



# CITY OF MILES CITY AGENDA

*Regular Council Meeting  
City Council Chambers*

*April 28, 2015  
7:00 p.m.*

## CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES
  - A. City Council Meeting 4/14/2015
2. SCHEDULE MEETINGS
3. REQUEST OF CITIZENS & PUBLIC COMMENT

*Knights of Columbus: Painting Inside of Riverside Park Shelter*  
*Janelle Grant, Keep Miles City Beautiful: Update & Permission to Conduct Great American Cleanup on May 9th*
4. APPOINTMENTS

*Library Board: Kim Feil*
5. PROCLAMATIONS
6. STAFF REPORTS
7. CITY COUNCIL COMMENTS
8. MAYOR COMMENTS
9. COMMITTEE RECOMMENDATIONS

*Finance Committee: April 27, 2015:*

  - *Recommendation on Water Account @ Alta Trailer Court*
  - *CDBG & DNRC \$17,500 Grant Match*
10. BID OPENING

*Spray Injection Patcher*  
*Janitorial Proposals*

BID AWARDS  
*Arrowhead Drive SID #211: Paving*
11. PUBLIC HEARINGS

- A. **ORDINANCE NO. 1289:** An Ordinance Enacting Section 17-114 Of The City Code Of The City Of Miles City, Montana, So As To Require Liability Insurance In Specified Amounts Prior To Issuance Of A Park Use Permit
- B. **ORDINANCE NO. 1292:** Ordinance Revising Section 2-246(A) Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Advertisements For Bids
- C. **ORDINANCE NO. 1293:** An Ordinance Pursuant To MCA 7-4-4201 Establishing Wages For The Mayor, City Judge, And City Treasurer, Effective January 1, 2016

12. **UNFINISHED BUSINESS**

- A. **ORDINANCE NO. 1289:** *(Second Reading)* An Ordinance Enacting Section 17-114 Of The City Code Of The City Of Miles City, Montana, So As To Require Liability Insurance In Specified Amounts Prior To Issuance Of A Park Use Permit
- B. **ORDINANCE NO. 1292:** *(Second Reading)* An Ordinance Revising Section 2-246(A) Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Advertisements For Bids
- C. **ORDINANCE NO. 1293:** *(Second Reading)* An Ordinance Pursuant To MCA 7-4-4201 Establishing Wages For The Mayor, City Judge, And City Treasurer, Effective January 1, 2016

13. **NEW BUSINESS**

- A. **ORDINANCE NO. 1294:** *(First Reading)* An Ordinance Relating To The Creation Of The Miles City Downtown Urban Renewal Urban Renewal District; And Adopting An Urban Renewal Plan, Including A Tax Increment Provision
- B. **RESOLUTION NO. 3786:** Adopting a Purchasing Policy for the City of Miles City, Montana
- C. **RESOLUTION NO. 3794:** *(First Reading)* A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2014-2015 To Appropriate Unanticipated Revenues To Ambulance Fund No. 5510
- D. **RESOLUTION NO. 3796:** *(First Reading)* A Resolution Pursuant To §7-6-4006 Of The Montana Code Annotated, Authorizing Amendment Of Final Budget For FY 2014-2015 To Increase The Budgeted Amount In Fund # 1000-005-420140-214 For The Purchase Of Body Cameras And Office Furniture For The Miles City Police Department.
- E. **Permission to Close Natural Oasis** on July 30<sup>th</sup> from 4:00 to 8:00 p.m. For Remembrance Services for Sigrid Laird
- F. **American Association of University Women:** “Shakespeare in the Park”

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 14, 2015**  
**7:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, April 14, 2015, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Council President John Hollowell called the meeting to order. Council Members present were Roxanna Brush, Mark Ahner, Sheena Martin, Dwayne Andrews, Ken Gardner, Jerry Partridge and Susanne Galbraith.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Public Utilities Director Al Kelm, Fire Chief Gary Warren, Fire Captain Cameron Duffin, Grant Administrator /Historic Preservation Officer Connie Muggli, Grant Writer/Planner in Training Dawn Colton and City Clerk/Minute Recorder Lorrie Pearce. Mayor Grenz was excused.

**PLEDGE OF ALLEGIANCE**

Council President Hollowell led the Council in the Pledge of Allegiance.

**APPROVAL OF COUNCIL & COMMITTEE MINUTES**

**City Council Minutes: 3/24/2015**

- \*\* *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of March 24, 2015, seconded by Councilperson Andrews.*
- \*\* *Councilperson Ahner moved to change the following. On page 3, under comments, delete "the latter three" and replace with "all elected positions". The motion was seconded by Councilperson Brush and, on roll call vote, the motion passed unanimously, 8-0.*
- \* *The original motion to approve the minutes passed unanimously, 8-0*

**Finance Committee Minutes: 4/02/2015**

- \*\* *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of April 2, 2015, seconded by Councilperson Andrews. On roll call vote the motion passed unanimously, 8-0*

## SCHEDULE MEETINGS

*The following meetings will be held in the City Hall Conference Room:*

- Miles City Study Commission: Thursday, March 16th @ 5:15 pm
- Finance: Thursday, April 30<sup>th</sup> @ 5:00 pm

## REQUEST OF CITIZENS & PUBLIC COMMENT

Citizen Amorette Allison, 402 South Lake Avenue, explained that a couple of times she has been locked in City Hall and suggested a crash bar be installed on the front doors.

Fire Captain Duffin said it is not required to have a crash bar on the front door.

## APPOINTMENTS

*Library Board of Trustees: Jean Stewart, Shirley Lund, Bert Pezzarossi*

Council President Hollowell appointed Jean Stewart, Shirley Lund and Bert Pezzarossi to the Library Board of Trustees.

*\*\* Councilperson Brush moved to approve Council President Hollowell's appointments, seconded by Councilperson Gardner and passed unanimously, 8-0.*

## PROCLAMATIONS

None

## STAFF REPORTS

*Fire Captain Duffin* announced that the Fire Department had received a \$500 grant to go towards the purchase of a thermo energy camera. He added that the successful SR Grant applicant will be announced in June, and Grant Administrator Muggli is working on a grant to purchase an ambulance to replace A20, whose motor blew last month.

Clerk Pearce introduced new Fire Chief Warren to the Council.

Citizen Shantell Two Bears, 28 South Lake, had concerns about the hiring process of the new Fire Chief.

Attorney Rice said that all procedures in the hiring process were followed.

Local 600 Representative Ryan Smith, 1915 Main, welcomed the new Fire Chief and said the Union and Fire Department supports the new chief.

### CITY COUNCIL COMMENTS

***Dwayne Andrews:*** Said that the hiring committee made a recommendation, and wondered why it wasn't followed by the Mayor. He added that Human Resources had received half of the references when Mayor Grenz hired the new Fire Chief.

***Payroll/Human Resources Burkhalter:*** Said that the City had received about half of the references when the Mayor made his appointment.

