

# AGENDA

*Regular Council Meeting  
City Council Chambers*

*June 11, 2013  
7:00 p.m.*

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

**1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES**

- a. City Council Meeting 5/28/2013
- b. Special City Council Meeting 6/4/2013

**2. SCHEDULE MEETINGS**

**3. REQUEST OF CITIZENS & PUBLIC COMMENT**

**4. APPOINTMENTS**

**5. PROCLAMATIONS**

**6. STAFF REPORTS**

**7. CITY COUNCIL COMMENTS**

**8. MAYOR COMMENTS**

**9. COMMITTEE RECOMMENDATIONS**

**10. PUBLIC HEARINGS**

**ORDINANCE NO. 1252:** An Ordinance Amending Sections 24-4, 24-5, 24-7, 24-8, 24-16, 24-18, 24-46, 24-47, 24-50, 24-51, 24-53, 24-54, 24-58, 24-59, 24-62, 24-66, 24-67, 24-68, 24-70, And 24-71 Of The Code Of Ordinances Of The City Of Miles City, Montana To Conform To Changes In Montana Statute

**11. OLD BUSINESS**

**ORDINANCE NO. 1252:** An Ordinance Amending Sections 24-4, 24-5, 24-7, 24-8, 24-16, 24-18, 24-46, 24-47, 24-50, 24-51, 24-53, 24-54, 24-58, 24-59, 24-62, 24-66, 24-67, 24-68, 24-70, And 24-71 Of The Code Of Ordinances Of The City Of Miles City, Montana To Conform To Changes In Montana Statute

**12. BID AWARD**

## BID OPENING

### 13. NEW BUSINESS

- a. **RESOLUTION NO. 3598:** A Resolution Granting A Revocable License To Shanna Abbott For A Fence Encroachment Upon City Of Miles City Right Of Way For Winchester Avenue For The Benefit Of Lots 13 And 14 In Block 10 Of The East Side Addition To The City Of Miles City, Commonly Known As 115 North Winchester Avenue.
- b. **RESOLUTION NO. 3599:** A Resolution Authorizing The City Of Miles City To Purchase A Cat 420f Backhoe From Tractor & Equipment Co., A Montana Corporation
- c. **RESOLUTION NO. 3600:** A Resolution Authorizing The City Of Miles City To Purchase A John Deere 210 GLC Hydraulic Excavator From RDO Equipment Co., A Delaware Corporation Registered To Do Business In Montana
- d. **RESOLUTION NO. 3601:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 For State Of Montana Payments On Behalf Of Retirement Accounts And Providing For Hearing Thereon
- e. **RESOLUTION NO. 3602:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 To Appropriate Unanticipated Revenues To Building Inspector Fund No. 2394 For Contracted Professional Services.
- f. **RESOLUTION NO. 3603:** A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2012-2013 To Appropriate Unanticipated Revenues To Airport Fund 5610 For Fuel Supplies
- g. **RESOLUTION NO. 3604:** A Resolution Granting A Revocable License To J & T Property Management LLC, A Montana Limited Liability Company, Authorizing The Encroachment Upon City Of Miles City Right Of Way For South Lake Avenue For Purposes Of Constructing Off Street Angled Parking For The Benefit Of Lot 6 In Block 1 Of The Miles Reserve Addition To The City Of Miles City, Commonly Known As 1806 Main Street.
- h. **RESOLUTION NO. 3605:** A Resolution Of Intent To Establish Fees For Historic Preservation Commission Services.
- i. **Review & Discussion of Wages & Salaries for City Employees**
- j. **Discussion** on whether there is any interest in purchasing the lot that Midland Lumber Co. had south of Bridge Street

### 14. ADJOURNMENT

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

## REGULAR COUNCIL MEETING

May 28, 2013  
7:00 p.m.

### CALL TO ORDER

The Regular Council meeting was held Tuesday, May 28, 2013, in the Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council Members present were Dwayne Andrews, Roxanna Brush, Mark Ahner, Jerry Partridge, John Uden, Bill Melnik, John Hollowell and Sue Galbraith.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Fire Chief Dale Berg, Police Chief Doug Colombik, RSVP Director Betty Vail and Council Recorder/Deputy City Clerk Connie Watts.

### PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

### APPROVAL OF COUNCIL & COMMITTEE MINUTES

#### Regular Council Minutes – 5/14/2013

\*\* *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of May 14, 2013, seconded by Councilperson Melnik.*

\*\* *Councilperson Brush moved to amend the minutes to include discussion on the other appointments made at that meeting, seconded by Councilperson Uden.*

Councilperson Brush said she felt the discussion included on the appointments was selective.

Deputy City Clerk/Recorder Watts explained that minutes are not a transcript of proceedings. If the discussion seems relevant to the decision, the discussion is included.

Councilperson Ahner quoted from the Montana Municipal Officials Handbook in regards to meeting minutes “The City Clerk is responsible for the recording of the minutes”... and these items should be included: “date, time and place of meeting, those members attending, and substance of all matters

proposed, discussed or decided.” The minutes should be a “brief record of what happened, the proceedings, and not necessarily a record of what was said by council members.”

Councilperson Galbraith noted that the other appointments were approved unanimously, whereas the Pearce appointment was a 4 to 4 tie, with Mayor Grenz breaking the tie. She felt that, in this instance, some recording of the discussion should be included to indicate why individuals voted as they did.

- \* *On roll call vote, Councilperson Brush's motion to amend failed 5 to 3, with Councilpersons Uden, Ahner and Brush voting yes.*
- \* *Councilperson Galbraith's original motion, on roll call vote, passed 7 to 1, with Councilperson Brush voting no.*

#### **Finance Committee – 5/20/2013**

- \*\* *Councilperson Ahner moved to approve the minutes of the Finance Committee Meeting of May 20, 2013. The motion was seconded by Councilperson Brush and passed unanimously, 8-0.*

#### **Public Services Committee – 5/22/2013**

- \*\* *Councilperson Galbraith moved to approve the minutes of the Public Services Committee Meeting of May 22, 2013. The motion was seconded by Councilperson Andrews and passed unanimously, 8-0.*

#### **Special Council Meeting – 5/22/2013**

- \*\* *Councilperson Uden moved to approve the minutes of the Special Council Meeting of May 22, 2013, and, on roll call vote, the motion passed unanimously, 8-0.*

#### **SCHEDULE MEETINGS**

None

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

None

#### **APPOINTMENTS**

None

## PROCLAMATIONS

None

## STAFF REPORTS

### **Public Utilities Director Al Kelm**

*Riverside Park:* Director Kelm said the new bathrooms were very heavily used Saturday morning. Park employees were working that morning to make sure they remained clean and stocked. He mentioned the Jackson Group (contractors) were very impressed with the condition of the Park after the Bucking Horse Sale was over.

*Paving for the Parking Lot at Riverside Park:* Director Kelm has received some estimates for that, and he would like to address this at the next Finance Committee Meeting.

*Swimming Pool Roof:* The roof is not finished yet; if the weather cooperates it should be finished by the 31<sup>st</sup>, and the pool should be open on June 3. The interior of the bathhouse will be painted, lights installed and privacy curtains hung over the women's dressing areas.

*Strevell Ave Project:* The contractors have been slowed down somewhat by the rain and have been given some rain days, but they are still ahead of schedule.

## CITY COUNCIL COMMENTS

### **John Uden**

- ... has been hearing a lot of compliments on the Park improvements. He does feel that the old storage shed in the park looks very bad. Director Kelm agreed the building is in need of a lot of repair – scraping, painting, etc. Electrical equipment, irrigation timers, and some smaller hand equipment is stored there.
- Reported that there are four applicants for the Public Works Director's position. Two will be interviewed on June 4<sup>th</sup> and two on June 6<sup>th</sup>.
- One of the aforementioned applicants has requested air fare to Billings from Cour D'Alene, Idaho, for his interview. The Mayor has agreed to pick him up in Billings Monday evening and take him back Wednesday

morning. Because of airline schedules, he would need to spend two nights in Miles City. Councilperson Uden said the position has been vacant almost two years, for a savings of at least \$57,000, and the monies for his travel could be taken out of there, specifically Street Maintenance Districts 204 and 205. He asked for a straw poll from the Council, which resulted in Councilpersons Partridge, Melnik, Hollowell and Galbraith voting against. He noted that the interview committee will consist of the Mayor and Sonja Woods, and he will be contacting Jerry Backlund, of the Custer County Road Department, tonight to request he sit in on it, also.

**Mark Ahner**

- ...noted that the old Fish, Wildlife and Parks quonset building, donated to the City some years ago, contains asbestos in the floor tiles and possibly in other places. The asbestos does need to be removed, whether it will be used, sold or torn down. He had asked the Historic Preservation Officer if grants might be available for a study to see what problems might be found in the building. She said the EPA is willing to fund a study for that. Then an organization in Wolf Point, which has \$750,000 available for asbestos remediation, would pay 80% of the cost, and the City's remaining 20% match could be in cash or in kind.
- ...has established the dates for the budget review for each department. These reviews are from the 12<sup>th</sup> through the 20<sup>th</sup> of June. He encouraged all Council members to attend as many of these meetings as they can.

**Roxanna Brush**

- ...congratulated everyone for being safe over Bucking Horse Sale weekend, and said good job to everyone having anything to do with making it another successful event.

**Jerry Partridge**

- said that, after spending 8 years trying to deal with the FWP building, he would hope the City would not put any more money into it. He feels it is money that is just going to be lost.

**MAYOR COMMENTS**

- The Beautify America Program went really well; they did a lot of work around town.
- Sewer smell – Director Kelm has not heard any complaints lately.

