travel is required.

Personal Contact: Continual contact with volunteers and the public. Routine contact with the Commission, the City Council, the City Zoning Commission, the City/County Planning Board and state and federal agencies which relate to historic resources such as land use, municipal improvements, housing and other public programs. Occasional contact with other community organizations and businesses.

Supervision Received: Direction from the Commission

Supervision Exercised: Direct supervision of volunteers.

Essential Functions: Position requires grant writing skills, very good organizational skills and ability to work with deadlines. Position must have demonstrated interest, competence and knowledge in historic preservation, communicate orally and in writing, read written material, calculate mathematical figures, maintain files, possess an ability to work with the public and have an appreciation of the local cultural heritage. Must have good computer skills and other technical skills pertaining to the duties of the Historic Preservation Officer.

AREA OF JOB ACCOUNTABILITY AND PERFORMANCE:

General Duties: Processes, prepares and submits reports to the State Historic Preservation Office and any other agencies as may be pertinent; insures documentation of local preservation activities. Able to make a clear connection between historic preservation and economic development.

Complies with all city, state and federal policies; adheres to the requirements set forth by the State Historic Preservation Commission; uses proper phone etiquette, courtesy and appropriate interpersonal communications skills on a routine basis; performs other related duties as requested.

Certified Local Government Grant Application

April 1, 2012 to March 31, 2013

COPY

Application Deadline

March 8, 2012

**Montana State Historic Preservation Office
PO Box 201202
Helena, MT 59620-1202
(406) 444-7715**

2012-2013 GRANT APPLICATION

CERTIFIED LOCAL GOVERNMENT PROGRAM

Certified Local Government:

Miles City MT

Address:

Contact Person:

Kathy Doeden

Period of Grant Request: April 1, 2012 to March 31, 2013

Scope of Work: The National Park Service asks we grant funds to CLGs for kinds and levels of work that reflect increasing sophistication, skills, and roles by the Preservation Officers, in other words, tasks that reflect improvement in community thinking. For this section, please itemize regular work duties (not including special projects) – products or projects starting or completing, meetings to be attended, etc., and more specifically, ways in which the local program will grow and develop. Please tie your tasks to your community's Preservation Plan. If not, please explain.

(Check if Scope of Work is continued on additional pages.)

Scope of Work for the SHPO grant: the Commissioners agreed on the following:

Office Space – locate office space, sort materials and move before 5/31/12 when lease expires.

Design Guidelines: prepare for presentation to City.

National Register Nominations: continue to add sites to National Historic Register.

Attend City and Economic Development meetings as necessary.

Coordinate Preservation with local economic development and planning.

Develop an acquisition/de-acquisition policy.

Attend State CLG training.

Respond to requests for information.

Preservation Plan: Melton mentioned that the State Preservation Plan will be available soon so we will wait until that is available before reviewing the Miles City plan.

Job description for Preservation Officer: Melissa distributed a first draft. Members were asked to make any suggestions/changes on their copy and bring to the next meeting when it will be finalized.

BUDGET

| 4-1-2012 to 3-31-2013 Budget | Cash Amount | Cash Source | In-kind Amount | In-kind Source | Total |
|--|---|---------------------------|-------------------|-------------------|-----------|
| A. Salaries, Wages, Benefits | 20 h/w x 52w x 8.75/h plus benefits = \$9700 | CI= \$4200 F/S= \$5500 | | | \$9700.00 |
| B. Office Rental | | | | | |
| C. Equipment | | | | | |
| D. Supplies & Materials Itemize major categories | | | | | |
| E. Postage | | | | | |
| F. Telephone & Internet | | | | | |
| G. Photocopies | | | | | |

| | | | | | |
|---|--------------------------------|---------|--|--|-----------|
| H. Preservation Commission Number of hours X * rate X number of members X number of meetings | | | 1.5×17.55 $\times 6 \times 12 =$ | | \$1895.40 |
| I. Volunteers Hours X * rate X number of volunteers. | | | $20 \times 6 \times$ $17.55 =$ \$2106 | | \$2106.00 |
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| L. Lodging \$70.00 plus tax X number of nights | 70×3 = 210 | NP/MCPC | | | \$210.00 |

SOURCE KEY:

Federal

[illegible]

CO-County

NP - Private/Non-Profit

* Federally approved minimum rate for volunteers is \$17.55 per hour.