***Attorney Rice:*** The Mayor can take the recommendation as advised, but doesn't have to follow it. He doesn't necessary have to hire the person recommended by the hiring committee.

***Susanne Galbraith:*** Said that the Mayor wasn't in the interviews, and still made a decision. So, she thought the hiring policy should be changed.

***Attorney Rice:*** Replied that the Mayor is almost never on the hiring committee. He is the Chief Executive, so he can decide if he is on the hiring committee or not.

### MAYOR COMMENTS

- Council President Hollowell thanked the Program Public Information Group for the help on Flood Awareness Day. He also thanked Eastern Montana Realtors for their help and donations provided. The event was well attended.

### STANDING COMMITTEE RECOMMENDATIONS

- \*\*** *Councilperson Galbraith moved to approve a \$15 per month payment to the ambulance fund and to approve to send to collections an amount of \$38,688.42, seconded by Councilperson Gardner. After a brief discussion and on roll call vote, the motion passed 8-0.*

### BID OPENINGS/AWARDS

**Arrowhead Lane-SID #211**

One bid was received from Century Construction in the amount of \$69,000.

**\*\*** *Councilperson Brush moved to send the bid to Finance, seconded by Councilperson Gardner. After brief discussion, the motion passed by unanimous consent, 8-0. The Arrowhead Lane bid was sent to the Finance Committee.*

## **PUBLIC HEARINGS**

- A. ORDINANCE NO. 1287:** An Ordinance Revising Section 24-6 Through 24-10 Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Amendment Of Zoning Chapter Or District Map

Council President Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

- B. ORDINANCE NO. 1290:** An Ordinance Adopted Pursuant To The Montana Interim Zoning Statute Contained In Section 76-2-306 MCA Adopting An Interim Zoning Ordinance Pertaining To The Zoning Of Sexually Oriented Businesses

Council President Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

## **UNFINISHED BUSINESS**

- A. ORDINANCE NO. 1287** *(Second Reading)* An Ordinance Revising Section 24-6 Through 24-10 Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Amendment Of Zoning Chapter Or District Map

**\*\*** *Councilperson Brush moved to adopt Ordinance 1287 by title only, seconded by Councilperson Galbraith. On roll call vote, the motion passed unanimously, 8-0. Ordinance 1287 was adopted.*

- B. AMENDMENT: Approval of Site Plan Review: Midrivers:** (US Highway 12, approximately .2 miles east of the intersection with Herzog Road)

**\*\*** *Councilperson Galbraith moved to approve the Midrivers site plan review, seconded by Councilperson Brush.*

Councilperson Brush explained the amendments were to delete verbiage in #5 because the storm water drainage plan is not in the City, and to add the signing of the “waiver of a right to Protest to annexation” form.

Grant Writer/Planner in Training Colton explained the following should also be amended in the MRTC staff report:

Amend Finding #5 as follows: (changes highlighted)

**Adequate storm drainage**

***Finding #5:** Storm water runoff will increase at the site due to construction of the new building. The site plan notes that all surface water on the property will drain to a detention pond located in the northwest corner of the property sized at 3,383 cubic feet to accommodate a 2-year, 24 hour storm event.*

The site plan indicates that the finished structure and approach will be less than one acre. However, in regard to the total amount of area disturbed, the site plan does not appear to take into account grading on the site. In the event construction activities disturb an area equal to or greater than one acre, a Storm Water Pollution Prevention Plan Permit from Montana DEQ will need to be obtained prior to start of site improvements and construction. **The applicant should be aware that the DEQ may require a Storm Water General Permit for “Storm Water Associated with Industrial Activities” to ensure that any ground water contamination does not reach protected surface waters. The City of Miles City only has authority to review stormwater runoff that is discharged into the City storm sewer system.**

~~Land Solutions has obtained comments from Mike Rinaldi, Miles City Health & Sanitarian Officer. Mr. Rinaldi has requested additional information regarding storm water runoff including a formal storm water site plan with calculations stamped by an engineer because this is a commercial project. In addition, that the applicant will need to ensure that all roof runoff drains away from the structure and parking lot to avoid pooling of water around the building and in the parking area. 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 DEQ or its designee, prior to construction.~~

*\*\* Councilperson Galbraith moved to amend her motion to include verbiage recommendation by Grant Writer/Planner in Training Colton and Councilperson Brush. The motion was seconded by Councilperson Brush.*

*\*\* Councilperson Galbraith moved to amend her second motion to include an attachment to the minutes of finding #5, add the*

*highlighted and delete the verbiage that is crossed out. Councilperson Brush seconded the motion. The motion passed by unanimous consent, 8-0.*

- \* *Original motion was passed, 8-0. **The Amended site plan review for Midrivers was approved.***

## NEW BUSINESS

- A. **ORDINANCE NO. 1289:** (First Reading) An Ordinance Enacting Section 17-114 Of The City Code Of The City Of Miles City, Montana, So As To Require Liability Insurance In Specified Amounts Prior To Issuance Of A Park Use Permit

- \*\* *Councilperson Galbraith moved to adopt Ordinance No. 1289 by title only, with corrections, seconded by Councilperson Andrews.*

Councilperson Galbraith explained the correction would be in Sec. 17-114- Liability Insurance Required. She said the word **named** should be deleted and “on a primary/non-contributory basis” be added to the sentence.

Attorney Rice explained that the following changes reflected the view of MMIA.

John Menyhart, President of Mitchell Insurance, had viewed the Ordinance and made the recommendations to Attorney Rice. He added that the \$750,000 per claim and \$1,500,000 per occurrence would cost the park permit user approximately \$83.00. This would not include an alcohol variance. If a vendor were to purchase that same amount in addition to their own insurance, it would cost approximately \$800.00 to \$1000.00.

- \* *On Roll call vote the motion passed, 8-0. **Ordinance No. 1289 passed on first reading.***

- B. **ORDINANCE NO. 1290:** An Ordinance Adopted Pursuant To The Montana Interim Zoning Statute Contained In Section 76-2-206 MCA Adopting An Interim Zoning Ordinance Pertaining To The Zoning Of Sexually Oriented Businesses

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



Officer Muggli explained the Ordinance is a preplanned process to protect citizens and law enforcement officers from the danger that these types of businesses may bring to the City. And, as the TIF coordinator, she felt downtown needed to be protected to maintain property values.

Attorney Rice explained that if the ordinance passed, it would be in effect for six months and could then be extended for two years with Council approval.

\* *On roll call vote, the motion passed unanimously, 8-0. **Ordinance No. 1290 was adopted.***

C. **ORDINANCE NO. 1291:** (First Reading) An Ordinance Revising Section 2-51 Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Compensation Of Members Of The City Council

\*\* *Councilperson Ahner moved to approve Ordinance No. 1291 by title only, seconded by Councilperson Brush.*

Councilperson Ahner explained that the Council had not received a raise in 12 years and, if the raise was approved it would go into effect January 1, 2016.

