

5. Proposed signage – at a minimum must indicate location and size and an indication of what materials and lighting are proposed. (This may be separate or shown on the site plan and/or bldg elevations)

*Building will have signage on building at locations shown on elevation plans.*

Property Owner Signature: \_\_\_\_\_ Date: 12/4/2014

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
(If different from owner)

\*1 copy of the submittal requirements may be provided to the Zoning Administrator to determine sufficiency per Miles City Code of Ordinances Section 24-96(e) through (f).



LOCATION MAP

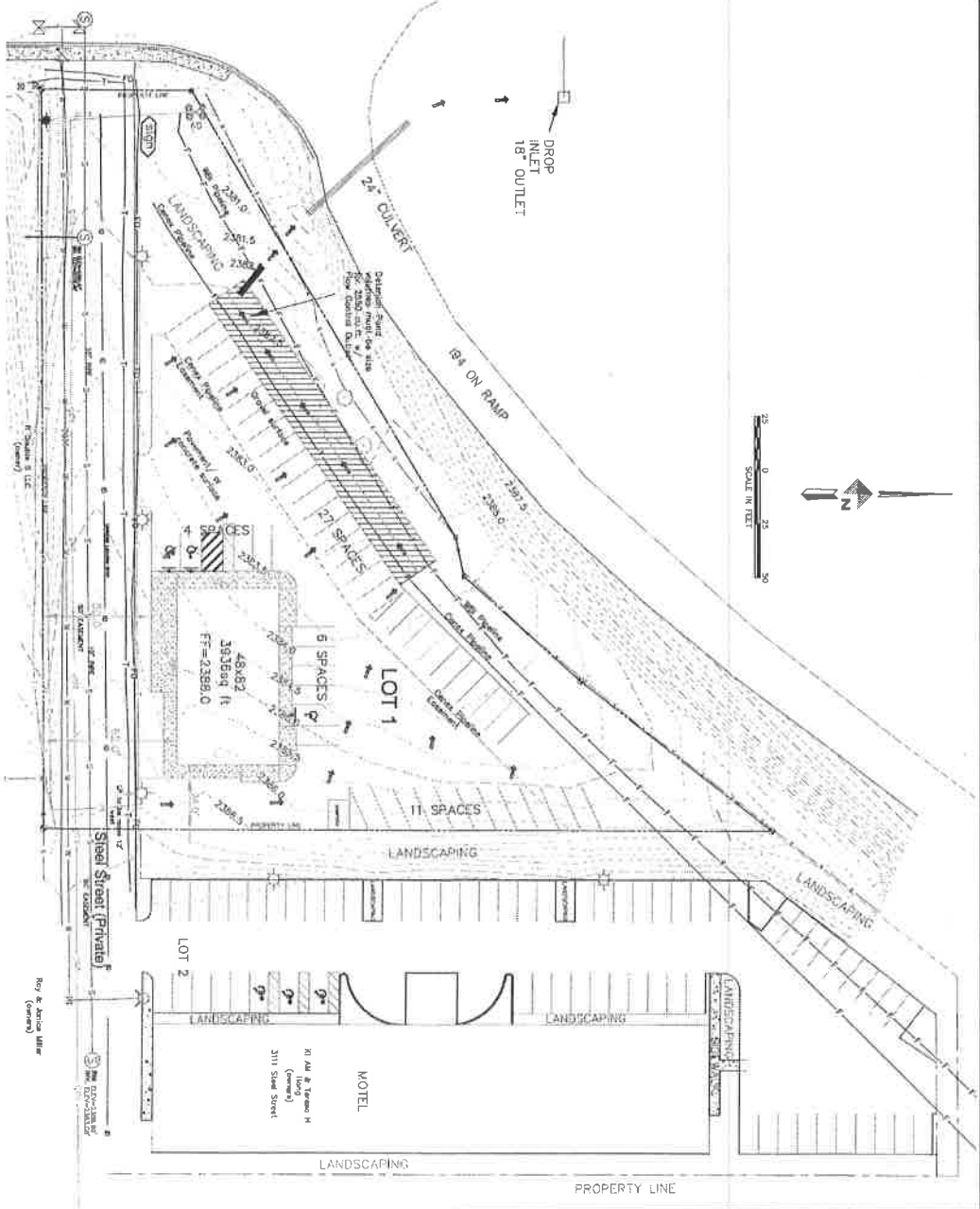


NOTICE: This plan is intended for the City of Miles, Montana. It is not intended to be used for any other purpose. The City of Miles is not responsible for the accuracy of the information provided on this plan. The City of Miles is not responsible for the accuracy of the information provided on this plan. The City of Miles is not responsible for the accuracy of the information provided on this plan.

