

# AGENDA

*Regular Council Meeting  
City Council Chambers*

*May 13, 2014  
7:00 p.m.*

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

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

- |    |                                   |           |
|----|-----------------------------------|-----------|
| a. | City Council Meeting              | 4/22/2014 |
| b. | Human Resources Committee Meeting | 4/28/2014 |
| c. | Finance Committee Meeting         | 4/30/2014 |
| d. | Special Council Meeting           | 5/06/2014 |

**2. SCHEDULE MEETINGS**

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

**4. APPOINTMENTS**

**Police Commission:** Reappoint Steve Rice  
**Health Board:** Caroline Taylor

**5. PROCLAMATIONS**

**Law Enforcement Appreciation Week**

**6. STAFF REPORTS**

**7. CITY COUNCIL COMMENTS**

**8. MAYOR COMMENTS**

**9. COMMITTEE RECOMMENDATIONS**

**Finance Committee of 4/30/14:**

Recommendation to Send Ambulance Accounts to Collection in the amount of \$27,423.35

**10. BID OPENING**

- A. Curb & Gutter Bid Package – Triangle Park Area**
- B. Maintenance Districts 204 & 205 Paving Bid Package**

**BID AWARDS**

**Janitorial Contracts As Recommended by Finance Committee:**  
Dale's Cleaning Service: Library and City Hall

11. **PUBLIC HEARINGS**

- B. **ORDINANCE NO. 1266:** An Ordinance Revising Section 2-26 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Allow The Bypass Of Committee Review Upon First Reading Of An Ordinance So Long As The Ordinance Was Previously Reviewed By The Committee
- C. **ORDINANCE NO. 1267:** An Ordinance Repealing Section 21 Of The Code Of Ordinances Of The City Of Miles City And Enacting A New Section 21 Of Said Code Of Ordinances Of The City Of Miles City, Adopting New Subdivision Regulations.

12. **UNFINISHED BUSINESS**

- A. **ORDINANCE NO. 1266:** (*Second Reading*) An Ordinance Revising Section 2-26 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Allow The Bypass Of Committee Review Upon First Reading Of An Ordinance So Long As The Ordinance Was Previously Reviewed By The Committee
- B. **ORDINANCE NO. 1267:** (*Second Reading*) An Ordinance Repealing Section 21 Of The Code Of Ordinances Of The City Of Miles City And Enacting A New Section 21 Of Said Code Of Ordinances Of The City Of Miles City, Adopting New Subdivision Regulations
- C. **Remove from the Table: ORDINANCE NO. 1268:** (*Second Reading*) An Ordinance Changing The Zoning Of Block 5 Of The Southgate Meadows Subdivision From Local Commercial To General Commercial And Providing For A Hearing Thereon

13. **NEW BUSINESS**

- A. **RESOLUTION NO. 3678:** A Resolution Authorizing The City Of Miles City, Montana To Enter Into A Memorandum Of Understanding With Miles Community College For The Use Of Equipment And Facilities For Student Training And Community And Local Government Project Completion
- B. **RESOLUTION NO. 3679:** A Resolution Authorizing The City Of Miles City To Contract With Dennis Hirsch For Building Inspection Services For Fiscal Year 2014-2015
- C. **RESOLUTION NO. 3680:** A Resolution Adopting Findings Of Fact And Approving The Amended Plat For The Purpose Of Boundary Line Relocation Of Lots 31-34 In Block 1 Of The Miles Addition To The City Of Miles City
- D. **Site Plan Approval:** Magic Diamond Casino
- E. **Approval of April 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**    **April 22, 2014**  
**7:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, April 22, 2014, in the City Hall 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 and Susanne Galbraith. Councilmembers John Hollowell and Dwayne Andrews were excused.

Also present were City Attorney Dan Rice, Fire Chief Dale Berg, Public Works Director Scott Gray, Grant Administrator/Planner-in-Training Dawn Colton, Historic Preservation Officer Connie Muggli and Deputy City Clerk/Minute Recorder Connie Watts.

**PLEDGE OF ALLEGIANCE**

Mayor Grenz led the Council in the Pledge of Allegiance.

**APPROVAL OF COUNCIL & COMMITTEE MINUTES**

**City Council Minutes: 4/8/2014**

\*\*    *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of April 8, 2014, seconded by Councilperson Gardner and **passed** unanimously, 6-0.*

**Human Resources Committee Minutes: 4/8/2014**

\*\*    *Councilperson Ahner moved to approve the minutes of the Human Resources Committee Minutes of April 8, 2014, seconded by Councilperson Brush and **passed** unanimously, 6-0.*

**Public Services Committee Meeting: 4/14/14**

\*\*    *Councilperson Galbraith moved to approve the minutes of the Public Services Committee Meeting of April 14, 2014, seconded by Councilperson Brush and **passed** unanimously, 6-0.*

## **Finance Committee Minutes: 4/14/2014**

- \*\* *Councilperson Galbraith moved to approve the minutes of the Finance Committee meeting of April 14, 2014, seconded by Councilperson Gardner and passed unanimously, 6-0.*

## **SCHEDULE MEETINGS**

None

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

### ***Janelle Grant: Update on Keep Miles City Beautiful Activities***

Mrs. Grant noted that Keep Miles City Beautiful (KMCB) is organizing the annual Miles City Clean-up on May 10<sup>th</sup>, and she expressed a desire to work with the City again this year. Projects have already been started, which will probably continue through Bucking Horse Sale weekend. Mayor Grenz expressed his appreciation for the work KMCB does. A handout was distributed detailing KMCB projects and activities.

KMCB conducts an annual litter index survey, which is required by the parent organization, Keep America Beautiful. This survey helps to identify places within the City that need cleaning up. Ms. Grant noted that the "litter index" is down again this year, so the group is definitely seeing results. Outdoor storage, however, has been increasing. She encouraged the City to address this, as there are laws against this type of "storage." Other projects and activities include:

- Lend-a-Bin: Recycle bins may be borrowed from EMI (Eastern Montana Industries) and returned after an event
- Trash walks: A handout was distributed showing identified routes. Walkers take trash bags with them to pick up trash along their routes.
- Do Good Have Fun: KMCB received notice of a \$5,000 grant to beautify an area where Bud Light may be consumed, if the community responds with at least 50 volunteers. The Custer County Fairgrounds grandstands will be improved with several paint projects, new planters and repair work. This one-evening project begins at 5 p.m. on Friday, April 25. Upon completion of the project, beer, sports drinks and a Redneck Grill dinner will follow for the volunteers, compliments of Anheuser Busch and KMCB. Volunteers should gather at the Fairgrounds at 5:00 and will receive a t-shirt and a meal afterwards.

- \*\* *Councilperson Gardner moved to lend the City's support to KMCB, seconded by Councilperson Galbraith and passed unanimously, 6-0.*

## APPOINTMENTS

**Library Board:** Sheila Newman

\*\* *Councilperson Brush moved to appoint Sheila Newman to the Library Board, seconded by Councilperson Galbraith and passed unanimously, 6-0.*

## PROCLAMATIONS

### ***Arbor Day***

Mayor Grenz read the proclamation and declared May 6, 2014, as Arbor Day in the City of Miles City.

### ***Building Safety Month***

Mayor Grenz read the proclamation and declared the month of May, 2014, as Building Safety Month in the City of Miles City.

## STAFF REPORTS

### ***Connie Muggli***

- Introduced Steve Zeier, who was awarded the Professional Services Contract to conduct a feasibility study on creating an Urban Renewal Tax Increment Finance District within the City of Miles City. The project will begin with a “training” of the Mayor, City Council, Planning Board, Zoning Board and City staff. He will be returning frequently to Miles City during the course of the project.
- Mr. Zeier addressed the Council, expressing his eagerness to work with the City and to begin with the “training” on May 19<sup>th</sup>.

### ***Scott Gray***

- Said he was approached by Sherwin Williams regarding a grant through its corporation to repaint the shelter at Riverside Park and the adjacent building next to the restrooms. They are expected to begin that project this weekend. He expressed his thanks to Sherwin Williams for giving back to the community in this way.

## CITY COUNCIL COMMENTS

### ***Susanne Galbraith***

- Wanted to remind everyone about Flood Awareness Day on April 29<sup>th</sup>. She said these events help to accumulate points that can be a factor in reducing flood insurance rates in the community. This event will take place at the Town and Country Club on Tuesday, April 29<sup>th</sup> from 9:00 a.m. to 12:00 p.m.

***Roxanna Brush***

- Said there seems to be some confusion regarding zoning, building permits and site plan reviews in the “donut hole.” The city and county will be coming together to discuss what the expectations are.
- She has heard talk that the planning office is taking three to four months to issue a building permit which, she said, is not true.
- Thanked the City crews for making Milwaukee Park safer by erecting barriers at access points on the “folf” course.
- Mentioned the “Eagle Cam,” and that there are now two hatchlings in the nest.
- Asked for a Public Safety Committee meeting to be held. She said that, since more of the streets in her area have been paved, there now seem to be some traffic issues, and stop signs may need to be installed at certain intersections.

**MAYOR COMMENTS**

- **Burlington Northern Santa Fe Meeting**  
Noted that Matt Jones of BNSF met with the Council at noon today. Some of the City’s concerns, such as speed, quiet zones, etc. were passed along to Mr. Jones.

**STANDING COMMITTEE RECOMMENDATIONS**

None

**PUBLIC HEARINGS**

**ORDINANCE NO. 1265:** An Ordinance Amending Ordinance Nos. 1054, 1056 And 1093 Establishing New Rates For The Use Of The Miles City Ambulance

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

**BID AWARDS**

None

## **BID OPENING**

### *Janitorial Contracts*

Two bids were received, which were opened by Director Gray, as follows:

#### Dale's Cleaning Service

City Hall:	\$600/month
City Shop:	\$300/month
Library:	\$425/month
Police Department	\$400/month

#### Marilyn Foreman

Police Department	\$350/month
City Shop	\$225/month

- \*\* *Councilperson Ahner moved to refer the bids to the Finance Committee for review and recommendation, seconded by Councilperson Galbraith and **passed** unanimously. Councilperson Ahner asked that the Finance Committee compare these bids with the amounts currently being paid.*

## **UNFINISHED BUSINESS**

**ORDINANCE NO. 1265:** An Ordinance Amending Ordinance Nos. 1054, 1056 and 1093 Establishing New Rates For The Use Of The Miles City Ambulance

- \*\* *Councilperson Galbraith moved to adopt the ordinance, read by title only, and seconded by Councilperson Gardner.*

Councilperson Partridge said he would vote no on this ordinance because he feels that, if it is passed, most of the users would then be only Medicare and Medicaid patients. He also feared it would cause an increase in the amount of accounts turned over to collection. Councilperson Brush concurred, and said she would vote no also.

Councilperson Galbraith noted this ordinance comes to the Council with a unanimous recommendation for approval by the Finance Committee. She said the ambulance rates have not been increased since 2005 and, even though Medicare and Medicaid payments would not go up, payments by the private insurance companies will increase. She described the ambulance fund right now as a "bottomless pit" and said "we need to do something to mitigate the damage."

Last year the auditors requested that the City address this issue. She noted that it is estimated the City should see about \$75,000 in additional revenue if the ordinance were to be passed. She feels this would definitely help stop some bleeding in the ambulance department.

\* *On roll call vote, the motion resulted in a tie, with Councilpersons Partridge, Ahner and Brush voting no. Mayor Grenz broke the tie with a "yes" vote. **Ordinance No. 1265 was adopted.***

Mayor Grenz explained he voted yes because he believes the ambulance issue will be going to the public as a mill levy in the general election. He feels that the passage of this ordinance should send a message to the public that more money is going to be needed from the taxpayers.

## **NEW BUSINESS**

A. **RESOLUTION NO. 3674:** A Resolution Granting A Revocable License To Great Falls Holdings LLC, A Montana Limited Liability Company, For The Installation Of Water Service Lines In The Right Of Way Area North Of Tompy Street Between Doeden Street And South Haynes Avenue

\*\* *Councilperson Galbraith moved to adopt the resolution, read by title only, and seconded by Councilperson Brush. After brief discussion and on roll call vote, the motion **passed** by unanimous consent, 6-0. **Resolution No. 3674 was adopted.***

B. **RESOLUTION NO. 3676:** A Resolution Authorizing The City Of Miles City To Contract With Zeier Consulting, LLC, For Consulting Services Related To The Creation Of A Tax Increment Financing District

\*\* *Councilperson Gardner moved to adopt the resolution, read by title only, and seconded by Councilperson Ahner. After discussion and on roll call vote, the motion **passed** by unanimous consent, 6-0. **Resolution No. 3676 was adopted.***

Mr. Zeier stressed to the council the importance of everyone attending the "training" on May 19<sup>th</sup>. As some Council members may have a problem attending an all-day training, Mayor Grenz conducted a "straw poll" to see how the Council would like to structure the training, all in one day or broken up into two evenings. Most Council members chose "two days" or "no preference." The training, therefore, was scheduled for Monday and Tuesday evenings, May 19<sup>th</sup> and 20<sup>th</sup>.



Mr. Zeier again noted that full attendance by the Council, Mayor and the Planning and Zoning Boards was critical. If the Council decides NOT to go forward with a TIFD after the training, the contract would expire at that point. If the Council approves of the TIFD, Mr. Zeier will finish his contract and form the TIFD.

**C. RESOLUTION NO. 3677:** A Resolution Approving An Increase In Funding For The Contract Between The City Of Miles City, Montana And Land Solutions, LLC, For Land Planning Services

**\*\*** *Councilperson Galbraith moved to adopt the resolution, read by title only, and seconded by Councilperson Brush. After brief discussion and on roll call vote, the motion **passed** by unanimous consent, 6-0. **Resolution No. 3677 was adopted.***

**D. ORDINANCE NO. 1266:** *(First Reading)* An Ordinance Revising Section 2-26 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Allow The Bypass Of Committee Review Upon First Reading Of An Ordinance So Long As The Ordinance Was Previously Reviewed By The Committee

**\*\*** *Councilperson Brush moved to adopt the ordinance on first reading, read by title only and seconded by Councilperson Galbraith. After brief discussion and on roll call vote, the motion **passed** by unanimous consent, 6-0. **Ordinance No. 1266 was referred to the Finance Committee.***

**E. ORDINANCE NO. 1267:** *(First Reading)* An Ordinance Repealing Section 21 Of The Code Of Ordinances Of The City Of Miles City And Enacting A New Section 21 Of Said Code Of Ordinances Of The City Of Miles City, Adopting New Subdivision Regulations

**\*\*** *Councilperson Galbraith moved to approve the ordinance on first reading, read by title only and seconded by Councilperson Gardner.*

Councilperson Brush noted the new Subdivision Regulations have been approved by the Planning Board.

**\*\*** *Councilperson Brush moved to amend the ordinance as follows, as recommended by Mike Tierney of the Montana Department of Transportation: Page 66, Paragraph #5, should read: **(5) Distance between parallel rights-of-way. Where a subdivision borders on or contains a railroad,***

*limited access highway, canal, ditch or stream right-of-way, the subdivider may be required to provide a street approximately parallel to such right-of-way at a distance suitable to allow for appropriate use of the intervening land. When a proposed internal road is parallel to a highway right-of-way, a reasonable distance between the two must be established by the subdivider based in consultation with adjacent landowners, and approved by the governing body. Such distances shall be determined with regard for the requirements of approach grades and future grades. The motion was seconded by Councilperson Gardner.*

\* After discussion and on roll call vote, *the motion to amend passed unanimously, 6-0.*

\* *Councilperson Galbraith's original motion to approve Ordinance No. 1267 on first reading then passed by unanimous consent, 6-0. Ordinance No. 1267 was referred to the Finance Committee.*

F. **ORDINANCE NO. 1268:** An Ordinance Changing The Zoning Of Block 5 Of The Southgate Meadows Subdivision From Local Commercial To General Commercial And Providing For A Hearing Thereon

\*\* *Councilperson Galbraith moved to approve the ordinance on the first reading, seconded by Councilperson Brush.*

Extensive discussion followed, specifically regarding the Zoning Commission's recommendation to approve the zone change "**with the condition that the second access into Southgate be seriously looked at...**"

Mayor Grenz said he had visited with Butch Krutzfeldt, who owns the property to the east of Southgate. A road has already been built that direction and he would grant the City an easement to that road if the City would gravel it. The Mayor said the City has an abundance of gravel and this might be an inexpensive, albeit temporary, solution to the problem of only one road into Southgate.

Director Gray said he was approached by Dale Marcil and Jerry Foreman, from Miles Community College. They have a program started where their students could do some of the work on a project like this, with the owner's equipment and at no cost to the owner. The instructors would always be with the student and the liability insurance would be carried by the college. A draft of a Memorandum of Understanding has already been presented to Director Gray by

MCC to be reviewed by committee and presented to Council.

Director Gray said this second exit issue has been brought up by the residents at Southgate for many years, and needs to be addressed. Although a southern exit would be preferable, it has not been possible to obtain an easement that direction. Until the Department of Transportation finishes studying the Broadus Interchange and the water/sewer capacity feasibility studies are completed, a decision on an exit in this direction cannot be made.

**\*\*** *Councilperson Galbraith then moved to table until a plan for a second exit has been developed. Councilperson Partridge seconded the motion, which passed unanimously, 6-0. Ordinance No. 1268 was tabled.*

### **ADJOURNMENT.**

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

The meeting was adjourned at 8:25 p.m.

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**C.A. Grenz, Mayor**

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**Lorrie Pearce**  
**City Clerk**

**Human Resources Committee**  
**Grievance Hearing**  
**April 28, 2014**

The **Human Resources Committee** met Monday, April 28, 2014, at 7:00 p.m. in the Conference Room at City Hall. Present were Committee Members Sheena Martin, Ken Gardner, Roxanna Brush and Mark Ahner. Also present were Dawn Colton, Grant Writer/Planner in Training, City Attorney, Dan Rice, Police Chief, Doug Colombik and Lorrie Pearce, City Clerk/Recorder.

Other City employees present included: Connie Watts, Deputy Clerk; Scott Gray, Public Works Director; Billie Burkhalter, Human Resource/Payroll Officer and Al Kelm, Public Utilities Director.

Chairperson Brush opened the hearing by explaining Jeanette Jones would not be attending the meeting as Advisor. The meeting will be a wage grievance hearing for Dawn Colton, Grant Writer/Planner in Training.

City Attorney Rice explained the hearing will be held the same way as the other grievance hearing on 04/08/14. The hearing is not open to public comment and, after the hearing; the Human Resource Chairperson has 20 days to file a written response.

Grant Writer/Planner in Training Colton explained that her grievance from August 2012 is unique because her job title was not included in the survey. She explained that no city surveyed had her position and, because of the absence of her position in the survey, her wages were frozen for six years. The only information available to use for comparison was the previous grant writer's position which is \$0.34 below her previous wage. She felt that a penalty was imposed on her position, based on a survey in which her position was not included. She asked for the freeze to be lifted and receive a 2 percent increase in her wages retroactive to July 1, 2012. She added that this solution is the only one completely supported by the perimeter of the survey, and her current wage is equivalent to the historical pay for this position, which is the only available information.

City Attorney Rice asked Police Chief Colombik if he knew why the position was not in the survey. Police Chief Colombik replied that everyone was aware that the position was missing and it was not corrected.

Then City Attorney Rice asked for a five minute recess to call Labor Negotiator, Larry Martin.

Once the hearing reconvened, City Attorney Rice reported that Attorney Martin said that the elimination of the position was an over site and it should be up to the committee to determine if the wage is appropriate or a 2% wage increase should be granted.

Chairperson Brush said that the freezing of the wages was not used as punishment.

Committee Member Ahner stated that the wages of Grant Writer/Planner in Training Colton's predecessors was \$16.79, who had quite a bit of experience. He asked Grant Writer/Planner in Training Colton if she had experience in grant writing when she was hired.

Grant Writer/Planner in Training Colton said that she did not have experience in grant writing, but she had 20 years of experience in technical writing.

Grant Writer/Planner in Training Colton said the grievance is for the grant writer position, and sees it as a separate issue.

Chairperson Brush asked the committee for their opinions on the grievance.

Committee Member Ahner said that, since the position was absent from the survey, it would be hard to determine what the current salary should be. He recommended that Colton ask for a \$1.00 raise in her Fiscal Year budget of 14-15 that was agreed upon in a conversation with herself and the Mayor. He said he would be there to support her. He added the two percent raise for the last three years would total \$1.01.

Grant Writer/Planner in Training Colton said the grievance is for the grant writer position, and sees it as a separate issue. If she received the two percent increase for the last three years, then the \$1.00 would be added to that.

Committee Member Gardner felt the survey was completed the best as it could be completed, and there was not enough information to compare her position to. He also suggested asking for \$1.00 increase at budget time.

Committee Member Martin said that there was not enough information to show that she was below her wage scale, and didn't think her wages should be frozen for six years.

Chairperson Brush said she felt that there was not enough information to support an increase in Grant Writer/Planner in Training Colton's wages. Chairperson Brush recommended that she asks for a \$1.00 raise at budget time. She said she would also support her.

Chairperson Brush said that, based on the discussion tonight, the Committee's decision is that "the grievant's request at this time is denied, with the recommendation to go to the budget committee with a \$1.00 increase request". Chairperson Brush asked if all Committee Members were in agreement. Agreement was unanimous, 4-0.

The hearing was adjourned at 7:45 p.m.

Respectfully submitted,

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Roxanna Brush Chairperson

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Lorrie Pearce City Clerk/Recorder

## **Finance Committee Meeting April 30, 2014**

The **Finance Committee** met Wednesday, April 30, 2014, at 6:00 p.m. in the City Hall Conference Room. Present were Committee members Sue Galbraith, Dwayne Andrews, John Hollowell and Sheena Martin.

Also present were Mayor C.A. Grenz, Public Works Director Scott Gray, and Recorder/City Clerk Lorrie Pearce.

### **Request of Citizens**

None

### **Ordinance No. 1266: An Ordinance Revising Section 2-26 Of The Code Of Ordinances Of The City Of Miles City, Montana, So As To Allow The Bypass Of Committee Review Upon First Reading Of An Ordinance So Long As The Ordinance Was Previously Reviewed By The Committee**

- \* \* *Committee Member Andrews moved to recommend that the City Council approve Ordinance No. 1266. The motion was seconded by Committee Member Hollowell; the motion carried unanimously, 4-0.*

### **Ordinance No. 1267: An Ordinance Repealing Section 21 Of The Code Of Ordinances Of The City Of Miles City And Enacting A New Section 21 Of Said Code Of Ordinances Of The City Of Miles City, Adopting New Subdivision Regulations**

Mayor Grenz asked if the ordinance included the two-mile donut. Committee Member Hollowell said it was a subdivision regulation, so if it were to be in the two mile and that was our jurisdiction, then yes.

- \* \* *Committee Member Hollowell moved to recommend that the City Council approve Ordinance No. 1267. The motion was seconded by Chairperson Galbraith; after a long discussion, the motion carried unanimously, 4-0.*

### **Request for adjustment of water/sewer bill**

Because of the absence of Public Utilities Director Al Kelm and the homeowner, this issue was tabled until next Finance meeting.

### **Review Janitorial Bids**

Chairperson Galbraith explained that Dale's Cleaning Service submitted bids for all four sites. They were as follows: Library \$425, City Hall \$600, Police Station \$400 and City Shop \$300.

Marilynn Forman submitted bids for two sites. They were as follows: Police Station \$350 and City Shop \$225.

Since there was only one bid for the Library and City Hall, those contracts were awarded to Dale's Cleaning Service. Both bidders were in compliance with Workers' Compensation, insurance coverage, Independent Contractor Exemption Certification, and equipment list. Being the lowest bids, the contract for the Police Station and City Shop was awarded to Marilyn Forman.

- \* \* *Committee Member Andrews moved to recommend that the City Council approve the awarding of the bid for cleaning City Hall and the Library to Dale's Cleaning Service, and awarding of the bid for cleaning City Shop and the Police Station to Marilyn Forman. The motion was seconded by Committee Member Martin; the motion carried unanimously, 4-0.*

### **Review Cash Report**

City Clerk Pearce mentioned that in the next month the Finance Committee will have to decide if they want to borrow money from the General Fund to balance three funds. The funds are Library, RSVP, and Ambulance. She explained the money would be borrowed from General Fund to balance fiscal year end, and then the process would be reversed in July.

### **Ambulance Accounts To Collections**

Chairperson Galbraith explained the amount of \$27,423.35 is from private self-payers who haven't paid.

- \* \* *Committee Member Hollowell moved to recommend that the City Council send the ambulance accounts for an amount of \$27,423.35, to collections. The motion was seconded by Committee Member Martin; the motion carried unanimously, 4-0.*

### **Adjournment**

There being no further business, *Committee Member Andrews moved to adjourn the meeting, seconded by Chairperson Galbraith.* The meeting was adjourned at 6:54 p.m.

Respectfully Submitted:

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Chairperson Susanne Galbraith

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City Clerk Lorrie Pearce

**SPECIAL COUNCIL MEETING MINUTES    May 6, 2014  
12:05 p.m.**

**CALL TO ORDER**

The Special Council meeting was held Tuesday, May 6, 2014, in the Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, at 12:05 p.m. Mayor C. A. Grenz called the meeting to order.

Council Members present were John Hollowell, Susanne Galbraith, Jerry Partridge, Kenneth Gardner, and Sheena Martin. Council Members Dwayne Andrews, Mark Ahner and Roxanna Brush were absent.

Also present were, Public Works Director Scott Gray, Public Utilities Director Al Kelm, and Human Resource/Payroll Officer Minute Recorder Billie Burkhalter.

**NEW BUSINESS**

**Bid Award for Sewer Camera**

Director Kelm requested approval from the Council to award the sewer camera bid to Titan Machinery Inc. in the amount of \$62,875. He stated that the City received a bid from Neverest Equipment Company in the amount of \$60,250, but the sewer camera did not have a zoom lens and therefore the crews could not use it to look lateral. Another bid was received from Utility Specialties in the amount of \$44,000, but the camera cannot fit in a 4 inch sewer line.

Director Kelm explained the bid of \$62,875, was well under the budgeted amount of \$85,000.

Councilperson Gardner questioned if this camera came with a warranty. Director Kelm replied it did have a one year warranty.

*\*\* Councilperson Galbraith moved to award the Sewer Camera bid to Titan Machinery Inc. in the amount of \$62,875, seconded by Councilperson Martin and, on roll call vote, motion passed unanimously, 5-0.*

**Discussion on Repairs to Elevator**

Director Kelm explained the door to the elevator will not close automatically due to a spring that is broken. He stated that he was informed by the elevator repairman that it would be more cost effective to replace the whole mechanism and keep the old one for spare parts. There will also need to be mandatory upkeep maintenance completed. The costs of these repairs will be \$5000 to \$6000.



Councilperson Partridge stated that the elevator has never worked properly since it was installed. Director Kelm explained that it would cost around \$50,000 to \$60,000 to replace it. Councilperson Partridge stated that this needs to be placed in the budget for the upcoming fiscal year. Director Kelm agreed.

*\*\* Councilperson Galbraith moved to approve the cost of the elevator repairs, seconded by Councilperson Gardner.*

Councilperson Hollowell questioned if the Council could take action on a discussion item. Mayor Grenz stated that he has already approved the cost of the repairs to the elevator two weeks ago.

*\*\* On Original motion, motion passed unanimously.*

### **ADJOURNMENT**

Mayor Grenz adjourned the meeting at 12:15 p.m.

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

**ATTEST:**

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

# **Proclamation Declaring May 11-17 2014**

## **Law Enforcement Appreciation Week**

**Whereas, The Congress and President of the United States have designated May 15 as Peace Officers' Memorial Day, and the week in which May 15 falls as National Police week; and**

**Whereas, the members of the law enforcement agency of Custer County play an essential role in safeguarding the rights and freedoms of Custer County; and**

**Whereas, it is important that all citizens know and understand the duties, responsibilities, hazards, and sacrifices of their law enforcement agency, and that members of our law enforcement agency recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression; and**

**Whereas, the men and women of the law enforcement agency of Custer County unceasingly provide a vital public service;**

**Now, therefore, I, C.A. Grenz of Custer County, call upon all citizens of Custer County and upon all patriotic, civic and educational organizations to observe the week of May 11-17, 2014, as Police Week with appropriate ceremonies and observances in which all of our people may join in commemorating law enforcement officers, past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities and, in so doing, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.**

**I further call upon all citizens of Custer County to observe 15<sup>th</sup>, May 2014, as Peace Officers' Memorial Day in honor of those law enforcement officers who, through their courageous deeds, have made the ultimate sacrifice in service to their community or have become disabled in the performance of duty, and let us recognize and pay respect to the survivors of our fallen heroes.**

**In witness thereof, I have hereunto set my hand and caused the Seal of the Custer County to be affixed.**

## Call Detail

### COLL ACCTS

<u>Call No</u>	<u>Lg Rk Pat No</u>	<u>Patient Account Name</u>	<u>Call Date</u>	<u>Current Payor</u>	<u>Charges</u>	<u>Credits</u>	<u>Balance</u>
0801151	1 A 23764		1/30/2008	PRIVATE (SELF PA	758.50	50.00	708.50
120001309	1 A 23706		2/10/2012	PRIVATE (SELF PA	671.75	0.00	671.75
13-00685	1 A 23837		6/20/2013	PRIVATE (SELF PA	614.32	521.90	92.42
13-00714	1 A 23832		6/29/2013	PRIVATE (SELF PA	695.72	626.15	69.57
13-0753	1 A 23880		7/10/2013	PRIVATE (SELF PA	698.88	182.00	516.88
13-00884	1 A 23954		8/12/2013	PRIVATE (SELF PA	620.65	206.88	413.77
9	1 A 23841		8/18/2013	PRIVATE (SELF PA	703.10	0.00	703.10
13-00941	1 A 23992		8/27/2013	PRIVATE (SELF PA	740.03	592.03	148.00
13-01049	1 A 24052		9/20/2013	PRIVATE (SELF PA	792.60	0.00	792.60
13-01113	1 A 24081		0/05/2013	PRIVATE (SELF PA	609.05	517.68	91.37
13-01115	1 A 24082		0/06/2013	PRIVATE (SELF PA	645.38	431.84	213.54
13-01134	1 A 24095		0/10/2013	PRIVATE (SELF PA	825.22	0.00	825.22
13-01130	1 A 24094		0/10/2013	PRIVATE (SELF PA	712.60	485.14	227.46
13-01137	1 A 24097		0/11/2013	PRIVATE (SELF PA	822.05	657.64	164.41
13-01209	1 A 24137		1/02/2013	PRIVATE (SELF PA	690.44	585.01	105.43
16	1 A 23468		1/07/2013	PRIVATE (SELF PA	622.17	0.00	622.17
13-01237	1 A 24147		1/09/2013	PRIVATE (SELF PA	641.16	0.00	641.16
13-01242	1 A 24151		1/11/2013	PRIVATE (SELF PA	2291.75	0.00	2291.75
13-01273	1 A 24095		1/18/2013	PRIVATE (SELF PA	654.87	0.00	654.87
13-01281	1 A 24095		1/19/2013	PRIVATE (SELF PA	646.43	0.00	646.43
13-01280	1 A 24167		1/19/2013	PRIVATE (SELF PA	645.38	0.00	645.38
13-01283	1 A 24095		1/20/2013	PRIVATE (SELF PA	605.88	0.00	605.88
3-01297	1 A 24178		1/23/2013	PRIVATE (SELF PA	772.55	0.00	772.55
3-01300	1 A 23566		1/25/2013	PRIVATE (SELF PA	824.16	0.00	824.16
3-01307	1 A 24184		1/26/2013	PRIVATE (SELF PA	713.65	0.00	713.65
3-01310	1 A 24186		1/27/2013	PRIVATE (SELF PA	623.22	0.00	623.22
7	1 A 23566		1/30/2013	PRIVATE (SELF PA	635.88	0.00	635.88
3-01322	1 A 23566		1/30/2013	PRIVATE (SELF PA	2268.85	0.00	2268.85
3-01326	1 A 24195		12/02/2013	PRIVATE (SELF PA	793.65	0.00	793.65
3-01348	1 A 24209		12/06/2013	PRIVATE (SELF PA	2262.85	0.00	2262.85
3-01357	1 A 24217		12/07/2013	PRIVATE (SELF PA	623.22	0.00	623.22
3-01375	1 A 24228		12/11/2013	PRIVATE (SELF PA	798.93	0.00	798.93
3-01392	1 A 24238		12/13/2013	PRIVATE (SELF PA	722.31	0.00	722.31
3-01399	1 A 24241		12/16/2013	PRIVATE (SELF PA	837.88	0.00	837.88
3-01425	1 A 24264		12/22/2013	PRIVATE (SELF PA	1441.90	0.00	1441.90
3-01455	1 A 24272		12/31/2013	PRIVATE (SELF PA	824.16	0.00	824.16
1-0011	1 A 24273		01/03/2014	PRIVATE (SELF PA	642.21	0.00	642.21
1-0097	1 A 24326		01/22/2014	PRIVATE (SELF PA	786.27	0.00	786.27
<b>Total For All</b>				<b>38</b>	<b>32279.62</b>	<b>4856.27</b>	<b>27423.35</b>

CITY OF MILES CITY RFP 2014-01

OFFEROR:

Name: Dales Cleaning Service  
Mailing Address: 2709 Leighton Blvd. #3  
Miles City, MT. 59301  
Physical Address: same as above  
Telephone Number: 406-951-3550  
FAX (Optional) 406-234-4437  
E-mail (Optional) dalep@midrivers.com

**FACILITY FOR WHICH OFFER IS SUBMITTED** Place a check in the box next to the facility for which this offer applies. (Use a separate offer for each facility):

City Hall

City Shop

Library

Police Station

Truck Mount Hot Water Extraction carpet cleaning of City Hall and Library.