\* *After a brief discussion the motion failed, 3-5. Councilpersons Galbraith, Gardner, Partridge, Hollowell and Andrews voted no. **Ordinance No. 1291 failed.***

D. **ORDINANCE NO. 1292:** (First Reading) An Ordinance Revising Section 2-246(A) Of The Code Of Ordinances Of The City Of Miles City, Montana, With Respect To Advertisements For Bids

\*\* *Councilperson Galbraith move to approve Ordinance No. 1292 by title only, seconded by Councilperson Gardner.*

Councilperson Ahner said that he realized the change is so City staff does not have to advertise for bid and can purchase items up to \$80,000. But, he felt \$80,000 was too high for a community our size, and suggested \$50,000.

\* *Councilperson Galbraith amended her first motion to change the maximum purchase price cap of \$80,000 to \$50,000. The motion was seconded by Councilperson Gardner, and passed with a vote of 8-0. **Ordinance No. 1292 passed on first reading, as amended, and was sent to the Finance Committee.***

E. **ORDINANCE NO. 1293:** (First Reading) An Ordinance Pursuant

To MCA 7-4-4201 Establishing Wages For The Mayor, City Judge, And City Treasurer, Effective January 1, 2016

**\*\*** *Councilperson Brush moved to approve Ordinance No. 1293, seconded by Councilperson Ahner.*

Councilperson Brush explained that the Human Resource Committee thought that by raising the Mayor, City Judge and City Treasurer salary it would help attract qualified candidates for this upcoming election. She added the raise would be \$2,000 for each position.

Councilperson Ahner said the raise is less than 1 percent, and it has been twelve years since those three positions received an increase.

**\*\*** *On roll call vote, the motion passed unanimously, 5-3, with Councilperson Galbraith, Gardner and Andrews voting no. Ordinance No. 1293 passed on first reading.*

**F. RESOLUTION NO. 3792:** A Resolution Declaring The City Council Intent To Create A Miles City Downtown Urban Renewal District With Tax Increment Authority; Declaring The Existence Of Blight Within The Miles City Downtown Urban Renewal Area

**\*\*** *Councilperson Brush moved to approve Resolution No. 3792 by title only, seconded by Councilperson Ahner.*

Historic Preservation Officer Muggli explained that the first time the TIF was created and passed through Council, the Department of Revenue did not certify the City. DOR reported that not all residents of Miles City were properly notified. Also, on page three, item #4, the date should be changed from April 21, 2015 to May 12, 2015.

**\*** *Councilperson Brush moved to amend her first motion to change the date on page three, item #4 to May 12, 2015, Councilperson Ahner seconded the motion. On roll call vote, the motion passed unanimously, 8-0. Resolution No. 3792 was adopted.*

**G. RESOLUTION NO. 3793:** A Resolution Adopting Findings Of Fact And Approving The Amended Plat, For The Purpose Of Boundary Line Relocation, Of Lots 3-6, In Block 45 Of The Miles City Original Townsite

**\*\*** *Councilperson Brush moved to approve Resolution 3793 by title only,*

*seconded by Councilperson Galbraith.*

Councilperson Brush explained that the Recreation Bowling Alley may be in the process of being sold, and there is a building right next to it that Mr. Duffy would like to keep. This resolution would relocate the boundary of the property so that he could keep that building.

\* *On roll call vote, the motion passed unanimously, 8-0.*  
**Resolution 3793 was adopted.**

**H. Support Letter for CDBG ED Planning Grant Application regarding Miles Community College Armory Project**

\*\* *Councilperson Galbraith moved to approve the support letter, seconded by Councilperson Brush. After a brief discussion and on roll call vote, the motion passed unanimously, 8-0. The Support Letter for CDBG ED Planning Grant Application was approved.*

**I. Request for Approval of Fourth Of July Events: Parade/Riverside Park Events**

Councilperson Ahner requested for approval of the following:

- For the Public Works Director to work with the Montana Department of Transportation to Close Main Street on July 4<sup>th</sup> from 9am to Noon
- The City Police to provide an escort for the parade
- Usage of Riverside Park after the parade. This would include the City waiving the event from the permit usage process and the City would purchase the liability insurance.

\*\* *Councilperson Gardner moved to approve Councilperson Ahner's requests for approval, seconded by Councilperson Brush. After a brief conversation, the motion passed unanimously, 8-0. Request for Approval of Fourth Of July Events passed.*

Mary Elizabeth Grue, 414 Balsam Drive, added that the Fourth of July event is coordinated by volunteers and everything is donated. The event in the park is to celebrate volunteerism, and said that the event is a model for other towns.

**J. Approval of March claims**

\*\* *Councilperson Martin moved to approve March claims, seconded by Councilperson Galbraith and passed unanimously, 8-0. March claims*

were approved.

**ADJOURNMENT**

**\*\*** *Councilperson Galbraith moved to adjourn the meeting, seconded by Councilperson Hollowell and passed unanimously.*

The meeting was adjourned at 8:33 p.m.

John Hollowell, Council President

Lorrie Pearce, City Clerk



Miles City Public Library

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# CITY OF MILES CITY

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1 South 10th Street  
Miles City, Montana 59301

Telephone: (406) 234-1496  
Fax: (406) 234-2095  
E-mail: [mcpl@midrivers.com](mailto:mcpl@midrivers.com)

April 21, 2015

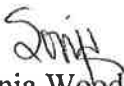
Dear Mayor Grenz:

The Miles City Public Library Board of Trustees would like you to appoint the following candidate to the Board:

Kim Feil

Thank you on behalf of the Library Board.

Sincerely,

  
Sonja Woods, Secretary to the Board  
Betty Lou Berger, Chairman

# **BID OPENINGS**

## ADVERTISEMENT FOR BID

Sealed bids for the purchase of a **Self-contained, trailer mounted spray-injection patching machine** will be received by the City of Miles City at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana 59301 until 5:00 p.m. local time on Tuesday April 21, 2015 and then publicly opened and read aloud at the City Council Meeting held at 7:00 p.m.

The Contract Documents including specifications for this equipment may be obtained from the office of City Engineering and Operations or by calling 406-234-3493 (fax 406-234-6392), or the above address.

Bid security in the amount of five percent (5%) of the bid must accompany each bid in accordance with the Instruction to Bidders. No Bid may be withdrawn after the scheduled time for the public opening of Bids. Bids are to remain open for 30 days.

The City of Miles City has the right to award the Contract to the lowest, responsible, responsive bidder and reserves the right to reject any and all bids and to waive irregularities, as discussed in the Contract Documents.