NOTE:

- Contour Lines are existing
  - 45 Parking Spaces
  - 3 Handicap spaces
  - Drainage flow
- Lot 1 - Currently Zoned GENERAL COMMERCIAL

State Highway # 59  
80'+ wide



SITE PLAN for Lot 1, Steel Minor Subdivision, Env. 355B, Doc. # 112609  
HORSESHOE BAR & CASINO  
STEEL STREET, MILES CITY, MONTANA 59301

PROJECT Horseshoe Casino  
DATE: 12/04/2014  
BY: Dain Wright PLS  
FIGURE # 1

MOTEL  
KI AU & TERRY H  
(Owners)  
3111 Steel Street

**City Council Staff Report SPR-2014-09**  
**Site Plan Review**  
**Horseshoe Bar & Casino**  
**Meeting Date: January 27, 2015**

**I. REVIEW PROCEDURE**

This proposal requires Site Plan Review by the Miles City Planning Board and City Council under Section 24-96 of the Code of Ordinances (Ordinance No. 1258). The application was received on December 8, 2014. The Planning Board held a public hearing on January 20, 2015 at 6:00 PM in the City Hall Conference Room. The Planning Board's recommendation for conditional approval has been forwarded to the City Council. City Council is scheduled to review the application on January 27, 2015. The 60 day review period expires on February 10, 2015.

**II. GENERAL INFORMATION**

**A. Project Applicant**

**Applicant:** Mike Wacker  
JM Properties LLC

**Owner:** JM Properties LLC  
PO Box 398  
Miles City, MT 59301

**B. Project Description**

The applicant and owner propose to construct a new building on the currently vacant lot to serve as a bar and casino. The proposed 48' by 82' building would have a main floor of 3,936 square feet and an upper floor of 1,024 square feet.

The main floor would contain the bar/lounge area, casino, kitchen, restrooms, with an exterior patio area and smoking enclosure, while the upper floor would contain an office, restroom, and storage area.

**C. Legal Description of Subject Property**

Lot 1 of the Steel Minor Subdivision, located in the NW1/4 NW1/4 of Section 2, Township 7 North, Range 47 East.

**D. Location**

The project site is located along the southeast side of the Interstate I-94 eastbound on-ramp at the NW corner of the intersection of S. Haynes Avenue and Steel Street. The property address is 3105 Steel Street, Miles City, Montana. To the east of the property is the Guesthouse Inn. To the south of the property is Steele Street. Please see Figures 1 and 2.

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Figure 1: Location of the subject property

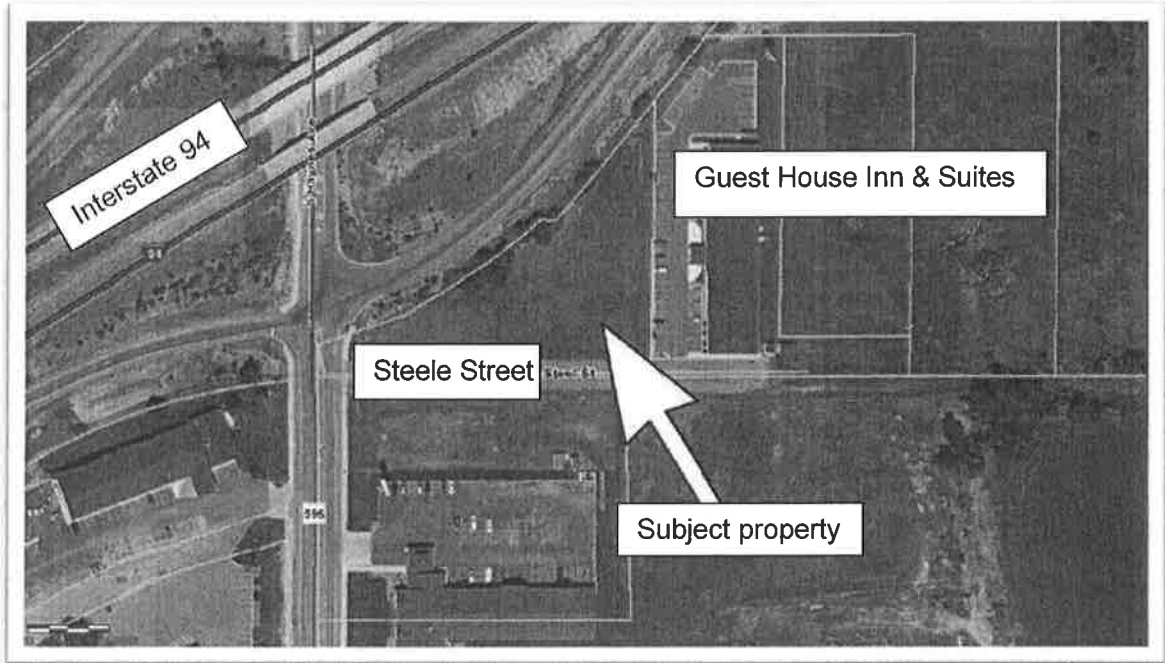
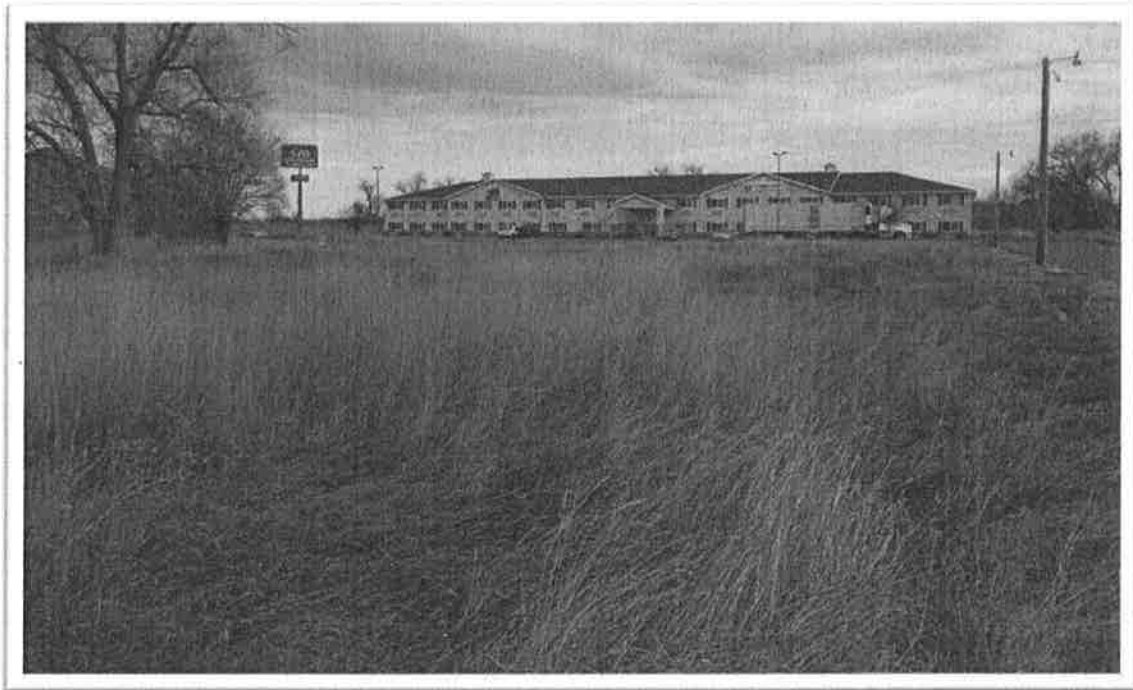