**COMMITTEE RECOMMENDATIONS**

**Recommendation from Finance Committee: May 20, 2013**

Historic Preservation Fee Schedule

- \*\* *Councilperson Ahner moved to approve the proposed Historic Preservation Fee Schedule for provided services, with the understanding that there is a requirement for a resolution to be adopted at some future date prior to formally implementing the fees. The motion was seconded by Councilperson Uden and, after discussion and on roll call vote, passed unanimously 8-0.*

**Recommendation from Public Services Committee of May 22, 2013**

Approve Fence Encroachment at 115 N. Winchester

- \*\* *Councilperson Hollowell moved to approve the fence encroachment at 115 N. Winchester, seconded by Councilperson Melnik. After brief discussion the motion, on roll call vote, passed unanimously, 8-0.*

**PUBLIC HEARINGS**

None

**OLD BUSINESS**

None

**BID AWARDS**

**Hydraulic Excavator**

- \*\* *Councilperson Ahner moved to award the bid to RDO Equipment as the vendor for a John Deere 210 GLC for a net cost of \$94,800 for a hydraulic excavator. The motion was seconded by Councilperson Brush and, on roll call vote, passed unanimously.*

**Backhoe**

- \*\* *Councilperson Ahner moved to award the bid to Tractor & Equipment for a CAT 420F at a net price of \$57,645 for a current production*

*model of a 4-Wheel Drive, Extendable Stick, Backhoe and Loader. The motion was seconded by Councilperson Melnik.*

Councilperson Ahner commended Director Kelm and those he worked with for obtaining these two pieces of equipment at \$70,000 under budget.

- \* *On roll call vote, Councilperson Ahner's motion passed unanimously, 8-0.*

## **BID OPENING**

### **Paving in Maintenance District 205**

Director Kelm opened the one bid submitted, which was from Century Paving. The bid was for \$118,560 for the 988 tons of asphalt for the 205 Paving District. Cold mix: \$82 a ton if we pick it up, delivered is \$90 a ton. Hot mix: & \$75 a ton if we pick it up and street leveling is \$140 a ton. He noted these figures are actually under budget, which was originally \$144,000.

- \*\* *Councilperson Uden moved to send the bid to the Finance Committee for review, seconded by Councilperson Brush and, on roll call vote, passed unanimously 8-0.*

## **NEW BUSINESS**

- a. **RESOLUTION NO. 3591:** A Resolution Authorizing the Placement of Signs Prohibiting the Use of Un-Muffled Compression Brakes

- \*\* *Councilperson Galbraith moved to approve the resolution by title only, seconded by Councilperson Andrews.*

- \*\* *Councilperson Uden moved to amend Resolution 3591 to also include the points of entry into the City of Miles City as follows: Valley Drive E, Main Street on the west end, Highway 59 North and Garryowen Road on Pacific, Haynes Avenue at the northern and southern points of entry into the city limits, and Highway 312 coming into Main Street on the west end. The motion to amend was seconded by Councilperson Andrews and, on roll call vote, passed unanimously 8-0.*



\* *Councilperson Galbraith's original motion to approve Resolution 3591 was then passed unanimously, on roll call vote, 8-0. **Resolution 3591 was adopted.***

b. **RESOLUTION NO. 3594:** A Resolution Revising City Of Miles City Personnel Policies Regarding Recruitment And Selection

\*\* *Councilperson Ahner moved to approve Resolution 3594 by title only, seconded by Councilperson Melnik and, on roll call vote, passed 7-1, with Councilperson Partridge voting no. **Resolution 3594 was adopted.***

c. **RESOLUTION NO. 3595:** A Resolution Approving A City Of Miles City RSVP Criminal History Check Policy

\*\* *Councilperson Uden moved to approve Resolution 3595 by title only, seconded by Councilperson Andrews and, on roll call vote, passed unanimously, 8-0. **Resolution No. 3595 was adopted.***

d. **RESOLUTION NO. 3596:** A Resolution Authorizing The City Of Miles City To Enter Into An Agreement With The Montana Department Of Transportation For Street Sweeping For Fiscal Year 2013-2014.

\*\* *Councilperson Ahner moved to approve Resolution 3596 by title only, seconded by Councilperson Melnik and, on roll call vote, passed unanimously, 8-0. **Resolution No. 3596 was adopted.***

## ADJOURNMENT

\*\* *Councilperson Brush moved to adjourn the meeting, seconded by Councilperson Hollowell and passed unanimously, 8-0.*

The meeting was adjourned at 8:10 p.m.

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**C.A. GRENZ, Mayor**

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**CONNIE L. WATTS, Deputy City Clerk**

## **SPECIAL COUNCIL MEETING**

**June 4, 2013  
7:00 p.m.**

### **CALL TO ORDER**

The Special Council meeting was held Tuesday, June 4, 2013, in the Conference Room at City Hall at 12:00 p.m. Mayor C. A. Grenz called the meeting to order and led the Council in the Pledge of Allegiance.

Council Members present were Sue Galbraith, Bill Melnik, John Uden, Jerry Partridge, John Hollowell and Roxanna Brush. Also present was Recorder/Deputy City Clerk Connie L. Watts.

### **NEW BUSINESS**

- 1. RESOLUTION NO. 3597:** A Resolution Authorizing The Custer Rod & Gun Club To Give Marksmanship Lessons At The City Of Miles City Shooting Range.

It was explained that the Custer County Rod and Gun Club will be conducting shooting lessons at the City of Miles City Shooting Range for young people each Tuesday night for seven weeks. The Club has obtained the required \$1,000,000 liability insurance.

- \*\*** *Councilperson Uden moved, seconded by Councilperson Melnik, to approve the resolution by title only. On roll call vote, the motion was approved unanimously, 6-0. Resolution 3597 was adopted.*

### **ADJOURNMENT**

- \*\*** *Councilperson Brush moved to adjourn the meeting, seconded by Councilperson Melnik and passed unanimously, 6-0.*

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**C.A. Grenz**  
**Mayor**

**ATTEST:**

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**Connie L. Watts**  
**Deputy City Clerk**

## ORDINANCE NO. 1252

**AN ORDINANCE AMENDING SECTIONS 24-4, 24-5, 24-7, 24-8, 24-16, 24-18, 24-46, 24-47, 24-50, 24-51, 24-53, 24-54, 24-58, 24-59, 24-62, 24-66, 24-67, 24-68, 24-70, and 24-71 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA TO CONFORM TO CHANGES IN MONTANA STATUTE.**

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

**Section 1.** Section 24-4 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-4. - Purpose of chapter; interpretation of chapter.**

(a) Such regulations shall be made in accordance with the growth policy and design to secure safety from fire, and other dangers; to promote public health, public safety, and the general welfare; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall take into consideration the reasonable provisions of adequate light and air; the effect of regulations on motorized and nonmotorized transportation systems; the character of the district and its peculiar suitability for the particular uses, and the conservation of the value of buildings and to encourage the most appropriate use of land throughout the zoning jurisdiction.

(b) In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare and are to regulate and restrict the location of trades and industries and the location of buildings designed for specific uses, the intensity of the use of lot areas, the height and size of buildings, the area of yards, courts and other open spaces, and the areas where mobile homes may be parked, establishing the boundaries and districts for the said purposes. This chapter sets forth the powers of the city council to accomplish such purposes, prescribing the procedure for change of regulations, restrictions and boundaries, providing for zoning powers and duties, and providing for appeals from the board of adjustment, providing this chapter is not to affect buildings under existing permits, with certain limitations, providing procedures in case of noncompliance with this chapter, and prescribing penalties for the violation of its provisions.

(c) It is not intended by this chapter to interfere with or abrogate or annul rules or permits previously adopted or issued according to the law relating to the use of buildings or premises, nor to interfere with, abrogate or annul any easement, covenants or agreements between parties; provided, however, that where this chapter imposes greater restrictions as to use, or requires larger open spaces or less height than required by such rules or permits or by easements, covenants or agreements, the provisions of this chapter shall control.”

**Section 2.** Section 24-5 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-5. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The word "building" includes the word "structure," and the word "lot" includes the words "plot" and "parcel"; the word "signature" includes the word "mark" when the person cannot write. The word "shall" is mandatory; the word "may" is permissive.

Accessory building means a subordinate building or portion of the main building which is located on the lot occupied by the main building, and the use of which is clearly incidental to the use of the main building.

Accessory Use means a use occurring on the same lot either in the same building or in a separate accessory structure which is clearly incidental to the primary allowed use.

Alley means a public thoroughfare not over 20 feet wide providing a secondary access to abutting lots and not designed for general traffic circulation.

Animal rescue shelter means a facility in which dogs, cats, or both, that have been abandoned, strayed, removed by judicial proceedings, or have been voluntarily surrendered are housed and cared for pending return to the lawful owner, placement for adoption, or euthanasia by humane means.

Appearance review. The board of adjustment may provide for a review of any new building or alteration at the request of the building inspector in regard to compatibility of external design with existing structures and location with respect to topography and finished grade elevation.

Bed and breakfast. A single household which remains owner-occupied at all times, providing from one to no more than six guest rooms for compensation, and where food service may be served to overnight guests only. The exterior appearance of the building shall not be altered from its single-family appearance.

Block means the property fronting on one side of any street, avenue or boulevard between the two nearest of any of the following, intersecting such street, avenue or boulevard: street, avenue, boulevard, park, waterway or railroad right-of-way.

Board of adjustment means the body authorized by the city council to hear appeals on the enforcement of the provisions of this chapter and to grant variances to any provision of this chapter.

Boardinghouse means a building or premises where meals are served for compensation for five or more persons, but not

exceeding 20 persons.

Building means a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels.

Building height means the vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; and to the average height between the finished lot grade at the front of a building and ridge of a gable, hip or gambrel roof.

Certification of zoning compliance means a certificate stating compliance with zoning district regulations.

Clear site triangle means a triangle area formed by the intersection of curblines and a straight line joining said curblines at points which are 30 feet distant from the point of intersection, measured along said curblines. If curb does not exist, the city engineer will designate such lines.

Conditional use means any use for which the zoning commission shall set specific conditions, all of which must be met prior to the approval of said use in the district.

Corner lot means a lot situated at the junction of and fronting on two or more streets, and having a width and depth as shown on the plot. Its width dimension is its front and its depth dimension its side, for the purpose of this chapter. Where there is doubt or dispute on this point, the decision of the building inspector shall control.

Curb level means the level established for the curb in front of a building, measured at the center of such front. Where no curb level has been established, the city engineer shall establish such curb level or its equivalent for the purpose of this chapter.

Depth of lot means the mean horizontal distance between the front and the rear lot lines.