Signed: \_\_\_\_\_



C.A. Grenz, Mayor  
City of Miles City  
Miles City, Montana 59301

First Publication: April 3, 2015

Second Publication: April 9, 2015

Third Publication: April 15, 2015

**REQUEST FOR PROPOSALS  
CITY OF MILES CITY  
JANITORIAL SERVICES AND CARPET CLEANING**

**RFP No. 2015-01**

**RFP TITLE:** Contracted Janitorial Services

**RFP SUBMISSION DEADLINE:** April 28, 2015 at 5:00 p.m. MST.

**RFP SUBMISSION ADDRESS:**

All proposals shall be submitted before the above deadline, in written form, in a sealed envelope addressed to:

Scott Gray  
Public Works Director  
ATTN: RFP No. 2015-01  
P.O. Box 910  
Miles City, MT 59301

**RFP PROCUREMENT OFFICER AND CONTACT PERSON:**

Scott Gray  
Public Works Director  
17 S. 8th St.  
P.O. Box 910  
Miles City, MT. 59301  
(406) 234-3493

**1. SOLICITATION OF OFFERS:**

The City of Miles City is accepting offers from interested parties to provide contract janitorial services to the following City of Miles City facilities:

- A. City Hall, 17 S. 8th Street, Miles City, Montana
- B. City Shop, 217 S. 8th Street, Miles City, Montana
- C. Police Station, 2420 Bridge Street, Miles City, Montana
- D. Miles City Library, 1 S. 10th Street, Miles City, Montana  
*Note: Determinations on proposals for services to the Miles City Library will be made by the Miles City Library Board of Trustees. As to services to the Library, any*



*reference in this RFP to Finance Committee or City Council shall mean the Miles City Library Board of Trustees*

The City of Miles City is accepting offers from interested parties to provide truck mounted hot water extraction carpet cleaning services to the following City of Miles City facilities: **Note: The offer for hot water extraction carpet cleaning must be separate from the janitorial service.**

E. Truck-Mounted Hot Water Extraction cleaning of carpets in City Hall (17 S. 8th Street).

## **2. SERVICES TO BE PROVIDED:**

Services required, frequency of service, and days and times that services are to be provided are set forth for each of the facilities in the attached Exhibits "B".

## **3. PROPOSALS TO BE SUBMITTED AS TO SEPARATE FACILITIES - "ALL OR NONE" OFFERS:**

Offerors may, at their option, submit multiple proposals, in which case each proposal shall be evaluated as a separate document. You may respond with proposals for any or all of the facilities set forth above. If you provide a response for more than one facility, a separate response is required for each. You may submit a proposal for carpet cleaning (Item 1(E)) without submitting a proposal for janitorial services. If you are submitting an "all or none" proposal, you must so specify on page 2 of Exhibit "C". An "all or none" proposal means that your offer as to each facility is good only if the City accepts all of your offers on all facilities.

## **4. COPIES REQUIRED AND DEADLINE FOR RECEIPT OF PROPOSALS**

Offerors must submit one original proposal and one copy to the Procurement Officer named above. The City reserves the right to request an electronic copy of the RFP response. **PROPOSALS MUST BE SEALED AND LABELED ON THE OUTSIDE OF THE PACKAGE** to clearly indicate that they are in response to RFP 2015-01. **Proposals must be received at the receptionist's desk of the Director of Public Works office, upstairs in City Hall, 17 S. 8th Street, Miles City, Montana 59301 prior to 5:00 p.m. April 28, 2015, local time.** FAXed responses to requests for proposals are ONLY accepted on an exception basis with prior written approval of the Procurement Officer.

Regardless of cause, late proposals will not be accepted and will automatically be disqualified from further consideration. It shall be the offeror's sole risk to assure delivery at the receptionist's desk at the designated office by the designated time. Late proposals will not be opened and may be returned to the offeror at the expense of the offeror or destroyed if requested.

## **5. FORM OF CONTRACT:**

Successful responders will enter into the form of contract attached hereto as Exhibit "A".

## **6. COMPENSATION FOR SERVICES:**

Your response must set forth a monthly lump sum compensation you will receive for such services. All services will be provided by you as an independent contractor, and not as an employee of the City of Miles City. You will not be eligible for any City benefits of employment. You will provide all equipment, materials and supplies necessary to carry out the services. Toilet paper, paper towels and waster receptacle bags are provided by the City.

## 7. REQUIRED SUBMITTALS:

The following items **MUST** be included in your response to this request for proposals to be considered responsive. **Failure to include any of these items may result in a nonresponsive determination.**

1. A separate signed, in ink, Proposal for each facility for which you wish to make an offer, in the form attached hereto as Exhibit "C", stating a monthly lump sum compensation amount in U.S. Dollars for that facility. **The Exhibit "B" for such facility must be attached to the Proposal and initialed by you in ink.**
2. Certificate of Insurance evidencing Worker's Compensation insurance coverage on proposer and proposer's employees, or Independent Contractor Exemption Certificate issued by the Montana Department of Labor and Industry pursuant to §39-71-417 MCA
3. Signed, in ink, list of references, including name, address and telephone number on the form attached hereto as Exhibit "D". Preference will be given to references for whom you have previously provided janitorial services.
4. Signed acknowledgment of any Addenda issued. Please contact the City's website, <http://milescity-mt.org> after April 28, 2015 for any Addenda issued in regard to this Request for Proposals.
5. Attached listing of all equipment available to you to perform the proposed services, listing make and model of equipment, if available.
6. If you will be using a subcontractor or subcontractors in the performance of the work, a separate listing stating the full name and address of the subcontractor, evidence of that subcontractor's Worker's Compensation insurance coverage or an Independent Contractor Exemption Certificate issued by the Montana Department of Labor and Industry for such subcontractor, pursuant to §39-71-417 MCA. If the subcontractor is an entity, state the full name and address of each principal of such entity.

## 8. CONTRACT TERM

The contract term is for a period beginning upon acceptance of offers beginning July 1, 2015 and ending June 30, 2016. However, by its terms, the Contract may be terminated by either party upon 30 days advanced written notice to the other party. Renewals of the contract, by mutual agreement of both parties, may be made at yearly intervals (July 1 through June 30), or any interval that is advantageous to the City. This contract, including any renewals, may not exceed a total of five (5) years, at the option of the City.

## 9. SINGLE POINT OF CONTACT

From the date this Request for Proposal (RFP) is issued until an offeror is selected and the selection is announced by the City of Miles City, offerors are not allowed to communicate with any City staff or officials regarding this procurement, except at the direction of Scott Gray the procurement officer in charge of the solicitation. Any unauthorized contact may disqualify the offeror from further consideration. All questions concerning this RFP shall be addressed in writing to the procurement officer.

1. **Form of Questions.** Offerors with questions or requiring clarification or interpretation of any section within this RFP must address these questions in writing or via e-mail to the procurement officer referenced above on or before 5:00 p.m. on **April 15, 2015**. Each question must provide clear reference to the section, page, and item in question. Questions received after the deadline may not be considered.