Figure 2: Looking east across the property toward Guest House Inn & Suites



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**E. Land Use & Zoning**

**Existing Land Use:** The property is currently vacant.

**Proposed Land Use:** Commercial bar and casino.

**Existing Zoning:** General Commercial (GC).

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

**F. Surrounding Land Use & Zoning**

**General Description:** The property is surrounded by the GC District to the east, north, northeast, west, southwest, and south. The A Residential District (RA) is located to the southeast.

**III. COMMENTS RECIEVED**

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

- Janet Krutzfeldt-Jones – representing JM Properties, spoke to actions taken recently to address concerns with MDOT, and the pipeline owners.
- Bill Markovich – spoke in support for the construction of this project.

**Agency/Other Comments:** As solicited by Land Solutions, contract planner for Miles City, comment has been received by the following agencies and interested parties:

- Miles City Fire and Rescue
- Miles City Sanitarian
- WBI Energy and Transmission
- Cenex Harvest States
- Montana Department of Transportation
- Custer County Planner
- Miles City Historic Preservation Commission
- Custer County Water Sewer District

The comments received will be discussed further in applicable sections of this report and are attached.

**IV. SUBMITTAL REQUIREMENTS**

The applicant is required to submit all of the materials listed in Subsection 24-96(e)(1) through (6). If it becomes apparent during review that a reasonable decision cannot be reached based on the existing submittal, the review period timeline will be suspended until the required information is submitted. If the required information is not submitted within 60 days, the application will be deemed expired.

***Finding # 1:** The applicant has submitted all of the required materials listed in 24-96(e)(1) through (6).*

**V. EVALUATION CRITERIA PER SECTION 24-96**

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According to Subsection 24-96(g)(1), reviewers shall consider the applicant's plans to ensure safety of circulation patterns, emergency access/fire prevention measures, traffic impacts to the surrounding road network, adequate storm drainage, provisions for water, sewer, and other utilities, the city's historic preservation policies, and adequate parking. Plans shall also be reviewed to ensure they comply with other standards in the zoning regulations such as setbacks, height restrictions, signage, and design requirements.

All evaluation criteria are listed below. Following each criterion is a draft finding by the administrator in *italics* evaluating how the plans relate to the criterion:

1.1 Safety of circulation patterns

***Finding #2:*** *Two approaches to Steele Street, a private street, are proposed, one on the southeast and one on the southwest side of the building. The approaches and internal pavement or concrete driving surface would serve 48 parking spaces: 45 typical spaces and three handicap spaces. Some of the parking spaces have the label "gravel surface" on the site plan, presumably because they would be located within a Cenex petroleum pipeline easement.*

*The width of the driving surface varies throughout the parking lot due to its irregular shape. Some parking spaces appear difficult to access, while others appear to confine the main driving surface clearance to as little as ±14-feet to the west of the building. However, overall, the project provides more parking than required by the zoning ordinance, and if the confining parking spaces are eliminated, the project would still provide sufficient parking. Ultimately it will be in the owner's best interest to ensure the parking lot is functional. Given the layout of the building, the proposed accesses, parking and driving areas, the site plan provides safe on-site traffic circulation with conditions that require parking in compliance with the zoning code and fire department approval of the access and circulation plans.*