SOURCES OF REVENUE

AMOUNT

Itemized Cash Match Source

City of Miles City

\$4700

Donations

\$136

Itemized In-Kind Match Source

Miles City Preservation Comission

\$1895.40

Volunteers

\$2106.00

Federal HPF Grant Request from SHPO

\$5500.00

Total Revenue

\$ 14,337⁴⁰

Miles City Preservation Commission Meeting Minutes Feb. 9, 2012 p. 1

The meeting was called to order at 12:15 pm by Chair, Kathy Doeden. Members present: Doeden, Broadie, Devlin, Hartman, Hartse, Melton, and Muggli. A quorum was present. Also attending were Kevin Layton, Art Center Director and Mark Browning, Art Center Director Emeritus.

The minutes of the previous meeting were approved as written.

Hartse presented the Treasurer's report (attached). The Women's club \$300 for rent will be put into the City account as a donation. Doeden requested that any money raised in the office dispersal go into the Custer County Historical Society account rather than the Preservation Commission account so that buyers can get a tax deduction for a donation to a 501 (c)(3).*

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OLD BUSINESS: Our office lease ends 5/31/12. Doeden told Tom Clarke, the property manager, that we plan to be out by then. If we can move sooner, he indicated we wouldn't have to finish out the lease if

Miles City Preservation Commission Meeting Feb. 9, 2012 p. 2

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Cold storage space: if we need it, we will rent a storage unit.

We don't need the Preservation Office phone so Doeden will call Becky Stanton at the City and have her terminate the contract.*

New office space: Devlin reported that the Convent has no office space available. Doeden toured the Library with Sonya Woods and recommended we look at their available space. The Commission members all went across the street to the Library and looked at the spaces and resources there and decided to request approval from the Library Board for the use of the main floor office space and upstairs research area. Broadie agreed to present our request to the Library Board at their next meeting Wed., Feb. 15, 2012 at 5pm at the Library. Hartman said she would try to get to the meeting also.* Doeden will have Sonya put us on the agenda for that meeting.*

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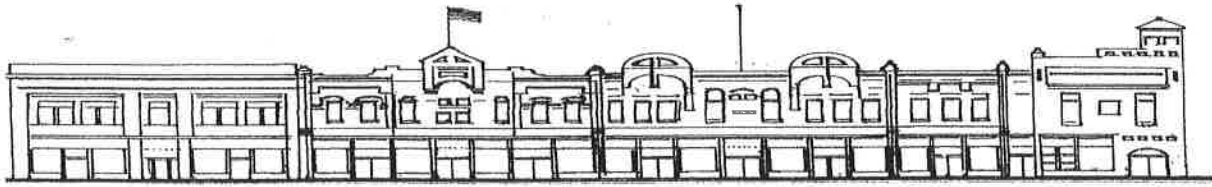
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NEXT MEETING IS Thurs. March 8, 2012 at noon at the Preservation Office.*

The meeting adjourned at 1:30 pm.

Respectfully submitted,

Kathy Doeden, Acting Secretary



HISTORIC PRESERVATION COMMISSION
CITY OF MILES CITY

17 South 8th Street

P.O. Box 910

Miles City, MT 59301

March 18, 2013

John Uden, Chair
Human Resources Committee
City of Miles City

John,

Please find attached a ".pdf" version of the Position Description for Historic Preservation Officer as per your request. This version was approved by the Preservation Commission in the April 5, 2012 meeting.

Also, just for reference, I am attaching a copy of Ordinance 1109, and the Certified Local Government Agreement that describes the role of the Commission and the Preservation Officer within the terms of the grant provided by the State Historic Preservation Office to help the city fund the position.

Regards,

Connie Muggli
Historic Preservation Officer
Miles City Preservation Commission

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March 8, 2012

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| | | | | | |
|---|--|--|--|--|-------------------|
| M. Project (s) Expenses – fully itemized | | | | | |
| N. Other Expenses – fully itemized. | | | | | |
| M. Total Expenses | | | | | \$14337.40 |

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Miles City Preservation Commission Meeting Feb. 9, 2012 p. 2

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NEXT MEETING IS Thurs. March 8, 2012 at noon at the Preservation Office.*

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Respectfully submitted,

Kathy Doeden, Acting Secretary

Certified Local Government
Historic Preservation Commission Chairperson or President

Signature Kathy Doeden Date 3/30/12

Name (typed) KATHY DOEDEN

Address 246 SUNRISE RD MILES CITY MT 59301

Telephone 406-951-2992

**Certified Local Government
Chief Elected Official**

Signature Chris A. Grenz Date 3/14/12

Name (typed) Chris Grenz

Title Mayor

Address PO Box 910 Miles City MT 59301

Telephone 406-234-3462

(The local government administrator may sign **in addition** to the Chief Elected Official.)

