

# AGENDA

*Regular Council Meeting  
City Council Chambers*

*March 11, 2014  
7:00 p.m.*

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

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

- |    |                           |           |
|----|---------------------------|-----------|
| a. | City Council Meeting      | 2/25/2014 |
| b. | Flood Control Meeting     | 2/21/2014 |
| c. | Finance Committee Meeting | 2/25/2014 |
| d. | Finance Committee Meeting | 3/4/2014  |

**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**

*Finance Committee: 2/25/14*

- a.) Approve Adjustment Of Water Bill
- b.) Approve Sending Ambulance Bills to Collection

**10. PUBLIC HEARINGS**

None

**11. BID OPENING**

New Curb & Gutter for Arrowhead Drive District #204

**BID AWARDS**

12. UNFINISHED BUSINESS

*Human Resources Committee: 2/6/14*

- a. Recommendation to Approve Updated Employment Application (*Tabled at 2/25/14 Council Meeting*)

13. NEW BUSINESS

- A. **Ordinance No. 1262:** (*First Reading*) An Ordinance Amending Ordinance 1073 And Revising "Administrative Rules And Regulations Of The Public Utility Department Of The City Of Miles City"
- B. **Ordinance No. 1263:** (*First Reading*) An Ordinance Revising Section 23-36 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Revise The Fee Charged For Water Reconnect Services.
- C. **Ordinance No. 1264:** (*First Reading*) An Ordinance Repealing Section 12 Of The Code Of Ordinances Of The City Of Miles City And Enacting A New Section 12 Of Said Code Of Ordinances Of The City Of Miles City, Adopting New Floodplain And Floodway Regulations
- D. **Resolution No. 3670:** A Resolution Authorizing The City Of Miles City To Enter Into An Agreement Entitled "Landlord's Release And Consent" With Stockman Bank Of Sidney, Montana
- E. **Resolution No. 3671:** (*First Reading*) A Resolution Pursuant To Section 7-6-4006 Of The Montana Code Annotated Authorizing Amendment Of Final Budget For Fy 2013-2014 To Appropriate Unanticipated Revenues To Historic Preservation Fund 2935
- F. **Final Plat Approval** of Horizon Park Subdivision
- G. **Approval of February Claims**

14. ADJOURNMENT

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

## REGULAR COUNCIL MEETING

February 25, 2014  
7:00 p.m.

### CALL TO ORDER

The Regular Council meeting was held Tuesday, February 25, 2014, in the City Council 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 Roxanna Brush, Mark Ahner, Sheena Martin, Ken Gardner, Jerry Partridge, John Hollowell and Dwayne Andrews. Sue Galbraith was absent.

Also present were City Attorney Dan Rice, Public Utilities Director Al Kelm, Public Works Director Scott Gray, Fire Chief Dale Berg, Police Chief Doug Colombik, Planner-in-Training/Grant Administrator Dawn Colton, Historical Preservation Officer Connie Muggli, Judge Al Homme, and City Clerk/Recorder Lorrie Pearce

### PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

### APPROVAL OF COUNCIL & COMMITTEE MINUTES

#### **Amendment of Regular Council Minutes- 1/14/2014**

- \*\* *Councilperson Brush moved to approve the amendment of the minutes of the Regular Council Meeting of January 14, 2014, seconded by Councilperson Gardner and passed unanimously, 7-0*

#### **Special Council Minutes – 2/13/2014**

- \*\* *Councilperson Brush moved to approve the minutes of the Special Council Meeting of February 13, 2014, seconded by Councilperson Andrews and passed unanimously, 7-0*

#### **Finance Committee Minutes – 2/4/2014**

- \*\* *Councilperson Andrews moved to approve the minutes of the Finance Committee Meeting of February 4, 2014, seconded by Councilperson Gardner and passed unanimously, 7-0*

### **Human Resources Committee Minutes- 2/6/2014**

- \*\* *Councilperson Ahner moved to approve the minutes of the Human Resources Meeting of February 6, 2014, seconded by Councilperson Martin and passed unanimously, 7-0*

### **Flood Control Committee Minutes – 2/13/2014**

- \*\* *Councilperson Gardner moved to approve the minutes of the Flood Control Meeting of February 13, 2014, seconded by Councilperson Hollowell and passed unanimously, 7-0*

### **SCHEDULE MEETINGS**

None

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

None

### **APPOINTMENTS**

**Assistant City Attorney: Shawn Quinlan**

Mayor Grenz appointed Shawn Quinlan as Assistant City Attorney

### **PROCLAMATIONS**

None

### **STAFF REPORTS**

**City Clerk Pearce** announced the Planning Board agenda and minutes will be posted on the City's website.

**Judge Homme** explained to City Council the process of the judicial system. The highlights were from 2009-2013, revenues are up 61%. Fines haven't changed through legislature for several years, which means there are a larger number of tickets being written. He said there are twenty jury trials scheduled through May and five appeals. He really worries the City will lose cases because they are not being processed quickly enough.

Mayor Grenz added that Attorney Nobel's wages were cut \$5,000 about 12 years ago. Comparing his wages of \$30 an hour to a Public Defender wages of \$60 an hour, the City has gotten by real cheap for a long time.

## CITY COUNCIL COMMENTS

### John Hollowell

- Reminded everyone the Flood Information Meeting will be March 6, 2014 at MCC. The meeting will be in rooms 106 and 107 and starts at 6pm.

### Ken Gardner

- Added that the meeting is for information and not a public input meeting. He requested that other Council Members attend.

### Jerry Partridge

- Mentioned again his concern of crude oil from the Bakken traveling through the City on BNSF tracks. He suggested passing an Ordinance controlling the speed of the trains. Attorney Rice said he would call BNSF and look into creating an Ordinance.

## MAYOR COMMENTS

None

## COMMITTEE RECOMMENDATIONS

**Finance Committee: 2/4/14: Recommendation to stay with CPI as the water/sewer collection company**

\*\* *Councilperson Hollowell moved to accept the Finance Committee's recommendation to approve staying with CPI as water/sewer collection company, seconded by Councilperson Ahner and **Passed** unanimously, 7-0.*

**Human Resources Committee: 2/6/14: Recommendation to eliminate the Employee Handbook in the Personal Policy Manual**

Councilperson Ahner explained having both the personal policy manual and the handbook is duplicating the information given to employees.

Councilperson Hollowell added that MMIA said the handbook is unnecessary.

- \*\* *Councilperson Ahner moved to accept the Human Resource Committee's recommendation to eliminate the employee handbook in the personal policy manual, seconded by Councilperson Brush and Passed unanimously, 7-0*

**Human Resources Committee: 2/6/14: Recommendation to Approve Updated Employment Application**

Councilperson Ahner stated the Human Resource Committee did not receive the State statues on political beliefs and suggested since there was not a copy of the application in the packet, it be tabled until City Council could look at the new form.

- \*\* *Councilperson Brush moved to accept the Human Resource Committee's recommendation to update the employment application, seconded by Councilperson Gardner.*
- \*\* *Councilperson Ahner moved to table the Human Resource Committee's recommendation to update the employment application until the City Attorney and Human Resource Officer has looked at the political belief issue, seconded by Councilperson Brush and Passed unanimously, 7-0*

**PUBLIC HEARINGS**

None

**BID AWARDS**

None

**BID OPENING**

**Printing Contract**

None received

**Curb & Gutter at Triangle Park & along Montana Avenue**

None received

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**Resolution No. 3664:** A Resolution Revising City of Miles City personnel Policy Manual Regarding Family And Medical Leave Guidelines

**\*\*** *Councilperson Brush moved to adopt Resolution No. 3664 by title only, seconded by Councilperson Ahner. After a short discussion and on roll call vote, the motion passed by unanimous consent. Resolution No. 3664 was adopted.*

**Resolution No. 3665:** A Resolution Authorizing The City of Miles City To An Agreement Entitled “City Agreement Cold Milled Bituminous Material” With The State Of Montana Department Of Transportation

**\*\*** *Councilperson Ahner moved to adopt Resolution No. 3665 by title only, seconded by Councilperson Brush. On roll call vote, the motion passed by unanimous consent. Resolution No. 3665 was adopted.*

**Resolution No. 3666:** A Resolution Approving and Adopting the Montana Municipal Interlocal Authority Revised and Restated Workers’ Compensation Program Agreement

**\*\*** *Councilperson Gardner moved to adopt Resolution No. 3666 by title only, seconded by Councilperson Brush.*

**\*\*** *Councilperson Ahner moved to refer Resolution No. 3666 to the Finance Committee for recommendation, seconded by Councilperson Brush. After a short discussion and on roll call vote, the motion passed unanimously.*

**Resolution No. 3667:** A Resolution Authorizing the City of Miles City to an Agreement Entitled “State of Montana Agreement” with the State of Montana Department of Transportation for Partial Funding of the Historic Preservation Officer Position

Historical Preservation Officer Muggli explained the resolution should be amended to read, “Historic Preservation Office” instead of Department of Transportation. She added the grant is \$5,225 and the City has been accepting this grant since 1990. It funds a portion of the HPO operating expenses and the City’s match is 40%.

Councilperson Ahner replied the City has more than matched the 40%.

**\*\*** *Councilperson Partridge moved to adopt Resolution No 3667 with correction of reading from State of Montana to read Historic*

*Preservation Office, seconded by Councilperson Andrews. On roll call vote, the motion passed by unanimous consent. Resolution No. 3667 was adopted.*

**Resolution No. 3668: A Resolution Authorizing The City Of Miles City To Enter Into An Agreement Entitled “Interlocal Agreement For Montana Firefighters Testing Consortium” With Certain Cities And Fire Districts In The State Of Montana**

Resolution was pulled from the agenda.

**Resolution No. 3669: A Resolution Authorizing The City Of Miles City To Enter Into An Agreement With Lucas & Tonn, P.C., A Montana Corporation, For Providing Legal Services Of Assistant City Attorney.**

Councilperson Ahner asked how the \$2,623 compensation a month by the City was compared to what we are currently paying Attorney Noble.

Attorney Rice explained the \$2,623 would be \$2,250 a month, plus roll up costs. This doesn't include vacation, sick and Workers' Compensation. Right now Attorney Noble is getting paid \$30 an hour; if we were to add both salaries, it would still be less than what other prosecutors are receiving.

Councilperson Ahner wanted to make sure everyone understands the secretarial hours would increase from 15 hours to 20 hours a week, a cost increase of \$281 a month.

Mayor Grenz introduced Attorney Shawn Quinlan and welcomed him aboard.

**\*\* Councilperson Brush moved to adopt the Resolution No 3669 by title only, seconded by Councilperson Gardner and Passed unanimously 7-0. Resolution No. 3669 was adopted**

**Approval of Reimbursement to City Court for \$100 Cash Loss**

City Clerk Pearce explained cash would not balance at close-out February 7, 2014. City Court Clerk Percy and Deputy Court Clerk Krezelak spent the next Monday trying to balance cash, with no explanation of the loss. City Clerk Pearce said the \$100 would be charged to City Court's operating expense.

**\*\* Councilperson Hollowell moved to approve the reimbursement to City**



*Court for \$100 cash loss, seconded by Councilperson Andrews and Passed unanimously 7-0*

**Kron Boundary Line Adjustment**

Planner-in-Training/Grant Administrator Colton explained Mrs. Kron is asking to adjust the current boundary line between the Kron's home and the Paco Packers/Crystal Pistol. The purpose is to sell the Crystal Pistol portion of the building. Administrator Colton noted that Mrs. Kron is not creating any new lots.

**\*\*** *Councilperson Ahner moved to approve the Kron Boundary line adjustment, seconded by Councilperson Hollowell and Passed unanimously, 7-0.*

**Final Plat Approval of Horizon Park Subdivision**

This item was pulled from the agenda.

**ADJOURNMENT.**

**\*\*** *Councilperson Ahner moved to adjourn the meeting, seconded by Councilperson Gardner and passed unanimously, 7-0.*

The meeting was adjourned at 8:08 p.m.

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**C.A. Grenz, Mayor**

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**Lorrie Pearce  
City Clerk**

## Flood Control Committee February 21, 2014

The **Flood Control Committee** met Friday, February 21, 2014, at 6:00 p.m. in the City Hall Conference Room. Present were Committee Members John Hollowell, Dwayne Andrews, Ken Gardner and Sheena Martin. Also present were Councilperson Jerry Partridge, Floodplain Administrator Sam Malenovsky, and Recorder HR/Payroll Officer Billie Burkhalter.

### 1. Request of Citizens/Public Comment

-None.

### 2. Approval of Flood Plain Ordinance

**\*\*** *Committee Member Andrews moved to recommend to Council to approve the Flood Plain Ordinance, seconded by Committee Member Gardner.*

Administrator Malenovsky explained the following proposed changes to the Flood Plain Ordinance:

- Pg 49; **Section 12. Variances; 12.3 Notice Requirements for Floodplain Variance Application:** add back in “given pursuant to Section 8.2” and delete everything after that statement. Section 8.2 covers everything that has been taken out.
- Pg 50; **Section 12. Variances; 12.4 Evaluation of Variance Application:** 2. An exception to the variance criteria may be allowed as follows: subsection (1.): to be changed as follows: “For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation or (44 CFR 60.6(a). This has been recommended by DNRC.

Committee Members questions and comments:

- Pg 29: **Section 8. Floodplain Permit Application Evaluation; 8.1 Floodplain Permit Application Review:** Subsection 1

Committee Member Andrews questioned where it states “60 days or a time specified”, was that working days or calendar days. Administrator Malenovsky stated that would be 60 working days. Committee Member Andrews requested that this be clarified in this section and also in **Section 8.4 Decision;** Subsection 1. Committee Member Martin asked if the MCA codes dictate what the 60 days are. Administrator Malenovsky replied that it did not.

- Pg 51: **Section 12. Variances: 12.5 Decision:** Subsection 1

Committee Member Andrews pointed out that this section also just states 60 days. Administrator Malenovsky explained this is different due to the Board of Appeals.

- Pg 52: **Section 13. Administrative Appeals: 13.3 Notice and Hearing:** Subsection 2

Committee Member Andrews stated this section also just states 30 days. Administrator Malenovsky stated she would recommend 60 calendar days replace the 30 days in this section.

- Pg 44: **Section 10. Development Requirements in the Flood Fringe or Regulated Flood Hazard area with No Floodway: 13. Structural Fill Flood Proofing:** Subsection 1 and Subsection 6

Chairperson Hollowell questioned if the Committee wanted to have the higher standard or keep it as it is. Administrator Malenovsky explained the higher standard is under subsection 6 and states that if a person does a structure on fill it would have to be .5 feet higher than BFE (Base Flood Elevation) and extend at least 15 feet beyond the structure in all directions. Under Subsection 1, the fill would only have to be at BFE and it would also have to extend at least 15 feet beyond the structure in all directions. She explained the problem with Subsection 6 is that lots in this town are not very big and most people would have to get a variance to complete this. Her recommendation would be to strike subsection 6 and keep subsection 1. Committee Member Martin questioned if there would be any benefit to keeping it at .5 feet above base level. Administrator Malenovsky replied that it could possibly give the City more CRS (Community Rating System) but it isn't very practical for the size of lots in Miles City.

- Pg 52: **Section 13. Administrative Appeals: 13.2 Appeals Requirements:** Subsection 3

Committee Member Andrews questioned if the timeframe of 30 days was acceptable to the Floodplain Administrator. Administrator Malenovsky stated she is in agreement with the 30 days.

\*\* *Committee Member Hollowell moved to amend Section 8. Floodplain Permit Application Evaluation; pg 29; 8.1 Floodplain Permit Application Review, subsection 1; to state **"60 working days or a time specified"**, seconded by Committee Member Andrews, and motion passed unanimously 4-0.*

\*\* *Committee Member Hollowell moved to amend Section 8. Floodplain Permit Application Evaluation, pg 30; 8.4 Decision, subsection 1, to state **"60 working days or a time specified"**, seconded by Committee Member Gardner, and*

*motion passed unanimously 4-0.*

**\*\*** *Committee Member Hollowell moved to amend Section 10. Development Requirements in the Flood Fringe or Regulated Flood Hazard Area with No Floodway, pg 44; 13. Structural Fill Flood Proofing; **to strike subsection 6, in its entirety**, seconded by Committee Member Andrews, and motion passed unanimously 4-0.*

**\*\*** *Committee Member Hollowell moved to keep Section 12. Variances, pg 49, 12.3 Notice Requirements for Floodplain Variance Application, subsection 1; be kept in its original form and shall read **“Public Notice of the Floodplain permit application and Variance application shall be given pursuant to Section 8.2”**, seconded by Committee Member Gardner.*

Committee Member Andrews questioned if the public was going to understand a blanket statement like that. Administrator Malenovsky explained that when a property owner comes into her office, she prints out the section they need.

**\*\*** *Motion passed unanimously 4-0.*

**\*\*** *Committee Member Hollowell moved to amend Section 12. Variances, pg 50; 12.4 Evaluation of Variance Application; Subsection 2. An exception to the variance criteria may be allowed as follows: (1) shall now read **“For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation or (44 CFR 60.6(a))**, seconded by Committee Member Andrews, and motion passed unanimously 4-0.*

**\*\*** *Committee Member Andrews moved to recommend that any and all other amendments the Floodplain Administrator has recommended be approved, seconded by Committee Member Gardner, and motion passed unanimously 4-0.*

**\*\*** *On original motion and on roll call vote, motion passed unanimously 4-0.*

### **3. Adjournment**

**\*\*** *Committee Member Martin moved to adjourn the meeting, seconded by Committee Member Gardner and passed unanimously, 4-0.*

There being no further business, the Committee adjourned at 6:40 p.m.

Respectfully Submitted,

Flood Control Committee Chairperson

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Billie D. Burkhalter, Recorder

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John Hollowell, Chairperson

## **Finance Committee Meeting February 25, 2014**

The **Finance Committee** met Tuesday, February 25, 2014, at 6:00 p.m. in the Council Chambers. Present were Committee members Sue Galbraith, Dwayne Andrews, John Hollowell and Sheena Martin. Also present were Councilperson Ken Gardner, Mayor C.A. Grenz, Fire Chief Dale Berg, Public Utilities Director Al Kelm, City Attorney Dan Rice, and Recorder/City Clerk Lorrie Pearce.

Also present were Attorney Shawn Quinlan, and Resident Nancy Reynolds.

### **Request of Citizens**

None

### **Resolution No. 3669: A Resolution Authorizing the City of Miles City to Enter into An Agreement With Lucas & Tonn, P.C. A Montana Corporation, for Providing Legal Services Of Assistant City Attorney**

Attorney Rice explained that Deputy City Attorney Noble has given his resignation. The reason for the resignation is the work load has been too overwhelming. Noble reports that he works 3-4 days to keep up with the caseload, which means he takes a lot of cases home and works on them during the weekend. Attorney Rice explained that there are jury trials scheduled every Monday and Friday until May. He is concerned that the City will be losing convictions because of the lack of a speedy trial. Attorney Rice proposed hiring Shawn Quinlan as an Assistant City Attorney. Quinlan would work with Attorney Noble helping with the backlog until December 15, 2014, when Attorney Noble resigns. The hiring of Quinlan would be by contract and would increase the attorney budget about \$2600 per month, calculated at \$30 an hour. This would not count his sick or vacation time.

Attorney Rice added the contract includes increasing the Administrative Legal Secretary's hours from 15 hours per week to 20 hours per week. This would amount to an additional \$280 a month increase in wages.

Chairperson Galbraith explained the total addition to the City's budget would be \$11,536 for fiscal year 13-14.

Attorney Rice explained that Attorney Noble is scheduled to work 2 days a week, but with the additional jury trials, he is hoping that 3 days budgeted will be enough. He said he will have a better handle on the hours by budget time.

Mayor Grenz said there are around 200 cases open and he is in agreement with the resolution.

- \*\* Committee Member Hollowell moved to recommend that City Council approve Resolution No. 3669. The motion was seconded by Committee Member Andrews; the motion passed with a vote of, 3-0, with Committee Member Martin abstaining.*

### **Request for Water Bill Adjustment**

Nancy Reynolds explained their renter had moved out December 1<sup>st</sup>, so there was no heat in the house. This caused the meter in the basement to freeze. She explained the water was clean and it did not go down the sewer line. She asked the Committee to reduce her water bill by whatever they thought was fair.

Director Kelm explained the averaging process, and said he would talk to the Utility Billing Clerk to readjust the bill to 3000 gallons usage. He also added that the adjustment would have to be approved by Council.

- \*\* Committee Member Andrews moved to recommend that the adjustment would reflect the sewer rates to 3000 gallons a month. The motion was seconded by Chairperson Galbraith; the motion carried unanimously, 4-0.*

### **Approval of Ambulance Bills to be sent to Collection**

Committee Member Hollowell was concerned that there are some real old claims on the collection list. Fire Chief Berg explained that it's still part of the cleanup, and Solestone is following the City Collection Policy of 180 days. There was also a concern that the City is sending the claims to the collection agency while clients are still paying on them. Chief Berg said he would call Solestone and get clarification on the credits that were paid.

- \*\* Committee Member Andrews moved to recommend that City Council approves sending the ambulance bills to collection. The motion was seconded by Committee Member Hollowell; the motion carried unanimously, 4-0.*

### **Adjournment**

*\*\* There being no further business, Committee Member Martin moved to adjourn the meeting, seconded by Committee Member Hollowell. The meeting was adjourned at 6:30 p.m.*

Respectfully Submitted:

Chairperson Susan Galbraith

City Clerk Lorrie Pearce

## **Finance Committee Meeting March 4, 2014**

The **Finance Committee** met Tuesday, March 4, 2014, at 4:00 p.m. in the City Hall Conference Room. Present were Committee members Sue Galbraith, Dwayne Andrews, and Sheena Martin. John Hollowell was absent. Also present were Utility Billing Clerk Patti Bishop, Public Utilities Director Al Kelm, Public Works Director Scott Gray and Recorder/City Clerk Lorrie Pearce.

### **Request of Citizens & Public Comment**

*None*

### **Recommendation to put the Janitorial Service Contract out for bid**

City Clerk Pearce explained that in 2009 the janitorial service contracts went out for bid and accepted. In the contract, it states that the contracts can be renewed every year for 5 years with agreement from both parties, which has happened. It's just that time again.

*\*\* Committee Member Andrews moved to advertise the Janitorial Service Contracts for bid. The motion was seconded by Committee Member Martin; the motion carried unanimously, 3-0.*

### **Resolution No. 3666: A Resolution Authorizing and Adopting the Montana Municipal Interlocal Authority Revised and Restated Workers' Compensation Program Agreement**

City Clerk Pearce explained the Workman's Compensation changes. She said MMIA is trying to provide a more stable rate environment for the City. With the agreement, if the ratios calculation falls below the target range, MMIA would collect more revenues by increasing the rate next year. If the target range exceeds expectation, MMIA would lower the rate next year. MMIA will need to take this agreement to their board for approval. It wouldn't be in effect until July 1, 2014. She added the Liability Program at MMIA functions like this.

*\*\* Chairperson Galbraith, after a long conversation, moved to recommend to Council approval of accepting Resolution No. 3666, subject to MMIA presentation at Council meeting. The motion was seconded by Committee Member Andrews; the motion carried unanimously, 3-0.*



## **Recommendation of Collection Policy for Sewer and Water Department**

Billing Clerk Bishop explained that Attorney Rice made changes to the vocabulary in the policy. Also changed was the wording to the Landlord Agreement. It specifies that the landlord will receive a copy of past due notices, and an area was added for the landlord to sign releasing information to the third party. On the Customer Information Sheet a statement to agree that any past due amount could be release to a third party was added.

Chairperson Galbraith asked if this form will go out to all landlords and renters, or will this just affect new accounts.

Billing Clerk Bishop said after 30 days from the date the new policy is approved, the Water/Sewer Department will send out new Landlord Agreement Form to all landlords. If the agreement is not received within the time frame specified, the water/sewer payment will be transferred to the landlord's name. The payment will remain in the landlords name until the agreement is received by the Water/Sewer Department.

\* \* *Committee Member Andrews moved to recommend that City Council approve the Collection Policy for Sewer and Water Department. The motion was seconded by Committee Member Martin; the motion carried unanimously, 3-0.*

## **Recommendation on Purchase of a lowboy tandem axle trailer and Miscellaneous Shop Tools and Equipment**

Director Gray stated the purchase of the trailer; tools and equipment are in the budget. He explained the purchase of the lowboy trailer is for safety purposes. Exhibit number one, a Fontaine brand trailer, is \$29,900, with a trade in of \$10,500, for a total of \$19,500. It has a mechanical system that is manually operated, making it easier to maneuver in the winter. He suggested this trailer would fit the City's needs better than the other two. Exhibit number three has a pony motor, which wouldn't work real well for the City needs. The price is \$42,000 with an \$11,000 trade in for an amount of \$31,000.

Director Kelm explained the miscellaneous tools would be purchased together with the shop equipment. The best bid is from American Welding and Gas. The total for the tools and the shop equipment is \$9,258.

\* \* *Committee Member Andrews moved to approve the purchase of the recommended lowboy tandem axle trailer and miscellaneous shop tools and equipment. The motion was seconded by Committee Member Martin; the motion carried unanimously, 3-0.*

**Adjournment**

There being no further business, *Committee Member Martin* moved to adjourn the meeting, seconded by *Committee Member Andrews*. The meeting was adjourned at 4:40 p.m.

Respectfully Submitted:

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Chairperson Susan Galbraith

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City Clerk Lorrie Pearce

## NOTICE

### INVITATION TO BID

The City of Miles City will receive sealed bids until 5:00 p.m. on Tuesday, March 11<sup>th</sup>, 2014 for the purpose of installing new curb, gutter, dirt work, paving, and the doing of all other work necessary and incidental to the performance of said work.

Bid tender forms, bid instructions and technical specifications may be obtained from the City Engineers office, City Hall, 17 South 8<sup>th</sup> Street, PO Box 910, Miles City, MT, 59301 (phone 406-234-3493).

Sealed envelopes containing bids must be plainly marked in the lower left corner and marked **"BID FOR ARROWHEAD DRIVE DISTRICT #204"**. Bids should be addressed to: City of Miles City, ATTN: Public Works Director, 17 South 8<sup>th</sup> Street, PO Box 910, Miles City, MT 59301.

The City reserves the right to waive informalities which are not inconsistent with law and to reject any or all bids. Bids must be on the forms and according to the bid instructions provided by the City. Bids cannot be withdrawn for 45 days after the actual date of the opening.

The City also reserves the right to negotiate with the lowest responsible bidder in the event all bids exceed the project budget and to award a negotiated contract to the lowest responsive bidder without further competitive bidding.

All bidders shall abide by State and Federal laws pertaining to wage rates and insurance requirements.

#### **BID SECURITY**

Bid security in the amount of ten percent (10%) of the bid must accompany each bid in accordance with the Instructions to Bidders. The Contractor shall comply with all fair labor practices and the state statutes. No bidder may withdraw his bid for at least 45 days after the scheduled time for receipt of bids.

Bid security shall be made payable to the CITY OF MILES CITY in an amount of not less than ten percent of the Bidders Maximum bid price for each Bid schedule and in the form of one of the Following: (1) lawful monies of the United States, (2) a cashiers check, certified check, bank money order, or bank draft drawn and issued by a national banking association located in the State of Montana, or by any banking corporation incorporated under the laws of the State of Montana, or (3) a bid bond or bonds executed by the surety corporation authorized to do business in the State of Montana.

The Bid Security of the Successful Bidder will be retained until such Bidder has executed the Agreement, whereupon the Successful Bidder will be required to furnish Owner a contract. If the Successful Bidder fails to execute and deliver the Agreement within 15 days of the Notice of Award, OWNER may annul the Notice of Award and the Bid Security of that Bidder will be forfeited.

Award may then be made to the next lowest responsible and qualified bidder or may be re-advertised, as the OWNER may decide. The Bid Security of any Bidder whom OWNER believes to have a reasonable chance of receiving the award may be retained by OWNER until the Seventh day after the “effective date of the Agreement” or the forty-first day after the Bid opening whichever occurs first. Bid Security of other Bidders will be returned within fourteen days of the Bid opening. After contract is awarded, the successful bidder will be required to furnish a performance bond in the amount of one hundred percent (100%) of the contract.

Scott Gray  
Engineering & Operations

Publish Dates: February 27<sup>th</sup>, 2014  
March 5<sup>th</sup>, 2014

*Send Affidavit of publication and invoice to City Hall-Engineering Department*

maintain and there is less opportunity to interpret something different between the two documents. Committee Member Ahner questioned that, when the City gets a new employee, do he/she get the entire Personnel Manual? HR Officer Burkhalter stated she plans to email the manual if an email address is provided. Otherwise, she will give the employee a physical copy. Chairperson Brush stated it's been her experience that most employers only give out the Employee Handbook and not the whole Personnel Manual. HR Officer Burkhalter stated she has spoken with John Cummings, who is the HR and Risk Management Programs Manager with MMIA, the City's insurer, and it is his recommendation that the entire manual be provided. Committee Member Gardner stated if this helps clean the system up, he is for it as long as the same information is being provided.

*\*\* Committee Member Ahner moved to recommend eliminating the Employee Handbook, as it is a duplicate in the Personnel Policy Manual. Motion seconded by Committee Member Martin and, on roll call vote, motion passed unanimously.*

#### **4. Review and Recommendation of updated Family Medical Leave Act Policy**

HR Officer Burkhalter stated that, after reviewing the City's current Family Medical Leave Act (FMLA) policy, she noted the policy was not helping anyone, whether Directors or employees, and is outdated with the Federal guidelines. The new proposed policy consists of a "Director FMLA Kit", an "Employee FMLA Kit" and a "FMLA Decision Tree", which makes it easier for Directors and employees to follow the policy, as it gives step-by-step instructions. HR Officer Burkhalter stated she had City Attorney Rice review this policy, and it meets with his approval.

*\*\* Committee Member Ahner moved to recommend to City Council to approve the new Family Medical Leave Act policy as submitted by the Human Resource Officer. Motion seconded by Committee Member Martin and, on roll call vote, motion passed unanimously.*

#### **5. Review and Recommendation of updated Employment Application**

HR Officer Burkhalter stated that she had updated the City's Employment Application with format changes and added "Political Belief" to the Equal Opportunity Employer section, as per the recommendation of John Cummings, of MMIA. She also eliminated the phrase "GED" as it is not a term used anymore, and replaced it with "Equivalent". HR Officer Burkhalter explained that she does have plans to fully update the City's Employment Application, but in the meantime requested the Committee approve the minor changes, as this form can now be uploaded to the City's website and Job Service's website.

*\*\* Chairperson Brush moved to approve the new Employment Application as presented. Motion seconded by Committee Member Martin.*

Committee Member Ahner questioned the language at the bottom of the application concerning falsification or misrepresentation of credentials, as the City has



had this issue in the past. HR Officer Burkhalter stated the Committee had previously passed a very good Background Check Policy that would uncover any inconsistencies in the job application. Committee Member Ahner further questioned the need for the language of "Political Belief" and if it's in State Statue. HR Officer Burkhalter stated that it is in the Personnel Policy manual and is a recommendation of John Cummings, but is unsure about State Statue. She will find out more information concerning this for the Committee when she presents the in-depth employment application.

**\*\*** *On roll call vote, motion passed unanimously.*

## **6. Request of Citizens**

Chairperson Brush stated she will contact Labor Attorney Martin in regard to the current Grievances and let him know she is now the chair.

## **5. Adjournment**

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

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

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Billie D. Burkhalter, Recorder

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Chairperson Roxanna Brush



# City of Miles City Employment Application

- ✓ Please complete this application by typing or printing in ink. **INCOMPLETE** applications will not be considered.
- ✓ We are an equal opportunity employer. We do not discriminate on the basis of race, religion, color, sex, age, national origin, marital status, disability, or political belief
- ✓ Do you need an accommodation to participate in the application or interview **process**?    \_\_\_ Yes    \_\_\_ No

Job #: \_\_\_\_\_ Job Title: \_\_\_\_\_

### Personal Data

Name: \_\_\_\_\_

Present Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Message Phone: \_\_\_\_\_ E-Mail Address: \_\_\_\_\_

Driver's License:    Operator \_\_\_\_\_ CDL \_\_\_\_\_ CDL Type \_\_\_\_\_ Endorsements: \_\_\_\_\_

### Education

High School Diploma or Equivalent \_\_\_\_\_ Yes \_\_\_\_\_ No    Post Secondary Degree? \_\_\_\_\_

Name of school beyond High School: \_\_\_\_\_

Training Length: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Major: \_\_\_\_\_ Minor: \_\_\_\_\_

Apprenticeship Level: \_\_\_\_\_ In which trade? \_\_\_\_\_

### Work Experience (list most recent work experience first)

Company Name: \_\_\_\_\_ Immediate Supervisor: \_\_\_\_\_

Complete Address: \_\_\_\_\_

Job Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Job Description: (duties, skills, equipment used)

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Dates: From \_\_\_\_\_ To \_\_\_\_\_ Reason for leaving: \_\_\_\_\_

**Work Experience**

Company Name: \_\_\_\_\_ Immediate Supervisor: \_\_\_\_\_

Complete Address: \_\_\_\_\_

Job Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Job Description: (duties, skills, equipment used)

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Dates: From \_\_\_\_\_ To \_\_\_\_\_ Reason for leaving: \_\_\_\_\_

**Work Experience**

Company Name: \_\_\_\_\_ Immediate Supervisor: \_\_\_\_\_

Complete Address: \_\_\_\_\_

Job Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Job Description: (duties, skills, equipment used)

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Dates: From \_\_\_\_\_ To \_\_\_\_\_ Reason for leaving: \_\_\_\_\_

**Work Experience**

Company Name: \_\_\_\_\_ Immediate Supervisor: \_\_\_\_\_

Complete Address: \_\_\_\_\_

Job Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Job Description: (duties, skills, equipment used)

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Dates: From \_\_\_\_\_ To \_\_\_\_\_ Reason for leaving: \_\_\_\_\_



**Additional information that could help you qualify for this position**

Examples include: Classes (include dates), certificates, current licenses, specific equipment and other skills.