District means a section or sections of the city and the designated area for which the regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

Dwelling, high-rise means a dwelling, including a multi-family dwelling, that is three stories or more in height.

Dwelling, mobile home means any dwelling unit larger than 256 square feet in area which is either wholly or in substantial part manufactured at an offsite location, and any movable or portable dwelling over 32 feet in length and over eight feet wide, constructed to be towed on its own chassis and designed without a permanent foundation for year-round occupancy, which includes one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or of two or

more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit.

Dwelling, multifamily means a residential building designed for and occupied exclusively by more than two families.

Dwelling, single-family means a detached residential living unit, other than a mobile home, designed for and occupied by one family.

Dwelling, two-family means a residential building designed for and occupied exclusively by two families.

Easement means a vested or acquired right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner who holds the title to the land.

Existing structure means any structure in place prior to July 12, 2011.

Family means one or more persons occupying the premises and living as a single housekeeping unit.

Floodway means the channel of a stream and the adjacent overbank areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than one-half foot.

Front street means the street parallel to the alley. In those blocks with a "T" alley, the longer length of alley shall be the alley referred to.

Frontage means front yards of buildings which are so placed that a front yard is entirely unoccupied by any building or part thereof having a depth of not less than 25 feet; in blocks where buildings have already been erected having a front yard of less than 25 feet, the depth of the front yard for any new building may be equal to the depth of the nearest adjacent building, provided that no front yard shall have a depth of less than 15 feet, and provided, further, that the front yard for all buildings on corner lots shall not be less than 25 feet deep.

Hotel means a building or premises where lodging is provided, with or without food, and open to transient guests.

Improvements means street grading and surfacing with or without curbs and gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, culverts, bridges, streets and trees.

Interior or inside lot means a lot other than a corner lot.

Junkyard means a tract of land or structure, or part thereof, used primarily for the collecting, storage and sale of scrap or discarded material, or for the collecting, dismantling or storing and salvage of machinery or vehicles not in running order or for the sale of

parts thereof.

Living unit means a residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Lodging house means a building or premises where lodging is provided for compensation for five or more persons, but not exceeding 20 persons.

Lot means land occupied or to be occupied by one building and accessory buildings and uses and including open spaces required under this chapter. A lot may be land recorded as such on the records of the county clerk and recorder.

Lot, depth of means the mean horizontal distance between the front and rear lot lines.

Lot frontage. The front of a lot shall be construed to be the portion nearest the street facing the narrow width of the lot. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

Lot lines means the lines bounding a lot as defined in this section.

Lot width means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.

Mobile Home See definition for Dwelling, Mobile Home.

Mobile home district means the areas designated by the city council on the district zoning map for development of mobile home residential dwelling units.

Mobile home park means a tract of land designed and developed to accommodate two or more mobile homes, each occupying a portion of the site on a purchase, lease or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy. Such parks are regulated by the Montana Subdivision and Platting Act.

Motor vehicle means any vehicle requiring a motor vehicle license by the state.

Nonconforming use means a use of a building or premises that does not conform with the regulations of the use district in which it is situated.

Permitted use means any use which complies with the requirements of a zoning district.

Plat means any map, plan or chart of a tract of land or subdivision indicating the location and boundaries of individual properties.



Private garage or carport. A private garage or carport is one which is accessory to a building used for private residential purposes, single-family, multiple-family or apartment, as those terms are used and defined in this chapter. If it is a multiple-family dwelling for more than three families, or an apartment house, it may have a garage of not more than one-car capacity for each family. No business of any kind or character shall be conducted or carried on in a private garage or carport.

Public garage means any garage not included within the definition of a private garage.

Public utility means any business which furnishes the general public with telephone service, telegraph service, electricity, natural gas or water; and any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state.

Residential districts means the areas designated by the city council on the district zoning map for development of residential dwelling units.

Retail business means a business engaged in the selling of merchandise.

Right-of-way means the area, either public or private, over which the right of passage exists. The right-of-way shall not be considered as land area when computing lot size.

Setback means the line within a property defining the required minimum distance between any structure or use and the adjacent right-of-way or property line of any lot.

Street means a way for vehicular traffic designated as a street, highway, boulevard, thoroughfare, parkway, throughway, avenue, road or court on the official records and maps.

(1) Arterial streets and highways means those which are primarily for fast or heavy traffic.

(2) Collector streets means those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.

(3) Marginal access streets means minor streets which are parallel to and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

(4) Minor streets means those which are used primarily for access to abutting property.

Structural alterations means any change in the supporting members of a building such as bearing walls, partitions, columns, beams or girders, excepting such alterations as may be required for the safety of the building (building permit regulations).

Structure means anything constructed or erected, the use of which requires permanent location on the ground, or attached to

something having a permanent location on the ground.

Subdivision means a division of land so divided, which creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased or otherwise conveyed, and shall include any resubdivision, and shall further include any condominium or area, regardless of its size, which provides or will provide multiple space for recreational camping vehicles or mobile homes. A subdivision shall comprise only those parcels less than 20 acres which have been segregated from the original tract, and the plat thereof shall show all such parcels, whether contiguous or not; provided, however, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the act.

Townhouse development means a multiple-unit residential structure with each unit under independent ownership, and where the owner of each unit also owns the parcel of land upon which the unit is situated and may own the front and/or rear yard adjoining the unit, and the owner of an end unit may own the side yard adjoining such unit. Each unit shall be provided with separate utility connections and shall be provided with at least two separate and private outdoor access doors.

Tract means a plot, piece or parcel of land, other than a lot, which is recorded in the office of the clerk and recorder of the county.

Use means the specific purpose for which land or a building is used.

Variance means a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, the literal enforcement of this chapter would result in unnecessary and undue hardship.

Vehicle. See Motor vehicle.

Yard means a space on the same lot with the principal building or structure, open, unoccupied and unobstructed by buildings or structures from the ground upward.

- (1) Yard, front means a yard extending across the full width of the lot from the side lot lines, the depth of which is the least distance between the front lot line and the front building line.
- (2) Yard, rear means a yard extending across the full width of the lot from the side lot lines, the depth of which is the least distance between the rear lot line and the rear of the principal building.
- (3) Yard, interior means a yard extending from the rear line of the required front yard to the rear lot line, the depth of which is the least distance from the side lot line.

Zoning commission means the body appointed by the city council pursuant to state law, recommending zoning boundaries, appropriate regulations and changes thereto.

Zoning district map means the map showing the zoning districts of the city officially adopted by the city council.”

**Section 3.** Section 24-7 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-7. - Same—Application.**

The application shall include:

- (1) Name and address of applicant.
- (2) Date of application.
- (3) The applicant's statement of interest.
- (4) The present zoning district designation and the proposed designation.
- (5) Names and addresses of property owners who are within 150 feet, excluding the width of the streets, of the property for which the zoning district boundary change is being requested.
- (6) A fee adopted by Council to cover the costs of clerical work, advertising, posting of notices, publication, and other administrative expenses, shall be deposited with the city clerk. The money collected from this source will be deposited in the general fund.”

**Section 4.** Section 24-8 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-8. - Same—Hearing; recommendation to council.**

- (a) The applicant shall file the application with the Planning Department.
- (b) The Planning Department shall present the application to the city zoning commission.
- (c) The city zoning commission shall hold a public hearing and set a time, place and date for such public hearing.
  - (1) The Planning Department shall notify the applicant of the hearing.
  - (2) Notice of the hearing shall be published at least fifteen (15) days prior to said hearing in the official newspaper of the city.
  - (3) Notice of the hearing shall be sent to the adjacent property owners and may be posted on the affected site.
- (d) Following the public hearing, the zoning commission shall submit its recommendations concerning the proposed amendment to the city council.
- (e) Upon receipt of the zoning commission's recommendations, the city council shall set a hearing date for the proposed amendment.
  - (1) The city clerk shall notify the applicant of the hearing.
  - (2) Notice of the hearing shall be published at least fifteen (15) days prior to said hearing in the official newspaper of the city.
  - (3) Notice of the hearing shall be sent to the adjacent property owners and may be posted on the

affected site.

**Section 5.** Section 24-16 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-16. - Mobile homes—Building permit required.**

All persons placing mobile homes within the jurisdiction of this chapter, whether they are renting or leasing or they own the lot or site on which the mobile home is to be parked, shall apply for a building permit at city hall.”

**Section 6.** Section 24-18 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-18. - Maximum height of fences and hedges; projecting tree branches or shrubbery.**

(a) No fence, hedge or other visual obstruction exceeding three feet in height measured from the street grade shall be constructed in the front yard of any residential district or mobile home park district. For corner lots in the same districts where there are two street frontages, the side yard adjacent to the street shall have the same restrictions.

(b) It shall be unlawful for the owner or occupant of any premises within the city to suffer or permit any branches of any trees, bushes, shrubs or shrubbery to project over any sidewalk or street at a height less than eight feet.”

**Section 7.** Section 24-46 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-46. - Zoning district map adopted.**

The designation, location and boundaries of zoning districts established under this code shall be shown and depicted on a map designated as the Miles City Zoning District Map, which is hereby adopted by reference. The map and all notations, references and other information shown thereon shall be as much as part of this chapter as if the information set forth by such map was fully set forth in this section and shall be kept on display in the City Engineering Office.”

**Section 8.** Section 24-47 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-47. - Districts established.**

(a) For the purpose of classifying, regulating, and defining uses that are appropriately located the following Zoning Districts are established:

District	Short Title
A Residential District	A
B Residential District	B
Mobile Home-Residential District	MH-A

Mobile Home District	MH-B
Mobile Home Park District	MH-C
General Commercial District	GC
Local Commercial District	LC
Heavy Commercial District	HC
Industrial District	I
Open Space District	OS
Semi-Rural District	SR
Agriculture District	AG
Medical Campus District	MC
C Residential District	C
Light Industrial District	LI
Downtown Mixed Use District	HMU

(b) No building shall be erected, altered or used in a manner that does not conform with the regulations prescribed for the use district in which it located. ”

**Section 9.** Section 24-50 of the Code of Ordinances of the City of Miles City, Montana shall be repealed.

**Section 10.** Section 24-51 of the Code of Ordinances of the City of Miles City, Montana shall be repealed.

**Section 11.** Section 24-53 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-53. - A residential district.**

(a) Intent. It is the intent of the A district regulations to provide for low-density residential use.