**NOTE:** *It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

**OFFER - JANITORIAL SERVICES:**

Offeror hereby offers to perform the services identified in Exhibit "B" as to the above facility and in accordance with the terms of the contract identified in Exhibit "A" to the RFP, for the sum of \$ 600.00 per month.

**OFFER - HOT WATER EXTRACTION CARPET CLEANING**

Offeror hereby offers to perform the Truck Mounted Hot Water Extraction carpet cleaning services for City Hall and Library at a charge of \$ \_\_\_\_\_ per square foot of carpet per cleaning session (2 sessions per year are anticipated). **NOTE:** *It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

CITY OF MILES CITY RFP 2014-01

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City Hall

City Shop

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Police Station

Truck Mount Hot Water Extraction carpet cleaning of City Hall and Library.

**NOTE:** *It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

**OFFER - JANITORIAL SERVICES:**

Offeror hereby offers to perform the services identified in Exhibit "B" as to the above facility and in accordance with the terms of the contract identified in Exhibit "A" to the RFP, for the sum of \$ 425.00 per month.

**OFFER - HOT WATER EXTRACTION CARPET CLEANING**

Offeror hereby offers to perform the Truck Mounted Hot Water Extraction carpet cleaning services for City Hall and Library at a charge of \$ \_\_\_\_\_ per square foot of carpet per cleaning session (2 sessions per year are anticipated). **NOTE:** *It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

CITY OF MILES CITY RFP 2014-01

OFFEROR:

Name: Dales Cleaning Service  
Mailing Address: 2709 Leighton Blvd. #3  
Miles City, MT. 59301  
Physical Address: same as above  
Telephone Number: 406-951-3550  
FAX (Optional) 406-234-4437  
E-mail (Optional) dalep@midrivers.com

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City Hall

City Shop

Library

Police Station

Truck Mount Hot Water Extraction carpet cleaning of City Hall and Library.

**NOTE:** *It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

**OFFER - JANITORIAL SERVICES:**

Offeror hereby offers to perform the services identified in Exhibit "B" as to the above facility and in accordance with the terms of the contract identified in Exhibit "A" to the RFP, for the sum of \$ 400.00 per month.

**OFFER - HOT WATER EXTRACTION CARPET CLEANING**

Offeror hereby offers to perform the Truck Mounted Hot Water Extraction carpet cleaning services for City Hall and Library at a charge of \$ \_\_\_\_\_ per square foot of carpet per cleaning session (2 sessions per year are anticipated). **NOTE:** *It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

CITY OF MILES CITY RFP 2014-01

OFFEROR:

Name: Dales Cleaning Service  
Mailing Address: 2709 Leighton Blvd. #3  
Miles City, MT. 59301  
Physical Address: same as above.  
Telephone Number: 406-951-3550  
FAX (Optional) 406-234-4437  
E-mail (Optional) dalep@midrivers.com

**FACILITY FOR WHICH OFFER IS SUBMITTED** Place a check in the box next to the facility for which this offer applies. (Use a separate offer for each facility):

City Hall

City Shop

Library

Police Station

Truck Mount Hot Water Extraction carpet cleaning of City Hall and Library.

*NOTE: It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

**OFFER - JANITORIAL SERVICES:**

Offeror hereby offers to perform the services identified in Exhibit "B" as to the above facility and in accordance with the terms of the contract identified in Exhibit "A" to the RFP, for the sum of \$ 300.00 per month.

**OFFER - HOT WATER EXTRACTION CARPET CLEANING**

Offeror hereby offers to perform the Truck Mounted Hot Water Extraction carpet cleaning services for City Hall and Library at a charge of \$ \_\_\_\_\_ per square foot of carpet per cleaning session (2 sessions per year are anticipated). *NOTE: It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

COPY

CITY OF MILES CITY RFP 2014-01

OFFEROR:

Name: Marilynn Forman

Mailing Address: 58 Pony Ln.  
Miles City, MT 59301

Physical Address: Same as above

Telephone Number: (406) 951-1800

FAX (Optional) \_\_\_\_\_

E-mail (Optional) formanm@netzero.net

**FACILITY FOR WHICH OFFER IS SUBMITTED** Place a check in the box next to the facility for which this offer applies. (Use a separate offer for each facility):

City Hall

City Shop

Library

Police Station

Truck Mount Hot Water Extraction carpet cleaning of City Hall and Library.

*NOTE: It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

**OFFER - JANITORIAL SERVICES:**

Offeror hereby offers to perform the services identified in Exhibit "B" as to the above facility and in accordance with the terms of the contract identified in Exhibit "A" to the RFP, for the sum of \$ 350.00 per month.

**OFFER - HOT WATER EXTRACTION CARPET CLEANING**

Offeror hereby offers to perform the Truck Mounted Hot Water Extraction carpet cleaning services for City Hall and Library at a charge of \$ \_\_\_\_\_ per square foot of carpet per cleaning session (2 sessions per year are anticipated). *NOTE: It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*



COPY

CITY OF MILES CITY RFP 2014-01

OFFEROR:

Name: Marilynn Forman

Mailing Address: 58 Pony Ln.  
Miles City, MT 59301

Physical Address: Same as above

Telephone Number: (406) 951-1800

FAX (Optional) \_\_\_\_\_

E-mail (Optional) formanm@netzero.net

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City Hall

City Shop

Library

Police Station

Truck Mount Hot Water Extraction carpet cleaning of City Hall and Library.

*NOTE: It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

**OFFER - JANITORIAL SERVICES:**

Offeror hereby offers to perform the services identified in Exhibit "B" as to the above facility and in accordance with the terms of the contract identified in Exhibit "A" to the RFP, for the sum of \$ 225.00 per month.

**OFFER - HOT WATER EXTRACTION CARPET CLEANING**

Offeror hereby offers to perform the Truck Mounted Hot Water Extraction carpet cleaning services for City Hall and Library at a charge of \$ \_\_\_\_\_ per square foot of carpet per cleaning session (2 sessions per year are anticipated). *NOTE: It is not anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*

## ORDINANCE NO. 1266

**AN ORDINANCE REVISING SECTION 2-26 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, SO AS TO ALLOW THE BYPASS OF COMMITTEE REVIEW UPON FIRST READING OF AN ORDINANCE SO LONG AS THE ORDINANCE WAS PREVIOUSLY REVIEWED BY THE COMMITTEE.**

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

**Section 1.** Section 2-26 shall be amended to read as follows:

**“Sec. 2-26. – Introduction; reading; adoption upon first reading; referral to committee; public hearing, and final adoption.**

All ordinances must be submitted in writing and upon motion of a member of the city council at any regular council meeting, or at any special council meeting duly called for such purpose. Upon second of the motion to adopt, the mayor shall then and there cause the proposed ordinance to be read and it shall be submitted to the city council for adoption upon first reading. If upon the first reading, the ordinance is adopted by a majority vote of the council members present at the meeting, the proposed ordinance shall be referred by the mayor to a suitable committee, which shall take the proposed ordinance under advisement and consideration until the next regular meeting of the city council, no earlier than 12 days after the date of the initial adoption upon first reading, at which time such committee shall report the proposed ordinance back to the council together with its report thereon. In the event an appropriate committee has already reviewed the ordinance and has recommended that the same be approved by council, the mayor may waive the referral and consideration requirements of this section so long as no issues are raised during discussion at the first reading which would warrant further committee review. After the first reading and adoption, the ordinance must be posted and copies must be made available to the public. A public hearing, after published notice, shall be held upon the adoption of the ordinance prior to the second reading of the ordinance. The public hearing and second reading may occur at the same council meeting. Following public hearing, the proposed ordinance shall then be read for the second time and shall thereupon be ready for final passage and adoption by a majority vote of the council members present at the meeting. An ordinance passed may not contain more than one comprehensive subject, which must be clearly expressed in its title, except ordinances for codification and revision of

ordinances. Upon final passage and approval by the mayor, all ordinances must be signed by the mayor and filed with the city clerk.”

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

Said Ordinance read and put on its passage this 22nd day of April, 2014.

---

C.A. Grenz, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

**FINALLY PASSED AND ADOPTED** this 13th day of May, 2014.

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C.A. Grenz, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

**ORDINANCE NO. 1267**

**AN ORDINANCE REPEALING SECTION 21 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY AND ENACTING A NEW SECTION 21 OF SAID CODE OF ORDINANCES OF THE CITY OF MILES CITY, ADOPTING NEW SUBDIVISION REGULATIONS.**

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

**Section 1.** Section 21 shall be amended by replacing Sections 21-1 through 21-62 with the following Sections 21-1 through 21-62:

**Sec. 21-1. Title of chapter.**

This chapter will be known and may be cited as the "Miles City Subdivision Regulations", hereinafter referred to as "these regulations."

**Sec. 21-2. Authority.**

Authorization for these regulations is contained in the Montana Subdivision and Platting Act ("MSPA"), MCA Title 76, Chapter 3.

**Sec. 21-3. Purposes.**

The purposes of these regulations are to promote the public health, safety, and general welfare by regulating the subdivision of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light, air, water supply, sewage disposal, parks and recreation areas, ingress and egress, and other public requirements; to require development in harmony with the natural environment; to promote preservation of open space; to protect the rights of property owners; and to require uniform monumentation of land subdivisions and transferring interests in real property by reference to a plat or certificate of survey (See MCA 76-3-102).

These regulations are intended to comply with Part 5 of the MSPA and provide for the enforcement and administration of subdivision regulations reasonably providing for:

- The orderly development of the jurisdictional area;
- The coordination of roads within subdivided land with other roads, both existing and planned;
- The dedication of land for roadways and for public utility easements;
- The improvement of roads;

- The provision of proper physical and legal access, including obtaining necessary easements;
- The provision of adequate open spaces for travel, light, air, and recreation;
- The provision of adequate transportation, water, drainage, and regulation of sanitary facilities;
- The avoidance or minimizing of congestion;
- The avoidance of subdivisions which would involve unnecessary environmental degradation;
- The avoidance of danger or injury to health, safety, or welfare by reason of natural hazard, including but not limited to fire and wildland fire, or the lack of water, drainage, access, transportation, or other public improvements;
- The avoidance of excessive expenditure of public funds for the supply of public services or that would necessitate an excessive expenditure of public funds for the supply of the services;
- The manner and form of making and filing of any plat for subdivided lands; and
- The administration of these regulations by defining the powers and duties of approving authorities, including procedures for the review and approval of all plats of subdivisions covered by these provisions.

#### **Sec. 21-4. Jurisdiction.**

These regulations govern the subdivision of land within the City of Miles City, including land proposed for subdivision outside the city limits officially proposed to be annexed into the city limits of Miles City.

#### **Sec. 21-5. Definitions.**

Whenever the following words or phrases appear in these regulations, they shall have the meaning assigned to them by this section. When not inconsistent with the context, words used in the present tense include the future; the singular, unless otherwise specifically defined in a particular section, includes the plural, and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates use of discretion in making decisions.

##### *Access (legal and physical):*

- (1) *Legal access* means that each lot in a subdivision either abuts a public (city, county, state, or federal) street or road, or that the subdivider has obtained adequate and appropriate easements across all necessary properties, from a public road to each lot in the subdivision, whether or not a road has been constructed on that property, and has or is proposed to dedicate the easement for public use or for private use specific to the proposed subdivision.
- (2) *Physical access* means that a street or road conforming to the subdivision design standards provides vehicular access to each lot in the subdivision, either from a public street or road, from a street or road constructed to local standards in the obtained easements which are dedicated to public use, or from

a private road improved to local standards which has been dedicated to public use.

*Adjoining landowner (adjacent property owner)* means the owner of record of a parcel of land that is contiguous, at any point, or land that is separated from the parcel by a road or directly across watercourse or deeded right-of-way.

*Agriculture* means the direct use of land for grazing and cropping to produce food, feed, and fiber commodities. This includes crop cultivation and tillage of the soil; grazing for milk, egg, meat, and breeding animal production; and animal feed production. It does not include farm animal confinement facilities or structures associated with farming and ranching.

*Agricultural water user facilities* means those facilities which provide water for agricultural land or the production of agricultural crops or animals including, but not limited to, canals, ditches, pipes, water-control devices, springs, dams and dugouts with associated collection areas, and water-spreading systems.

*ARM* means the Administrative Rules of Montana.

*Block* means a group of lots, tracts or parcels within well-defined and fixed boundaries.

*Certificate of survey* means a drawing of a field survey prepared by a registered surveyor for the purpose of disclosing facts pertaining to boundary locations. (MCA 76-3-103(1)).

*Cluster development* means a subdivision with lots clustered in a group of five or more lots that is designed to concentrate building sites on smaller lots in order to reduce capital and maintenance costs for infrastructure through the use of concentrated public services and utilities, while allowing other lands to remain undeveloped. (MCA 76-3-103(2)).

*Comprehensive plan:* See Growth Policy.

*Condominium* means the ownership of single units with common elements located on property submitted to the provisions of the Montana Unit Ownership Act, MCA Title 70, Chapter 23. The term does not include a townhome or townhouse. (MCA 70-23-102(5))

*Covenant (restrictive covenant)* means a limitation contained in a deed or other document that restricts or regulates the use of the real property.

*Dedication* means the deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with

the full exercise and enjoyment of the public use to which the property has been devoted. (MCA 76-3-103(3)).

*DEQ* means the Montana Department of Environmental Quality.

*Division of land* means the segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the MSPA. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land. (MCA 76-3-103(4)).

*Dwelling unit* means any structure or portion thereof providing complete, independent and permanent living facilities for one household.

*Easement* means authorization by a property owner for another to use, or restriction on the right of the owner to use, all or a portion of the owner's property for a specified purpose.

*Engineer (professional engineer)* means a person licensed in conformance with the Montana Engineers' and Land Surveyors' Act (MCA Title 37, Chapter 67) to practice engineering in the State of Montana.

*First Minor Subdivision* means a proposed minor subdivision from a tract of record that has not been subdivided or created by a subdivision under the MSPA, or has not resulted from a tract of record that has had more than five parcels created from that tract of record under MCA 76-3-201 or 76-3-207 since July 1, 1973. (MCA 76-3-609).

*Flood* means the water of any watercourse or drainway that is above the bank or outside the channel and banks of the watercourse or drainway (MCA 76-5-103(8)).

*Flood of 100-year frequency* means 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)).

*Floodplain* means the area adjoining the watercourse or drainway that would be covered by the floodwater of a flood of 100-year frequency, except for sheetflood areas that receive less than 1 foot of water per occurrence and are considered "zone B" or a "shaded X zone" by the Federal Emergency Management Agency. (MCA 76-5-103(10)).

*Floodway* means the channel of a watercourse or drainway and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainway. (MCA 76-5-103(11)).

*Governing body* means the governing authority of a county, city, or town organized pursuant to law. (MCA 76-3-103(7)). In the jurisdictional area of the City of Miles City, the governing body is the City Council.

*Growth policy* means a comprehensive development plan, master plan, or comprehensive plan that was adopted pursuant to MCA Title 76, Chapter 1 before October 1, 1999, or a policy that was adopted pursuant to MCA Title 76, Chapter 1 on or after October 1, 1999. (MCA 76-1-103(4))

*Improvement agreement* means a contractual agreement that may be required by the governing body to ensure the construction of such improvements as required by local subdivision regulations. The improvement agreement may require collateral to secure the construction of such improvements, such as the deposit of certified funds, irrevocable letters of credit, performance or property bonds, private or public escrow agreements, or similar financial guarantees.

*Landowner* means all individuals, groups, or parties with a title interest in the property. For purposes of MCA 76-3-207, when a parcel of land for which an exemption from subdivision review is claimed is being conveyed under a contract-for-deed, the terms "property owner," "landowner," and "owner" mean the seller of the parcel under the contract-for-deed (24.183.1104 ARM). For all other purposes of these regulations, the terms "property owner," "landowner," and "owner" mean both the seller and the purchaser under a contract for deed.

*Local services* means any and all services and facilities that local government entities are authorized to provide.

*Lot* means a parcel, plot, or other land area created by subdivision for sale, rent, or lease.

*Lot measurement:*

- (1) *Lot depth* means the horizontal distance between the front and the rear lot lines.
- (2) *Lot width* means the average width of the lot.
- (3) *Lot frontage* means the length of the front lot line.
- (4) *Lot area* means the area of a lot determined exclusive of street, highway, alley, road, or other rights-of-way or access easements.

*Lot types:*

- (1) *Corner lot* means a lot located at the intersection of two streets.
- (2) *Interior lot* means a lot other than a corner lot.



(3) *Through lot or double-frontage lot* means a lot whose front and rear lines both abut streets (except alleys).

(4) *Flag lot* means a lot of irregular shape, the bulk of which is normally situated to the rear of other lots, having as its frontage and access a drive connecting it to a street.

*Major subdivision* means a subdivision that creates six or more lots.

*Material* (as in a material change or amendment to an application or plat) means a change or amendment that is significant, that substantially alters the proposal, has an impact on any of the primary review criteria (MCA 76-3-608(3)(a)), brings the proposal out of conformance with the growth policy, zoning or subdivision regulations, or impacts the public's opportunity to provide meaningful comment.

*Minor subdivision* means a subdivision that creates five or fewer lots.

*Mobile (manufactured) home* means a detached residential dwelling unit, which may consist of two or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, "trailer homes," "house trailers," and "manufactured homes" whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include "modular" or "factory-built buildings" that are fabricated at a factory in accordance with the Uniform Building Code Standards applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation.

*Mobile (manufactured) home space* means a designated portion of a parcel of land designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

*Mobile (manufactured) home park* means a tract of land that provides or will provide spaces for two or more mobile homes.

*Mobile (manufactured) home pad* means that area of a mobile home space which has been prepared for the placement of a mobile home.

*Montana Department of Environmental Quality Minimum Standards* means minimum standards promulgated by the Montana Department of Environmental Quality, pursuant to MCA Title 76, Chapter 4, Part 1.

*Monument (permanent monument)* means any structure of masonry, metal, or other permanent, durable material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference. (ARM 24.183.1101(1)(a)).

*MSPA* means Montana Subdivision and Platting Act, MCA Title 76, Chapter 3.

*Natural environment* means the physical conditions which exist within a given area, including land, air, water, mineral, flora, fauna, sights, sound, and smells and objects of historic, aesthetic, or community significance.

*Open space* means land or water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state.

*Phasing plan* means the design plan showing phases and timing for a subdivision proposed to be subdivided in stages.

*Planned unit development (PUD)* means a land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use. (MCA 76-3-103(10)).

*Planning board* means a planning board formed pursuant to MCA Title 76, Chapter 1. In the jurisdictional area of the City of Miles City, the planning board is the Miles City Planning Board.

*Plat* means a graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, and other divisions and dedications. (MCA 76-3-103(11)).

The term “plat” includes the following types of plats, with definitions:

- (1) *Preliminary plat* means a neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body as more specifically set forth in these regulations and the MSPA. (MCA 76-3-103(12)).
- (2) *Final plat* means the final drawing of the subdivision and dedication required to be prepared for filing for record with the county clerk and recorder containing all elements and requirements set forth in these regulations and the MSPA. (MCA 76-3-103(6)).
- (3) *Amended plat* means the final drawing of any change to a filed platted subdivision or any lots within a filed platted subdivision.
- (4) *Vacated plat* means a plat which has been voided under the provisions of MCA 76-3-305, 7-5-2501, 7-5-2502, 7-14-2616, 7-14-2617, and 7-14-4114, as applicable.

*Pre-application sketch (or drawing)* means a legible drawing showing approximate boundaries, dimensions, areas, distances and other pertinent information of a proposed subdivision.

*Private improvements* are the same types of improvements as defined under public improvements, except the structure or facility has not been dedicated to the public or otherwise acquired by a government entity for public use.

*Private road* means a road is private if its right-of-way has neither been dedicated nor acquired for public use. A private road may be open to use by the general public or public access may be restricted.

*Public health and safety* means a condition of optimal well-being, free from danger, risk, or injury for the community at large or for all people, not merely for the welfare of a specific individual or a small class of persons. Examples of conditions that relate to public health and safety include but are not limited to: disease control and prevention; emergency services; environmental health; flooding, fire or wildfire hazards; rock falls or landslides, unstable soils, steep slopes, and other natural hazards; high voltage lines or high pressure gas lines; and air or vehicular traffic safety hazards.

*Public improvement* means any structure or facility constructed to serve more than one lot in a subdivision which is dedicated to the public or otherwise acquired by a government entity for public use. Examples of typical public improvements include parks, streets or roads, sidewalks, curbs, gutters, and street lighting, utilities, and systems for water supply, sewage disposal, drainage, or fire protection.

*Public road or street* means a road or street is public if its right-of-way has been dedicated or acquired for public use.

*Public utility (per MSPA)* has the meaning provided in MCA 69-3-101, except that for the purposes of this chapter, the term includes county or consolidated city and county water or sewer districts as provided for in Title 7, chapter 13, parts 22 and 23, and municipal sewer or water systems and municipal water supply systems established by the governing body of a municipality pursuant to Title 7, chapter 13, parts 42, 43, and 44. (MCA 76-3-103(13)),

*Recreational camping vehicle* means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.

*Recreational vehicle park* means a tract of land available to and principally used by the public for camping, where persons can park recreational vehicles for camping and sleeping purposes.

*Recreational vehicle space* means a designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

*Reviewing authority* means the DEQ or local board of health or sanitarian as authorized under MCA Title 76, Chapter 4.

*Right-of-way* means a linear public way established or dedicated for public purposes by a duly recorded plat, deed, easement, grant, prescription, condemnation, governmental authority or by operation of law, intended to be occupied by a street, non-motorized vehicle path, railroad, electric transmission lines, water line, sanitary sewer line, storm sewer line, or other similar uses.

*State* means the State of Montana.

*Street* means a way for vehicular traffic designated as a street, highway, boulevard, thoroughfare, parkway, throughway, avenue, road or court.

*Street types.* For purposes of these subdivision regulations<sup>1</sup>, street types are defined as follows:

(1) *Alley* means a public or private way reserved as a secondary means of access to the rear or side of lots which abut on and are served by public roads.

(2) *Arterial* means a street, road or highway having the primary function of moving traffic with emphasis on a high level of mobility for through movement and the secondary function of providing access to adjacent land. Arterials carry more than 1,000 vehicle trips per 24-hour period. Arterials have two to four lanes of moving traffic and should provide only limited access to abutting property.

(3) *Collector* means a street, road or highway having the equally important functions of moving traffic and providing access to adjacent land. Collector streets have two moving traffic lanes and up to two parking lanes. Collectors may be major or minor, as follows:

(a) *Major collectors.* Major collectors are roads that carry more than 300 but less than 1,000 vehicle trips per 24-hour period. Major collectors connect to other streets at each end and do not dead end.

(b) *Minor collectors.* Minor collectors are roads that carry more than 100 but less than 300 vehicle trips per 24-hour period. Minor collectors may or may not end at a cul-de-sac bulb or other turnaround, subject to design standards.

(4) *Minor street* means a street the primary function of providing access to adjacent land and a secondary function of moving traffic. Minor streets have two

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<sup>1</sup> Other ordinances and regulations adopted by Miles City may assign conflicting definitions, classifications, and standards to streets; these definitions are for purposes of subdivision review only.

moving lanes of traffic, up to two parking lanes, and provide access to abutting properties. Minor streets carry less than 100 but more than 20 vehicle trips per 24-hour period.

(5) *Local street* means a street having the function of providing primary access to two or fewer lots and that is expected to carry less than 20 vehicle trips per 24-hour period.

(6) *Half-street* means a portion of the width of a street, usually located along the perimeter of a subdivision, the remaining portion of which street must be located on adjacent property if the street is to be fully constructed.

(7) *Cul-de-sac* means a street having only one outlet for vehicular traffic and terminating in a turn-around area.

(8) *Frontage access (street)* means a local, minor, or collector street, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.

(9) *Primary access streets* are streets comprising the network of streets, roads, and highways that provide the public access to a subdivision and the lots within.

*Subdivider* means a person who causes land to be subdivided or who proposes a subdivision of land (MCA 76-3-103(14)). When used in these regulations, the term "subdivider" may also include the property purchaser on a contract for deed or its agent, or the landowner's agent, if the landowner has provided the subdivision administrator written notification that the landowner's agent is authorized to act on the landowner's behalf and to receive notices regarding local government decisions concerning the subdivision.

*Subdivision* means a division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any resubdivision and a condominium. The term also means an area, regardless of its size, that provides or will provide multiple spaces for rent or lease on which recreational camping vehicles or mobile homes will be placed. (MCA 76-3-103(15)).

*Subdivision administrator* means the person or persons authorized by the governing body to perform the duties of review and administration set forth in these regulations.

*Subsequent Minor Subdivision* (or Second or Subsequent Minor Subdivision) means any subdivision of five or fewer parcels that is not a first minor subdivision.

*Surveyor (professional land surveyor)* means a person licensed in conformance with the Montana Engineers' and Land Surveyors' Act (MCA Title 37, Chapter 67) to practice surveying in the State of Montana.

*Surveyor (examining land surveyor)* means a registered land surveyor duly appointed by the governing body to review surveys and plats submitted for filing. (MCA 76-3-103(5)).

*Swale* means a drainage channel or depression designed to direct surface water flow.

*Title report (abstract of title, subdivision guarantee, or platting report)* means a report from a title service company on the condition of title to the property proposed for subdivision, which identifies the owners of record of the property, lien holders, encumbrances, easements and restrictions of record, and all other conditions of title of public record, and accompanied by a guarantee of the accuracy of the report from the title insurance agent or its underwriter.

*Topography* is a general term to include characteristics of the ground surface such as plains, hills, mountains, slopes, and other physiographic features.

*Townhome or townhouse* means property that is owned subject to an arrangement under which persons own their own units and hold separate title to the land beneath their units, but under which they may jointly own the common areas and facilities. (MCA 70-23-102(14)).

*Townhouse lot* means an arrangement under which units share a common wall, and individuals own their own units and hold separate title to the land beneath the unit.

*Tract of record* means an individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the county clerk and recorder's office (MCA 76-3-103(16)).

*Vicinity sketch* means a map at a scale suitable to locate a proposed subdivision, showing the boundary lines of all adjacent properties and streets and other information necessary to determine the general location of the proposed subdivision.

*Vehicle trip calculation* means the number of vehicle trips anticipated to occur on a street, road, or highway, typically expressed in average trips per day or in a 24 hour period. For purposes of these regulations, vehicle trips generated by a residential subdivision shall be calculated on the basis of eight trips per household per day. Actual official traffic counts or a certified traffic study may be used for traffic loads. Vehicle trips for non-residential subdivisions such as commercial and industrial developments are determined through a traffic study that is completed by a registered engineer.

*Wildlife* means living creatures (e.g. mammals, birds, reptiles, fish) which are neither human nor domesticated.

*Wildlife habitat* geographic areas containing physical or biological features essential to wildlife for living, breeding, or nesting either permanently or seasonally, or essential to the conservation of listed endangered and threatened species under the Endangered Species Act.

#### **Sec. 21-6. Violations and penalties.**

Any person who violates any of the provisions of the MSPA or these regulations (Chapter 21) is guilty of a misdemeanor punishable by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment in a county jail for not more than three months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of the MSPA or these regulations (Chapter 21) shall be deemed a separate and distinct offense.

#### **Sec. 21-7. Amendment of regulations.**

These regulations may be amended by the City Council. Before the governing body adopts amended subdivision regulations, it shall hold a public hearing on the regulations and shall give public notice of its intent to adopt amendments to the regulations and of the public hearing by publication of notice of the time and place of the hearing in a newspaper of general circulation in the county not less than 15 or more than 30 calendar days prior to the date of the hearing.

#### **Sec. 21-8. Reserved.**

#### **Sec. 21-9. Fees.**

Fees, charges and expenses to be paid by subdividers to defray the expenses of subdivision review and exemption review and any inspections necessary for plat approval shall be set from time to time by resolution of the City Council. Applications for subdivision review shall not be accepted unless accompanied by all applicable fees.

#### **Secs. 21-10—21-13. Reserved.**

#### **Sec. 21-14. General procedures.**

(a) (a) *Pre-applications and Preliminary plats.*

(1) *Construction timing.* Construction work shall not occur on a proposed subdivision until the governing body has given conditional approval of the preliminary plat. Construction work undertaken prior to the preliminary plat approval subjects the subdivider to the possibility the work will have to be redone or removed. In addition, MCA 76-4-121, regulates subdivision activities.

(2) *Transfers of title.* Except as noted below, a final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner. After the preliminary plat of a subdivision has been approved or conditionally approved, the subdivider may enter into contracts to sell lots in the proposed subdivision if all of the following conditions are met (MCA 76-3-303):

a. That under the terms of the contracts the purchasers of lots in the proposed subdivision make any payments to an escrow agent, which must be a bank or savings and loan association chartered to do business in the State of Montana;

b. That under the terms of the contracts and the escrow agreement the payments made by purchasers of lots in the proposed subdivision may not be distributed by the escrow agent to the subdivider until the final plat of the subdivision is filed with the county clerk and recorder;

c. That the contracts and the escrow agreement provide that if the final plat of the proposed subdivision is not filed with the county clerk and recorder within two years of the preliminary plat approval, the escrow agent shall immediately refund to each purchaser any payments the purchaser has made under the contract;

d. That the contracts contain the following language conspicuously set out therein: "The real property which is the subject hereof has not been finally platted, and until a final plat identifying the property has been filed with the county clerk and recorder, title to the property cannot be transferred in any manner"; and

e. That the county treasurer has certified that no real property taxes assessed and levied on the land to be divided are delinquent.

(3) *Permission to enter.* The governing body or its designated agent(s) or affected agencies identified during the pre-application meeting may investigate, examine, and evaluate the site of the proposed subdivision to verify information provided by the subdivider and to subsequently monitor compliance with any conditions if the preliminary plat is approved conditionally. The submission of a subdivision pre-application or any other subdivision application constitutes a grant of permission by the subdivider for the governing body, its agents, and affected agencies to enter the subject property. This consent applies to members of the public attending a noticed public meeting for a site visit.

(4) *Pre-application process.*

a. Prior to submittal of a subdivision application, the subdivider shall request a pre-application meeting with the subdivision administrator by



submitting, along with required fees as adopted by the City Council, a pre-application form provided by the subdivision administrator. The meeting shall occur within 30 calendar days after the subdivider submits a written request for the meeting to the subdivision administrator.

b. At the time of the pre-application meeting request, the subdivider shall provide to the subdivision administrator a sketch of the proposed subdivision showing the layout of the proposed features in relation to existing site conditions together with other relevant documents. The sketch may be a freehand sketch drawn directly on a print of a topographic map of the area proposed for division at a scale of one inch to 400 feet or larger that is adequate to show the property and to show relevant information. The sketch and materials must include the following:

1. Information on the current status of the site, including:
  - i. Site location;
  - ii. Approximate tract and lot boundaries of existing tracts of record;
  - iii. Description of general terrain;
  - iv. Natural features including water bodies, floodplains geologic hazards, and soil types;
  - v. Existing structures and improvements;
  - vi. Existing utility lines and facilities serving the area to be subdivided;
  - vii. Existing easements and rights-of-way;
  - viii. Existing zoning or development regulation standards;
  - ix. Existing conservation easements;
  - x. Existing covenants or deed restrictions.
2. Documentation on the current status of the site, including:
  - i. Ownership information, such as a deed, option to buy or buy-sell agreement, including permission to subdivide;

ii. For proposed minor subdivisions, a copy of each certificate of survey or subdivision plat(s) pertaining to the subject parcel since July 1, 1973

iii. Water rights, including location of agricultural water user facilities; and

iv. Any special improvement districts.

v. Any rights of first refusal for the property.

3. Information on the proposed subdivision, including:

i. Tract and proposed lot boundaries;

ii. Proposed public and private improvements;

iii. Location of utility lines and facilities;

iv. Easements and rights-of-way; and

v. Parks and open space and proposed conservation easements.

c. At the pre-application meeting:

1. The subdivision administrator shall identify, for informational purposes only, the state laws, local regulations and growth policy provisions that may apply to the subdivision review process including, but not limited to zoning regulations and floodplain regulations;

2. The subdivision administrator shall provide the subdivider with a list of public utilities, local, state and federal agencies, and any other entities that have an interest in the proposed subdivision and that may be contacted by the subdivision administrator or planning board on the subdivision application. The subdivision administrator shall also identify the timeframes that the public utilities, agencies, and other entities are given to respond; and

3. The subdivision administrator may identify particular additional information the subdivision administrator anticipates will be required for review of the subdivision application. This does not limit the ability of the subdivision administrator to request additional information at a later time.

d. Unless the subdivider submits a subdivision application within one year of this pre-application meeting, the subdivider must request a new pre-application meeting prior to submitting the subdivision application. The subdivision administrator has the discretion to extend this time period for up to one additional year upon written request if it is determined that the information required of preliminary plat submittal will be the same based on site and area specific conditions and the regulations in effect at the time of the request.