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**List References (preferably persons who know about your work/training)**

Name	Address	Phone Number
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The information that you provide on this application is subject to verification. Falsifications or misrepresentations may disqualify you from consideration for employment or, if hired, may be grounds for termination at a later date. Do you want to be informed before we contact your present employer? \_\_\_\_\_ Yes \_\_\_\_\_ No

With my signature below (typed or written), I certify that all information on this and all attached pages is true, correct and complete to the best of my knowledge and contains no willful falsifications or misrepresentations. I authorize all former employers to release job-related information they may have about me and I release all persons or companies from any liability or responsibility for providing such information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



History: En. 64-328 by Sec. 13, Ch. 487, L. 1975; R.C.M. 1947, 64-328; amd. Sec. 2, Ch. 279, L. 1983; (2) En. Sec. 13, Ch. 1, Sp. L. 1983; amd. Sec. 16, Ch. 646, L. 1989; amd. Sec. 5, Ch. 506, L. 1991; amd. Sec. 6, Ch. 13, L. 1993; amd. Sec. 12, Ch. 407, L. 1993.

**49-3-104. Quotas not required.** Nothing in this chapter shall be construed as requiring the institution of a system of quotas for representation of any sex, age, religious, racial, ethnic, or other group affected by this chapter.

History: En. 64-330 by Sec. 15, Ch. 487, L. 1975; R.C.M. 1947, 64-330.

**49-3-105. Repealed.** Sec. 11, Ch. 801, L. 1991.

History: En. Sec. 4, Ch. 540, L. 1983.

**49-3-106. Rulemaking authority.** The commission may adopt rules necessary for the implementation of this chapter, in accordance with the Montana Administrative Procedure Act. The rules may include but are not limited to procedural rules for:

- (1) filing of complaints;
- (2) conducting investigations of complaints;
- (3) petitioning for a declaratory ruling; and
- (4) conduct of hearings.

History: En. Sec. 2, Ch. 540, L. 1983; amd. Sec. 7, Ch. 801, L. 1991.

### Part 2

### Duties of Governmental Agencies and Officials

**49-3-201. Employment of state and local government personnel.** (1) State and local government officials and supervisory personnel shall recruit, appoint, assign, train, evaluate, and promote personnel on the basis of merit and qualifications without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

(2) All state and local governmental agencies shall:

- (a) promulgate written directives to carry out this policy and to guarantee equal employment opportunities at all levels of state and local government;
- (b) regularly review their personnel practices to assure compliance; and
- (c) conduct continuing orientation and training programs with emphasis on human relations and fair employment practices.

(3) The department of administration shall ensure that the entire examination process, including appraisal of qualifications, is free from bias.

(4) Appointing authorities shall exercise care to ensure utilization of minority group persons.

(5) Compliance with 2-2-302 and 2-2-303, which prohibit nepotism in public agencies, may not be construed as a violation of this section.

History: En. 64-317 by Sec. 2, Ch. 487, L. 1975; amd. Sec. 9, Ch. 38, L. 1977; R.C.M. 1947, 64-317; amd. Sec. 14, Ch. 177, L. 1979; amd. Sec. 3, Ch. 342, L. 1985; amd. Sec. 13, Ch. 407, L. 1993.

#### Cross-References

- State employee classification, compensation, and benefits, Title 2, ch. 18.
- Classified service employees — municipal commission-manager government, 7-3-4415.
- Employment by county Board of Park Commissioners — discrimination prohibited, 7-16-2326.
- Work-study program, 20-25-707.
- Equal pay for women for equivalent service, 39-3-104.
- Exclusion of handicapped from minimum wage and overtime compensation laws, 39-3-406.
- Women in employment, Title 39, ch. 7.
- Veterans' public employment preference, Title 39, ch. 29.
- Persons with disabilities public employment preference, Title 39, ch. 30.
- Exemption from association with labor organization on religious grounds, 39-31-204.
- Right to refuse to participate in sterilization, Title 50, ch. 5, part 5.
- Right to refuse to participate in abortion, 50-20-111.

**49-3-202. Employment referrals and placement services.** (1) All state and local governmental agencies, including educational institutions, that provide employment referrals or placement services to public or private employers shall accept job orders on a fair practice basis. A job request indicating an intention to exclude a person because of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin must be rejected.

(2) All state and local governmental agencies shall cooperate in programs developed by the commission for human rights for the purpose of broadening the base of job recruitment and shall further cooperate with employers and unions providing the programs.

(3) The department of labor and industry shall cooperate with the commission for human rights in encouraging and enforcing compliance by employers and labor unions with the policy of this chapter and promotion of equal employment opportunities.

History: En. 64-320 by Sec. 5, Ch. 487, L. 1975; amd. Sec. 12, Ch. 38, L. 1977; R.C.M. 1947, 64-320; amd. Sec. 14, Ch. 407, L. 1993.

**Cross-References**

State employment service, 39-1-102, 39-51-307.

**49-3-203. Educational, counseling, and training programs.** All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state and local governmental agencies or in which state and local governmental agencies participate must be open to all persons, who must be accepted on the basis of merit and qualifications without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin. The programs must be conducted to encourage the full development of the interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of persons who are culturally deprived or who are educationally or economically disadvantaged. Expansion of training opportunities under these programs must be encouraged to involve larger numbers of participants from those segments of the labor force in which the need for upgrading levels of skill is greatest.

History: En. 64-323 by Sec. 8, Ch. 487, L. 1975; amd. Sec. 14, Ch. 38, L. 1977; R.C.M. 1947, 64-323; amd. Sec. 15, Ch. 177, L. 1979; amd. Sec. 15, Ch. 407, L. 1993.

**Cross-References**

No aid to sectarian schools, Art. X, sec. 6, Mont. Const.

Nondiscrimination in education, Art. X, sec. 7, Mont. Const.

Special education supervisor, 20-3-103.

Exemption from immunization requirements on medical or religious grounds, 20-5-405.

Special education for exceptional children, Title 20, ch. 7, part 4.

Educational programs for gifted children, Title 20, ch. 7, part 9.

State School for the Deaf and Blind, Title 20, ch. 8.

Charges for tuition — waivers, 20-25-421.

Exemption from barbering, cosmetology, electrology, esthetics, or manicuring examination and fees, 37-31-308.

**49-3-204. Licensing.** (1) A state or local governmental agency may not grant, deny, or revoke the license or charter of a person on the grounds of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin. Each state or local governmental agency shall take appropriate action in the exercise of its licensing or regulatory power as will assure equal treatment of all persons, eliminate discrimination, and enforce compliance with the policy of this chapter. This subsection does not prevent the department of public health and human services from licensing a child-placing agency that gives nonarbitrary consideration in adoption proceedings to relevant information concerning the factors listed in this subsection. Consideration of religious factors by a licensed child-placing agency that is affiliated with a particular religious faith is not arbitrary consideration of religion within the meaning of this section.

(2) The state may not issue or renew a license under Title 16, chapter 4, to an applicant or licensee that excludes from its membership or from its goods, services, facilities, privileges, or advantages any individual on the grounds of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin. This subsection does not apply to any lodge of a recognized national fraternal organization.

History: En. 64-321 by Sec. 6, Ch. 487, L. 1975; amd. Sec. 13, Ch. 38, L. 1977; R.C.M. 1947, 64-321; amd. Sec. 16, Ch. 177, L. 1979; amd. Sec. 3, Ch. 543, L. 1989; amd. Sec. 4, Ch. 682, L. 1991; amd. Sec. 16, Ch. 407, L. 1993; amd. Sec. 235, Ch. 546, L. 1995.

**Cross-References**

Restrictions on licensing of former criminal offenders, 23-4-201, 23-5-176, 32-2-409, 37-1-201 through 37-1-205, 37-47-302, 37-47-341.

Professions and Occupations, Title 37.

Licensure of criminal offenders, Title 37, ch. 1, part 2.

Exemptions from licensure as physician — Christian Science practitioners and motels, 37-3-103.

Licensing and standards for spiritual healing institutions, 50-5-104.

Retention of special plates, 61-3-446.

**ORDINANCE NO. 1262**

**AN ORDINANCE AMENDING ORDINANCE 1073 AND REVISING  
"ADMINISTRATIVE RULES AND REGULATIONS OF THE PUBLIC UTILITY  
DEPARTMENT OF THE CITY OF MILES CITY"**

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

**Section 1. *Administrative rules.*** There is hereby adopted a revised "Administrative Rules and Regulations of the Public Utility Department of the City of Miles City" as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

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

Said Ordinance read and put on its passage this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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

**FINALLY PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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

**Exhibit "A"**  
**Administration Rules of the City of Miles City**  
**Water and Sewer Services, Accounts, Delinquencies and Termination**

**1.0 General**

- 1.1 **Intent and Purpose.** The intent and purpose of these rules and regulations is to provide the residents of the City with efficient and economical water and sewer service, and to clearly establish a policy for providing these services to the users (customers) of this system.
- 1.2 **Authority.** These rules and regulations are enacted pursuant to the authority granted the City under Montana codes and City of Miles City municipal codes and administrative rules. These include MCA 7-13-4304-4313.
- 1.3 **Reference.** Also applicable is the Miles City Code- **Ch. 23 Articles II and III.**
- 1.4 **Jurisdiction.** The jurisdictional area of these rules and regulations shall include all areas within the corporate city limits, and any other locations where users are provided water or sanitary sewer service by the City of Miles City.
- 1.5 **Application.** These rules are hereby made part of a Contract with every customer which is provided water and sewer service. Every customer making application for such service or accepting such service, shall be bound by the rules herein.
- 1.6 **Access.** Access to a customer's premise is authorized at all reasonable hours by City staff to all parts of the building or premise where water is delivered or sewer service is provided for the purpose of inspecting the condition of pipes and fixtures, servicing the meter, monitoring, or turning on or off water or sewer service. Notice shall be given for such access, except notice will not be required in an emergency situation.
- 1.7 **Payment for Service.** Montana law prohibits a municipality from providing water or sewer service to anyone without receiving payment for such service.

**2.0 Agreements**

The following agreements pertain to providing water and sewer service to individual customers.

- a. **Customer Information Sheet** - Required of all customers when they request service.
- b. **Contract For Services** - Required of all customers when they request service.
- c. **Landlord Rental Agreement Form**- Required by all landlords if they wish the City to bill the tenant or renter.
- d. **Agreement For Payment Of Past Due Accounts (Contract)**- Required when full payment of a delinquent amount cannot be made immediately.

In addition to Agreements a and b above, all appropriate hookup, connection, and turn on fees must be paid prior to commencing service.

**3.0 Service Lines**

The following items pertain to the water and sewer service lines:

- a. The customer shall own both the water and sewer service lines in their entirety, from the point-of-usage to the City water curb stop and to the sewer main. The customer shall keep their service lines in a good state of repair.
- b. The City shall own from the curb stop to the water main and the meter and associated meter readouts. The user shall provide an acceptable location for and easy access to the meter.
- c. All other appropriate administration rules and City ordinances shall apply, including those relating to excavation in the streets, asphalt and concrete surface repairs, bonding for plumbers and excavators, and sewer use.
- d. All taps on City water mains shall be made by the City.

- e. All sewer taps shall be by a licensed plumber.
- f. All excavation shall comply with OSHA regulations and City SOP #91.0900.
- g. All water and sewer service materials and methods of installation shall comply with the Uniform Plumbing Code.
- h. All excavation and installation or repairs to service lines shall be inspected by the City prior to covering them.
- i. Access is to be provided to the meter and meter readout at all times.
- j. If the curb stop does not work or is not accessible, it shall be repaired at the earliest convenience to an operating condition or relocated to where it is accessible. This is the responsibility of the City.
- k. The customer shall be responsible for all damage and necessary repair to the water and sewer service lines and for any resulting property damage from leaks or breaks of these lines. No claim shall be made against the City due to any damage resulting from the water or sewer service lines, or for any failure to provide water or sewer service.
- l. If a leak is found in the street and is doubtful whether the water is from the City main or the customer service line, the City will determine where it is from. This may involve excavation to the leak. If the leak is found to be from the main, or service line to the curb stop, the City will make all repairs but if it is found to be the service line, after the curb stop, the customer will be notified immediately and must take charge of the excavation, repair the leak, replace the street and be responsible for all damages which may result. If the customer does not make the repairs at once, the City will proceed and bill all labor, equipment and materials against the property. In the event that this bill is not paid, it shall be handled per Sections 5.0 and 6.0 of this rule.

#### **4.0 Landlord/Tenant**

The landlord has the ultimate responsibility for the payment of charges for water and sewer services to a property. The City will bill the tenant for these services provided the **Landlord Rental Agreement Form** has been properly completed by the landlord. The tenant must sign a Contract for Service and make a deposit if they are to be billed.

The final bill for all tenants will be sent in care of the landlord. The landlord will then have the thirty days to pay the final bill, and all past due charges left by tenant. If charges are not paid on the service address that the charges were accrued the process in section 5.0 will then be followed.

#### **5.0 Delinquencies**

Payment for water and sewer charges are due when billed and become delinquent after 30 days from the date of the bill.

At 30 days past due (60 days from the billing date), a **Past Due Notice** will be sent to the customer, as well as the landlord, if **Landlord Rental Agreement Form** has been signed. This notice will be sent out by regular first class mail. It shall state the amount due and that service will be discontinued if payment is not received within 10 days of the date of the postmark or a written agreement is reached regarding the payment.

If payment is not received within 10 days, a door hanger **Forty Eight Hour Final Notice** will be sent out to the customer and or landlord, stating terms of the **Past Due Notice** were not met prior to disconnect date. Service will be disconnected in forty eight hours. The notice shall state the date shut off is scheduled, balance due, any deposit required on account, \$20.00 late payment penalty fee, and total amount due. The \$20.00 penalty fee will be charged to the account the day after the **Past Due Notice** states payment is due. Penalty fees apply to tenant only and will not be passed on to the landlord of the property. Service will then be terminated unless payment is received or an **Agreement for Payment of**

**the Past Due Account** form is arranged between the City and the customer and or landlord. Once service is disconnected for non-pay, a \$35.00 (Re-Connect Fee) Section 6.0, will be added to total amount due. Re-connect fees apply to tenant only and will not be passed on to the landlord of the property. Such notice shall be delivered in person to the account holder or posted in a prominent place at the residence receiving service. The notice shall show the date of its delivery or posting.

A customer has the option to make payment arrangements with the City for all past due amounts through an **Agreement for Payment of Past Due Accounts** form. If the customer has a \$20.00 late payment penalty fee, \$35 Re-connect fee or a deposit required on their account, this amount must be paid before making the agreement for payments, it may not be added into the total past due amount on this form. Payment plans will not exceed 6 months unless approved as discussed under Section 10.0. When a delinquent amount is being paid off over time, the current bill must be paid by its due date or the service can be disconnected without further notice. The monthly payments shall be at least \$20 per month plus the current bill. If payments under the **Agreement for Payment of Past Due Accounts** are not honored by the customer, services will be terminated without further notice. Once service is terminated under this clause, it will not be restored until the entire balance is paid, along with Re-Connect Fee, Section 6.0. Customer must be actual account holder/ or spouse to make arrangements using this form. If a tenant signs an **Agreement for Payment of Past Due Accounts** form, and defaults on payments, the account will be finaled and past due balance will transfer to landlord responsibility. Landlord will be sent a copy of the **Agreement for Payment of Past Due Accounts** form.

Payments must be made to City Hall water department. Payments will not be accepted by field staff.

As allowed by MCA 7-13-4309, a delinquent water or sewer charge may become a tax lien upon the real property, at the discretion of the City. The City may utilize a collection agency to recover past due amounts as they deem appropriate.

Any other bill regarding water or sewer services, such as a turn-on or turn-off fee or repairs, may be handled in the above manner relating to water or sewer service.

#### **6.0 Discontinuation of Service**

Disconnections may include shutting off the curb stop and/or as allowed by MCA 7-13-4309 delinquent water or sewer charges may become a tax lien upon the real property, at the discretion of the City. The City may utilize a collection agency to recover past due amounts as they deem appropriate.

A **Termination Notice** may be hung on a residence door, if the City does not have a current contract for service. This notice prompts the new resident to come sign up for new service with the City Water Department.

If Water/Sewer Services are terminated due to non-pay, a \$35.00 Re-connect Fee will be charged as well as the entire past due balance stated in Section 5.0. The \$35.00 Re-connect fee and all other charges must be paid before service is turned back on.

Service may be discontinued if payment is not received or an Agreement for Payment is not made after the time frames presented in Section 5.0. Service may also be discontinued immediately as stated in Section 9.0 for violation of any unlawful acts.

A 10-day notice for disconnection may be given for failure of a customer to maintain his water or sewer service line or other appurtenances in good repair, provided the notice describes the deficiency that the customer must rectify.



The City also reserves the right to temporarily shut off water service at any time without notice for the purpose of making repairs or extensions to their system.

### **7.0 Deposits**

An initial deposit of \$50.00 will be assessed for new accounts. This initial deposit will be waived if adequate references, Letter of Credit, are provided for utility services (either water or sewer services or another utility). This deposit will be held for one year and if all payments are made within 30 days of the bill, the deposit will be applied to the latest bill, or applied to final bill. Any amount left over after the final bill is paid gets refunded.

If service has been disconnected and finale, meaning the previous fifty dollar deposit has already been applied to account, a \$100.00 minimum deposit will be required to have services restored, as well as all past due balances paid in full. If a deposit is required after the termination of service a second time, and the deposit has already been applied, the minimum required deposit is \$150.00.

No interest will be paid on deposits.

### **8.0 Turn-on/Turn-off**

Services can be turned on or off by the City either upon request should the home or building be temporarily vacant or repairs needed or as allowed under Section 6.0. There are no fees to turn- on/ turn-off for the initiation of service or because repairs are needed if it is during normal business hours. After hour call outs for service will be billed to customer. If it is shut off for non-pay as stated in Section 5.0, there is a \$35.00 Re-connect Fee.

Only the City may operate the curb stops. The City will not be liable for any damage to persons or property that may result by turning on or off a service.

### **9.0 Unlawful Acts**

Unlawful acts include:

- Violation for noncompliance with any applicable federal, state or local laws, rules or regulations.
- Unauthorized tampering with the meter, curb stop, or other part of water or sewer service line.
- Non-compliance with the sewer use ordinance.
- Maintaining a cross connection or allowing the entry of non-potable water into the City water system.
- Failure to fulfill contractual obligations for service.
- Failure to permit reasonable access to the meter, curb stop or other equipment or areas of the premise related to water or sewer service.
- Extending water or sewer service to another building or location without receiving permission.
- Intentionally damaging or breaking the seal on a meter.
- Operating the curb stop, or making any change in the water or sewer service connection without permission of the City.

Service may be discontinued immediately upon committing an unlawful act. The penalty for committing an unlawful act includes the turn-on fees and deposits discussed above or any other recourse allowed the City under state and local laws, rules or regulations.

### **10.0 Appeals**

If a customer wishes to appeal any decision relating to water or sewer service, they must make this appeal in writing and present it to the City Clerk. The Clerk, in consultation with the Mayor, Utilities Director,

and Utility Billing Clerk will make an initial determination on the appeal. If the customer is not satisfied with the response, they may appeal their issue to the Finance Committee of the Council.

Similarly the City Clerk, in consultation with the Mayor, Utilities Director, and Utility Billing Clerk may make other reasonable terms for payment of a past due account should the procedures outlined above not be sufficient. They may extend the agreement for payments up to an additional 90 days. Any extension past 3 additional months shall be approved by the Finance Committee as a special hardship case. Any forgiving of an amount owed shall also be by the Finance Committee. If the matter goes to the Finance Committee, the customer shall attend the meeting if requested.

The appeals process shall not extend any deadlines for termination of service or making payments. Therefore all required payments must be made during the appeal process.

There may be only one appeal of an overdue balance on an account and no appeal for failure to make timely payments.

**AGREEMENT FOR PAYMENT OF PAST DUE ACCOUNTS  
CITY OF MILES CITY**

**CUSTOMER:** \_\_\_\_\_

**LANDLORD:** \_\_\_\_\_

**SERVICE LOCATION:** \_\_\_\_\_

**ACCOUNT:** \_\_\_\_\_

I agree to pay the **PAST DUE** balance of \$ \_\_\_\_\_ on the above account number as follows:

1. Payment in full on OR before \_\_\_\_\_
2. In addition to a portion of the **PAST DUE** balance, I agree to pay the **current balance** of my account by or on the due date of the current monthly bill.

<b>PAST DUE DUE DATE</b>	<b>AMOUNT DUE</b>	<b>DATE PAID</b>	<b>CURRENT BILL DUE DATE</b>	<b>AMOUNT DUE</b>	<b>DATE PAID</b>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

**DATE:** \_\_\_\_\_

**CUSTOMER SIGNATURE:** \_\_\_\_\_

**APPROVED BY:** \_\_\_\_\_

**IF SERVICE IS TERMINATED, THE CUSTOMER (OR LANDLORD) WILL BE RESPONSIBLE FOR THE ENTIRE AMOUNT DUE INCLUDING A RECONNECT FEE OF \$35.00 , PLUS A DEPOSIT OF \$50.00 if account has not been finalized (after ten days off), and \$100.00 Deposit if it has, etc as per sec 7.0 of the Administration Rules of the City of Miles City. A COPY OF THIS AGREEMENT WILL BE SENT TO YOUR LANDLORD.**

**IF THIS AGREEMENT IS NOT HONORED BY THE CUSTOMER, SERVICE WILL BE TERMINATED WITHOUT FURTHER NOTICE.**

**LANDLORD RENTAL AGREEMENT FORM  
CITY OF MILES CITY**

Date: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Phone #: \_\_\_\_\_ Work #: \_\_\_\_\_

Owner's Mailing Address: \_\_\_\_\_

I, \_\_\_\_\_, owner of the below mentioned property/ies, request the City of Miles City to bill my tenant/ s for City Utility services.

I understand that the City will not begin or continue billing my tenant/s until the City has received this written request, as well as a signed Contract for Services, and deposit received by the tenant. I also understand that the City will read the meter at the earliest opportunity upon receiving a contract from a new tenant. The termination date for my account will be the date the meter is read.

I do hereby acknowledge that as the property owner, I am responsible for the water and sanitary sewer charges on the bill not paid by the tenant. Further, I understand the following tenant billing policy and my responsibilities as owner of the below listed property/ies:

- Water and Sewer charges remaining from any prior renter must be paid 30 days after the tenant has moved out. If charges are not paid in the 30 days following final bill, the termination process in Section 5.0 of the, **Administration Rules of the City of Miles City Water and Sewer Services, Accounts, Delinquencies and Termination**, will be followed, and any past due amounts pertaining to the property may be treated as public information and be released to third parties upon request.
- Penalty fees and Re connect fees apply to tenant only and will not be passed on to the landlord.
- If a tenant defaults on an **Agreement for Payment of Past Due Accounts** form, the remaining past due balance will be the landlord's responsibility. Landlord will receive a copy of the **Agreement for Payment of Past Due Accounts** form tenant signs.
- Unpaid water/ sewer charges will become a tax lien against the property. **MCA 7-13-4309**
- Owner is responsible to notify the City of any changes in billing. If a tenant contacts the City to request a final bill, the account will automatically revert back to the owner's name.
- The owner will receive duplicate copies of delinquent notices whenever the tenant's account is overdue.
- Owners will have the authority to cancel services to residence at any point the tenant becomes past due on their bill. As allowed by **MCA 70-24-303g**
- Owners that have managers/agents managing the property must have a letter on file with the City authorizing that individual to make decisions for that property. Without that authorization the City will only work with the owner.

Rental Address: \_\_\_\_\_ Rental Address: \_\_\_\_\_

Rental Address: \_\_\_\_\_ Rental Address: \_\_\_\_\_

Rental Address: \_\_\_\_\_ Rental Address: \_\_\_\_\_

Owners Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Past Due Notice Letter

City of Miles City  
Water and Sewer Department  
PO Drawer 910  
Miles City, MT 59301  
Phone: 406-234-3462

Date

Customer Name  
Address  
City State Zip

Account Number

Past Due Account Notice

Payment of your water and/ or sewer account at (Service Address) is 60 or more days past due. We are required to disconnect your utility service on (Disconnect date), unless the past due amount of (Amount due) is paid before that (Disconnect date).

If payment is not received or arrangements made with our office prior to the above (Disconnect date) services will be terminated. At that point the entire balance of the account, (Total Amount) will be due. In addition to a \$20.00 late payment penalty fee, a \$35.00 re-connect fee. A \$50.00 deposit maybe required.

We now accept credit card payments through [paygov.us.com](http://paygov.us.com) or through a link on the City of Miles City website, [miles-city-mt.org](http://miles-city-mt.org). You can also pay by phone at 1-866-480-8552, or in the City Water Department office at City Hall. A convenience fee will be assessed to each transaction made using you card.

By Order of

City Clerk

## Final Disconnect Notice

City of Miles City  
Water and Sewer Department  
PO Drawer 910  
Miles City, MT 59301  
Phone: 406-234-3462

Customer Name \_\_\_\_\_  
Service Address \_\_\_\_\_

Date : \_\_\_\_\_

Account# \_\_\_\_\_

A Past Due Notice was sent to you on \_\_\_\_\_ by mail, warning you that your water/sewer account was past due, and that your services would be terminated on \_\_\_\_\_ unless terms of the notice were met prior to disconnect date.

Terms of that notice have **NOT** been met, therefore your water/ sewer service at: \_\_\_\_\_ will be discontinued on \_\_\_\_\_ @ \_\_\_\_\_ unless payment is received or arrangements made with our office.

---

**WE WILL ACCEPT CASH, CREDIT CARD, OR MONEY ORDER ONLY!!!!**

A \$35.00 Re-Connect Fee will be added if service is terminated. Any other costs incurred during the termination of utility service will be the responsibility of the property owner and will be due before service is continued.

We now accept credit card payments through [paygov.us.com](http://paygov.us.com) or through a link on the City of Miles City website, [miles-city-mt.org](http://miles-city-mt.org). You can also pay by phone at 1-866-480-8552, or in the City Water Department office at City Hall. A convenience fee will be assessed to each transaction made using your card.

Balance Due \$ \_\_\_\_\_

Penalty Fee \$20.00

Deposit Due \$ \_\_\_\_\_

**Total Due \$ \_\_\_\_\_**

By Order Of  
City Clerk

**ORDINANCE NO. 1263**

**AN ORDINANCE REVISING SECTION 23-36 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, SO AS TO REVISE THE FEE CHARGED FOR WATER RECONNECT SERVICES.**

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

**Section 1.** Section 23-36(d) shall be amended to read as follows:

**“Sec. 23-36. – Rates and charges.**

...

(d) *Reconnect fee.* For any account terminated due to nonpayment of any amounts due, there shall be a reconnect fee as follows:

- |                                 |       |
|---------------------------------|-------|
| (1) During normal working hours | \$35  |
| (2) On Saturdays                | \$90  |
| (3) On Sundays and Holidays     | \$120 |

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

Said Ordinance read and put on its passage this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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

**FINALLY PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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

**ORDINANCE NO. 1264**

**AN ORDINANCE REPEALING SECTION 12 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY AND ENACTING A NEW SECTION 12 OF SAID CODE OF ORDINANCES OF THE CITY OF MILES CITY, ADOPTING NEW FLOODPLAIN AND FLOODWAY REGULATIONS.**

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

**Section 1.** Section 12 shall be amended by replacing Sections 12-1 through 12-91 with the following sections 12-1 through 12-76:

**ARTICLE 1. TITLE, PURPOSE, AUTHORITY AND GENERAL PROVISIONS**

**Sec. 12-1 FLOODPLAIN HAZARD MANAGEMENT REGULATIONS**

These regulations are known and may be cited as the “Floodplain Hazard Management Regulations;” hereinafter referred to as “these regulations.”

**Sec. 12-2 STATUTORY AUTHORITY**

1. Floodplain and Floodway Management is incorporated in Montana Code Annotated (MCA) Title 76, Chapter 5 and describes the authority, procedures and minimum standards for local regulations and is further described in Montana Administrative Rule (ARM) 36, Chapter 15.
2. The authority to regulate development in specifically identified flood hazard areas has been accepted pursuant to 76-5-301, MCA.

**Sec. 12-3 FINDINGS OF FACT**

1. Flood hazard areas specifically adopted herein as Regulated Flood Hazard Areas have been delineated and designated by order or determination of the Department of Natural Resources and Conservation (DNRC) pursuant to MCA 76-5-201 et.seq.
2. These regulations have been reviewed by Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency. The Montana Department of Natural Resources and Conservation has found the regulations acceptable in meeting the Department minimum standards. The Federal Emergency Management Agency finds that these regulations are adequate and consistent with the comprehensive criteria for land management and use pursuant to the standards established in 44 CFR 60.3. (76-5-302, MCA, ARM 36.15.202, 44 CFR60.1(b), 42USC 4022)



#### **Sec. 12-4 PURPOSE**

The purpose of these regulations is to promote public health, safety and general welfare of the residents and minimize public and private losses due to flood conditions in Regulated Flood Hazard Areas. These Regulations are intended to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business and public service interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood disruptions; and to
7. Ensure compliance with the minimum standards for the continued participation in the National Flood Insurance Program for the benefit of the residents.

#### **Sec. 12-5 METHODS TO REDUCE LOSSES**

In accordance with 76-5-102, MCA, these regulations are intended to reduce flood losses through the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or that may cause excessive increases in flood heights or velocities;
2. Require that uses of land vulnerable to floods, including public facilities, be developed or constructed to at least minimum standards or to otherwise minimize flood damage;
3. Regulate the alteration of natural floodplains, stream channels, and natural protective barriers which are needed to accommodate floodwaters;
4. Regulate filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will impact other land, flood water depth or velocity of floodwaters;
6. Distinguish between the land use regulations applied to the floodway within the Regulated Flood Hazard Area and those applied to that portion of the Regulated Flood Hazard Area not contained in the floodway;

7. Apply more restrictive land use regulations within the floodway of the Regulated Flood Hazard Area; and
8. Ensure that regulations and minimum standards balance the greatest public good with the least private injury.

#### **Sec. 12-6 REGULATED AREA**

These regulations apply only to the flood hazard areas specifically adopted herein as Regulated Flood Hazard Areas which are more fully and specifically described in Section 4. Requirements and approvals for alterations to the Regulated Flood Hazard Area are specified in Section 4. The Regulated Flood Hazard Area includes areas specifically identified, labeled and illustrated on maps such as Floodplain, Floodway, or Flood Fringe that have differing uses allowed and minimum building standards that apply. The Regulated Flood Hazard Area is the geographic area inundated by the Flood of 100-year Frequency illustrated and depicted in the referenced studies and maps.

The Regulated Flood Hazard Area supporting study and maps illustrating the regulatory area are based on studies and maps that have been specifically adopted pursuant to 76-5-201et.seq. The maps and accompanying study become the Regulated Flood Hazard Area only when formally adopted by DNRC and subsequently by the political subdivision by these regulations. The original source of studies and data may be from a Flood Insurance Study by FEMA, or other studies by Corps of Engineers, Soil Conservation, United States Geological Service or other federal or state agency.

#### **Sec. 12-7 FLOODPLAIN ADMINISTRATOR**

A Floodplain Administrator is hereby officially appointed by the Mayor and is an employee of the office of Public Works. The Floodplain Administrator's duty is to administer and implement the provisions of these regulations. The Floodplain Administrator must serve to meet and maintain the commitments pursuant to 44 CFR 59.22(a) to FEMA to remain eligible for National Flood Insurance for individuals and business within the political subdivision. ((44 CFR 59.22(b)(1)) (ARM 36.15.204(2)(h))

#### **Sec. 12-8 COMPLIANCE**

Development, New Construction, Alteration or Substantial Improvement may not commence without full compliance with the provisions of these regulations.