ORDINANCE 1109

AN ORDINANCE ESTABLISHING A LOCAL PRESERVATION COMMISSION FOR THE CITY OF MILES CITY, MONTANA, AND PRESCRIBING ITS DUTIES AND FUNCTIONS.

WHEREAS, The historic resources and cultural heritage of Miles City contribute and provide cultural, educational, entertainment, recreational and economic benefits available to and used by the citizens of the City of Miles City and the State of Montana and thereby enhance the general welfare and environment.

WHEREAS, The establishment of a Miles City Preservation Commission will promote and encourage public programs to further public awareness and preservation of historic resources and cultural heritage of Miles City.

NOW THEREFOR BE IT ORDAINED BY THE CITY COUNCIL OF MILES CITY, MONTANA, THE INCLUSION OF THE FOLLOWING ORDINANCE INTO THEIR MUNICIPAL CODE:

- Section 1: Establishment
- Section 2: Purpose and Function
- Section 3: Initial Appointment
- Section 4: Qualifications
- Section 5: Meetings and Records
- Section 6: Preservation Officer
- Section 7: Severability
- Section 8: Sunset Provision
- Section 9: Effective Date

Section 1: Establishment:

- (A) The City recognizes cultural heritage and historic preservation as qualities essential to human need and the physical beauty, economic health and quality of life of Miles City. A Preservation Commission of the City of Miles City (hereinafter referred to as the "Commission") shall be established to promote and coordinate cultural heritage and historic preservation activities in Miles City, Montana.
- (B) The Commission shall consist of seven (7) members as follows: three (3) members with professional expertise in the disciplines of history, planning, archeology, architecture, or other preservation related disciplines such as cultural geography or cultural anthropology, one (1) member from City government, and three (3) members from the public at large

Section 2: Purpose and Function:

- (A) The Commission will participate in surveys to assess local needs and aspirations concerning the promotion and preservation of the community's historic resources and cultural heritage.
- (B) The Commission will maintain a system for the survey and inventory of historic and prehistoric properties. The commission shall maintain this inventory of identified districts, sites and/or structures within the City of Miles City and make this information available to the public.
- (C) The Commission will use the National Register of Historic Places criteria for the designation of properties as a historic district or site and shall apply these criteria for local designation of historic and prehistoric properties.
- (D) The Commission will participate in the process of nominating to the National Register of Historic Places according to the Montana State Regulations for Certified Local Governments, Section VI (B). This includes reviewing and commenting on any National Register Nominations on property within the City of Miles City.
- (E) The Commission will review and comment on planning programs undertaken by the city, through the city zoning commission, the city/county planning board, and state and federal agencies which relate to historic resources such as land use, municipal improvements, housing and other public programs. This review and comment shall be scheduled within timelines in place for whatever action is being taken.
- (F) The Commission will be available to consult with city, state, and federal agencies on all undertakings, including but not limited to applications, environmental assessments, environmental impact statements and other similar documents pertaining to land use in historic districts, archeological sites, landmarks or neighboring properties within the City of Miles City. Comments by the commission shall be sent to the state historic preservation office and/or such agencies, commissions or officers as may be pertinent.
- (G) The Commission will review the local zoning regulations for their applicability to historic districts and sites and make appropriate recommendations to the city zoning commission concerning changes or modifications to the zoning regulations and/or district boundaries.
- (H) The Commission will make recommendations to the Board of Adjustment regarding variance applications within any Historic District Overlay Zone which require actions by the Board of Adjustment.
- (I) The Commission will create guidelines for restoration, alteration, decoration, demolition, landscaping or maintenance of buildings within designated historic

districts, new construction within those districts and individual building or sites listed or having the potential to be listed on the National Register.

- (J) The Commission will review any projects affecting historic districts and individual historic, potentially historic or archeological properties within the City of Miles City, using the Commission's established design guidelines and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (referred to as the "Secretary's Standards").
- (K) The Commission may participate in, promote and conduct public information, educational and interpretive programs pertaining to cultural heritage and preservation.
- (L) The Commission may initiate, develop and implement programs and/or proposals which encourage, promote and/or develop cultural heritage and historic preservation within the city/county planning zone.
- (M) The Commission will foster public and private partnerships for providing programs regarding cultural heritage and historic preservation for the City of Miles City.