2. **City's Response.** The City will provide an official written response by **April 20, 2015** to all written questions received by **April 15, 2015**. The City's response will be by formal written addendum. Any other form of interpretation, correction, or change to this RFP will not be binding upon the City. Any formal written addendum will be posted on the City's website alongside the posting of the RFP at <http://milescity-mt.org> by the close of business on the date listed. Offerors must sign and return with their RFP response an Acknowledgment of Addendum for any addendum issued.

## 10. GENERAL REQUIREMENTS

1 **Acceptance of Standard Terms and Conditions/Contract.** By submitting a response to this RFP, offeror agrees to acceptance of the standard terms and conditions and contract as set out in Exhibit "A" of this RFP. Much of the language included in the standard terms and conditions and contract reflects requirements of Montana law. Requests for additions or exceptions to the standard terms and conditions, contract terms, including any necessary licenses, or any added provisions must be submitted to the procurement officer referenced above by the date for receipt of written/e-mailed questions. Any request must be accompanied by an explanation of why the exception is being sought and what specific effect it will have on the offeror's ability to respond to the RFP or perform the contract. The City reserves the right to address nonmaterial requests for exceptions with the highest scoring offeror during contract negotiation. Any material exceptions requested and granted to the standard terms and conditions and contract language will be addressed in any formal written addendum issued for this RFP and will apply to all offerors submitting a response to this RFP. The City will make any final determination of changes to the standard terms and conditions and/or contract.

2. **Resulting Contract.** This RFP and any addenda, the offeror's RFP response, including any amendments, a best and final offer, and any clarification question

responses shall be included in any resulting contract. The City's contract, attached as Exhibit "A", contains the contract terms and conditions which will form the basis of any contract between the City and the highest scoring offeror. In the event of a dispute as to the duties and responsibilities of the parties under this contract, the contract, along with any attachments prepared by the City, will govern in the same order of precedence as listed in the contract.

**3. Understanding of Specifications and Requirements; Walk Through of Facilities.** By submitting a response to this RFP, offeror agrees to an understanding of and compliance with the specifications and requirements described in this RFP. Offerors are encouraged to attend the walk through, of any facility for which they intend to submit an offer.

**Walk-throughs will be conducted on April 21, 2015 as follows:**

- a. Police Station- 2420 Bridge St @ 9:00am
- b. City Hall- 17 S 8<sup>th</sup> St @ 9:30am
- c. Library- 1 S 10<sup>th</sup> St @ 10:30am
- d. City Shop- 217 S 8<sup>th</sup> St @ 11:15am

**4. Prime Contractor/Subcontractors.** The highest scoring offeror will be the prime contractor if a contract is awarded and shall be responsible, in total, for all work of any subcontractors. All subcontractors, if any, must be listed in the proposal. The City reserves the right to approve all subcontractors. The Contractor shall be responsible to the City for the acts and omissions of all subcontractors or agents and of persons directly or indirectly employed by such subcontractors, and for the acts and omissions of persons employed directly by the Contractor. Further, nothing contained within this document or any contract documents created as a result of any contract awards derived from this RFP shall create any contractual relationships between any subcontractor or employee and the City.

**5. Offeror's Signature.** The proposals must be signed in ink by an individual authorized to legally bind the business submitting the proposal. The offeror's signature on a proposal in response to this RFP guarantees that the offer has been established without collusion and without effort to preclude the City of Miles City from obtaining the best possible supply or service. Proof of authority of the person signing the RFP response must be furnished upon request.

**6. Offer in Effect for 120 Days.** A proposal may not be modified, withdrawn, or canceled by the offeror for a 120-day period following the deadline for proposal submission as defined above, or receipt of best and final offer, if required, and offeror so agrees in submitting the proposal.

## **11. FAILURE TO COMPLY WITH INSTRUCTIONS.**

Offerors failing to comply with these instructions may be subject to point deductions. The City may also choose to not evaluate, may deem nonresponsive, and/or may disqualify from further

consideration any proposals that do not follow this RFP format, are difficult to understand, are difficult to read, or are missing any requested information.

## **12. RECEIPT OF PROPOSALS AND PUBLIC INSPECTION**

**1. Public Information.** All information received in response to this RFP, including copyrighted material, is deemed public information and will be made available for public viewing and copying shortly after the time for receipt of proposals has passed with the following three exceptions: (1) bona fide trade secrets meeting the requirements of the Uniform Trade Secrets Act, Title 30, chapter 14, part 4, MCA, that have been properly marked, separated, and documented; (2) matters involving individual safety as determined by the City; and (3) other constitutional protections. See section 18-4-304, MCA. The City will make a copier available for interested parties to use at \$0.50 per page. The interested party is responsible for the cost of copies and to provide personnel to do the copying.

**2 Procurement Officer Review of Proposals.** Upon opening the proposals received in response to this RFP, the procurement officer in charge of the solicitation will review the proposals and separate out any information that meets the referenced exceptions in Section 1 above, providing the following conditions have been met:

1. Confidential information is clearly marked and separated from the rest of the proposal.
2. The proposal does not contain confidential material in the cost or price section.
3. An affidavit from an offeror's legal counsel attesting to and explaining the validity of the trade secret claim as set out in Title 30, chapter 14, part 4, MCA, is attached to each proposal containing trade secrets.

Information separated out under this process will be available for review only by the procurement officer, the evaluator/evaluation committee members, and limited other designees. Offerors must be prepared to pay all legal costs and fees associated with defending a claim for confidentiality in the event of a "right to know" (open records) request from another party.

## **13. CLASSIFICATION AND EVALUATION OF PROPOSALS**

**1. Initial Classification of Proposals as Responsive or Nonresponsive.** All proposals will initially be classified as either "responsive" or "nonresponsive," in accordance with the required submittals of this Request. Proposals may be found nonresponsive at any time during the procurement process if any of the required information is not provided; the submitted price is found to be excessive or inadequate as determined by the City; or the proposal is not within the plans and specifications described and required in the RFP. If a proposal is found to be nonresponsive, it will not be considered further.

**2. Determination of Responsibility.** The procurement officer will determine whether an offeror has met the standards of responsibility in accordance with Administrative Rules of Montana (ARM) 2.5.407. Such a determination may be made at any time during the

procurement process if information surfaces that would result in a determination of nonresponsibility. If an offeror is found nonresponsible, the determination must be in writing, made a part of the procurement file, and mailed to the affected offeror.

**3. Evaluation of Proposals.** The Finance Committee of the City Council will evaluate the remaining proposals and recommend whether to award the contract to the highest scoring offeror or, if necessary, to seek discussion/negotiation or a best and final offer in order to determine the highest scoring offeror. All responsive proposals will be evaluated based on stated evaluation criteria. In scoring against stated criteria, the City may consider such factors as accepted industry standards and a comparative evaluation of all other qualified RFP responses in terms of differing price, quality, references, and contractual factors. These scores will be used to determine the most advantageous offering to the City. If the Finance Committee meets to deliberate and evaluate the proposals, the public may attend and observe the committee deliberations.