#### **Sec. 12-9 ABROGATION AND GREATER RESPONSIBILITY**

It is not intended by these regulations to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, zoning or other regulations in effect. However, where these regulations impose greater restrictions, the provision of these regulations must prevail. (44 CFR 60.1(d))

#### **Sec. 12-10 REGULATION INTERPRETATION**

In the interpretation and application of these regulations, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes. (44 CFR 60.1)

#### **Sec. 12-11 WARNING AND DISCLAIMER OF LIABILITY**

These regulations do not imply that land outside the Regulated Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

#### **Sec. 12-12 SEVERABILITY**

If any section, clause, sentence, or phrase of these regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding will in no way affect the validity of the remaining portions of these regulations.

#### **Sec. 12-13 DISCLOSURE PROVISION**

All property owners or their agents in the Regulated Flood Hazard Areas shall notify potential buyers or their agents that such property, including any permitted uses transferred, is located within the Regulated Flood Hazard Area and is subject to regulation and any permitted uses that are transferred. Information regarding Regulated Flood Hazard Area and the repository for Floodplain maps is available in the Floodplain Administrator's office. (ARM 36.15.204(2)(g))

#### **Sec. 12-14 AMENDMENT OF REGULATIONS**

These regulations may be amended after notice and public hearing in regard to the amendments to these regulations. The amendments must be found adequate and acceptable by DNRC and FEMA to be effective and must be submitted for review at least 30 days prior to official adoption.

#### **Sec. 12-15 PUBLIC RECORDS**

Records, including permits and applications, elevation and flood proofing certificates, certificates of compliance, fee receipts, and other matters relating to these regulations must be maintained by the Floodplain Administrator and are public records and must be made available for inspection and for copies upon reasonable request. A reasonable copying cost for copying documents for members of the public may be charged and may require payments of the costs before providing the copies. (44 CFR 60.3(b)(5)(iii) & 44 CFR 59.22 (a)(9)(iii))

#### **Sec. 12-16 SUBDIVISION REVIEW**

Within the Regulated Flood Hazard Area, subdivisions including new or expansion of existing manufactured home parks, must be designed to meet the following criteria:

1. The Base Flood Elevations and boundary of the Regulated Flood Hazard area must be determined and considered during lot layout and building location design;
2. Locations for future structures and development must be reasonably safe from flooding; (44CFR 60.3(a)(4))

3. Adequate surface water drainage must be provided to reduce exposure to flood hazards; (44 CFR 60.3 (a)(4)(iii))
4. Public utilities and facilities such as sewer, gas, electrical and water systems must be located and constructed to minimize or eliminate flood damage; and (44 CFR 60.3(a)(4)(ii))
5. Floodplain permits must be obtained according to these regulations before development occurs that is within the Regulated Flood Hazard Area. (44 CFR 60.3(b))

### **Sec. 12-17 DISASTER RECOVERY**

In the event of a natural or man-made disaster, the Floodplain Administrator should participate in the coordination of assistance and provide information to structure owners concerning Hazard Mitigation and Recovery measures with the Federal Emergency Management Agency, Montana Disaster Emergency Services, Montana Department of Natural Resources and Conservation, and other state, local and private emergency service organizations.

Upon completion of cursory street view structure condition survey within the Regulated Flood Hazard Area, the Floodplain Administrator shall notify owners that a permit may be necessary for an alteration or substantial improvement before repair or reconstruction commences on damaged structures because of damages caused by natural or man-made disasters such as floods, fires or winds.

Owners should be advised that structures that have suffered substantial damage and will undergo substantial improvements require a floodplain application and permit and must be upgraded to meet the minimum building standards herein during repair or reconstruction. ((MCA 76-5-404(3)(b) (ARM 36.15.702) (44 CFR 60.3(c)(2 and 3))

## **ARTICLE 2. DEFINITIONS**

### **Sec. 12-18 Definitions**

Unless specifically defined below, words or phrases used in these regulations shall be interpreted as to give them the meaning they have in common usage and the most reasonable application. For the purpose of these regulations, the following definitions are adopted:

**100-year Flood** – One percent (1%) annual chance flood. See Base Flood

**Alteration** – Any change or addition to an artificial obstruction that either increases its external dimensions or increases its potential flood hazard. (ARM 36.15.101(2))

**Appurtenant Structure** – A structure in which the use is incidental or accessory to the use of a principal structure. (44 CFR 59.1)

**Artificial Obstruction** – Any obstruction which is not natural and includes any development, dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment,

excavation, channel rectification, road, bridge, conduit, culvert, building, refuse, automobile body, fill or other analogous structure or matter in, along, across, or projecting into any Regulated Flood Hazard Area that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property. See also Development. (ARM 36.15.101(3) & MCA 76-5-103(1))

**Base Flood (Flood of 100 Year Frequency)** – A flood having a one percent (1%) chance of being equaled or exceeded in any given year (ARM 36.15.101(4) & (44 CFR 59.1)

**Base Flood Elevation (BFE)** – The elevation above sea level of the Base Flood in relation to the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988 or unless otherwise specified. (ARM 36.15.101(5))

**Basement** – Any area of a building, except a crawl space, as having its Lowest floor below ground level on all sides. (44 CFR 59.1) (NFIP Insurance Manual, Rev. May 2013)

**Building** – A walled and roofed structure, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. (44 CFR 59.1)

**Channel** – The geographical area within either the natural or artificial banks of a watercourse or drain way. (MCA 76-5-103(2))

**Crawl Space** – An enclosure that has its interior floor area no more than 5 feet below the top of the next highest floor. See Enclosure and Sub grade Crawlspace. (NFIP Insurance Manual, Rev. May 2013)

**DNRC** – Montana Department of Natural Resources and Conservation

**Development** – Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. See also Artificial Obstruction. (44 CFR 59.1)

**Elevated Building** – A building that has no Basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns. A building on a crawlspace is considered an elevated building. (NFIP Insurance Manual, Rev. May 2013)

**Enclosure** – That portion below the lowest elevated floor of an elevated building that is either partially or fully shut in by rigid walls including a crawlspace, sub grade crawlspace, stairwell, elevator or a garage below or attached.

**Encroachment** – Activities or construction within the Regulated Flood Hazard Area including fill, new construction, substantial improvements, and other development.

**Encroachment Analysis** – A hydrologic and hydraulic analysis performed by an engineer to assess the effects of the proposed artificial obstruction or nonconforming use on Base Flood Elevation, flood flows and flood velocities.

**Establish** – To construct, place, insert, or excavate. (MCA 76-5-103(7) (ARM 36.15.101(9))

**Existing Artificial Obstruction or Nonconforming Use** – An artificial obstruction or nonconforming use that was established before land use regulations were adopted pursuant to Section 76-5-301(1), MCA. (MCA 76-5-404(3))

**FEMA** – Federal Emergency Management Agency

**Flood Fringe** – The identified portion of the Floodplain of the Regulated Flood Hazard Area outside the limits of the Floodway. (ARM 36.15.101(10))

**Flood of 100 Year Frequency (Base Flood)** – A flood magnitude expected to recur on the average of once every 100-years or a flood magnitude that has a 1% chance of occurring in any given year. (MCA 76-5-103(9)) (44 CFR 59.1)

**Floodplain** – The area of the Regulated Flood Hazard Area including and adjoining the watercourse or drainway that would be covered by the floodwater of a Base Flood. The area is partitioned into a Flood Fringe and Floodway where specifically designated. See Regulated Flood Hazard Area.

**Floodway** – The identified portion of the Floodplain of the Regulated Flood Hazard Area that is the channel and the area adjoining the channel that is reasonably required to carry the discharge of the Base Flood without cumulatively increasing the water surface by more than one half foot. (MCA 76-5-103(11)) (MCA 76-5-103(5))

**Floodplain Administrator** – Community official or representative appointed to administer and implement the provisions of this ordinance.

**Flood Proofing** – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, electrical, plumbing, HVAC systems, structures and their contents. The term includes wet flood proofing, dry flood proofing and elevation of structures. ((44 CFR 59.1)

**Letter of Map Change (LOMC)** – An official response from FEMA that amends or revises the FEMA Special Flood Hazard Area and FEMA Flood Insurance Study for flood insurance purposes and/or flood risk hazard. FEMA Letters of Map Change specific to an amendment or revision include:

**Letter of Map Amendment (LOMA)** – A letter of determination from FEMA issued in response to a request that a property or structure is not subject to the mandatory flood insurance requirement because it was inadvertently located in the effective FEMA

Special Flood Hazard Area. The material submitted and response from FEMA may be considered by the Floodplain Administrator for determining if a property or structure is within the Regulated Flood Hazard area and subject to these regulations.

**Letter of Map Revision Based on Fill (LOMR-F)** – A letter of approval from FEMA removing the mandatory requirement for flood insurance on property based on placement of fill or an addition. Placement of fill or an addition must be preceded by a permit pursuant to these regulations. Placement of fill does not remove the development from the Regulated Flood Hazard Area or these regulations.

**Letter of Map Revision (LOMR)** – An official FEMA amendment to the currently effective FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map based on a physical change to the floodplain of the Special Flood Hazard Area. It is issued by FEMA and changes flood zones, delineations, and elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study. It must be preceded by an approved alteration of the designated floodplain from DNRC and subsequently an amendment to the Regulated Flood Hazard Area.

**Conditional Letter of Map Revision (CLOMR)** – A FEMA letter of approval for a proposed physical change that when completed would propose to change the flood zones, delineation or elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study through a subsequent LOMR,. The CLOMR may be considered in an evaluation by DNRC and the Floodplain Administrator during consideration of a proposed alteration to the Regulated Flood Hazard Area.

**Lowest Floor** – Any floor of a building including a basement used for living purposes, storage, or recreation. This includes any floor that could be converted to such a use. ((ARM 36.15.101(14)) (44 CFR 59.1))

**Manufactured Home Park or Subdivision** – Includes the construction of facilities for servicing the manufactured home lots and at a minimum includes the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads. (44 CFR 59.1)

**Manufactured or Mobile Home** – A building that may be residential or non-residential, is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities and includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. (ARM 36.15.101(15))

**New Construction** – Structures for which the commencement of clearing, grading, filling, or excavating to prepare a site for construction occurs on or after the effective date of these regulations and includes any subsequent improvements to such structures. (ARM 36.15.101(20)) (44 CFR 59.1)

**New Manufactured Home Park Or Subdivision** – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes

are to be affixed includes at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads and is completed on or after the effective date of floodplain management regulations adopted by a community. (44 CFR 59.1)

**Non-Residential**— Buildings including manufactured homes that are not residential including commercial, agricultural, industrial buildings and accessory buildings. See Residential.

**Owner** – Any person who has dominion over, control of, or title to an artificial obstruction. (MCA 76-5-103(13))

**Person** – Includes any individual, or group of individuals, corporation, partnership, association or any other entity, including State and local governments and agencies. (44 CFR 59.1)

**Recreational Vehicle** – A park trailer, travel trailer, or other similar vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a motorized vehicle; and (d) designed primarily for use as temporary living quarters for recreation, camping, travel, or seasonal use, not for use as a permanent dwelling. (44 CFR 59.1)

**Regulated Flood Hazard Area** – A Floodplain whose limits have been designated pursuant to Part 2, Chapter 5 of Title 76, MCA, and is determined to be the area adjoining the watercourse that would be covered by the floodwater of a Base Flood. The Regulated Flood Hazard Area consists of the Floodway and Flood Fringe where specifically designated. (MCA 76-5-103(4)), (MCA 76-5-103(10), (ARM 36-15-101(11))

**Residential Building** – A dwelling or building for living purposes or place of assembly or permanent use by human beings and including any mixed use of residential and non-residential use. All other buildings are **non-residential**.

**Riprap** – Stone, rocks, concrete blocks, or analogous materials that are placed along the bed or banks of a watercourse or drainway for the purpose of preventing or alleviating erosion. (ARM 36.15.101(18))

**Scour Depth** – The maximum depth of streambed scour caused by erosive forces of the Base Flood.

**Special Flood Hazard Area** – Land area which has been specifically identified by the Federal Emergency Management Agency as the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is useful for the purposes of identifying flood hazards by local subdivisions of government for regulatory purposes as well as use by the National Flood Insurance Program for establishing risk zones and flood insurance premium rates. The FEMA flood hazard area zone designation or flood risk potential is as illustrated on FEMA's Flood Hazard Boundary Map or Flood Insurance Rate Map.

**Structure** – Any Artificial Obstruction.



**Sub grade Crawlspace** – A Crawlspace foundation enclosure that has its interior floor no more than 5 feet below the top of the next higher floor and no more than 2 feet below the lowest adjacent grade on all sides. A foundation exceeding either dimension is a Basement. (NFIP Insurance Manual, Rev. May 2013)

**Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would exceed 50 percent of the market value of the structure before the damage occurred. (44 CFR 59.1)

**Substantial Improvement** – Any repair, reconstruction or improvement of a structure where the cost equals or exceeds fifty percent (50) of the market value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred;

1. Substantial improvement is considered to occur when the first construction of any wall, ceiling, floor or other structural part of the building commences;
2. The term does not include:
  1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
  2. Any alteration of a structure listed on the national register of historic places or state inventory of historic places. (ARM 36.15.101(21)) (44 CFR 59.1))

**Suitable Fill** – Fill material which is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))

**Variance** – Means a grant or relief from the development requirements of these regulations which would permit construction in a manner that would be otherwise prohibited by these regulations by an approval pursuant Section 12. (ARM 36.15.101(23))

**Violation** – A finding and order pursuant to the regulations against the owner or responsible party of the failure of a structure or other development to be fully compliant with these regulations. (44 CFR 59.1)

### **ARTICLE 3. FORMS AND FEES**

#### **Sec. 12-19 Forms**

The following forms may be required by the Floodplain Administrator:

1. **Floodplain Permit Application Form** –The “Joint Application for Proposed Work in Montana’s Steams, Wetlands, Regulated Flood Hazard Areas, and Other Water Bodies”, or other designated application form. A completed FEMA MT-1 form may be required to accompany the application when required by the Floodplain Administrator.

2. **Floodplain Permit Compliance Report** – A report required to be submitted by the Applicant to the Floodplain Administrator once the permitted project in the Regulated Flood Hazard Area is completed or within the designated time stipulated on the Floodplain permit. A compliance report including an elevation and or flood proofing certificate may be required where specified for the purpose of documenting compliance with the requirements of the permit.
3. **Floodplain Variance Application Form** – An application submitted by the Applicant to the Floodplain Administrator to initiate a proposed variance from the requirements of these regulations as described in Section 12 .
4. **Floodplain Appeal Notice Form**– A form submitted by the Applicant or an aggrieved party to initiate the appeal process described in Section 13.
5. **Floodplain Emergency Notification Form**– A written notification form required pursuant to Section 11 of these regulations.
6. **Official Complaint Form** – A form that may be used by any person to notify the Floodplain Administrator of an activity taking place that appears to be noncompliant with the requirements of these regulations.

**Sec. 12-20 Fees**

A reasonable application fee for processing of permit applications may be imposed. Fees may be adopted for costs of permit applications, notices, variances, inspections, certifications or other administrative actions required by these regulations. (ARM 36.15.204(3)(b))

**ARTICLE 4. REGULATED FLOOD HAZARD AREA**

**Sec. 12-21 REGULATED FLOOD HAZARD AREAS**

1. The Regulated Flood Hazard Areas are the 100-year floodplains illustrated and referenced in the following specific studies and reports described as follows:
  1. FEMA Flood Insurance Study (FIS) and Digital Flood Insurance Rate Maps (DFIRMs) for the City of Miles City, Montana adopted July 22, 2010.
2. The Regulated Flood Hazard Areas specifically described or illustrated in the above referenced studies and maps of the 100-year floodplain have been delineated, designated and established by order or determination by the DNRC pursuant to 76-5-201et.seq., MCA.
3. Use allowances, design and construction requirements specifically in Sections 5, 6, 9, and 10 in these regulations vary by the specific Floodplain areas including areas identified as Floodway and Flood Fringe within the Regulated Flood Hazard Area.

**Sec. 12-22 INTERPRETATION OF REGULATED FLOOD HAZARD AREA BOUNDARIES**

1. The mapped boundaries of the Floodplain illustrated in the referenced studies and maps in this Section are a guide for determining whether property is within the Regulated Flood Hazard Area.
2. A determination of the outer limits and boundaries of the Regulated Flood Hazard Area or the Flood Fringe and Floodway within the Regulated Flood Hazard Area includes an evaluation of the maps as well as the particular study data referenced in this Section. Supporting study material for Base Flood Elevations takes precedence over any map illustrations if it exists.
3. The Regulated Flood Hazard Area boundary is delineated by the Base Flood Elevation. The physical field regulatory boundary of the Regulated Flood Hazard Area is the actual intersection of the applicable study Base Flood Elevation with the existing adjacent terrain of the watercourse or drainway. (ARM 36.15.501(6))
4. The Floodway boundary where identified within the Floodplain is as illustrated on the referenced maps and studies. Since the Floodway boundary is a study feature, the location of the boundary may be physically located by referencing the study data to a ground feature. The Floodplain Administrator's interpretation of the boundary and decision may be appealed as set forth in Section 13.
5. The Floodplain Administrator may request additional information described below to determine whether or not the proposed development is within the Regulated Flood Hazard Area:
  1. Where Base Flood Elevations exist, the property owner may provide additional information which may include elevation information provided by an engineer or land surveyor in order to determine if the proposed development is subject to these regulations. (ARM 36.15.501(6))
  2. Where Base Flood Elevations do not exist, the property owner may provide additional information to be considered to determine the location of the regulatory boundary or alternatively provide a computed Base Flood Elevation provided by an engineer.
  3. The Floodplain Administrator's interpretation of the boundaries and decision may be appealed as set forth in Section 13.
6. Any owner or lessee of property who believes his property has been inadvertently included in the Regulated Flood Hazard Area including the Floodway or Flood Fringe may submit scientific and/or technical information to the Floodplain Administrator for a determination if the property is appropriately located. Scientific or technical information submitted to FEMA by an owner to affect the insurance rating for insurance purposes may be considered by the Floodplain Administrator. A determination by the Floodplain Administrator is independent of any determination by FEMA for insurance purposes.

**Sec. 12-23 ALTERATION OF REGULATED FLOOD HAZARD AREA**

1. Revisions or updates to the specific maps and data that alter the established Floodplains or Floodway of the Regulated Flood Hazard Area requires DNRC approval pursuant to 75-5-203, MCA. An alteration of the Regulated Flood Hazard Area is a DNRC approved amendment to the DNRC order that originally delineated and designated the 100-year floodplain and is the basis of the Regulated Flood Hazard Area referenced in Section 4.1.2. A DNRC approved alteration consists of revisions or updates to the specific maps and data of the referenced studies in this Section and forms the basis for an amendment to the Regulated Flood Hazard Area in these regulations; (ARM 36.15.505)
2. Any change to the Regulated Flood Hazard Area as a result of a DNRC alteration is effective upon amendment to the Regulated Flood Hazard Area described in Section 4.1.1;
3. Substantial natural physical change or new technical or scientific flood data showing that the Base Flood Elevation has or may be changed or was erroneously established shall be brought to the attention of DNRC and FEMA; (ARM 36.15.505(1)(a)) (44 CFR 65.3)
4. Any Floodplain permit application for a proposed development or artificial obstruction must be denied until a DNRC alteration pursuant to 76-5-203, MCA is approved if it causes an increase of 0.5 feet or more to the Base Flood Elevation of a Regulated Flood Hazard Area without a Floodway or an increase of more than 0.00 feet to the Base Flood Elevation of a Floodway.
5. To propose an alteration a petition must be submitted to DNRC and must include the following information:
  1. Certification that no buildings are located in the areas which would be impacted by the increased Base Flood Elevation; (44 CFR 65.12(a)(5))
  2. Evidence of notice to all property and land owners of the proposed impacts to their properties explaining the proposed impact on their property; (44 CFR 65.12(a)(3))
  3. Information that demonstrates that alternatives are not feasible; (44 CFR 65.12(2))
  4. Information that demonstrates that development is for a public use or benefit; and
  5. Any other supporting information and data as needed for approvals. ((ARM 36.15.505) (44 CFR 60.3(c)(10)) (44 CFR 60.3(d)(3)) (44 CFR 65.7(3)) (44 CFR 65.12))

6. The Floodplain Administrator may represent the permit authority for any necessary applications, approvals or endorsements such as the FEMA Community Acknowledgement Form to FEMA where affecting the FEMA Special Flood Hazard Area;
7. A determination by the Floodplain Administrator that land areas located within the Regulated Flood Hazard Area are above the Base Flood Elevation as proven by a certified elevation survey does not constitute or require an alteration or an amendment of the Regulated Flood Hazard Area and may be maintained as a public record that more explicitly defines the Regulated Flood Hazard Area boundary; and
8. Elevating with suitable fill as permitted does not alter the Regulated Flood Hazard Area or remove the elevated area from the Regulated Flood Hazard Area. (ARM 36.15.505(2))
9. A floodplain permit implementing the physical change cannot be approved until a CLOMR has been issued by FEMA.

## **ARTICLE 5. USES ALLOWED WITHOUT A PERMIT WITHIN THE REGULATED FLOOD HAZARD AREA**

### **Sec. 12-24 GENERAL**

Existing artificial obstructions or nonconforming uses established before land use regulations pursuant to Section 76-5-301, MCA were effective, are allowed without a permit. However, alteration or substantial improvement of an existing artificial obstruction or nonconforming use requires a floodplain permit. Maintenance of an existing artificial obstruction or nonconforming use does not require a floodplain permit if it does not cause an alteration or substantial improvement. (MCA 76-5-404(3))

### **Sec. 12-25 OPEN SPACE USES**

The following open space uses shall be allowed without a permit in the Regulated Flood Hazard Area, provided that such uses are not prohibited by any other regulation or statute, do not require structures, and do not require fill, grading, excavation or storage of materials or equipment: ((ARM 36.15.601) (ARM 36.15.701)(1) (MCA 76-5-401) (MCA 76-5-404(3)))

1. Agricultural uses, not including related structures, such as tilling, farming, irrigation, ranching, harvesting, grazing, etc; ((ARM 36.15.601(1)(a)) (MCA 76-5-401(1)))
2. Accessory uses, not including structures, such as loading and parking areas, or emergency landing strips associated with industrial or commercial facilities; ((ARM 36.15.601(1)(b)) (MCA 76-5-401(2),))
3. Forestry, including processing of forest products with portable equipment; ((ARM 36.15.601(1)(d)) (MCA 76-5-401(4)))

4. Recreational vehicle use provided that the vehicle is on the site for fewer than 180 consecutive days and the vehicle is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system with wheels intact, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; (44 CFR 60.3(c)(14))
5. Residential uses such as lawns, gardens, parking areas, and play areas; ((ARM 36.15.601(1)(e)) (MCA 76-5-401(5)))
6. Maintenance of the existing state of an existing open space uses including preventive maintenance activities such as bridge deck rehabilitation and roadway pavement preservation activities. Maintenance cannot increase the external size or increase the hazard potential of the existing open space use; (MCA 76-5-404(3)(b))
7. Public or private recreational uses not requiring structures such as picnic grounds, swimming areas, boat ramps, parks, campgrounds, golf courses, driving ranges, archery ranges, wildlife management and natural areas, alternative livestock ranches (game farms), fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails; (ARM 36.15.601(a)(c)) (MCA 76-5-401,))
8. Fences that have a low impact to the flow of water such as barbed wire fences and wood rail fences, and not including permanent fences crossing channels. Fences that have the potential to stop or impede flow or debris such as a chain link or privacy fence requires a floodplain permit and meet the requirements of Section 9.11; (ARM 36.15.601(2)(b)) (MCA 76-5-401))
9. Addition of highway guard rail, signing and utility poles that have a low impact to the flow of water along an existing roadway.
10. Irrigation and livestock supply wells, provided that they are located at least 500 feet from domestic water supply wells and with the top of casing 18" above the Base Flood Elevation. ((ARM 36.15.601(2)(a)) (MCA 76-5-401) (ARM 36.21.647))

## **ARTICLE 6. PROHIBITED USES, ACTIVITIES AND STRUCTURES WITHIN THE REGULATED FLOOD HAZARD AREA**

### **Sec. 12-26 FLOODWAY**

The following artificial obstructions and nonconforming uses are prohibited in the Floodway of the Regulated Flood Hazard Area, except for those established before land use regulations have been adopted: (MCA 76-5-404(3))

1. A building for residential or non-residential purposes; (MCA 76-5-403(1), (ARM 36.15.605)(1a)), (ARM 36.15.605(2b), (ARM 36.15.605(2)(a)).

2. A structure, fill, or excavation that would cause water to be diverted from the Floodway, cause erosion, obstruct the natural flow of waters or reduce the carrying capacity of the Floodway. Notwithstanding these requirements, excavation or fill may be allowed when it is a component to a permitted use allowed in these regulations; (MCA 76-5-403(2)).
3. The construction or storage of an object (artificial obstruction) subject to flotation or movement during flood level periods; (MCA 76-5-403(3) and ARM 36.15.605(1)(c))
4. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-605(2c)) (44 CFR 60.3(a)(3)))
5. Storage of toxic, flammable, hazardous or explosive materials; and (ARM 36.15.605(2d))
6. Cemeteries, mausoleums, or any other burial grounds.

**Sec. 12-27 FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA WITHOUT A FLOODWAY**

The following artificial obstructions and nonconforming uses are prohibited in the Flood Fringe or Regulated Flood Hazard Area without a Floodway, except for those established before land use regulations have been adopted:

(MCA 76-5-404(3))

1. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-703(1)) (44 CFR 60.3(a)(3)))
2. Storage of toxic, flammable, hazardous or explosive materials; (ARM 36-15-703(2))
3. The construction or storage of an artificial obstruction subject to flotation or movement during flood level periods;
4. Cemeteries, mausoleums, or any other burial grounds; and
5. Critical facilities, including buildings and associated structures that provide essential community care and emergency operation functions such as schools, hospitals, nursing home facilities, fire stations and police stations. (44CFR 60.22(a)(2))

**ARTICLE 7. FLOODPLAIN PERMIT APPLICATION REQUIREMENTS**

**Sec. 12-28 GENERAL**

1. A Floodplain permit is required for a person to establish, alter or substantially improve an artificial obstruction, nonconforming use or development within the Regulated Flood Hazard Area; ((44 CFR 60.1) (MCA 76-5-404) (ARM 36.15.204(2)(a)))
2. A Floodplain permit is required for artificial obstructions, developments and uses not specifically listed in Sections 9 and 10, except as allowed without a Floodplain permit in Section 5, or as prohibited as specified in Section 6, within the Regulated Flood Hazard Area;
3. Artificial obstructions and nonconforming uses in a Regulated Flood Hazard Area not exempt under Section 5 are public nuisances unless a Floodplain permit has been obtained; (MCA 76-5-404(1))
4. A Floodplain permit is required for an alteration of an existing artificial obstruction or nonconforming use that increases the external size or increases its potential flood hazard and not exempt under Section 5; ((MCA 76-5-404(3)(b)) (ARM 36.15.204(2)(a)))
5. A Floodplain permit is required to reconstruct or repair an existing artificial obstruction that has experienced substantial damage and will undergo substantial improvement; and
6. Maintenance of an existing artificial obstruction or use that is a substantial improvement or an alteration requires a Floodplain permit. (MCA 76-5-404(3)(b))

**Sec. 12-29 REQUIRED FLOODPLAIN PERMIT APPLICATION INFORMATION**

1. A Floodplain permit application shall include, but is not limited to the following:
  1. A completed and signed Floodplain Permit Application;
  2. The required review fee;
  3. Plans in duplicate drawn to scale showing the location, dimensions, and elevation of the proposed project including landscape alterations, existing and proposed structures, and the location of the foregoing in relation to the Regulated Flood Hazard Areas and if applicable the Floodway boundary; ((MCA 76-5-405) (ARM 36.15.216))
  4. A copy of other applicable permits or pending applications required by Federal or State law as submitted which may include but are not limited to a 310 permit, SPA 124 permit, Section 404 Permit, 318 Authorization, 401 Certification or a Navigable Rivers Land Use License or Easement for the proposed project; and the applicant must show that the Floodplain permit application is not in conflict with the relevant and applicable permits; and (44 CFR 60.3(a)(2))
  5. Additional information related to the specific use or activity that demonstrates the design criteria and construction standards are met or exceeded as specified in Sections 9 and 10. ((MCA 76-5-405) (ARM 36.15.216))



## **ARTICLE 8. FLOODPLAIN PERMIT APPLICATION EVALUATION**

### **Sec. 12-30 FLOODPLAIN PERMIT APPLICATION REVIEW**

1. The Floodplain Administrator shall review and evaluate the Floodplain permit application and shall approve, approve with conditions, or deny the application within (60 working days or a time specified) of receipt of a correct and complete application. (MCA 76-5-405(2))
2. The Floodplain Administrator shall determine whether the Floodplain permit application contains the applicable elements required in these regulations and shall notify the applicant of the Floodplain Administrator's determination.
3. If the Floodplain permit application is found to be missing the required elements and if the applicant corrects the identified deficiencies and resubmits the Floodplain application, the Floodplain Administrator shall notify the applicant whether the resubmitted Floodplain application contains all the elements required by these regulations, as applicable.
4. This process shall be repeated until the applicant submits a completed Floodplain permit application containing all the elements required by these regulations, or the application is withdrawn.
5. If after a reasonable effort the Floodplain Administrator determines that the Floodplain application remains incomplete, the Floodplain Administrator shall deny the Floodplain permit application and notify the applicant of missing elements. No further action shall be taken on the Floodplain permit application by the Floodplain Administrator until the Floodplain permit application is resubmitted.
6. A determination that a Floodplain permit application is correct and complete for review does not ensure that the Floodplain permit application will be approved or conditionally approved and does not limit the ability of the Floodplain Administrator to request additional information during the review process.

### **Sec. 12-31 NOTICE REQUIREMENTS FOR FLOODPLAIN PERMIT APPLICATIONS:**

1. Upon receipt of a complete application for a Floodplain permit, the Floodplain Administrator shall prepare a notice containing the facts pertinent to the Floodplain permit application and shall:
  1. Publish the notice at least once in a newspaper of general circulation in the area; (ARM 36.15.204(2)(c))
  2. Serve notice by first-class mail upon adjacent property owners; (ARM 36.15.204(2)(c))

3. Serve notice to the State National Flood Insurance Program Coordinator located in DNRC by the most efficient method. Notice to other permitting agencies or other impacted property owners may be provided; and
  4. Prior to any alteration or relocation of a watercourse in the Regulated Flood Hazard Area, additionally provide notice to FEMA and adjacent communities. (44 CFR 60.3(b)(6))
2. The notice shall provide a reasonable period of time, not less than 15 days, for interested parties to submit comments on the proposed activity. (ARM 36.15.204(2)(c))

**Sec. 12-32 FLOODPLAIN PERMIT CRITERIA**

1. Floodplain permit applications shall be approved provided the proposed new construction, substantial improvement, or alteration of an artificial obstruction meets the requirements of the minimum standards and criteria in Sections 9 and 10 and other requirements of these regulations. ((MCA 76-5-406) (44 CFR 60.3))
2. A Flood Plain permit application for a development that will cause an increase of more than 0.00 feet to the Base Flood Elevation of the Floodway or more than 0.50 feet to the Base Flood Elevation of the Regulated Flood Hazard Area without a Floodway shall not be approved until approval for an Alteration pursuant to Section 4.3 has been approved, the Regulated Flood Hazard Area is amended and a FEMA CLOMR where required is issued.
3. The Floodplain Administrator shall determine that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendment of 1972, 36 U.S.C. 1334.(44 CFR 60.3(a)(2))

**Sec. 12-33 DECISION**

1. The Floodplain Administrator shall approve, conditionally approve, or deny the proposed Floodplain permit application. The Floodplain Administrator shall notify the applicant of his action and the reasons thereof within (60 working days or a time specified) of receipt of a correct and complete Floodplain permit application unless otherwise specified. A copy of the approved Floodplain permit must be provided to DNRC. ((MCA 76-5-405(2)) (ARM 36.15.204(2)(e))
2. The approval of a Floodplain permit application does not affect any other type of approval required by any other statute or ordinance of the state or any political subdivision or the United States, but is an added requirement. (MCA 76-5-108)

**Sec. 12-34 FLOODPLAIN PERMIT CONDITIONS AND REQUIREMENTS**

1. Upon approval or conditional approval of the Floodplain permit application, the Floodplain Administrator shall provide the applicant with a Floodplain permit with

applicable specific requirements and conditions including but not limited to the following:

1. The Floodplain permit will become valid when all other necessary permits required by Federal or State law are in place;(44 CFR 60.3(a)(2)
2. Completion of the development pursuant to the Floodplain permit shall be completed within one year from the date of Floodplain permit issuance or a time limit commensurate with the project construction time line for completion of the project or development. The applicant may request an extension for up to an additional year. The request must be made at least 30 days prior to the permitted completion deadline;
3. The applicant shall notify subsequent property owners and their agents and potential buyers of the Floodplain development permit issued on the property and that such property is located within a Regulated Flood Hazard Area and shall record the notice with the Floodplain Administrator; (ARM 36.15.204(2)(g))
4. The applicant shall maintain the artificial obstruction or use to comply with the conditions and specifications of the permit;
5. The applicant shall allow the Floodplain Administrator to perform on site inspections at select intervals during construction or completion;
6. The applicant shall provide periodic engineering oversight and/or interim reports during the construction period to be submitted to the Floodplain Administrator to confirm constructed elevations and other project elements;
7. The applicant shall submit a compliance report including certifications where required and applicable including flood proofing, elevation, surface drainage, proper enclosure openings and materials to the Floodplain Administrator within 30 days of completion or other time as specified;
8. The applicant shall submit an annual performance and maintenance report on bank stabilization or other projects utilizing maturing vegetative components to the Floodplain Administrator for a period of 5 years or a time specified in the permit; or
9. The applicant shall submit evidence of a submittal of a FEMA Letter of Map Revision (LOMR) to FEMA and applicable fees within 6 months of project completion and proceed with due diligence for acceptance of the document and necessary supporting materials by FEMA. (44 CFR 65.3)

## **ARTICLE 9. DEVELOPMENT REQUIREMENTS IN THE FLOODWAY**

### **Sec. 12-35 USES REQUIRING PERMITS**

Artificial obstructions including alterations and substantial improvements specifically listed in Sections 9.3 to 9.15 may be allowed by permit within the Floodway, provided the General Requirements in Section 9.2 and the applicable requirements in Sections 9.3 to 9.15 are met.