(b) Permitted uses.

- (1) Single-family dwellings.
- (2) Multifamily dwellings not in excess of four families.
- (3) Townhouse dwelling units not in excess of four families.
- (4) Public schools.
- (5) Public parks, buildings and playgrounds.
- (6) Churches.
- (7) Home occupations as per this chapter.
- (8) Accessory uses.
- (9) Bed and breakfast.
- (10) Animal rescue shelters per subsection 24-21(b) of this chapter.

(c) District regulations for single-family dwelling.

- (1) Minimum lot size.
  - a. Minimum width: 50 feet.
  - b. Minimum area: 5,500 square feet.
- (2) Setback requirements.
  - a. Minimum of 25 feet from the structure line from all frontages.
  - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
  - c. Interior yard: Minimum of eight feet from the structure

to the side interior lot line.

(3) Minimum open area: 750 square feet of open area, excluding parking area for parking requirement.

(4) Motor vehicle parking.

a. Motor vehicle parking shall be permitted on setbacks and yards.

b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit. This includes one-half offstreet parking place for guest parking.

(d) District regulations for duplex.

(1) Minimum lot size (except for townhouse developments).

a. Minimum width: 50 feet.

b. Minimum area: 6,000 square feet.

(2) Setback requirements.

a. Minimum of 25 feet from the structure line from all frontages.

b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.

c. Interior yard: Minimum of eight feet from the structure to the side interior lot line.

(3) Minimum open area: 1,000 square feet of open area, excluding parking area requirement.

(4) Motor vehicle parking.

a. Motor vehicle parking shall be permitted on setbacks and yards.

b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit, for a total of seven spaces per duplex. This includes one-half offstreet parking place per dwelling unit for guest parking.

(e) District regulations for three-plex.

(1) Minimum lot size.

a. Minimum width: 75 feet.

b. Minimum area: 9,000 square feet.

(2) Setback requirements.

a. Minimum of 25 feet from the structure line from all frontages.

b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.

c. Interior yard: Minimum of 12 feet from the structure to the side interior lot line.

(3) Minimum open area: 1,500 square feet of open area, excluding parking area requirement.

(4) Motor vehicle parking.

a. Motor vehicle parking shall be permitted on setbacks and yards.

b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit, for a total of 10½ spaces per three-plex. This includes one-half offstreet parking place per dwelling unit for guest parking.

(5) Site plan approval. The site plan will be reviewed and approved by the City Planning Board for the proper site.

(f) District regulations for four-plex.

(1) Minimum lot size.

a. Minimum width: 100 feet.

- b. Minimum area: 12,000 square feet.
- (2) Setback requirements.
  - a. A minimum of 25 feet from the structure line from all frontages.
  - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
  - c. Interior yard: Minimum of 12 feet from the structure to the side interior lot line.
- (3) Minimum open area: 2,000 square feet of open area, excluding parking area requirement.
- (4) Motor vehicle parking.
  - a. Motor vehicle parking shall be permitted on setbacks and yards.
  - b. Three and one-half offstreet parking places shall be provided and retained for each dwelling unit, for a total of 14 spaces per four-plex. This includes one-half offstreet parking place per dwelling unit for guest parking.
- (5) Site plan approval. The site plan will be reviewed and approved by the city-county planning board for the proper site.”

**Section 12.** Section 24-54 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-54. - B residential district.**

- (a) Permitted uses.
  - (1) Multifamily dwellings and condominiums not in excess of an eight-plex.
  - (2) Single-family dwellings.
  - (3) Public schools.
  - (4) Public parks, buildings and playgrounds.
  - (5) Churches.
  - (6) Home occupations as per this chapter.
  - (7) Accessory uses.
  - (8) Townhouse developments not in excess of an eight-plex: regulations governing the development of townhouses are set forth at section 24-58 of this chapter.
  - (9) Animal rescue shelters per subsection 24-21(b) of this chapter.
- (b) District regulations, except townhouse development.
  - (1) Minimum lot size.
    - a. Minimum width: 50 feet.
    - b. Minimum area: 5,500 square feet.
  - (2) Setback requirements.
    - a. Minimum of 25 feet from the structure line from all frontages.
    - b. Rear yard: Minimum of 20 feet from the structure line to the rear lot line, exclusive of a ten-foot easement for an alley.
    - c. Interior yard: Minimum of eight feet from the structure line to the side interior lot line.
  - (3) Maximum height requirements. Maximum height of 38 feet, not to exceed three stories. Variances of up to five feet may be granted by the building inspector so long as the general character of the district is maintained.
  - (4) Motor vehicle parking.
    - a. Three offstreet parking places shall be provided and

- retained for each dwelling unit.
  - b. One-half offstreet parking place shall be provided and retained for guest parking per dwelling unit.
- (5) Site plan review. The site plan for each multifamily project in excess of a duplex shall be reviewed and approved by the City Planning Board for proper site development prior to the issuance of a building permit.
- (6) Single-family dwelling.
- a. Minimum lot size.
    - 1. Minimum width: 50 feet.
    - 2. Minimum area: 5,500 square feet.
  - b. Minimum open area: 500 square feet of open area, excluding parking area for parking requirement.
  - c. Motor vehicle parking.
    - 1. Motor vehicle parking shall be permitted on setbacks and yards.
    - 2. Three and one-half offstreet parking spaces shall be provided for each dwelling unit. This includes one-half offstreet parking place for guest parking.
- (7) Duplex.
- a. Minimum lot size.
    - 1. Minimum width: 50 feet.
    - 2. Minimum area: 5,500 square feet.
  - b. Minimum open area: 750 square feet of open area, excluding parking area for parking requirement.
  - c. Motor vehicle parking.
    - 1. Motor vehicle parking shall be permitted on setbacks and yards.
    - 2. Three and one-half offstreet parking places shall be provided for each dwelling unit for a total of seven spaces per duplex. This includes one-half offstreet parking place for guest parking.
- (8) Three-plex.
- a. Minimum lot size.
    - 1. Minimum width: 75 feet.
    - 2. Minimum area: 7,200 square feet.
  - b. Minimum open area: 1,000 square feet of open area, excluding parking area for parking requirement.
  - c. Motor vehicle parking.
    - 1. Motor vehicle parking shall be permitted on setbacks and yards.
    - 2. Three and one-half offstreet parking places shall be provided for each dwelling unit for a total of 10½ spaces per three-plex. This includes one-half offstreet parking place for guest parking.
- (9) Four-plex.
- a. Minimum lot size.
    - 1. Minimum width: 75 feet.
    - 2. Minimum area: 8,900 square feet.
  - b. Minimum open area: 1,250 square feet of open area, excluding parking area for parking requirement.
  - c. Motor vehicle parking.
    - 1. Motor vehicle parking shall be permitted on setbacks and yards.
    - 2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 14



spaces per four-plex. This includes one-half offstreet parking place for guest parking.

(10) Five-plex.

a. Minimum lot size.

1. Minimum width: 100 feet.
2. Minimum area: 10,600 square feet.

b. Minimum open area: 1,500 square feet of open area, excluding parking area for parking requirement.

c. Motor vehicle parking.

1. Motor vehicle parking shall be permitted on setbacks and yards.

2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 17½ spaces per five-plex. This includes one-half offstreet parking place for guest parking.

(11) Six-plex.

a. Minimum lot size.

1. Minimum width: 100 feet.
2. Minimum area: 12,300 square feet.

b. Minimum open area: 1,750 square feet of open area, excluding parking area for parking requirement.

c. Motor vehicle parking.

1. Motor vehicle parking shall be permitted on setbacks and yards.

2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 21 spaces per six-plex. This includes one-half offstreet parking place for guest parking.

(12) Seven-plex.

a. Minimum lot size.

1. Minimum width: 125 feet.
2. Minimum area: 14,000 square feet.

b. Minimum open area: 2,000 square feet of open area, excluding parking area for parking requirement.

c. Motor vehicle parking.

1. Motor vehicle parking shall be permitted on setbacks and yards.

2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 24½ spaces per seven-plex. This includes one-half offstreet parking place for guest parking.

(13) Eight-plex.

a. Minimum lot size.

1. Minimum width: 125 feet.
2. Minimum area: 15,700 square feet.

b. Minimum open area: 2,250 square feet of open area, excluding parking area for parking requirement.

c. Motor vehicle parking.

1. Motor vehicle parking shall be permitted on setbacks and yards.

2. Three and one-half offstreet parking places shall be provided for each dwelling unit, for a total of 28 spaces per eight-plex. This includes one-half offstreet parking space for guest parking."

**Section 13.** Section 24-58 of the Code of Ordinances of the City of Miles City,

Montana is amended to read as follows:

**“Sec. 24-58. - General provisions affecting residential districts.**

(a) Signs. No nameplate exceeding one square foot in area is permitted, nor signs exceeding six square feet in area pertaining to the lease, hire or sale of a building or premises; except that bulletin boards not exceeding 12 square feet in area may be permitted on premises occupied by churches, temples, libraries, schools, colleges and playgrounds.

(b) Vacant lots. Vacant lots may be used for gardening, tennis courts, playgrounds and other recreational facilities only, and shall be kept free of all rubbish and/or garbage at all times. No business equipment or other large equipment shall be stored on vacant lots in residential zones; provided that other uses of vacant lots may be permitted by written authority from the city council with the continuing consent of the owners of 85 percent of the property within 150 feet of the lot or lots.

(c) Garages. Garages shall have the same setback requirements as residences, except for detached garages. Detached garages may be built in the rear yard to the interior lot line and to the alley easement line. Where detached garages face the alley, the garage shall not be closer than 25 feet from the opposite alley easement line. All detached garages must be at least ten feet from the residence and shall not exceed 1,200 square feet with sidewalls not to exceed ten feet in height. Garage roof slope must be similar to the residence. Garage exterior siding materials must be compatible with and similar to the residence. Garages shall be of pre-engineered or frame construction. A continuous open area of not less than ten percent of the total residential/garage building site area located from the rear lot line to the rear of the principal building shall be maintained. Garages that are not solely used for vehicle storage, residence and grounds maintenance, and other uses directly associated to the primary residential use shall be considered commercial or light industrial in nature and shall not be permitted in residential zones.