**4. Completeness of Proposals.** Selection and award will be based on the offeror's proposal and other items outlined in this RFP. Submitted responses may not include references to information located elsewhere, such as Internet websites or libraries, unless specifically requested. Information or materials presented by offerors outside the formal response or subsequent discussion/negotiation or best and final offer, if requested, will not be considered, will have no bearing on any award, and may result in the offeror being disqualified from further consideration.

**5. Scoring Criteria.** The following scoring criteria will be applied:

Completeness of Proposal:	10%
Listing of equipment available:	10%
Offered Compensation:	40%
Strength of References:	40%

**6. Opportunity for Discussion/Negotiation and/or Oral Presentation/Demonstration of Services.** After receipt of all proposals and prior to the determination of the award, the City may initiate discussions with one or more offerors should clarification or negotiation be necessary. Offerors may also be required to make an oral presentation and/or services demonstration to clarify their RFP response or to further define their offer. In either case, offerors should be prepared to send qualified personnel to Miles City, Montana, to discuss technical and contractual aspects of the proposal. Oral presentations and product demonstrations, if requested, shall be at the offeror's expense.

**7. Best and Final Offer.** The Best and Final Offer is an option available to the City under the RFP process, which permits the City to request a best and final offer from one or more offerors if additional information is required to make a final decision. Offerors may be contacted asking that they submit their best and final offer, which must include any and all discussed and/or negotiated changes. The City reserves the right to request a best and final offer for this RFP, if any, based on price/cost alone. Such requests will be made in order of scoring, with the best scoring proposal given first opportunity at a Best and Final Offer.

8. **Committee Recommendation for Contract Award.** The Finance Committee will provide a written recommendation for contract award to the City Council that contains the scores, justification, and rationale for the decision.

9. **Request for Documents Notice.** Upon the Finance Committee's recommendation, the Procurement Officer will issue a "Request for Documents Notice" to the highest scoring offeror to obtain the required documents/information, such as insurance documents, contract performance security, an electronic copy of any requested material, i.e., RFP response, response to clarification questions, and/or best and final offer, and any other necessary documents. Receipt of the "Request for Documents Notice" does not constitute a contract and no work may begin until a contract signed by all parties is in place and the City Council, by resolution, has approved such contract. The procurement officer will notify all other offerors of the City's selection.

10. **Contract Execution.** Upon receipt of all required materials requested in the "Request for Documents Notice," a formal contract utilizing the contract attached as Exhibit A, as well as the highest scoring offeror's response to the RFP, will be provided to the highest scoring offeror for signature. The highest scoring offeror will be expected to accept and agree to all material requirements contained in the contract and set out in the Exhibits to this RFP. If the highest scoring offeror does not accept all material requirements, the City may move to the next highest scoring offeror, or cancel the RFP. Work under the contract may begin when the contract is fully executed, i.e., when the contract is signed by all parties and approved by resolution of the City Council.

#### **14. CITY'S RIGHTS RESERVED**

While the City has every intention to award a contract as a result of this RFP, issuance of the RFP in no way constitutes a commitment by the City of Miles City to award and execute a contract. Upon a determination such actions would be in its best interest, the City, in its sole discretion, reserves the right to:

Cancel or terminate this RFP;

Reject any or all proposals received in response to this RFP;

Waive any undesirable, inconsequential, or inconsistent provisions of this RFP which would not have significant impact on any proposal;

Not award if it is in the best interest of the City not to proceed with contract execution; or

If awarded, terminate any contract if the City determines adequate City funds are not available.

**EXHIBIT "B"**

**SERVICES TO BE PROVIDED AND FREQUENCY**

**The following schedule applies to all areas (offices) at the City Hall Building.**

<b>Description of Services:</b>	<b>Frequency:</b>	<b>Day/Time to be Provided:</b>	<b>Other:</b>
Empty trash receptacles	Two times per week	After 5pm on weekdays and no time restrictions on weekends	
Clean & sanitize all restrooms	Three times per week	Same	
Vacuum all carpeted areas	Two times per week	Same	
Clean front entry door & all other glass doors	Two times per week	Same	
Dust Mop uncarpeted floors Damp Mop Uncarpeted floors	One time per week One time per week	Same	Damp mop uncarpeted floors when mud is present (could be twice a week)
Clean windows inside	Quarterly	Same	
Dust Blinds	Quarterly	Same	
Clean windows (outside), prepare & wax any uncarpeted floors (minimum quarterly), clean garbage cans, clean/dust chairs, dust door sills and pictures. Dust and/or wash walls annually.	As needed, bi-annually or yearly	Same	

Initialed for identification

\_\_\_\_\_  
City

\_\_\_\_\_  
Contractor



**EXHIBIT "B"**

**SERVICES TO BE PROVIDED AND FREQUENCY**

**The following schedule applies to all areas (offices) at the Police Building.**

<b>Description of Services:</b>	<b>Frequency:</b>	<b>Day/Time to be Provided:</b>	<b>Other:</b>
Empty trash receptacles	Three times per week	After 5pm on weekdays and no time restrictions on weekends	
Clean & sanitize all restrooms	Three times per week	Same	
Vacuum all carpeted areas	Three times per week	Same	
Clean front entry	Three times per week	Same	
Dust &/or Damp Mop floors	Three times per week	Same	
Clean windows inside	Quarterly	Same	
Dust Blinds	Quarterly	Same	
Clean windows (outside), prepare & wax any uncarpeted floors, sweep front entrance sidewalk/steps, shovel snow front entrance sidewalk/steps, clean garbage cans, clean/dust chairs and bottoms of desks.	As needed or yearly	Same	

Initialed for identification

\_\_\_\_\_  
City

\_\_\_\_\_  
Contractor

EXHIBIT "B"

SERVICES TO BE PROVIDED AND FREQUENCY

The following schedule applies to all areas (offices) at the City Shop Building.

<b>Description of Services:</b>	<b>Frequency:</b>	<b>Day/Time to be Provided:</b>	<b>Other:</b>
Empty trash receptacles	One time per week	After 5pm on weekdays and no time restrictions on weekends	Install garbage bags
Clean & sanitize all restrooms	One time per week	Same	
Clean front entry	One time per week	Same	
Dust &/or Damp Mop all uncarpeted floors	One time per week	Same	Two front offices and break room front entry way
Clean trash receptacles	One time per month	Same	

Initialed for identification

\_\_\_\_\_  
City

\_\_\_\_\_  
Contractor

**EXHIBIT "B"**

**SERVICES TO BE PROVIDED AND FREQUENCY**

The following schedule applies to all areas (offices) at the Public Library Building.