**Sec. 12-36 GENERAL REQUIREMENTS**

An application for a permit shall meet the following requirements:

1. All projects shall be designed and constructed to ensure that they do not adversely affect the flood hazard on other properties and are reasonably safe from flooding;
2. All projects shall assure that the carrying capacity of the Floodway is not reduced. All projects in the Floodway shall meet the following:
  1. Demonstrate that the project does not increase the Base Flood Elevation by conducting an encroachment analysis certified by an engineer. A minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodway, involve fill, grading, excavation or storage of materials or equipment but is also certified by an engineer to not exceed the allowable encroachment to the Base Flood Elevation; and
  2. The allowable encroachment to the Base Flood Elevation is 0.00 feet, and no significant increase to the velocity or flow of the stream or water course unless approval of an alteration of the Regulated Flood Hazard Area pursuant to Section 4.3 and an approved FEMA Conditional Letter of Map Revision occurs before permit issuance; and  
((ARM 36.15.604) (ARM 36.15.505) (ARM 36.15.605(b)) (44 CFR 60.3(a)(3 and 4)) (44CFR 65.12(a))
3. An application for a Floodplain permit must also demonstrate the following factors are considered and incorporated into the design of the use or artificial obstruction in the Floodway:
  1. The danger to life and property due to backwater or diverted flow caused by the obstruction or use; ((MCA 76-5-406(1)) (ARM 36.15.216(2)(a)))
  2. The danger that the obstruction or use may be swept downstream to the injury of others; ((MCA 76-5-406(2)) (ARM 36.15.216(2)(b)))
  3. The availability of alternative locations; ((MCA 76-5-406(3)) (ARM 36.15.216(2)(c)))
  4. Construct or alter the obstruction or use in such manner as to lessen the flooding danger; ((MCA 76-5-406(4)) (ARM 36.15.216(2)(d)))
  5. The permanence of the obstruction or use and is reasonably safe from flooding; ((MCA 76-5-406(5)) (ARM 36.15.216(2e)))

6. The anticipated development in the foreseeable future of the area which may be affected by the obstruction or use; ((MCA 76-5-406(6)) (ARM 36.15.216(2f)))
7. Relevant and related permits for the project have been obtained; (44 CFR 60.3(a)(2))
8. Such other factors as are in harmony with the purposes of these regulations, the Montana Floodplain and Floodway Management Act, and the accompanying Administrative Rules of Montana; and ((MCA 76-5-406(7)) (ARM 36.15.216(2)(g)))
9. The safety of access to property in times of flooding for ordinary and emergency services. (44CFR 60.22 (c)(7))

**Sec. 12-37 MINING OF MATERIAL REQUIRING EXCAVATION FROM PITS OR POOLS** provided, in addition to the requirements of Section 9.2, that:

1. A buffer strip of undisturbed land of sufficient width as determined by an engineer to prevent flood flows from channeling into the excavation is left between the edge of the channel and the edge of the excavation; (ARM 36.15.602(1)(a))
2. The excavation meets all applicable laws and regulations of other local and state agencies; and (ARM 36.15.602(1)(b))
3. Excavated material may be processed on site but is stockpiled outside the Floodway.(ARM 36.15.602(1)(c))

**Sec. 12-38 RAILROAD, HIGHWAY STREET STREAM CROSSINGS**

including other transportation related crossings provided, in addition to the requirements of Section 9.2, that:

1. Crossings are designed to offer minimal obstructions to the flood flow; (ARM 36.15.602(2))
2. Where failure or interruption of public transportation facilities would result in danger to public health or safety and where practicable and in consideration of FHWA Federal-Aid Policy Guide 23CFR650A:
  1. Bridge lower chords shall have freeboard to at least two (2) feet above the Base Flood Elevation to help pass ice flows, the base flood discharge and any debris associated with the discharge; and
  2. Culverts shall be designed to pass the Base Flood discharge and maintain at least two (2) feet freeboard on the crossing surface;
3. Normal overflow channels, if possible are preserved to allow passage of sediments to prevent aggradations; and

4. Mid stream supports for bridges, if necessary, have footings buried below the maximum scour depth.

**Sec. 12-39 LIMITED FILLING FOR ROAD AND RAILROAD EMBANKMENTS**

including other transportation related embankments, not associated with stream crossings and bridges provided, in addition to the requirements of Section 9.2, that:

1. The fill is suitable fill;
2. Reasonable alternate transportation routes outside the floodway are not available; and (ARM 36.15.602(3))
3. The encroachment is located as far from the stream channel as possible. (ARM 36.15.602(3))

**Sec. 12-40 BURIED OR SUSPENDED UTILITY TRANSMISSION LINES**

provided, in addition to the requirements of Section 9.2, that:

1. Suspended utility transmission lines are designed such that the lowest point of the suspended line is at least six (6) feet higher than the Base Flood Elevation; (ARM 36.15.602(4))
2. Towers and other appurtenant structures are designed and placed to withstand and offer minimal obstruction to flood flows; (ARM 36.15.602(4))
3. Alternatives such as alternative routes, directional drilling, and aerial crossings are considered when technically feasible; and
4. Utility transmission lines carrying toxic or flammable materials are buried to a depth of at least twice the calculated maximum scour depth determined by an engineer for the Base Flood. (ARM 36.15.602(4))

**Sec. 12-41 STORAGE OF MATERIALS AND EQUIPMENT**

provided, in addition to the requirements of Section 9.2, that:

1. The material or equipment is not subject to major damage by flooding and is properly anchored to prevent flotation or downstream movement; or (ARM 36.15.602(5)(a))
2. The material or equipment is readily removable within the limited time available after flood warning. Storage of flammable, toxic or explosive materials shall not be permitted. (ARM 36.15.602(5)(b))

**Sec. 12-42 DOMESTIC WATER SUPPLY WELLS**

provided, in addition to the requirements of Section 9.2, that:

1. They are driven or drilled wells located on ground higher than surrounding ground to assure positive drainage from the well; (ARM 36.15.602(6))
2. They require no other structures (e.g. a well house); (ARM 36.15.602(6))
3. Well casings are water tight to a distance of at least twenty five (25) feet below the ground surface and the well casing height is a minimum of two (2) feet above the Base Flood Elevation or capped with a watertight seal and vented two (2) feet above the Base Flood Elevation; ((ARM 36.15.602(6)) )
4. Water supply lines have a watertight seal where the lines enter the casing; (ARM 36.15.602(6))
5. All pumps and electrical lines and equipment are either of the submersible type or are adequately flood proofed; and (ARM 36.15.602(6))
6. Check valves are installed on main water lines at wells and at all building entry locations. ((44 CFR 60.3 (a)(5)) (ARM 36.15.602(6)))

**Sec. 12-43 BURIED AND SEALED VAULTS FOR SEWAGE DISPOSAL IN CAMPGROUNDS AND RECREATIONAL AREAS**

provided, in addition to the requirements of Section 9.2, demonstrate approval by Montana Department of Environmental Quality and local health and sanitation permits or approvals. ((44 CFR 60.3(a)(6)) (ARM 36.15.602(7)))

**Sec. 12-44 PUBLIC AND PRIVATE CAMPGROUNDS**

provided, in addition to the requirements of Section 9.2, that:

1. Access roads require only limited fill and do not obstruct or divert flood waters; (ARM 36.15.602(8))
2. The project meets the accessory structures requirements in this Section;
3. No dwellings or permanent mobile homes are allowed; (ARM 36.15.602(8))
4. Recreational vehicles and travel trailers are ready for highway use with wheels intact, with only quick disconnect type utilities and securing devices, and have no permanently attached additions; and (44 CFR 60.3(c)(14))
5. There is no large-scale clearing of riparian vegetation within 50 feet of the mean annual high water mark.

**Sec. 12-45 STRUCTURES ACCESSORY OR APPURTENANT**

to permitted uses such as boat docks, loading and parking areas, marinas, sheds, emergency airstrips, permanent fences crossing channels that may impede or stop flows or debris, picnic

shelters and tables and lavatories, that are incidental to a principal structure or use, provided in addition to the requirements of Section 9.2, that:

1. The structures are not intended for human habitation or supportive of human habitation; (ARM 36.15.602(9))
2. The structures will have low flood damage potential; (ARM 36.15.602(9))
3. The structures will, insofar as possible, be located on ground higher than the surrounding ground and as far from the channel as possible; (ARM 36.15.602(9))
4. The structures will be constructed and placed so as to offer a minimal obstruction to flood flows; (ARM 36.15.602(9))
5. Only those wastewater disposal systems that are approved under health and sanitation regulations are allowed;
6. Service facilities within these structures such as electrical, heating and plumbing are flood proofed according to the requirements in Section 10; (ARM 36.15.602(9))
7. The structures are firmly anchored to prevent flotation; (ARM 36.15.602(9))
8. The structures do not require fill and/or substantial excavation;
9. The structures or use cannot be changed or altered without permit approval; and
10. There is no clearing of riparian vegetation within 50 feet of the mean annual high water mark.

**Sec. 12-46 CONSTRUCTION OF OR MODIFICATIONS TO SURFACE WATER DIVERSIONS**

provided, in addition to the requirements of Section 9.2, that the design is reviewed and approved by an engineer and includes:

1. Measures to minimize potential erosion from a Base Flood; and (ARM 36.15.603(3)(b))
2. Designs and plans that demonstrate any permanent structure in the stream is designed to safely withstand up to the Base Flood considering the forces associated with hydrodynamic and hydrostatic pressures including flood depths, velocities, impact, ice buoyancy, and uplift forces associated with the Base Flood. ((ARM 36.15.603(3)(c)) ((CFR 60.3(a)(3) (CFR 60.3(d)(3)))

**Sec. 12-47 FLOOD CONTROL AND STREAM BANK STABILIZATION MEASURES**

provided, in addition to the requirements of Section 9.2, that the design is reviewed and approved



by an engineer and constructed to substantially resist or withstand the forces associated with hydrodynamic and hydrostatic pressures, including flood depths, velocities, impact, ice, buoyancy, and uplift associated with the Base Flood. The design must also show compliance with the following applicable criteria: ((CFR 60.3(a)(3) (CFR 60.3(d)(3)) (ARM 36.15.606))

**1. LEVEE AND FLOODWALL** construction or alteration:

1. Must be designed and constructed with suitable fill and be designed to safely convey a Base Flood; (ARM 36.15.606(1)(a))
2. Must be constructed at least 3 feet higher than the elevation of the Base Flood unless the levee or floodwall protects agricultural land only; (ARM 36.15.606(2)(a))
3. Must meet state and federal levee engineering and construction standards and be publically owned and maintained if it protects structures of more than one landowner; and  
(ARM 36.15.505(1)(c)(ii)and (iii))
4. For any increase in the elevation of the Base Flood, an alteration of the Regulated Flood Hazard Area requires approvals pursuant to Section 4.3.

**2. STREAM BANK STABILIZATION, PIER AND ABUTMENT PROTECTION** projects:

1. Must be designed and constructed using methods and materials that are the least environmentally damaging yet practicable, and should be designed to withstand a Base Flood once the project's vegetative components are mature within a period of up to 5 years or other time as required by the Floodplain Administrator. Once vegetation is mature and established it should not require substantial yearly maintenance after the initial period;
2. Materials for the project may be designed to erode over time but not fail catastrophically and impact others. Erosion, sedimentation, and transport of the materials may be designed to be at least similar in amount and rate of existing stable natural stream banks during the Base Flood;
3. Must not increase erosion upstream, downstream, across from or adjacent to the site in excess of the existing stable natural stream bank during the Base Flood; and (ARM 36.15.606(1)(b))
4. Materials for the project may include but are not limited to riprap, root wads, brush mattresses, willow wattles, natural woody debris or combinations of analogous materials.

**3. CHANNELIZATION PROJECTS** where the excavation and/or construction of an channel is for the purpose of diverting the entire or a portion of the flow of a stream from its established course, the project must:

1. Not increase the magnitude, velocity, or elevation of the Base Flood; and
2. Meet the requirements of Section 9.13.2.  
(ARM 36.15.101(7)) (ARM 36.15.606(1)(c))

**4. DAMS:**

1. The design and construction shall be in accordance with the Montana Dam Safety Act and applicable safety standards; and
2. The project shall not increase flood hazards downstream either through operational procedures or improper hydrologic/hydraulic design. (ARM 36.15.606(1)(d))

**Sec. 12-48 STREAM AND BANK RESTORATION**

projects intended to reestablish the terrestrial and aquatic attributes of a natural stream and not for protection of a structure or development provided, in addition to the requirements of Section 9.2, that:

1. The project will not increase velocity or erosion upstream, downstream, across from or adjacent to the site; (ARM 36.15.606(1)(b))
2. Materials may include but are not limited to boulders, rock cobble, gravel, native stream bed materials, root wads, brush mattresses, willow wattles, natural woody debris or combinations of analogous materials and that reasonably replicates the bed and bank of the natural stream;
3. Erosion, sedimentation, and transport of the materials are not more than the amount and rate of existing natural stream banks during the Base Flood; and
4. The project may be designed to allow vegetative materials to mature within a period up to 5 years or other time as required by the Floodplain Administrator. Once vegetation is mature and established it should not require substantial yearly maintenance after the initial period.

**Sec. 12-49 EXISTING RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS IN THE FLOODWAY**

any alteration or substantial improvement to an existing building must meet the requirements of Section 9.2 and the applicable requirements in Section 10 for residential or non-residential buildings. (MCA76-5-404(3)(b))

## **ARTICLE 10. DEVELOPMENT REQUIREMENTS IN THE FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA WITH NO FLOODWAY**

### **Sec. 12-50 USES REQUIRING PERMITS**

All uses allowed by permit in the Floodway shall also be allowed by permit within the Flood Fringe or Regulated Flood Hazard Area with no Floodway. Such uses are subject to the requirements in Section 9, with the exception of the encroachment limit of Section 9.2.2. Instead, such uses are subject to the encroachment limits of this Section 10.2.9.

Except for prohibited artificial obstructions in Section 6.2, all other artificial obstructions including new construction, substantial improvements, alterations to residential, and nonresidential structures including manufactured homes, and related suitable fill or excavation shall be allowed by permit and are subject to the requirements in this Section and General Requirements of Section 9.2, with the exception of the encroachment limit of Section 9.2.2. (ARM 36.15.701(2))

### **Sec. 12-51 GENERAL REQUIREMENTS**

An application for a Floodplain permit must demonstrate or meet the following applicable requirements:

1. **Base Flood Elevation** Where necessary to meet the appropriate elevation requirement in these regulations, the base Flood Elevation(s) must be determined by an engineer and utilized in the design and layout of the project demonstrating the design and construction criteria herein are met. For Regulated Flood Hazard Areas that do not have computed and published Base Flood Elevations in the adopted flood hazard study referenced in Section 4, a Base Flood Elevation must be determined or obtained from a reliable source, utilizing appropriate engineering methods and analyses;
2. **Flood Damage** Structures must be constructed by methods and practices that minimize flood damage and structures must be reasonably safe from flooding; ((44 CFR 60.3(a)) (44 CFR 60.3(a)(3)(iii)))
3. **Surface Drainage** Adequate surface drainage must be provided around structures;
4. **Materials** Structures must be constructed with materials resistant to flood damage; ((44 CFR 60.3(a)) (44 CFR 60.3(a)(3)(ii)))
5. **Artificial Obstructions** Structures, excavation or fill must not be prohibited by any other statute, regulation, ordinance, or resolution; and must be compatible with subdivision, zoning and any other land use regulations, if any; (ARM 36.15.701(3)(a)) ((ARM 36.15.701(3)(b)))
6. **Anchoring**  
All construction and substantial improvements must be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting

from hydrodynamic and hydrostatic loads, including the effects of buoyancy;(44CFR 60.3(a)(3))

#### **7. Certification**

Certification by an engineer, architect, land surveyor, or other qualified person must accompany the application where required including for an encroachment analysis, adequacy of structural elevations, Base Flood Elevation determinations, flood-proofing, enclosure flood openings and design and construction to withstand the hydrodynamic forces and hydrostatic pressures of flood depths, velocities, impact, buoyancy, uplift forces associated with the Base Flood and surface drainage. A certification is not intended to constitute a warranty or guarantee of performance, expressed or implied; ((ARM 36.15.606(1) (ARM 36.15.702(2)(c)) (ARM 36.15.801(3)(b)) (44 CFR 60.3(c)(3 &4)) (44 CFR 60.3 (d)(3)))

#### **8. Access**

Structures must have safe access during times of flooding up to the Base Flood for ordinary and emergency services provided there are no reasonable alternate locations for structures;

#### **9. Encroachment Analysis**

1. All applications in the Regulated Flood Hazard Area without a Floodway must be supported by an encroachment analysis of the proposed use, a thorough hydrologic and hydraulic analysis except as provided in following paragraph 4, Section 10.2.9.4, prepared by an engineer to demonstrate the effect of the structure on flood flows, velocities and the Base Flood Elevation; ((ARM 36.15.604) (44 CFR 60.3(a)(3))
2. The maximum allowable encroachment is certified to be at or less than 0.5 feet increase to the Base Flood Elevation unless approval of an alteration of the Regulated Flood Hazard Area pursuant to Section 4 and an approved FEMA Conditional Letter of Map Revision occurs before permit issuance; ((ARM 36.15.604) (ARM 36.15.505) (44 CFR 60.3(c)(13)))
3. An encroachment analysis is not required for any development in the Flood Fringe where an accompanying Floodway has been designated within the Regulated Flood Hazard Area; and
4. Although all other development standards herein apply, a minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodplain, involve fill, grading, excavation or storage of materials or equipment and also is certified by an engineer to not exceed the allowable encroachment.

#### **10. Electrical Systems Flood Proofing**

All electrical service materials, equipment and installation for uses in a Regulated Flood Hazard Area must be certified to meet the following requirements:

1. All incoming power service equipment including all metering equipment, control centers, transformers, distribution and lighting panels and all other stationary equipment must be located at least two feet above the Base Flood Elevation; (ARM 36.15.901(1)(a))
2. Portable and movable electrical equipment may be placed below the Base Flood Elevation, provided that the equipment can be disconnected by a single plug and socket assembly of the submersible type; (ARM 36.15.901(1)(b))
3. The main power service lines must have automatically operated electrical disconnect equipment or manually operated electrical disconnect equipment located at an accessible remote location outside the Regulated Flood Hazard Area or two feet above the Base Flood Elevation; and (ARM 36.15.901(1)(c))
4. All electrical wiring systems installed below the Base Flood Elevation must be suitable for continuous submergence and may not contain fibrous components. (ARM 36.15.901(1)(d))

#### **11. Heating and Cooling Systems Flood Proofing**

Heating and cooling systems for uses in a Regulated Flood Hazard Area must be certified to meet the following requirements:

1. Float operated automatic control valves must be installed so that fuel supply is automatically shut off when flood waters reach the floor level where the heating and cooling systems are located; (ARM36.15.902(1)(a))
2. Manually operated gate valves must be installed in gas supply lines. The gate valves must be operable from a location above the Base Flood Elevation; (ARM36.15.902(1)(b))
3. Electrical Systems flood proofing must be met; and (ARM36.15.902(1)(c))
4. Furnaces and cooling units must be installed at least two (2) feet above the Base Flood Elevation and the ductwork installed above the Base Flood Elevation.

#### **12. Plumbing Systems Flood Proofing**

Plumbing systems for uses in the Regulated Flood Hazard Area must be certified to meet the following requirements:

1. Sewer lines, except those to a buried and sealed vault, must have check valves installed to prevent sewage backup into permitted structures; and (ARM 36.15.903(1)(a))

2. All toilets, stools, sinks, urinals, vaults, and drains must be located so the lowest point of possible flood water entry is at least two (2) feet above the Base Flood Elevation. (ARM 36.15.903(1)(b))

### **13. Structural Fill Flood Proofing**

Fill used to elevate structures, including but not limited to residential and non-residential buildings must be certified to meet the following requirements:

1. The filled area must be at or above the Base Flood Elevation and extend at least fifteen (15) feet beyond the structure in all directions;
2. Fill material must be suitable fill, that is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))
3. The fill must be compacted to minimize settlement and compacted to 95 percent of the maximum density. Compaction of earthen fill must be certified by an engineer;
4. No portion of the fill is allowed within the floodway;
5. The fill slope must not be steeper than 1 ½ horizontal to 1 vertical unless substantiating data justifying a steeper slope is provided and adequate erosion protection is provided for fill slopes exposed to floodwaters; and

### **14. Wet Flood Proofing**

Building designs with an enclosure below the lowest floor must be certified to meet the following:

1. Materials used for walls and floors are resistant to flooding to an elevation two (2) feet or more above the Base Flood Elevation; (ARM 36.15.702(2)(a))
2. The enclosure must be designed to equalize hydrostatic forces on walls by allowing for entry and exit of floodwaters. Opening designs must either be certified by an engineer or architect or meet or exceed the following:
  1. Automatically allow entry and exit of floodwaters through screens, louvers, valves, and other coverings or devices;
  2. Have two (2) or more openings with a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area below the Lowest Floor, except if the enclosure is partially subgrade, a minimum of 2 openings may be provided on a single wall; and
  3. Have the bottom of all openings no higher than one (1) foot above the higher of the exterior or interior adjacent grade or floor immediately below the openings.

(44 CFR 60.3(c)(5)) (NFIP Insurance Manual, Rev. May 2013)

**15. Dry Flood Proofing**

Building designs that do not allow internal flooding must be certified according to these regulations to meet the following:

1. Building use must be for non-residential use only and does not include mixed residential and non-residential use;
2. Be Flood Proofed to an elevation no lower than two (2) feet above the Base Flood Elevation;
3. Be constructed of impermeable membranes or materials for floors and walls and have water tight enclosures for all windows, doors and other openings; and
4. Be designed to withstand the hydrostatic pressures and hydrodynamic forces resulting from the Base Flood and the effects of buoyancy.  
(ARM 36.15.702(2)(b)) (44 CFR 60.3(c)(3))

**16. Elevation of the Lowest Floor**

Elevating the lowest floor may be by either suitable fill, foundation wall enclosure, stem walls, pilings, posts, piers, columns or other acceptable means; ((MCA 76-5-402(2)(b)) (44 CFR 60.3(b)(8)) (44 CFR 60.3(c)(6)))

**17. Crawl Spaces**

Crawl space foundation enclosures including sub grade crawlspace enclosures below the lowest floor must meet the wet flood proofing requirements and be designed so that the crawl space floor is at or above the Base Flood Elevation. Crawl space foundations must have an inside dimension of not more than five (5) feet from the ground to the top of the living floor level and a sub grade crawlspace must also have the interior ground surface no more than two (2) feet below the exterior lowest adjacent ground surface on all sides. A sub grade foundation exceeding either dimension is a basement;

**18. Manufactured Home Anchors**

For new placement, substantial improvement or replacement of manufactured homes for residential or nonresidential use including additions, the chassis must be secure and must resist flotation, collapse or lateral movement by anchoring with anchoring components capable of carrying a force of 4,800 pounds and as follows:

1. For manufactured homes less than fifty (50) feet long, over-the-top ties to ground anchors are required at each of the four (4) corners of the home, with two additional ties per side at intermediate locations; or

2. For manufactured homes more than fifty (50) feet long, frame ties to ground anchors are required at each corner of the home with five (5) additional ties per side at intermediate points; and  
((CFR 60.3(b)(8)) CFR 60.3(c)(6)))

**19. Access**

Access for emergency vehicles is provided. For manufactured homes, access for a manufactured home hauler is also provided.

**Sec. 12-52 RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL**

**REQUIREMENTS** New construction, alterations, and substantial improvements of residential dwellings, manufactured homes, including replacement of manufactured homes, must be constructed such that:

1. **Elevation of the Lowest Floor** The Lowest Floor of the building including an attached garage or basement must be two (2) feet or more above the Base Flood Elevation; (ARM 36.15.701(3))
2. **Enclosure** Enclosures of elevated buildings cannot be dry flood proofed. Use for an enclosure is limited to facilitating building component access. The enclosure including a crawlspace must be wet flood proofed and the enclosure floor must be at or above the Base Flood Elevation. An attached garage floor must be two (2) or more feet above the Base Flood Elevation; and
3. **Recreation Vehicles** Recreational vehicles on site for more than 180 days or not ready for highway use must meet the requirements for manufactured homes for residential use.

**10.4 NON-RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL**  
**REQUIREMENTS**

New construction, alterations, and substantial improvements of non-residential including agricultural, commercial and industrial buildings and residential and non-residential accessory buildings must be constructed such that:

1. **Elevation of the Lowest Floor** The Lowest Floor of the building must be elevated two (2) feet above the Base Flood Elevation or adequately dry flood proofed according to this Section. The Lowest Floor may be wet proofed provided the use is limited to only parking, loading and storage of equipment or materials not appreciably affected by floodwater; ((ARM 36.15.702(2) (44 CFR 60.3(c)(3)(ii) (44 CFR 60.3(c)(3) & (4)))
2. **Enclosure** Enclosures below the Lowest Floor on elevated buildings must be wet flood proofed and the use must be limited to parking, access or storage or must be adequately dry flood proofed according to this Section;
3. **Manufactured homes** Manufactured homes proposed for use as non-residential buildings cannot be dry flood proofed; and



**4. Agricultural structures** Agricultural structures not intended to be insurable, used solely for agricultural purposes, having low flood damage potential, used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities including raising of livestock, and not intended for human habitation are exempt from the elevation requirement, dry or wet flood proofing, but shall:

1. Be located on higher ground and as far from the channel as possible;
2. Offer minimal obstruction to flood flows;
3. Be adequately anchored to prevent flotation or collapse;
4. Where electrical, heating and plumbing systems are installed, meet the flood proofing requirements in Sections 10.2.10, 10.2.11, and 10.2.12; and
5. Meet the elevation or dry flood proofing requirements if the structure is an animal confinement facility.

((ARM 36.15.602(9) (ARM 36.15.701(3)(e)) (ARM 36.15.702(2))

## **ARTICLE 11. EMERGENCIES**

### **Sec. 12-54 General**

1. Emergency repair and replacement of severely damaged artificial obstructions and development in the Regulated Flood Hazard Area, including public transportation facilities, public water and sewer facilities, flood control works, and private projects are subject to the permitting requirements of these regulations.(ARM 36.15.217)
2. The provisions of these regulations are not intended to affect other actions that are necessary to safeguard life or structures during periods of emergency.

### **Sec. 12-55 Emergency Notification and Application Requirements**

1. The property owner and or the person responsible for taking emergency action must notify the Floodplain Administrator prior to initiating any emergency action in a Regulated Flood Hazard Area normally requiring a Floodplain permit. An Emergency Notification Form must be submitted to the Floodplain Administrator within five (5) days of the action taken as a result of an emergency.
2. Unless otherwise specified by the Floodplain Administrator, within 30 days of initiating the emergency action, a person who has undertaken an emergency action must submit a Floodplain Permit Application that describes what action has taken place during the emergency and describe any additional work that may be required to bring the project in compliance with these regulations.

3. A person who has undertaken an emergency action may be required to modify or remove the project in order to meet the permit requirements.

## **ARTICLE 12. VARIANCES**

### **Sec. 12-56 GENERAL**

A variance from the minimum development standards of these regulations may be allowed. An approved variance would permit construction in a manner otherwise as required or prohibited by these regulations. ((44 CFR 59.1) (ARM 36.15.218))

### **Sec. 12-57 VARIANCE APPLICATION REQUIREMENTS:**

1. Prior to any consideration of a variance from any development standard in these regulations, a completed Floodplain Permit application and required supporting material must be submitted.
2. Additionally, supporting materials in a Variance application specific to the variance request including facts and information addressing the criteria in this section must be submitted.
3. If the Floodplain permit application and Variance application is deemed not correct and complete, the Floodplain Administrator shall notify the applicant of deficiencies within a reasonable time not to exceed 30 days. Under no circumstances should it be assumed that the variance is automatically granted.

### **Sec. 12-58 NOTICE REQUIREMENTS FOR FLOODPLAIN VARIANCE**

**APPLICATION** Public Notice of the Floodplain permit application and Variance application shall be given pursuant to Section 8.2.

### **Sec. 12-59 EVALUATION OF VARIANCE APPLICATION**

1. A Floodplain permit and Variance shall only be issued upon a determination that the variance is the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and provided all of the following criteria are met:
  1. There is a good and sufficient cause. Financial hardship is not a good and sufficient cause; (44 CFR 60.6(a)(3))
  2. Failure to grant the variance would result in exceptional hardship to the applicant; (44 CFR 60.3(a)(3)) & ARM 36.15.218(b))
  3. Residential and nonresidential buildings are not in the Floodway except for alterations or substantial improvement to existing buildings, Residential dwellings including basements and attached garages do not have the lowest floor elevation below the Base Flood Elevation;

4. Any enclosure including a crawl space must meet the requirements of Section 10.2.14, Wet Flood Proofing if the enclosure interior grade is at or below the Base Flood Elevation;
  5. Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances; (44 CFR 60.6 (a)(3) & (ARM 36.15.218(a))
  6. The proposed use is adequately flood proofed; (ARM 36.15.218(c))
  7. The variance is the minimum necessary, considering the flood hazard, to afford relief; (44 CFR 60.6(a)(4))
  8. Reasonable alternative locations are not available; (MCA 76-5-406(3) & ARM 36.15.218(d))
  9. An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and (44 CFR 60.6(a)(1))
  10. All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.
2. An exception to the variance criteria may be allowed as follows:
1. For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation; or (44 CFR 60.6(a).
  2. Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program. (44 CFR 60.6(a))

**Sec. 12-61 DECISION**

**1. The Board of Adjustments shall:**

1. Evaluate the Floodplain permit application and Variance application using the criteria in Section 12.4, and the application requirements and minimum development standards in Section 9 and 10;
2. Make findings, and approve, conditionally approve or deny a Floodplain permit

and variance within 60 days of a complete application.

3. If approved, attach conditions to the approval of Floodplain permit and Variance including a project completion date and inspections during and after construction.
4. Notify the applicant that the issuance of a Floodplain permit and Variance to construct a structure not meeting the minimum building requirements in these regulations may result in increased premium rates for flood insurance and that flood insurance premiums are determined by actuarial risk and will not be modified by the granting of a variance. (44CFR 60.6(a))
5. Submit to the Floodplain Administrator a record of all actions involving a Floodplain permit and variance, including the findings and decision and send a copy of each variance granted to DNRC.(44 CFR 60.6(a)(6) & MCA 76-5-405)

#### **Sec. 12-61 JUDICIAL REVIEW**

Any person or persons aggrieved by the Floodplain permit and variance decision may appeal such decision in a court of competent jurisdiction.

### **ARTICLE 13. ADMINISTRATIVE APPEALS**

#### **Sec. 12-62 GENERAL**

An administrative appeal may be brought before the Board of Appeals for review of the Floodplain Administrator's order, decision to grant, condition or deny a floodplain permit or interpretation of the Regulated Flood Hazard Area boundary.