1.2 Emergency access/fire prevention measures

***Finding #3:*** *Emergency access to the site and buildings will be readily available given the two road approaches and internal circulation system. A fire hydrant is currently located at the southwest corner of the Guest House Inn & Suites, approximately 125 feet from the proposed building. Ryan Smith, Captain/Fire Inspector for Miles City Fire and Rescue has commented via email that the plans seem to be in compliance with fire regulations with the buildings being sprinkled and proper exits throughout the facility; all decisions are not made final until final completion of the building and final inspection. Any fire department requirements, such as additional fire hydrants, access improvements, sprinkler systems, and other fire code requirements will be sufficiently addressed with a condition requiring fire department approval prior to occupancy.*

1.3 Traffic impacts to the surrounding road network

***Finding #4:*** *Steel Street is a private roadway that currently only serves the Guest House Inn & Suites hotel. South Haynes Avenue is a high capacity roadway serving this and other properties with no major deficiencies. Interstate 94 is an interstate highway with off-and-on-ramps in the immediate vicinity that are not expected to be changed as part of this project; however, changes to the interstate highway facilities are planned immediately adjacent to the site, which according to Montana Department of Transportation (MDT) Glendive District Administrator Shane Mintz, is likely to have some impact on the property and future development. During a telephone conversation on December 29, 2014, Mr. Mintz indicated the intersection of Steele Street and South Haynes Avenue is currently located closer to the*

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*interstate onramp than federal safety regulations allow. As such, the intersection is likely to be relocated farther to the south when improvements are made later this decade (plans have not been finalized to date).*

*Written comments have been obtained from the MDT regarding the proposed use. MDT stated they don't have an approach permit to issue for this development, but they do request the City of Miles City include the following conditions prior to final approval:*

- 1. The developer must communicate and coordinate with MDT regarding MDT's Broadus Interchange – Miles City project; and*
- 2. Prior to entering MDT right-of-way for any reason, the developer must follow MDT's permitting review and approval process; and*
- 3. The developer must submit hydraulic plans to MDT for review and approval to ensure they don't negatively impact MDT right-of-way or any downstream landowners.*

*If MDT's requests relating to the surrounding public road network are met, the surrounding road network will not be significantly impacted by the proposed bar and casino.*

1.4 Adequate storm drainage

**Finding #5:** *Storm water runoff will increase substantially at the site due to construction of the new building and hard surfaced parking lot. Information submitted with the application included a document entitled "Storm Drainage Planning Study For Miles City, Montana South of I-94", along with related material from 1998 - 1999. This document, which addresses storm water drainage based on conditions from the time of the study and potential 90% lot coverage with impervious surfaces on the site that includes this lot, recommends a detention pond on each lot to limit discharge during a 5-year storm to predevelopment runoff rates. The plan indicates ponds are sized to further control runoff of to the 100-year storm. Discharge from the detention ponds at the northwest corners of each lot would be into the existing drainage way at the toe of the on-ramp embankment.*

*The current site plan indicates a detention pond must be sized for 2,550 cubic feet with a flow control outlet to a 24" culvert under the I-94 on-ramp, which is consistent with the information from 1998 - 1999. It is unclear whether this document should be considered applicable to the current proposal.*

*Land Solutions has obtained comments from Mike Rinaldi, Miles City Sanitarian. Mr. Rinaldi has requested additional information regarding storm water runoff and road maintenance and access easements, including a formal storm water site plan with calculations stamped by an engineer, because this is a commercial project. To ensure DEQ and Miles City requirements for storm water drainage are adequately addressed by the applicant, a condition should require approval of the storm water drainage plans by the Miles City Sanitarian, and if applicable, DEQ, prior to occupancy of the structure. In addition, a Stormwater Pollution Prevention Plan Permit from Montana DEQ must be obtained prior to start of site improvements and construction.*

*Another concern regarding storm water drainage is the apparent proposal to locate storm water drainage facilities, such as detention ponds, above buried high-pressure gas pipelines, where easements are also likely to control such activities. Cenex Harvest States (CHS) and WBI Energy and Transmission have been asked for comment to address this concern because it is imperative the storm water plans for this project are reasonable and will serve the property long-term.*

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*In an email dated January 13, 2015, CHS Pipelines and Terminals Environmental Health and Safety Manager Mike Stahly wrote, "The Cenex Pipeline is a high pressure (up to approximately 1400 psi) buried steel pipeline that transports liquid petroleum (gasoline and diesel fuels) to distribution points in Montana and North Dakota. Cenex Pipeline, LLC is concerned about the proposed development, and would request that the planners and developers maintain close communication with us during the process of considering this development. Our concern is for public safety and the future safe operation and maintenance of the pipeline."*

*In an email dated January 5, 2015, Wade Nielsen of WBI Energy Transmission wrote, "Typically if at all possible we do not prefer to have detention ponds over the pipeline or easement. At this point WBI Energy does not have enough information regarding the grading of the site to determine if a detention pond or grading would be acceptable over our pipeline."*

*A condition should require the applicant to demonstrate the easement holders and owners of the buried pipelines have been contacted regarding the proposal and storm water drainage plan prior to construction.*

1.5 Provisions for water, sewer, and other utilities

***Finding #6:*** *The Custer County Water & Sewer District noted the "land owner will become a customer of the CCWSD because the property exists within the boundary of the District. The District requires a permit be obtained prior to the installation of any water or sanitary sewer service lines. Terms of the permit, and the utility service contract, are available at the District office, 713 Pleasant in Miles City, MT. The CCWSD has no further comments on this site plan."*