(5) *Subdivision application and preliminary plat submittal.* The subdivider shall submit to the Miles City Planning Department a subdivision application addressing the topics discussed at the pre-application meeting and containing the following materials, all described in in forms or a comprehensive list of the following information required for the specific subdivision provided by the subdivision administrator, as applicable<sup>2</sup>:

- a. As supplements to the preliminary plat:
- A completed and signed subdivision application form;
  - The required review fee;
  - A preliminary plat;
  - A vicinity sketch;
  - A topographic map;
  - A conceptual grading and drainage plan;
  - Engineering plans for all public and private improvements;
  - Overall phasing plan if development is proposed to be completed in 2 or more phases including:
    - a. A time frame for each phase;
    - b. An improvement plan showing which improvements will be completed with each phase;
  - Abstract of title (or title report);
  - Lienholders' acknowledgment of subdivision;
  - Documentation of legal and physical access;
  - Documentation of existing easements, including those for agricultural water user facilities;
  - Existing covenants and deed restrictions;
  - Existing water rights;
  - Existing mineral rights;
  - Names and addresses of all adjoining property owners;
  - Comment on the proposed subdivision from police department, fire department, school superintendent, utility companies, engineering department, public works department, post office, medical service providers (hospital, ambulance, etc.),

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<sup>2</sup> The original application materials are submitted at initial submittal. Once the application is determined sufficient for review, 15 copies of the complete and sufficient application shall be submitted to the subdivision administrator (within 3 working days of notification of a sufficient application).

floodplain administrator, Montana Department of Natural Resources & Conservation, state historic preservation office, Montana Fish, Wildlife, & Parks, United States Fish & Wildlife Service, and any other entity deemed applicable by the subdivision administrator;

- Copies of all correspondence with the public utilities, local, state and federal agencies and any other entities identified during the pre-application meeting;
- Proposed road plans and profiles;
- Encroachment permits and approach permits from Montana Department of Transportation or the local jurisdiction;
- Proposed easements;
- Proposed disposition of water rights;
- Proposed disposition of mineral rights;
- A list of lot sizes (spreadsheet format preferred) for the purpose of park land dedication calculations;
- Environmental assessment when required and summary of probable impacts;
- Transportation impact analysis or transportation plan;
- Fire risk rating analysis and fire prevention plan;
- Noxious weed management plan and re-vegetation plan;
- Property owners' association documents, including draft articles of incorporation, declaration and bylaws;
- FIRM or FEMA panel map and letter identifying floodplain status;
- Flood hazard evaluation;
- Required water and sanitation information (MCA 76-3-622);
- A form of subdivision improvements agreement, if proposed;
- Letter requesting a revocation of agricultural covenant, if applicable;
- Letter indicating locations of cultural or historic resources;
- Variance request or approval;
- Re-zoning application or approval;
- Letter identifying and proposing mitigation for potential hazards or other adverse impacts as identified in the pre-application meeting and not covered by any of the above required materials; and
- Such additional relevant and reasonable information as identified by the subdivision administrator during the pre-application meeting that is pertinent to the required elements of this section.

b. Information That May Be Required to be Included On The Preliminary Plat or a Preliminary Plat Supplement

*Note: The plat must be drawn to scale on 24-inch by 36-inch paper. The plat may consist of one or more sheets.*

- A standard title block and information to include scale bar, north arrow, and date of preparation;
- A name for the subdivision (names cannot be duplicated, but amended plats may be entitled “the amended plat of [existing subdivision name]);
- The exterior boundaries of the tract and the approximate location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary;
- A metes and bounds or other legal description, or notation of previously recorded certificate of surveys or subdivision plats;
- All lots and blocks, designated by numbers and/or letters;
- The proposed lot boundaries;
- The gross and net acreage of each lot;
- All existing and proposed streets, alleys, avenues, roads and highways on, adjacent to, and serving the property, and the width of the rights-of-way, grades and curvature of each, existing and proposed street names, and proposed locations of intersections or other access points for any subdivision requiring access to arterial or collector highways;
- The location, boundaries, dimensions and areas of any parks, common grounds, or other grounds dedicated for public or private use;
- The portions of each lot with slopes greater than 25 percent;
- Proposed property line setbacks or any setbacks required by the applicable zoning regulations;
- Topographic ground contours at required intervals or as appropriate to easily identify grades;
- All surface waters, to include irrigation water, on the property and within 100-feet of the exterior boundaries of the subdivision;
- All federally recognized wetlands on the property and within 100-feet of the exterior boundaries of the subdivision;
- All known wetlands on the property and within 100-feet of the exterior boundaries of the subdivision as well as the sources of information upon which this is based (National Wetlands Inventory, US Army Corp of Engineer comments, etc.);
- The location of all 100-year flood plains;
- Structural setbacks and vegetated buffers along wetlands and waterways;
- The location of all existing and proposed fences, lighting, signage, sidewalks, paths, storage areas, and other existing or proposed man-made improvements;

- The locations and types of all existing and proposed traffic control devices and directional signs;
- Traffic study by a registered engineer for non-residential subdivisions;
- Existing and proposed landscape buffers;
- Any proposed or existing “no build zones” and/or building envelopes;
- Any existing and proposed utilities located on or adjacent to the property including:
  - a. The approximate location, size and depth of water mains, sanitary and storm sewers, and fire hydrants.
  - b. The approximate location of nearest water mains and sewer lines where none are located on or adjacent to the property;
  - c. The approximate location of gas, electric and telephone lines, and streetlights.
- The locations and identity of all existing easements and rights-of-way of record and proposed public and private easements and rights-of-ways, including descriptions of their width and purpose;
- The location of any existing or proposed easements for existing or proposed utility services to the proposed lots;
- The proposed driveways and approaches serving each lot;
- A building site on each proposed lot;
- The location of existing and/or potential buildings/building sites, structures and other improvements;
- Proposed locations of all stormwater management infrastructure;
- All existing and proposed primary and 100% replacement drainfields on the property and within 100-feet of the exterior boundaries of the subdivision;
- Locations of the soils test pits for data submitted with the subdivision application;
- All proposed or existing wells on the property and within 100-feet of the exterior boundaries of the subdivision;
- Such additional relevant information as identified by the subdivision administrator during the pre-application meeting that is pertinent to the review of the subdivision proposal; and
- Any other requirements of these regulations that does not appear on this list.

(6) *Review process.* For both minor and major subdivisions, the initial review process is as follows:

- a. *Element review.* Within 5 working days of receipt of a subdivision application and fee, the subdivision administrator shall determine whether the application contains all of the applicable materials required by

subsection (d)(5) above, and shall give written notice to the subdivider of the subdivision administrator's determination. A subdivision application is considered to be received on the date of delivery to the Miles City Planning Department and when accompanied by the required review fees (MCA 76-3-604(1)(a)).

1. If the subdivision administrator determines that elements are missing from the application, the subdivision administrator shall notify the subdivider of the missing elements and identify those elements that are missing. No further action shall be taken on the application by the subdivision administrator until the missing elements are submitted.

2. The subdivider may correct the deficiencies and submit the missing elements.

3. If the subdivider corrects the deficiencies and submits the missing elements, the subdivision administrator shall have 5 working days to notify the subdivider whether the submitted information contains all the materials required by subsection (d)(5) above, as applicable.

4. This process shall be repeated until the subdivider submits an application containing all the materials required by subsection (d)(5) above, or the application is withdrawn.

5. If the missing elements are not corrected and submitted to the subdivision administrator within 60 days following the date of the deficiency letter, the subdivision administrator may terminate the application and file, and notify the subdivider within 5 working days of termination. The Miles City Planning Department may retain a reasonable portion of the review fees for processing the application and for the element review.

b. *Sufficiency review.* Within 15 working days after the subdivision administrator notifies the subdivider that the application contains all of the required elements as provided in subsection (6)(a) above, the subdivision administrator shall determine whether the application and required elements contain detailed, supporting information that is sufficient to allow for the review of the proposed subdivision under these regulations and shall give (written) notice to the subdivider of the subdivision administrator's determination.

1. If the subdivision administrator determines that the information in the application is not sufficient to allow for review of the proposed subdivision, the subdivision administrator shall

identify specific required information in the notification and no further action shall be taken on the application by the subdivision administrator until the identified material is resubmitted.

2. The subdivider may correct the deficiencies and resubmit the identified material, or withdraw the application.

3. If the subdivider corrects the deficiencies and resubmits the identified material the subdivision administrator shall have 15 working days to notify the subdivider whether the additional information and required elements contain detailed, supporting information that is sufficient to allow for review of the proposed subdivision under these regulations.

4. This process shall be repeated until the subdivider submits an application that contains detailed, supporting information that is sufficient for review of the proposed subdivision under the provisions of these regulations, or the application is withdrawn.

i. A determination that an application contains sufficient information for review does not ensure that the proposed subdivision will be approved or conditionally approved by the governing body and does not limit the ability of the subdivision administrator, planning board, or the governing body to request additional information during the review process.

ii. A determination of sufficiency by the subdivision administrator does not limit the DEQ from requiring additional water and sanitation information as part of the DEQ review of water and sanitation information.

iii. Once the application is determined sufficient for review, 15 copies of the complete and sufficient application shall be submitted to the subdivision administrator within 3 working days of notification of a sufficient application. If the required copies are not submitted to the subdivision administrator within 3 working days, the review period is suspended until the proper copies are submitted.

iv. Upon determination of a sufficient application, the preliminary plat application proceeds to the review procedures for first minor subdivisions (Section 21-15) or the review procedures for major and subsequent minor subdivisions (Section 21-16), as applicable.



5. If the deficiencies are not corrected and submitted to the subdivision administrator within 60 calendar days following the date of the deficiency letter, the subdivision administrator may terminate the application and file, and notify the subdivider within 5 working days of termination. The Miles City Planning Department may retain a reasonable portion of the review fees for processing the application and for the element and sufficiency reviews.

c. *Applicable regulations.* Subdivision review and approval, conditional approval or denial shall be based on those regulations in effect at the time a subdivision application and preliminary plat is deemed to contain sufficient information for review. If regulations change during the element or sufficiency review, the determination of whether the application contains the required elements and sufficient information shall be based on the new regulations.

(b) (b) *Final plats.*

(1) *Final plat contents.* The final plat submitted for approval must conform to the preliminary plat as previously reviewed and approved by the governing body and must incorporate all required modifications and comply with all conditions imposed at the time of preliminary plat approval. The final plat and accompanying documents must comply with the Montana Uniform Standards for Final Subdivision Plats (Section 21-62). Final plats of subdivisions approved for phased development shall be filed sequentially in accordance with the approval.

(2) *Final plat initial review.*

a. *Final plat submittal.* The final plat approval application form, which can be obtained from the subdivision administrator, and all supplementary documents, must be submitted to the subdivision administrator prior to the expiration of preliminary plat approval. The submittal shall include, as applicable:

1. The final plat application;
2. The final plat review fee;
3. A statement outlining how each condition of approval has been satisfied; (Administrative Note: Certain conditions of plat approval may be carried out over time and may be enforced through development permit processes and through ongoing compliance monitoring.)

4. A title report or updated abstract dated no older than 30 calendar days prior to the date of submittal of the final plat application;
5. A signed, dated and notarized statement from each landowner, if different from the subdivider, and each lien holder or claimant of record consenting to the platting of the subdivision dated no older than 30 calendar days prior to the date of submittal. The governing body hereby authorizes the subdivision administrator to provide for the review of the abstract or certificate of title of the land in question by the city attorney;
6. The DEQ or local health department/sanitarian approval;
7. The final grading and drainage plan, including all road plans and profiles and state or local encroachment or approach permits (as required);
8. All engineering plans;
9. Any property owner association documents, including bylaws, covenants, and declarations;
10. A certificate of dedication of public improvements;
11. A copy of the approved state highway permits when a new road or driveway will intersect with a state highway;
12. A subdivision improvements agreement, financial guarantee and supporting documentation securing the future construction for all incomplete improvements to be installed (if applicable);
13. City attorney review of title report; and
14. One 11" x 17" and four 24" x 36" versions (two mylar and two paper) of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats set forth in Section 21-62 and as required by the Custer County Clerk & Recorder's Office.

b. *Review by subdivision administrator.*

1. The subdivision administrator shall review the final plat to ascertain that all conditions and requirements for final plat approval have been met. The subdivision administrator will not

accept, begin processing, nor schedule any actions on a final plat submittal until a complete application and fee, and copies of the final plat have been received. Final plat applications will not be considered complete by the subdivision administrator until all conditions of preliminary approval have been satisfied.

2. If the subdivision administrator determines that the final plat differs from the approved or conditionally approved preliminary plat, the applicant shall be required to submit any review fee authorized by an adopted fee schedule and an amended application pursuant to subsection 21-14(b)(5) below.

3. The subdivision administrator or county clerk and recorder may require that final subdivision plats be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the clerk and recorder. When the survey data shown on the plat meets the conditions pursuant to these regulations, the examining land surveyor (as applicable) shall certify the compliance in a printed or stamped signed certificate on the plat.

4. If the subdivision administrator determines that the final plat and application comply with the conditions and requirements for final plat approval, the subdivision administrator will notice and schedule a meeting with the governing body for final plat approval per subsection 21-14(b)(6) below. Notice of the governing body's meeting for final plat approval shall consist of posting a brief description of the pending action(s) on a bulletin board at city hall for at least 2 full working days.

5. Some governing body actions related to final plat review, such as acceptance of streets or park dedication, or cash-in-lieu of park land amounts, require action by the governing body prior to or at the time of final plat approval. In these cases, the meetings will typically be consolidated, scheduled, and noticed by the subdivision administrator only as a meeting for final plat approval.

(3) *Restrictive covenants, approval, content and enforcement by governing body; maintenance of common and shared property or improvements.*

a. The governing body may require that some or all restrictive covenants governing the use of land within the subdivision, whether proposed by the subdivider or required by the governing body, be set forth in a separate heading identifying them as plat approval covenants, and indicating: "These covenant(s) may not be repealed or amended without prior written consent of the Miles City City Council."

b. The governing body may require restrictive covenants. The restrictive covenants that it has required as a condition of plat approval may be required to contain the following language: "The City of Miles City is a party to this restrictive covenant and may enforce its terms."

c. If common property or facilities are to be deeded to or managed by a property owners' association, the covenants and by-laws which govern the association must, at a minimum, provide for the:

1. Formation of a property owners' association concurrently with the filing of the final subdivision plat. Articles of incorporation shall be filed with the secretary of state's office. The property owners' association bylaws shall be recorded with the Custer County Clerk and Recorder's Office;

2. Mandatory membership for each property owner. Purchasers of property may also be required to sign a waiver of right to protest the formation of a maintenance district to maintain improvements;

3. Perpetual reservation of the common property when required under MCA 76-3- 621(6)(a);

4. Payment of liability insurance premiums, local taxes, and the cost of maintaining recreational or other facilities;

5. Placement of liens on the property of lot owners who are delinquent in the payment of association fees and assessments;

6. Adjustment of assessments to meet changing needs;

7. Means of enforcing the covenants, and of receiving and processing complaints;

8. Transition of control of the association from the declarant to the property owners.

9. Dissolution of the association and modification of the covenants and restrictions after obtaining the governing body's approval of the change; and

10. Regular maintenance of roads, parks, buildings, drainage facilities, and other facilities controlled by the association.

d. When a proposed subdivision is subject to existing covenants, deed restrictions or any other restrictions filed in the records of the Custer County Clerk and Recorder's Office that the governing body has the right to enforce, all lots shall conform to the restrictions. The governing body reserves the right to notify and seek comment from landowners or an association that is party to the covenants, deed restrictions or other restrictions prior to taking action on a preliminary plat application.

e. When physical improvements are shared by more than one lot within the subdivision, but a property owners' association is not to be formed to manage the improvements, a declaration of shared use and maintenance agreement for any shared infrastructure shall be created and recorded with the Custer County Clerk and Recorder's Office. At a minimum, the document shall provide for:

1. The regular maintenance of the shared infrastructure;
2. A requirement for equitable payment of the cost of maintaining the shared infrastructure;
3. Allowed adjustments of assessments to meet changing needs;
4. A means of enforcing the terms of the declaration;
5. An allowance for placement of liens on the property of lot owners who are delinquent in the payment of maintenance fees and assessments; and
6. The modification of the declaration after obtaining the governing body's approval of the change.

(4) *Public improvements agreement, guaranty.* As a condition of approval of the final plat, the subdivider must have installed all required improvements or have entered into a subdivision improvements agreement guaranteeing the construction and installation of all required improvements (MCA 76-3-507). The governing body may require 50 percent of all improvements or 100 percent of any improvements necessary to protect public health and safety to be completed before allowing bonding or other reasonable security for purposes of filing a final plat. The requirement is applicable to approved preliminary plats (MCA 76-3-507(4)). No construction or placement of structures on the lots may occur until improvements related to public health and safety, such as roads or firefighting facilities, have been installed and engineering plans have been filed. A model subdivision improvements agreement and alternative methods of guaranteeing public improvements, the procedures and requirements for securing an agreement,

and suggested conditions for maintenance are available from the subdivision administrator.

If the subdivider chooses to enter into a subdivision improvements agreement, guaranteeing the public improvements through a bond or letter of credit, three bids for the cost of installation of the public improvements shall be obtained by the subdivider. The amount of the guarantee shall be calculated by multiplying 125 percent by the highest bid. As the public improvements are installed, the subdivider shall provide a letter to the governing body indicating such, and including a copy of the engineered plans certifying all public improvements have been installed in conformance with the approved plans and specifications. Prior to the release of the guarantee, a copy of the plans, stamped by the project surveyor or engineer in accordance with their licensing provisions, shall be filed in the county clerk and recorder's office with reference to the final subdivision plat.

(5) *Amending approved preliminary plats before final plat approval.*

a. If the subdivider proposes to change the subdivision or the terms of preliminary approval after the preliminary plat approval but before the final plat approval, the subdivider shall submit the proposed changes to the subdivision administrator for review.

1. Within 5 working days of receiving the proposed changes, the subdivision administrator shall determine whether the changes to the preliminary plat are material pursuant to subsection (5)(b) below.

2. If the subdivision administrator determines the changes are material (see definition), the subdivision administrator may either require the changes to be reviewed by the planning board at a noticed public hearing for a recommendation to the governing body, or, if the changes are extensive, the subdivision administrator may require the subdivider to begin the subdivision review process again, starting with the pre-application meeting, and require payment of a new application fee.

3. If the subdivision administrator determines the changes are not material, the subdivision administrator shall recommend approval of the changes to the governing body, notify the subdivider and the governing body of that recommendation, and the governing body shall review those changes in a public meeting for which notice has been given of non-material changes to the final plat. If the governing body determines the changes are material at the public meeting or before the changes are approved, it may direct the subdivision administrator to require the changes

to be reviewed starting at any point contemplated by subsection (2) above.

b. The following changes, although not an exhaustive list, may be considered material:

1. Configuration or number of lots;
2. Street layout;
3. Water and/or wastewater treatment system proposals;
4. Configuration of park land or open spaces;
5. Easement provisions;
6. Designated access;
7. Changes to the proposed covenants; or
8. Necessary or proposed changes to conditions of approval.

c. A subdivider whose proposed changes to the preliminary plat have been deemed material by the subdivision administrator may appeal the subdivision administrator's decision to the governing body by written notice within 10 working days. The subdivider may request a hearing with the governing body, and may submit additional evidence to show that the changes to the preliminary plat are not material.

d. If the subdivider and subdivision administrator determine that a condition of approval is illegal or impossible to comply with due to circumstances outside the subdivider's control, the condition may be reviewed by the governing body through a properly noticed public meeting or hearing, as applicable, in order to determine if the condition may be waived or amended.

(6) *Final plat approval.*

a. *Approval by the governing body.* The governing body shall examine every final subdivision plat and shall approve it if it conforms to the conditions of preliminary plat approval and to the terms of the MSPA and these regulations, or deny it pursuant to subsection (6)(a)(2) below.

1. If the final plat is approved, the governing body shall certify its approval on the face of the final plat. When applicable, a

certificate of the governing body expressly accepting any dedicated land, easements, or improvements will be filed with the final plat.

2. If the final plat is denied, the governing body shall write a letter stating the reason for denial and forward a copy to the subdivider. The governing body will return the final plat to the subdivider within 10 working days of the action. The subdivider may then make any necessary corrections and resubmit the final plat for approval.

b. *Inaccurate information.* The governing body may withdraw approval of a final plat if it determines that material information by the subdivider is inaccurate.

(7) *Final plat filing.* The county clerk and recorder may not accept any plat for filing that does not bear the governing body's approval in proper form or that has been altered. The clerk and recorder may file an approved plat only if it is accompanied by the documents specified in the Montana Uniform Standards for Monumentation, and Final Subdivision Plats, contained in Section 21-62.

(8) *Amending filed plats.*

a. Changes that will substantially alter the contents of the original approved subdivision application, do not comply with the conditions of preliminary plat approval, or will materially alter any portion of a filed plat (not to include minor boundary adjustments), its land divisions or improvements, that is determined by the subdivision administrator to have the potential to negatively impact one or more of the primary review criteria for subdivisions, or that will modify the approved use of land within the subdivision, must be reviewed and approved by the governing body using the procedure for material amendments described in subsection (5), *Amending approved preliminary plats before final plat approval*, above.

b. Any alteration which increases the number of lots, modifies six or more lots, or abandons or alters a public road right-of-way or park land dedication shall be reviewed and approved by the governing body pursuant to subdivision review procedures or vacation or abandonment laws, as applicable.

c. An amended plat may be subject to the procedures for reviewing major or minor subdivisions, as appropriate.

d. The governing body reserves the right to require a current abstract of title for the impacted properties and may not approve an amended final



plat without the written consent of the owners and lienholders of all lots which will be modified by the proposed amendment.

e. The governing body may not approve an amendment that will place a lot in non-conformance with the design and improvement standards contained in Section 21-18 of these regulations unless the governing body holds a public hearing on the amendment and issues a written variance from the standards pursuant to subsection 21-22(a), variances.

f. The governing body may not approve an amendment that will place a lot in non-conformance with zoning regulations unless the Miles City Board of Adjustment has granted a zoning variance to the applicable standard.

g. The final amended plat submitted for approval must comply with the requirements for final subdivision plats under the Uniform Standards for Filing Final Plats (Section 21-62).

#### **Sec. 21-15. Review procedures for first minor subdivisions.**

(a) First minor subdivisions containing five or fewer parcels shall be reviewed as set forth in this section. Subsequent minor subdivisions shall be reviewed as major subdivisions (Section 21-16). All processes and requirements set forth in Section 21-14, General Procedures, apply to this section. This section also applies to first minor subdivisions for the creation of five or fewer recreational vehicle or mobile home sites.

(1) *First minor subdivision review.* The pre-application process and initial review process set forth in Section 21-14, general procedures, apply to this section.

(2) *First minor subdivision application and preliminary plat submittal.* The subdivider shall submit to the Miles City Planning Department a subdivision application and preliminary plat containing the materials identified in subsection 21-14(a)(5) and in the pre-application meeting. The application must include sufficient documentary evidence from the public records demonstrating that the subdivision will be the first minor subdivision from a tract of record.

(3) *First minor subdivision exceptions.* The following do not apply to first minor subdivisions:

- a. Preparation of an environmental assessment; and
- b. Public hearing requirements.

(4) *First minor subdivision review process.*

a. *Time period for approval, conditional approval, or denial.* Within 35 working days of the subdivision administrator determining the subdivision application and preliminary plat to be sufficient for review, the governing body shall approve, conditionally approve or deny the proposed subdivision according to subsection (a)(7) below, of these regulations, unless the subdivider and the subdivision administrator agree to an extension or suspension of the review period, not to exceed one year. The review period of 35 working days begins the day the subdivision administrator notifies the subdivider or the subdivider's agent that the subdivision application is sufficient for review.

b. *Public agency, service provider, and utility review.*

- i. Review and comment by public agencies, service providers, or utilities may not delay the governing body's action on the subdivision application beyond the 35 working day review period. The subdivision administrator will make these comments available to the subdivider and to the general public upon request. If, during the review of the application, the subdivision administrator contacts a public utility, agency, or other entity that was not included on the list provided during the pre-application meeting, the subdivision administrator shall notify the subdivider of the contact and the timeframe for response.
- ii. As per MCA 76-3-608(9), if a federal or state governmental entity submits a written or oral comment or an opinion regarding wildlife, wildlife habitat, or the natural environment relating to a subdivision application for the purpose of assisting a governing body's review, the comment or opinion may be included in the governing body's written statement under MCA 76-3-620 only if the comment or opinion provides scientific information or a published study that supports the comment or opinion.
- iii. A governmental entity that is or has been involved in an effort to acquire or assist others in acquiring an interest in the real property identified in the subdivision application shall disclose that the entity has been involved in that effort prior to submitting a comment, an opinion, or information as provided in this subsection.

c. *Annexation.* When a proposed subdivision is also proposed to be annexed into the city, the governing body shall coordinate the subdivision review and annexation procedures to minimize duplication of hearings, reports, and other requirements whenever possible. *See* MCA 76-3-601

and 605. This provision does not allow for public hearings on first minor subdivisions even if annexation requires a public hearing.

d. *Subdivider/Adjacent Landowner Notification.*

i. At least 15 calendar days prior to the scheduled meeting at which the governing body will consider the subdivision, the subdivision administrator shall notify the subdivider, and the landowner if different from the subdivider, of the date and time of the meeting by first class mail.

ii. Also, at least 15 calendar days prior to the scheduled meeting of the governing body on the subdivision, the subdivision administrator shall notify adjacent landowners of the subdivision proposal by first class mail. At the discretion of the subdivision administrator, the subdivision administrator may also notify non-adjacent potentially affected parties of the proposal. Potentially affected parties include, but are not limited to, those landowners who share a private road or easement, irrigation facilities (delivery point, ditch, etc.), are within 150 feet of the subject property, across a watercourse, etc.

(5) *First minor subdivision report, consideration and recommendation.*

a. As provided in MCA 76-1-107(2), the planning board delegates to the subdivision administrator its responsibility to advise the governing body on all proposed first minor subdivisions.

b. *Administrator Report.* After the subdivision administrator deems the subdivision application is sufficient for review, the subdivision administrator shall prepare a report for consideration by the governing body. No less than 5 working days prior to the scheduled meeting at which the governing body will consider the subdivision, the subdivision administrator shall submit the report, proposed findings of fact and recommendation to the subdivider and the governing body. The report shall include:

1. Proposed findings of fact that consider the subdivision's compliance with and impact on the criteria described in these regulations and the MSPA;

2. A description of any variance requests as well as the pertinent facts and conditions relating to the request;

3. A recommendation for approval, conditional approval (including any recommended conditions and/or mitigation

measures), or denial of the subdivision application, variance requests and preliminary plat;

4. All public and agency comment received; and

5. Any other information deemed pertinent by the subdivision administrator.

c. *Consideration—Standards.* In recommending approval, conditional approval or denial of the subdivision application and preliminary plat, the subdivision administrator shall base the recommendation on compliance of the subdivision application and preliminary plat with the following:

1. These regulations, including but not limited to the standards set forth in Section 21-18;

2. Applicable zoning regulations;

3. The MSPA, including but not limited to MCA 76-3-608(3);  
and

4. Other applicable regulations.

d. *Consideration—Evidence.* In recommending approval, conditional approval or denial of the subdivision application and preliminary plat, the subdivision administrator shall consider, without limitation, the following (as applicable):

1. The subdivision application and preliminary plat;

2. The summary of probable impacts and proposed mitigation;

3. The growth policy;

4. Information and testimony provided by potentially impacted parties; and

5. Any additional information authorized by law.

e. *Water and sanitation information.* The subdivision administrator shall forward public comment regarding the water and sanitation information required by the MSPA and these regulations to the governing body.

(6) *Subdivider's preference for mitigation.*

a. No later than 2 working days before the meeting at which the governing body is to consider the subdivision application and preliminary plat, the subdivider is encouraged to submit in writing to the subdivision administrator the subdivider's comments on and responses to the subdivision administrator's recommendations, as well as any proposed mitigation measures not already discussed with the subdivision administrator.

b. The governing body will consult with the subdivider and will give due weight and consideration to the subdivider's expressed preferences regarding mitigation (MCA 76-3-608(5)(b)).

(7) *Governing body decision and documentation.*

a. *Prerequisites to approval.* The governing body will consider the preliminary plat application at a regularly scheduled meeting for which notice has been posted at least 2 full working days prior to the meeting. At the meeting the public may provide testimony. The governing body may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision:

1. Provides easements within and to the proposed subdivision for existing utilities and for the location and installation of any planned utilities;

2. Provides legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument of transfer concerning the parcel;

3. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by subsection 21-14(b)(4) of these regulations; and

4. Assures that the requirements of MCA 76-3-504(1)(j), regarding the disclosure and disposition of water rights as set forth in subsection 21-18(a)(15) have been considered and will be accomplished before the final plat is filed; and

5. Assures that the requirements of MCA 76-3-504(1)(k) regarding watercourse and irrigation easements as set forth in subsection 21-18(a)(14) have been considered and will be accomplished before the final plat is filed.

6. Provides for the appropriate park dedication or cash-in-lieu.

b. *Consideration—Standards.* Upon approving, conditionally approving, or denying a first minor subdivision application, preliminary plat and proposed mitigation, the governing body shall consider subsection (a)(7)a. above, and whether the proposed subdivision complies with:

1. These regulations, including but not limited to, the design and improvement standards set forth in Section 21-18;
2. Applicable zoning regulations;
3. Other applicable regulations;
4. The MSPA, including but not limited to the following impacts:
  - i. Impact on agriculture;
  - ii. Impact on agricultural water user facilities;
  - iii. Impact on local services;
  - iv. Impact on the natural environment;
  - v. Impact on wildlife;
  - vi. Impact on wildlife habitat; and
  - vii. Impact on public health and safety.

c. *Consideration—Evidence.* In making its decision to approve, conditionally approve, or deny a proposed minor subdivision the governing body shall consider and weigh the following, as applicable:

1. The subdivision application and preliminary plat;
2. The MSPA;
3. The summary of probable impacts;
4. Proposed mitigation;
5. The growth policy;
6. The subdivision administrator's staff report and recommendations;

7. Information and testimony provided by potentially impacted parties; and
8. Any additional information authorized by law.
9. Water and sanitation information provided during the application review process, including public comment, may be used as a basis for a conditional approval or denial of a subdivision only if the governing body finds that information provided in the application or information submitted during public review indicates the proposal does not comply with previously adopted subdivision, zoning, floodplain or other regulations that the governing body has the authority to enforce.

e. *Documentation of governing body decision.*

1. In rendering its decision to approve, conditionally approve, or deny the proposed subdivision the governing body shall issue written findings of fact that discuss and weigh the proposed subdivision's compliance with the above subsections.

2. When the governing body denies or conditionally approves the proposed subdivision, it shall send the subdivider a written decision within 30 working days, with the appropriate signature, and make the letter available to the public. The letter shall:

- i. Contain information regarding the appeal process for the denial or imposition of conditions;
- ii. Identify the regulations and statutes that are used in reaching the decision to approve, deny, or impose conditions and explain how they apply to the decision;
- iii. Provide the facts and conclusions that the governing body relied upon in making its decision and reference documents, testimony, or other materials that form the basis of the decision; and
- iv. Provide the conditions that apply to the preliminary plat approval and that must be satisfied before the final plat may be approved.
- v. Set forth the time limit for final approval, pursuant to subsection (f) below.

f. *Subdivision application and preliminary plat approval period.*

1. Upon approving or conditionally approving an application and preliminary plat, the governing body shall provide the subdivider with a dated and signed statement of approval. The approval shall be in force for not more than three calendar years or less than one calendar year.

2. At the end of the approval period the governing body may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing and dated and signed by the members of the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension. *See MCA 76-3-610.*

3. After the application and preliminary plat are approved or conditionally approved, the governing body and its subdivisions may not impose any additional conditions as a prerequisite to final plat approval unless the preliminary plat approval expires, at which time a new application shall be required, or if modifications to the preliminary plat are proposed by the subdivider.

4. The governing body may withdraw approval or conditional approval of an application and preliminary plat if it determines that information provided by the subdivider, and upon which the approval or conditional approval was based, is inaccurate.

(8) *First minor subdivisions—amended applications.*

a. If the subdivider materially changes the subdivision application or preliminary plat after the sufficiency determination but before the governing body makes its decision, the subdivider shall submit the amended information to the subdivision administrator for review along with a letter agreeing to the suspension of the 35 working day review period. This subsection refers to substantial or material changes, and does not preclude the subdivider from proposing mitigation measures to the governing body that are intended to lessen or eliminate impacts, as discussed in subsection 21-15(a)(6), above.

b. Within 10 working days of receipt of the amended information, the subdivision administrator shall determine whether the changes are material, as determined in subsection (f) below.

c. The 35 working day review period is suspended while the subdivision administrator considers the amended application or preliminary plat.



d. If the subdivision administrator determines the changes are not material, the 35 working day review period resumes when the subdivision administrator issues notice of the decision to the subdivider.

e. If the subdivision administrator determines the changes are material, within 5 calendar days of notification, the subdivider must submit a letter agreeing to the cancellation of the 35 working day review period if the subdivider wishes the changes to be considered. Within 15 working days of the determination, the subdivision administrator shall send an addendum (or update) to the original form or list of information required, given to the subdivider at the time of the pre-application meeting, reflecting the changes and requesting the information and any authorized fees needed to review the amended proposal. Upon the subdivision administrator's determination that the amended subdivision application is complete and sufficient for review, the first minor subdivision review process shall begin as detailed in subsection 21-15(a)(4). In extreme cases, where three or more of the changes listed in subsection (f), below are proposed, the subdivision administrator may require the subdivider to schedule a new pre-application meeting and resubmit the application and preliminary plat as a new subdivision application.

f. The following changes, although not an exhaustive list, may be considered material:

1. Configuration or number of lots;
2. Street or pedestrian/bicycle facilities;
3. Water and/or wastewater treatment system proposals;
4. Changes to park land or open spaces;
5. Easement provisions;
6. Designated access; or
7. Changes to proposed covenants.

g. A subdivider whose subdivision application or preliminary plat has been deemed materially changed by the subdivision administrator may appeal the subdivision administrator's decision to the governing body within 10 working days. The subdivider may request a hearing, and may submit additional evidence to show that the changes are not material, subject to the following:

1. By appealing the decision of the subdivision administrator, the subdivider agrees to a suspension of the 35 working day review period.