<b>Description of Services:</b>	<b>Frequency:</b>	<b>Day/Time to be Provided:</b>	<b>Other:</b>
Empty trash receptacles	Once per week	Sunday or Monday during Closed Hours	
Clean & sanitize all restrooms	Once per week	Same	
Vacuum all carpeted areas	Once per week	Same	
Clean front entry door	Once per week	Same	
Dust &/or Damp Mop all uncarpeted floors	Once per week	Same	
Clean windows inside	Quarterly	Same	
Dust Blinds	Quarterly	Same	
Clean windows (outside), prepare & wax any uncarpeted floors, sweep front entrance sidewalk/steps, shovel snow front entrance sidewalk/steps on Saturdays, clean garbage cans, clean/dust chairs and bottoms of desks, dust overhangs quarterly.	As needed or yearly	Same	Shovel sidewalk, if needed, on Saturdays

Initialed for identification

\_\_\_\_\_  
City

\_\_\_\_\_  
Contactor

**EXHIBIT "C" INSURANCE  
REQUIREMENTS**

Contractor shall provide insurance coverage pursuant to Section 3 of the Janitorial Services Contract in the following amounts:

Personal Injury:                      \$250,000.00 per person

.....\$500,000.00 per occurrence.....

Property Damage:                      \$100,000.00 per occurrence

Initialed for identification:

\_\_\_\_\_

City

\_\_\_\_\_

Contractor

CITY OF MILES CITY RFP 2015-01

**OFFEROR:**

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

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

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

E-mail (Optional) \_\_\_\_\_

**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.

*NOTE: It is 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 \$ \_\_\_\_\_ 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 at a charge of \$ \_\_\_\_\_ square \_\_\_\_\_ foot of carpet per cleaning session (2 sessions per year are anticipated). *NOTE: It is anticipated that the City will accept an offer for carpet cleaning services at this time, but reserves the right to do so.*



EXHIBIT "D"

CITY OF MILES CITY RFP 2015-01

OFFEROR:

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

I submit the following references as to my ability to perform the services set forth in RFP 2015-01 in a professional manner.

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

Business Name of Reference: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

- † I have performed janitorial services for this reference
- † I have not performed janitorial services for this reference

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

Business Name of Reference: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

- † I have performed janitorial services for this reference
- † I have not performed janitorial services for this reference

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

Business Name of Reference: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

- † I have performed janitorial services for this reference
- † I have not performed janitorial services for this reference

**AUTHORITY TO CONTACT REFERENCE**

I hereby authorize the City of Miles City to contact the above-named references and interview them as to my qualifications to perform the services proposed under RFP 2015-01. I authorize any reference named above to provide any pertinent requested information to the City of Miles City.

**SIGNATURE:**

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

\_\_\_\_\_  
(Print name)

\_\_\_\_\_  
Title

# **BID AWARDS**



## NOTICE

### INVITATION TO BID

The City of Miles City will receive sealed bids until 5:00 p.m. on Tuesday, April 14, 2015 for the purpose of mixing, paving, overlaying, rolling, blading, compacting, hauling and the doing of all other work necessary and incidental to the performance of said work. The project must be completed no later than June 30, 2015.

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

Sealed envelopes containing bids must be plainly marked in the lower left corner and marked **"BID FOR ARROWHEAD DRIVE SPECIAL IMPROVEMENT DISTRICT #211"**. Bids should be addressed to: City of Miles City, ATTN: Public Works Director, 17 South 8<sup>th</sup> Street, PO Box 910, Miles City, MT 59301.

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

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

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

#### **BID SECURITY**

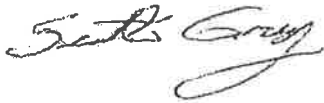
Bid security in the amount of ten percent (10%) of the bid must accompany each bid in accordance with the Instructions to Bidders. The Contractor shall comply with all fair labor practices and the state statutes. No bidder may withdraw his bid for at least 45 days after the scheduled time for receipt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

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

The Bid Security of the Successful Bidder will be retained until such Bidder has executed the Agreement, whereupon the Successful Bidder will be required to furnish Owner a contract. If the

Successful Bidder fails to execute and deliver the Agreement within 15 days of the Notice of Award, OWNER may annul the Notice of Award and the Bid Security of that Bidder will be forfeited. Award may then be made to the next lowest responsible and qualified bidder or may be re-advertised, as the OWNER may decide. The Bid Security of any Bidder whom OWNER believes to have a reasonable chance of receiving the award may be retained by OWNER until the Seventh day after the "effective date of the Agreement" or the forty-first day after the Bid opening whichever occurs first. Bid Security of other Bidders will be returned within fourteen days of the Bid opening. After contract is awarded, the successful bidder will be required to furnish a performance bond in the amount of one hundred percent (100%) of the contract.

Scott Gray  
Engineering & Operations



Publish Dates: April 2, 2015  
April 8, 2015

**ORDINANCE NO. 1289**

**AN ORDINANCE ENACTING SECTION 17-114 OF THE CITY CODE OF THE CITY OF MILES CITY, MONTANA, SO AS TO REQUIRE LIABILITY INSURANCE IN SPECIFIED AMOUNTS PRIOR TO ISSUANCE OF A PARK USE PERMIT.**

WHEREAS, the City Code of the City of Miles City authorizes the use of City park grounds and recreational facilities so long as an application is filed and park use permit is issue;

AND WHEREAS, the City of Miles City desires to establish criteria for the type and amount of liability insurance which shall be carried by the applicant;

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

**Section 1.** A new Section 17-114 is hereby enacted, and shall read as follows:

**Sec. 17-114. – Liability Insurance Required.** Proof of liability insurance in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000.00) per claim, One Million Five Hundred Thousand Dollars (\$1,500,000.00) per occurrence, or such higher amount as may be required by the city depending on the requested use, and which must name the City of Miles City, Montana, as an additional named-insured, on a primary / non-contributory basis, is required prior to the issuance of a park use permit, or a permit for the use of any other City owned property, for the following uses:

- (1) Any exclusive use of any portion of City property, including, but not limited to: weddings or wedding receptions, class reunions, photo shoots, dances, or any other similar private exclusive use. The following shall be excepted from the requirements of this provision: reservation of seating in a park shelter for a birthday party or similar use, which does not involve commercial catering or consumption of alcohol.
- (2) Privately hosted events on City property, regardless of exclusivity, which include the commercial catering of food or beverages, or involves vendors of goods or services.

(3) Any use of City property, regardless of exclusivity, which includes any of the following activities:

- a. Air shows involving the aerial display of Aircraft;
- b. Circuses;
- c. Rodeos;
- d. Fireworks;
- e. Animal racing;
- f. Carnival or amusement rides;
- g. Motorized vehicle racing;
- h. Water sports other than those associated with city swimming pools, lakes or other city designated aquatic areas;
- i. The rental of any motorized vehicle or apparatus used for individual conveyance or entertainment;
- j. Boxing or other martial arts competition.