(d) Townhouse developments. It is the intent of this subsection to provide for townhouse developments which will be compatible with the residential character of zoning districts A, B and MH-A.

(1) Two-unit developments. A two-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 1,000 square feet of open space.
- c. Provide not less than 1,200 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 6,000 square feet.

(2) Three-unit developments. A three-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 1,500 square feet of open space.
- c. Provide not less than 1,800 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less

- than 12 feet for an end unit on a corner lot.
    - e. Provide a front setback of not less than 25 feet.
    - f. Provide a rear setback of not less than 20 feet.
    - g. Occupy a contiguous land area of not less than 6,460 square feet.
- (3) Four-unit developments. A four-unit townhouse development shall:
  - a. Have a unit width of not less than 20 feet.
    - b. Provide not less than 2,000 square feet of open space.
    - c. Provide not less than 2,400 square feet of offstreet parking.
    - d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
    - e. Provide a front setback of not less than 25 feet.
    - f. Provide a rear setback of not less than 20 feet.
    - g. Occupy a contiguous land area of not less than 8,160 square feet.
- (4) Five-unit developments. A five-unit townhouse development shall:
  - a. Have a unit width of not less than 20 feet.
  - b. Provide not less than 2,500 square feet of open space.
  - c. Provide not less than 3,000 square feet of offstreet parking.
  - d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
  - e. Provide a front setback of not less than 25 feet.
  - f. Provide a rear setback of not less than 20 feet.
  - g. Occupy a contiguous land area of not less than 9,860 feet.
- (5) Six-unit developments. A six-unit townhouse development shall:
  - a. Have a unit width of not less than 20 feet.
  - b. Provide not less than 3,000 square feet of open space.
  - c. Provide not less than 3,600 square feet of offstreet parking.
  - d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
  - e. Provide a front setback of not less than 25 feet.
  - f. Provide a rear setback of not less than 20 feet.
  - g. Occupy a contiguous land area of not less than 11,560 square feet.
- (6) Seven-unit developments. A seven-unit townhouse development shall:
  - a. Have a unit width of not less than 20 feet.
  - b. Provide not less than 3,500 square feet of open space.
  - c. Provide not less than 4,200 square feet of offstreet parking.
  - d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
  - e. Provide a front setback of not less than 25 feet.
  - f. Provide a rear setback of not less than 20 feet.
  - g. Occupy a contiguous land area of not less than 13,260

square feet.

(7) Eight-unit developments. An eight-unit townhouse development shall:

- a. Have a unit width of not less than 20 feet.
- b. Provide not less than 4,000 square feet of open space.
- c. Provide not less than 4,800 square feet of offstreet parking.
- d. Provide side yards in the following manner: not less than eight feet for an end unit on an interior lot and not less than 12 feet for an end unit on a corner lot.
- e. Provide a front setback of not less than 25 feet.
- f. Provide a rear setback of not less than 20 feet.
- g. Occupy a contiguous land area of not less than 14,960 square feet.

(8) Review of Townhouse Developments. The City Planning Board shall review proposed townhouse developments. The City Planning Board shall make a recommendation to the city council based on the following criteria:

- a. Neighborhood character.
- b. Exterior treatment of building.
- c. Provision and treatment of open space.
- d. Provision of offstreet parking.
- e. Public utility adequacy for proposed development density.
- f. Access to existing and future structures.

(9) Site plan approval. The city council shall require a site plan review. The city council may approve, conditionally approve or disapprove the application for a building permit.”

**Section 14.** Section 24-59 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-59. - GC general commercial district.**

(a) Intent. It is the intent of the GC district regulations to provide a general commercial district for those businesses and services which may require large storage space, may be open in the evenings, may generate large volumes of traffic, and are serving the extraordinary needs of the entire community.

(b) Permitted uses.

- (1) All general businesses and services.
- (2) Theaters, lodges and assembly facilities.
- (3) Churches.
- (4) Multifamily dwellings, except townhouse developments.
- (5) Multifamily dwellings in combination with uses listed in subsections (b)(1), (2) or (3) of this section.
- (6) Animal rescue shelters per subsection 24-21(b) of this chapter.

(c) District regulations.

- (1) Maximum height requirements. Height is not to exceed the limits of existing fire department equipment.
- (2) Setback requirements.
  - a. Buildings located within the business district may be built to the property lines, except where a commercial district and a residential district are adjacent to each other within a platted city block.
  - b. Where a commercial and a residential district are

adjacent to each other within a platted city block, construction of commercial buildings shall maintain the applicable residential setbacks along the common boundary between zoning districts.

- (3) Bulk stations. No bulk stations for the storage of gasoline and other inflammables are allowed within the jurisdiction of this chapter unless they provide for underground storage of all such inflammables and the plans are first approved by the building inspector and fire chief.
- (4) Loading facilities. In the construction of any building in the business district, satisfactory facilities must be provided for loading and unloading stocks of merchandise, etc., at the rear entrance.
- (5) Fire control. Buildings within fire limits must conform to the provisions of the fire limit ordinance.
- (6) Parking for new construction.
  - a. On-premises parking shall be required for employees at a ratio of one space per employee. Further on-premises parking shall be provided which is reasonably adequate to take care of persons coming to the building in the course of business. Requirements for on-premises parking shall be waived for those parcels in a designated parking district in which offstreet parking is provided.
  - b. Requirements for on-premises parking shall be waived for those parcels in a parking district in which offstreet parking is provided.
- (7) Site plan review. A review of the site plan by the City Planning Board shall be required prior to issuance of the building permit.
- (8) Junkyards. Junkyards shall be approved by the city council. Junkyards shall be concealed from view.”

**Section 15.** Section 2-62 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-62. - Industrial district.**

- (a) Intent. It is the intent of the I district regulations to provide for the best location of industrial uses which would be incompatible with other uses in other zoning districts.
- (b) Permitted uses. Any manufacturing, process, business or treatment use shall be permitted, provided it does not create or tend to create a nuisance and/or undue hazard to life and/or property. It shall be the duty of the building inspector, fire chief and city health officer to determine and recommend to the city council if any use or proposed use does or will tend to create such a nuisance or hazard.
- (c) District regulations.
  - (1) Motor vehicle parking. Adequate parking shall be provided offstreet for all rolling equipment at a ratio of one-to-one, for visitors and customers at a ratio of one per management employee, and an offstreet space for 50 percent of employees.
  - (2) Site plan review. Review of the site plan shall be required by the City Planning Board prior to issuance of the building permit.”

**Section 16.** Section 24-66 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-66. - MC medical campus district.**

- (a) Intent. It is the intent of the MC district regulations to provide a zoning district for medical services with residential buffers that will allow the development of a medical campus.
- (b) Permitted uses.
  - (1) Hospitals.
  - (2) Nursing homes, including but not limited to assisted care and ambulatory care facilities.
  - (3) Day care centers.
  - (4) Medical clinics for human services, including but not limited to physicians, surgeons, psychologists and dental and optometrical clinics and offices.
  - (5) Pharmaceutical stores.
  - (6) Durable medical goods stores, including assembly.
  - (7) Health and exercise establishments.
  - (8) Medical diagnostic and research laboratories.
  - (9) Dental laboratories.
  - (10) Medical education facilities in conjunction with other permitted uses.
  - (11) All uses allowed under residential A and conforming to section 24-53
  - (12) All uses allowed under open spaces, except cemeteries.
  - (13) All uses approved as part of the planned unit development.
- (c) District regulations.
  - (1) Parking for assisted and ambulatory care facilities.
    - a. Offstreet parking shall be required for employees at the ratio of one space per employee, based upon the maximum number of employees for the shift of maximum employment.
    - b. Additionally, 1½ offstreet parking spaces shall be applied per residential unit.
  - (2) Parking for other permitted uses.
    - a. Offstreet parking shall be required for employees at the ratio of one space per employee, based upon the maximum number of employees for the shift of maximum employment.
    - b. Further offstreet parking shall be provided which is reasonably adequate to take care of persons coming to the building in the course of business or visitation.
  - (3) Site plan review. The site plan will be reviewed and approved by the City Planning Board for the proper site development prior to the issuance of a building permit.”

**Section 17.** Section 2- 67 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-67. - C residential district.**

- (a) Permitted uses.
  - (1) Multifamily dwellings, high-rise dwellings and condominiums in excess of an eight-plex.
  - (2) Parks, playgrounds, parking and open space areas.
  - (3) Accessory uses.
- (b) District regulations.

- (1) Minimum lot size.
  - a. Minimum width: building width plus 20 feet.
  - b. Minimum area: 17,400 square feet for a nine units plus 1,700 square feet for each additional unit.
- (2) Minimum open area: 2,500 square feet of open area, excluding parking area, for nine units plus 250 square feet for each additional unit.
- (3) Setback requirements.
  - a. Frontages: 25 feet from the structure line to the property line.
  - b. Rear yard: 20 feet from the structure line to the rear lot line, exclusive of a 20-foot alley/utility easement.
  - c. Interior yard: ten feet from structure line to the side property line.
  - d. High-rise structures adjacent to other zones shall increase setbacks by an additional eight feet per story.
- (4) Maximum height requirements. Structure height shall not exceed 60 feet.
- (5) Motor vehicle parking.
  - a. Motor vehicle parking shall be permitted on setbacks and open space.
  - b. Two and one-half vehicle parking spaces shall be provided for each unit.
  - c. Parking of trailers, other motorized vehicles and other non-motorized vehicles or equipment shall not be permitted onsite.
  - d. Parking shall not be permitted on green space or play grounds.
- (6) Site plan review. The site plan shall be reviewed and approved by the City Planning Board for proper site development.”