#### **Sec. 12-63 APPEALS REQUIREMENTS**

The following provisions apply to administrative appeals:

1. An appeal shall include the basis of the appeal and supporting information including specific findings and conclusions of the Floodplain Administrator's decision being appealed;
2. An appeal may be submitted by an applicant and/or anyone who may be aggrieved by the Floodplain Administrator's decision or order;
3. Appeals must be received within 30 days of the date of the decision or order of the Floodplain Administrator; and
4. Additional information specific to the appeal request may be requested by the review panel.

#### **Sec. 12-64 NOTICE AND HEARING**

1. Notice of the pending appeal and hearing shall be provided pursuant to Section 8.2. The Floodplain Administrator may notify DNRC and FEMA of pending appeals.

2. A public hearing on the appeal must be held within 60 days of the Notice unless set otherwise.

**Sec. 12-65 DECISION**

A judgment on an appeal shall be made within 30 days of the hearing unless set otherwise. The decision may affirm, modify, or overturn the Floodplain Administrator's decision. A decision on an appeal of a permit cannot grant or issue a variance. A decision may support, reverse or remand an order or determination of a boundary of the Regulated Flood Hazard Area by the Floodplain Administrator.

**Sec. 12-66 JUDICIAL REVIEW**

Any person or persons aggrieved by the decision on an administrative appeal may appeal such decision in a court of competent jurisdiction.

**ARTICLE 14. ENFORCEMENT**

**Sec. 12-67 INVESTIGATION REQUEST**

An investigation to determine compliance with these regulations for an artificial obstruction or nonconforming use within the Regulated Flood Hazard Area may be made either on the initiative of the Floodplain Administrator or on the written request of three titleholders of land which may be affected by the activity. The names and addresses of the persons requesting the investigation shall be released if requested. (MCA 76-5-105)(2)

**Sec. 12-68 NOTICE TO ENTER AND INVESTIGATE LANDS OR WATERS**

The Floodplain Administrator may make reasonable entry upon any lands and waters for the purpose of making an investigation, inspection or survey to verify compliance with these regulations. (MCA 76-5-105(1))

1. The Floodplain Administrator shall provide notice of entry by mail, electronic mail, phone call, or personal delivery to the owner, owner's agent, lessee, or lessee's agent whose lands will be entered.
2. If none of these persons can be found, the Floodplain Administrator shall affix a copy of the notice to one or more conspicuous places on the property.
3. If the owners do not respond, cannot be located or refuse entry to the Floodplain Administrator, the Floodplain Administrator may initiate a Search Warrant.

**Sec. 12-69 NOTICE TO RESPOND AND ORDER TO TAKE CORRECTIVE ACTION**

When the Floodplain Administrator determines that a violation may have occurred, the Floodplain Administrator may issue written notice to the owner or an agent of the owner, either personally or by certified mail. Such notice shall cite the regulatory offense and include an order to take corrective action within a reasonable time or to respond by requesting an administrative review by the Floodplain Administrator.

**Sec. 12-70 ADMINISTRATIVE REVIEW**

The order to take corrective action is final, unless within five (5) working days or any granted extension, after the order is received, the owner submits a written request for an administrative review by the Floodplain Administrator. A request for an administrative review does not stay the order.

**Sec. 12-71 APPEAL OF ADMINISTRATIVE DECISION**

Within ten (10) working days or any granted extension of receipt of the Floodplain Administrator's decision concluding the administrative review, the property owner or owner's agent may appeal the decision pursuant to Section 13.

**Sec. 12-72 FAILURE TO COMPLY WITH ORDER TO TAKE CORRECTIVE ACTION**

If the owner fails to comply with the order for corrective action, remedies may include administrative or legal actions, or penalties through court.

**Sec. 12-73 OTHER REMEDIES**

This section does not prevent efforts to obtain voluntary compliance through warning, conference, or any other appropriate means. Action under this part shall not bar enforcement of these regulations by injunction or other appropriate remedy.

**ARTICLE 15. PENALTIES**

**Sec. 12-75 MISDEMEANOR**

Violation of the provisions of these regulations or failure to comply with any of the requirements, including failure to obtain permit approval prior to development in the Regulated Flood Hazard Area except for an emergency, shall constitute a misdemeanor and may be treated as a public nuisance.

Any person who violates these regulations or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$100 or imprisoned for not more than 10 days or both. Each day's continuance of a violation shall be deemed a separate and distinct offense. (MCA 76-5-110)

**Sec. 12-76 DECLARATION TO THE FEDERAL FLOOD INSURANCE**

**ADMINISTRATOR** Upon finding of a violation and failure of the owner to take corrective action as ordered, the Floodplain Administrator may submit notice and request a 1316 Violation Declaration to the Federal Insurance Administrator. The Federal Insurance Administrator has the authority to deny new and renewal flood insurance for a structure upon finding a valid violation declaration. (44 CFR 73.3)

The Floodplain Administrator shall provide the Federal Insurance Administrator the following:

1. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;

2. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
3. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
4. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
5. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

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

Said Ordinance read and put on its passage this \_\_\_\_ day of \_\_\_\_\_,  
2014.

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

ATTEST:

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

**FINALLY PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

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





**RESOLUTION NO. 3670**

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN AGREEMENT ENTITLED "LANDLORD'S RELEASE AND CONSENT" WITH STOCKMAN BANK OF SIDNEY, MONTANA.**

*WHEREAS*, the City of Miles City previously passed Resolution 3653 assigning certain leases within the Industrial Site to Border Steel & Recycling, Inc., a Montana corporation;

*AND WHEREAS* Stockman Bank of Sidney, Montana, has lent money to Border Steel & Recycling, Inc., and has requested that the City of Miles City ensure that the lender has certain rights related to said leases, as well as certain obligations to the City of Miles City should Border Steel & Recycling, Inc., default under its lease with the City of Miles City;

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

1. The agreement entitled "Landlord's Release and Consent," attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement 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 Agreement 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 MARCH, 2014.**

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

ATTEST:

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

Exhibit "A"

**LANDLORD'S RELEASE AND CONSENT**

Principal	Loan Date	Maturity	Loan No	Call / Coll	Account	Officer	Initials
	12-30-2013	01-01-2021	3040252097	802	0000108077-01	009	

References in the boxes above are for Lender's use only and do not limit the applicability of this document to any particular loan or item.

Any item above containing "\*\*\*\*" has been omitted due to text length limitations.

<b>Borrower:</b>	Border Steel & Recycling Inc 2703 W Towne St Glendive, MT 59330-9594	<b>Lender:</b>	Stockman Bank of Montana Sidney Office 101 South Central Avenue Sidney, MT 59270 (406) 433-8600
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THIS LANDLORD'S RELEASE AND CONSENT is entered into among Border Steel & Recycling Inc ("Borrower"), whose address is 2703 W Towne St, Glendive, MT 59330-9594; Stockman Bank of Montana ("Lender"), whose address is Sidney Office, 101 South Central Avenue, Sidney, MT 59270; and City of Miles City, Montana ("Landlord"), whose address is 17 S Eighth St, Miles City, MT 59301. Borrower and Lender have entered into, or are about to enter into, an agreement whereby Lender has acquired or will acquire a security interest or other interest in the Collateral. Some or all of the Collateral may be affixed or otherwise become located on the Premises. To induce Lender to extend the Loan to Borrower against such security interest in the Collateral and for other valuable consideration, Landlord hereby agrees with Lender and Borrower as follows.

**COLLATERAL DESCRIPTION.** The word "Collateral" means certain of Borrower's personal property in which Lender has acquired or will acquire a security interest, including without limitation the following specific property:

- All Inventory, Chattel Paper, Accounts, Equipment (including all titled vehicles) and General Intangibles; and
- All Fixtures, including all existing or subsequently erected or affixed buildings and improvements.

**BORROWER'S ASSIGNMENT OF LEASE.** Borrower hereby assigns to Lender all of Borrower's rights in the Lease, as partial security for the Loan. The parties intend that this assignment will be a present transfer to Lender of all of Borrower's rights under the Lease, subject to Borrower's rights to use the Premises and enjoy the benefits of the Lease while not in default on the Loan or Lease. Upon full performance by Borrower under the Loan, this assignment shall be ended, without the necessity of any further action by any of the parties. This assignment includes all renewals of and amendments to the Lease or the Loan, until the Loan is paid in full. No amendments may be made to the Lease without Lender's prior written consent, which shall not be unreasonably withheld or delayed.

**CONSENT OF LANDLORD.** Landlord consents to the above assignment. If Borrower defaults under the Loan or the Lease, Lender may reassign the Lease with the consent of the Landlord, and Landlord agrees that such consent will not be unreasonably withheld or delayed. So long as Lender has not entered into possession of the Premises, Lender will have no liability under the Lease, including without limitation liability for rent. Whether or not Lender enters into possession of the Premises for any purpose, Borrower will remain fully liable for all obligations of Borrower as lessee under the Lease. While Lender is in possession of the Premises, Lender will cause all payments due under the lease to be made to Landlord and will be responsible for complying with all of the terms of the Lease, to include bring any past due lease amounts current. In the event past due rent is paid to Landlord by Lender, Borrower shall be liable to Lender for all such amounts paid. If Lender later reassigns the Lease with the Landlord's consent, Lender will have no further obligation to Landlord. In the event Lender vacates the Premises prior to assignment of the lease to a third party, the Borrower shall remain obligated to Landlord, and Lender will have no further obligation to Landlord. Lender acknowledges that it will not be entitled to reimbursement of any rents paid to Landlord during Lender's period of occupancy.

**LEASE DEFAULTS.** Both Borrower and Landlord agree and represent to Lender that, to the best of their knowledge, there is no breach or offset existing under the Lease or under any other agreement between Borrower and Landlord. Landlord agrees not to terminate the Lease, despite any default by Borrower, without giving Lender written notice of the default and an opportunity to cure the default within a period of sixty (60) days from the receipt of the notice. If the default is one that cannot reasonably be cured by Lender (such as insolvency, bankruptcy, or other judicial proceedings against Borrower), then Landlord will not terminate the Lease so long as Landlord receives all sums due under the Lease for the period during which Lender is in possession of the Premises, or so long as Lender reassigns the Lease to a new lessee reasonably satisfactory to Landlord.

Landlord agrees that Lender, its successors and assigns, are exempt from any defaults arising under Sections: D. Maintenance; I. Indemnification; and K. Environmental Warranty, except to the extent that Lender, its successors and assigns have contributed to the deficiencies under these sections of the Lease for the period during which Lender, its successors and assigns, are in possession of the Premises.

**DISCLAIMER OF INTEREST.** Landlord hereby consents to Lender's security interest (or other interest) in the Collateral and disclaims all interests, liens and claims which Landlord now has or may hereafter acquire in the Collateral. Landlord agrees that any lien or claim it may now have or may hereafter have in the Collateral will be subject at all times to Lender's security interest (or other present or future interest) in the Collateral and will be subject to the rights granted by Landlord to Lender in this Agreement.

Notwithstanding the above provisions, the terms under Section IV, Letter E. "Improvements To Remain" of the Lease will prevail as it pertains to fixtures or improvements to the Premises following the expiration of the Lease. **ENTRY ONTO PREMISES.** Landlord and Borrower grant to Lender the right to enter upon the Premises for the purpose of removing the Collateral from the Premises or conducting sales of the Collateral on the Premises. The rights granted to Lender in this Agreement will continue until a reasonable time after Lender receives notice in writing from Landlord that Borrower no longer is in lawful possession of the Premises. If Lender enters onto the Premises and removes the Collateral, Lender agrees with Landlord not to remove any Collateral in such a way that the Premises are damaged, without either repairing any such damage or reimbursing Landlord for the cost of repair.

**MISCELLANEOUS PROVISIONS.** The following miscellaneous provisions are a part of this Agreement: This Agreement shall extend to and bind the respective heirs, personal representatives, successors and assigns of the parties to this Agreement. The covenants of Borrower and Landlord respecting subordination of the claim or claims of Landlord in favor of Lender shall extend to, include, and be enforceable by any transferee or endorsee to whom Lender may transfer any claim or claims to which this Agreement shall apply. Lender need not accept this Agreement in writing or otherwise to make it effective. This Agreement shall be governed by and construed in accordance with the laws of the State of Montana. If Landlord is other than an individual, any agent or other person executing this Agreement on behalf of Landlord represents and warrants to Lender that he or she has full power and authority to execute this Agreement on Landlord's behalf. Lender shall not be deemed to have waived any rights under this Agreement unless such waiver is in writing and signed by Lender. Without notice to Landlord and without affecting the validity of this Consent, Lender may do or not do anything it deems appropriate or necessary with respect to the Loan, any obligors on the Loan, or any Collateral for the Loan; including without limitation extending, renewing, rearranging, or accelerating any of the Loan indebtedness.

**AMENDMENTS.** This Agreement, together with any Related Documents, constitutes the entire understanding and agreement of the parties as to the matters set forth in this Agreement. No alteration or amendment to this Agreement shall be effective unless given in writing and signed by the party or parties sought to be charged or bound by the alteration or amendment.

**NO WAIVER BY LENDER.** Lender shall not be deemed to have waived any rights under this Agreement unless such waiver is given in writing and signed by Lender. No delay or omission on the part of Lender in exercising any right shall operate as a waiver of such right or any other right. A waiver by Lender of a provision of this Agreement shall not prejudice or constitute a waiver of Lender's right otherwise to demand strict compliance with that provision or any other provision of this Agreement. No prior waiver by Lender, nor any course of dealing between Lender and Landlord, shall constitute a waiver of any of Lender's rights or of any of Landlord's obligations as to any future transactions. Whenever the consent of Lender is required under this Agreement, the granting of such consent by Lender in any instance shall not constitute continuing consent to subsequent instances where such consent is required and in all cases such consent may be granted or withheld in the sole discretion of Lender.

**SEVERABILITY.** If a court of competent jurisdiction finds any provision of this Agreement to be illegal, invalid, or unenforceable as to any circumstance, that

finding shall not make the offending provision illegal, invalid, or unenforceable as to any other circumstance. If feasible, the offending provision shall be considered modified so that it becomes legal, valid and enforceable. If the offending provision cannot be so modified, it shall be considered deleted from this Agreement. Unless otherwise required by law, the illegality, invalidity, or unenforceability of any provision of this Agreement shall not affect the legality, validity or enforceability of any other provision of this Agreement.

**DEFINITIONS.** The following capitalized words and terms shall have the following meanings when used in this Agreement. Unless specifically stated to the contrary, all references to dollar amounts shall mean amounts in lawful money of the United States of America. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require. Words and terms not otherwise defined in this Agreement shall have the meanings attributed to such terms in the Uniform Commercial Code:

**Agreement.** The word "Agreement" means this Landlord's Release and Consent, as this Landlord's Release and Consent may be amended or modified from time to time, together with all exhibits and schedules attached to this Landlord's Release and Consent from time to time.

**Borrower.** The word "Borrower" means Border Steel & Recycling Inc and includes all co-signers and co-makers signing the Note and all their successors and assigns.

**Collateral.** The word "Collateral" means all of Borrower's right, title and interest in and to all the Collateral as described in the Collateral Description section of this Agreement.

**Landlord.** The word "Landlord" means City of Miles City, Montana, and is used for convenience purposes only. Landlord's interest in the Premises may be that of a fee owner, lessor, sublessor or lienholder, or that of any other holder of an interest in the Premises which may be, or may become, prior to the interest of Lender.

**Lease.** The word "Lease" means those certain leases of the Premises, dated October 28, 2003 and June 30, 2005 between Landlord and Borrower.

**Lender.** The word "Lender" means Stockman Bank of Montana, its successors and assigns.

**Loan.** The word "Loan" means any and all loans and financial accommodations from Lender to Borrower whether now or hereafter existing, and however evidenced.

**Note.** The word "Note" means the Note dated December 30, 2013 and executed by Border Steel & Recycling Inc in the principal amount of \$1,284,346.00, together with all renewals of, extensions of, modifications of, refinancings of, consolidations of, and substitutions for the note or credit agreement.

**Premises.** The word "Premises" means the real property located in Custer County, State of Montana, commonly known as Commercial Property, Miles City, MT 59301.

**Related Documents.** The words "Related Documents" mean all promissory notes, credit agreements, loan agreements, environmental agreements, guaranties, security agreements, mortgages, deeds of trust, security deeds, collateral mortgages, and all other Instruments, agreements and documents, whether now or hereafter existing, executed in connection with the Loan.

**BORROWER AND LANDLORD ACKNOWLEDGE HAVING READ ALL THE PROVISIONS OF THIS LANDLORD'S RELEASE AND CONSENT, AND BORROWER AND LANDLORD AGREE TO ITS TERMS. THIS AGREEMENT IS DATED DECEMBER 30, 2013.**

**BORROWER:**

**BORDER STEEL & RECYCLING INC**

By: \_\_\_\_\_  
Bret A Smelser, President of Border Steel & Recycling Inc

By: \_\_\_\_\_  
Brady Smelser, Vice President of Border Steel & Recycling Inc

**LANDLORD:**

**CITY OF MILES CITY, MONTANA**

By: \_\_\_\_\_  
Authorized Signer for City of Miles City, Montana

By: \_\_\_\_\_  
Authorized Signer for City of Miles City, Montana

**LENDER:**

**STOCKMAN BANK OF MONTANA**

X \_\_\_\_\_  
Garth N Kallevig, President

**RESOLUTION NO. 3671**

**A RESOLUTION PURSUANT TO SECTION 7-6-4006 OF THE MONTANA CODE ANNOTATED AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2013-2014 TO APPROPRIATE UNANTICIPATED REVENUES TO HISTORIC PRESERVATION FUND 2935.**

*WHEREAS*, the City of Miles City has received unanticipated revenues from grant money in the amount of \$6,000.00, along with match money in the amount of \$585.00 to be transferred from General Fund No. 1000, which are to be applied to Fund No. 2935;

*AND WHEREAS* as permitted by Section 7-6-4006 MCA, the City of Miles City desires to amend its final budget for FY 2013-2014 to appropriate the total amount of such unanticipated revenues in the sum of \$6,000.00 and to reflect the transfer of \$585.00 Fund No. 2935;

*AND WHEREAS* the additional funds received by Fund No. 2925 will be expended on 350, professional services:

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

1. The budget for Fund No. 2935 shall be amended as follows:

2935-334121 (Revenue) is hereby increased in the amount of \$6000.00;  
2935-011-460461-350 (Expenditure) is hereby increased in the amount of \$6585.00.

2. The following budget transfers are hereby authorized:

2935-383000 Transfer In from General Fund No. 1000 for an amount of \$585:  
1000-521000-820 Transfer out to Fund No. 2935 is hereby increased in the amount of \$585.00

**BE IT FURTHER RESOLVED** that a public hearing shall be held on the above proposed amendment to the Final Budget for FY 2013-2014 on the 25<sup>th</sup> day of March, 2014 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 Section 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 11<sup>th</sup> DAY OF MARCH, 2014.**

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

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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  
25<sup>th</sup> DAY OF MARCH, 2014.**

---

C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

# Memorandum

**To:** City Council Members  
**CC:** Mayor Grenz, Attorney Rice  
**From:** Dawn Colton  
**Date:** 3/1/2014  
**Re:** Horizon Park Subdivision

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## **Approval of the Horizon Park Subdivision**

I will be in Sidney 3/10 thru 3/12 for training and will not be able to attend the 3/11 Council Meeting. However, this should not delay approval of this agenda item. I will be available by phone should questions come up that haven't been answered.

Attached is the Final Report and attachments explaining all items. I ask that you review this information prior to Friday, Mar 7<sup>th</sup> and contact me if you have any questions. I would like to have all of your questions answered prior to the Council Meeting in order not to delay this project any further.

There are two items that have not been completed yet that need explanation. Mr. Lothspeich has requested a small change to Condition #18. He would like to delete the requirement to draft new covenants for the subdivision. This is an additional cost and a new covenant document for that simple statement is redundant. The Council will need to make a motion for approval prior to addressing approval of the Final Plat.

The second item is obtaining a Storm Water Pollution Prevention Plan permit. This process is in the works and we're hoping the permit will be issued prior to the meeting. If not, the Council is at liberty to table Plat approval until it is issued.

Thank you for your consideration and cooperation in getting this Plat approved in a timely manner.

*Dawn Colton*

**STAFF REPORT**  
**FINAL PLAT REVIEW FP-2014-03**  
**Amended Plat, Lot F-1, Horizon Park Subdivision**  
**February 28, 2014**

In April of 2013 the Miles City City Council granted preliminary conditional approval to the Amended Horizon Park Subdivision. The Amended Horizon Park Subdivision Lot F-1 consists of 4 lots located within the SW ¼ of Section 2, Township 7 North, Range 47 East, within the City of Miles City, Custer County, Montana. In January of 2014, the council voted to allow an amendment to the preliminary plat to remove the dry sewer line requirement from the plat conditions. The final plat application was submitted on January 14, 2014. The owner of the property is Vision Enterprises, LLC represented by Roger Lothspeich with technical assistance by Quinn Wright of Dowl HKM.

Mr. Lothspeich has asked for the following modification to condition #18. (See attached letter):

#18 – The current condition reads:

*The statements "No lot shall have access from any adjacent street or frontage road. All lots shall access from Bobcat Lane." shall be placed on the face of the plat and the statement restricting Lots F-1-A through D shall be reflected in the recorded covenants. [MCA 76-3-608(3)(a)]*

The request is to modify the statement to read: "No lot shall have access from any adjacent street or frontage road. All lots shall access from Bobcat Lane." This eliminates the second half of the statement requiring the same information recorded in a new covenant document. The statement placed on the face of the plat serves the same purpose.

This request has been classified as an immaterial change because the statement is redundant and does not violate subdivision regulations or impact the review criteria. In addition, no modification to the previously adopted findings of fact regarding the subdivision (attached) would be required. Therefore, staff is recommending that Council approve the subdivider's request for this modification.

The following is a list of the conditions of plat approval with a description by the subdivision administrator of how the condition has been satisfied or action required by the City Council.

Note: Items not constructed or installed at this time are guaranteed by an irrevocable Letter of Credit #109-000-135-5 issued by Stockman Bank for \$85,000, expiring on Aug 1, 2014. The Letter of Credit includes paving of Bobcat Lane and landscaping for the drainage ditch. See attached Bid from John Muggli Construction. The Letter of Credit equals the quote amount multiplied by 125%.

**Standard Conditions:**

1. All traffic signs shall be of the size, shape, height, and placement as to be in accordance with the Manual of Uniform traffic Control Devices. [Miles City Subdivision Regulation (MCSR), Section VI-H-6]

*The stop sign and street signs have not been installed at the intersection of Horizon Parkway and Bobcat Lane. Installation of these items will be carried out with the subdividers' obligations guaranteed with an irrevocable Letter of Credit (LOC) #109-000-135-5, dated 1/8/2014.*

2. Centralized mail delivery site/s shall be provided with the design and location approved by the local postmaster of the USPS. A letter or other written confirmation from the postmaster stating the applicant has met their requirements shall be included with the application for final plat. [MCSR, Section VI-H-8]

*An 8-unit/2 parcel locker NDCBU is to be installed per USPS letter dated 4/18/2013. Installation of this item will be carried out with the subdividers' obligations guaranteed with an irrevocable Letter of Credit #109-000-135-5.*

3. All internal subdivision roads, curb and gutters; whether public or private shall be constructed in accordance to City engineering standards and shall be approved by a licensed engineer. [MCSR, Section VI-H-8]

*All internal roads have been designed by Dowl HKM in accordance with City standards. The road appears to be roughed-in except for the paved surface, curb, and gutter, although the subdivider and engineer have not certified completion of the road. An irrevocable Letter of Credit No. 109-000-135-5 will cover the costs of installing curb & gutter and the paving of Bobcat Lane, and a licensed engineer will need to certify its completion.*

4. Bobcat Lane shall be dedicated to the City. [MCSR VI-H-1]

*The Final Plat dedicates Bobcat Lane to the City.*

5. All water mains shall be constructed using PVC or equivalent. All water supply systems shall meet MDEQ and City engineering standards and shall be approved by a licensed engineer prior to acceptance. Curb stamps shall indicate line locations. Water line connections shall be provided for each lot location and the owner shall be required to install a minimum 1" copper pipe from the water main to the curb stop. [MCSR, Section VI-J]

*Public Water Supply & Sewer Extension(s) have been approved by DEQ EQ#-13-1330, dated 3/20/2013.*

*Water supply lines have not yet been stubbed out to lots F-1-A, F-1-C, or F-1-D. Construction of these lines will be completed by Muggli Construction. The subdivider has been given a quote and issued corporate Check #1611 to Muggli Construction in the amount of \$3,876 to be cashed at the completion of this task. Dowl HKM will provide 'as-built' drawings to the City Engineering Department and MDEQ, as required.*

6. All sanitary sewer systems shall meet MDEQ and City engineering standards and shall be approved by a licensed engineer prior to acceptance. A stub out for connection shall be provided for each lot. A tracer wire or curb stamps shall indicate line locations. [MCSR, Section VI-K]

*Public Water Supply & Sewer Extension(s) have been approved by DEQ EQ#-13-1330, dated 3/20/2013. Dowl HKM will provide 'as-built' drawings to the City Engineering Department and DEQ, as required.*

7. All water, sewer, and storm water systems must have MDEQ approval. [MCSR Sections VI-I, VI-J, and VI-K; MCA 76-4]

*See DEQ approval letters EQ# 13-1621 & EQ #13-1330 issued on 1/8/2014.*

8. Where the aggregate total of disturbed area of any construction as defined in A.R.M. 17.30.1102(28) is equal to, or greater than one acre; or where when combined with subsequent construction, such disturbed area is equal to, or greater than one acre, a Montana State Department of Environmental Quality MPDES Storm Water Construction General Permit shall be obtained and provided to the Miles City Planning Office prior to any site disturbance or construction. [ARM 17-30-1102(28)]

*The project has involved disturbance of well over one acre of land, but the DEQ permit required by Condition #8 has not been submitted to the Planning Office to date. Therefore, Condition #8 has not been satisfied. Note: This permit is pending and expected to be issued by the Mar 11 Council Meeting.*



9. All utilities shall be placed underground, provide for 20 foot wide easements unless otherwise specified by the utility firms serving the site and shall be centered along the rear and side lot lines wherever necessary for service to the lot. [MCSR, Section VI-M]

*The Public Utility easements within this subdivision are as follows: one 20' easement between lots F-1-B and F-1-A; one 30' easement between lots F-1-C and F-1-D; two 60' easements running contiguous from North to South through the center of the subdivision lots, following Bobcat Lane.*

10. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [MCA 76-3-611].

*The final plat is in substantial compliance with the plat and plans submitted for preliminary review, except as addressed with the Letter of Credit ensuring construction of incomplete items by Dec 31, 2014.*

11. The final plat shall comply with state surveying requirements. [MCA 76-3-608(b)(i)]

*The final plat has been found to comply with state survey requirements.*

12. All required improvements shall be completed and in place or a Subdivision Improvement Agreement shall be provided by the subdivider prior to final approval by the City Council. [MCSR, Section II-B-4]

*All required improvements are in place for this subdivision except for the following:*

*Paving of and construction of curb & gutter on Bobcat Lane  
Landscaping, installation of USPS box, stop sign /street sign at corner of Bobcat Lane & Horizon Parkway (signs may be on same mounting post)*

*Construction of these items will be carried out with the subdividers' obligations guaranteed with an irrevocable Letter of Credit #109-000-135-5.*

#### **Site-Specific Conditions:**

13. An easement to T & Y irrigation in the location of the current irrigation ditch for the use as an irrigation canal will be shown on the plat.

*The easement is noted on the face of the plat as required.*

14. One fire hydrant shall be installed and located at the end of the cul-de-sac and a second fire hydrant shall be located at the intersection of Horizon Parkway and Bobcat Lane Department. [MCSR, Section VI-Q]

*Fire hydrants have been installed as required and are shown on the plat.*

15. Bobcat Lane will be constructed to a minimum 26 foot paved surface with a preference that it is constructed to the 36 feet as shown in the preliminary plat. [MCSR, Section VI-H-9 C and Table VI-H, Roadway Design Standards]

*Sheet 1 of the Site Grading Plan shows a 24 foot paved surface with 6 foot paved shoulders (total width of 36 feet) and 2 feet of curb and gutter on each side. This demonstrates compliance with Condition #15, upon completion of Bobcat Lane as guaranteed by the irrevocable Letter of Credit.*

16. A 60 foot access and utility easement shall be shown on the face of the plat extending from the northern edge of the cul-de-sac bulb to the adjacent parcel to the north. (Tract B-01, Sterling Minor Subdivision, Envelope 363B, document 115218, Custer County, MT [MCSR V-H-1(C)])

*The 60 foot access and utility easement is shown on the face of the plat extending from the northern edge of the cul-de-sac bulb to the adjacent parcel to the north as required.*

17. The detention pond shown for the street runoff shall be moved to Lot F-1-B or to Lot F-1-C such that it will not conflict with a 26 foot wide paved surface in the access easement required by Condition 16. [MCSR, Section VI-I and Table VI-H, Roadway Design Standards]

*The subject detention pond was relocated to within easement No #1 on Lot F-1-B. The relocation will be reflected on the "As-Built" drawings to be submitted to DEQ as required by the approval conditions.*

18. The statements "No lot shall have access from any adjacent street or frontage road. All lots shall access from Bobcat Lane." shall be placed on the face of the plat ~~and the statement restricting Lots F-1-A through D shall be reflected in the recorded covenants.~~ [MCA 76-3-608(3)(a)]

*This statement is on the face of the final plat but not included in a new recorded covenant as approved by City Council (if the above requested amendment is approved).*

19. A landscape plan shall be submitted and approved by the Planning and Community Services department that shows a minimum of 3,547 sq. ft. of landscape area on lot F-1-B and is designed in such a manner as to discourage any traffic entering the west side of the lot from the frontage road and Highway 59. The landscaping shown in the plan shall be installed. [MCA 76-3-608(3)(a) and MCSR VI-V]

*A landscaping plan has been submitted to the Planning & Community Services Dept. to reflect this requirement. The plan should reflect a slight reconfiguration of the drainage ditch route on the Bobcat property, adjacent to the Frontage Road on the western property line. The course of this new drainage path may not breach the western property line or hinder access to the Giese property, and must continue to drain into the retention pond located on the subject property's northern property line as shown on the DEQ approved Site Drainage Plan. The drainage ditch should be lined with rocks and deep enough to discourage access to Lots F-1-A and F-1-B from the Frontage Road. This requirement will be carried out with the subdividers' obligations guaranteed with Letter of Credit #109-000-135-5.*

20. The subdivision shall be included in a corresponding street maintenance district for the maintenance of Bobcat Lane.

*Bobcat Lane will be included in Maintenance District #204 after final plat has been recorded.*

### **Staff Recommendation**

Staff recommends approval of the Final Plat for the Horizon Park Subdivision if the City Council is satisfied with the security provided by the subdivider for the remaining improvements, and is comfortable deferring submittal of the DEQ General Permit required by Condition #8 to the subdivision administrator prior to filing the final plat.

## Request for Modification

2/21/14

**VISION ENTERPRISES LLC**  
2323 S HAYNES AVE  
MILES CITY, MT 59301-5806  
(406)951-1254

To City Council Members:

I Am REQUESTING a modification to  
Condition #18 to ELIMINATE THE  
REQUIREMENT to record a NEW COVENANT  
REPEATING THE STATEMENT RESTRICTING  
ACCESS TO THE FOUR LOTS FROM THE  
FRONTAGE ROAD. THIS STATEMENT IS  
PRINTED ON THE FACE OF THE PLAT.  
The requirement is REDUNDANT.



## Findings of Fact

**Amended Plat, Lot F-1, Horizon Park Subdivision  
Findings of Fact**

**Finding #1.** All lots in the subdivision comply with zoning because there are no minimum lot dimensions in this zone and due to the lot configurations, future buildings should be able to meet other zoning requirements.

**Finding #2.** With a condition of plat showing an easement to T & Y irrigation for use as an irrigation canal there will be no impact to agriculture because the area is located in an area that is already fairly developed and the continued location of the current irrigation canal will be ensured.

**Finding #3.** The impact to most local services is minimal enough that it will not cause any local services to be negatively impacted or to fall below current level of service standards because the current services have capacity or manpower to serve this subdivision.

**Finding #4.** The impact to the natural environment is not significant because the site has been disturbed and thus has little native vegetation, has no natural water or wetlands, and has no historic or cultural features of significance.

**Finding #5.** The project will have minimal impact to water or air quality because dust from future construction will be limited to a short duration and the design of utilities should protect surface and groundwater.

**Finding #6.** Development will not have a significant impact to wildlife or wildlife habitat because the current state of the site there will be little change to habitat value.

**Finding #7.** The placement of an additional fire hydrant at the corner of Horizon Parkway and Bobcat lane will provide for adequate fire safety because the spacing on hydrants is then close enough to fight potential fires in commercial structures.