2. The 35 working day review period is suspended until the governing body decision on the appeal is made. If the governing body concludes that the evidence and information demonstrate that the changes are material, the provisions of subsection 21-15(a)(8)(e), above take effect.

3. If the governing body concludes that the evidence and information demonstrate that the changes are not material, the 35 working day review period resumes as of the date of the decision.

(9) *First minor subdivision final plat.* The final plat must include the contents, and be submitted and reviewed in accordance with the appropriate requirements contained in subsection 21-14(b), final plats.

#### **Sec. 21-16. Review procedures for major and subsequent minor subdivisions.**

(a) Subdivisions that qualify for major subdivision review are those divisions of land containing six or more lots or recreational vehicle or mobile home sites (major subdivisions), or subdivisions of five or fewer lots or sites that do not otherwise qualify for review as first minor subdivisions under MCA 76-3-609 and Section 21-15 of these regulations because they are second or subsequent minor subdivisions.

(1) *Major or subsequent minor subdivision review.* The pre-application process and initial review process set forth in Section 21-14, general procedures, apply to this section.

(2) *Subdivision application and preliminary plat submittal.* The subdivider shall submit to the Miles City Planning Department a subdivision application containing the materials identified in subsection 21-14(a)(5) and in the pre-application meeting.

(3) *Major or subsequent minor subdivision review process.*

a. *Time period for approval, conditional approval, or denial.* Within 60 working days or 80 working days for subdivisions containing 50 or more lots, the governing body shall approve, conditionally approve or deny the proposed subdivision according to subsection (a)(8) below unless the subdivider and the subdivision administrator agree to an extension or suspension of the review period, not to exceed one year, or a subsequent public hearing is held pursuant to subsection (a)(7) below. The review period begins the day the subdivision administrator notifies the subdivider

or the subdivider's agent in writing that the subdivision application is sufficient for review.

b. *Public agency, service provider, and utility review.*

i. Review and comment by public agencies, service providers, or utilities may not delay the governing body's action on the subdivision application beyond the 60 or 80 working days review period. The subdivision administrator will make these comments available to the subdivider and to the general public upon request. If, during the review of the application, the subdivision administrator or the planning board contacts a public utility, agency, or other entity that was not included on the list provided during the pre-application meeting, the subdivision administrator shall notify the subdivider of the contact and the timeframe for response.

ii. As per MCA 76-3-608(9), if a federal or state governmental entity submits a written or oral comment or an opinion regarding wildlife, wildlife habitat, or the natural environment relating to a subdivision application for the purpose of assisting a governing body's review, the comment or opinion may be included in the governing body's written statement under MCA 76-3-620 only if the comment or opinion provides scientific information or a published study that supports the comment or opinion.

iii. A governmental entity that is or has been involved in an effort to acquire or assist others in acquiring an interest in the real property identified in the subdivision application shall disclose that the entity has been involved in that effort prior to submitting a comment, an opinion, or information as provided in this subsection.

c. *Annexation.* When a proposed subdivision is also proposed to be annexed into the city, the governing body shall coordinate the subdivision review and annexation procedures to minimize duplication of hearings, reports, and other requirements whenever possible. *See* MCA 76-3-601 and 605.

(3) *Public hearing and notice in general.*

a. *Hearing.* The planning board shall hold a public hearing on the subdivision application when a hearing is required by these regulations.

b. *Notice.*

1. The subdivision administrator shall give notice of the time, date and location of the hearing by publication in a newspaper of general circulation in the county not less than 15 calendar days prior to the date of the hearing.

2. At least 15 calendar days prior to the date of the hearing, the subdivision administrator shall give notice of the hearing by certified mail to the subdivider, the landowner if different from the subdivider, each adjoining landowner to the land included in the preliminary plat, and each purchaser under contract for deed of property immediately adjoining the land included in the preliminary plat.

3. At the discretion of the subdivision administrator, the subdivision administrator may also notify non-adjacent potentially affected parties of the proposal. Potentially affected parties include, but are not limited to, those landowners who share a private road or easement, irrigation facilities (delivery point, ditch, etc.), are within 150 feet of the subject property, across a watercourse, etc.

4. At least 15 calendar days prior to the date of the planning board hearing, the subdivider shall post a minimum of one notice at a conspicuous place on the site of the proposed subdivision. This notice shall be printed on laminated orange paper no smaller than 11" x 17" in size and be clearly visible from the most heavily traveled way(s) adjoining the property and include the information listed in subsection (5), below. It is the subdivider's obligation to maintain this information on the property until a determination has been made on the preliminary plat application.

5. At a minimum all notices shall include a general description of the property location, the legal description of the property, the number of lots or units proposed, the type of land use(s) proposed, a description of any variances requested, notification of where more information may be obtained, and the time, date and location of the hearing.

(4) *Planning board hearing, consideration and recommendation.*

a. *Hearing.* After the subdivision application is deemed to have all the required elements and contain detailed, supporting information that is sufficient to allow for review, and the subdivision administrator has prepared a staff report, the planning board shall hold a public hearing on

the subdivision application. The subdivision administrator's report to the planning board shall include:

1. Proposed findings of fact that consider the subdivision's compliance with and impact on the criteria described in these regulations and the MSPA;
2. A description of any variance requests as well as the pertinent facts and conditions relating to the request, and a recommendation on the variance request;
3. All public and agency comment received by the subdivision administrator. As a matter of practice all comments and documents regarding the subdivision shall be submitted in writing to the subdivision administrator prior to the public hearing on the subdivision to be made part of the staff report to the planning board. However, all comments and documents which are presented directly to the planning board at the public hearing shall be included in the public record;
4. A recommendation for approval, conditional approval (including any recommended conditions and/or mitigation measures), or denial of the subdivision application and preliminary plat; and
5. Any other information deemed pertinent by the subdivision administrator.

b. *Consideration—Standards.* In recommending approval, conditional approval or denial of the subdivision application and preliminary plat, the planning board shall base its recommendation on compliance of the subdivision application with the following:

1. These regulations, including but not limited to the standards set forth in Section 21-18;
  2. Applicable zoning regulations;
  3. The MSPA, including but not limited to MCA 76-3-608(3);
- and
4. Other applicable regulations.

c. *Consideration—Evidence.* In recommending approval, conditional approval or denial of the subdivision application and preliminary plat, the

planning board may consider, without limitation, the following (as applicable):

1. The subdivision application and preliminary plat;
2. The environmental assessment;
3. The summary of probable impacts and proposed mitigation;
4. The growth policy;
5. Information and testimony provided by potentially impacted parties, including that provided at the public hearing(s);
6. Subdivision administrator's staff report and recommendation; and
7. Any additional information authorized by law.
8. The planning board is advised that water and sanitation information provided during the application review process, including public comment, may be used as a basis for a conditional approval or denial of a subdivision only if the governing body finds that information provided in the application or information submitted during public review indicates the proposal does not comply with previously adopted subdivision, zoning, floodplain or other regulations that the governing body has the authority to enforce.

d. *Written recommendation.* Within 10 working days after the public hearing, the subdivision administrator, working on behalf and with the consent of the planning board shall submit the following, in writing, to the subdivider and the governing body:

1. Planning board recommended findings of fact based on the evidence in subsection (a)(4)(b)(2) above, that discuss and consider the subdivision's compliance with and impact on the items listed in MCA 76-3-608(3);
2. A recommendation for approval or denial of any requested variances;
3. A recommendation for approval, conditional approval (including any recommended conditions and/or mitigation measures), or denial of the subdivision application and preliminary plat;

4. Information and testimony provided by potentially impacted parties at or before the public hearing; and

5. Any other information deemed pertinent by the planning board and subdivision administrator.

e. *Water and sanitation information.* The subdivision administrator shall collect public comment regarding the water and sanitation information required by the MSPA and these regulations. The subdivision administrator shall forward all comments regarding water and sanitation to the governing body.

(5) *Subdivider's preference for mitigation.*

- a. No later than 2 working days before the meeting at which the governing body is to consider the subdivision application and preliminary plat, the subdivider is encouraged to submit in writing to the subdivision administrator the subdivider's comments on and responses to the planning board's recommendations as well as any proposed mitigation measures not already discussed with the planning board.
- b. The governing body shall consider all of this information and make findings whether or not the newly proposed mitigation measures should be considered material based on the criteria described in subsection (9) below, for Amended Applications.
- c. If the governing body determines the newly proposed mitigation measures to be material, the governing body shall either not consider the mitigation proposal or direct the subdivider to follow the procedures provided for under subsection (9) below, for Amended Applications.
- d. If newly proposed mitigation measures are determined not material, the governing body will consult with the subdivider and will give due weight and consideration to the subdivider's expressed preference regarding mitigation prior to making the decision (MCA 76-3-608(5)(b)).

(6) *Governing body meeting.*

- a. After the planning board makes its recommendation, the governing body shall hold a public meeting on the subdivision application. When a proposed subdivision is also proposed to be annexed into the city, the governing body shall coordinate the subdivision review and annexation

procedures to minimize duplication of hearings, reports, and other requirements whenever possible. *See* MCA 76-3-601 and 605.

b. The governing body will consider the preliminary plat application at a regularly scheduled meeting for which notice has been posted at least 2 working days prior to the meeting. At the meeting the public may provide testimony.

c. As a matter of practice, all comments and documents regarding the subdivision shall be submitted to the subdivision administrator prior to or at the planning board public hearing on the subdivision to be made a part of the record. However, if comments and documents are presented directly to the governing body at a public meeting, the proceedings shall not be voided, unless as provided below.

d. As per MCA 76-3-615, the governing body shall determine whether public comments and/or documents presented for consideration at the governing body's public meeting constitute either:

1. Information or analysis of information that was presented at the planning board's public hearing on the subdivision application that the public has had a reasonable opportunity to examine and on which the public has had a reasonable opportunity to comment, in which case the governing body shall proceed to its decision whether to approve, conditionally approve, or deny the proposed subdivision; or

2. New information or analysis of information regarding the subdivision application that has never been submitted as evidence or considered by the planning board at a hearing on the subdivision application, in which case the governing body shall proceed as set forth in subsection (a)(6)(e) below.

e. If the governing body determines that public comments or documents presented at the meeting constitute new information or an analysis of information regarding the subdivision application that has never been submitted as evidence or considered by the planning board at the public hearing on the subdivision application, the governing body shall determine whether the public comments or documents are relevant or credible with regard to the governing body's decision, pursuant to subsections (a)(6)(f) and (a)(6)(g) below.

1. If the governing body determines the information or analysis of information is either not relevant or not credible, then the governing body shall approve, conditionally approve, or deny



the proposed subdivision without basing its decision on the new information or analysis of information; or

2. If the governing body determines the new information or analysis of information is relevant and credible, then the governing body shall direct the subdivision administrator to schedule a subsequent public hearing with the planning board pursuant to subsection (a)(7) below.

3. At the subsequent hearing the planning board shall consider only the new information or analysis of information that may have an impact on the findings and conclusions that the governing body will rely upon in making its decision on the proposed subdivision.

f. New information or analysis of information is considered to be relevant if it may have an impact on the findings and conclusions that the governing body will rely upon in making its decision on the proposed subdivision.

g. New information or analysis of information is considered to be credible if it is based on one or more of the following:

1. Physical facts or evidence;
2. Supported personal observations;
3. Evidence provided by a person with professional competency in the subject matter; or
4. Scientific data supported by documentation.

(7) *Subsequent public hearing.*

a. If a subsequent public hearing is held pursuant to subsection (a)(6) above, it must be held within 45 calendar days of the governing body's determination to schedule a subsequent hearing. The planning board shall consider only the new information or analysis of information that may have an impact on the findings and conclusions that the governing body will rely upon in making its decision on the proposed subdivision.

1. Notice of the time, date and location of the subsequent hearing shall be given by publication in a newspaper of general circulation in the county not less than 15 calendar days prior to the date of the subsequent hearing.

2. At least 15 calendar days prior to the date of the subsequent hearing, notice of the subsequent hearing shall be given by certified mail to the subdivider, each adjoining landowner to the land included in the preliminary plat, and each purchaser under contract for deed of property immediately adjoining the land included in the preliminary plat.

3. The governing body may require that notice be posted at a conspicuous place on the site of the proposed subdivision.

b. If a subsequent public hearing is held, the 60 or 80 working day review period is suspended as of the date of the governing body's decision to schedule a subsequent hearing. After the subsequent hearing, the review period resumes at the governing body's next scheduled public meeting for which proper notice of the public meeting on the subdivision application can be provided. The governing body may not consider any information regarding the subdivision application that is presented after the hearing when making its decision to approve, conditionally approve, or deny the proposed subdivision.

(8) *Governing body decision and documentation.*

a. *Prerequisites to approval.* The governing body may not approve or conditionally approve a subdivision application and preliminary plat unless the proposed subdivision:

1. Provides easements within and to the proposed subdivision for existing utilities and for the location and installation of any planned utilities;

2. Provides legal and physical access to each parcel within the subdivision and the notation of that access on the applicable plat and any instrument of transfer concerning the parcel;

3. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by subsection 21-14(b)(4) of these regulations;

4. Assures that the requirements of MCA 76-3-504(1)(j), regarding the disclosure and disposition of water rights as set forth in subsection 21-18(a)(15) have been considered and will be accomplished before the final plat is filed;

5. Assures that the requirements of MCA 76-3-504(1)(k) regarding watercourse and irrigation easements as set forth in

subsection 21-18(a)(14) have been considered and will be accomplished before the final plat is filed; and

6. Provides for the appropriate park dedication or cash-in-lieu.

b. *Consideration—Standards.* In approving, conditionally approving, or denying a subdivision application and preliminary plat, the governing body shall consider subsection (a)(8)(a) above, and whether the proposed subdivision complies with:

1. These regulations, including, but not limited to, the design and improvement standards set forth in Section 21-18;

2. Applicable zoning regulations;

3. Other applicable regulations;

4. The MSPA, including but not limited to the following impacts:

i. Impact on agriculture;

ii. Impact on agricultural water user facilities;

iii. Impact on local services;

iv. Impact on the natural environment;

v. Impact on wildlife;

vi. Impact on wildlife habitat; and

vii. Impact on public health and safety.

5. Proposed mitigation.

c. *Consideration—Evidence.* In making its decision to approve, conditionally approve, or deny a proposed subdivision, the governing body may consider and weigh the following, as applicable:

1. The subdivision application and preliminary plat;

2. The environmental assessment;

3. The summary of probable impacts;

4. Proposed mitigation;
5. The growth policy;
6. Information and testimony provided by potentially impacted parties at or before the public hearing;
7. The planning board report and recommendations;
8. Comments, evidence and discussions at the governing body's meeting; and
9. Any additional information authorized by law.
10. Water and sanitation information provided during the application review process, including public comment, may be used as a basis for a conditional approval or denial of a subdivision only if the governing body finds that information provided in the application or information submitted during public review indicates the proposal does not comply with previously adopted subdivision, zoning, floodplain or other regulations that the governing body has the authority to enforce.
11. Notwithstanding the foregoing, the governing body may not consider any information regarding the subdivision application that is presented after the final public hearing (which may include a subsequent hearing if any) when making its decision to approve, conditionally approve, or deny the proposed subdivision.

d. *Documentation of governing body decision.*

1. In rendering its decision to approve, conditionally approve, or deny the proposed subdivision, the governing body shall issue written findings of fact that discuss and weigh the proposed subdivision's compliance with the preceding subsections.

2. When the governing body denies or conditionally approves the proposed subdivision, it shall send the subdivider a written decision within 30 working days, with the appropriate signature, and make the letter available to the public. The letter shall:

- i. Contain information regarding the appeal process for the denial or imposition of conditions;

ii. Identify the regulations and statutes that are used in reaching the decision to approve, deny, or impose conditions and explain how they apply to the decision;

iii. Provide the facts and conclusions that the governing body relied upon in making its decision and reference documents, testimony, or other materials that form the basis of the decision;

iv. Provide the conditions that apply to the preliminary plat approval and that must be satisfied before the final plat may be approved; and

v. Set forth the time limit for final approval, pursuant to subsection (a)(8)(f) below.

e. *Subdivision application and preliminary plat approval period.*

1. Upon approval or conditional approval of the preliminary plat, the governing body shall provide the subdivider with a dated and signed statement of approval. The approval shall be in force for not more than three calendar years or less than one calendar year.

2. At the end of this period the governing body may, at the request of the subdivider, extend its approval for a mutually agreed-upon period of time. Any mutually agreed-upon extension must be in writing and dated and signed by the members of the governing body and the subdivider or subdivider's agent. The governing body may issue more than one extension.

3. Except as provided in MCA 76-3-507, after the application and preliminary plat are approved, the governing body and its subdivisions may not impose any additional conditions as a prerequisite to final plat approval if the approval is obtained within the original or extended approval period as provided in subsection (1) above.

4. The governing body may withdraw approval or conditional approval of an application and preliminary plat if it determines that information provided by the subdivider, and upon which the approval or conditional approval was based, is inaccurate.

(9) *Major and subsequent minor subdivisions—amended applications.*

a. If the subdivider changes the subdivision application or preliminary plat after the subdivision administrator makes a determination of sufficiency pursuant to subsection 21-14(a)(6) but before the planning board public hearing, the subdivider shall submit the amended information to the subdivision administrator for review.

1. Within 10 working days of receiving the amended information, the subdivision administrator shall determine whether the changes are material, pursuant to subsection (a)(9)(d) below.

2. The 60 or 80 working day review period is suspended and public hearing is postponed (if necessary) while the subdivision administrator considers whether the changes to the subdivision application or preliminary plat are material.

3. If the subdivision administrator determines the changes are not material, the 60 or 80 working day review period resumes when the subdivision administrator issues notice of the decision to the subdivider.

4. If the subdivision administrator determines the changes are material, within 5 calendar days of notification, the subdivider must submit a letter agreeing to the cancellation of the 60 or 80 working day review period if the subdivider wishes the changes to be considered. Within 15 working days of the determination, the subdivision administrator shall send an addendum (or update) to the original form or list of information required, given to the subdivider at the time of the pre-application meeting, reflecting the changes and requesting the information and any authorized fees needed to review the amended proposal. Upon the subdivision administrator's determination that the amended subdivision application is complete and sufficient for review, the major or subsequent minor subdivision review process shall begin as detailed in subsection 21-16(a)(3). In extreme cases, where three or more of the changes listed in subsection (a)(9)(d) below are proposed, the subdivision administrator may require the subdivider to schedule a new pre-application meeting and resubmit the application and preliminary plat as a new subdivision application.

b. Except as provided in subsection 21-16(a)(5) above, Subdivider's Preference for Mitigation, if the subdivider submits additional or modified information after the planning board's public hearing but before the governing body meeting:

1. Within 5 working days of receipt of the additional or modified information, the subdivision administrator shall

determine whether the changes are material pursuant to subsection (a)(9)(d) below.

2. The 60 or 80 working day review period is suspended while the subdivision administrator considers whether the changes are material.

3. If the subdivision administrator determines the changes are not material, the 60 or 80 working day review period resumes when the subdivision administrator issues notice of the decision to the subdivider.

4. If the subdivision administrator determines the changes are material, the subdivision administrator shall either:

i. In extreme cases, where three or more of the changes listed in subsection(a)(9)(d) below are proposed, require the subdivider to begin the subdivision review process again, starting with the pre-application meeting, and require payment of a new application fee; or

ii. Schedule a new planning board public hearing to take comment on the additional or modified information. Public notice shall be published, mailed and posted as provided as set forth in subsection (a)(3) above. A supplemental staff report shall be prepared to address the changes to the original application.

5. If a new planning board hearing is held pursuant to subsection (a)(9)(b)(4)(ii) above, the 60 or 80 working day review period is suspended for the time period between notice of the subdivision administrator's determination and 10 working days after the date of the second planning board hearing.

c. By making changes to a pending subdivision application or preliminary plat, the subdivider consents to suspension of the review period as provided in subsections (a)(9)(a)(2) and (a)(9)(b)(2) above.

d. The following changes, although not an exhaustive list, may be considered material:

1. Configuration or number of lots;
2. Street or pedestrian/bicycle facilities;
3. Water and/or wastewater treatment system proposals;

4. Changes to park land or open spaces;
5. Easement provisions;
6. Designated access; or
7. Changes to proposed covenants.

e. A subdivider whose subdivision application or preliminary plat has been deemed materially changed by the subdivision administrator may appeal the subdivision administrator's decision to the governing body by written notice within 10 working days. The subdivider may request a hearing, and may submit additional evidence to show that the changes are not material.

1. By appealing the decision of the subdivision administrator, the subdivider agrees to a suspension of the 60 or 80 working day review period.

2. The 60 or 80 working day review period is suspended until the governing body decision on the appeal is made.

3. If the governing body concludes that the evidence and information demonstrate that the changes are material, the governing body shall determine whether the subdivision application should be resubmitted or scheduled for an additional hearing (rehearing) in front of the planning board.

4. If the governing body concludes that the evidence and information demonstrate that the changes are not material, the 60 or 80 working day review period resumes as of the date of the decision.

(b) *Major final plats.* The final plat must have the contents, and be submitted and reviewed in accordance with the appropriate requirements contained in subsection 21-14(b), final plats.

#### **Sec. 21-17. Divisions and aggregations of land exempt from subdivision review.**

(a) *Exemptions, generally.* The MSPA provides that certain divisions of land are exempt from local subdivision review and approval, unless the use of the exemption is an attempt to evade the MSPA. The exemptions are found in Part 2 of Title 76, Chapter 3, MCA. Subdivision regulations, must, at a minimum, establish criteria that the governing body or reviewing authority will use to determine whether a proposed methods of



disposition, using the exemptions provided in MCA 76-3-201 or 76-3-207, are attempts to evade comprehensive subdivision review.

(b) *General Procedures.*

(1) Any person seeking exemption from the requirements of the MSPA shall submit to the subdivision administrator a certificate of survey or, where a survey is not required, an instrument of conveyance and evidence of, and an affidavit affirming entitlement to the claimed exemption.

(2) When a certificate of survey, instrument of conveyance, and/or affidavit are submitted, the subdivision administrator shall cause the documents to be reviewed by the designated agents of the governing body (e.g., subdivision administrator, city sanitarian, zoning administrator, city attorney). The agents shall review the proposed use of the exemptions within 30 calendar days of submittal to determine whether it complies with the requirements set forth in this section, the MSPA, and the Montana Sanitation in Subdivisions Act.

(3) If the designated agents find that the proposed use of the exemption complies with the statutes and these criteria, after appropriate review of the survey by the examining land surveyor (if required by the subdivision administrator or county clerk and recorder) and when all appropriate signatures are in place, they shall advise the Custer County Clerk and Recorder to file the certificate of survey or record the instrument of conveyance and accompanying documents. If the agents find the proposed use of the exemption does not comply with the statutes and the criteria in this section, the subdivision administrator shall advise the clerk and recorder to not file or record the documents and return the documents to the landowner.

(4) Any person whose proposed use of exemption has been denied by the designated agents may appeal the agents' decision to the governing body. The person may request a hearing, and may submit additional evidence to show that the use of the exemption in question is appropriate and not intended to evade the MSPA, and, thereby overcome any presumption of evasion. If the governing body concludes that the evidence and information overcomes the presumption that the exemption is being invoked to evade the MSPA or is otherwise appropriate, they may authorize the use of the exemption in writing. A certificate of survey claiming such an exemption from subdivision review, which otherwise is in proper form, may be filed (or an instrument of conveyance recorded) if it is accompanied by written authorization of the governing body.

If the use of an exemption is denied, the landowner may submit a subdivision application for the proposed land division.

(5) *Advisory Examination.* Landowners or their representatives are encouraged to meet with the city's designated agents to discuss whether a proposed land division or use of an exemption is in compliance with these criteria.

(6) The governing body and its agents, when determining whether an exemption is claimed for the purpose of evading the MSPA, shall consider all of the surrounding circumstances. These circumstances may include but are not limited to: the nature of the claimant's business, the prior history of the particular tract in question, the proposed configuration of the tracts if the proposed exempt transaction(s) is completed, and any pattern of exempt transactions that will result in the equivalent of a subdivision without local government review. (State ex rel. Dreher v. Fuller, 50 St. Rpt. 454, 1993)

(7) Exempt divisions of land that would result in a pattern of development equivalent to a subdivision may be presumed to be adopted for purposes of evading the MSPA based on the surrounding circumstances in subsection 21-17(b)(6), above.

(8) All parcels and the use of all parcels created or amended through the use of an exemption shall comply with the zoning regulations. This does not allow the City of Miles City to require lots resulting from exempt divisions to comply with Section 21-18, *Design and improvement standards*, unless the exemption seeks to alter a lot that was subject to the design and improvement standards of the subdivision regulations during subdivision review.

(9) To exempt divisions and/or remaining parcels of land resulting from the exemptions in MCA 76-3-207 from the survey requirements of MCA 76-3-401, the parcel(s) must be able to be described as a 1/32 or larger aliquot part of a United States Government section.

(10) Subject to the following, a division of land exempt from subdivision review by MCA 76-3-207 (a gift or sale to a member of the immediate family, exemption for agricultural purposes, or relocation of common boundaries) may not be made unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

a. If a division of land includes centrally assessed property and the property taxes applicable to the division of land are not specifically identified in the tax assessment, the department of revenue shall prorate the taxes applicable to the land being divided on a reasonable basis. The owner of the centrally assessed property shall ensure that the prorated real property taxes and special assessments are paid on the land being sold before the division of land is made.

b. The county treasurer may accept the amount of the tax prorated pursuant to the above subsection (10)(a) as a partial payment of the total tax that is due.

(c) *Specific Exemptions.*

(1) A gift or sale to a member of the immediate family (MCA 76-3-207(1)(b)).

a. *Statement of Intent.* The intention of this exemption is to allow a landowner to convey one parcel to each of member of the immediate family without local subdivision review. A single parcel may be conveyed to each member of the immediate family under this exemption in each county where the landowner owns property.

b. Immediate family means a spouse, children by blood or adoption, and parents of the grantor.

c. Filing of any certificate of survey (or recording of an instrument of conveyance) that would use this exemption to create a parcel for conveyance to a family member must show the name of the grantee, relationship to the landowner, and the parcel to be conveyed under this exemption, and the landowner's certification of compliance.

d. The certificate of survey or instrument of conveyance shall be accompanied by a deed or other conveying document.

e. One conveyance of a parcel to each member of the landowner's immediate family is eligible for exemption from subdivision review under this subsection. However, the use of the exemption may not create more than one remaining parcel of less than 160 acres.

f. Any proposed use of family conveyance exemption to divide a tract that was created through use of an exemption will be presumed to be adopted for purposes of evading the MSPA. This presumption is in effect regardless of previous ownership of the tracts and pertains to remaining tracts of less than 160 acres as well as to those tracts that were created through the exemptions.

g. The use of the family conveyance exemption to divide tracts that were created as part of an overall development plan with such characteristics as common roads, utility easements, restrictive covenants, open space or common marketing or promotional plan shall constitute a rebuttable presumption that the use of the exemption is adopted for purposes of evading the Act.

h. Owners of the newly created parcel(s) may be required to waive their right to sell their parcel(s) for a period of two years from the date of document recordation unless otherwise permitted by the governing body.

(2) Exemption for agricultural purposes (MCA 76-3-207(1)(c)).

a. *Statement of Intent.* The intention of this exemption is to allow a landowner to create a parcel without local review where the parcel will be used only for production of livestock or agricultural crops and where no residential, commercial or industrial buildings will be built.

b. *Agricultural purpose.* For purposes of these evasion criteria, agricultural purpose means the use of land for raising crops or livestock, or for the preservation of open space, and specifically excludes residential structures and facilities for commercially processing agricultural products. The parcel must meet Montana Department of Revenue criteria for agricultural land valuation. Agricultural lands are exempt from review by the MDEQ, provided the applicable exemption is properly invoked by the property owner.

c. The following conditions must be met or the use of the exemption will be presumed to have been adopted for the purposes of evading the MSPA:

1. The parties to the transaction must enter into a covenant running with the land and revocable only by mutual consent of the governing body and the property owner that the divided land will be used exclusively for agricultural purposes or open space. The covenant must be signed by the property owner, the buyer or lessee and the governing body;

2. The landowner must demonstrate that the planned use of the exempted parcel is for agricultural purposes and that no residential, commercial or industrial buildings will be built (e.g., a statement signed by the buyer);

3. Any change in use of the land for anything other than agricultural purposes subjects the parcel to review as a minor subdivision;

4. Residential, commercial and industrial structures, including facilities for commercial processing of agricultural products are excluded uses on parcels created under this exemption unless the covenant is revoked.

(3) Relocation of common boundaries and aggregation of lots (76-3-207(1)(a), (d),(e), and (f)).

- a. *Statement of Intent.* The intended purpose of this exemption is to allow a change in the location of one or more boundary line between parcels and to allow transfer of the land without subdivision review.
- b. Certificates of survey, or amended plats for those altering platted subdivisions, claiming one of these exemptions must clearly distinguish between the existing boundary location and the new boundary. This shall be accomplished by showing the existing boundary with a dashed line and the new relocated boundary with a solid line. The appropriate certification set forth in ARM 24.183.1104(1)(f) must be included on the certificate of survey or amended plat.
- c. When presented to the county clerk and recorder for filing, certificates of survey or amended plats showing the relocation of common boundary lines or aggregation of lots must be accompanied by a quit claim or warranty deed or recordable agreement from adjoining property owners for the entire newly described parcel(s) or that portion of the tract(s) being affected.
- d. If the relocation of common boundaries would result in the permanent creation of an additional parcel of land, the division of land must be reviewed as a subdivision.
- e. If a change is made to a platted subdivision which results in a redesign or rearrangement of six or more lots in a platted subdivision, the division of land must be reviewed as a major subdivision.
- f. The use of the boundary line exemption will be presumed to have been adopted for the purpose of evading the MSPA if the proposed relocation results in a parcel of less than 160 acres which, prior to the relocation included more than 160 acres.

(4) Exemption to provide security for a construction mortgage, lien or trust indenture (MCA 76-3-201(1)(b)).

- a. *Statement of Intent.* Under policies by many lending institutions and federal home loan guaranty programs, a landowner who is buying a tract with financing or through a contract for deed is required to hold title to the specific site on which the residence will be built. The intended purpose of this exemption is to allow a landowner who is buying a tract using financing or contract for deed to segregate a smaller parcel from the tract for security for financing construction of a home on the property. This exemption is not available to simply create a parcel without review

by claiming that the parcel will be used for security to finance construction of a home or other structure on the proposed lot. This exemption may not be properly invoked unless (1) the claimant is purchasing a larger tract through financing or a contract for deed (and thus does not hold title) and (2) a lending institution requires the landowner to hold title to a smaller parcel of the tract because the smaller tract is required as security for a building construction loan.

b. These regulations do not require a certificate of survey or amended plat to invoke the use of the exemption claimed under MCA 76-3-201(1)(b). Surveys for this exemption are at the discretion of the claimants, lending institutions, surveyors, etc., but are encouraged to provide proper legal descriptions in the event of default of the lien and creation of the tract(s).

c. When this exemption is to be used, the landowner shall submit with the affidavit affirming entitlement to the claimed exemption to the subdivision administrator:

1. A statement of how many parcels within the original tract will be created by use of the exemption;

2. The deed, trust indenture or mortgage for the exempt parcel (which states that the tract of land is being created only to secure a construction mortgage, lien or trust indenture);

3. A statement explaining who will have title to and possession of the balance of the original parcel after title to the exempted parcel is conveyed; and

4. A signed statement from a lending institution that the creation of the exempted parcel is necessary to secure a construction loan for buildings or other improvements on the parcel.

c. The use of this exemption is presumed to have been adopted for the purpose of evading the Act if:

1. It will create more than one building site;

2. The financing is not for construction on the exempted parcel;

3. The person named in the statement explaining who would have possession of the remainder parcel if title to the exempted

parcel is conveyed is anyone other than the borrower of funds for construction;

4. Title to the exempted parcel will not be initially obtained by the lending institution if foreclosure occurs; or

5. It appears that the principal reason the parcel is being created is to create a building site and using the parcel to secure a construction loan is a secondary purpose.

(5) Court ordered divisions (MCA 76-3-201(1)(a)).

a. *Statement of intent.* The intended purpose of this exemption is to provide for divisions of land created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30.

b. Pursuant to MCA 76-3-201(2), before a court of record orders a division of land, the court shall notify the governing body of the pending division and allow the governing body to present written comments on the subdivision.

(6) Remaining Parcels of Land.

a. *Statement of Intent.* A remaining parcel of land is only that portion of the original tract that is left following the segregation of other parcels from the tract created by the following exemptions from the MSPA:

1. A gift or sale to a member of the immediate family (subsection 21-17(c)(1) above);

2. Exemption for agricultural purposes (subsection 21-17(c)(2) above).

b. To exempt these remaining parcels of land from the survey requirements of MCA 76-3-401, the parcels must be able to be described as a 1/32 or larger aliquot part of a United States Government section.

c. A landowner claiming that a parcel is a remaining parcel must present evidence that the parcel is in fact intended to be retained and is not to be transferred. Examples of such evidence include the existence of the landowner's residence on the parcel and building plans for a structure to be built by or for the landowner.