**Section 18.** Section 2- 68 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

**“Sec. 24-68. - LI light industrial district.**

- (a) Intent. It is the intent of the LI Light Industrial District regulations to provide lands suitable for light industrial type applications which may be in close proximity or adjacent to residential or other zoning districts.
- (b) Permitted uses.
  - (1) Manufacturing, fabrication, assembly process, or materials treatment that is conducted totally within an enclosed structure.
  - (2) Open storage yards, building material yards, and warehousing.
  - (3) Administrative space associated with a light industrial activity.
  - (4) Light industrial activities which do not create or tend to create a nuisance, undue hazard to life or property, or detrimental environmental impacts.
  - (5) Those services and businesses permitted under GC General Commercial except for churches, and multiple family dwellings.
  - (6) Those services and businesses permitted under HC Heavy Commercial.
- (c) District regulations.
  - (1) Motor vehicle parking. Adequate off-street parking shall be provided for all rolling stock, all customers and visitors, all employees and management personnel present at any time, and for all freight deliveries and freight handling.

- (2) Utilities. Design of sanitary sewer and water service systems must meet the requirements of the service provider. Site drainage plans must be submitted for approval. Design of new private utility facilities must be submitted for approval.
- (3) Buffer zones. Buffer zones and screening shall be required to protect adjacent zones which may be negatively impacted by the light industrial activities.
- (4) Site lighting. Security lights, parking lot lights and other site lighting must be designed so as to not encroach upon adjacent residential zones.
- (5) Signage. Address or directional signs shall not exceed six feet in height and ten square feet in size. Business and advertising signs shall be limited to building face only. Post type or elevated signs shall not be permitted. Lighted signs shall be dimmed or turned off between the hours of 8:00 p.m. and 7:00 a.m. to reduce light pollution to adjacent residential zones.
- (6) Traffic control. Industrial or business activities that generate traffic counts in excess of 100 vehicle trips per 24-hour period or that will generate semi-truck or heavy equipment traffic must submit a traffic analysis and traffic plan. Semi-truck or heavy equipment traffic shall not be permitted to create conflict with existing traffic ways with adjacent residential zoning districts.
- (7) Materials and refuse control. Garbage, refuse, raw materials, manufacturing byproducts, finished products and excess materials shall be screened from view of adjacent zoning districts and maintained in an orderly manner.
- (8) Site plan review. Review of the site plan by the City Planning Board is required prior to the commencement of construction or site development.”

**Section 19.** Section 2- 70 of the Code of Ordinances of the City of Miles City, Montana shall read as follows:

**“Sec. 24-70. - HMU Historic Mixed Use District.**

- (a) Intent. It is the intent of the Historic Mixed Use District regulations to maintain the existing ground floor storefronts to the degree possible and provide land suitable for residential, office and retail uses to occur either independently in a separate structure or together with the same structure, and to add to the range of uses historic buildings can have in order to allow for adaptive reuse.
- (b) Permitted uses:
  - (1) Office.
  - (2) Retail use.
  - (3) Residential units above the ground floor.
  - (4) Residential units on the ground floor; for those buildings fronting Main Street the residential space must be in the rear of the storefront and shall not exceed one-third of the total gross square footage of that floor.
  - (5) Except for those buildings fronting Main Street, multifamily dwellings in existing historic buildings.
  - (6) Hotels
  - (7) Theaters, lodges, and assembly facilities.
- (c) District Regulations:
  - (1) Maximum Height. Height shall not exceed 40 feet.
  - (2) Setback Requirements. Buildings may be built to the property



lines.

(3) Loading Facilities. New construction of a commercial building shall provide for Parking Requirements.

(4) Parking Requirements.

a. Existing uses shall be allowed to operate without the requirement for additional parking.

b. New commercial space shall provide one space per employee for the peak employee rate plus two (2) spaces per 1,000 net square feet.

c. New residential space shall provide parking at the rate of one space per unit.

d. Theaters, lodges, and assembly facilities will meet the requirements in *Section 24-1*.

(d) Site Plan Review. Prior to issuing a building permit for any new construction the City Planning Board must review the site plan. ”

**Section 20.** Section 2- 71 of the Code of Ordinances of the City of Miles City, Montana shall include the attached exhibit:

**“Attached Exhibit “A” shall be incorporated herein”**

**Section 21.** This amendment shall become effective thirty (30) days after its final passage.

Said ordinance read and put on its passage this 14th day of May, 2013.

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Connie Watts, Deputy City Clerk

**FINALLY PASSED AND ADOPTED BY THE AFFIRMATIVE VOTE OF  
A MAJORITY OF THE MEMBERS OF THE CITY COUNCIL OF THE  
CITY OF MILES CITY THIS 11TH DAY OF JUNE, 2013.**

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Connie Watts, Deputy City Clerk

**RESOLUTION NO. 3598**

**A RESOLUTION GRANTING A REVOCABLE LICENSE TO SHANNA ABBOTT FOR A FENCE ENCROACHMENT UPON CITY OF MILES CITY RIGHT OF WAY FOR WINCHESTER AVENUE FOR THE BENEFIT OF LOTS 13 AND 14 IN BLOCK 10 OF THE EAST SIDE ADDITION TO THE CITY OF MILES CITY, COMMONLY KNOWN AS 115 NORTH WINCHESTER AVENUE.**

*WHEREAS*, Shanna Abbott has made application for an encroachment upon the right of way of Winchester Avenue adjacent to the following described real property located in Miles City, Custer County, Montana owned by Shanna Abbott:

Lots 13 and 14 in Block 10 of the East Side Addition to the City of Miles City, Custer County, Montana according to the plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana, commonly known as 115 North Winchester Avenue.

*AND WHEREAS*, such encroachment consists of a fence to be constructed approximately six (6) feet west of the back of the existing curb on the westerly edge of Winchester Avenue;

*AND WHEREAS*, the City Council finds that the granting of a revocable license for such encroachment, pursuant to certain terms and conditions, is advisable.

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

It does hereby authorize and grant to Shanna Abbott a revocable license to erect and maintain a fence on Lots 13 and 14 of Block 10 of the East Side Addition to the City of Miles City, Custer County, Montana, commonly known as 115 North Winchester Avenue, that encroaches upon the City of Miles City right of way approximately six (6) feet west of the back of the existing curb on the westerly edge of Winchester Avenue, subject to the following terms and conditions:

1. The fence shall be placed approximately six (6) feet west of the back of the existing curb on the westerly edge of Winchester Avenue;
2. This license shall be contingent upon the installation of a six (6) foot wide sidewalk along the frontage of the property, abutting the back of the existing curb on the westerly edge of Winchester Avenue, at licensee's sole expense;

3. The final location and height of the fence are subject to the review and final approval of the Public Works Director of the City of Miles City;
4. The licensee shall maintain the fence in good and slightly condition at all times;
5. All construction and maintenance of the fence shall be at licensee's expense;
6. This license shall terminate and licensee shall, at licensee's expense, completely remove the vinyl fence from the City of Miles City right of way and restore the location of the fence to compacted, level grade, upon ninety (90) days advanced written notice to licensee by the City of Miles City
7. This license shall be recorded with the Clerk and Recorder for Custer County, Montana, and shall run with the above described real property, subject to the terms, conditions and right to terminate provided herein.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,  
MONTANA, THIS 11th DAY OF JUNE, 2013.**

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

RESOLUTION NO. 3599

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO PURCHASE A CAT 420F BACKHOE FROM TRACTOR & EQUIPMENT CO., A MONTANA CORPORATION.**

*WHEREAS*, the City has advertised for and accepted bids for the purchase of a Backhoe Loader;

*AND WHEREAS* Tractor & Equipment Co., a Montana corporation, of Billings, Montana was the lowest responsible bidder for such project;

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

1. The Contract for the purchase of a CAT 420F Backhoe, attached hereto as Exhibit "A," is hereby approved and adopted by this Council subject to final written approval of the City Attorney.

2. The Mayor of the City of Miles City, upon written approval of the City Attorney, is hereby empowered and authorized to execute said Contract on behalf of the City of Miles City and bind the City of Miles City thereto; and

3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Contract and bind the City of Miles City thereto.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 11th DAY OF JUNE, 2013.**

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

EXHIBIT "A"

CONTRACT

THIS CONTRACT, effective the 12th day of July, 2013, by and between the City of Miles City, hereinafter called the "OWNER," and Tractor and Equipment Co hereinafter called the "DEALER," who represents that it is licensed and registered to do business in the State of Montana.

WITNESSETH:

WHEREAS, the OWNER intends to purchase from Dealer ( CAT 420F Backhoe ), hereinafter called "EQUIPMENT," pursuant to a bid package advertised by OWNER on April 26, 2013 ; May 2, 2013 ; and May 9, 2013 ; wherein DEALER was the lowest responsible bidder.

NOW, THEREFORE, THE OWNER and DEALER for the consideration herein set forth, agree as follows:

THE DEALER AGREES to furnish CAT 420F Backhoe conforming to the bid package hereinbefore referenced.

1. INCORPORATION OF BID PACKAGE. The City of Miles City Backhoe Loader Bid Package, and all requirements and specifications contained therein, is hereby incorporated into this Contract as if fully set forth herein. DEALER represents and warrants that the equipment being furnished by it is in strict compliance with the requirements and specifications contained in said bid package.

2. PURCHASE PRICE. The total purchase price for the Equipment hereinbefore described shall be Fifty-seven Thousand Six Hundred Forty-five and 00/100 (\$ 57,645.00 ), said payment being due upon delivery of the Equipment to OWNER.

3. DELIVERY. Equipment shall be delivered by DEALER to OWNER on or before October 25, 2013.

4. PARAGRAPH HEADINGS. The paragraph headings herein are for convenience only and do not define, limit or construe the contents of such paragraphs.

5. TIME AND BINDING EFFECT. It is mutually agreed that the time of payment shall be an essential part of this contract and that all of the terms and conditions herein contained shall extend to and be obligatory upon the heirs, executors, administrators, personal representatives and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have made and executed this Contract on the day and year first above written.