**Finding #8.** Access for all lots should be limited to Bobcat Lane and a barrier should be constructed to ensure current unsafe access conditions to and from Highway 59 do not continue.

**Finding #9.** Public health and safety is adequate because the site is absent of natural or man-made hazards and the site design shows adequate storm detention and a safe road design.

**Finding #10.** With the proposed road network, all parcels shall have physical and legal access.

**Finding #11.** Standard VI-V, the landscaping standards for commercial subdivision can be met by conditioning the plat with landscaping on Lot F-1-B.

**Finding #12. Standards und section VI-H can be met by conditioning the plat with a requirement to show an access easement from the cul-de-sac bulb to the northern edge of the property because this will provide for access through the subdivision to the adjacent land.**

**Finding #13. The subdivision complies with most of the Miles City Subdivision Regulations with the imposition of the standard conditions because it will meet all the design standards for roadways and sections VI-V and VI-H will be satisfied with the site-specific conditions.**

ATTACHMENT A

## Final Plat Application





File No. FP-2014-02  
to be filled out by City

**FINAL PLAT SUBDIVISION APPLICATION**

Miles City Community Services & Planning  
17 South 8<sup>th</sup> Street  
Miles City, MT 59301

Date Received: \_\_\_\_\_  
to be filled out by City

SUBDIVISION NAME: Horizon Park

OWNER(s)  
Name: Vision Enterprises, LLC Contact: Roger Lothspach Phone: 951-1254

Address: 2323 S. Hayes Ave Cell Phone: \_\_\_\_\_  
Miles City, MT 59301 Email: RLR@vision.com

TECHNICAL ASSISTANCE:  
Name: Same as Above Contact: \_\_\_\_\_ Phone: Same

Address: \_\_\_\_\_ Cell Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

DATE of PRELIMINARY PLAT APPROVAL: 4/23/2013 & FILE NO FP-2014-02

LEGAL DESCRIPTION OF PROPERTY:

Street Address or General Location Hwy 59 South

Tract/s F-1 in Section 2 Township 7N Range 4E or

Lot/s \_\_\_\_\_ of \_\_\_\_\_ in Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_  
Subdivision Name

Assessor Number/s or Geocode \_\_\_\_\_

GENERAL DESCRIPTION OF SUBDIVISION:

Gross Area: 6 Acres Net Area: 4,936 Acres

Number of Lots/Rental Spaces 4 Minimum Lot Size: 49,139 S.F. Maximum Lot Size: 62,57,741

PARKLAND (Indicate amount or check if exempt)  
\_\_\_\_\_ Acres on site \_\_\_\_\_ Acres off site \$ \_\_\_\_\_ Cash in lieu  Exempt

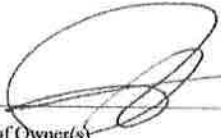
FINAL PLAT REQUIREMENTS:

Submittal Copies that meet the Uniform Standards in Appendix A of the Miles City Subdivision Regulations

- 2 24 x 36 Mylar copies of plat
- 2 24 x 36 paper copies of plat
- 1 11x17 copy

**Attachments to be submitted with this application:**

- Title Report or Abstract of Title showing ownership (*not more than 90 days old*)
- Leinholder's acknowledgement of subdivision (*if land is held as collateral for financing*) **ON PLAT**
- A statement outlining how each condition of approval has been satisfied.
- Tax certification (*proof that taxes are current*)
- Montana DEQ Certification (*or an approved municipal facilities exemption*)
- Certification by the subdivider indicating which required improvements have been completed on the site.
- A copy of Articles of Incorporation & Bylaws for any property owner's association and proposed covenants or restrictions (*if any*)
- NA** Road Approach Permits or Copies of Easements/Proposed Easements (*if required, to provide legal access*)

  
\_\_\_\_\_  
Signature of Owner(s)

1-14-14  
\_\_\_\_\_  
Date

I certify that the information contained herein and all exhibits transmitted herewith are true.

---

**Final Plat**



## Letter of Credit

COPY

IRREVOCABLE STANDBY LETTER OF CREDIT

Date: 01/08/2014

Letter of Credit No. 109-000-135-5

Beneficiary:

City of Miles City  
City Hall  
17 S 8<sup>th</sup> Street  
Miles City, MT 59301  
[To whom the LOC is Issued]

Ladies and Gentlemen:

Stockman Bank of Montana ("Issuing Bank") hereby issues this irrevocable standby letter of credit (the "LOC") in your favor and authorizes you to draw on:

Stockman Bank of Montana  
PO Box 250  
Miles City, MT  
59301-0250

For the account of:

Riverside Marine & Cycle, LLC  
2323 South Haynes Ave.  
Miles City, MT  
59301  
[Name and address of customer requesting LOC]

Up to an aggregate amount of not to exceed eighty-five thousand US Dollars (\$85,000.00) (the "Stated Amount").

This LOC shall be effective on January 8<sup>th</sup>, 2014 and expire at midnight, 12:00 PM (Mountain Time) on August 1<sup>st</sup>, 2014 (the "Expiration Date").

Original drafts on this LOC shall be manually signed by a duly authorized agent of the Beneficiary, presented to the Issuing Bank at its office stated above, in a single mailing, by courier or personal delivery, and to the Attention of the Loan Department and shall state the following:

"This draft, in the amount of \$\_\_\_\_\_ (the "Draw Amount"), is drawn upon Letter of Credit No. 109-000-127-4 issued by Stockman Bank of Montana. The undersigned, on behalf of the Beneficiary, certifies that (1) the undersigned is duly authorized to execute and deliver this draft, and (2) the Draw Amount is due and owing to the Beneficiary."

COPY

All drafts drawn under and in compliance with the terms of this LOC will be duly honored on receipt of the specified documents by the Issuing Bank if actually received on a Business Day and before the Expiration Date. Partial drawings are permitted provided the aggregate of all draws does not exceed the Stated Amount. "Business Day" means any calendar day other than a Saturday, Sunday or legal holiday and on which the Issuing Bank is open for business at the office.


This LOC sets forth in full the Issuing Bank's undertakings and the undertaking shall not be in any way modified, amended or limited by reference to any other document, instrument or agreement, excepting only the sight drafts and required drawing statement identified above.

This LOC is subject to and governed by the laws of the State of Montana and the Uniform Customs and Practices for Documentary Credits (2007 Revision), International Chamber of Commerce Publication No. 600 (the "UCP"), and, in the event of any conflict, the laws of the State of Montana will control.

Communications with respect to this LOC shall be in writing and shall be addressed to the Issuing Bank at the address set forth above. All communications must make reference to the LOC number.

This LOC is non-assignable and non-transferable.

STOCKMAN BANK OF MONTANA

By:   
Stanley A Markuson, President, Miles City Branch

234-6392

# COFFIN Quote

## John Muggl Contracting

P.O. Box 67: #1 Baker Hwy.  
Miles City, MT 59301

Date	Quote #
1/6/2014	139545

Customer
Vision Enterprises 2323 South Haynes Ave Miles City MT 59301

Federal Tax ID 81-0506479
------------------------------

Item	Description	Qty	Total
Bid Work	Pave street and cull-de-sac, supplying gravel, with compaction, curb and gutter. Price includes \$5,000.00 for landscaping to be done and supplied by others.	1	67,598.75
NOTE	***NOTE***This bid does NOT include any engineering, or compaction testing, or any other testing that may be required for this project***NOTE***		
<b>Total</b>			<b>\$67,598.75</b>

Date \_\_\_\_\_ Signature \_\_\_\_\_

Bid is good for 30 days from the date of this estimate. Please sign date and return this form as acceptance of this bid price.

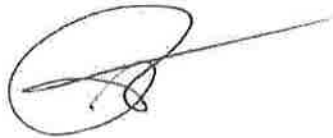


2-21-14

**VISION ENTERPRISES LLC**  
2323 S HAYNES AVE  
MILES CITY, MT 59301-5806  
(406)951-1254

To City Council Members:

Completion of the items covered  
in the Letter of Credit will  
be started when weather permits  
and be completed before ~~receipt~~  
expiration of the Letter of Credit.



**Condition #2**  
**USPS Letter**



**Thursday, April 18, 2013**

**To whom it may concern;**

**In regards to the conditions of Plat PP2013-01 Amended Plat, Lot F-1,  
Horizon Park Subdivision.**

**The USPS is requesting you install a 8 unit/2 parcel locker NDCBU to accommodate any future growth, and will need to be set at the entrance of the subdivision in the line of travel, so as the Rural Carrier can deliver from inside the vehicle safely. It will need to be located off of any highway or street that may be hazardous to the employee's safety.**

**If you have any questions or need assistance in where to install the CBU, please contact me and I will provide it to you.**

**Respectfully,**

A handwritten signature in cursive script that reads "Stephen M Miller".

**Stephen M Miller**

**Postmaster**

**106 N 7<sup>th</sup> St**

**Miles City, MT 59301-9998**

**W-406-232-2586**

**C-816-588-2138**

## Care and Cleaning

The surface of all Florence Manufacturing clear aluminum or powder coated products may be cleaned of dirt or grime with a soft cloth dampened with any mild detergent or properly diluted biodegradable, water-based cleaner, such as "Simple Green™"<sup>1</sup>. Wipe from top to bottom to avoid run-down. Avoid use of abrasives, which might damage the product surface. Rinse with plain water and dry<sup>2</sup>. Avoid cleaning during extreme temperature conditions.

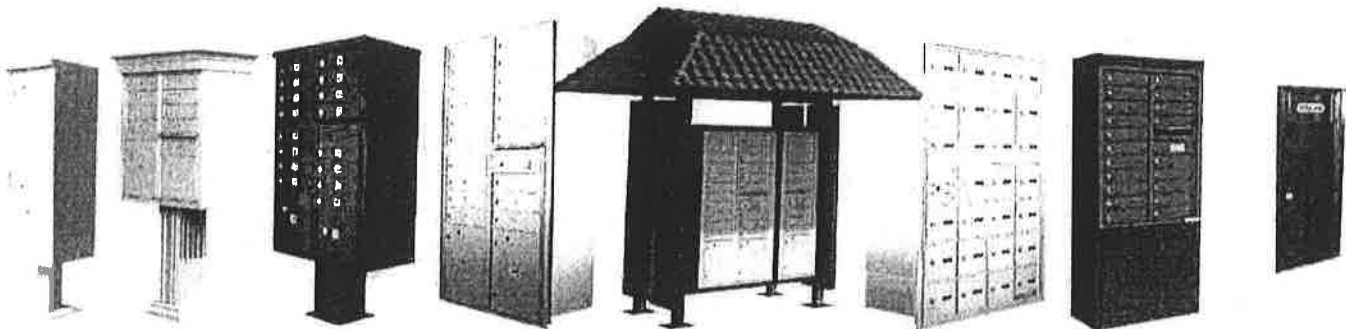
To varying extents, depending upon the color, it may be possible to remove some spray-paint or marker-applied graffiti from powder coated surfaces by using a stronger cleaner such as "Krud Kutter™"<sup>3</sup> or a mild petroleum-based solvent, such as mineral spirits. Test-clean a small area first, a few seconds at a time. Do not allow chemical to remain on surface for an indefinite period, as this may damage the surface of the product. Remove any residue left with a mild cleaner, followed by water. rinse as noted above.

Touch-up paint may be available from an Authorized Florence Dealer for those products which utilize powder coating.

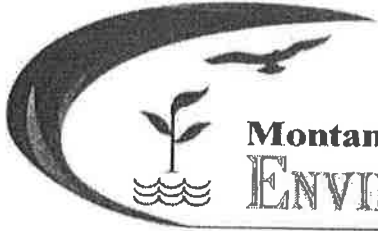
- 1 Simple Green™, product #13102, is manufactured by Sunshine Makers Inc of California, 800-228-0709, infoweb@simplegreen.com.
- 2 In foggy coastal regions, frequent cycles of condensation and drying can create a heavy build-up of atmospheric salts and dirt that may adhere tenaciously. This requires that cleaning be done more frequently than in other metropolitan areas where rainfall is more frequent (AAMA Standard 609 & 610-02).
- 3 Krud Kutter™, product #GR32, is manufactured by Supreme Chemicals of Georgia, 800-466-7126, sales@krudkutter.com.

Last Updated 10/1/09

*No equals. No substitutes. Florence Mailboxes.  
Your partner in mailbox and site solutions since 1934.*



**Conditions #5, #6, #7  
DEQ approvals**



*"Healthy environment, healthy people"*

**Montana Department of  
ENVIRONMENTAL QUALITY**

Steve Bullock, Governor  
Tracy Stone-Manning, Director

Airport Business Park • 1371 Rimtop Dr. • Billings, MT 59105-9702 • Website: [www.deq.mt.gov](http://www.deq.mt.gov)

Dayton Alsaker, PE  
DOWL HKM  
713 Pleasant  
Miles City, Montana 59301

January 8, 2014

Re: Horizon Park Subdivision, Lot F-1 – Miles City

EQ# 13-1621

Dear Consultant:

The plans and supplemental information relating to the water supply, sewage, solid waste disposal, and storm drainage (if any) for the above referenced division of land have been reviewed as required by ARM Title 17 Chapter 36 (101-805) and have been found to be in compliance with those rules.

Two copies of the Certificate of Subdivision Plat Approval are enclosed. The original is to be filed at the office of the county clerk and recorder.

Development of the approved subdivision may require coverage under the Department's General Permit for Storm Water Discharges Associated with Construction Activity, if your development has construction-related disturbance of one or more acre. If so, please contact the Storm Water Program at (406) 444-3080 for more information or visit the Department's storm water construction website at <http://www.deq.state.mt.us/wqinfo/MPDES/StormwaterConstruction.asp>. Failure to obtain this permit (if required) prior to development can result in significant penalties.

Your copy is to inform you of the conditions of the approval. Please note that you have specific responsibilities according to the plat approval statement primarily with regard to informing any new owner as to any conditions that have been imposed.

If you wish to challenge the conditions of this Certificate of Subdivision Plat Approval, you may request a hearing before the Board of Environmental Review or the Department, pursuant to Section 76-4-126, MCA and the Montana Administrative Procedures Act.

If you have any questions, please contact this office.

Sincerely,

For Barbara Kingery, PE, Supervisor  
Subdivision Review Section

cc: City of Miles City  
Custer County Sanitarian  
Custer County Planning  
Owner  
File

BK/MWW

STATE OF MONTANA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
CERTIFICATE OF SUBDIVISION PLAT APPROVAL  
(Section 76-4-101 et seq., MCA )

COPY

TO: County Clerk and Recorder  
Custer County  
Miles City, Montana

E.Q. # 13-1621

THIS IS TO CERTIFY THAT the plans and supplemental information relating to the subdivision known as **Amended Plat Lot F-1, Horizon Park Subdivision**;

A tract of land located in the southwest ¼ of Section 2, Township 7 North, Range 47 East, PMM, Miles City, Custer County, Montana

consisting of four (4) lots, have been reviewed by personnel of the Permitting and Compliance Division, and,

THAT the documents and data required by ARM Chapter 17 Section 36 have been submitted and found to be in compliance therewith, and,

THAT the approval of the Plat is made with the understanding that the following conditions shall be met:

THAT the lot size as indicated on the Plat filed with the county clerk and recorder will not be further altered without approval, and,

THAT each lot shall be used for one commercial business, and,

THAT water supply and wastewater treatment will be provided by extension and service connection to the **City of Miles City Public Water Supply & Wastewater Treatment System (PWSID MT0000291)** according to the plans approved by the Department on March 20, 2013 (EQ # 13-1330), and,

THAT within 90 days after construction of the extensions to the public water and wastewater systems is completed, the responsible professional engineer shall provide to the Department a complete set of "as-built" drawings bearing the signature and seal of the professional engineer, and,

THAT the storm water runoff collection system for the subdivision will consist of on-site stormwater retention ponds with volumes as shown on the approved storm drainage plans prepared by **Dayton Alsaker, 5932E**, of DOWL HKM in Miles City, Montana with outlets to restrict discharge to pre-development level and valley gutters, inlet, and a retention pond for the right-of-way north of the proposed cul-de-sac as shown on the approved plans; maintenance of the storm water system is the responsibility of each lot owner with maintenance of the right-of-way storm drainage provided by the City of Miles City, and,

THAT water supply systems, sewage treatment systems and storm drainage systems will be located as shown on the approved plans, and,

THAT all sanitary facilities must be located as shown on the attached lot layout, and,

THAT the developer and/or owner of record shall provide the purchaser of property with a copy of the plat, approved location of water supply and sewage treatment system as shown on the attached lot layout, and a copy of this document, and,

Page 2 of 2  
Horizon Park Subdivision, Lot F-1  
Custer County  
E.Q.# 13-1621

COPY

THAT instruments of transfer for this property shall contain reference to these conditions, and,

THAT departure from any criteria set forth in the approved plans and specifications and Title 17, Chapter 36, Sub-Chapters 1, 3, and 6 ARM when erecting a structure and appurtenant facilities in said subdivision without Department approval, is grounds for injunction by the Department of Environmental Quality.

THAT pursuant to Section 76-4-122 (2)(a), MCA, a person must obtain the approval of both the reviewing authority under Title 76, Chapter 4, MCA, and local health officer having jurisdiction, before filing a subdivision plat with the county clerk and recorder.

YOU ARE REQUESTED to record this certificate by attaching it to the plat filed in your office as required by law.

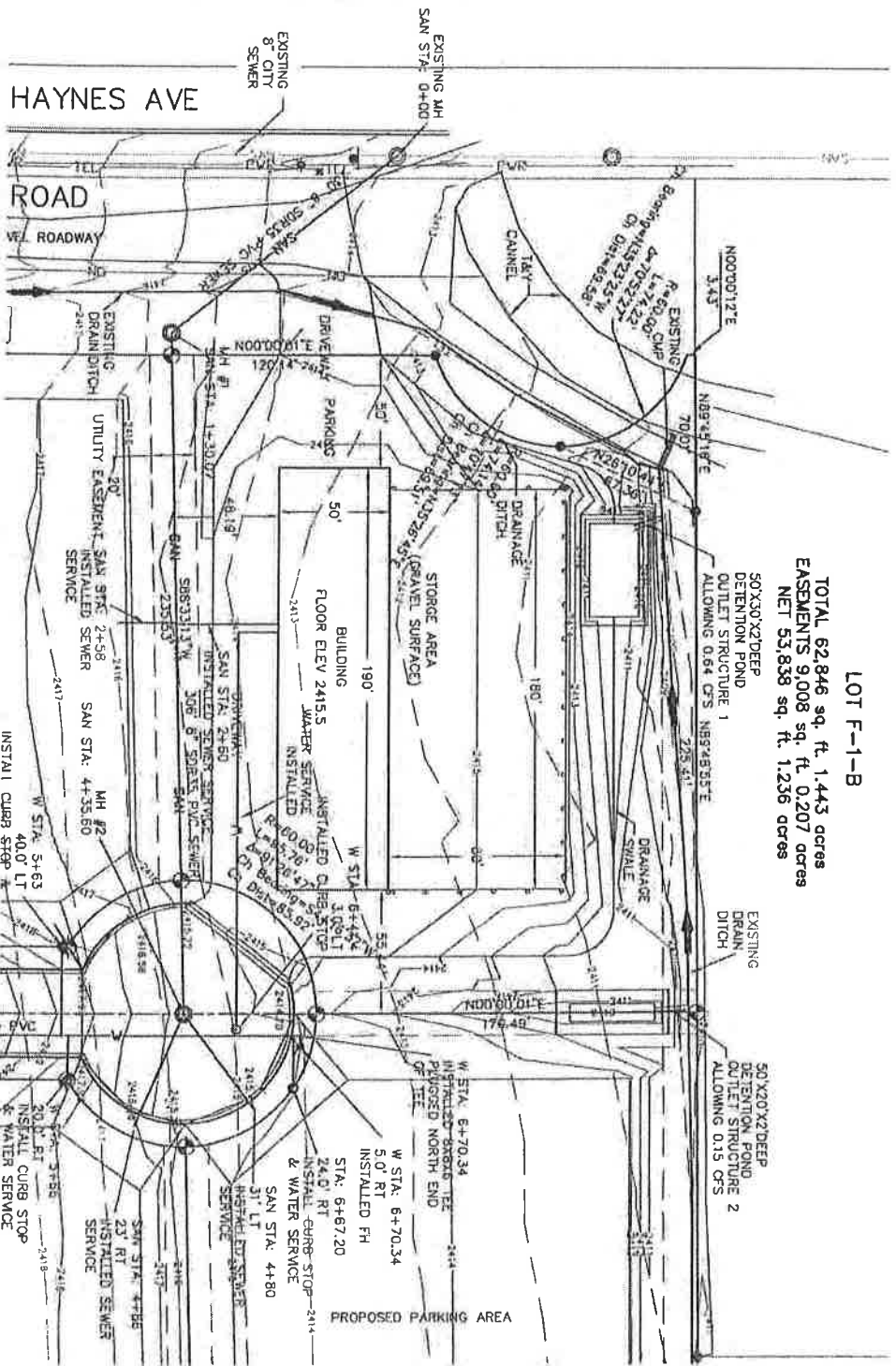
DATED this 8<sup>th</sup> day of January 2014.

Tracy Stone-Manning  
Director

By: Mark Wats  
FOR Barbara Kingery, PE, Supervisor  
Subdivision Review Section  
Permitting and Compliance Division  
Department of Environmental Quality

Owner's Name: Vision Enterprises, LLC

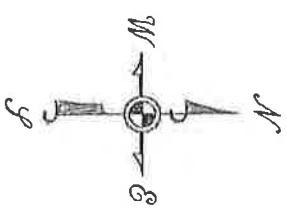




**LOT F-1-B**  
**TOTAL 62,846 sq. ft. 1.443 acres**  
**EASEMENTS 9,008 sq. ft. 0.207 acres**  
**NET 53,838 sq. ft. 1.236 acres**

50'X20'X2'DEEP  
 DETENTION POND  
 OUTLET STRUCTURE 1  
 ALLOWING 0.64 CFS  
 NB9°45'18\"/>

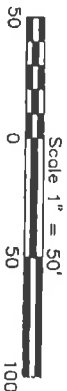
50'X20'X2'DEEP  
 DETENTION POND  
 OUTLET STRUCTURE 2  
 ALLOWING 0.15 CFS



E 013 - 16 21

**LEGEND**

- Property corner found as noted
- ⦿ #5x24" Rebar w/ yellow plastic cap Marked DWL HKM 7155LS Set
- ⚡ Fire Hydrant
- ⦿ Water Main Valve
- ⦿ Curb Stop
- ⦿ Manhole
- ⦿ Tele Ped
- ⦿ Power Pole

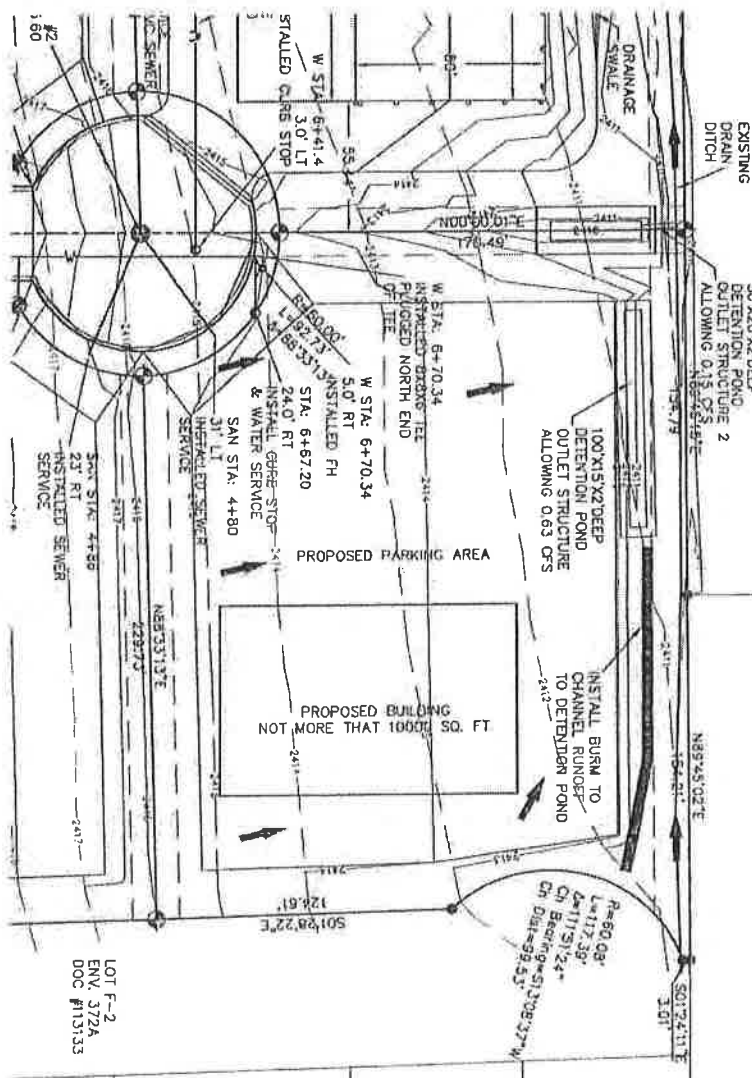


**LOT LAYOUT LOT F-1-B**  
 Amended Plat Lot F-1  
 Horizon Park Subdivision

**DWDL HKM**  
 4124.20374.01 2-04-2013

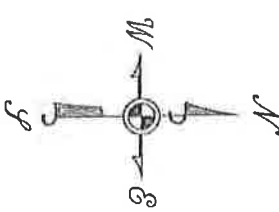
**APPROVED**  
 Montana Department of  
 Environmental Quality  
 Permitting and Compliance Division  
 M. Dale 1-8-2014 Date  
 Reviewer

**LOT F-1-C**  
**TOTAL 61,895 sq. ft. 1.421 acres**  
**EASEMENTS 8,381 sq. ft. 0.193 acres**  
**NET 53,514 sq. ft. 1.228 acres**



**LEGEND**

- Property corner found as noted
- ◆ #5x24" Rebar w/yellow plastic cap
- ⊠ Marked DOWL HKM 7155LS Set
- ⚡ Fire Hydrant
- ⚙ Water Main Valve
- ⊠ Curb Stop
- ⊙ Manhole
- ⊠ Tele Ped
- ⚡ Power Pole



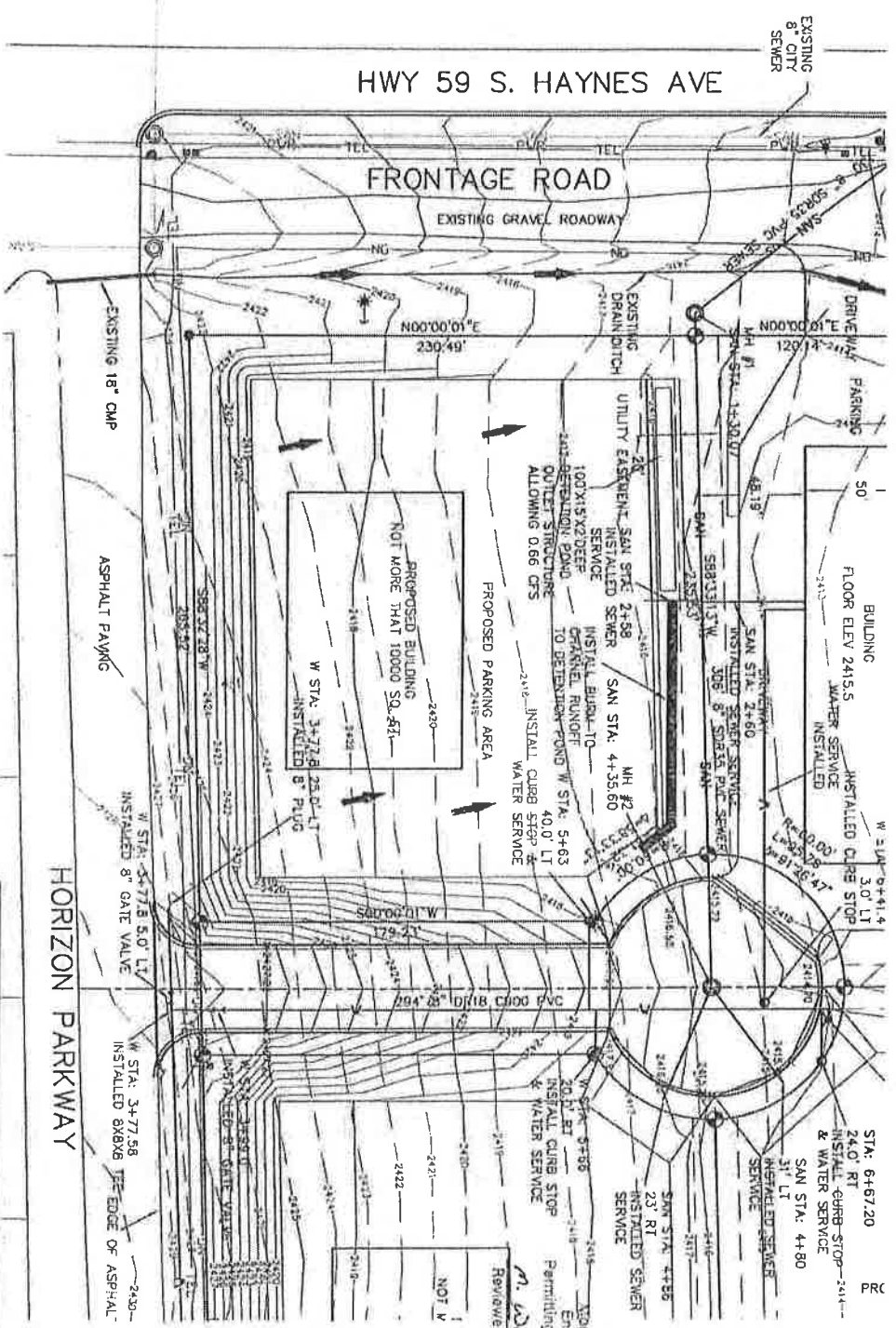
E013-1621

**LOT LAYOUT LOT F-1-C**  
**Amended Plat Lot F-1**  
**Horizon Park Subdivision**

**DOWL HKM**  
 4124.2037A.01 | 2-04-2013

**APPROVED**  
 Montana Department of  
 Environmental Quality  
 Permitting and Compliance Division

*M. D...f*  
 Reviewer  
 Date: 1-8-2014



LOT LAYOUT LOT F-1-A  
 Amended Plat Lot F-1  
 Horizon Park Subdivision

DOWL HKM  
 4/24/2007 4/01 2-04-2013

- LEGEND**
- Property corner found as noted
  - ◆ #5x24" Rebar w./yellow plastic cap Marked DOWL HKM 7155LS Set
  - ⊕ Fire Hydrant
  - ⊕ Water Main Valve
  - ⊕ Curb Stop
  - ⊕ Manhole
  - ⊕ Tele Ped
  - ⊕ Power Pole

**RECEIVED**  
 FEB 12 2013  
 DEPT. OF ENVIRONMENTAL QUALITY  
 BILLYHO'S REGIONAL OFFICE

APPROVED  
 Montana Department of  
 Environmental Quality  
 Permitting and Compliance Division  
 M. D. O. K. 1-8-2013  
 Date

LOT F-1-A  
 TOTAL 60,102 sq. ft. 1.380 acres  
 EASEMENTS 2,631 sq. ft. 0.054 acres  
 NET 57,471 sq. ft. 1.326 acres

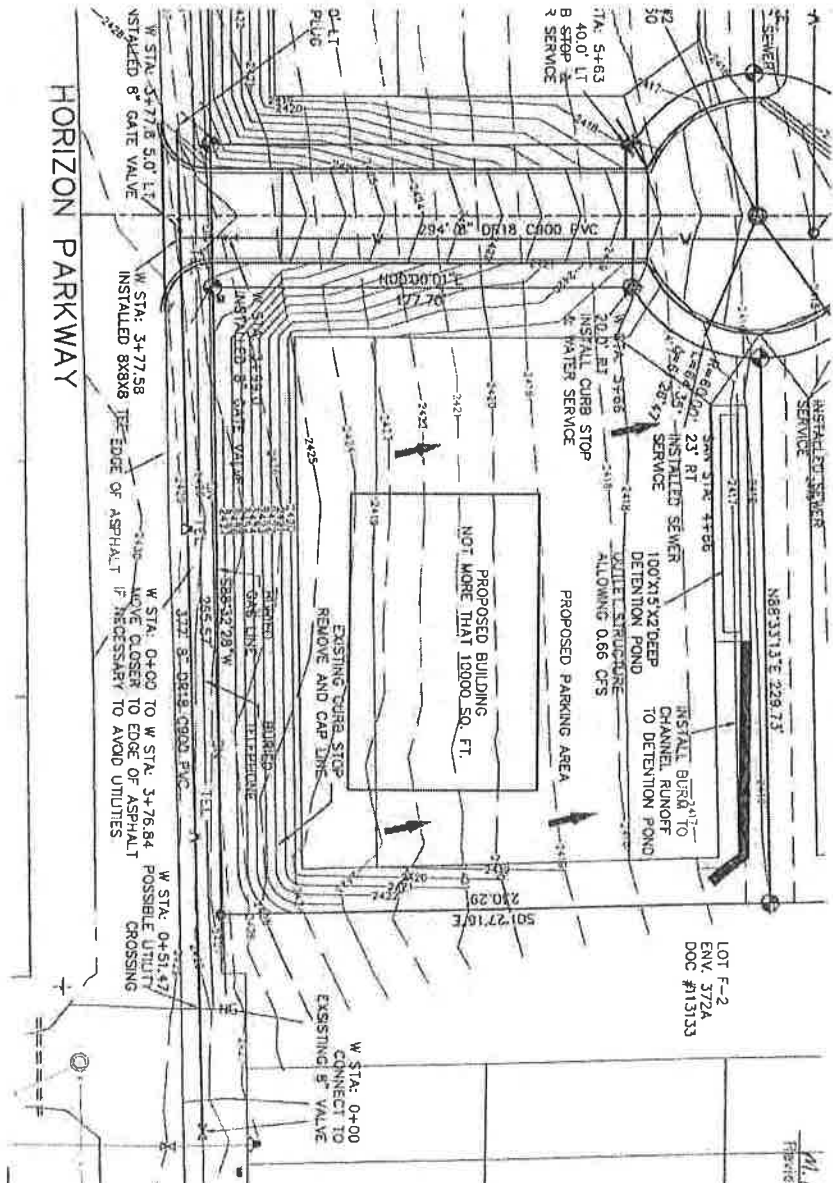
E013-1621

**LOT F-1-D**  
 TOTAL 59,353 sq. ft. 1.363 acres  
 EASEMENTS 2,302 sq. ft. 0.053 acres  
 NET 57,051 sq. ft. 1.315 acres

**APPROVED**  
 Montana Department of  
 Environmental Quality  
 Permitting and Compliance Division  
 M. Deike  
 1-8-2017  
 Date

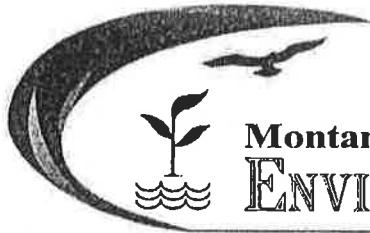
E013-1621

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  - ⚡ Fire Hydrant
  - ⚡ Water Main Valve
  - Curb Stop
  - ⊙ Manhole
  - ⊙ Tale Ped
  - ⚡ Power Pole



**LOT LAYOUT LOT F-1-D**  
 Amended Plat Lot F-1  
 Horizon Park Subdivision

**DOWL HKM**  
 4124.200374.01  
 2-04-2013



"Healthy environment, healthy people"

Montana Department of  
ENVIRONMENTAL QUALITY

Steve Bullock, Governor  
Tracy Stone-Manning, Director

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Andrew Marum, PE  
DOWL HKM  
713 Pleasant  
Miles City, Montana 59301

March 20, 2013

Re: Horizon Park Sub. Lot F-1 Water & Sewer Extension – Miles City

EQ# 13-1330

Dear Mr. Marum:

Plans and specifications for the subject project have been reviewed by personnel of the Public Water Supply Section and were found to be satisfactory. Approval of these plans is hereby given; a copy of the plans bearing the approval stamp of the Department is enclosed. Approval is based on plans originally received October 9, 2012 with revisions received November 5, 2012, the as-built drawings received February 12, 2013 under the seal of Andrew T. Marum, 11611PE, and revised Sheet 2 (additional sanitary sewer extension) received March 20, 2013 under the seal of Dayton Alsaker, 5932E. The plans were reviewed in accordance with Department design standards DEQ-1 and DEQ-2. This project approval includes the extension of water and sanitary sewer to serve Lot F-1 of Horizon Park Subdivision in Miles City.