(7) Condominiums, Townhomes, or Townhouses (MCA 76-3-203).

a. *Statement of Intent.* Generally condominiums, townhomes, or townhouses, as those terms are defined in MCA 70-23-102 are subject to review as subdivisions as described in the MSPA, but under certain circumstances they may be exempt from review pursuant to MCA 76-3-203.

b. *Exemption.* Condominiums, townhomes, or townhouses, as those terms are defined in MCA 70-23-102 constructed on lots within the incorporated city limits of the City of Miles City are exempt from subdivision review if the condominium, townhome, or townhouse proposal is in conformance with all applicable zoning regulations.

c. To use the exemption, the Declaration of Unit Ownership must include an exhibit containing certification from the City of Miles City that the condominiums are exempt from review under MCA 76-3-203 (See MCA 70-23-301). Only the City of Miles City has the authority to determine whether a division of land is exempt from subdivision review. The act of recording a condominium declaration does not establish the declaration's validity simply because the county clerk and recorder's office accepted and recorded it.

d. To obtain City of Miles City certification that the condominiums, townhomes, or townhouses are exempt from review as a subdivision, the person seeking the use of the exemption shall submit evidence of and an affidavit affirming entitlement to the exemption to the subdivision administrator, who shall cause the documents to be reviewed by the designated agents.

e. Within 30 working days of the receipt of the affidavit and evidence, the designated agents shall render a decision certifying or denying the use of the exemption.

f. If the designated agents deny the use of the exemption, the person seeking the use of the exemption may appeal the decision to the governing body under subsection 21-17(b)(4).

(8) Exemptions not requiring action by the City of Miles City:

a. A division of land created by lease or rental of contiguous airport-related land owned by a city, a county, the state, or a municipal or regional airport authority is not subject to the subdivision review requirements of this chapter or the MSPA, provided that the lease or rental is for onsite weather or air navigation facilities, the manufacture, maintenance, and storage of aircraft, or air carrier-related activities. [See MCA 76-3-205(1)]



b. A division of state-owned land is not subject to the subdivision review requirements of this chapter or the MSPA unless the division creates a second or subsequent parcel from a single tract for sale, rent, or lease for residential purposes after July 1, 1974. [See MCA 76-3-205(2)]

c. Subdivision review requirements of these regulations and the MSPA do not apply to deeds, contracts, leases, or other conveyances which were executed prior to July 1, 1974. [See MCA 76-3-206]

d. Instruments of transfer of land which is acquired for state highways may refer by parcel and project number to state highway plans which have been recorded in compliance with MCA 60-2-209 and are exempted from the surveying and platting requirements of the MSPA and these regulations. If such parcels are not shown on highway plans of record, instruments of transfer of such parcels shall be accompanied by and refer to appropriate certificates of survey and plats when presented for recording. A survey or plat for the recordation of an instrument transferring title to a remainder that was created when the state obtained property for a highway right-of-way is not required. [44 A.G. Op. 25 (1992)]

e. The following divisions in MCA 76-3-201 not previously included in this section:

1. A division of land that creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

2. A division of land that creates cemetery lots;

3. A division of land that is created by the reservation of a life estate;

4. A division of land that is created by lease or rental for farming and agricultural purposes;

5. A division of land that is in a location over which the state does not have jurisdiction; and

6. A division of land that is created for rights-of-way or utility sites. A subsequent change in the use of the land to a residential, commercial, or industrial use is subject to the requirements of the MSPA and these regulations.

## Sec. 21-18. Design and improvement standards.

(a) All subdivisions approved by the governing body must comply with the provisions of this section; except where granted a variance pursuant to subsection 21-22(a), variances. The governing body may not grant variances from the provisions of subsection (4), floodplain provisions, below. For planned unit developments, subdivisions created by rent or lease, and condominiums, refer to Sections 21-19, 21-20 and 21-21 of these regulations.

- (1) *Conformance with regulations.* The design and development of a subdivision must conform with any applicable zoning or other regulations.
- (2) *Natural environment.* The design and development of subdivisions must provide satisfactory building sites which are properly related to topography, and must, to the extent possible, preserve the natural terrain, natural drainage, existing topsoil, trees and natural vegetation.
- (3) *Lands unsuitable for subdivision.* The governing body may find land to be unsuitable for subdivision because of potential natural or human caused hazards such as flooding, snow avalanches, rock falls, landslides, adverse soil types, steep slopes in excess of 25 percent, high potential for wildfire, subsidence, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, aircraft or vehicular traffic hazards or congestion, or severe toxic or hazardous waste exposure; or because of unreasonable burdens on the general public such as requirements for the excessive expenditure of public funds, environmental degradation, or other features which may be detrimental to the health, safety, or general welfare of existing or future residents. These lands must not be subdivided for building or residential purposes unless the hazards are eliminated or will be mitigated by approved design and construction plans.
- (4) *Floodplain provisions.* Land located in the floodway of a 100-year flood event as defined by MCA Title 76, Chapter 5, or other land determined by the governing body to be subject to flooding may not be subdivided for building or residential purposes or other uses that may increase or aggravate flood hazards to life, health or welfare, or that may be prohibited by state or local floodplain or floodway regulations.

If any portion of a proposed subdivision is within 2,000 horizontal feet and 20 vertical feet of a live stream draining an area of 25 square miles or more, and no official floodway delineation or floodway studies of the stream have been made, the subdivider shall provide in detail to the Floodplain Management Section of the Water Resources Division of the Montana Department of Natural Resources and Conservation (DNRC), a flood hazard evaluation, including the calculated 100-year frequency water surface elevations and the 100-year floodplain boundaries. This detailed evaluation must be performed by a licensed professional engineer experienced in this field of work. The evaluation must follow the

"guidelines for obtaining 100-year flood elevations in Approximate Zone A or unmapped areas" which may be obtained from the DNRC.

The subdivider shall be responsible to solicit comment on the detailed floodplain evaluation from the DNRC and if required obtain a floodplain delineation for the subject property reviewed and approved by the DNRC and the Miles City floodplain administrator which shall be submitted to the subdivision administrator along with the preliminary plat application.

The above requirement is waived if the subdivider contacts the water resources division and that agency states in writing that available data indicate that the proposed subdivision is not in a flood hazard area. However, the DNRC may require additional information following the above guidelines to ensure there are no flood hazards.

(5) *Improvement design.* Engineering and survey plans, specifications, and reports required in connection with public improvements and other elements of the subdivision application required by the governing body must be prepared by a professional engineer or a professional land surveyor as their respective licensing laws allow in accordance with the MSPA and these regulations.

(6) *Lots.* Each lot intended for building purposes must contain a satisfactory building site and conform to health board regulations, applicable zoning regulations, and these regulations.

- a. No single lot may be divided by a municipal or county boundary line.
- b. No single lot may be divided by a public or private road, alley or utility right-of-way or easement.
- c. Each lot must abut and have access to a public or private street or road. Alleys may not be used to provide the primary means of access to a lot.
- d. Corner lots must have driveway access to the same street or road as interior lots.
- e. Corner lots must be of sufficient area to provide acceptable visibility for traffic safety.
- f. No lot may have an average depth greater than three times its average width.
- g. Side lot lines must be at substantially right angles to street or road lines and radial to curved street or road lines.

h. Through lots are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation.

(7) *Blocks.*

a. Blocks must be designed to assure traffic safety and ease of traffic control and circulation, to accommodate the special needs of the use contemplated, and to take advantage of the limitations and opportunities of the topography.

b. Unless impractical, block length must not be more than 1,600 feet.

c. Blocks must be wide enough to allow for two tiers of lots except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation or unless the governing body approves the design of irregularly shaped blocks indented by cul-de-sacs.

d. Rights-of-way for pedestrian walks, not less than 10 feet wide, must be required where deemed essential to provide circulation or safe access to schools, playgrounds, shopping, transportation and other community facilities.

(8) *Streets.*

a. *General design.*

1. The arrangement, type, extent, width, grade, materials, and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, maintenance considerations, the delivery of emergency services, public convenience and safety, and the proposed uses of the land to be served by them.

2. *Relation to subdivided areas.* The subdivider shall arrange the streets to provide for the continuation of streets between adjacent parcels when such continuation is necessary for the convenient movement of traffic, effective provision of emergency services, and the efficient provision of utility easements.

3. *Relation to adjoining lands.* Developing subdivisions shall provide access and utility easements to adjoining lands when access to those lands must pass through the subdivision. The

subdivider shall provide legal rights-of-way and the access must be constructed in accordance with these standards.

4. *Separation of through and local traffic.* Where a subdivision abuts or contains an existing or proposed arterial or collector street, the subdivider may be required to provide frontage access, reverse frontage access with a reservation prohibiting access along the rear property line, with screen planting or other such treatment as may be necessary for the protection of residential properties and to afford separation of through and local traffic.

5. *Distance between parallel rights-of-way.* Where a subdivision borders on or contains a railroad, limited access highway, canal, ditch, or stream right-of-way, the subdivider may be required to provide a street approximately parallel to and on each side of such right-of-way at a distance suitable to allow for appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grades.

6. *Dead-end streets.* No dead-end streets shall be permitted without an approved turnaround. Where streets terminate, the developer shall provide either a cul-de-sac or "T" turnaround at the terminus. Where it is planned that a dead-end street will be extended in the future, a temporary cul-de-sac or "T" turn-around shall be provided. Cul-de-sacs and "T" turnarounds must also conform to the design specifications in Table 1 below. Cul-de-sacs shall have a minimum turning radius of 35 feet. "T" turnarounds shall include two backup legs of a minimum of 30 feet each from the edge of the street width, with an inside turning radius of 25 feet.

7. *Half-streets.* Half-streets are prohibited except when they are essential to the development of the subdivision and when the governing body is satisfied that the other half of the street will be dedicated to the public when the adjoining property is subdivided. When an existing half street is adjacent to a tract to be subdivided, the other half of the street must be platted within the new subdivision.

8. *Second or emergency access.* To facilitate access by emergency vehicles and to allow an escape route for residents in emergency situations, the subdivider shall provide a second access in major subdivisions and all subdivisions located in high fire hazard areas.

*Pg 66 (5) currently reads:*

*(5) Distance between parallel rights-of-way.* Where a subdivision borders on or contains a railroad, limited access highway, canal, ditch, or stream right-of-way, the subdivider may be required to provide a street approximately parallel to and on each side of such right-of-way at a distance suitable to allow for appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grades.

Amended to read:

*(5) Distance between parallel rights-of-way.* Where a subdivision borders on or contains a railroad, limited access highway, canal, ditch, or stream right-of-way, the subdivider may be required to provide a street approximately parallel to such right-of-way at a distance suitable to allow for appropriate use of the intervening land. When a proposed internal road is parallel to a highway right-of-way, a reasonable distance between the two must be established by the subdivider based in consultation with adjacent landowners, and approved by the governing body. Such distances shall be determined with regard for the requirements of approach grades and future grades.

9. *Streets design standards.* The design standards contained in these regulations shall apply to all safety standards, construction, reconstruction, and paving of:

- i. Streets by easement;
- ii. Streets dedicated to the public;
- iii. City streets/alleys;
- iv. Streets within any special improvement districts.

10. *Street dedication and easements.* All streets serving a proposed subdivision or neighboring lands shall be dedicated to the public or shall have easements providing for public access.

b. *Street maintenance.* Street maintenance shall include, but is not limited to: sprinkling, chip sealing, seal coating, overlaying, treating, pothole repair, general cleaning, sweeping, flushing, snow removal, leaf and debris removal, the operation, maintenance and repair of traffic signal systems, the repair of traffic and street signs, the placement and maintenance of pavement markings, curb and gutter repair, and minor sidewalk repair that includes cracking, chipping, sinking, and replacement of not more than six feet of sidewalk in any 100-foot portion of sidewalk.

c. *Drainage channels and waterways.* Bridges and culverts shall be provided and installed by the subdivider where drainage channels and waterways intersect any street right-of-way or approach. Bridges and culverts shall be appropriately sized in accordance with the drainage area. Bridges and culverts shall be designed by a registered engineer. Bridges shall be constructed to HS25 load standards and shall be the same width as the street. Guard rails shall also be installed. All bridge installations shall be approved by the Miles City Planning Department, which may consult with other departments or contracted agents to ensure adequacy.

d. *Intersections.* The following requirements shall apply to street intersections:

1. The intersection of more than two streets at one point shall be avoided, except as described in subsection (d)(3) below.
2. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than a 75 degree angle.

3. Two streets meeting a third street from opposite sides shall meet at the same point or their centerlines shall be offset by a minimum of 125 feet for local streets and 300 feet for arterials or collectors.
  4. Any street, which intersects a paved street, shall be paved for a minimum of 30 feet from the paved street.
  5. Intersection design shall conform to the specifications in Table 1 below.
  6. Intersection design must provide acceptable visibility for traffic safety as dictated by the designed operating speeds on the individual streets.
  7. Hilltop intersections are prohibited, except where no alternatives exist. Intersections on arterial and collector streets within 200 feet of a hilltop are prohibited.
  8. Maximum grade of approaches to major highways, arterials, and major collectors must not exceed 2 percent or the applicable jurisdiction's standards, whichever is stricter.
- e. *Street names.* New streets aligned with existing streets shall have the same name as the existing street. All street names must be approved by the governing body.
- f. *Street signs.* All traffic signs shall be installed by the subdivider. Traffic signs shall be of the size, shape, height, and placement in accordance with the Manual of Uniform Traffic Control Devices. Traffic sign plans shall be approved by the Planning Department, which may consult with other departments or contracted agents to ensure adequacy.
- g. *Addressing.* All subdivisions shall conform to the Miles City addressing system requirements. All street intersection and address number signs shall be installed by the subdivider. The addressing plan shall be approved by the Planning Department, which may consult with other departments or contracted agents to ensure adequacy.
- h. *Street-Related Improvements.*
1. All street improvements including pavement, curbs, gutters, sidewalks, utilities, and drainage must be constructed in accordance with the specifications and standards prescribed in these regulations, using materials approved by the governing body.



2. Street subgrades must be free of topsoil, sod, vegetation or organic matter, soft clay, or other substandard materials. Subgrades must be properly rolled, shaped and compacted and subject to approval by the governing body.

3. Streets must be designed to ensure proper drainage, including but not limited to surface crown, culverts, curbs and gutters, drainage swales and storm drains.

4. Where access from a public street to the subdivision will cross properties not owned by the subdivider, the subdivider must obtain easements, at least 60 feet wide, from each property owner or the appropriate administrator of public lands. Each easement must allow construction and perpetual maintenance of a street accessing the property and allow vehicular travel on the street.

i. Adequate and appropriate easements must be granted by each property owner through a signed and notarized document that grants the easement in conformance with the design.

ii. The location of any street easement must be shown on the plat or on a supplemental map. The existence of easements must be noted on the face of the final plat and on any deeds or other instruments conveying lots within the subdivision.

5. Existing trees and other vegetation must be preserved whenever possible. Plantings may be required for buffering, screening, or soil erosion protection and are subject to approval by the governing body.

6. Street light installation may be required by the governing body on all streets within the subdivision or may be included as part of the public improvements agreement.

7. If postal service will not be provided to each individual lot within the subdivision, the subdivider must provide an off-street area for mail delivery within the subdivision in cooperation with the United States Post Office. Responsibility for maintenance of the area and postal facilities shall be included as part of the maintenance agreement for the streets or other maintenance agreement.

8. *Primary access standards.* All off-site and on-site streets providing primary access to the proposed subdivision and

subdivision lots shall meet the standards in Table 1. The governing body shall approve all street designs and plans.

9. Right-of-way width and respective design and construction standards shall apply.

10. Primary access streets shall be dedicated to the public, or shall have a public easement which meets the criteria of these regulations.

11. When necessary to provide proper legal and physical access to the subdivision and subdivision lots, the subdivider shall be responsible for bringing all primary access streets which serve the subdivision up to the standards.

12. The subdivider may be required to pave all or parts of the primary access street network if the subdivision increases the traffic burden on the primary access street network to 100 or more vehicle trips per 24 hour period. Paving shall conform to respective paving standards.

TABLE 1  
STREET DESIGN STANDARDS

Design Criteria/Street Type	Arterial	Major Collector	Minor Collector	Minor Street	Local Street	Alley
Minimum right-of-way or easement width	80 ft.	60 ft.	60 ft.	50 ft.	40 ft.	30 ft.
Minimum street surface width	30 ft.	28 ft.	26 ft.	26 ft.	16 ft.	12 ft.
Centerline radius on curves	400 ft.	300 ft.	150 ft.	100 ft.	100 ft.	75 ft.
Tangent length between reverse curves	300 ft.	200 ft.	100 ft.	100 ft.	50 ft.	50 ft.
Stopping site distance	300 ft.	300 ft.	300 ft.	300 ft.	150 ft.	100 ft.
Minimum angle of intersecting centerlines	75°	75°	75°	75°	75°	75°
Curb radius at intersections	25 ft.	25 ft.	25 ft.	15 ft.	15 ft.	15 ft.
Maximum length of cul-de-sac	n/a	n/a	1,000 ft.	1,000 ft.	600 ft.	n/a
Maximum street grade	5%	6%	6%	7%	9%	7%
Maximum grade within 100 feet of intersecting centerline	2%	2%	2%	3%	3%	3%
Minimum in-slope	3:1	3:1	3:1	3:1	3:1	3:1
Minimum back-slope	3:1	3:1	3:1	3:1	3:1	3:1
Minimum round culvert diameter	18-inch	18-inch	18-inch	18-inch	15-inch	15-inch
*Sub-base depth	18-inches	18-inches	12-inches	12-inches	8-inches	8-inches
**Surface or surface base depth	6-inches	6-inches	4-inches	4-inches	3-inches	3-inches
***Surface material	Asphalt	Asphalt	Asphalt	Gravel or hard surface	Gravel or hard surface	Gravel or hard surface
Surface depth	6-inches	4-inches	3-inches	See above	See above	See above

\* Sub-base Construction Standards: The gravel base course shall consist of hard, durable stone, gravel or other similar materials mixed or blended with sand, stone dust or other binding or filler materials providing a uniform mixture and compacted into a dense and well-bonded base. Oversize stones, rocks and boulders shall be screened out pit run a maximum of 4 inches in diameter. Oversize material of acceptable quality may be crushed and used in the base material. The material shall be placed in uniform thickness and compacted to the prescribed depth. The base course shall be compacted to 95% of the maximum dry density as determined by AASHTO

Designation T99. If water is needed to facilitate compaction and bonding of the material, it shall be applied. The subgrade shall be finished within a tolerance of 3/4 of an inch measured as a vertical ordinate from the face of a 10-foot straight edge.

\*\* Surface and Surface Base Gravel Construction Standard: The gravel shall consist of both fine and coarse fragments of hard, durable, crushed stone or crushed gravel blended with sand, finely crushed stone, crusher screenings or other similar materials. The material shall be placed in uniform thickness with a minimum compacted depth of 4 inches of 3/4 inch minus crushed gravel compacted to 95% of the maximum dry density as determined by AASHTO Designation T99. If water is needed to facilitate compaction and bonding of the material, it shall be applied. All surface base and surface gravel material shall have a tolerance of 5% by volume up to the next specified gradation (1" for 3/4" maximum size). All oversized material shall not be allowed in the top 2" and shall be removed from the street section.

\*\*\* Finished asphalt surfaces shall be constructed in accordance with Montana Public Works Standards.

(9) *Drainage facilities.*

- a. The drainage system and facilities required for storm run-off affecting the subdivision are subject to approval by the governing body. Subdivisions containing lots less than 20 acres in size also must be reviewed and approved under MCA Title 76, Chapter 4, by the DEQ.
- b. A grading and drainage plan as required by subsection 21-14(a)(5) is subject to approval by the governing body.
- c. Curbs and gutters or swales will be required as determined by the governing body according to the character of the area, density of development, and nature of adjoining properties. Curbs and gutters of adjoining properties must be extended according to current specifications of local and state authorities.
- d. Culverts or bridges of adequate size must be provided and installed by the subdivider where drainage channels intersect any street or road right-of-way or easement. All culverts must extend at least across the entire width of the base of the fill including side slope toes; the amount of backfill to be placed over the culvert and the culvert's capacity must be determined by a professional engineer. The plan must include arrangements for driveway culverts. Culverts shall be provided with the diameters required by Table 1 and large enough to accommodate potential runoff from upstream drainage areas. Culvert material, type, gauge and depth of cover shall be included in the design. All culvert installations shall be

approved by the City Planning Department, which may consult with other departments or contracted agents to ensure adequacy.

- e. The subdivider must provide suitable drainage facilities for any surface runoff affecting the subdivision; these facilities must be located in street rights-of-way or in perpetual easements of appropriate widths and are subject to approval by the governing body.
- f. Each drainage facility must accommodate potential runoff from upstream drainage areas.
- g. Drainage systems must not discharge into any sanitary sewer facility.
- h. The grading and drainage system must be designed and certified by a professional engineer.
- i. The governing body may require the subdivider to grant easements to prevent encroachment or disruption of drainage ways or facilities. Drainage easements must be drawn on the plat and a signed statement granting the easements must appear on the plat.

(10) Water supply.

- a. The subdivider shall provide, along with the preliminary plat application, the water supply information specified in MCA 76-3-622.
- b. All subdivisions within Miles City shall be served by municipal water facilities or systems managed by a public water district.
- c. The governing body may require that any proposed subdivision provide adequate and accessible water for fire protection.
- d. The subdivider must install complete water system facilities in accordance with the requirements of Miles City and the DEQ. The subdivider must submit plans and specifications for the proposed facilities to the Planning Department and to the DEQ, and must obtain their approvals prior to undertaking any construction. The Planning Department may consult with other departments or contracted agents to ensure adequacy.

(11) *Wastewater treatment.*

- a. The subdivider shall provide, along with the preliminary plat application, the sanitation information specified in MCA 76-3-622.
- b. All subdivisions within Miles City shall be served by municipal wastewater treatment facilities or systems managed by a public sewer district.
- c. The subdivider must install complete wastewater treatment system facilities in accordance with the requirements of Miles City and the DEQ. The subdivider must submit plans and specifications for the proposed facilities to the Planning Department and to the DEQ, and must obtain their approvals prior to undertaking any construction. The Planning Department may consult with other departments or contracted agents to ensure adequacy.

(12) *Solid waste.*

- a. The subdivider must provide for collection and disposal of solid waste that meet the minimum standards of the DEQ and the City of Miles City solid waste codes (Chapter 19).

(13) *Utilities.*

- a. The subdivider must provide adequate and appropriate easements for existing utilities and the construction of planned utilities within the subdivision. The subdivider must obtain any easements necessary to extend utilities to the subdivision.
- b. Utilities must be placed underground, wherever practical. Underground utilities, if placed in the street right-of-way, must be located between the street and the right-of-way line to simplify location and repair of lines. Such underground facilities must be installed after the street has been brought to grade and before it is surfaced, to eliminate disturbance of the surfacing for the connection of individual services.
- c. Any overhead utility lines must be located at the rear property line, where practical.
- d. Utility facilities must be designed by utility firms in cooperation with the subdivider, subject to all applicable laws and rules and regulations of any appropriate regulatory authority.
- e. Utility easements located between adjoining lots must be centered on lot lines.

- f. Utility easements must be a minimum of 15 feet wide unless otherwise specified by a utility company or the governing body.
- g. Utilities placed in the street right-of-way shall be located between the street and the right-of-way line.
- h. When a utility is to be located in an existing, dedicated right-of-way, a notice of utility occupancy must be obtained from the governing body, or local or state highway authority.
- i. In addition to showing the location of the utility easement on the plat with dashed lines, the following statement must be on the final plat:  
*"The undersigned hereby grants unto each and every person, firm, or corporation, whether public or private, providing or offering to provide telephone, telegraph, telecommunications, electric power, gas, cable television, water, or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as 'Utility Easement' to have and to hold forever."*
- j. The subdivider shall describe, dimension, and show public utility easements in the subdivision on the final plat in their true and correct location. The public utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of public utility facilities for the provision of public utility services within the subdivision.

(14) *Water course and irrigation easements.*

- a. Except as noted in subsection (14)(b) below, the subdivider shall establish within the subdivision ditch easements that:
  - 1. Are in locations of appropriate topographic characteristics and sufficient width to allow the physical placement and unobstructed maintenance of open ditches or below ground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots;
  - 2. Are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and

3. Prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner.
- b. The subdivider need not establish irrigation easements as provided above if:
1. The average lot size in the proposed subdivision will be one acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, notifying potential buyers that lots within the subdivision are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable to the lots; or
  2. The water rights have been removed from the land within the subdivision or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat; and
  3. The fact the water rights have been or will be removed from the land within the subdivision is denoted on the preliminary plat. If the removal of water rights has not been completed at the time the final plat is filed, the subdivider shall provide written notification to prospective buyers of the subdivider's intention to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.
- c. The subdivider shall, unless otherwise provided under separate written agreement or filed easement, show on the preliminary and final plat, and file and record with the county clerk and recorder, ditch easements for the unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the proposed subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights. A minimum width of ten feet is required on each side of irrigation canals and ditches for maintenance purposes.

(15) *Disposition of water rights.*



- a. If a subdivision will create lots averaging less than five acres in size, the subdivider shall submit evidence with the final plat that the subdivider has:
  1. Reserved all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer these water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserved and severed any remaining surface water rights from the land;
  2. If the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide for the use of a water right on the subdivision lots, established a landowner's water use agreement administered through a single entity. This agreement must specify how the water rights will be administered and describe the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or
  3. Reserved and severed all surface water rights from the land proposed for subdivision.

(16) *Park land dedication; cash in lieu; waivers; administration.*

- a. Except as provided below, the final plat of a residential subdivision must show that the subdivider has dedicated to the governing body a cash or land donation equal to:
  1. 11% of the area of the land proposed to be subdivided into parcels of one-half acre or smaller;
  2. 7.5% of the area of the land proposed to be subdivided into parcels larger than one-half acre and not larger than one acre;
  3. 5% of the area of the land proposed to be subdivided into parcels larger than one acre and not larger than three acres; and
  4. 2.5% of the area of the land proposed to be subdivided into parcels larger than three acres and not larger than five acres.
- b. A park dedication is not required for:

1. Land proposed for subdivision into parcels larger than 5 acres;
  2. Subdivision into parcels that are all nonresidential;
  3. A subdivisions in which parcels are not created, except when that subdivision provides permanent multiple spaces for recreational camping vehicles, mobile homes, or condominiums; or
  4. Subdivisions which will create only one additional parcel.
- c. When allowed by subsection (16)(b) above, in accordance with MCA 76-3-621(8)(a), the governing body requires park dedication for all minor subdivisions within the municipal boundaries.
  - d. The governing body, in consultation with the subdivider and the planning board or community parks advisory council and/or superintendent of city parks, may determine suitable locations for parks and playgrounds and, giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation.
  - e. The land dedicated for park use may be inside or outside the boundaries of the proposed subdivision.
  - f. The governing body will waive the park dedication requirement if it determines that:
    1. The preliminary plat provides for a planned unit development or other development with land permanently set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the development; and the area of the land and any improvements set aside for park and recreational purposes equals or exceeds the area of the dedication required under subsection (16)(a) above;
    2. The proposed subdivision will provide for the long-term protection of critical wildlife habitat; cultural, historical, or natural resources; agricultural interests; or aesthetic values; and by virtue of providing this long-term protection will result in the reduction of the area of the land proposed to be

subdivided by an amount equal to or exceeding the area that would have had to be dedicated under subsection (16)(a) above;

3. The area of the land proposed to be subdivided, by virtue of a combination of the provisions of subsections (16)(f)(1) and (2) above, is reduced by an amount equal to or exceeding the area of the dedication required under subsection (16)(a) above; or
  4. The subdivider provides for land outside of the subdivision to be set aside for park and recreational uses sufficient to meet the needs of the persons who will ultimately reside in the subdivision; and the area of the land and any improvements set aside for park and recreational uses equals or exceeds the area of dedication required under subsection (16)(a) above.
- g. The governing body may waive the park dedication requirement if:
1. The subdivider provides land outside the subdivision that affords long-term protection of critical wildlife habitat, cultural, historical, or natural resources, agricultural interests, or aesthetic values; and
  2. The area of the land to be subject to long-term protection, as provided in subsection (g)(1) above, equals or exceeds the area of dedication required under subsection (16)(a).
- h. Subject to the approval of the governing body and acceptance by the school district trustees, a subdivider may dedicate a land donation provided under subsection (16)(a) to a school district, adequate to be used for school facilities or buildings.
- i. The governing body will administer funds dedicated to the public under this section in accordance with MCA 76-3-621(5).
- j. For the purposes of this subsection (16), *cash donation* means the fair market value of the unsubdivided, unimproved land.

(17) Fire protection.

- a. All subdivisions must be planned, designed, constructed, and maintained so as to minimize the risk of fire and to permit the effective and efficient suppression of fires in order to protect persons, property, grazing lands, and forested areas.

- b. All subdivisions in Miles City fall in the service area of the Miles City Fire Department.
- c. Subdivisions shall comply with the Uniform Fire Code and city fire codes.
- d. The governing body may require that any proposed subdivision provide adequate and accessible water for fire protection, including installation of fire hydrants on the municipal water system designed to standards adopted by city codes.
- e. Special standards apply to subdivisions in high fire hazard areas. High fire hazard areas include heads of draws, excessive slopes, dense fuel growth or other hazardous components as determined by the Miles City Fire Department or the Forestry Division of the Montana Department of Natural Resources and Conservation. Subdivisions in high fire standards must meet the following standards:
  - 1. Interior and exterior streets must provide two entrances/exits to assure more than one escape route for residents and access routes by emergency vehicles and fire suppression equipment. Fire suppression equipment includes, but is not limited to, wildland fire engines, structural fire engines, water tenders, heavy equipment, and trucks used for hauling heavy equipment.
  - 2. Bridges providing access to the subdivision must be built to a design load of 20 tons and be constructed of non-flammable materials.
  - 3. Street rights-of-way must be cleared of slash.
  - 4. Residences and other structures must be placed in such a manner as to minimize the potential for flame spread and to permit efficient access for firefighting equipment.
  - 5. Defensible space around structures and fire protection facilities must be provided and incorporated into subdivision covenants.
  - 6. Purchasers of lots/units in the subdivision shall be provided copies of the Fire Protection Guidelines For Wildland Residential Interface Development, Montana Departments of Natural Resources and Conservation/Justice.

(18) Landscaping standards for commercial development.

- a. *Intent.* The intent of landscaping is to enhance, conserve and stabilize property values by encouraging pleasant and attractive surroundings; to encourage preservation of existing trees on proposed building sites; and to contribute to the relief of noise, wind, glare through the proper placement of living plants and trees. Allowances for non-living landscaping, i.e., gravel sculptures, art, desert type landscaping shall be taken into consideration.
- b. *Landscaping.* The definition of landscaping shall mean a combination of planted living trees, shrubs, hedges, vines ground cover, flowers and lawns suitable for the climate, exposure, and site conditions. In addition, the design may include bark, mulch, edging, flower beds, rock and such structural features as fountains, pools, art works, screens, walls, fences, or benches. The selected combinations of materials and plants for landscaping purposes shall be arranged in a harmonious manner compatible with the building and its surroundings.
- c. *Plant materials.* Selection of plant materials shall be based upon local climate, water restrictions, and soils. Site plans shall protect existing trees where feasible.
- d. *Irrigation.* Automated irrigation is required for all landscaping consisting of living plant materials. Irrigation plans will be reviewed as part of the landscaping review.
- e. *Preservation.* Landscaping which exists on any property or for any use, subject to the provisions of this subsection, shall not be altered or reduced below the minimum requirements of this subsection, unless suitable substitutions are made which meet the requirements of this subsection and a landscaping plan is first approved by the governing body.
- f. *Area.* The landscaping area shall be eight percent of the net land available (total area of the site minus the area occupied by all buildings).
- g. *Spacing.* Trees will be planted no closer to each other or site structures than the mature drip line. Trees must be pruned to provide at least eight feet of clearance over sidewalks parking areas and streets. The use of elevated earth berms to accomplish such landscaping is encouraged. Landscaping between parking bays with appropriate ground cover and trees is encouraged. This subsection shall complement subsection 24-18(b) of the Miles City Zoning Code.

- h. *Installation timing.* All approved landscaping shall be completed within 90 calendar days after the substantial completion of the buildings being constructed on the lot. If weather conditions do not permit the completion of the approved landscaping, then such landscaping shall be completed as soon thereafter as weather conditions permit. In the case of a delay due to weather, an improvements agreement acceptable to the City Council shall be submitted in the amount estimated for reasonable completion of the approved landscaping and released upon completion.
- i. *Maintenance.* All areas required to be landscaped in accordance with the provisions of this subsection shall, after completion, be maintained in an attractive and well-kept condition by the owner or occupant of the site.
- j. *Trash receptacles.* Trash receptacles and refuse storage areas must be surrounded on four sides by a decorative or painted wall or fence with a gate, to adequately screen the facility from view from public ways and other properties. The occupant of the site must also provide an adequate number of appropriate receptacles to prevent trash and refuse spreading about or away from the property.
- k. *Ownership and use changes.* Any property having an approved landscaping plan pursuant to this subsection upon change of ownership or use of property must maintain existing landscaping or submit a new landscaping plan to the city for review and approval by the planning board and City Council, as applicable.

#### **Sec. 21-19. Subdivisions created by rent or lease.**

(a) *Definition.* A subdivision created by rent or lease, including a mobile home/manufactured home park or recreational vehicle park or campground, is any tract of land divided by renting or leasing portions of it. The land is owned, however, as one parcel under single ownership (including property held in common). Subdivisions created by rent or lease must comply with applicable zoning.

(b) *Subdivisions providing multiple spaces for recreational camping vehicles or mobile/manufactured homes.*

(1) *Recreational camping vehicles.* Developments which are subject to subdivision review because they will provide two or more spaces for recreational camping vehicles will be reviewed under subsection (f), recreational vehicle park standards, below.

(2) *Mobile/manufactured homes.* Developments which are subject to subdivision review because they will provide two or more spaces for mobile/manufactured homes will be reviewed under subsection (e), mobile/manufactured home park standards, below.