**"OWNER"**

The City of Miles City, Montana

By: \_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, City Clerk

**"DEALER"**

\_\_\_\_\_  
By: \_\_\_\_\_  
\_\_\_\_\_, (title)

**RESOLUTION NO. 3600**

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO PURCHASE A JOHN DEERE 210 GLC HYDRAULIC EXCAVATOR FROM RDO EQUIPMENT CO., A DELAWARE CORPORATION REGISTERED TO DO BUSINESS IN MONTANA.**

*WHEREAS*, the City has advertised for and accepted bids for the purchase of a Hydraulic Excavator;

*AND WHEREAS* RDO Equipment Co., a Delaware corporation registered to do business in Montana, of Billings, Montana was the lowest responsible bidder for such project;

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

1. The Contract for the purchase of a John Deere 210 GLC Hydraulic Excavator, attached hereto as Exhibit "A," is hereby approved and adopted by this Council subject to final written approval of the City Attorney.
2. The Mayor of the City of Miles City, upon written approval of the City Attorney, is hereby empowered and authorized to execute said Contract on behalf of the City of Miles City and bind the City of Miles City thereto; and
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Contract and bind the City of Miles City thereto.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 11th DAY OF JUNE, 2013.**

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

EXHIBIT "A"

CONTRACT

THIS CONTRACT, effective the 12th day of June, 2013, by and between the City of Miles City, hereinafter called the "OWNER," and RDO Equipment Co., hereinafter called the "DEALER," who represents that it is licensed and registered to do business in the State of Montana.

WITNESSETH:

WHEREAS, the OWNER intends to purchase from Dealer (John Deere 210 GLC Hydraulic Excavator), hereinafter called "EQUIPMENT," pursuant to a bid package advertised by OWNER on April 26, 2013; May 2, 2013; and May 9, 2013; wherein DEALER was the lowest responsible bidder.

NOW, THEREFORE, THE OWNER and DEALER for the consideration herein set forth, agree as follows:

THE DEALER AGREES to furnish John Deere 210 GLC Hydraulic Excavator conforming to the bid package hereinbefore referenced.

1. INCORPORATION OF BID PACKAGE. The City of Miles City Hydraulic Excavator Bid Package, and all requirements and specifications contained therein, is hereby incorporated into this Contract as if fully set forth herein. DEALER represents and warrants that the equipment being furnished by it is in strict compliance with the requirements and specifications contained in said bid package.

2. PURCHASE PRICE. The total purchase price for the Equipment hereinbefore described shall be Ninety-four Thousand Eight Hundred and 00/100 (\$ 94,800.00 ), said payment being due upon delivery of the Equipment to OWNER.



3. DELIVERY. Equipment shall be delivered by DEALER to OWNER on or before September 30, 2013.

4. PARAGRAPH HEADINGS. The paragraph headings herein are for convenience only and do not define, limit or construe the contents of such paragraphs.

5. TIME AND BINDING EFFECT. It is mutually agreed that the time of payment shall be an essential part of this contract and that all of the terms and conditions herein contained shall extend to and be obligatory upon the heirs, executors, administrators, personal representatives and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties hereto have made and executed this Contract on the day and year first above written.

**“OWNER”**

The City of Miles City, Montana

By: \_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_, City Clerk

**“DEALER”**

\_\_\_\_\_

By: \_\_\_\_\_  
\_\_\_\_\_ (title)

**RESOLUTION NO. 3601**

**A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2012-2013 FOR STATE OF MONTANA PAYMENTS ON BEHALF OF RETIREMENT ACCOUNTS AND PROVIDING FOR HEARING THEREON**

*WHEREAS*, the City of Miles City has been credited with \$377,387.00 from State of Montana for payments by the State on behalf of Public Employee Retirement System (PERS), Montana Peace Officer Retirement System (MPORS) and Montana Firefighters Unified Retirement System (FURS) contributions and for which additional funds no provision was made in the Final Budget for Fiscal Year 2012-2013;

*AND WHEREAS*, as permitted by §7-6-4006 MCA, the City of Miles City desires to amend its final budget for Fiscal Year 2012-2013 to appropriate and expend such additional funds for PERS, MPORS and FURS contributions;

*AND WHEREAS*, such amendment of the final budget will result in an overall increase in appropriation authority,

*AND WHEREAS*, the provisions of §7-6-4006 MCA require public hearing upon any budget amendment resulting in an overall increase in appropriation authority,

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

1. The revenues for the Final Budget for Fiscal Year 2012-2013 for the General Fund 1000 shall be increased in the following fund in the following amount:

Fund No. 1000-330000- \$377,387.00

2. The appropriations for the Final Budget for Fiscal Year 2012-2013 for Fund 1000 General Fund shall be amended in the following fund as follows:

Fund No. 1000.001.410200.190 of the General Fund 1000 shall be increased in the sum of \$2,223.00;

Fund No. 1000.005.420140.190 of the General Fund 1000 shall be increased in the sum of \$181,459.00;

Fund No. 1000.007.420460.190 of the General Fund 1000 shall be increased in the sum of \$193,705.00;

**BE IT FURTHER RESOLVED** that a public hearing shall be held on the above proposed amendments to the Final Budget for Fiscal Year 2012-2013 on the 25th day of June, 2013 at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4127 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 11TH DAY OF JUNE, 2013.

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 25TH DAY OF JUNE, 2013.

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

RESOLUTION NO. 3602

**A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2012-2013 TO APPROPRIATE UNANTICIPATED REVENUES TO BUILDING INSPECTOR FUND NO. 2394 FOR CONTRACTED PROFESSIONAL SERVICES.**

*WHEREAS*, the City of Miles City Airport has received unanticipated building permit revenues in Building Inspector Fund No. 2394 in the sum of \$15,000.00;

*AND WHEREAS*, as permitted by §7-6-4006 MCA, the City of Miles City desires to amend its final budget for Fiscal Year 2012 - 2013 to appropriate the total amount of such unanticipated revenues in the sum of \$15,000.00 to Building Inspector Fund No. 2394 for contracted professional services;

*AND WHEREAS*, such amendment of the Final Budget for Fiscal Year 2012 -2013 will result in an overall increase in appropriation authority in Building Inspector Fund No. 2394,

*AND WHEREAS*, the provisions of §7-6-4006 MCA require public hearing upon any budget amendment resulting in an overall increase in appropriation authority,

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

The appropriations for the Final Budget for Fiscal Year 2012 - 2013 for Building Inspector Fund No. 2394 shall be increased in the following amount:

Fund No. 2394-018-420531-350 (Building Inspector Fund No. 2394, Contracted Professional Services), in the sum of \$15,000.00.

Such increased appropriation shall be made from the following Building Inspector Fund No. 2394 account:

Account No. 2394 323010 (Building Inspector Fund No. 2394- Permit Fees) in the amount of \$15,000.00,

**BE IT FURTHER RESOLVED** that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2012 - 2013 on the 25th day of June, 2013 at 7:00p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7 1-4127 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 11TH DAY OF JUNE, 2013.

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 25TH DAY OF JUNE, 2013.

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

**RESOLUTION NO. 3603**

**A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2012-2013 TO APPROPRIATE UNANTICIPATED REVENUES TO AIRPORT FUND 5610 FOR FUEL SUPPLIES**

*WHEREAS*, the City of Miles City Airport has received unanticipated fuel sale revenues in Airport Fund No. 5610 in the sum of \$92,000.00,

*AND WHEREAS*, as permitted by §7-6-4006 MCA, the City of Miles City desires to amend its final budget for Fiscal Year 2012-2013 to appropriate the total amount of such unanticipated revenues in the sum of \$92,000.00 to Airport Fund No. 5610 for fuel supplies;

*AND WHEREAS*, such amendment of the Final Budget for Fiscal Year 2012 - 2013 will result in an overall increase in appropriation authority in Airport Fund No. 5610,

*AND WHEREAS*, the provisions of §7-6-4006 MCA require public hearing upon any budget amendment resulting in an overall increase in appropriation authority,

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

The appropriations for the Final Budget for Fiscal Year 2012-2013 for Airport Fund No. 5610 shall be increased in the following amount:

Fund No. 5610-087-430300-237 (Airport Fund No. 5610, Fuel Supplies), in the sum of \$92,000.00.

Such increased appropriation shall be made from the following Airport Fund No. 5610 account:

Account No. 5610-343062 (Airport Fund No. 5610- Fuel Sales) in the amount of \$92,000.00,

**BE IT FURTHER RESOLVED** that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2012 - 2013 on the 25th day of June, 2013 at 7:00p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7 1-4127 MCA, at least 2 times with at least 6 days separating each publication.

..... SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 11TH DAY OF JUNE, 2013.

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 25TH DAY OF JUNE, 2013.

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

**RESOLUTION NO. 3604**

**A RESOLUTION GRANTING A REVOCABLE LICENSE TO J & T PROPERTY MANAGEMENT LLC, A MONTANA LIMITED LIABILITY COMPANY, AUTHORIZING THE ENCROACHMENT UPON CITY OF MILES CITY RIGHT OF WAY FOR SOUTH LAKE AVENUE FOR PURPOSES OF CONSTRUCTING OFF STREET ANGLED PARKING FOR THE BENEFIT OF LOT 6 IN BLOCK 1 OF THE MILES RESERVE ADDITION TO THE CITY OF MILES CITY, COMMONLY KNOWN AS 1806 MAIN STREET.**

*WHEREAS*, J & T Property Management LLC, a Montana limited liability company, has made application for an encroachment upon the right of way of South Lake Avenue adjacent to the following described real property located in Miles City, Custer County, Montana owned by J & T Property Management LLC:

Lot 6 in Block 11 of the Miles Reserve Addition to the City of Miles City, Custer County, Montana according to the plat and survey thereof on file in the office of the Clerk and Recorder of Custer County, Montana, commonly known as 1806 Main Street.

*AND WHEREAS*, such encroachment shall consist of off street angled parking between the existing parking entrances and exits along the easterly edge of South Lake Avenue;

*AND WHEREAS*, the City Council finds that the granting of a revocable license for such encroachment, pursuant to certain terms and conditions, is advisable.

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

It does hereby authorize and grant to J & T Property Management LLC, a Montana Limited Liability Company, a revocable license to construct an off street angle parking area on Lot 6 of Block 1 of the Miles Reserve Addition to the City of Miles City, Custer County, Montana, commonly known as 1806 Main Street, that encroaches upon the City of Miles City right of way on the easterly edge of South Lake Avenue, subject to the following terms and conditions:

1. The off street angle parking area shall be constructed in strict conformance with the requirements of the City Engineering Office;
2. The parking area shall be constructed at licensee's sole expense;
3. The licensee shall maintain the parking area in good repair and condition at all times.