This approval is given with the following conditions:

1. Approval of these plans by the Public Water Supply Section does not constitute approval of the submitted subdivision application pursuant to the Sanitation in Subdivisions Act (Title 76, Chapter 4, MCA). Final approval of the proposed development under the Sanitation Act is still required.
2. No portion of the project may be placed into operation until the project engineer certifies by letter to the Department that the activated portion of the project was inspected and found to be constructed in accordance with the approved plans and specifications.
3. Any deviations from the approved plans and specifications must be submitted to the Department prior to modification.
4. Within 90 days after construction completion, the project engineer must submit a complete set of certified as-built drawings for the project.
5. Construction of this project must be completed within three years of the date of this letter. If more than three years elapse before completing construction, plans and specifications must be resubmitted and approved before construction begins. This three-year expiration period does not extend any compliance schedule requirements pursuant to enforcement action against a public water/sewage system.
6. A stormwater permit may be required for this project. Contact the Department of Environmental Quality Water Protection Bureau at 444-3080 for more information.

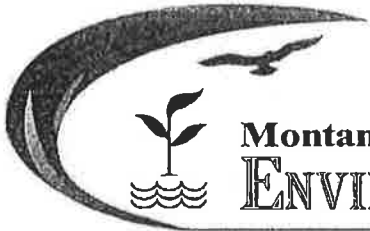
Failure to abide by the above conditions is considered a significant violation of the Montana Public Water Supply Laws (PWSL), and the administrative rules promulgated there under. The applicant is responsible for compliance with all other applicable federal, state, local, and tribal law, regulations, and ordinances, including but not limited to, the Montana Water Use Act, Mont. Code Ann. Title 85, Chapter 2.

If I can offer any further information or assistance, please feel free to contact me at (406) 247-4455.

Sincerely,

Matthew Waite, PE  
Permitting and Compliance Division  
Billings Regional Office

cc: Vision Enterprises, LLC, Owner  
Allen Kelm, City of Miles City  
Mike Rinaldi, Miles City Sanitarian  
Custer County Sanitarian  
File



"Healthy environment, healthy people"

Montana Department of  
**ENVIRONMENTAL QUALITY**

Steve Bullock, Governor  
Tracy Stone-Manning, Director

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Andrew Marum, PE  
DOWL HKM  
713 Pleasant  
Miles City, Montana 59301

March 20, 2013

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2. No portion of the project may be placed into operation until the project engineer certifies by letter to the Department that the activated portion of the project was inspected and found to be constructed in accordance with the approved plans and specifications.
3. Any deviations from the approved plans and specifications must be submitted to the Department prior to modification.
4. Within 90 days after construction completion, the project engineer must submit a complete set of certified as-built drawings for the project.
5. Construction of this project must be completed within three years of the date of this letter. If more than three years elapse before completing construction, plans and specifications must be resubmitted and approved before construction begins. This three-year expiration period does not extend any compliance schedule requirements pursuant to enforcement action against a public water/sewage system.
6. A stormwater permit may be required for this project. Contact the Department of Environmental Quality Water Protection Bureau at 444-3080 for more information.

Failure to abide by the above conditions is considered a significant violation of the Montana Public Water Supply Laws (PWSL), and the administrative rules promulgated there under. The applicant is responsible for compliance with all other applicable federal, state, local, and tribal law, regulations, and ordinances, including but not limited to, the Montana Water Use Act, Mont. Code Ann. Title 85, Chapter 2.

If I can offer any further information or assistance, please feel free to contact me at (406) 247-4455.

Sincerely,

Matthew Waite, PE  
Permitting and Compliance Division  
Billings Regional Office

cc: Vision Enterprises, LLC, Owner  
Allen Kelm, City of Miles City  
Mike Rinaldi, Miles City Sanitarian  
Custer County Sanitarian  
File

Condition #5  
Water Supply to 3 lots

# John Muggli Contracting

---

Roger Lothspeich  
3711 Batchelor Street  
Miles City, MT 59301

02.24.2014

To Whom It May Concern,

This letter is sent to inform you that John Muggli Contracting LLC, PO Box 67; #1 Baker Hwy, Miles City, Montana, will install, for Roger Lothspeich, of Bobcat of Miles City, Three water systems into/onto the three lots located South and East of the Bobcat of Miles City building located on South Haynes Ave. Miles City, Montana. This work will be done as soon as the weather permits it to be done, in the spring of 2014. This work will include all of the Equipment, Manpower and Supplies that will be required for this turn-key project. We will not be providing any permitting, engineering, testing or inspections on or for this work, this will be provided by others.

Should you have any questions or concerns, please feel free to contact John at 406-232-6630 Office, 406-951-4031 Cell, or 406-232-4031 Shop.

Sincerely yours,



Michelle Muggli

V.P. John Muggli Contracting LLC



# John Muggli Contracting

P.O. Box 67: #1 Baker Hwy.  
Miles City, MT 59301

## Quote

Date	Quote #
2/23/2014	139549

Federal Tax ID 81-0506479
------------------------------

<b>Customer</b>
Lothspelch, Roger 3 Water Services 3711 Batchelor Miles City MT 59301

Item	Description	Qty	Total
Bld Work	Bld work to supply all of the equipment, manpower, and supplies to install 3 (Three) water services in the 3 (Three) platted lots South and East of the Bobcat of Miles City Building on South Haynes Ave, Miles City, MT.	3	3,876.00
NOTE	***NOTE***This bid does NOT include any engineering, testing or permitting that may be required on or within these structures or sites***NOTE***		

<b>Total</b>	<b>\$3,876.00</b>
--------------	-------------------

Date \_\_\_\_\_ Signature \_\_\_\_\_

Bld is good for 30 days from the date of this estimate. Please sign date and return this form as acceptance of this bid price.

*1/2 Price*

VISION ENTERPRISES, LLC  
2323 S HAYNES AVE  
MILES CITY, MT 59301-5806

1611

PAY TO THE ORDER OF

John Mussli Garbating

DATE 2-26-14

93-524-929

Three thousand eight hundred seventy six and 10/100

\$ 3876 <sup>10</sup>/<sub>100</sub>

**S** Stockman Bank

300 Main Street, 100 Main St. - Miles City, Montana 59701-0200  
406-328-6200 FAX 406-328-6770

DOLLARS

FOR 139549

⑆001611⑆ ⑆092905249⑆ ⑆1010018620⑆



Condition #8  
Storm Water Pollution Prevention Plan  
(SWPPP)

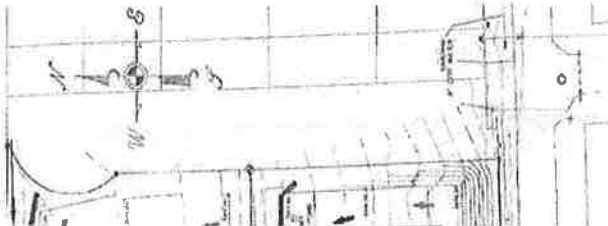
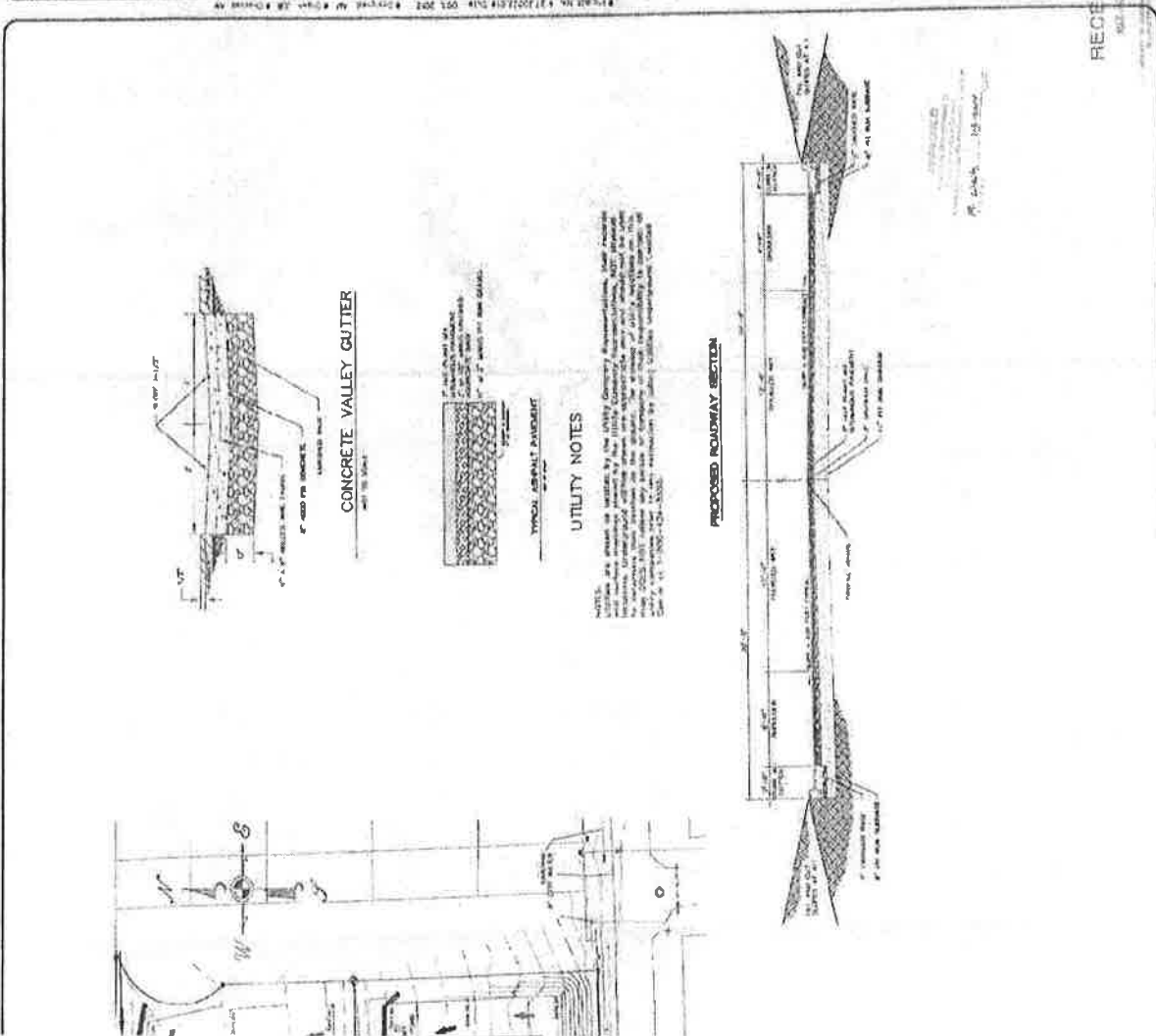
# Condition #15 Bobcat Lane Design

LOT F-1 HORIZON PARK MILES CITY, MT		SITE GRADING PLAN	
NO	DATE	BY	CHKD
1	04-14-13	DAVID	DAVID

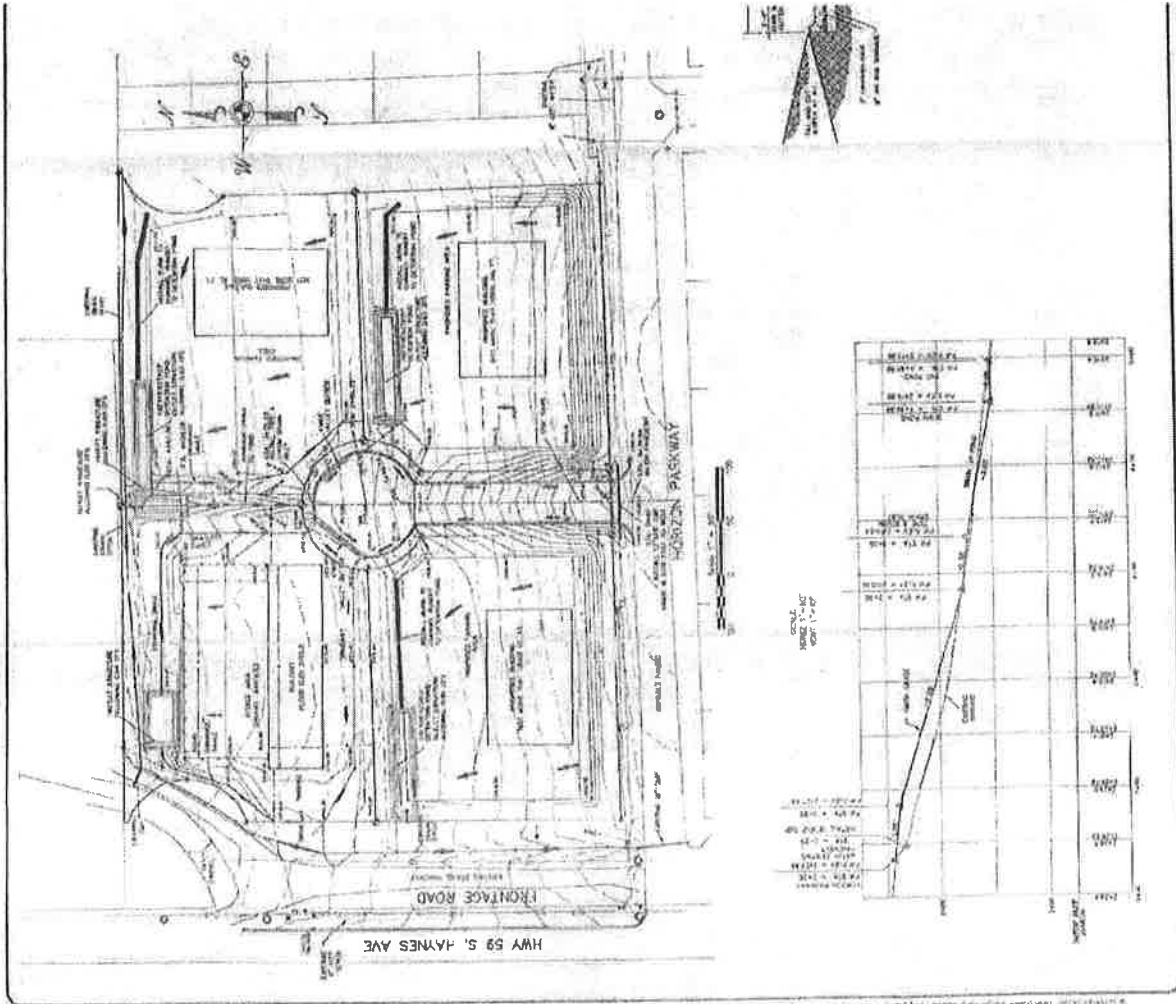


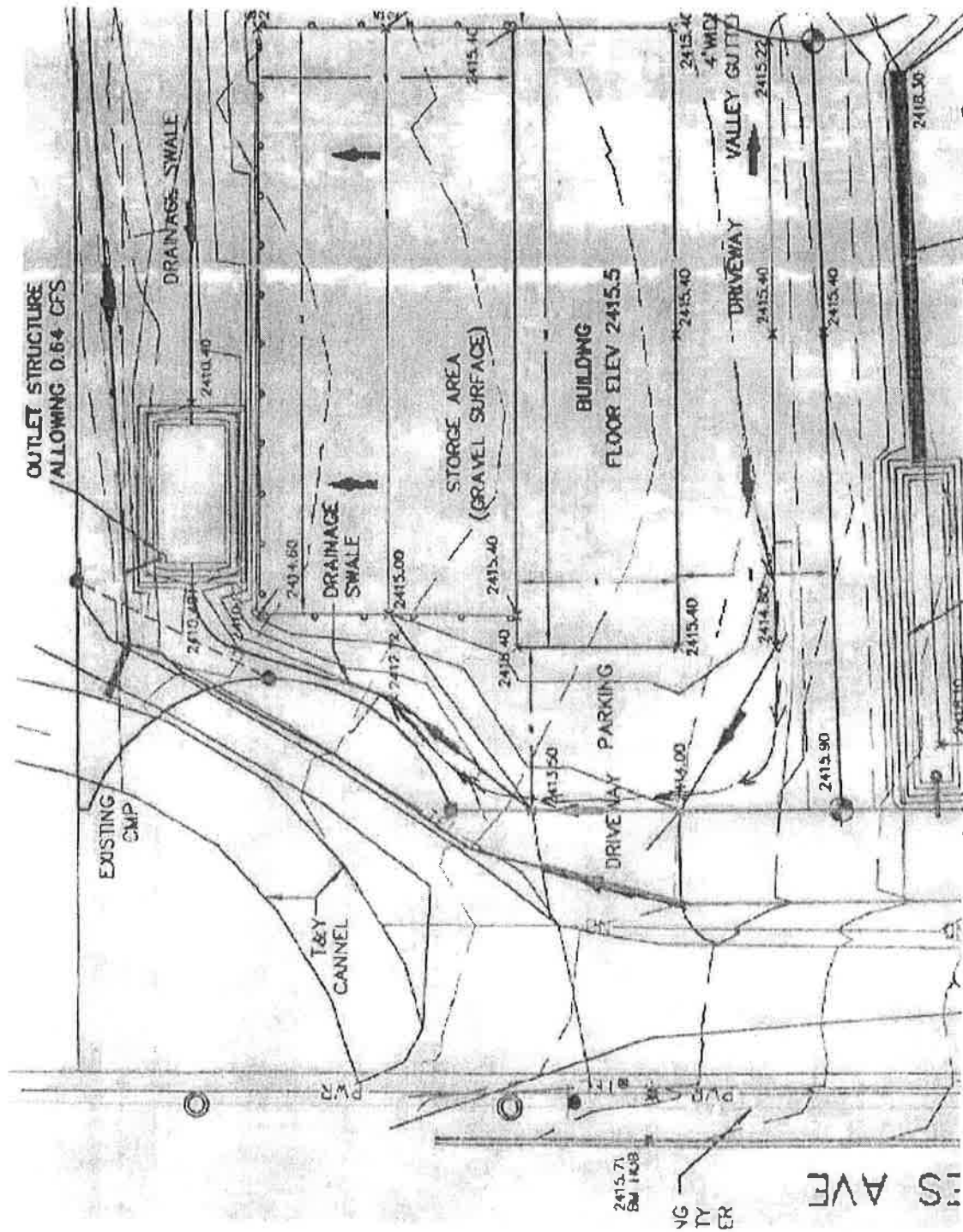
DOWN LHM  
718 PLAZA  
MILES CITY, MT 59701  
406-324-7083 (FAX)  
406-324-6466

REVISION  
1



# Condition #19 Landscaping/Site Drainage Plan





PROPOSED RECONFIGURATION OF DRAINAGE PLAN

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Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
123610	73697S	4050 US BANK - SPA LOCKBOX	CM9695	9,136.33				
1	021514	02/28/14 POLICE CAR PMT:LN#2370-01		9,044.67		1000 5 490500	610	101000
2	021514	02/28/14 POLICE CAR PMT:LN#2370-01		91.66		1000 5 490500	620	101000
123611	73698S	4050 US BANK - SPA LOCKBOX	CM9695	13,107.00				
1	021514	02/28/14 AMBULANCES(3) PMT#2385-01		12,713.65		5510 10 490500	602	101000
2	021514	02/28/14 AMBULANCES(3) PMT#2385-01		393.35		5510 10 490500	629	101000
123612	73699S	79 AERONAUTICS DIVISION		5,812.93				
1	022814	02/28/14 STATE AERONTIC RNWY LN#09GL		4,921.00	17176	5610 87 490500	641	101000
2	022814	02/28/14 STATE AERONTIC RNWY LN#09GL		891.93	17176	5610 87 490500	642	101000
123617	73806S	2914 TOURISM BUSINESS IMPROVEMENT		3,463.00				
1	121813	02/28/14 TOURISM BUS IMP DISTRICT		3,463.00		7370 212500		101000
123618	73807S	700 CUSTER COUNTY WATER & SEWER		10,722.27				
1	02/28/14	WATER, SEWER COLLECTIONS		10,722.27		7980 211020		101000
123620	73808S	368 TUMBLEWOOD DEVELOPMENT INC		2,750.00				
1	91	02/28/14 SANITARIAN CONTRACT SERV		2,750.00		2270 37 440140	350	101000
123621	73809S	721 DALES CLEANING SERVICE		875.00				
1	02/28/14	CLEANING SERVICES: LIBRARY		325.00	17055	2220 16 460100	360	101000
17004								
2	02/28/14	CLEANING SERVICES: CITY HALL		550.00	17767	1000 8 411230	360	101000
17227								
123622	73810S	1535 LUCAS & TONN PC		100.00				
1	0214	02/28/14 WESTLAW SERVICE		100.00		1000 4 411100	350	101000
123623	73811S	4022 MARILYNN FORMAN		350.00				
1	0214	02/28/14 PD CLEANING SERVICES		350.00	17591	1000 5 420140	350	101000
123625	73782S	316 DATA IMAGING SYSTEMS, INC		2,295.00				
1	02/28/14	MANAGED SERVICES;DATA BKP		317.33*		1000 3 410500	360	101000
2	02/28/14	MANAGED SERVICES;DATA BKP		153.00*		5210 25 430510	360	101000
3	02/28/14	MANAGED SERVICES;DATA BKP		153.00*		5310 29 430610	360	101000
4	02/28/14	MANAGED SERVICES;DATA BKP		102.00*		1000 1 410200	360	101000
5	02/28/14	MANAGED SERVICES;DATA BKP		120.59		1000 36 411020	360	101000
6	02/28/14	MANAGED SERVICES;DATA BKP		77.97		5210 23 430550	360	101000
7	02/28/14	MANAGED SERVICES;DATA BKP		77.07		5310 31 430630	360	101000
8	02/28/14	MANAGED SERVICES;DATA BKP		103.36		2510 107 430220	360	101000
9	02/28/14	MANAGED SERVICES;DATA BKP		51.68		2520 108 430220	360	101000
10	02/28/14	MANAGED SERVICES;DATA BKP		102.00		1000 9 410540	360	101000
11	02/28/14	MANAGED SERVICES;DATA BKP		102.00*		2394 18 420531	360	101000
12	02/28/14	COMPUTER: DIANA LARSON (ENG)		935.00	17751	2394 18 420531	214	101000

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123626	73792S	1970 MONTANA DAKOTA UTILITIES	16,757.67					
1	02/28/14	GAS/ELECTRIC	265.56		17937	1000 7 420460	341	101000
2		GAS/ELECTRIC	287.27		17937	1000 7 420460	344	101000
3		GAS/ELECTRIC	331.16			1000 8 411230	341	101000
4		GAS/ELECTRIC	585.33			1000 8 411230	344	101000
5		GAS/ELECTRIC	299.99			1000 13 460433	341	101000
6		GAS/ELECTRIC	623.93			1000 13 460433	344	101000
7		GAS/ELECTRIC	14.74			1000 14 460445	341	101000
8		GAS/ELECTRIC	45.63*			1000 21 440600	341	101000
9		GAS/ELECTRIC	56.17			1000 21 440600	344	101000
10		GAS/ELECTRIC	0.00			2400 46 430263	341	101000
11		GAS/ELECTRIC	0.00			2400 46 430263	533	101000
12		GAS/ELECTRIC	0.00			2420 48 430263	341	101000
13		GAS/ELECTRIC	0.00			2420 48 430263	533	101000
14		GAS/ELECTRIC	0.00			2430 49 430263	341	101000
15		GAS/ELECTRIC	1,023.69			2440 50 430263	341	101000
16		GAS/ELECTRIC	0.00			2470 72 430263	341	101000
17		GAS/ELECTRIC	0.00			2470 72 430263	533	101000
18		GAS/ELECTRIC	53.00			2480 47 430263	341	101000
19		GAS/ELECTRIC	65.61			2510 107 430220	341	101000
20		GAS/ELECTRIC	107.70			2510 107 430220	344	101000
21		GAS/ELECTRIC	9.69			2520 108 430220	341	101000
22		GAS/ELECTRIC	26.92			2520 108 430220	344	101000
23		GAS/ELECTRIC	3,616.26			5210 22 430530	341	101000
24		GAS/ELECTRIC	2,232.95			5210 22 430530	344	101000
25		GAS/ELECTRIC	24.24			5210 23 430550	341	101000
26		GAS/ELECTRIC	67.30			5210 23 430550	344	101000
27		GAS/ELECTRIC	24.24			5310 31 430630	341	101000
28		GAS/ELECTRIC	67.31			5310 31 430630	344	101000
29		GAS/ELECTRIC	995.94			5310 32 430690	341	101000
30		GAS/ELECTRIC	123.05			5310 32 430690	344	101000
31		GAS/ELECTRIC	5,392.94			5310 33 430640	341	101000
32		GAS/ELECTRIC	200.33		17937	5510 10 420730	341	101000
33		GAS/ELECTRIC	216.72		17937	5510 10 420730	344	101000
34		GAS/ELECTRIC	0.00			6040 910 430220	341	101000
35		GAS/ELECTRIC	0.00			6040 910 430220	344	101000
123628	73783S	1721 MID RIVERS TELEPHONE CORP February 1, 2014 bill	3,095.93					
1	02/28/14	TELEPHONE/INTERNET/CABLE/Judge	221.11*		16083	1000 6 410300	345	101000
2	02/28/14	TELEPHONE/INTERNET/CABLE/Judge	0.00		16083	1000 6 410300	347	101000
3	02/28/14	TELEPHONE/INTERNET/CABLE/Libry	45.29		17031	2220 16 460100	345	101000
4	02/28/14	TELEPHONE/INTERNET/CABLE/Libry	66.06		17031	2220 16 460100	347	101000
5	02/28/14	TELEPHONE/INTERNET/CABLE/ 911	287.20*		16863	1000 5 420160	345	101000
6	02/28/14	TELEPHONE/INTERNET/CABLE/child	100.00		17529	1000 5 420140	220	101000
7	02/28/14	TELEPHONE/INTERNET/CABLE/rsvp	126.55		16181	2985 15 450330	345	101004



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8	02/28/14	TELEPHONE/INTERNET/CABLE/Airpt	97.53			5610 87 430300	345	101000
9	02/28/14	TELEPHONE/INTERNET/CABLE/Airpt	36.74			5610 87 430300	319	101000
10	02/28/14	TELEPHONE/INTERNET/CABLE/Airpt	50.60			5610 87 430300	347	101000
11	02/28/14	TELEPHONE/INTERNET/sm pool	0.00			1000 14 460445	345	101000
12	02/28/14	TELEPHONE/INTERNET/CABLE/LD	28.68			1000 1 410200	345	101000
13	02/28/14	TELEPHONE/INTERNET/CABLE/LD	50.16			1000 3 410500	345	101000
14	02/28/14	TELEPHONE/INTERNET/CABLE/LD	19.52			1000 3 410500	347	101000
15	02/28/14	TELEPHONE/INTERNET/CABLE/LD	2.27			1000 4 411100	345	101000
16	02/28/14	TELEPHONE/INTERNET/CABLE/LD	310.74			1000 5 420140	345	101000
17	02/28/14	TELEPHONE/INTERNET/CABLE/LD	65.60			1000 5 420140	347	101000
18	02/28/14	TELEPHONE/INTERNET/CABLE/LD	308.84*			1000 5 420160	345	101000
19	02/28/14	TELEPHONE/INTERNET/CABLE/LD	159.47			1000 7 420460	345	101000
20	02/28/14	TELEPHONE/INTERNET/CABLE/LD	135.60			1000 7 420460	347	101000
21	02/28/14	TELEPHONE/INTERNET/CABLE/LD	2.27			1000 9 410540	345	101000
22	02/28/14	TELEPHONE/INTERNET/CABLE/LD	38.33			1000 13 460433	345	101000
23	02/28/14	TELEPHONE/INTERNET/CABLE/LD	37.60			1000 13 460433	347	101000
24	02/28/14	TELEPHONE/INTERNET/CABLE/LD	40.03			1000 21 440600	345	101000
25	02/28/14	TELEPHONE/INTERNET/CABLE/LD	75.20			1000 36 411020	345	101000
26	02/28/14	TELEPHONE/INTERNET/CABLE/LD	26.36			2394 18 420531	345	101000
27	02/28/14	TELEPHONE/INTERNET/CABLE/LD	65.11			2510 107 430220	345	101000
28	02/28/14	TELEPHONE/INTERNET/CABLE/LD	30.43*			2520 108 430220	345	101000
29	02/28/14	TELEPHONE/INTERNET/CABLE/LD	73.88			5210 22 430530	345	101000
30	02/28/14	TELEPHONE/INTERNET/CABLE/LD	80.25			5210 22 430530	347	101000
31	02/28/14	TELEPHONE/INTERNET/CABLE/LD	34.59			5210 23 430550	345	101000
32	02/28/14	TELEPHONE/INTERNET/CABLE/LD	11.40			5210 23 430550	347	101000
33	02/28/14	TELEPHONE/INTERNET/CABLE/LD	44.77			5210 25 430510	345	101000
34	02/28/14	TELEPHONE/INTERNET/CABLE/LD	10.70			5210 25 430510	347	101000
35	02/28/14	TELEPHONE/INTERNET/CABLE/LD	44.75			5310 29 430610	345	101000
36	02/28/14	TELEPHONE/INTERNET/CABLE/LD	19.51			5310 29 430610	347	101000
37	02/28/14	TELEPHONE/INTERNET/CABLE/LD	34.58			5310 31 430630	345	101000
38	02/28/14	TELEPHONE/INTERNET/CABLE/LD	11.40			5310 31 430630	347	101000
39	02/28/14	TELEPHONE/INTERNET/CABLE/LD	32.62			5310 33 430640	345	101000
40	02/28/14	TELEPHONE/INTERNET/CABLE/LD	45.60*			5310 33 430640	347	101000
41	02/28/14	TELEPHONE/INTERNET/CABLE/LD	107.06			5510 10 420730	345	101000
42	02/28/14	TELEPHONE/INTERNET/CABLE/LD	28.24			5510 10 420730	347	101000
43	02/28/14	TELEPHONE/INTERNET/CABLE/LD	35.71			6040 910 430220	345	101000
44	02/28/14	TELEPHONE/INTERNET/CABLE/LD	53.58*			6040 910 430220	347	101000
123629	73784S	4019 WEX Bank	15,602.32					
1	35682200	02/28/14 FUEL	304.39		17721	1000 13 460433	231	101000
2	02/28/14	FUEL	0.00			1000 201 431200	370	101000
3	02/28/14	FUEL	3,409.09		17721	2510 107 430220	231	101000
4	02/28/14	FUEL	852.27		17721	2520 108 430220	231	101000
5	02/28/14	FUEL	84.92			6040 910 430220	231	101000
6	02/28/14	FUEL	49.80		17425	5210 22 430530	231	101000
7	02/28/14	FUEL	49.53		17425	5210 80 430540	231	101000
8	02/28/14	FUEL	96.07		17425	5310 32 430690	231	101000