(3) *Subdivisions for lease or rent, generally.*

a. Land subdivision created by rent or lease will be reviewed under the procedures described in Section 21-16 for major and subsequent minor subdivisions, or Section 21-15 for first minor subdivisions, as may be appropriate.

b. Land subdivisions created by rent or lease are subject to Section 21-18, design and improvement standards.

(c) *Procedures for review.*

(1) *Review and approval.* Subdivisions must be submitted for review and be approved by the governing body before portions of the subdivision may be rented or leased.

a. *Submittal.* The subdivider shall submit a completed application in accordance with Section 21-14.

b. *Review.* The procedure used to review subdivisions created by rent or lease will be as described in Section 21-15 for first minor subdivisions or Section 21-16 for major and subsequent minor subdivisions.

(2) *Improvements.* The subdivider shall install all required improvements before renting or leasing any portion of the subdivision. The governing body or its agents will inspect all required improvements in order to assure conformance with the approved construction plans and specifications.

(3) *Final plat review.* The final plat must include the contents, and be submitted and reviewed in accordance with the appropriate requirements contained in subsection 21-14(b), final plats

(4) *DPHHS license.* If a subdivision that will provide multiple spaces for recreational camping vehicles or mobile homes is also a "trailer court," "work camp," "youth camp," or "campground" as those terms are defined in MCA 50-52-102, the governing body will not grant final approval of the subdivision until the subdivider obtains a license for the facility from the Montana Department of Public Health and Human Services under MCA Title 50, Chapter 52.

(d) *Design standards for subdivisions created by rent or lease.*

(1) *Design standards.* Subdivisions created by rent or lease must comply with the provisions of Section 21-18, design and improvement standards.

(2) *Additional provisions.* The governing body may require provision for:

- a. Storage facilities on the lot or in compounds located within a reasonable distance;
- b. A central area for storage or parking of boats, trailers, or other recreational vehicles;
- c. Landscaping or fencing to serve as a buffer between the development and adjacent properties;
- d. An off-street area for mail delivery; and
- e. Street lighting.

(e) *Mobile/manufactured home park standards.*

(1) *Mobile/manufactured home spaces.*

- a. Mobile/manufactured home spaces must be arranged to permit the safe and practical placement and removal of mobile homes.
- b. All mobile/manufactured homes must be located at least 25 feet from any property boundary line abutting upon a public street or highway right-of-way and at least 15 feet from other boundary lines of the park.
- c. The mobile/manufactured home pad must be located at least ten feet from the street that serves it.
- d. The size of the mobile/manufactured home pad must be suitable for the general market to be served and must fit the dimensions of mobile/manufactured homes anticipated.
- e. A mobile/manufactured home pad may not occupy more than one-third of the area of its space. The total area occupied by a mobile home and its roofed accessory buildings and structures may not exceed two-thirds of the area of a space.
- f. The governing body may require that the mobile/manufactured home pad be improved to provide adequate support for the placement and tie-down of the mobile home.
- g. No mobile/manufactured home or its attached structures, such as awnings and carports, may be located within 20 feet of any other mobile home or its attached structures.



- h. No detached structure, such as a storage shed, may be located within five feet of any mobile/manufactured home or its attached structures.
- i. A minimum of two off-street parking spaces must be provided on or adjacent to each mobile/manufactured home space. The driveway must be located to allow for convenient access to the mobile/manufactured home, and be a minimum of ten feet wide.
- j. One guest parking space must be provided for each ten mobile/manufactured home spaces. Group parking may be provided.
- k. Each mobile/manufactured home must be skirted within 30 calendar days after it is moved to a space within the mobile/manufactured home park. The skirting must be of a fire-resistant material similar to that of the mobile/manufactured home exterior.

(2) *Streets.* Streets within a mobile/manufactured home park must meet the standards specified in subsection 21-18(a)(8), streets. Streets must be designed to allow safe placement and removal of mobile homes.

(3) *Electrical systems.* Electrical systems must be designed and installed in accordance with the applicable codes adopted by the authority having jurisdiction. Where the state or other political subdivision does not assume jurisdiction, such installations must be designed and constructed in accordance with the applicable state electrical standards.

(4) *Gas systems.*

a. Gas equipment and installations must be designed and constructed in accordance with the applicable codes adopted by the authority having jurisdiction. Where the state or other political subdivision does not assume jurisdiction, such installation must be designed and constructed in accordance with the applicable provisions of the "National Fuel Gas Code" (NFPA Pamphlet 54-1981) and the "Standard for the Storage and Handling of Liquefied Petroleum Gases" (NFPA Pamphlet 58-1981).

b. A readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system must be installed near to the point of connection of the liquefied petroleum gas container.

c. Each mobile/manufactured home lot must have an accessible, listed gas shutoff installed. This valve must not be located under a mobile home. Whenever the mobile home lot gas outlet is not in use, the shutoff valve must be plugged to prevent accidental discharge.

(f) *Recreational vehicle park standards.*

(1) *Recreational vehicle spaces.*

a. Spaces in recreational vehicle parks must be arranged to allow for the safe movement of traffic and access to spaces.

b. Roads within recreational vehicle parks must be designed to provide safe traffic circulation and parking.

c. Recreational vehicles must be separated from each other and from other structures by at least 15 feet. Any accessory structures such as attached awnings must, for purposes of this separation requirement, be considered part of the recreational vehicle.

d. No recreational vehicle space may be located less than 25 feet from any public street or highway right-of-way.

(2) *Streets.* Streets within a recreational vehicle park must meet the standards specified in subsection 21-18(a)(8), streets. Streets must be designed to allow safe placement and removal of recreational vehicles.

(3) *Density.* The density of a recreational vehicle park must comply with the standards of the zoning district it is located in, but in no case shall the density of a recreational vehicle park exceed 20 recreational vehicle spaces per acre of gross site area.

**Sec. 21-20. Planned unit developments.**

(a) *Definition.* MCA 76-3-103(10) defines a planned unit development as "a land development project consisting of residential clusters, industrial parks, shopping centers or office building parks that compose a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in common ownership or use." Planned Unit Developments (PUDs) are major subdivisions that obtain PUD designation during subdivision review of the overall development or the first phase of the development according to the review process described in subsection 21-20(f) below.

(c) (b) *Purpose.* PUDs are intended to:

(1) Allow flexibility in specification and performance standards in exchange for community benefits and innovative, quality design;

(2) Encourage a complementary mixture of uses and developed in accordance with an approved plan, that protects adjacent properties;

(3) Encourage the preservation and enhancement of natural amenities, cultural resources and open space;

(4) Provide for a more efficient arrangement of land uses, buildings, circulation systems, and infrastructure; and,

(5) Encourage infill development, traditional neighborhood development, affordable housing, low-impact, energy efficient and innovative projects, and a variety of housing types and sizes to accommodate households of all ages, sizes and incomes.

(c) *Applicability.* A PUD may be approved in any zoning district.

(d) *Requirements.* No application for a PUD will be accepted or approved unless all of the property included in the application is under unified ownership or a single entity's control. In addition, PUDs must contain the following components:

(1) An overall development size of at least 10 acres except for infill development, where the minimum size is 2.5 acres;

(2) Pedestrian and bicycle facilities throughout and connecting to adjacent facilities;

(3) A mixture of land uses and housing types;

(4) Interconnected roads, preferably lots and blocks with alleys;

(5) Architectural design standards to be implemented by a private party such as a property owners association;

(6) A coordinated landscape plan;

(7) Significant open spaces such as playground or park areas designed for active and passive users with the scale, type and natural features depending on the projected needs of the future users of the site; and

(8) Community facilities in common or public ownership and use.

Larger scale projects are also encouraged to include:

(9) A functional neighborhood center that is the focal point of the neighborhood with indoor and outdoor spaces and a mixture of uses, opportunities for civic engagement and public art; and

(10) The majority of dwellings located within 2,000 feet of the neighborhood center.

(e) *Standards Eligible for Modification.* Unless otherwise expressly approved by the planning board and governing body, PUDs are subject to all applicable standards of the base zoning district regulations and the design standards of these regulations. A waiver of the standards does not require approval of the board of adjustment or a variance to subdivision design standards. The planning board and governing body may approve PUDs that deviate from specific standards if it is determined that the resulting development satisfies the approval criteria in subsection (g) below. The specific standards that may be modified include:

(1) Allowed uses. Regardless of the underlying zoning, a PUD may include a complementary mix of use types and a broader range of housing types and affordable housing options. A list of uses to be allowed in a PUD must be approved by the planning board and governing body;

(2) Park land dedication or cash donation requirements if open space such as playground or park areas within the development meet or exceeds the park land dedication requirements of these regulations and when the subdivider agrees to deed the open space land to the association in perpetuity for use as parks or playgrounds;

(3) Minimum lot size, provided that parcels sizes are adequate to safely accommodate all proposed buildings and site features and are warranted to support the public benefit likely to result from the proposed development;

(4) Setbacks, when determined to be warranted to support the public benefit likely to result from the proposed development;

(5) Building height, when determined that such an increase is warranted to support the public benefit likely to result from the proposed development;

(6) Maximum lot coverage, so long as erosion will be controlled and stormwater is determined likely to be contained in a manner that will not negatively impact surface water quality or downstream properties;

(7) Parking and loading, when determined that such modifications are warranted to support the public benefit likely to result from the proposed development; and

(8) Street and non-motorized transportation standards so long as such designs would better meet the purpose of this PUD section while still providing a safe and efficient traffic flow.

(f) *Review Process.* Planned Unit Development are established through the approval of a PUD master site plan in conjunction with the general procedures outlined in Section 21-14 of these regulations and the review procedures for major subdivisions as outlined

in Section 21-16 of these regulations. At the option of the developer, the master site plan may also serve as a preliminary subdivision plat if such intention is declared at the pre-application meeting and if the site plan includes all information required for preliminary plats. If the master site plan contemplates distinct phased preliminary plats, the plat for the first phase shall be reviewed concurrently with the master site plan.

A PUD master site plan becomes final after being reviewed by the planning board and approved by the governing body. All subdivisions authorized under a PUD designation must become final within 10 years of PUD master site plan approval.

In addition to the requirements for subdivisions, each PUD application must include the following items:

- (1) A master site plan showing the location and area of lots and blocks, buildings, transportation facilities, parks, open space and other amenities, utilities and other pertinent features;
  - (2) A list of the specific standards that are requested to be modified;
  - (3) A list of land uses that are proposed in the PUD;
  - (4) A written description of the community benefits of the proposed development and how it provides greater benefits to the city than would development under strict application of zoning and subdivision regulations;
  - (5) Architectural standards; and
  - (6) A description and draft documents indicating how common areas and facilities will be managed.
- (g) *Review Criteria.* In reviewing and making decisions on proposed PUDs and site plans, the planning board and governing body shall consider and make findings on the following criteria:
- (1) Whether the proposed PUD would result in a greater benefit to the city than would development under strict application of zoning and subdivision regulations. Greater benefit may include implementation of the growth policy, natural resource preservation, innovative urban design, low-impact or energy efficient development, affordable, workforce or senior housing, neighborhood or community amenities or an overall level of development quality;
  - (2) The proposal's consistency with the adopted plans for the area;
  - (3) Compliance with this section; and
  - (4) Primary review criteria for subdivisions.

**Sec. 21-21. Condominiums.**

(a) *Procedures.* Unless exempted by MCA 76-3-203 and subsection 21-17(c)(7) of these regulations, all condominiums are subdivisions subject to the terms of the MSPA as follows:

(1) *Condominium subdivisions involving land divisions.* Proposed condominium subdivisions must be reviewed under the procedures contained in the following sections, as applicable:

Section 21-15, Review procedures for first minor subdivisions.

Section 21-16, Review procedures for major and subsequent minor subdivisions.

Subsection 21-16(b), applicable subsections for final plats.

Section 21-18, Design and improvement standards. All units must be provided legal and physical access by streets in a reasonable manner.

(3) *Unit Ownership Act.* Condominium developments must comply with all provisions of the Unit Ownership Act, MCA Title 70, Chapter 23.

**Sec. 21-22. Administrative provisions.**

(a) *Variances.*

(1) *Variances authorized.* The governing body may grant variances from Section 21-18, design and improvement standards, of these regulations when, due to the characteristics of land proposed for subdivision, strict compliance with these standards would result in undue hardship and would not be essential to the public welfare. A variance will not be granted if it would have the effect of nullifying the intent and purpose of these regulations. The governing body will not approve a variance unless it finds that:

a. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties;

b. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self imposed;

c. The variance will not cause a substantial increase in public costs; and

d. The variance will not place the subdivision in nonconformance with any adopted zoning regulations.

(2) *Variations from floodway provisions not authorized.* The governing body will not by variance permit subdivision for building purposes in areas located within the floodway of a flood of 100-year frequency as defined by MCA Title 76, Chapter 5.

(3) *Procedure.* The subdivider shall include with the submission of the preliminary plat a written statement describing and justifying the requested variance. The subdivision administrator and/or planning board, as applicable, will consider the requested variance and recommend its approval or denial to the governing body. The governing body may grant the variance(s) if it meets the specific variance criteria.

(4) *Conditions.* In granting variances, the governing body may impose reasonable conditions to secure the objectives of these regulations.

(5) *Statement of facts.* When a variance is granted, the motion to approve the proposed subdivision must contain a statement describing the variance and the facts and conditions upon which the issuance of the variance is based.

(b) *Administration.*

(1) *Enforcement.* Except as provided in MCA 76-3-303 and these regulations, every final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner. If unlawful transfers are made, the city attorney shall commence action to enjoin further sales or transfers and compel compliance with all provisions of the MSPA and these regulations. The cost of this action shall be imposed against the party not prevailing.

(2) *Appeals.* A person who has filed with the governing body an application for a subdivision under the MSPA and these regulations may bring an action in district court to sue the governing body to recover actual damages caused by a final action, decision, or order of the governing body or a regulation adopted pursuant to the MSPA that is arbitrary or capricious. A party who is aggrieved by a decision of the governing body to approve, conditionally approve, or deny an application and preliminary plat for a proposed subdivision or a final subdivision plat may, within 30 days after the decision, appeal to the district court in the county in which the property involved is located. The petition must specify the grounds upon which the appeal is made. For the purposes of this section, "aggrieved" means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

The following parties may appeal under the provisions of subsection (b)(2) above:

- a. The subdivider;
- b. A landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the county or municipality where the subdivision is proposed if that landowner can show a likelihood of material injury to the landowner's property or its value;
- c. The county commissioners of the county where the subdivision is proposed; and
- d. The following municipalities:
  - 1. A first-class municipality as described in MCA 7-1-4111, if a subdivision is proposed within three miles of its limits;
  - 2. A second-class municipality, as described in MCA 7-1-4111, if a subdivision is proposed within two miles of its limits;
  - 3. A third-class municipality, as described in MCA 7-1-4111, if a subdivision is proposed within one mile of its limits.

**Sec. 21-23. Severability.**

If a court of competent jurisdiction holds any word, phrase, clause, sentence, paragraph, section or other part of any provision of this chapter invalid, that judgment will affect only the part held invalid.

**Secs. 21-24 — 21-61. Reserved.**

**Sec. 21-62. Adoption of uniform standards.**

The City of Miles City hereby adopts, by reference, the following regulations and standards of the Montana Department of Labor and Industry, as now established, and as hereafter amended:

- (1) Uniform Standards for Monumentation (ARM 24.183.1101);
- (2) Uniform Standards for Certificates of Survey (ARM 24.183.1104); and
- (3) Uniform Standards for Final Subdivision Plats (ARM 24.183.1107).

**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. 1268**

**AN ORDINANCE CHANGING THE ZONING OF BLOCK 5 OF THE SOUTHGATE MEADOWS SUBDIVISION FROM LOCAL COMMERCIAL TO GENERAL COMMERCIAL AND PROVIDING FOR A HEARING THEREON**

**WHEREAS**, the owner of the below described real property has made application for the property to be rezoned from Local Commercial (LC) zone to General Commercial District (GC) zone;

**AND WHEREAS**, such property is situated within the City of Miles City, Montana

**AND WHEREAS**, Section 24-8 of the Miles City Code requires that such application be referred to the City Zoning Commission for public hearing and recommendation to the City Council prior to any action by the City Council upon such application;

**AND WHEREAS**, the Miles City Zoning Commission, on March 31, 2014, held a public hearing upon said application, pursuant to notice, and following such hearing recommended to the City Council that such zoning change be adopted;

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

**Section 1.** Zoning for the following described real property located within the incorporated city limits of the City of Miles City, Custer County, Montana, is hereby rezoned from Local Commercial (LC) zone to General Commercial (GC) zone, to wit:

Block 5 of the Southgate Meadows Subdivision, according to the official plat and survey thereof on file with the Clerk and Recorder in and for Custer County, Montana.

**Section 2.** A public hearing shall be held upon this proposed zoning change before the City Council at 7:00 P.M. on the 13<sup>th</sup> day of May, 2014, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

**Section 3.** The City Clerk shall give notice of the date, time and place of such hearing by publication in the Miles City Star at least 15 days prior to the date of such hearing, in accordance with Sections 76-2-303 and 76-2-305, MCA.

**Section 4.** This ordinance shall be in full force and effect thirty (30) days after its final passage and approval.

**SAID ORDINANCE READ AND PUT UPON ITS PASSAGE THIS 13th DAY OF MAY, 2014.**

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

**SAID ORDINANCE FINALLY PASSED AND APPROVED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES  
CITY, MONTANA, THIS 27th DAY OF MAY, 2014.**

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

RESOLUTION NO. 3678

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY, MONTANA TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH MILES COMMUNITY COLLEGE FOR THE USE OF EQUIPMENT AND FACILITIES FOR STUDENT TRAINING AND COMMUNITY AND LOCAL GOVERNMENT PROJECT COMPLETION.**

*WHEREAS*, Miles Community College offers a Heavy Equipment Operations program to its students;

*AND WHEREAS*, the City of Miles City wishes to support said program by providing certain equipment to be used by the students for community and local government projects;

*AND WHEREAS*, Miles Community College has prepared a Memorandum of Understanding outlining the roles and responsibilities of the college and the City with regards to the use of such equipment;

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

It does hereby approve the Memorandum of Understanding between the City of Miles City, Montana and Miles Community College, attached hereto as Exhibit "A," and hereby authorizes the Mayor of the City of Miles City to execute such Memorandum of Understanding, and bind the City of Miles City thereto.

It further authorizes the Public Works Director and Public Utilities Director to carry out the terms of such Memorandum of Understanding on behalf of the City of Miles City.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

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

ATTEST:

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

Exhibit "A"

# MEMORANDUM OF UNDERSTANDING

between  
CITY OF MILES CITY

and

MILES COMMUNITY COLLEGE

concerning:

City of Miles City Equipment and Facilities  
MCC Student Training

Community and Local Government Project Completion

I. PURPOSE: This Memorandum of Understanding defines the roles and responsibilities for coordination and cooperation between Miles Community College (MCC) and the City of Miles City (City) for the completion of community and local government projects and equipment training for MCC's Heavy Equipment Operations students.

II. OBJECTIVE: To provide quality "hands on" training for students enrolled in MCC's Heavy Equipment Operations / CDL ("HEO/CDL") Program through the leasing and use of City heavy equipment for the training of students and quality completion of community and local government projects.

III. PROCEDURE: City will:

1. Lease and provide heavy equipment to MCC for "hands on" training of HEO students such as but not limited to motor graders, backhoe, loader, excavator and dozer.
2. Negotiate the schedule for the heavy equipment with MCC's Heavy Equipment Operations Instructor and the Public Works Director or Public Utilities Director.
3. Conduct equipment inspections before releasing equipment to MCC. Inspection will be conducted by the Public Works Director or Public Utilities Director or designee.
4. Jointly inspect equipment with the Public Works Director or Public Utilities Director or designee and MCC's Heavy Equipment Operations Instructor both before and after MCC's use of equipment.
5. Document any visible or known equipment defects or damages on individual equipment inspection sheets.
6. Sign and date individual inspection sheets. The City will retain a copy of all inspection sheets and provide MCC a copy of the sheets.
7. Repair any known equipment defects prior to MCC's use.
8. Assume responsibility associated with the normal wear and tear on equipment.
9. Supply consumables for equipment when City equipment is used for City Projects.
10. Provide shop facilities and hand tools for training of MCC's HEO/CDL students as needed as determined by the Public Works Director or Public Utilities Director.
11. Assist MCC's Heavy Equipment Operations instructor in the use and history of equipment, facilities and hand tools when needed and as available.
12. This agreement must meet the approval of the City's insurer.

MCC will:

1. Maintain hazard and liability insurance on the leased equipment sufficient to cover any loss or liability arising from MCC's use of the equipment.
2. **Indemnify, defend, and hold harmless the City of Miles City, its agents and employees acting within scope of employment from and against any and all losses, expenses, liabilities, obligations, damages or costs, including but not limited to attorneys fees and court costs, resulting from or arising out of MCC's use of the equipment or any breach of MCC's responsibilities or obligations set forth in this Agreement or for any injury to persons or damage to property caused by MCC's equipment use. MCC will immediately notify the City in writing of any claimed injury or damage.**

3. Supply the consumables for the equipment or reimburse the City for expenses incurred when equipment is used for a non-City project.
4. Reimburse the City for repairs and maintenance resulting from the intentional or negligent misuse of equipment by MCC or its students, including but not limited to loss of equipment, theft or vandalism while in the possession of MCC. This does not include normal wear and tear as discussed above.
5. Jointly inspect equipment both before and after use with Public Works Director or Public Utilities Director or designee and complete and sign individual equipment inspection sheets.
6. Insure the City equipment will be operated by or used by students under the direct supervision of the Heavy Equipment Operations Instructor.
7. Notify the City representative immediately if equipment breaks down.
8. Refrain from altering or modifying the equipment or making equipment repairs.

IV: ADMINISTRATION

- A. Scheduling shall be made through the City of Miles City's Operations Director or designee and MCC's Heavy Equipment Operations Instructors (Jerry Forman 874-6154 or Dale Marcil 853-3856). In the case of equipment breakdown or inclement weather conditions, it may be necessary to reschedule use of equipment.
- B. No charge will be assessed MCC for the lease and use of City equipment or facilities.
- C. Any participant may propose changes to this MOU during this term. Such changes will be in the form of an amendment and will become effective upon signature by all of the participants.

The term of this agreement shall be open and unending, but shall be reviewed every two years by the City of Miles City. The effective date of this MOU will begin on July 1, 2014 and will be reviewed on or about December 31, 2015 and every two years afterwards. Notwithstanding the foregoing, either party may terminate this agreement, with or without cause, upon providing to the other party thirty (30) days prior written notice.

The terms and conditions of this Memorandum of Understanding are hereby accepted and its provisions agreed to by the undersigned representatives of Miles Community College and the City of Miles City.

MILES COMMUNITY COLLEGE

CITY OF MILES CITY

By: \_\_\_\_\_  
Dr. Stacy Klipenstein, President

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

Butch Grenz, Mayor  
Attest: \_\_\_\_\_  
City Clerk

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

\_\_\_\_\_  
Jerry Forman, HEO/CDL Instructor

\_\_\_\_\_  
Alan Kelm, Public Utilities Director

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

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

\_\_\_\_\_  
Dale Marcil, HEO/CDL Instructor

\_\_\_\_\_  
Scott Gray, Public Works Director

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

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

**RESOLUTION NO. 3679**

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO CONTRACT WITH DENNIS HIRSCH FOR BUILDING INSPECTION SERVICES FOR FISCAL YEAR 2014-2015.**

*WHEREAS*, the City of Miles city desires to contract with Dennis Hirsch for building inspection services as permitted by §50-60-304(3) MCA;

*AND WHEREAS* the terms of the contract attached hereto as Exhibit "A" and made a part hereof are acceptable to 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 Building Inspection/Code Services Contract between the City of Miles City, Montana and Dennis Hirsch, attached hereto as Exhibit "A", and made a part hereof, is hereby renewed, approved and adopted by this Council for a period from July 1, 2014 through June 30, 2015.

2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Building Inspection/Code Services Contract on behalf of the City of Miles City and bind the City of Miles City thereto; and

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

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS \_\_\_\_\_ DAY OF MAY, 2014.**

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

ATTEST:

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

## **Exhibit "A"**

### **CITY OF MILES CITY BUILDING INSPECTION/CODE ENFORCEMENT SERVICES CONTRACT**

This agreement entered into on this \_\_\_ day of \_\_\_\_\_, 2014, and effective as of July 1, 2014, between the **CITY OF MILES CITY**, a municipal corporation of the State of Montana, hereby called the City, and **DENNIS HIRSCH** of Route 2, Box 3135, City of Miles City, County of Custer, State of Montana, herein called Inspector.

#### **SECTION ONE Contract for Inspection Services**

Pursuant to §50-60-304(3) MCA, City hereby contracts with Inspector for the performance of enforcement of its building codes, including the review and granting of building permits, building permit inspections, and enforcement of all rules and regulations for the construction, alteration, removal, demolition, and equipment used in the construction, location, and maintenance of buildings within the City of Miles city as prescribed by the Uniform Building Code, and other similar codes, including zoning ordinances, adopted by reference in Sections 5, 15, 20 and 24 of the Miles City Code of Ordinances.

#### **SECTION TWO Compensation**

City shall pay Inspector for services rendered hereunder according to the following schedule:

- a) For all projects, in which a fee is collected, the Inspector shall receive sixty percent (60%) of the gross amount of the fee. For purposes of this subsection, "projects, in which a fee is collected" includes all activities incidental to applying for, determining, receiving, and securing a building permit, and specifically includes inspections, attendance at all board of appeals hearings, court proceedings, or any other meetings, pertaining to the ultimate issuance of a building permit. If a building permit is not ultimately issued, then such time is compensated under subsection (b) below.
- b) For all other projects the sum of \$18.00 per hour for work outside the scope of building permit issuance and inspections. Other projects include services required for acting as the code enforcement officer for the City of Miles City. In addition, when the Inspector is requested to act as code enforcement officer, he shall be reimbursed mileage at the rate provided for under §2-18-503 and 504 MCA. Inspector shall provide his own vehicle for travel and performance of his services hereunder.



- c) Inspector will make arrangements with the City to review all projects by no later than Wednesday of each week and agrees to accomplish the undertaking and completion of those projects within a reasonable time frame after receipt. In the event the Inspector is not available by Wednesday of each week, alternative arrangements for review of projects may be made through mutual agreement of the parties.

### **SECTION THREE**

#### **Non-Assignability; Personal Performance**

Both parties recognize that this contract is one for personal services and neither it, nor the duties of Inspector hereunder, may be transferred, assigned, delegated or subcontracted by Inspector without the prior written consent of the City. All services hereunder shall be personally performed by Inspector and not by any employee or agent of inspector.

### **SECTION FOUR**

#### **Monthly Reports and Claims**

Inspector will submit a written report concerning the status of building permits and other work projects, together with his monthly claim for services, prior to the first regular meeting of the City Council in each month.

For each construction of a new residential property, Inspector will fully complete and sign the Residential Construction Inspection check list, attached hereto as Exhibit "A" and made a part hereof. For each residential property remodel project, Inspector will complete and sign the Residential Construction Inspection check list (Exhibit "A") for all applicable components of the remodel. For each construction of a new commercial property, Inspector will fully complete and sign the Commercial Construction Field Inspection check list, attached hereto as Exhibit "B" and made a part hereof. For each commercial property remodel project, Inspector will complete and sign the Commercial Construction Field Inspection check list (Exhibit "B") for all applicable components of the remodel. A copy of each signed Residential Construction Inspection check List or Commercial Construction Field Inspection check list completed by the Inspector shall be delivered by the Inspector to the City's Director of Public Works, its Mayor, and to the owner of the project inspected.

### **SECTION FIVE**

#### **Independent Contractor**

For purpose of Montana Worker's Compensation Law, and all other purposes, it is understood that the Inspector is an independent contractor and is not the employee or agent of the city.

Inspector shall not hold himself out as, nor represent himself to be, an employee or agent of the City.

As a condition precedent to any obligations of City under this Contract, Inspector shall obtain and file with the City an independent contractor certification from the Montana Department of Labor and Industry, in compliance with §39-71-417.

Inspector will perform services hereunder in compliance with all applicable Montana laws and regulations, but inspector will determine when and where to perform the work, the methods for performance of the work, the tools and equipment to use, and the order and sequence of work.

Inspector will provide his own tools, equipment, facilities and materials, and other costs of doing business for the performance of the work. City, at City's expense, will provide Inspector with building permit forms satisfactory to the City.

Inspector will pay his own Social Security and Medicare Taxes and all other necessary and reasonable expenses involved with the operation of his business. In the event the amount earned in a calendar year exceeds Six Hundred Dollars (\$600), the City will issue an IRS Form 1099. Inspector will provide the City Clerk with a completed and signed Form W-9 at the inception of this Contract.

## **SECTION SIX**

### **Qualifications**

Inspector represents and warrants that he has sufficient qualifications and all required licenses and certifications, if any, to legally serve in the capacity as a building inspector for the City under Title 50, Chapter 60, Part 3, MCA. The City will purchase and make available to inspector all code books and instructional materials required to perform the services hereunder. Inspector shall pay all membership dues needed to maintain his certification by the international Conference of Building Officials.

## **SECTION SEVEN**

### **Duties**

In addition to services as Building Inspector, the Inspector will provide additional services as a code enforcement officer as set forth under the Miles City Code of Ordinances, other than under Chapter 15, Nuisances. The contractor represents and warrants that he has reviewed Chapters 5, 20 and 24 of the Code of Ordinances of the City of Miles City and he is able and qualified to serve in that capacity. Compensation for the position as code enforcement officer is set forth in Section Two, subsection (b) of this agreement.

**SECTION EIGHT**  
**Termination and Renewal**

This agreement shall remain in effect from its effective date until June 30, 2015 and may be renewed under the same terms and conditions for additional consecutive one-year terms through June 30<sup>th</sup> of succeeding years upon mutual agreement of the parties. Provided, however, the Mayor of the City may terminate this contract, with advice and consent of the City Council upon thirty (30) days advance written notice to Inspector. In the cases of misconduct, malfeasance, or non-performance by the Inspector, this contract may be terminated by City, immediately, without prior notice.

**SECTION NINE**  
**Nondiscrimination; Compliance with Governmental Code of Fair Practices.**

Inspector shall comply fully with the Montana Governmental Code of Fair Practices (Title 49, Chapter 3 MCA) and, in the performance of this contract, all hirings by Inspector shall be on the basis of merit and qualifications and there may not be discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin by the persons performing this contract.

**SECTION TEN**  
**Insurance and indemnity**

At all times during the terms of this Contract, Inspector shall maintain a policy or policies of insurance, insuring Inspector against general liability and errors or omissions, on an occurrence basis, in a sum of not less than Seven Hundred Fifty thousand Dollars (\$750,000.00) per claim and in aggregate, with the City of Miles City named in each policy of insurance as an additional insured. Each policy of insurance shall provide that it is primary coverage over any insurance coverage maintained by the City of Miles City. At the commencement of this contract, and upon reasonable request of the City thereafter, Inspector shall provide to the City Clerk conforming certificates of insurance, including any endorsements necessary to include the City as a named insured under such policy of insurance. Each such certificate shall provide that the insurer will provide to the City at least ten (10) days prior notice before terminating, non-renewing, or materially altering the provisions, coverage or limits of liability of such policy of insurance.

Inspector shall assume, indemnify, defend and hold the City harmless from any and all claims and damages arising out of Inspector's performance of services hereunder.

**SECTION ELEVEN**

## Completeness of Agreement

This document contains all the terms and conditions of this agreement and any alteration or variations of the terms of this agreement shall be Void unless made in writing and signed by all the parties. There are no other understandings, representations or agreements, written or verbal, not incorporated herein.

### SECTION TWELVE Effective Date; Ratification by City Council

This agreement shall become effective upon its signature by Inspector, Inspector's compliance with all conditions precedent hereunder, and ratification of this agreement by the City Council of the City of Miles City.

\_\_\_\_\_  
C.A. Grenz  
Mayor of Miles City  
Date: \_\_\_\_\_

\_\_\_\_\_  
Dennis Hirsch  
Inspector  
Date: \_\_\_\_\_

ATTEST:

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

**RESOLUTION NO. 3680**

**A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF BOUNDARY LINE RELOCATION OF LOTS 31-34 IN BLOCK 1 OF THE MILES ADDITION TO THE CITY OF MILES CITY.**

*WHEREAS*, Ronald and Virginia Hathaway have requested that the City of Miles City approve a boundary line relocation involving Lots 31 through 34 in Block 1 of the Miles Addition in the City of Miles City, Custer County, Montana;

*AND WHEREAS*, the Board of Adjustment has adopted City of Miles City Staff's report as findings of fact, and have recommended the approval of the foregoing boundary line relocation to the City Council;

*AND WHEREAS*, the City of Miles City is authorized to approve the relocation of common boundary lines for five or fewer lots within a platted subdivision pursuant to Section 76-3-207(1)(d), MCA.

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

It does hereby adopt the Final Staff Report attached hereto as Exhibit "A" as findings of fact, and based on such findings of fact, approves the "Amended Plat of Lots 31, 32, 33 & 34, Block 1, Miles Addition" creating Tracts A and B within said Block 1 of the Miles Addition, said amended plat being attached hereto as Exhibit "B."