4. This license shall terminate and licensee shall, at licensee's expense, completely remove the parking area and restore all curb, gutter and sidewalk at licensee's sole expense upon ninety (90) days advanced written notice to licensee by the City of Miles City.

5. This license shall be recorded with the Clerk and Recorder for Custer County, Montana, and shall run with the above described real property, subject to the terms, conditions and right to terminate provided herein. The costs of recording, being \$14.00, shall be paid by licensee to the City Clerk.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,  
MONTANA, THIS \_\_\_\_ DAY OF JUNE, 2013.**

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk

**RESOLUTION NO. 3605**

**A RESOLUTION OF INTENT TO ESTABLISH FEES FOR HISTORIC PRESERVATION COMMISSION SERVICES.**

*WHEREAS*, the Historic Preservation Commission of the City of Miles City, Montana, wishes to make certain services available to the public, and to collect a fee for such services;

*AND WHEREAS*, the City Council of the City of Miles City proposes that the fees set forth in Exhibit "A", attached hereto and made a part hereof, are reasonable and appropriate and should be adopted;

*AND WHEREAS*, Section 7-6-4013 MCA requires a public hearing prior to the establishment of such fees;

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

1. The fees set forth in the Historic Preservation Commission Proposed Fee Schedule set forth in the attached Exhibit "A" are proposed for adoption, effective upon the passage of a resolution establishing such fees following the public hearing thereon.

**BE IT FURTHER RESOLVED** that a public hearing shall be held on the establishment of the above fees on the 25th day of June, 2013 at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

**SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 11TH DAY OF JUNE, 2013.**

\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

\_\_\_\_\_  
Lorrie Pearce, City Clerk



HISTORIC PRESERVATION COMMISSION  
PROPOSED FEE SCHEDULE

SERVICES	Miles City Proposed Fee	Commission Budget	Red Lodge	Bozeman	Butte	Billings	Tampa, FL	Washington, DC	Grand Rapids
<b>MATERIALS</b>									
Document Copies	City Schedule	\$50.00							
120.96/Ink w/avg 1700 pgs = .07 per page									
Photographic Images Post Cards -	\$5								
Design Guidelines							\$15		
Designation Reports							\$5		
Secretary of Interior's Standards for Rehabilitation	\$5						\$5		
Historic District Maps (Development cost? - Printing)	\$5						\$10		
<b>STAFF ACTIVITIES:</b>									
<b>Direct Public Services</b>									
Family genealogy and historic research	Miles City \$0 - Initial Search \$25/hour for extensive search	Commission Budget \$300.00	Red Lodge \$0 - Initial Search \$25/hour for extensive search	Bozeman	Butte	Billings	Tampa, FL	Washington, DC	Grand Rapids
Design Guideline Consultation	???								
Grant Writing (non-profit/historic, economic dev, incentives, etc	\$35/hour - research + page or word rate	\$350.00							
*Note: Page rates based on hourly median Montana salary for professional technical writers expected to produce 2000/day, and could range between \$15 - \$30 depending on page content requirements: Forms or actual composition of original copy									
Initial Determination of Historic Significance							\$250 Residential + .01/sq ft \$750 - Commercial + .02/sq'		
Preparation of Nomination to Historic Register - Research & Writing	\$35.00/hr	\$500.00	Refer to consultant	Refer to consultant	Refer to consultant	Refer to consultant			
Proposed Budget - Commission Fee Revenue Fiscal Year 2013-2014		\$1,200.00							

STAFF ACTIVITIES: Municipal Services	Miles City	Commission Budget	Ret Lodge	Bozeman	Butte	Billings	Tampa, FL	Washington, DC	Grand Rapids
Certificate of Appropriateness Standard Application Reviews			N/A	Issues: No fee posted	Proposed	Issues: No fee posted	\$100		Staff - \$10.00 HPC - \$50.00
Balconies over Right of Way (BLC)							\$500		
Encroachment Signs (BLC)							\$100		
Exterior Painting (BLC)							\$50		
Site Plan Review - New Construction or Addition of more than 40% of the original structure			\$200	No fee online		No fee online	\$250 - Residential + .01/sq' \$250 - Commercial + .02/sq'		New Construction Review \$300.00 (Garages separate) \$150.00
Large Scale Addition Application Review: Over 1200 square feet									
Demolition of Contributing Structure				Ordinance	Ordinance	Ordinance	\$250 - Residential + .01/sq ft \$750 - Commercial + .02/sq'		\$150 Demolition Application Reviews (includes garages)
Variance							\$200		
Administrative Appeal							\$250		
Tax Exempt Application							\$250		

**Definitions: Certificates of Appropriateness:**

**Bozeman:** A Certificate of Appropriateness (COA) applies within the Neighborhood Conservation Overlay District. This district is shown in the colored shading on the linked Neighborhood Conservation Overlay District map. If you are located within these areas you may still develop or remodel your property but some special standards apply. The main focus of the Neighborhood Conservation Overlay District is historic preservation. Work to repair an existing structure is often exempt from the requirement for a COA. Historic preservation is integrated into the City's regulatory program through Design Guidelines. The design guidelines apply within the Neighborhood Conservation Overlay District and within national register historic districts.

**Butte:** "Certificate of appropriateness" means a signed and dated document that shall be submitted to and approved by the HPC for proposed alteration or change by an applicant of a local register property. Certificate of appropriateness is not required for ordinary maintenance and repairs. (Proposed - not yet passed/implemented)

**Billings:** Certificate of Appropriateness: A signed and dated document that shall be submitted to the Yellowstone Historic Preservation Board for recommendation of the appropriateness of any new construction, demolition, exterior alteration or change of location of an historic site or structure located within a Historic District or designated on the Local Register. This certification is required prior to the issuance of a building permit, demolition permit or sign permit.

RESOLUTION NO. 3550

A RESOLUTION ESTABLISHING WAGES AND SALARIES FOR CITY EMPLOYEES FOR FISCAL YEAR 2012-2013

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

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

That the following wages and salaries be paid city employees for the fiscal year 2012-2013 shall be as follows:

POSITION	AMOUNT
<b>Elected and Appointed</b>	
City Council	\$250.00 per month
City Court Judge	\$1,299.48 per month
Mayor	\$1,666.67 per month
Treasurer	\$1,666.67 per month
City Attorney	\$150.00 per hour
Deputy City Attorney	\$2,250.00 per month
Legal Intern to City Attorney	\$75.00 per hour
Assistant City Attorney	\$100.00 per hour
Airport Manager	\$3,295.00 per month
Historical Preservation Officer	\$9.15 per hour
<b>Administrative/Finance</b>	
City Clerk	\$3,433.99 per month
Human Resources/Payroll Officer	\$3,391.28 per month
Finance AP Clerk/Ambulance Billing Clerk	\$15.97 per hour
<b>Public Services</b>	
Director of Public Utilities	\$4,940.00 per month
Director of Public Works	\$4,872.40 per month
Program Administrator	\$2,829.48 per month
Flood Administrator/Engineering Tech	\$2,857.08 per month
Water/Wastewater Plant Supervisor	\$3,612.27 per month
Community Service Planner	\$3,763.07 per month
<b>Fire Department</b>	
Chief	\$4091.51 per month
Probationary Part-paid fire fighters	*\$7.65 per hour

Part-paid fire fighters who have achieved the Basic Fire Fighter Certification will be paid a

base wage, \*\$7.65 per hour, during their six-month probationary period. Upon the successful completion of their probationary period, the base rate is increased to \$8.00 per hour.

Shall comply with Montana State Minimum wage law and regulations)

Beginning with the initial hiring, part-paid fire fighters are entitled to the following increases to their base pay: \$1.00 per hour for E.M.T., \$.25 per hour for Fire fighter I certification (upon completion), \$.50 per hour for Fire fighter II certification (and after 2 years of service), \$.75 per hour for Fire fighter III certification (and upon 3 years of service.) The probationary designation means less than six months of service.

\*Shall be adjusted to comply with Montana State minimum wage law and regulations

### **Police Department**

Chief	\$4,851.60 per month
911 Coordinator/Lead Dispatcher	\$3,502.68 per month

### **Swimming Pool**

Lifeguards after	*\$7.65 per hour
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Lifeguards receive an additional \$.20 per hour for WSI certification.

\*Shall be adjusted to comply with Montana State minimum wage law and regulations

### **Library**

Director	\$3,607.74 per month
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### **LONGEVITY/STIPENDS**

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

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

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

### **EMPLOYEE HEALTH INSURANCE**

A maximum of \$604.50 shall be paid by the employer for medical insurance. (See union contracts for specifics on health insurance for employees who are members of collective bargaining units.)

### **COLLECTIVE BARGAINING UNITS**

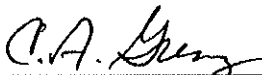
**AFSCME 283A: City Shop, Treatment Facilities, Library and Clerical.** Wages and Benefits for members of this union shall be paid in accordance with their bargaining agreement dated July 1, 2010, through June 30, 2012, and specifically in accordance with Addendum A of that contract dated July 1, 2010, through June 30, 2012, as extended by Letter of Agreement, attached Exhibit A, approved by Resolution No. 3510.

**AFSCME 283B: Police Officers, Dispatchers, Animal Control and Clerical.** Wages and Benefits for members of this union shall be paid in accordance with their bargaining agreement dated July 1, 2010, through June 30, 2012, and specifically in accordance with Addendum A of that contract dated July 1, 2010, through June 30, 2012, as extended by Letter of Agreement, attached Exhibit A, approved by Resolution No. 3510.

**INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 600:**

**Firefighters/Ambulance Personnel.** Wages and Benefits for members of this union shall be paid in accordance with their bargaining agreement dated July 1, 2010, through June 30, 2012, as extended by Letter of Agreement, attached Exhibit A, approved by Resolution No. 3510.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,  
MONTANA, AT A DULY CALLED MEETING THIS 23RD DAY OF OCTOBER, 2012.**

  
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C.A. Grenz, Mayor

ATTEST:

  
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Rebecca Stanton, City Clerk