*Water and Sewer hookups will require approval from the City's Public Utilities Director. Other utilities services will require approval by the service providers.*

1.6 The City's historic preservation policies

***Finding #7:*** *The proposed structure does not impact the City's historic preservation policies. The site is not located in a designated historic district and does not have a structure that is historic (50+ years old) or eligible for listing on the National Register of Historic Places.*

1.7 Adequate parking

***Finding #8:*** *The site plan indicates a total of 48 vehicular parking spaces (including 3 handicap accessible), which exceeds the requirements of the zoning. There appears to be adequate parking proposed on-site to accommodate employees and customers.*

In addition to Subsection 24-96(g)(1), Subsection 24-96(g)(2) adds the following criteria (following each criterion is a draft finding by the administrator in *italics*): No site plan application approval shall be given unless it is determined that:

- a. The use complies with all applicable regulations in the district in which it is located.

***Finding #9:*** *The proposal has been reviewed for compliance with the applicable regulations for the 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 #10:*** *There are no known conflicts with other adopted regulations and policies in the Miles City Code of Ordinances. Prior to occupancy the applicant must demonstrate compliance with Fire Codes and IBC 2012 Building Codes through the building permit process.*



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

**Finding #11:** *The proposed project is located in an established commercial area. The proposal includes establishing a new bar and casino. If the previously discussed safety concerns of Miles City Fire Department, the local building inspector, MDT, CHS and WBI are adequately addressed, the proposal which will have no detrimental effect on public health, safety or general welfare.*

**Figure 3: Sign indicating danger from an high pressure gas line on the property**



- d. The existing and reasonably anticipated permitted uses in the area will not be substantially impaired or diminished by the establishment of the proposed use.

**Finding #12:** *The proposed new business operation will not substantially impair or diminish the permitted uses in this area as the property has been zoned for general commercial uses.*

- e. Adequate utilities, access ways, drainage, and other necessary site improvement have been provided or will be provided prior to the use being initiated.

**Finding #13:** *All utilities, access ways, drainage and other site improvements will be required prior to the use being initiated.*

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

**Finding #14:** *The new ingress and egress points are to directly access Steele Street, a private street, and not the surrounding public streets. The commercial use will add traffic to Steele Street, which will increase traffic at the intersection of Steele Street and South Haynes Avenue. As discussed previously in this report, MDT has commented on the proposal and has requested conditions that will allow MDT to ensure ingress and egress is designed to minimize traffic*

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*congestion on public streets.*

**VI. RECOMMENDATION**

The Planning Board **recomm**ends that the City Council adopt this staff report as findings of fact and recommends conditional approval of this project, subject to the following conditions.

**VII. CONDITIONS**

Prior to occupancy, the developer shall demonstrate compliance with the following conditions:

***Standard Conditions:***

1. All site development and use of the property shall be in accordance with the Miles City Zoning Codes, the approved application and plans, and as discussed in Staff Report SPR 2014-09. Any modifications shall require additional review by the City of Miles City.

***Site-Specific Conditions:***

2. The owner or authorized representative shall obtain a Building Permit prior to start of construction. A permit is required for construction, additions, alterations, repairs, relocation, demolition, change of occupancy, or electrical, gas, mechanical or plumbing system projects. Exemptions are listed in IBC 2012 Section 105.2.

3. The owner shall submit a letter of review from the Miles City Fire Department indicating adequate fire protection plans have been developed and the department can adequately respond to emergencies at the facility. Any fire department requirements, such as fire hydrants, access plans/improvements, sprinkler systems, and other fire code requirements shall be approved by the fire department prior to occupancy.

4. The owner shall maintain adequate parking space for employees at a minimum of one space per employee and reasonably adequate spaces for visitor parking as required by Miles City Code of Ordinances for the General Commercial (GC) District Section 24-59(c)(6).

5. Storm water drainage plans shall be approved by the Miles City Sanitarian, and if applicable, DEQ, prior to occupancy of the structure.

6. A Stormwater Pollution Prevention Plan Permit from Montana DEQ must be obtained prior to start of site improvements and construction.

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

8. The owner or authorized representative shall communicate and coordinate with Montana Department of Transportation (MDT) regarding MDT's Broadus Interchange – Miles City project.

9. Prior to entering MDT right-of-way for any reason, the owner or authorized representative must follow MDT's permitting review and approval process.

10. The owner or authorized representative must submit hydraulic plans to MDT for review and approval to ensure they don't negatively impact MDT right-of-way or any downstream landowners.

11. The owner or authorized representative shall demonstrate the gas pipeline easement holders and owners of the buried pipelines have been contacted and their concerns addressed regarding the proposal and storm water drainage plans prior to construction, specific to no excavation or lowering of grade and graveled surfaces.