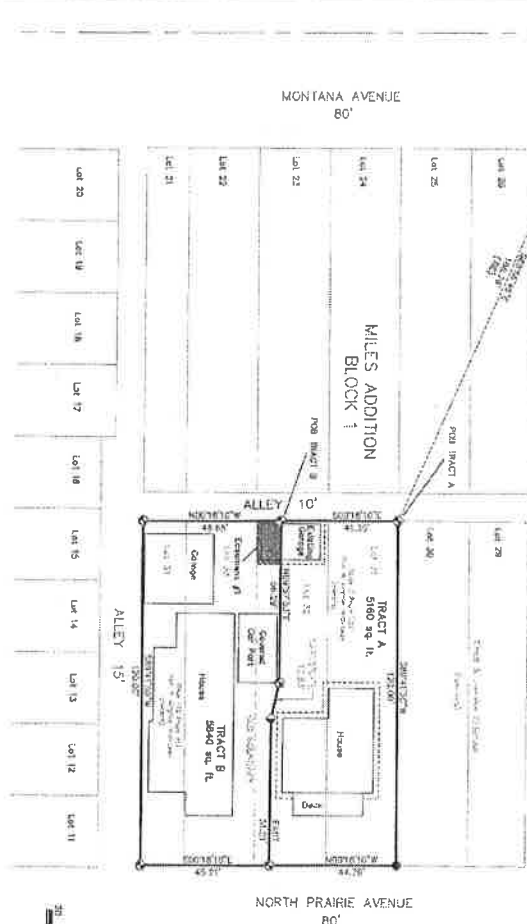
**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2014.**

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

ATTEST:

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

AMENDED PLAT LOTS 31, 32, 33 & 34, BLOCK 1, MILES ADDITION



Metas & Bounds

**TRACT A**  
 A portion of land owned by ... (Legal description of Tract A boundaries and bearings)

**TRACT B**  
 A portion of land owned by ... (Legal description of Tract B boundaries and bearings)

**Disclaimer**  
 I, the undersigned, being duly sworn, depose and say that I am the holder of the ... (Notary statement)

**STATE OF MONTANA**  
 COUNTY of GOLDEN  
 I, *[Signature]*  
 Notary Public

**STATE OF MONTANA**  
 COUNTY of GOLDEN  
 I, *[Signature]*  
 Notary Public

Location Map



Purpose of Survey

I, the undersigned, being duly sworn, depose and say that the purpose of this survey is to correct the common boundary of lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

Certificate of Exemption Approval

I, Mayor, City of Missoula, Montana, do hereby certify that the above described property is exempt from the ... (Official exemption approval)

Basiss of Bearing

Reference is made to the bearings and distances ... (Bearing data for the survey)

**LEGEND**

- 1" = 100 Feet
- Survey of Miles Addition Block 1
- Survey of Miles Addition Block 1
- Survey of Miles Addition Block 1
- Survey of Miles Addition Block 1
- Survey of Miles Addition Block 1
- Survey of Miles Addition Block 1
- Survey of Miles Addition Block 1
- Survey of Miles Addition Block 1
- Survey of Miles Addition Block 1
- Survey of Miles Addition Block 1

**County Treasurer's Certification**  
 I hereby certify that all real property taxes and ... (Official certification)

**DOWL HEM**  
 713 PLACARD AVE  
 MISSOULA, MONTANA 59801  
 406-234-7858  
 406-234-7859

**MILES ADDITION AMENDED PLAT**  
 Prepared by:  
 Ron & Virginia Hathaway  
 213 North Prairie Ave  
 Missoula, MT 59801

**Staff Report to City Council**  
**File #BLA-2014-02**  
**Hathaway Aggregation of Land and Boundary Line Adjustment**  
**May 9, 2014**

**I. GENERAL INFORMATION**

**A. Project Applicant**

**Applicants/Owners:** Ronald & Virginia Hathaway  
 215 N. Prairie Ave  
 Miles City, MT 59301

**Technical Assistance:** Quinn Wright  
 Dowl HKM  
 713 Pleasant  
 Miles City, MT

**B. Project Description**

Relocation of common boundary for five or fewer lots within a platted subdivision. This request is exempt from subdivision review per MCA 76-3-207(1)(d), but is subject to survey requirements and zoning regulations. The boundary line relocation will combine lots 31 and a portion of 32 and identified as Track A, and the balance of lot 32 with lots 33 and 34, identified as Track B.

**C. Legal Description of Subject Property**

NW ¼ NW ¼ of Sec 34, T8N, R47E, Block 1, Lots 31 - 34, Miles Addition

**D. Location**

See Attachment "B", draft amended plat

**E. Boundary Adjustment Detail**

	<b>Current (in square feet)</b>	<b>Proposed (in square feet)</b>
<i>Total Acreage:</i>	<b>10,800</b>	<b>No change</b>
Lot 31	<b>3,000</b>	
Lot 32	<b>3,000</b>	
Lot 33	<b>3,000</b>	
Lot 34	<b>1,800</b>	
Tract A		<b>5,160</b>
Tract B		<b>5,460</b>

**Staff Report to City Council**  
**File #BLA-2014-02**  
**Hathaway Aggregation of Land and Boundary Line Adjustment**  
**May 9, 2014**

**Easements:**

Existing: None Known  
Proposed: Easement #1 – Tract B provides an easement in the NE corner for an existing garage. If and when the garage is removed or destroyed, the easement will be abandoned.

**F. Land Use & Zoning**

**Current Land Use:** Two residential homes, each home is on two lots  
**Proposed Land Use:** No Change  
**Current Zoning:** Residential A

**G. Surrounding Land Use & Zoning**

**General Description:** The subject property consists of two homes occupying two lots each. The proposed boundary adjustment accommodates the building configuration currently on the ground. Lot 32 will be split up and combined with lots 31 and 33 respectively. The newly created lots will be identified as Tract A (lots 31 & 32) and Tract B (lots 32, 33, & 34).

**Surrounding Uses**

North – Home  
South – Home  
East – Home  
West – Home

**Surrounding Zoning**

North – Residential A  
South – Residential A  
East – Residential A  
West – Residential A

**II. EXAMINATION [21-17(f)(2)(b-d)]**

**Stated Purpose of Boundary Line Adjustment**

The property is currently comprised of four tracts of record: Lots 31, 32, 33, and 34 of Block 1 in the Miles Addition. The purpose of the survey is to aggregate four lots into two lots and relocate the common boundaries between the two lots using the exemptions found in MCA 76-3-207(1)(d) [for five or fewer lots within a platted subdivision, the relocation of common boundaries] and (f) [aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.] The current property owners intend to sell the resulting Tract A.

**Exemption from Subdivision Review**

This is an aggregation and division of land within a platted subdivision. Per MCA 76-3-207(1)(d) and (f), this proposal is exempt from subdivision review.



**Staff Report to City Council**  
**File #BLA-2014-02**  
**Hathaway Aggregation of Land and Boundary Line Adjustment**  
**May 9, 2014**

**Conformance with Subdivision Regulations 21-18(1)**

This proposal conforms to the Code of Ordinances of Miles City Sec 21-17 (Exemption from Review); Montana Code Annotated Title 76 Chapter 3-Subdivisions; and the Administrative Rules of Montana Surveying Requirements, 24.183.1107.

**Compliance with Local Zoning**

The proposed aggregation of land and the boundary line adjustment is in substantial compliance with Sections 24-11 and 24-53 of the Miles City Code of Ordinances. Two variances were required and granted by the Board of Adjustment for setbacks on the interior lot line dividing the new Tracts A and B. The existing non-conforming uses are lawful and in compliance with Section 24-11. Many of the existing non-conforming uses will be improved by the proposed boundary line adjustment.

**III. DETERMINATION**

Staff has determined that the use of the exemption is not intended to evade the purposes of the MSPA and complies with the statutes and criteria set forth in the Code of Ordinances of Miles City. The current owners of the four lots are requesting aggregation of lots and relocation of existing boundary lines in order to facilitate the sale of Tract A, as shown on the Amended Plat. There is no intended change in the current usages. On April 24, 2014, the Board of Adjustments granted a 3 foot variance for the interior setback between the home on Lots 31/32 and the proposed interior boundary line of Tract A. An 8 foot variance was also granted for the garage on Lots 32/33 for a new non-conforming use.

**IV. RECOMMENDATION**

Staff recommends that the City Council adopt this report as findings of fact and approve the Amended Plat based on the information contained in this report.

# APPROVALS PAGE

By my signature below, I have reviewed and approve\* of the site plan submitted by AT Architecture, Inc for construction of a 709 square foot addition to the Magic Diamond Casino located at 905 S. Haynes Ave.

Director of Public Works Scott Gray Date 4/15/14  
Comments or Conditions: The zoning is GENERAL COMMERCIAL DISTRICT, THE STORM DRAINAGE IS ABLE TO HANDLE STORM DRAINAGE VOLUMES - THERE IS NO PROPOSED CHANGE TO STREETS, GUTTER AND SIDEWALKS.

Director of Public Utilities Scott Gray Date 5/2/14  
Comments or Conditions: Addendum #1 addresses concerns of curb stop-valves and lines. Also Replacement of Soil on excavated area. 4" fire line C900 PVC/class 200 main to Building.

Floodplain Administrator Scott Gray Date 4-15-14  
Comments or Conditions: Construction located outside of floodplain boundaries.

Fire Chief Dale P. Date 4-30-2014  
Comments or Conditions: Meets or exceeds all standards required per fire code enforcement, pending final inspection on completion - Ryan Smith - Fire Inspector - [Signature]

Historic Preservation Officer Erin L. Magg Date 05/02/2014  
Comments or Conditions: Property not located in a historic district; addition is not renovation to a historic property.

Planning Department K. Dawn Colton Date 5/2/2014  
Comments or Conditions: MEETS ALL ZONING CODES & SUBMITTAL REQUIREMENTS & SITE PLAN ROW CRITERIA.

Health and Sanitation [Signature] Date 5/5/2014  
Comments or Conditions: Needed Addition

Building Official Pamela Harris Date 5/8/14  
Comments or Conditions: MEET all Set Back and Marking and Landscape Handicap and Exiting lot

Police Department [Signature] Date 4-28-14  
Comments or Conditions: We will respond to any emergency at this location regardless of structure

As-Built Drawings Received on: \_\_\_\_\_

\*With any conditions as noted



**Staff Report to City Council  
File #SPR 2014-02  
Site Plan Review for  
Magic Diamond Casino Addition  
May 9, 2014**

**I. REVIEW PROCEDURE**

This proposal requires Site Plan Review by the Miles City Planning Board and City Council under Section 24-96 of the Code of Ordinances (Ordinance No. 1258). The application was received on March 25, 2014. The Planning Board public hearing was conducted on May 5<sup>th</sup> in the City Hall Conference Room. The Planning Board's recommendation for approval, conditional approval or denial is to be considered at the City Council May 13, 2014 meeting.

**II. GENERAL INFORMATION**

**A. Project Applicant**

**Applicant:** AT Architecture, Inc  
848 Main St, Suite 7  
Billings, MT 59105

**Owner:** Town Pump, Inc  
PO Box 6000  
Butte, MT 59702

**Technical Assistance:** Alex Tommerup  
AT Architecture, Inc  
848 Main St, Suite 7  
Billings, MT 59105

**B. Project Description**

Construction of 709 ft<sup>2</sup> addition to the north side of the Magic Diamond Casino at 915 S. Haynes Ave

**C. Legal Description of Subject Property**

N ¼ of Sec 33, T8N, R47E, Pioneer Subdivision, S34, T08N, R47E, Block 004, Lot 008-009

**D. Location**

The property is located at the northwest corner of the intersection of Tompy Street and S. Haynes Avenue (see Figure 1). The property address is 915 S. Haynes Ave.



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**Figure 1.**

**E. Land Use & Zoning**

**Current Land Use:** One business operating as a casino serving beer, wine and soft drinks with limited pre-packaged food stuffs available.

**Proposed Land Use:** No Change in occupancy is proposed.

**Current Zoning:** General Commercial (GC)

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

**F. Surrounding Land Use & Zoning**

**General Description:** The property is within the Haynes Ave business corridor and is bordered by the General Commercial district which provides for general businesses and multi-family dwellings. Retail businesses are located to the north and east of this property. A motel lies to the south, and multi-family housing lies to the west. One Residential A district is located to the southwest of the property, allowing single-family dwellings.

**III. COMMENTS RECIEVED**

**Public Comment:** Notice of the Planning Board's public hearing was satisfied according to Subsection 24-96(f)(6) of the city codes. To date, the City has received one comment on the application. Mitchell Schweigert of 1004 S. Doeden stated he has no objections to the proposed addition and installation of water lines on Tompy Ave. No other comments were presented at the Planning Board public hearing.

**IV. SUBMITTAL REQUIREMENTS**

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

*In accordance with Subsection 24-96(e), the applicant has submitted all of the required materials listed in 24-96(e)(1) through (6).*

**V. EVALUATION CRITERIA PER SECTION 24-96**

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

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Below, each of these criteria is listed. Following each criterion is a draft finding by the administrator in *italics* as to how it appears the plans relate to the listed criterion:

1.1 Safety of circulation patterns

***Finding #1:*** *The safety of circulation patterns of the existing parking lot and surrounding streets will not be impacted by the proposed addition to the existing structure.*

1.2 Emergency access/fire prevention measures

***Finding #2:*** *Emergency access to the site will not be impacted by the proposed addition. The proposed addition meets fire prevention requirements.*

1.3 Traffic impacts to the surrounding road network

***Finding #3:*** *The surrounding road network will not be impacted by the proposed addition.*

1.4 Adequate storm drainage

***Finding #4:*** *Storm drainage will not be impacted because there is not a significant increase storm drainage volume. Construction of the addition will include expansion of the storm water retention areas on the east and south sides of the structure. Construction of the proposed addition will result in a decrease in the volume of storm water runoff.*

1.5 Provisions for water, sewer, and other utilities

***Finding #5:*** *The property owner is proposing installation of a new 2" water service line and a new 4" fire line. The City has granted a license to the owner to install these lines in the City-owned right-of-way on the north side of Tompy Street, between the Magic Diamond Casino's eastern property line, connecting to the Water Main in S. Doeden Ave.*

*The plans show replacement of a portion of the existing sewer line that currently runs from the structure, northwest to an adjoining property.*

1.6 The City's historic preservation policies

***Finding #6:*** *The proposed addition will not impact the City's historic preservation policies. It is not located in a designated historic district and the structure does not qualify as historic under the 50+ years old requirement.*

1.7 Adequate parking

***Finding #7:*** *Parking will be reduced from 25 to 21 spaces. This includes one ADA parking space. Required parking is 15-18 spaces based on total occupancy per IBC*

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2009. *The use provides adequate parking.*

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

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

***Finding #8:*** *The proposal has been reviewed for compliance with the applicable regulations for the GC district, such as setbacks, height restrictions, signage, and design requirements. The use complies with all applicable regulations for this district.*

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

***Finding #9:*** *The proposal complies with all Zoning Codes and IBC 2009 Building Codes. There are no known conflicts with other adopted regulations and policies in the Miles City Code of Ordinances.*

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

***Finding #10:*** *The proposed project is located in an established commercial zone where a small addition to an existing structure will have no detrimental effect on public health, safety or general welfare.*

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

***Finding #11:*** *The proposed addition will not substantially impair or diminish the permitted uses in this long-established area.*

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

***Finding #12:*** *The existing sanitary sewer will continue to serve the structure. One 2" service line and one 4" fire line are proposed for installation and connection to the Main on S. Doeden Ave.*

*New landscaping area to the east of the structure consists of 3" minus river rock and landscape Visqueen to match current landscaping on south side of the structure and will be sloped to an existing retention pond.*

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

***Finding #13:*** *The existing ingress and egress will not change and will not affect traffic congestion on the public streets.*

- g. Water bodies, floodplain, and wetlands.

***Finding #14:*** *Project site is not located in the floodplain and there are no water bodies or wetlands nearby.*

- h. Adjacent streets and street rights-of-ways to a distance of 150 feet from the subject property, including existing and proposed improvements such as curb, gutter, sidewalks, and bike paths.

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**Finding #15:** *There are no proposed changes to adjacent streets and street rights-of-ways to a distance of 150 feet from the subject property, including existing and proposed improvements such as curb, gutter, sidewalks, and bike paths.*

- i. Parking facilities, including bicycle racks, landscaping, drainage, lighting, handicap-accessible parking, typical dimensions (including labeling angles for angled parking), traffic flow on-site, ingress and egress points, driveways, and paving details

**Finding #16:** *Parking will be reduced from 25 to 21 spaces including one ADA parking space. Required parking is 15-18 spaces based on total occupancy.*

*New landscaping area to the east of the structure consists of 3" minus river rock and landscape Visqueen to match south area and will be sloped to existing retention pond.*

- j. All existing and proposed structures, including exterior dimensions and setback distances to the wall line of all structures.

**Finding #17:** *After the addition is completed, the exterior dimensions of the structure will be 62 feet x 40 feet, total area of 2,548 square feet and 17 feet high at the roof peak. The structure height is well within the maximum reach of the 65 foot MCFD ladder truck.*

*General Commercial zones do not have a required setback when surrounded by commercial districts.*

- k. Grading and storm drainage plans and calculations, including any proposed retention walls.

**Finding #18:** *The City Sanitarian does not require grading & storm drainage plans or calculations for this project.*

- l. Utilities and utility easements, existing and proposed

**Finding #19:** *The applicant is required to obtain a license agreement with the City to install the 2" water service and 4" fire line along Tompy St from the rear of the structure to the Main Water Line on S. Doeden St. The City Council approved the license agreement at the 4/22/2014 meeting.*

- m. Location of fire hydrants, fire lanes and turnarounds

**Finding #20:** *A fire hydrant is located approximately 200 feet west of the project, on the NE corner of Tompy St and S. Doeden Ave. There are no fire lanes or turnarounds on the property.*

- n. Exterior refuse collection areas

**Finding #21:** *A dumpster is currently located in the SW corner of the property. No changes are proposed.*

- o. Signage plans (if any)

**Finding #22:** *There are no proposed structural changes to the existing signage located between the structure and S Haynes Ave. The sign face will be updated to an electronic reader board. Structure mounted signage will be updated per submitted plans.*



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- (5) Elevation plans or side profiles for structures with dimensions for structure heights, including dimension from the top of the roof peak to the average grade at the front of the structure.

***Finding #23:** The existing structure is 62 feet x 30 feet, a total of 1,839 square feet and 17 feet high. The proposed finished structure will be 62 feet x 40 feet for a total of 2,548 square feet and no change to the structure height of 17 feet.*

- (6) An analysis of traffic generation, trip distribution and the impacts of the proposed land use on the transportation facilities serving the area if the proposed land use is estimated to generate 400 or more average daily vehicle trips (ADT), or if requested by the administrator.

***Finding #24:** The proposed project will not generate 400 or more average daily vehicle trips.*

**Compliance with Local Zoning:** The structure is currently a conforming use, as is the proposed addition.

***Finding #25.** The project is located in a General Commercial zone and is a permitted use.*

***Finding #26.** There are no setback requirements in a GC zone when the property is surrounded by a commercial zone.*

## **VI. RECOMMENDATION**

The Planning Board is forwarding its recommendation that the City Council adopts this staff report as findings of fact and approve of this project, subject to the following conditions.

## **VII. CONDITIONS**

### ***Standard Conditions:***

1. All site development and use of the property shall be in accordance with the Miles City Zoning Codes, the approved application and plans, and as discussed in Staff Report SPR 2014-02. Any modifications shall require additional review by the City of Miles City.

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

2. The owner or authorized representative shall obtain a Building Permit prior to start of construction. A permit is required for construction, additions, alterations, repairs, relocation, demolition, change of occupancy, or electrical, gas, mechanical or plumbing system projects. Exemptions are listed in IBC 2009 Section 105.2.
3. The proposed 709 square foot addition shall conform to the zoning standards listed in Miles City Code of Ordinances for the General Commercial (GC) District Section 24-59. Structures within the GC district may be constructed to the property line, may not exceed the 65 foot limit of existing fire department equipment, must conform to the provisions of the fire limit per Section 11-77 through 11-82 and is subject to a Site Plan Review per Section 24-96.

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4. The owner or authorized representative must obtain a license agreement from the Miles City City Council to utilize the Right-of-Way adjacent to Tompy Street to install the proposed new water service lines connecting to the Main Supply Line at S. Doeden Ave.

05/02/14  
15:03:19

CITY OF MILES CITY  
Claim Details  
For the Accounting Period: 4/14

Page: 1 of 16  
Report ID: AP100

\* Over spent expenditure

Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
123814	74040S	999999	JENNIFER WINKLEY	12.00					
1	03/31/14	JURY TRIAL: 3/7/14: MORGAN		12.00*		18013N	1000 6 410300	394	101000
123884	74071S	700	CUSTER COUNTY WATER & SEWER	10,649.81					
1	043014	04/30/14 WATER, SEWER COLLECTIONS		10,649.81			7980 211020		101000
123885	74072S	368	TUMBLEWOOD DEVELOPMENT INC	2,750.00					
1	93	04/30/14 SANITARIAN CONTRACT SERV		2,750.00			2270 37 440140	350	101000
123887	74073S	1535	LUCAS & TONN PC	100.00					
1	4282014	04/30/14 WESTLAW SERVICE		100.00*			1000 4 411100	350	101000
123888	74074S	4022	MARILYNN FORMAN	350.00					
1	0414	04/30/14 PD CLEANING SERVICES		350.00		18226	1000 5 420140	350	101000
123889	74052S	4008	PITNEY BOWES	60.98					
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2	5502452638	04/23/14 POSTAGE METER SUPPLIES		20.33		17195	5210 25 430510	311	101000
3	5502452638	04/23/14 POSTAGE METER SUPPLIES		20.32*		17195	5310 29 430610	311	101000
123890	74034S	316	DATA IMAGING SYSTEMS, INC	1,360.00					
1	04/30/14	MANAGED SERVICES;DATA BKP		291.43*			1000 3 410500	360	101000
2	04/30/14	MANAGED SERVICES;DATA BKP		163.93*			5210 25 430510	360	101000
3	04/30/14	MANAGED SERVICES;DATA BKP		163.93*			5310 29 430610	360	101000
4	04/30/14	MANAGED SERVICES;DATA BKP		97.14*			1000 1 410200	360	101000
5	04/30/14	MANAGED SERVICES;DATA BKP		97.14			1000 36 411020	360	101000
6	04/30/14	MANAGED SERVICES;DATA BKP		84.51			5210 23 430550	360	101000
7	04/30/14	MANAGED SERVICES;DATA BKP		84.51			5310 31 430630	360	101000
8	04/30/14	MANAGED SERVICES;DATA BKP		112.69			2510 107 430220	360	101000
9	04/30/14	MANAGED SERVICES;DATA BKP		56.34			2520 108 430220	360	101000
10	04/30/14	MANAGED SERVICES;DATA BKP		109.29*			1000 9 410540	360	101000
11	04/30/14	MANAGED SERVICES;DATA BKP		99.09*			2394 18 420531	360	101000
123891	74056S	1970	MONTANA DAKOTA UTILITIES	37,756.70					
1	04/30/14	GAS/ELECTRIC		322.46		17959	1000 7 420460	341	101000
2		GAS/ELECTRIC		277.71		17959	1000 7 420460	344	101000
3		GAS/ELECTRIC		313.62			1000 8 411230	341	101000
4		GAS/ELECTRIC		435.59			1000 8 411230	344	101000
5		GAS/ELECTRIC		647.69			1000 13 460433	341	101000
6		GAS/ELECTRIC		544.76*			1000 13 460433	344	101000
7		GAS/ELECTRIC		51.02*			1000 14 460445	341	101000
8		GAS/ELECTRIC		42.10*			1000 21 440600	341	101000
9		GAS/ELECTRIC		54.24			1000 21 440600	344	101000
10		GAS/ELECTRIC		10,515.36			2400 46 430263	341	101000
11		GAS/ELECTRIC		4,357.90*			2400 46 430263	533	101000
12		GAS/ELECTRIC		1,936.82			2420 48 430263	341	101000

\* ... Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
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14		GAS/ELECTRIC	137.80			2430 49 430263	341	101000
15		GAS/ELECTRIC	1,213.31			2440 50 430263	341	101000
16		GAS/ELECTRIC	293.39			2470 72 430263	341	101000
17		GAS/ELECTRIC	304.12			2470 72 430263	533	101000
18		GAS/ELECTRIC	60.36			2480 47 430263	341	101000
19		GAS/ELECTRIC	82.59			2510 107 430220	341	101000
20		GAS/ELECTRIC	77.74			2510 107 430220	344	101000
21		GAS/ELECTRIC	7.91			2520 108 430220	341	101000
22		GAS/ELECTRIC	19.44			2520 108 430220	344	101000
23		GAS/ELECTRIC	3,903.11			5210 22 430530	341	101000
24		GAS/ELECTRIC	1,779.41			5210 22 430530	344	101000
25		GAS/ELECTRIC	19.78			5210 23 430550	341	101000
26		GAS/ELECTRIC	48.59			5210 23 430550	344	101000
27		GAS/ELECTRIC	48.59			5310 31 430630	344	101000
28		GAS/ELECTRIC	19.78			5310 31 430630	341	101000
29		GAS/ELECTRIC	1,057.91			5310 32 430690	341	101000
30		GAS/ELECTRIC	214.24			5310 32 430690	344	101000
31		GAS/ELECTRIC	5,668.22*			5310 33 430640	341	101000
32		GAS/ELECTRIC	125.41		17959	5510 10 420730	341	101000
33		GAS/ELECTRIC	108.00		17959	5510 10 420730	344	101000
34		GAS/ELECTRIC	794.52		17654	5610 87 430300	341	101000
35		GAS/ELECTRIC	828.72*		17654	5610 87 430300	344	101000
36		GAS/ELECTRIC	461.31			6040 910 430220	341	101000
37		GAS/ELECTRIC	315.28*			6040 910 430220	344	101000
123892	74075S	2910 TONGUE RIVER ELECTRIC	446.63					
1	04/30/14	SOUTHGATE LIGHTING CHARGES	401.84			2450 51 430263	341	101000
2	04/30/14	911 POWER & TOWER LIGHTS	44.79		16870	2850 105 420140	341	101000
123893	74041S	1721 MID RIVERS TELEPHONE CORP	3,011.50					
April 1, 2014 bill								
1	04/30/14	TELEPHONE/INTERNET/CABLE/Judge	238.93*		18018	1000 6 410300	345	101000
3	04/30/14	TELEPHONE/INTERNET/CABLE/Libry	60.56		17065	2220 16 460100	345	101000
4	04/30/14	TELEPHONE/INTERNET/CABLE/Libry	66.06		17065	2220 16 460100	347	101000
5	04/30/14	TELEPHONE/INTERNET/CABLE/ 911	287.20		18302	2850 105 420140	345	101000
6	04/30/14	TELEPHONE/INTERNET/CABLE/child	100.60		18212	1000 5 420140	220	101000
7	04/30/14	TELEPHONE/INTERNET/CABLE/rsvp	0.00			2985 15 450330	345	101000
8	04/30/14	TELEPHONE/INTERNET/CABLE/Airpt	103.00		17662	5610 87 430300	345	101000
9	04/30/14	TELEPHONE/INTERNET/CABLE/Airpt	40.74		17662	5610 87 430300	319	101000
10	04/30/14	TELEPHONE/INTERNET/CABLE/Airpt	50.60		17662	5610 87 430300	347	101000
11	04/30/14	TELEPHONE/INTERNET/sm pool	0.00			1000 14 460445	345	101000
12	04/30/14	TELEPHONE/INTERNET/CABLE/LD	28.58			1000 1 410200	345	101000
13	04/30/14	TELEPHONE/INTERNET/CABLE/LD	50.11			1000 3 410500	345	101000
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16	04/30/14	TELEPHONE/INTERNET/CABLE/LD	310.69			1000 5 420140	345	101000

\* Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
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21	04/30/14	TELEPHONE/INTERNET/CABLE/LD	2.22			1000 9 410540	345	101000
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24	04/30/14	TELEPHONE/INTERNET/CABLE/LD	40.03			1000 21 440600	345	101000
25	04/30/14	TELEPHONE/INTERNET/CABLE/LD	75.15			1000 36 411020	345	101000
26	04/30/14	TELEPHONE/INTERNET/CABLE/LD	26.36			2394 18 420531	345	101000
27	04/30/14	TELEPHONE/INTERNET/CABLE/LD	65.06*			2510 107 430220	345	101000
28	04/30/14	TELEPHONE/INTERNET/CABLE/LD	30.38*			2520 108 430220	345	101000
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32	04/30/14	TELEPHONE/INTERNET/CABLE/LD	11.40			5210 23 430550	347	101000
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35	04/30/14	TELEPHONE/INTERNET/CABLE/LD	44.70			5310 29 430610	345	101000
36	04/30/14	TELEPHONE/INTERNET/CABLE/LD	19.51			5310 29 430610	347	101000
37	04/30/14	TELEPHONE/INTERNET/CABLE/LD	34.53			5310 31 430630	345	101000
38	04/30/14	TELEPHONE/INTERNET/CABLE/LD	11.40			5310 31 430630	347	101000
39	04/30/14	TELEPHONE/INTERNET/CABLE/LD	32.57			5310 33 430640	345	101000
40	04/30/14	TELEPHONE/INTERNET/CABLE/LD	45.60*			5310 33 430640	347	101000
41	04/30/14	TELEPHONE/INTERNET/CABLE/LD	107.01			5510 10 420730	345	101000
42	04/30/14	TELEPHONE/INTERNET/CABLE/LD	28.24			5510 10 420730	347	101000
43	04/30/14	TELEPHONE/INTERNET/CABLE/LD	35.66			6040 910 430220	345	101000
44	04/30/14	TELEPHONE/INTERNET/CABLE/LD	53.59*			6040 910 430220	347	101000
123894	74054S	4019 WEX Bank	11,452.36					
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6	04/30/14	FUEL	92.54		17461	5210 22 430530	231	101000
7	04/30/14	FUEL	92.03			5210 80 430540	231	101000
8	04/30/14	FUEL	142.60			5310 33 430640	231	101000
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12	04/30/14	FUEL	3,599.11		17597	1000 5 420140	231	101000
13	04/30/14	FUEL	118.93			1000 21 440600	231	101000
14	04/30/14	FUEL	12.92*			1000 5 420160	231	101000
15	04/30/14	FUEL	1,281.77		17851	5210 23 430550	231	101000
16	04/30/14	FUEL	1,281.76			5310 31 430630	231	101000
17	04/30/14	FUEL	849.62*		17663	5610 87 430300	231	101000

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123895	74055S	2450 POSTMASTER (UTILITIES)	1,000.00					
1	04/30/14	WATER/SEWER BILLS:POSTAGE	500.00			5210 25 430510	311	101000
2	04/30/14	WATER/SEWER BILLS:POSTAGE	500.00*			5310 29 430610	311	101000
123896	74076S	721 DALES CLEANING SERVICE	875.00					
1	04/30/14	CLEAN LIBRARY	325.00		17064	2220 16 460100	360	101000
2	04/30/14	CLEAN CITY HALL	550.00		17782	1000 8 411230	360	101000
123897	74077S	268 MILES CITY SANITATION INC.	148.00					
1	44105667	04/30/14 GARBAGE SERVICES	43.00		18216	1000 5 420140	346	101000
2	44105772	04/30/14 GARBAGE SERVICES	60.00		17471	5310 33 430640	360	101000
3	44105663	04/30/14 GARBAGE SERVICES	45.00		17665	5610 87 430300	220	101000
123898	74035S	4020 SCHIEFFERT PROPERTIES	300.00					
1	04/30/14	APRIL: HIST PRES; 519 MAIN	300.00			2935 11 460461	531	101000
123899	74036S	498 CENTURY LINK	237.05					
1	04/30/14	TELEPHONE/INTERNET: FEB/MAR	237.05			2935 11 460461	345	101000
123900	74037S	716 DANA KEPNER CO	234.00					
1	4037015-01	04/30/14 3/4" METER SWIVEL NUT(12)	234.00		17847	5210 23 430550	220	101000
123901	74038S	999999 BETTY VAIL	560.23					
1	04/30/14	FORSYTH/COLSTRIP TRIP	99.23		18402	2985 15 450300	370	101000
2	04/30/14	Reimb for air ticket: snr cor	461.00		18402	2985 15 450300	370	101000
123902	74039S	395 VA MONTANA HEALTHCARE SYSTEM	505.02					
1	04/30/14	APR-JUNE LEASE ROOM 225	505.02		18403	2985 15 450330	530	101004
123903	74044S	373 MASTERCARD	25,109.20					
1	04/30/14	OPERATING EXP	0.09			1000 3 410500	220	101000
2	04/30/14	TRAINING	49.67			1000 3 410500	380	101000
3	04/30/14	OP EXP	83.38*			1000 4 411100	220	101000
4	04/30/14	POSTAGE	49.00*			1000 4 411100	311	101000
5	04/30/14	OFFICE SUPPLIES	255.71			1000 5 420140	210	101000
6	04/30/14	SM ITEMS OF EQUIP	1,197.00			1000 5 420140	214	101000
7	04/30/14	OP EXP	947.93			1000 5 420140	220	101000
8	04/30/14	R & M SUPPLIES	1,000.74*			1000 5 420140	230	101000
9	04/30/14	POSTAGE	113.79*			1000 5 420140	311	101000
10	04/30/14	R & M VEHICLES	1,334.29			1000 5 420140	366	101000
11	04/30/14	TRAVEL	90.81			1000 5 420140	370	101000
12	04/30/14	OFFICE SUPPLIES	127.81			1000 5 420160	210	101000
13	04/30/14	OP EXP	83.46*			1000 5 420160	220	101000
14	04/30/14	POSTAGE	9.50			1000 5 420160	311	101000
15	04/30/14	R & M VEHICLES	31.67*			1000 5 420160	366	101000
17	04/30/14	SM ITEMS OF EQUIP	352.00			1000 7 420460	214	101000