Section 3: Initial Appointment:

- (A) All appointments to the Commission shall be made by the Mayor with the approval of the City Council.
- (B) Members shall be appointed for a term of three (3) years. A staggered roster of terms shall be established.

Section 4: Qualifications:

- (A) Members should have a broad and informed perspective of cultural heritage and preservation along with a demonstrated knowledge and responsiveness to the existing preservation community and to the community at large.
- (B) Members shall represent a cross section of the city's age, multi-cultural, socio-economic, professional, and volunteer diversity and have an appreciation for Miles City's cultural traditions.

Section 5: Meetings and Records:

- (A) The Commission shall conduct a minimum of four (4) regularly scheduled meetings each year, except that the Chairperson may cancel any meeting or schedule special meetings when such meetings are necessary to carry out the provisions of the

Ordinance. Regularly scheduled meetings shall be held at City Hall, unless another location is designated.

- (B) The Secretary of the Commission shall keep a record of the meeting's proceedings. Copies of the minutes shall be submitted to the City Council for inclusion to the guidelines set forth in the "Certified Local Government Program in Montana" and make all written or taped minutes available to the public.

Section 6: Preservation Officer:

- (A) A Preservation Officer will be appointed by the Mayor with the concurrence of the City Council and the Commission. Such Officer may be a volunteer or employed by an appropriate City department.

- (1) The Preservation Officer must have demonstrated interest, competence, or knowledge in historic preservation.

- (2) Duties of the Preservation Officer include coordinating local historic preservation programs, helping in the development of local surveys, preservation planning documents, providing assistance to the local Commission, government agencies and the public and ensuring to the extent practicable, that the duties and responsibilities of this Ordinance are carried out.

Section 7: Severability:

- (A) When discrepancies exist between this Ordinance and State or Federal laws, the State or Federal laws shall prevail.
- (B) When portions of this Ordinance become invalid due to conflict with State or Federal laws, the unaffected portions of this ordinance shall remain in force.

Section 8: Sunset Provision:

- (A) The provisions of this Ordinance shall be in effect for a period of ten (10) years from the effective date of the Ordinance.
- (B) Ninety (90) days prior to the expiration date of this Ordinance, the City Council shall conduct a public hearing to consider testimony concerning the effectiveness of the Commission.
- (C) Following public hearing and prior to the expiration date of this Ordinance, the City Council may amend this Ordinance for the continuation of the Commission.

- (D) Failure to amend the "sunset provisions" of this Ordinance, as prescribed above, shall cause the Commission to be disbanded and cease to exist as a commission of the City of Miles City.

Section 9: EFFECTIVE DATE.

- (a) This Ordinance shall be in full force and effect thirty (30) days after its passage and approval.
- (b) This Ordinance was presented as approved by the City Council as follows:

SAID ORDINANCE READ AND PUT UPON ITS PASSAGE THIS 22nd DAY OF JUNE, 1999.

ATTEST:

GEORGE T. KURKOWSKI, Mayor

Patricia D. Huss, City Clerk

SAID ORDINANCE PASSED AND APPROVED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 13th DAY OF JULY, 1999.

GEORGE T. KURKOWSKI, Mayor

ATTEST:

Patricia D. Huss, City Clerk

ORDINANCE NO. 1190

AN ORDINANCE REPEALING SECTION 2-353 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA TO ELIMINATE SUNSET PROVISIONS FOR THE PRESERVATION COMMISSION.

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

Section 1. Sections 2-353(a) through (d) of the Code of Ordinances of the City of Miles City, Montana providing a sunset date of August 12, 2009 for the Miles City Preservation Commission are hereby repealed.

Section 2. Notice of hearing on this Ordinance shall be published as provided in §7-1-4127 MCA, and a public hearing thereon shall be conducted on May 26, 2009 at 7:00 p.m. in the City Council conference room at City Hall, 17 S. 8th Street, Miles City, Montana prior to adoption

Section 3. This ordinance shall become effective thirty (30) days after their final passage.

Said ordinance read and put on its passage this 28th day of April, 2009.

Joe Whalen, Mayor

ATTEST:

Kori Pray, City Clerk

FINALLY PASSED AND ADOPTED this 26th day of May, 2009.

Joe Whalen, Mayor

ATTEST:

Kori Pray, City Clerk