**From:** Stahly, Mike  
**To:** landsolutions2@blackfoot.net; "landsolutions@blackfoot.net"  
**Cc:** Gee, Mick; McIlvain, Corey; "Dawn Colton"  
**Subject:** Proposed Horseshoe Bar and Casino Miles City Montana  
**Date:** Tuesday, January 13, 2015 11:37:44 AM

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Dave:

As we discussed this morning by telephone, the Cenex Pipeline apparently runs through the tract of land that is proposed for development as Lot 1, Steel Minor Subdivision in Miles City Montana. The Cenex Pipeline is a high pressure (up to approximately 1400 psi) buried steel pipeline that transports liquid petroleum products (gasoline and diesel fuels) to distribution points in Montana and North Dakota. Cenex Pipeline, LLC is concerned about the proposed development, and would request that the planners and developers maintain close communication with us during the process of considering this development. Our concern is for public safety and the future safe operation and maintenance of the pipeline.

At this point, we do not have enough information to determine the details of the proposed development over our easement, and so we cannot fully comment about how the proposed development would impact or threaten the operation or the integrity of the pipeline. However, I would note that our Easement through this tract prohibits the property owner, its successors and assigns from building, creating, constructing, or permitting to be built, created or constructed, any obstruction, building, engineering works, or other structures upon, over, or under the Easement. At the onset, the proposed construction of a "Detention Pond" over the Easement appears to violate the rights granted to Cenex Pipeline, LLC in the Easement.

Dave, this morning I also mentioned some resources for land use planning around petroleum pipelines. For further reference, including recommended practices regarding pipeline safety in communities and land use planning, please see a document titled "Partnering to Further Enhance Pipeline Safety in Communities Through Risk-Informed Land Use Planning Final Report of Recommended Practices November 2010", found at [www.pipa-info.com](http://www.pipa-info.com), which is the website of the Pipelines and Informed Planning Alliance (a stakeholder group representing a wide range of interests that is sponsored by the U.S. Department of Transportation, Pipelines and Hazardous Materials Safety Administration, Office of Pipeline Safety). I have also copied Dawn Colton on this email so that she may have access to these informational resources as well.

Thank you for the opportunity to comment on this proposal. Cenex Pipeline, LLC desires to remain engaged in the public review process for this and any other proposal that could impact the integrity or operation of our pipelines. I can be reached at (406) 628-5209 for any further discussion.

Sincerely,

Mike Stahly  
EHS Manager  
CHS Pipelines and Terminals

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This outbound email has been scanned for all viruses by the MessageLabs Skyscan service.

For more information please visit <http://www.symanteccloud.com>

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**From:** [Connie Muggli](#)  
**To:** [Melton, Douglas](#)  
**Cc:** [Kathy Doeden](#); [rodg@midrivers.com](mailto:rodg@midrivers.com); [M. Hartman](#); [Mark Browning](#); [Scott Gray](#); [Dawn Colton](#)  
**Subject:** RE: Request for comments -- Horseshoe Bar & Casino Site Plan  
**Date:** Monday, December 22, 2014 8:25:38 AM  
**Attachments:** [image001.jpg](#)

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Doug,

Thank you for your comments, which I have passed along to Dawn Colton and Scott Gray of the City Planning department. I suspect that given the proximity to the Interstate, the area was included in their review during that construction period. We can check on that.

I will provide the draft of the Introduction section to Dave LeGrandpre for inclusion in the draft Growth Policy as well.

I wish you a very wonderful Christmas and Happy New Year!

Connie

**From:** Melton, Douglas [mailto:[d1melton@blm.gov](mailto:d1melton@blm.gov)]  
**Sent:** Sunday, December 21, 2014 12:14 PM  
**To:** Connie Muggli  
**Subject:** Re: Request for comments -- Horseshoe Bar & Casino Site Plan

Hi Connie:

I don't have any real comments on the Horseshoe Project. Some of the are would have been looked at in the 1970's and 1980's for prehistoric and early historic sites by contractors for the Highway Department. Given the dates, it might not hurt to recommend the area be looked at again. They might also consider paleontology. I would note that a fossil crocodile site was found where the Bison Pipeline had their pipe yard and headquarters a few years back. This is just down the road from this location.

Also I looked at the growth policy material and don't have any changes.

Happy Holidays!

Doug

On Wed, Dec 17, 2014 at 8:10 AM, Connie Muggli <[cmuggli@milescity-mt.org](mailto:cmuggli@milescity-mt.org)> wrote:  
Commission Members,

I am sending this to familiarize Commission members with the new Site Review process in place in City Hall. The attached project will undergo Site Plan Review by the Planning Board following review by Department heads and this request by Dave for comments.

The new process in place calls for all Department Heads to review and sign off prior to Planning Board review. As it is not in a Historic District, or within proximity to a historic district it does not come under the Commission's purview, so I would normally just sign off as

HPO. As there are many building projects underway, I wanted you to be aware that should a major project within a historic district come up for review, I will be sending these packets to you for comment.