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9	02/28/14	FUEL	76.75		17425	5310 33 430640	231	101000
10	02/28/14	FUEL	2,254.49		17904	5510 10 420730	231	101000
11	02/28/14	FUEL	436.14		17904	1000 7 420460	231	101000
12	02/28/14	FUEL	3,533.24		17544	1000 5 420140	231	101000
13	02/28/14	FUEL	88.33		17544	1000 21 440600	231	101000
14	02/28/14	FUEL	0.00*		17544	1000 5 420160	231	101000
15	02/28/14	FUEL	1,469.60		17809	5210 23 430550	231	101000
16	02/28/14	FUEL	1,469.59		17809	5310 31 430630	231	101000
17	02/28/14	FUEL	1,428.11*		17809	5610 87 430300	231	101000
123630	73785S	999999 SCOTT GRAY	351.69					
1	02/28/14	RURAL WTR CONF:GR FLS, 2/18-21	281.35		17752	2510 107 430220	370	101000
2	02/28/14	RURAL WTR CONF:GR FLS, 2/18-21	70.34		17752	2520 108 430220	370	101000
123631	73786S	999999 DAVID HARRIS	351.69					
1	02/28/14	RURAL WTR CONF:GR FLS, 2/18-21	228.60		17833	5210 80 430540	370	101000
2	02/28/14	RURAL WTR CONF:GR FLS, 2/18-21	123.09		17833	5310 33 430640	370	101000
123632	73787S	999999 ALLEN KELM	351.69					
1	02/28/14	RURAL WTR CONF:GR FLS, 2/18-21	228.60		17832	5210 80 430540	370	101000
2	02/28/14	RURAL WTR CONF:GR FLS, 2/18-21	123.09		17832	5310 33 430640	370	101000
123633	73788S	810 DORSEY & WHITNEY, LLP	3,850.00					
1	1925945	02/28/14 AMENDED WTR SYSTM REV BOND	3,850.00		17175	5210 23 430550	350	102323
123634	73789S	373 MASTERCARD	20,256.99					
1	02/28/14	OPERATING EXP	23.74*			1000 2 410100	220	101000
2	02/28/14	OFFICE EXP	152.71			1000 5 420140	210	101000
3	02/28/14	SM ITEMS OF EQUIP	173.72			1000 5 420140	214	101000
4	02/28/14	OP EXP	270.82			1000 5 420140	220	101000
5	02/28/14	R & M SUPPLIES	1,177.51			1000 5 420140	230	101000
6	02/28/14	POSTAGE	33.67			1000 5 420140	311	101000
7	02/28/14	R & M VEHICLES	569.34			1000 5 420140	366	101000
8	02/28/14	OP EXP	380.50*			1000 5 420160	220	101000
9	02/28/14	TRAVEL	442.56*			1000 5 420160	370	101000
10	02/28/14	OP EXP	111.38			1000 7 420460	220	101000
11	02/28/14	R & M SUPPLIES	95.71			1000 7 420460	230	101000
12	02/28/14	TELEPHONE	100.00			1000 7 420460	345	101000
13	02/28/14	BOOKS	206.88			1000 7 420460	382	101000
14	02/28/14	OP EXP	21.26			1000 8 411230	220	101000
15	02/28/14	OFFICE SUPP	32.19			1000 13 460433	210	101000
16	02/28/14	OFFICE SUPP	87.05			1000 13 460433	230	101000
17	02/28/14	GAS/OIL	155.44			1000 13 460433	231	101000
18	02/28/14	R & M VEHICLES	841.41			1000 13 460433	363	101000
19	02/28/14	OFFICE SUPP	12.13			1000 36 411020	210	101000
20	02/28/14	BOOKS	57.50			1000 36 411020	382	101000
21	02/28/14	OFF SUPP	12.48*			1000 201 431200	210	101000

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22	02/28/14	POSTAGE	6.11*			1000 201 431200	311	101000
23	02/28/14	SM ITEMS OF EQUIP	123.39*			2220 16 460100	214	101000
24	02/28/14	POSTAGE	307.75			2220 16 460100	311	101000
25	02/28/14	PRINTING	139.95			2220 16 460100	320	101000
26	02/28/14	BOOKS	313.96			2220 16 460100	382	101000
27	02/28/14	OFF EXP	30.42			2394 18 420531	210	101000
28	02/28/14	OFF EXP	2.78			2510 107 430220	210	101000
29	02/28/14	OP EXP	2.87			2510 107 430220	220	101000
30	02/28/14	PRINTING/PUBLISHING	381.74			2510 107 430220	230	101000
31	02/28/14	R & M VEHICLES	1,735.98			2510 107 430220	363	101000
32	02/28/14	OFF SUPP	0.70			2520 108 430220	210	101000
33	02/28/14	OP EXP	0.72			2520 108 430220	220	101000
34	02/28/14	R & M SUPPLIES	95.43			2520 108 430220	230	101000
35	02/28/14	R & M VEHICLES	433.99			2520 108 430220	363	101000
36	02/28/14	OP EXP	250.00*			2985 15 450330	220	101004
37	02/28/14	OP EXP	11.66			5210 22 430530	220	101000
38	02/28/14	PRINTING/PUBLISHING	149.28			5210 22 430530	230	101000
39	02/28/14	R & M VEHICLES	77.36			5210 22 430530	363	101000
40	02/28/14	OFF EXP	17.70			5210 23 430550	210	101000
41	02/28/14	PRINTING/PUBLISHING	882.03			5210 23 430550	230	101000
42	02/28/14	HYDRANT REPLACEMENT	682.36			5210 23 430550	234	101000
43	02/28/14	R & M VEHICLES	892.24			5210 23 430550	363	101000
44	02/28/14	OP EXP	11.66			5210 80 430540	220	101000
45	02/28/14	CHEMICALS/LAB	1,023.22			5210 80 430540	222	101000
46	02/28/14	R & M SUPPLIES	149.28			5210 80 430540	230	101000
47	02/28/14	POSTAGE	0.86			5210 80 430540	311	101000
48	02/28/14	LAB TESTING	13.97			5210 80 430540	352	101000
49	02/28/14	OFF SUPP	17.70			5310 31 430630	210	101000
50	02/28/14	OP EXP	418.17			5310 31 430630	220	101000
51	02/28/14	R & M SUPPLIES	121.69			5310 31 430630	230	101000
52	02/28/14	R & M VEHICLES	892.24			5310 31 430630	363	101000
53	02/28/14	R & M SUPPLIES	242.54			5310 31 430630	230	101000
54	02/28/14	OFF SUPP	431.21*			5310 33 430640	210	101000
55	02/28/14	OP EXP	59.00			5310 33 430640	220	101000
56	02/28/14	CHEMICALS/LAB	932.57			5310 33 430640	222	101000
57	02/28/14	R & M SUPPLIES	91.56			5310 33 430640	230	101000
58	02/28/14	POSTAGE	4.24			5310 33 430640	311	101000
59	02/28/14	MEMBERSHIPS/REG	64.00			5310 33 430640	334	101000
60	02/28/14	OFF SUPP	79.00			5510 10 420730	210	101000
61	02/28/14	SM ITEMS OF EQUIP	339.98*			5510 10 420730	214	101000
62	02/28/14	CHEMICALS/LAB	1,526.79			5510 10 420730	222	101000
63	02/28/14	TELEPHONE	28.99			5510 10 420730	345	101000
64	02/28/14	OP EXP	2,311.90*			5610 87 430300	220	101000

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123635	73790S	2830 STAR PRINTING & SUPPLY	1,569.95					
Finance Invoices: 206861, 207248, 207533, 207539, 207713, 207938 City Court								
Invoices: 208001, 206943, 207233, 207592, 207697								
RSVP invoices: 207627, 630, 208094, 072								
1	Above 02/28/14	OFFICE SUPPLIES	34.15			1000 3 410500	210	101000
2	02/28/14	OFFICE SUPPLIES	133.54			5210 25 430510	210	101000
3	02/28/14	OFFICE SUPPLIES	133.54			5310 29 430610	210	101000
4	02/28/14	OFFICE SUPPLIES	22.45			1000 1 410200	210	101000
5	Above 02/28/14	RENTAL	42.81		18001	1000 6 410300	533	101000
6	Above 02/28/14	OP EXP	103.61			1000 6 410300	533	101000
7	206753,817	02/28/14 OP EXP	113.94		17931	5510 10 420730	220	101000
8	Above 02/28/14	OP EXP	664.00*			2985 15 450330	220	101000
9	207359,586	02/28/14 OFF EXP	164.07			2935 11 460461	210	101000
10	208181	02/28/14 PRINTING	100.88		17050	2220 16 460100	320	101000
11	208251	02/28/14 OFFICE SUPP	56.96*		17631	5610 87 430300	210	101000
123637	73791S	999999 JACK HELLAND	12.00					
1	02/28/14	GOOKIN TRIAL: 1/6/14	12.00*		16097Z	1000 6 410300	394	101000
123638	73793S	999999 TOM SPEELMON	238.62					
1	02/28/14	SPRING WATER SCHOOL	71.58		17444	5210 22 430530	370	101000
2	02/28/14	SPRING WATER SCHOOL	71.58		17444	5210 80 430540	370	101000
3	02/28/14	SPRING WATER SCHOOL	57.28			5310 33 430640	370	101000
4	02/28/14	SPRING WATER SCHOOL	38.18			5310 32 430690	370	101000
123639	73794S	4055 DOOR 804 FITNESS	494.00					
1	JAN & FEB	02/28/14 MNTHLY MBRSH: PD & DISP	494.00		17584	1000 5 420140	334	101000
123640	73795S	572 VERIZON WIRELESS	263.07					
1	9719635738	02/28/14 ICAC CELL PHONE	263.07		17586	1000 5 420140	220	101000
123641	73796S	4045 LAND SOLUTIONS, INC.	5,674.78					
1	012714	02/28/14 CONSULTING SERVICES	5,674.78		15928	1000 36 411020	350	101000
123642	73797S	2450 POSTMASTER (UTILITIES)	1,000.00					
1	02/28/14	WATER/SEWER BILLS POSTAGE	500.00		123642	5210 25 430510	311	101000
2	02/28/14	WATER/SEWER BILLS POSTAGE	500.00		123642	5310 29 430610	311	101000
123643	73798S	999999 CITY COURT	100.00					
1	02/28/14	SHTG OF CASH IN 2/14/14 DEP	100.00*		18004	1000 6 410300	214	101000

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123644	73799S	999999 MJC & MCCA	50.00					
1	02/28/14	2014 SPRING CLERKS CONF	50.00		18007	1000 6 410300	334	101000
123645	73800S	1970 MONTANA DAKOTA UTILITIES	17,768.33					
This is the second claim for MDU for February								
1	02/28/14	GAS/ELECTRIC	1,598.04			2420 48 430263	341	101000
2	02/28/14	GAS/ELECTRIC	667.90			2420 48 430263	533	101000
3	02/28/14	GAS/ELECTRIC	7.15			1000 13 460433	341	101000
4	02/28/14	GAS/ELECTRIC	54.56			5210 22 430530	341	101000
5	02/28/14	GAS/ELECTRIC	8,688.25			2400 46 430263	341	101000
6	02/28/14	GAS/ELECTRIC	4,289.40			2400 46 430263	533	101000
7	02/28/14	GAS/ELECTRIC	44.86			5310 32 430690	341	101000
8	02/28/14	GAS/ELECTRIC	242.10			2470 72 430263	341	101000
9	02/28/14	GAS/ELECTRIC	304.12			2470 72 430263	533	101000
10	02/28/14	GAS/ELECTRIC	24.20			2510 107 430220	341	101000
11	02/28/14	GAS/ELECTRIC	113.49			2430 49 430263	341	101000
12	02/28/14	GAS/ELECTRIC	71.60			1000 13 460433	341	101000
13	02/28/14	GAS/ELECTRIC	868.13			6040 910 430220	341	101000
14	02/28/14	GAS/ELECTRIC	404.61		17054	2220 16 460100	341	101000
15	02/28/14	GAS/ELECTRIC	389.92		17054	2220 16 460100	344	101000
123646	73801S	2471 POSTMASTER	728.89					
Posted by Billie Burkhalter								
1	123464	02/27/14 Postage for Flood Infor Flyers	728.89*			1000 201 431200	311	101000
123667	73802S	4009 PITNEY BOWES RESERVE ACCOUNT	1,000.00					
1	02/28/14	POSTAGE	1,000.00			1000 3 410500	311	101000
123668	73812S	237 CPI COLLECTION PROFESSIONALS INC	75.34					
1	02/28/14	WATER/SEWER COLLECTIONS	37.67			5210 25 430510	350	101000
2	02/28/14	WATER/SEWER COLLECTIONS	37.67			5310 29 430610	350	101000
123669	73813S	284 AQUA PURE	1,325.25					
1	1302	02/28/14 POLYMER	1,325.25		17450	5210 80 430540	222	101000
123670	73814S	4046 BILL RONNING	177.23					
1	01,02 2014	02/28/14 CELL PHONE REIMB URSEMENT	141.78		17768	2510 107 430220	345	101000
2	01,02 2014	02/28/14 CELL PHONE REIMB URSEMENT	35.45*		17768	2520 108 430220	345	101000
123671	73815S	4011 BIG SKY LINEN	197.79					
1	128904,130	02/28/14 RUGS-CITY HALL	97.94		17761	1000 8 411230	220	101000
2	128905,130	02/28/14 MOPS & RUGS	41.24		17761	6040 910 430220	220	101000
3	130957	02/28/14 RUGS AND TOWELS	22.23		17448	5210 80 430540	360	101000
4	130949	02/28/14 RUGS AND TOWELS	20.32		17448	5310 33 430640	360	101000
5	130949	02/28/14 FLOOR MATS	16.06		17585	1000 5 420140	360	101000

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123672	73816S	317 BILLINGS CLINIC		95.00					
1	02/28/14	DOT/ICC-DECKER		95.00		17757	6040 910 430220	220	101000
123673	73817S	999999 CNA SURETY DIRECT BILL		40.00					
1	16103490N	02/28/14 TANGEN NOTARY BOND		40.00*		16889	1000 5 420160	220	101000
123674	73818S	999999 DAMION KRISHER		1.59					
1	16103490N	02/28/14 REFUND: WATER DEPOSIT		1.59			5210 214010		101000
123675	73819S	716 DANA KEPNER CO		6,624.00					
1	4036891-02	02/28/14 48 3/4" METERS		6,624.00		17836	5210 23 430550	230	101000
123676	73820S	1286 DENNIS HIRSCH		1,822.89					
1	4036891-02	02/28/14 FEBRUARY BUILDING PERMITS		1,822.89		17766	2394 18 420531	350	101000
123677	73821S	1182 DOWL HKM INC.		1,662.50					
		PROJECT #4122.20414.01							
1	22 02/28/14	STREVELL WATERLN/ST REP		931.83		17758	5210 23 430550	958	101000
2	22 02/28/14	STREVELL WATERLN/ST REP		586.03		17758	2510 107 430233	350	101000
3	22 02/28/14	STREVELL WATERLN/ST REP		144.64		17758	2510 107 430235	230	101000
123678	73822S	790 DPC INDUSTRIES		337.61					
		del2000009-14, 727000012-14							
1	02/28/14	DEMURRAGE, 2 150# CHLORINE CON		45.00		17447	5210 80 430540	222	101000
2	02/28/14	DEMURRAGE, 2 150# CHLORINE CON		292.61		17447	5310 33 430640	222	101000
123679	73823S	3293 EASTERN MT COMMUNITY MENTAL		200.00					
1	011014	02/28/14 PSYCH SCREEN:PD RES APPLCNT		200.00		17583	1000 5 420140	350	101000
123680	73824S	902 ENERGY LABORATORIES INC		1,009.75					
		INVOICE NUMBERS: 340250295 340250398 340250457 340250632 340250844 340250962							
1	02/28/14	LAB TESTING		311.75		17449	5210 80 430540	352	101000
2	02/28/14	LAB TESTING		698.00		17449	5310 33 430640	352	101000
123681	73825S	925 FARMERS ELEVATOR		191.70					
1	IN4833	02/28/14 OIL		101.10		17756	1000 13 460433	231	101000
2	IN4872	02/28/14 OIL		90.60		17756	1000 13 460433	231	101000
123682	73826S	1120 GLADER ELECTRIC CO		403.75					
1	72860	02/28/14 REP OUTSIDE LIGHT		403.75		17755	1000 8 411230	360	101000

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123683	73827S	1145 GRAINGER INC	256.75					
1	9356975012	02/28/14 3 PH 1/4HP MOTOR	256.75		17445	5210 80 430540	230	101000
123684	73828S	1896 HAWKINS, INC	422.50					
1	3559458	02/28/14 FLOURIDE	422.50		17441	5210 80 430540	222	101000
123685	73829S	1330 HOLY ROSARY HEALTH CENTER	232.77					
1	9005133	02/28/14 FLOURIDE	232.77		17940	5510 10 420730	222	101000
123686	73830S	1349 INDUSTRIAL SYSTEM INC	1,690.51					
1	37226	02/28/14 PUMP IMPELLER	1,690.51		17433	5310 33 430640	230	101000
123687	73831S	1407 KADRMAS LEE & JACKSON INC	1,181.93					
1	02/28/14	GIS DATA MAINTENANCE	1,181.93		16888	2850 105 420140	350	101000
123688	73832S	4045 LAND SOLUTIONS, INC.	6,168.74					
1	022814	02/28/14 CONSULTANT SERVICES	6,168.74		15929	1000 36 411020	350	101000
123689	73833S	1527 LN CURTIS & SONS	1,036.61					
1	3142339	02/28/14 TURNOUT COAT REPLACEMENT	1,036.61		17941	1000 7 420460	226	101000
123690	73803S	999999 DAWN COLTON	277.70					
1	02/28/14	TRAVEL TO SIDNEY-TRAINING	277.70		15930	1000 36 411020	370	101000
123691	73834S	268 MILES CITY SANITATION INC.	148.00					
1	42105041	02/28/14 GARBAGE SERVICES	43.00		17581	1000 5 420140	346	101000
2	42105146	02/28/14 GARBAGE SERVICES	60.00		17446	5310 33 430640	360	101000
3	42105146	02/28/14 GARBAGE SERVICES	45.00*		17637	5610 87 430300	220	101000
123692	73835S	1737 MC AREA SOLID WASTE DISTRICT	30.00					
1	4049A	02/28/14 ANIMAL DISPOSAL	30.00		17587	1000 21 440600	220	101000
123693	73836S	1921 Montana Municipal Interlocal	413.84					
RE: MALENOVSKY								
1	114013	02/28/14 DEDUCTIBLE RECOVERY NOTICE	41.39		17753	2394 18 420531	350	101000
2	114013	02/28/14 DEDUCTIBLE RECOVERY NOTICE	99.32*		17753	2510 107 430220	350	101000
3	114013	02/28/14 DEDUCTIBLE RECOVERY NOTICE	24.83*		17753	2510 108 430220	350	101000
4	114013	02/28/14 DEDUCTIBLE RECOVERY NOTICE	41.38		17753	5210 23 430550	350	101000
5	114013	02/28/14 DEDUCTIBLE RECOVERY NOTICE	41.38		17753	5310 31 430630	350	101000
6	114013	02/28/14 DEDUCTIBLE RECOVERY NOTICE	165.54		17753	1000 201 431200	350	101000

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123694	73837S	285 BADLANDS, INC.	136.50					
1	022814	02/28/14 VOLUNTEER CAB FARE	136.50		16197	2985 15 450330	370	101004
123695	73838S	1721 MID RIVERS TELEPHONE CORP	122.64					
1	02/28/14	PHONE/INTERNET/FAX	122.64		16196	2985 15 450330	345	101004
123696	73839S	288 MILES CITY AREA CHAMBER OF	58.30					
1	7123222	02/28/14 MAILING OF SURVEY	58.30		16195	2985 15 450330	311	101004
123697	73840S	1859 MLEA	100.00					
1	7346	02/28/14 INSTRUCTOR DEV:BEDNAR	100.00		17582	1000 5 420140	380	101000
123698	73841S	2151 MORRISON & MAIERLE INC	708.00					
1	17592	02/28/14 MANAGED SERVICES	708.00		16887	2850 105 420140	350	101000
123699	73842S	4056 MOVIE LICENSING USA	1,384.00					
1	1895643	02/28/14 ANNUAL MOVIE LICENSE FEE	1,384.00		17053	2880 41 460100	350	101030
123700	73843S	870 EAST MAIN ANIMAL CLINIC	136.00					
1	022814	02/28/14 VET SERVICES:ANIMAL SHELTER	136.00		17589	1000 21 440600	350	101000
123701	73844S	1986 JACKS BODY SHOP	258.50					
1	4782, 4791	02/28/14 PD TOW: 95 MERC;11 JETTA	258.50		17588	1000 5 420140	220	101000
123702	73845S	2270 NORTHWEST PIPE INC	111.57					
1	CM1197020	02/28/14 CREDIT	-116.43		17835	5210 23 430550	230	101000
2	CM1197020	02/28/14 COUPLINGS	228.00		17835	5210 23 430550	230	101000
123703	73846S	4057 ORION INTERNATIONAL CORP	102.00					
1	1-14	02/28/14 BACKGROUND CHECK: LEE	102.00		17938	1000 7 420460	350	101000
123704	73847S	999999 PAUL CONWAY SHIELDS	190.58					
1	0340549	02/28/14 HELMET SHIELDS	190.58		17939	1000 7 420460	226	101000
123705	73848S	4058 PROFESSIONAL TREE MAN	2,700.00					
1	0340549	02/28/14 TREE REMOVAL:STOWER (3 TREES)	2,700.00		17754	2510 107 430220	360	101000
123706	73849S	327 QUALITY SEPTIC & SEWER SERVICE	210.00					
1	805, 811	02/28/14 CLEAN SWR LN@ CITY HALL	210.00		17760	1000 8 411230	360	101000
123707	73850S	2560 REGAN PLUMBING & HEATING	120.44					
1	214-43810	02/28/14 PARK SHOP	120.44		17762	1000 13 460433	230	101000



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123708	73851S	3229 ROLLING RUBBER		1,682.00					
1	49185,	482 02/28/14 A-24 & A-26 - TIRES		1,682.00*		17945	5510 10 420730	230	101000
123709	73852S	4039 SCOTT GRAY		82.64					
1	02/28/14	CELL PHONE REIMB		66.11		17764	2510 107 430220	345	101000
2	02/28/14	CELL PHONE REIMB		16.53*		17764	2520 108 430220	345	101000
123710	73853S	4013 SOLE STONE REIMB SERVICES		3,642.52					
1	5832	02/28/14 AMB BILLING; YRLY SUPPORT		3,642.52		17942	5510 10 420730	350	101000
123711	73854S	286 STANLEY CHIROPRACTIC OFFICE		75.00					
1	02/28/14	CDL PHYSICAL: T ASK		60.00		17759	2510 107 430220	220	101000
2	02/28/14	CDL PHYSICAL: T ASK		15.00		17759	2520 108 430220	220	101000
123712	73855S	2869 TNEVEC CO INC		469.91					
1	2068900	02/28/14 PAINT & THINNER		469.91		17440	5210 80 430540	230	101000
123713	73856S	3039 UTILITIES UNDERGROUND LOCATION		29.12					
1	4015077	02/28/14 JAN LOCATES		14.56		17834	5210 23 430550	360	101000
2	4015077	02/28/14 JAN LOCATES		14.56		17834	5310 31 430630	360	101000
123714	73857S	636 CRIDCO, LLC		156.00					
53242	53501	53053 53400 52688 52382 52139							
1		WATER		156.00		17639	5610 87 430300	230	101000
123715	73858S	291 ECOLAB PEST ELIMINATION DIVISION		62.00					
1	3690813	PEST CONTROL		62.00		17638	5610 87 430300	230	101000
123716	73859S	999999 THE JORDAN TRIBUNE		40.00					
1	3690813	02/28/14 ANNUAL SUBSCRIPTION		40.00		17057	2220 16 460100	382	101000
123717	73860S	2920 TRACTOR & EQUIPMENT CO		984.02					
1	BLW0014553	02/28/14 SKID STEER UNIT #90		393.62		17315	2510 107 430220	363	101000
2	BLW0014553	02/28/14 SKID STEER UNIT #90		98.40		17315	2520 108 430220	363	101000
3	BLW0014553	02/28/14 SKID STEER UNIT #90		246.00		17315	5210 23 430550	363	101000
4	BLW0014553	02/28/14 SKID STEER UNIT #90		246.00		17315	5310 31 430630	363	101000
123719	73861S	2831 MILES CITY STAR ADVERTISING		150.00					
115922	11923								
1	02/28/14	Res 3662, Ord 1258		50.00		17178	1000 3 410500	330	101000
2	02/28/14	Res 3662, Ord 1258		50.00		17178	5210 25 430510	330	101000
3	02/28/14	Res 3662, Ord 1258		50.00		17178	5310 29 430610	330	101000

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\* Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
123720	73862S	790 DPC INDUSTRIES	114.00					
1	DE72000254	02/28/14 DEMURRAGE	90.00		17438	5210 80 430540	222	101000
2	DE72000254	02/28/14 DEMURRAGE	24.00		17438	5310 33 430640	222	101000
123721	73863S	800 DOEDEN CONSTRUCTION	858.00					
65537	65538	65504						
1	02/28/14	IMPACT FOR CURB STOP/WTR BRK	198.00		17838	5210 23 430550	235	102270
2	02/28/14	IMPACT FOR CURB STOP/WTR BRK	660.00		17838	5210 23 430550	360	101000
123722	73804S	523 CITY SERVICE, INC.	38,851.00					
1	818474	02/28/14 TERMINAL MAINTENANCE	16.00		17641	5610 87 430300	230	101000
2	819331	02/28/14 TRUCK LEASE	1,850.00		17641	5610 87 430300	530	101000
3	817711	02/28/14 JET A FUEL	36,985.00		17641	5610 87 430300	237	101000
123723	73864S	4020 SCHIEFFERT PROPERTIES	300.00					
1	02/28/14	RENT: MARCH 2014	300.00			2935 11 460461	531	101000
123724	73805S	1970 MONTANA DAKOTA UTILITIES	9,860.23					
1	02/28/14	AIRPORT GAS/ELECTRIC	77.33*			5610 87 430300	220	101000
2	02/28/14	AIRPORT GAS/ELECTRIC	4,410.39*			5610 87 430300	344	101000
3	02/28/14	AIRPORT GAS/ELECTRIC	5,372.51			5610 87 430300	341	101000
123725	73865S	999999 TETRA TECH	6,585.00					
1	50762947	02/28/14 EPA BROWNFIELDS GRNT APP	6,585.00*			2935 11 460461	350	101000
123726	73866S	975 FIREMANS FUND	1,890.00					
1	02/28/14	QUARTERLY CLOTHING ALLOTMENT	1,890.00		17946	1000 7 420460	211	101000
123727	73867S	298 DCI CREDIT SERVICES	609.58					
1	021014	02/28/14 AMB COLLECTIONS:COMMISSIONS	609.58		17179	5510 10 420730	350	101000
123728	73868S	394 BOSS INC	671.72					
1	02/28/14	OFFICE SUPPLIES	430.85*		18101	1000 4 411100	210	101000
2	02/28/14	COMPUTER ASSISTANCE	147.45			1000 4 411100	350	101000
3	359514	02/28/14 POWER BACKUP: AMB	79.95*		17944	5510 10 420730	214	101000
4	357617,356	02/28/14 OFFICE SUPPLIES	13.47		18012	1000 6 410300	210	101000
123729	73869S	2830 STAR PRINTING & SUPPLY	1,717.99					
1	208309	02/28/14 TIME PAY AGRMNTS	51.94		18011	1000 6 410300	220	101000
2	26898	02/28/14 FLYERS FOR FLOOD	1,233.09		17765	1000 201 431200	350	101000
3	209352	02/28/14 COPIER CONTRACT	35.10		18009	1000 6 410300	533	101000
4	208739	02/28/14 COPY PAPER	30.50		18009	1000 6 410300	220	101000
5	208663,208	02/28/14 INK CART, DISKS	39.93			2935 11 460461	210	101000
6	209569	02/28/14 COPY MACH/PRINTER	245.00*		17056	2220 16 460100	214	101000
7	207617	02/28/14 COPIES	82.43		17056	2220 16 460100	320	101000

03/06/14  
14:18:41

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 2/14

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Report ID: AP100

\* Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/ #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
123760	73870S	999999	MEFTC	1,200.00					
1	02/28/14	214 ANNUAL DUES		1,200.00		17948	1000 7 420460	334	101000
123761	73871S	523	CITY SERVICE, INC.	16.00					
1	045590	02/28/14	TERMINAL MAINTENANCE	16.00		17644	5610 87 430300	230	101000
# of Claims				93	Total:	240,538.16			
				240,538.16					

CITY OF MILES CITY  
Fund Summary for Claims  
For the Accounting Period: 2/14

Fund/Account	Amount
1000 GENERAL	
101000 Cash - Operating	\$47,972.33
2220 LIBRARY	
101000 Cash - Operating	\$2,584.24
2270 Health	
101000 Cash - Operating	\$2,750.00
2394 BUILDING CODE ENFORCEMENT	
101000 Cash - Operating	\$2,958.06
2400 LTG M D#165-(Gen City)	
101000 Cash - Operating	\$12,977.65
2420 LTG M D#167-(MilesAddn Etc)	
101000 Cash - Operating	\$2,265.94
2430 LTG M D#171-(Balsam Est)	
101000 Cash - Operating	\$113.49
2440 LTG M D#172-(Main Str)	
101000 Cash - Operating	\$1,023.69
2470 LTG M D#202-(SG-MDU&NV)	
101000 Cash - Operating	\$546.22
2480 LTG M M#173-(Milestown Estates)	
101000 Cash - Operating	\$53.00
2510 STR MAINT DIST #204	
101000 Cash - Operating	\$10,396.12
2520 STR MAINT DIST #205	
101000 Cash - Operating	\$1,737.55
2850 911 EMERGENCY	
101000 Cash - Operating	\$1,889.93
2880 LIBRARY GRANTS	
101030 Cash - Sagebrush Fed/Base Grant	\$1,384.00
2935 Historic Preservation	
101000 Cash - Operating	\$7,089.00
2985 RETIRED SENIOR VOLUNTEER PROG (RSVP)	
101000 Cash - Operating	\$664.00
101004 RSVP Non-Federal Cash Operating-Custer	\$693.99
5210 WATER UTILITY	
101000 Cash - Operating	\$24,858.31
102270 Cash - Curb Stop Replacement Fee	\$198.00
102323 RevBnd/Reserve-DNRC/NE WtrLine	\$3,850.00
5310 SEWER UTILITY	
101000 Cash - Operating	\$16,134.43
5510 AMBULANCE FUND	
101000 Cash - Operating	\$24,249.36
5610 AIRPORT OPERATING	
101000 Cash - Operating	\$58,785.00
6040 PUBLIC WORKS	
101000 Cash - Operating	\$1,178.58
7370 TBID	
101000 Cash - Operating	\$3,463.00
7980 CUSTER CO WATER & SEWER DISTRICT	
101000 Cash - Operating	\$10,722.27
<b>Total:</b>	<b>\$240,538.16</b> <i>OK</i>