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18	04/30/14	JOP EXP	77.76			1000 7 420460	220	101000
19	04/30/14	R & M SUPPLIES	106.65			1000 7 420460	230	101000
20	04/30/14	GAS,OIL	222.84			1000 7 420460	231	101000
21	04/30/14	TELEPHONE	100.00			1000 7 420460	345	101000
22	04/30/14	TRAINING	1,003.30			1000 7 420460	380	101000
23	04/30/14	BOOKS	1,003.29			1000 7 420460	382	101000
24	04/30/14	BUILDING MATERIALS	134.87			1000 7 420460	400	101000
25	04/30/14	OP EXP	107.98			1000 8 411230	220	101000
26	04/30/14	SM ITEMS OF EQUIP	3,074.38*			1000 13 460433	210	101000
27	04/30/14	OP EXP	484.80			1000 13 460433	220	101000
28	04/30/14	R & M SUPPLIES	65.77			1000 13 460433	230	101000
29	04/30/14	GAS, OIL	137.90			1000 13 460433	231	101000
30	04/30/14	MEMBERSHIPS/REGISTRATIONS	95.00			1000 13 460433	334	101000
31	04/30/14	R & M VEHICLES	176.80			1000 13 460433	363	101000
32	04/30/14	OP EXP	25.90			1000 21 440600	220	101000
33	04/30/14	OFFICE SUPPLIES	1.25			1000 36 411020	210	101000
34	04/30/14	POSTAGE	3.76			1000 36 411020	311	101000
35	04/30/14	OFFICE SUPPLIES	16.99*			1000 201 431200	210	101000
36	04/30/14	POSTAGE	220.00*			1000 201 431200	311	101000
37	04/30/14	OFFICE SUPPLIES	10.96			2220 16 460100	210	101000
38	04/30/14	JANITORIAL SUPPLIES	96.58			2220 16 460100	224	101000
39	04/30/14	POSTAGE	121.23			2220 16 460100	311	101000
40	04/30/14	CONTR R & M	7.98			2220 16 460100	360	101000
41	04/30/14	TRAINING	195.00			2220 16 460100	380	101000
42	04/30/14	BOOKS	561.26			2220 16 460100	382	101000
43	04/30/14	SM ITEMS OF EQUIP	224.98			2394 18 420531	214	101000
44	04/30/14	OFFICE SUPPLIES	35.99			2510 107 430220	210	101000
45	04/30/14	SM ITEMS OF EQUIP	757.00			2510 107 430220	214	101000
46	04/30/14	OP EXP	8.55*			2510 107 430220	220	101000
47	04/30/14	CLOTHING/UNIFORMS	143.99			2510 107 430220	226	101000
48	04/30/14	R & M SUPPLIES	54.59			2510 107 430220	230	101000
49	04/30/14	POSTAGE	4.56			2510 107 430220	311	101000
50	04/30/14	R & M VEHICLES	2,176.06			2510 107 430220	363	101000
51	04/30/14	TRAINING	160.00			2510 107 430220	380	101000
52	04/30/14	OFFICE SUPPLIES	9.00			2520 108 430220	210	101000
53	04/30/14	SM ITEMS OF EQUIP	189.25			2520 108 430220	214	101000
54	04/30/14	OP EXP	2.14			2520 108 430220	220	101000
55	04/30/14	CLOTHING/UNIFORMS	36.00			2520 108 430220	226	101000
56	04/30/14	R & M SUPPLIES	13.65			2520 108 430220	230	101000
57	04/30/14	POSTAGE	1.14			2520 108 430220	311	101000
58	04/30/14	TRAINING	40.00			2520 108 430220	380	101000
59	04/30/14	OP EXP	112.50			2850 105 420140	220	101000
60	04/30/14	TRAVEL	140.00			2935 11 460461	370	101000
61	04/30/14	OP EXP	10.99			5210 22 430530	220	101000
62	04/30/14	R & M SUPPLIES	75.93			5210 22 430530	230	101000
63	04/30/14	R & M VEHICLES	34.45			5210 22 430530	363	101000
64	04/30/14	OFFICE SUPPLIES	83.37			5210 23 430550	210	101000

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65	04/30/14	SM ITEMS OF EQUIP		204.47			5210 23 430550	214	101000
66	04/30/14	OP EXP		12.98			5210 23 430550	220	101000
67	04/30/14	CLOTHING/UNIFORMS		87.74			5210 23 430550	226	101000
68	04/30/14	R & M SUPPLIES		193.64			5210 23 430550	230	101000
69	04/30/14	WATER MAIN REPLACEMENT		1,058.07			5210 23 430550	233	101000
70	04/30/14	R & M VEHICLES		847.63*			5210 23 430550	363	101000
71	04/30/14	TRAINING		49.67			5210 25 430510	380	101000
72	04/30/14	OP EXP		10.99			5210 80 430540	220	101000
73	04/30/14	R & M SUPPLIES		107.84			5210 80 430540	230	101000
74	04/30/14	CONSUMMABLE TOOLS		40.34*			5210 80 430540	241	101000
75	04/30/14	TRAINING		49.67			5310 29 430610	380	101000
76	04/30/14	OFFICE SUPPLIES		83.37			5310 31 430630	210	101000
77	04/30/14	SM ITEMS OF EQUIP		94.47			5310 31 430630	214	101000
78	04/30/14	OP EXP		13.00			5310 31 430630	220	101000
79	04/30/14	CLOTHING/UNIFORMS		87.74			5310 31 430630	226	101000
80	04/30/14	R & M SUPPLIES		4.31			5310 31 430630	230	101000
81	04/30/14	R & M VEHICLES		847.63*			5310 31 430630	363	101000
82	04/30/14	R & M SUPPLIES		2.68			5310 32 430690	230	101000
83	04/30/14	OP EXP		38.50			5310 33 430640	220	101000
84	04/30/14	CHEMICALS/LAB		844.54			5310 33 430640	222	101000
85	04/30/14	R & M SUPPLIES		14.82			5310 33 430640	230	101000
86	04/30/14	POSTAGE		4.77			5310 33 430640	311	101000
87	04/30/14	R & M VEHICLES		34.45			5310 33 430640	363	101000
88	04/30/14	CHEMICALS/LAB/MED SUPPLIES		323.55			5510 10 420730	222	101000
89	04/30/14	TELEPHONE		29.16			5510 10 420730	345	101000
90	04/30/14	OFFICE SUPPLIES		54.00*			5610 87 430300	210	101000
91	04/30/14	SM ITEMS OF EQUIP		34.99			5610 87 430300	214	101000
92	04/30/14	OP EXP		340.77			5610 87 430300	220	101000
93	04/30/14	R & M SUPPLIES		523.90			5610 87 430300	230	101000
94	04/30/14	GAS/OIL		460.50*			5610 87 430300	231	101000
95	04/30/14	AVIATION FUEL		29.96			5610 87 430300	237	101000
96	04/30/14	SUPPLIES FOR RESALE		91.19			5610 87 430300	250	101000
97	04/30/14	TELEPHONE		129.17			5610 87 430300	345	101000
98	04/30/14	CHEMICALS/LAB		222.85*			6040 910 430220	222	101000
99	04/30/14	GAS/OIL		42.60			6040 910 430220	231	101000
123904	74042S	2162 MONTANA SUPREME COURT		300.00					
1	04/30/14	2014 SPRING JUDGE'S CONFERENCE		300.00		18019	1000 6 410300	334	101000
123905	74043S	342 DOWL HKM		10,148.50					
1	1 04/30/14	SRTS PROJ #4024.20694.01		10,148.50*		15932	2520 108 430233	230	101000



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123906	74046S	671 CUSTER COUNTY TREASURER		23.00					
1	04/30/14	PLATES FOR FONTAINE TRAILER		18.40*		17791	2510 107 430220	220	101000
2	04/30/14	PLATES FOR FONTAINE TRAILER		4.60		17791	2520 108 430220	220	101000
123907	74045S	660 CUSTER COUNTY CLERK & RECORDER		31.00					
1	04/30/14	RECORDING FOR RES 3673		10.33		17188	1000 3 410500	220	101000
2	04/30/14	RECORDING FOR RES 3673		10.33		17188	5210 25 430510	220	101000
3	04/30/14	RECORDING FOR RES 3673		10.34		17188	5310 29 430610	220	101000
123908	74047S	1182 DOWL HKM INC.		1,045.00					
1	24 04/30/14	STREVELL/MERRIAM/JORDAN PROJ		585.72		17853	5210 23 430550	958	101000
2	24 04/30/14	STREVELL/MERRIAM/JORDAN PROJ		368.36		17853	2510 107 430233	350	101000
3	24 04/30/14	STREVELL/MERRIAM/JORDAN PROJ		90.92*		17853	2510 107 430233	230	101000
123909	74048S	999999 STEVE GAERTNER		240.46					
1	04/30/14	TRAVEL REIMB: 9/13 - 12/13		240.46		17189	1000 5 420140	370	101000
123910	74049S	572 VERIZON WIRELESS		263.48					
1	9723066729 04/30/14	ICAC CELL PHONE		263.48		18221	1000 5 420140	220	101000
123911	74050S	999999 KRISTI MOORE		155.35					
1	04/30/14	AMB RFND FOR OVRPMT: 1300694		155.35		17192	5510 122000		101000
123912	74051S	999999 BCBS OF MONTANA		1,735.88					
1	04/30/14	AMB REFUND: #14-0101		1,735.88		17191	5510 122000		101000
123913	74078S	237 CPI COLLECTION PROFESSIONALS INC		214.20					
1	04/30/14	WATER/SEWER COLL: MARCH 2014		107.10			5210 25 430510	350	101000
2	04/30/14	WATER/SEWER COLL: MARCH 2014		107.10			5310 29 430610	350	101000
123914	74057S	999999 CONNIE L. WATTS		672.20					
1	04/30/14	TRAVEL TO BLS: MMCT INSTITUTE		672.20		17193	1000 3 410500	370	101000
123915	74079S	999999 AMERICAN WELD & GAS, INC.		9,258.30					
1	04/30/14	BAND SAW		9,258.30		17314	6040 910 430220	214	101000
123916	74080S	4063 THE CHEMNET CONSORTIUM INC.		80.00					
1	78510 04/30/14	DRUG SCREEN		80.00		18218	1000 5 420140	350	101000
123917	74081S	999999 THE CIMA COMPANIES INC.		1,137.59					
1	7/14-7/15 04/30/14	CNS ACCIDENT: VOL		300.70*		18405	2985 15 450330	513	101004
2	7/14-7/15 04/30/14	CNS VOL LIABILITY		271.77*		18405	2985 15 450330	513	101004
3	7/14-7/15 04/30/14	CNS EXCESS AUTO LIAB		565.12*		18405	2985 15 450330	512	101004

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123918	74082S	4001 CRITELLI COURIERS, INC.		220.00					
1	21276	04/30/14 PARTNERS CONTRACT		220.00		17067	2880 39 460100	311	101020
123919	74083S	1120 GLADER ELECTRIC CO		108.00					
1	74344	04/30/14 FUEL FORM PUMPS		108.00		17664	5610 87 430300	367	101000
123920	74084S	1407 KADRMAS LEE & JACKSON INC		1,898.62					
1	100111161	04/30/14 GIS DATA MAINT		1,898.62		18303	2850 105 420140	350	101000
123921	74085S	4045 LAND SOLUTIONS, INC.		5,826.85					
1	040414	04/30/14 CONSULT SERVICES - PLANNING		2,205.34*		15931	1000 36 411020	350	101000
2	042814	04/30/14 CONSULT SERVICES - PLANNING		3,621.51*		15933	1000 36 411020	350	101000
123922	74086S	288 MILES CITY AREA CHAMBER OF		124.97					
1	7123225	04/30/14 POSTAGE: APRIL NEWSLETTER		64.95		18404	2985 15 450330	311	101004
2	7123227	04/30/14 POSTAGE: VOL APP INVITATION		60.02		18406	2985 15 450330	311	101004
123923	74087S	1737 MC AREA SOLID WASTE DISTRICT		13.00					
1	4077A,4115	04/30/14 ANIMAL DISPOSAL		13.00		18217	1000 21 440600	220	101000
123924	74088S	2540 RED ROCK SPORTING GOODS		699.00					
1	91753	04/30/14 SMITH/WESSON#SU50532		699.00		18219	1000 5 420140	214	101000
123925	74089S	4062 SCL HEALTH SYSTEM HOSP. PATIENT		418.50					
1	500094422	04/30/14 DUI BLOOD DRAW		209.25		18215	1000 5 420140	350	101000
2	500095919	04/30/14 DUI BLOOD DRAW		209.25		18225	1000 5 420140	350	101000
123926	74090S	4010 FELT, MARTIN, FRAZIER & WELDON,		87.50					
1	MC0002-16	04/30/14 WAGE GRIEV: MALENOVSKY		87.50		17194	1000 3 411101	350	101000
123927	74058S	999999 MIKE WADE		11.00					
1		04/30/14 TRAVEL TO GLENDIVE		5.50		17462	5210 22 430530	370	101000
2		04/30/14 TRAVEL TO GLENDIVE		5.50		17462	5210 80 430540	370	101000
123928	74059S	999999 AL HOMME		1,057.72					
1		04/30/14 2014 SPRNG JUDGE'S CONF		1,057.72*		18022	1000 6 410300	370	101000
123929	74060S	999999 SONJA WOODS		232.86					
1		04/30/14 MT LIBRARY ASSN COMMISS MTG		232.86		17070	2220 16 460100	370	101000
123930	74061S	1970 MONTANA DAKOTA UTILITIES		670.85					
1		04/30/14 ELECTRICITY/GAS		456.42		17069	2220 16 460100	341	101000
2		04/30/14 ELECTRICITY/GAS		214.43		17069	2220 16 460100	344	101000

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123931	74062S	2471 POSTMASTER		731.03					
1	04/30/14	FLOOD AWARENESS FLYERS		731.03*		17792	1000 201 431200	311	101000
123932	74063S	999999 JEAN NIELSEN		180.86					
1	04/30/14	MT LIB ASSN CONF		180.86		17074	2220 16 460100	370	101000
123933	74064S	498 CENTURY LINK		119.53					
1	04/30/14	CENTURY LINK		119.53			2935 11 460461	345	101000
123934	74066S	4020 SCHIEFFERT PROPERTIES		300.00					
1	042414 04/30/14	RENT: MAY 2014: HIST PRES		300.00			2935 11 460461	531	101000
123935	74065S	999999 LORRIE PEARCE		305.73					
1	04/30/14	TRAVEL TO SIDNEY		305.73		17197	1000 3 410500	370	101000
123936	74091S	194 ATCO INTERNATIONAL		172.25					
1	10402203 04/30/14	ALL-PRO		86.13		17465	5210 22 430530	220	101000
2	10402203 04/30/14	ALL-PRO		86.12		17465	5210 80 430540	220	101000
123937	74067S	616 CROUSE-HINDS AIRPORT LIGHTING		251.23					
1	918845229 04/30/14	200 WT LMP/SOCKET BI-PIN		251.23		17198	5610 87 430300	220	101000
123938	74068S	4015 WILLIAMS BROTHERS CONSTRUCTION		987.52					
1	9 04/30/14	HEADWORKS BUILDING		987.52		17858	5310 33 430640	940	101000
123939	74092S	408 BRENNTAG PACIFIC, INC.		7,968.50					
1	BP1404305 04/30/14	ALVM POLYMER BLEND		7,968.50		17463	5210 80 430540	222	101000
123940	74093S	999999 C.A. GRENZ		87.36					
1	04/30/14	TRAVEL TO GLENDIVE		87.36		17196	1000 1 410200	370	101000
123941	74094S	999999 CALIFORNIA CONTRACTORS SUPPLIES		179.40					
1	P19230 04/30/14	SUPER WIPES 125		53.82		17466	5210 22 430530	220	101000
2	P19230 04/30/14	SUPER WIPES 125		53.82		17466	5210 80 430540	220	101000
3	P19230 04/30/14	SUPER WIPES 125		28.70		17466	5310 32 430690	220	101000
4	P19230 04/30/14	SUPER WIPES 125		43.06		17466	5310 33 430640	220	101000
123942	74095S	499 CHECKERS INC		42.00					
1	41239 04/30/14	RANDOM TESTING		33.60*		17800	2510 107 430220	350	101000
2	41239 04/30/14	RANDOM TESTING		8.40*		17800	2520 108 430220	350	101000

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Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
123943	74096S	999999 DAVE GIBSON	150.00					
1	14583283	04/30/14 STEEL TOED BOOTS RIEMB	45.00		17467	5210 22 430530	226	101000
2	14583283	04/30/14 STEEL TOED BOOTS RIEMB	45.00		17467	5210 80 430540	226	101000
3	14583283	04/30/14 STEEL TOED BOOTS RIEMB	24.00		17467	5310 32 430690	226	101000
4	14583283	04/30/14 STEEL TOED BOOTS RIEMB	36.00		17467	5310 33 430640	226	101000
123944	74097S	4005 DEPT OF LABOR & INDUSTRY	200.00					
1	2010-00103	04/30/14 ELEVATOR INSPECTION	200.00		17076	2220 16 460100	360	101000
123945	74098S	790 DPC INDUSTRIES	394.61					
1	727000102-	04/30/14 CHLORINE	90.00		17464	5210 80 430540	222	101000
2	72000054-1	04/30/14 DEMURRAGE	304.61		17464	5310 33 430640	222	101000
123946	74099S	378 BLACK MOUNTAIN SOFTWARE	825.00					
1	18237	04/30/14 USB RECEIPT PRINTER	362.50		17200	5210 25 430510	214	101000
2	18237	04/30/14 USB RECEIPT PRINTER	362.50		17200	5310 29 430610	214	101000
3	18259	04/30/14 MP50 CASS CERTIFICATIONS	50.00		18603	5210 25 430510	350	101000
4	18259	04/30/14 MP50 CASS CERTIFICATIONS	50.00		18603	5310 29 430610	350	101000
123947	74100S	716 DANA KEPNER CO	1,533.02					
	4037091-00, 4037091-02							
1	4037091	04/30/14 1-2"OMNI METR; 3-1' OMNI METR	1,533.02		17859	5210 23 430550	220	101000
123948	74101S	771 DEPT OF REVENUE	9.98					
1	9	04/30/14 WILLIAMS BROTHERS 1% OF 997.50	9.98		17860	5310 33 430640	940	101000
123949	74102S	316 DATA IMAGING SYSTEMS, INC	895.00					
1	26104	04/30/14 PAYROLL/HR COMPUTER	298.33		17199	1000 3 410500	214	101000
2	26104	04/30/14 PAYROLL/HR COMPUTER	298.33		17199	5210 25 430510	214	101000
3	26104	04/30/14 PAYROLL/HR COMPUTER	298.34		17199	5310 29 430610	214	101000
123950	74103S	999999 DITCH WITCH NORTHWEST	1,161.50					
1	04/30/14	MAGNETIC LOCATOR	1,161.50		17846	5210 23 430550	214	101000
123951	74104S	999999 EKALAKA EAGLE	36.00					
1	041514	04/30/14 ANNUAL SUBSCRIPTION	36.00		17071	2220 16 460100	382	101000
123952	74105S	902 ENERGY LABORATORIES INC	960.00					
	340450236, 340450211, 340450827, 340451009, 340451117							
1	041514	04/30/14 LAB TESTING	783.00		17474	5210 80 430540	352	101000
2	041514	04/30/14 LAB TESTING	177.00		17474	5310 33 430640	352	101000

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123953	74106S	267 HAYNES ENTERPRISES	700.00					
1	1424	04/30/14 INSTALL CURB & GUTTER	700.00		17797	2510 107 430234	350	101000
123954	74107S	1330 HOLY ROSARY HEALTH CENTER	316.61					
1	9005133	04/30/14 MEDICAL SUPPLIES	316.61		17961	5510 10 420730	222	101000
123955	74108S	999999 JEAN NIELSEN	44.45					
1	04/30/14	REIMB FOR BOOKS PURCHASED	44.45		17073	2220 16 460100	382	101000
123956	74109S	999999 JIM GARZA	6.00					
1	04/30/14	TRAVEL REIMB	4.80*		18502	2510 107 430220	370	101000
2	04/30/14	TRAVEL REIMB	1.20		18502	2520 108 430220	370	101000
123957	74110S	999999 LAKESIDE EQUIPMENT COMPANY	492.00					
1	14-1289	04/30/14 POLY BAGS	492.00		17475	5310 33 430640	220	101000
123958	74111S	999999 KARLEEN RODGERS	20.00					
1	04/30/14	REPAIR TURNOUT PPE	20.00		17963	1000 7 420460	226	101000
123960	74112S	1535 LUCAS & TONN PC	2,623.00					
1	032514	04/30/14 LGR SERV BY SHAWN QUINLAN	2,623.00*			1000 4 411100	350	101000
123961	74113S	1637 MARTIN FENCING	194.75					
1	033014	04/30/14 REPAIR FENCE (GARDNER)	194.75		17795	2510 107 430220	230	101000
123962	74114S	999999 MID-AMERICA RESEARCH CHEMICAL	2,061.00					
1	0520261	04/30/14 ROOT KILLER	895.50		17855	2510 107 430235	230	101000
2	0520261	04/30/14 ROOT KILLER	1,165.50*		17855	5310 31 430630	222	101000
123963	74115S	999999 MIKE WILLEMS	245.96					
1	04/30/14	REIMB: TRVL-BLGS:ALCOHOL TRNG	245.96		18223	1000 5 420140	370	101000
123966	74116S	1937 MONTANA AERONAUTICS DIVISION	814.78					
1	2939,2953	04/30/14 RNWY BULBS; COUPLINGS	814.78		17666	5610 87 430300	220	101000
123967	74117S	4064 MONT LIBRARY ASSN	239.00					
1	2014.109	04/30/14 MLA CONF/MEALS	175.00		17072	2220 16 460100	380	101000
2	2014.109	04/30/14 MLA CONF/MEALS	64.00			2220 16 460100	370	101000
123968	74118S	283 MONTANA STATE LIBRARY	965.00					
1	041714	04/30/14 MT LIBRARY 2GO FY15	965.00		17068	2220 16 460100	350	101000

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123969	74119S	999999	MONTANA RADIATOR WORKS	592.00					
1	41919	04/30/14	UNIT #10	473.60		17319	2510 107 430220	363	101000
2	41919	04/30/14	UNIT #10	118.40		17319	2520 108 430220	363	101000
123970	74120S	2151	MORRISON & MAIERLE INC	708.00					
1	18036	04/30/14	MANAGED IT SERVICES	708.00		18304	2850 105 420140	350	101000
123971	74121S	4057	ORION INTERNATIONAL CORP	138.00					
1	314	04/30/14	BACKGROUND CHECKS	69.00*		17476	5210 22 430530	350	101000
2	314	04/30/14	BACKGROUND CHECKS	69.00		17476	5310 33 430640	350	101000
123972	74122S	999999	PAUL CONWAY	99.54					
1	0343678	04/30/14	HELMET SHIELDS	99.54		17960	1000 7 420460	226	101000
123973	74123S	2560	REGAN PLUMBING & HEATING	392.10					
1	21444112	04/30/14	SUPPLIES	118.12		17796	1000 13 460433	230	101000
2	21444112	04/30/14	RIVERSIDE	273.98		17796	1000 13 460433	936	101000
123974	74124S	999999	RICHARD A. MURPHY	85.00					
1	1435	04/30/14	PUMPED SEPTIC TANK (WTP)	43.00		17470	5210 22 430530	360	101000
2	1435	04/30/14	PUMPED SEPTIC TANK (WTP)	42.00		17470	5210 80 430540	360	101000
123975	74125S	4039	SCOTT GRAY	82.82					
1	04/30/14	CELL PHONE REIMB		66.26*		18504	2510 107 430220	345	101000
2	04/30/14	CELL PHONE REIMB		16.56*		18504	2520 108 430220	345	101000
123976	74126S	2740	SHERWIN WILLIAMS	1.42					
1	1031-3	04/30/14	CHARGE CORRECT	1.42		17469	5210 22 430530	230	101000
123977	74127S	999999	SMITH & LOVELESS INC.	208.51					
1	95501	04/30/14	MECHANICAL SEAL KIT	208.51		17460	5310 32 430690	230	101000
123978	74128S	4013	SOLESTONE REIMB SERVICES	2,424.05					
1	5979	04/30/14	AMBULANCE BILLING	2,255.05*		17962	5510 10 420730	350	101000
2	5979	04/30/14	MEDICAL SUPPLIES	169.00*		17962	5510 10 420730	214	101000
123979	74129S	999999	STEVE FENNER	46.00					
1	04/30/14	TRAVEL REIMB		46.00		18224	1000 5 420140	370	101000
123980	74130S	999999	TEST TECHNOLOGY	135.00					
1	567	04/30/14	TEST/CERT FUME HOOD	135.00		17472	5310 33 430640	360	101000

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123981			74131S 999999 TINA SCHMIDT	6.00					
1	04/30/14	TRAVEL EXP REIMB		4.80*		18503	2510 107 430220	370	101000
2	04/30/14	TRAVEL EXP REIMB		1.20		18503	2520 108 430220	370	101000
123982			74132S 3032 USA BLUE BOOK	149.59					
1	295812 04/30/14	LMI 4 FUNCTION VALVE		149.59		17473	5210 80 430540	230	101000
123983			74133S 3039 UTILITIES UNDERGROUND LOCATION	185.64					
1	4035077 04/30/14	MARCH LOCATES		92.82		17856	5210 23 430550	360	101000
2	4035077 04/30/14	MARCH LOCATES		92.82		17856	5310 31 430630	360	101000
123984			74134S 999999 VOLUNTEER SOFTWARE	300.00					
1	04/30/14	TECH SUPPORT & UPGRADE		300.00*		18407	2985 15 450330	220	101004
123985			74135S 999999 WESTERN EMULSIONS INC.	1,639.28					
1	20082 04/30/14	TACK OIL		655.71		17320	2510 107 430220	231	101000
2	20082 04/30/14	TACK OIL		163.93			2520 108 430220	231	101000
3	20082 04/30/14	TACK OIL		409.82			5210 23 430550	231	101000
4	20082 04/30/14	TACK OIL		409.82			5310 31 430630	231	101000
123986			74136S 3286 WPCI	24.00					
1	SC97246 04/30/14	RANDOM TEST		19.20*		17799	2510 107 430220	350	101000
2	SC97246 04/30/14	RANDOM TEST		4.80*		17799	2520 108 430220	350	101000
123987			74137S 2270 NORTHWEST PIPE INC	5,798.24					
1	1275063 04/30/14	FIRE HYDRANT ASSEMBLY		2,796.90		17861	5210 23 430550	234	101000
2	1279267 04/30/14	CPR PIPE/COUPLNGS/CURB STP		3,001.34		17862	5210 23 430550	235	101000
123988			74138S 979 FIREMANS COMPANY	10,416.00					
1	5062 04/30/14	FIRE ALARM SYSTEM-CITY HALL		9,950.00*		18501	1000 8 411230	930	101000
2	5057 04/30/14	6-YR INSP/RECHARGE		466.00		17667	5610 87 430300	220	101000
123989			74139S 291 ECOLAB PEST ELIMINATION DIVISION	162.00					
1	3935952 04/30/14	PEST CONTROL		50.00		17964	1000 7 420460	220	101000
2	3935952 04/30/14	PEST CONTROL		50.00		17964	5510 10 420730	220	101000
3	3935955 04/30/14	PEST CONTROL		62.00		17668	5610 87 430300	230	101000
123990			74140S 999999 CHERYL MAHNKE	15.83					
1	04/30/14	REFUND WATER/SEWER DEPOSIT		15.83			5210 214010		101000
123991			74141S 999999 RYAN SCHAFF	16.11					
1	04/30/14	REFUND WATER/SEWER DEPOSIT		16.11			5210 101000		101000

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Claim Line #	Check	Invoice #/Inv Date/Description	Vendor #/Name/	Document \$/ Line \$	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
123992	74142S	999999	S. G. GUNDLACH	63.12					
1	04/30/14	REFUND WATER/SEWER DEPOSIT		63.12			5210 101000		101000
123993	74143S	1286	DENNIS HIRSCH	35,009.40					
1	04/30/14	APRIL BUILDING PERMITS		35,009.40*		18509	2394 18 420531	350	101000
123994	74144S	800	DOEDEN CONSTRUCTION	1,133.50					
1	47103 04/30/14	MAIN & MERRIAM		1,133.50		17863	5210 23 430550	230	101000
123995	74069S	342	DOWL HKM	3,063.17					
1	2 04/30/14	SAFE RTE TO SCHOOL		3,063.17*		15934	2520 108 430233	230	101000
123996	74145S	999999	INGRAHAM ENVIRONMENTAL	180.00					
1	11368 04/30/14	CITY HALL ROOF INSP		180.00		18505	1000 8 411230	360	101000
123997	74146S	4047	SAFEGUARD BUSINESS SYSTEMS	212.24					
1	297554625 04/30/14	CLAIM CHECKS		70.74		18602	5210 25 430510	320	101000
2	297554625 04/30/14	CLAIM CHECKS		70.75		18602	5310 29 430610	320	101000
3	297554625 04/30/14	CLAIM CHECKS		70.75		18602	1000 3 410500	320	101000
123998	74070S	999999	BETTY VAIL	186.46					
1	04/30/14	TRAVEL REIMB: BAKER		186.46*		18409	2985 15 450330	370	101004
123999	74147S	523	CITY SERVICE, INC.	46,609.42					
1	823194 04/30/14	1003 GAL AVIATION FUEL		44,743.42		17671	5610 87 430300	237	101000
2	823751 04/30/14	TERMINAL MAINT		16.00		17671	5610 87 430300	230	101000
3	823751 04/30/14	TRUCK LEASE		1,850.00		17671	5610 87 430300	530	101000
124000	74148S	4011	BIG SKY LINEN	303.81					
CITY HALL:136865,140809; SHOP: 136866,138857,140810; WTP/WWTP: 138861,123098,138869; PD: 119212,138849									
1	04/30/14	RUGS:CITY HALL		146.91		17793	1000 8 411230	220	101000
2	04/30/14	MOPS & RUGS: SHOP		61.86		17793	6040 910 430220	220	101000
3	04/30/14	RUGS & TOWELS: WTP,WWTP		20.32		17468	5310 33 430640	360	101000
4	04/30/14	RUGS & TOWELS: WTP,WWTP		42.60		17468	5210 22 430530	360	101000
5	04/30/14	FLOOR MATS: PD		32.12		18222	1000 5 420140	360	101000
18214									
124002	74149S	1986	JACKS BODY SHOP	132.00					
1	0733 04/30/14	PD TOW: 96 DODGE INTREPID		132.00		18227	1000 5 420140	220	101000



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Claim	Vendor #/Name/	Document \$/	Disc \$						Cash	
Line #	Check	Invoice #/Inv Date/Description	Line \$	PO #	Fund	Org	Acct	Object	Proj	Account
124003	74150S	2865 DEPT OF ENVIRONMENTAL QUALITY	520.00							
		551400294, 551400306, 551400307, 551401076, 551401091, 551401238, 551401392, 551401686								
1	VARIOUS	04/30/14 DRINKING WATER/WW RENEWAL FEE	120.00	17478	5210	22	430530	334		101000
2	VARIOUS	04/30/14 DRINKING WATER/WW RENEWAL FEE	120.00	17478	5210	80	430540	334		101000
3	VARIOUS	04/30/14 DRINKING WATER/WW RENEWAL FEE	280.00	17478	5310	33	430640	334		101000

# of Claims 116 Total: 270,843.63

270,843.63

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Fund/Account	Amount
1000 GENERAL	
101000 Cash - Operating	\$48,866.67
2220 LIBRARY	
101000 Cash - Operating	\$4,013.65
2270 Health	
101000 Cash - Operating	\$2,750.00
2394 BUILDING CODE ENFORCEMENT	
101000 Cash - Operating	\$35,359.83
2400 LTG M D#165-(Gen City)	
101000 Cash - Operating	\$14,873.26
2420 LTG M D#167-(MilesAddn Etc)	
101000 Cash - Operating	\$2,604.72
2430 LTG M D#171-(Balsam Est)	
101000 Cash - Operating	\$137.80
2440 LTG M D#172-(Main Str)	
101000 Cash - Operating	\$1,213.31
2450 LTG M D#195-(SG-Trico)	
101000 Cash - Operating	\$401.84
2470 LTG M D#202-(SG-MDU&NV)	
101000 Cash - Operating	\$597.51
2480 LTG M M#173-(Milestown Estates)	
101000 Cash - Operating	\$60.36
2510 STR MAINT DIST #204	
101000 Cash - Operating	\$8,363.24
2520 STR MAINT DIST #205	
101000 Cash - Operating	\$14,225.64
2850 911 EMERGENCY	
101000 Cash - Operating	\$3,051.11
2880 LIBRARY GRANTS	
101020 Cash - Op/ILL	\$220.00
2935 Historic Preservation	
101000 Cash - Operating	\$1,096.58
2985 RETIRED SENIOR VOLUNTEER PROG (RSVP)	
101000 Cash - Operating	\$560.23
101004 RSVP Non-Federal Cash Operating-Custer	\$2,254.04
5210 WATER UTILITY	
101000 Cash - Operating	\$32,812.18
5310 SEWER UTILITY	
101000 Cash - Operating	\$17,131.50
5510 AMBULANCE FUND	
101000 Cash - Operating	\$6,354.54
5610 AIRPORT OPERATING	
101000 Cash - Operating	\$52,688.11
6040 PUBLIC WORKS	
101000 Cash - Operating	\$10,557.70
7980 CUSTER CO WATER & SEWER DISTRICT	
101000 Cash - Operating	\$10,649.81
<b>Total:</b>	<b>\$270,843.63</b>