Thanks,  
Connie

----- Forwarded message -----

From: **Dave DeGrandpre** <[landsolutions@blackfoot.net](mailto:landsolutions@blackfoot.net)>

Date: Tue, Dec 16, 2014 at 5:12 PM

Subject: Request for comments -- Horseshoe Bar & Casino Site Plan

To: Cameron Duffin <[cduffin@milescity-mt.org](mailto:cduffin@milescity-mt.org)>, Doug Colombik <[dcolombik@milescity-mt.org](mailto:dcolombik@milescity-mt.org)>, [tharbaugh@ccsomt.com](mailto:tharbaugh@ccsomt.com), Scott Gray <[sgray@milescity-mt.org](mailto:sgray@milescity-mt.org)>, Al Kelm <[akelm@milescity-mt.org](mailto:akelm@milescity-mt.org)>, Samantha Malenovsky <[smalenovsky@milescity-mt.org](mailto:smalenovsky@milescity-mt.org)>, [cmuggli@milescity-mt.org](mailto:cmuggli@milescity-mt.org), [dawncolton@milescity-mt.org](mailto:dawncolton@milescity-mt.org), Dennis Hirsch <[myhirsch@midrivers.com](mailto:myhirsch@midrivers.com)>, [tmbiwod@gmail.com](mailto:tmbiwod@gmail.com)

Cc: [landsolutions@blackfoot.net](mailto:landsolutions@blackfoot.net)

Dear Miles City and Custer County Officials,

A new bar and casino is proposed on a vacant lot located at the intersection of Highway 59 and Steel Street, just west of the Guesthouse Inn & Suites and south of Interstate 94. The terrain is flat. Access is proposed from Steel Street. A high pressure gas line on the property runs northeast/southwest along the interstate. Plans and photos are attached for your review.

My company has been hired to assist Miles City Community Services and Planning with Site Plan Review. Any comments or conditions you wish to apply to the project will be considered by the planning board and city council.

*Please respond to this message with any comments or conditions by Wednesday, December 31<sup>st</sup>.*

Thank you,

Dave DeGrandpre  
Contract Planner for Miles City

logo for email signature



Janette

---

**From:** John Peila <diamondjconstruction@live.com>  
**Sent:** Tuesday, January 20, 2015 12:12 PM  
**To:** Mike wacker; jannette jones  
**Subject:** Fwd: detention pond(horseshoe casino)

Sent from my iPhone

Begin forwarded message:

**From:** "Stahly, Mike" <Mike.Stahly@chsinc.com>  
**Date:** January 20, 2015 at 10:24:42 AM MST  
**To:** 'John Peila' <diamondjconstruction@live.com>  
**Cc:** "Gee, Mick" <Mick.Gee@chsinc.com>, "McIlvain, Corey" <Corey.McIlvain@chsinc.com>  
**Subject:** RE: detention pond(horseshoe casino)

John,

Cenex Pipeline is also ok with your current plan, given that there will be no excavation or grading on the easement, and that we will have the opportunity to evaluate loading from any other proposed activity on the easement. Thanks,

Mike Stahly

---

**From:** John Peila [mailto:diamondjconstruction@live.com]  
**Sent:** Tuesday, January 20, 2015 10:03 AM  
**To:** Stahly, Mike  
**Subject:** Fwd: detention pond(horseshoe casino)

Mike

Please see below response from wbi  
Energy.

What is your status on this issue

Sent from my iPhone

Begin forwarded message:

**From:** "Nielsen, Wade" <Wade.Nielsen@WBIEnergy.com>  
**Date:** January 20, 2015 at 8:55:36 AM MST  
**To:** John Peila <diamondjconstruction@live.com>  
**Cc:** "Ryan, Patrick" <Patrick.Ryan@WBIEnergy.com>, "Seifert, Keith" <Keith.Seifert@WBIEnergy.com>  
**Subject:** RE: detention pond(horseshoe casino)

John,

WBI Energy is ok with the current plan as long as the parking area over the easement is gravel and there are no plans to cut the existing grade over the easement. We will have to do wheel load calculations for the berm work over the pipeline. Please be aware that WBI Energy operates a 12" steel high pressure natural gas pipeline in your proposed project. Please notify us of any changes to the current plan. Thanks,

Wade Nielsen  
WBI Energy Transmission  
2010 Montana Ave | Glendive, MT 59330  
Ph :406-359-7207 | Cell:406-989-1034

---

**From:** John Peila [<mailto:diamondjconstruction@live.com>]  
**Sent:** Tuesday, January 20, 2015 8:24 AM  
**To:** Nielsen, Wade  
**Subject:** FW: detention pond(horseshoe casino)

\*\*\* This is an EXTERNAL email. Exercise caution. \*\*\*

---

**From:** [diamondjconstruction@live.com](mailto:diamondjconstruction@live.com)  
**To:** [wade.nielsen@wbienergy.com](mailto:wade.nielsen@wbienergy.com)  
**Subject:** detention pond(horseshoe casino)  
**Date:** Thu, 15 Jan 2015 13:02:00 -0700

Wade,

Thanks for taking the time to visit with me today regarding our proposed development next to your easement in miles city.

I just wanted to clarify that the area that shows detention pond on the site plan is needed to take the storm runoff and direct it towards the existing culvert that goes under I-94.

We will not be doing any cutting of native soil in this area, we will be installing a dirt berm around this area with an outflow culvert. The only time water will be standing in this area is directly after a large rain event, but it will begin outflowing immediately until area is empty. And the site is fairly small, less than 1 acre, so there wont be any large volumes of water ever.

We have no intentions of doing anything else over top of your easement except mowing the grass for a clean appearance.

I hope that WBI will give us there blessing for this pond area so we can move forward with our project. Please respond with an approval letter via email so I can present it at our council meeting on Jan. 20th.

Also I spoke with Mike Stahly with CHS regarding the same matter, if you need to speak with him his contact number is 406-628-5209

thank you



John Pella  
Diamond J Construction LLC  
PO Box 520  
Miles City MT 59301  
406-951-1504 Cell  
406-234-1504 Office

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Janette

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**From:** Mike Wacker <wackertrucking@gmail.com>  
**Sent:** Thursday, January 15, 2015 1:06 PM  
**To:** Janette Jones  
**Subject:** Fwd: Steele street development

Sent from my iPhone

Begin forwarded message:

**From:** John Peila <diamondjconstruction@live.com>  
**Date:** January 14, 2015 at 12:37:29 PM MST  
**To:** "smaes@mt.gov" <smaes@mt.gov>  
**Cc:** "qwright@dowlhkm.com" <qwright@dowlhkm.com>, "rylano@jacksoncontractorgroup.com" <rylano@jacksoncontractorgroup.com>, Mike wacker <mwt@midrivers.com>  
**Subject:** Steele street development

Stephanie,  
thanks for taking the time on the above subject to visit with me. Per our conversation on the phone regarding the 3 items in your letter to Dave Degrandpre , I have responses below.

1. I will talk with Quinn at HKM, and instruct him to give up any info that MDT needs for this project. We want to maintain an open line of communication with MDT to make sure this project is successful for everyone.
2. We realize that if we encroach on MDT's right of way we will need a permit, at this time we see no reason we will be encroaching. We believe sewer and water hookup will be in Steel st.
3. You currently have our site plan showing the water drainage, if you need anything else from us to make a decision about storm runoff please let me know and I will get it to immediately.

If you are satisfied with the above items, could you please send me a letter via email stating that we are in compliance with MDT.

Sincerely,

John Peila  
Diamond J Construction LLC  
PO Box 520  
Miles City MT 59301  
406-951-1504 Cell  
406-234-1504 Office

Janette

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**From:** John Peila <[diamondjconstruction@live.com](mailto:diamondjconstruction@live.com)>  
**Sent:** Tuesday, January 20, 2015 9:33 AM  
**To:** jannette jones  
**Subject:** Fwd: detention pond(horseshoe casino)

Sent from my iPhone

Begin forwarded message:

**From:** "Nielsen, Wade" <[Wade.Nielsen@WBIEnergy.com](mailto:Wade.Nielsen@WBIEnergy.com)>  
**Date:** January 20, 2015 at 8:55:36 AM MST  
**To:** John Peila <[diamondjconstruction@live.com](mailto:diamondjconstruction@live.com)>  
**Cc:** "Ryan, Patrick" <[Patrick.Ryan@WBIEnergy.com](mailto:Patrick.Ryan@WBIEnergy.com)>, "Seifert, Keith" <[Keith.Seifert@WBIEnergy.com](mailto:Keith.Seifert@WBIEnergy.com)>  
**Subject:** RE: detention pond(horseshoe casino)

John,

WBI Energy is ok with the current plan as long as the parking area over the easement is gravel and there are no plans to cut the existing grade over the easement. We will have to do wheel load calculations for the berm work over the pipeline. Please be aware that WBI Energy operates a 12" steel high pressure natural gas pipeline in your proposed project. Please notify us of any changes to the current plan. Thanks,

Wade Nielsen  
WBI Energy Transmission  
2010 Montana Ave | Glendive, MT 59330  
Ph :406-359-7207 | Cell:406-989-1034

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**From:** John Peila [<mailto:diamondjconstruction@live.com>]  
**Sent:** Tuesday, January 20, 2015 8:24 AM  
**To:** Nielsen, Wade  
**Subject:** FW: detention pond(horseshoe casino)

\*\*\* This is an EXTERNAL email. Exercise caution. \*\*\*

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**From:** [diamondjconstruction@live.com](mailto:diamondjconstruction@live.com)  
**To:** [wade.nielsen@wbienergy.com](mailto:wade.nielsen@wbienergy.com)  
**Subject:** detention pond(horseshoe casino)  
**Date:** Thu, 15 Jan 2015 13:02:00 -0700

Wade,

Thanks for taking the time to visit with me today regarding our proposed development next to your easement in miles city.

I just wanted to clarify that the area that shows detention pond on the site plan is needed to take the storm runoff and direct it towards the existing culvert that goes under I-94.

We will not be doing any cutting of native soil in this area, we will be installing a dirt berm around this area with an outflow culvert. The only time water will be standing in this area is directly after a large rain event, but it will begin outflowing immediately until area is empty. And the site is fairly small, less than 1 acre, so there won't be any large volumes of water ever. We have no intentions of doing anything else over top of your easement except mowing the grass for a clean appearance.

I hope that WBI will give us their blessing for this pond area so we can move forward with our project. Please respond with an approval letter via email so I can present it at our council meeting on Jan. 20th.

Also I spoke with Mike Stahly with CHS regarding the same matter, if you need to speak with him his contact number is 406-628-5209

thank you

John Peila  
Diamond J Construction LLC  
PO Box 520  
Miles City MT 59301  
406-951-1504 Cell  
406-234-1504 Office