**Section 2.** This ordinance shall be in full force and effect thirty (30) days after its final passage and approval.

Said Ordinance read and put on its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

ATTEST:

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

**FINALLY PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.

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

ATTEST:

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

# ORDINANCE NO. 1292

## AN ORDINANCE REVISING SECTION 2-246(a) OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, WITH RESPECT TO ADVERTISEMENTS FOR BIDS

The State of Montana has increased the dollar amount for which municipal contracts for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies for construction, repair, or maintenance must be put out for bid to \$80,000, as set forth in MCA 7-5-4302, while the existing City Code calls for bidding for expenditures in excess of \$35,000. The City of Miles City desires to update the City Code to reflect an increased amount for which competitive bidding is required, but which is reasonable and appropriate given the size and types of expenditures made by the City, and less than the maximum amount which is allowed under State law. Therefore:

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

**Section 1.** Section 2-246(a) shall be amended to read as follows:

**“Sec. 2-246. – Advertisement for bids.**

- (a) Except as provided in MCA 7-5-4303, 7-5-4310, or title 18, chapter 2, part 5, Montana Code Annotated, all contracts for the purchase of any vehicles, machinery, apparatus, appliances, equipment or for any materials or supplies, or for construction, repair or maintenance involving an expenditure in excess of \$50,000.00 shall be let in conformity with the provisions of state law. All such contracts shall be advertised by the city clerk by publishing a call for bids in the manner provided by state law.”

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

Said Ordinance read and put on its passage this 14th day of April, 2015.

---

C.A. Grenz, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

**FINALLY PASSED AND ADOPTED** this 28<sup>th</sup> day of April, 2015.

---

C.A. Grenz, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

# ORDINANCE NO. 1293

## AN ORDINANCE PURSUANT TO MCA 7-4-4201 ESTABLISHING WAGES FOR THE MAYOR, CITY JUDGE, AND CITY TREASURER, EFFECTIVE JANUARY 1, 2016

The city council is authorized to establish the salaries and compensation of elected city officers pursuant to MCA 7-4-4201, and has determined that an increase in compensation for the positions of Mayor, City Judge, and City Treasurer, are reasonably necessary to ensure that qualified individuals run for such elected offices. Therefore:

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

**Section 1.** Effective January 1, 2016, the salary for the Mayor shall be \$1,833.34 per month, for a total of \$22,000 per year; the salary for the City Judge shall be \$1,833.34 per month, for a total of \$22,000 per year; and the salary for the City Treasurer shall be \$1,833.34 per month, for a total of \$22,000 per year; payable in equal installments twice per month. The foregoing salaries shall be paid on the same dates as other city employees.

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

Said Ordinance read and put on its passage this 14th day of April, 2015.

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

ATTEST:

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

**FINALLY PASSED AND ADOPTED** this 28<sup>th</sup> day of April, 2015.

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

ATTEST:

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

## ORDINANCE NO. 1294

AN ORDINANCE RELATING TO THE CREATION OF THE MILES CITY DOWNTOWN URBAN RENEWAL URBAN RENEWAL DISTRICT; AND ADOPTING AN URBAN RENEWAL PLAN, INCLUDING A TAX INCREMENT PROVISION.

### Recitals:

WHEREAS, The Miles City Downtown Urban Renewal Plan (the Plan) is a plan that will address land use and economic issues in the downtown area. This plan provides goals and objectives to be implemented to attract investment and greater economic activity.

WHEREAS, at the July 8, 2014 City Council meeting, the council adopted Resolution 3705 that declared blight, stated the intent to create an urban renewal district;

WHEREAS, Resolution 3752 amended the legal description set forth in Resolution 3705 for the District boundaries, and was adopted at the October 14th, 2014 City Council Meeting

WHEREAS, Ordinance 1279 was adopted at the November 12th, 2014 City Council meeting adopting the Downtown Miles City Urban Renewal Plan with Tax Increment Provision,

WHEREAS, Due to an oversight during the first required notification period, proper notice was not provided to all property owners in the district. To correct the deficiency and ensure statutory compliance, the ordinance is to be passed again after proper public notice is given and a public hearing is conducted;

WHEREAS, Resolution 3792 stating the City's wish to provide the proper public notification of its intent to create the Miles City Downtown Urban Renewal District and follow the process as outlined in State Law, was adopted at the April 14, 2015 City Council meeting;

WHEREAS, within the district there is substantial structural deterioration, long-term land vacancy, and significant infrastructure needs. Commercial buildings in the district are vacant or deteriorated and need demolition. Sidewalks are cracked or nonexistent, alleys are deteriorated, and, in general, much of the area is below city standards. Montana Code 7-15-4206(2) provides statutory guidance to determine the eligibility of an area of a city to be deemed as blighted. This continued lack of investment requires that action be taken by both public and private parties.

WHEREAS, the Property is depicted on the attached Exhibit A and legally described on the attached Exhibit B (each of which is hereby incorporated herein and made a part hereof).

WHEREAS, an urban renewal plan entitled the Miles City Urban Renewal Plan is attached hereto as Exhibit C (which is hereby incorporated herein and made a part hereof) (the "Plan"). The Plan contains a tax increment provision and will govern the operation and administration of the District.



WHEREAS, the Plan has been reviewed and approved by the City of Miles City Planning Board, as evidenced by the Board meeting minutes of October 28, 2014.

Ordinance:

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

1. Findings. This Council hereby finds, determines and declares, based on the comments received at the public hearing and other studies and information available to this Council, that:

- the substantial physical dilapidation; deterioration; defective construction, material, and arrangement; or age obsolescence of buildings or improvements, whether residential or nonresidential;
- inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate or mixed uses of land or buildings;
- defective or inadequate street layout;
- faulty lot layout in relation to size, adequacy, accessibility, or usefulness; unsanitary or unsafe conditions;
- deterioration of site;
- improper subdivision or obsolete platting;
- the existence of conditions that endanger life or property by fire or other causes;
- The Plan conforms to the Growth Policy or parts thereof of the policy for the municipality as a whole.
- The plan will afford maximum opportunity, consistent with the needs of the City as a whole, for the rehabilitation or redevelopment of the district by private investment.

2. Plan Adoption. The Plan is hereby adopted and approved in all respects including the provision and application of tax increments as provided in Sections 7-15-4282 through 7-15-4293 of the Act as provided therein.

3. Effective Date. This Ordinance shall be in full force and effect from and after the date that is 30 calendar days after the date set forth below.

PASSED by the City Council on first reading May 12th, 2015.

CITY OF MILES CITY:

BY: \_\_\_\_\_  
Chris Grenz, Mayor

ATTEST:

BY: \_\_\_\_\_  
Lorrie Pearce, City Clerk

PASSED, ADOPTED AND APPROVED on second reading May 12, 2015.

CITY OF MILES CITY:

BY: \_\_\_\_\_  
Chris Grenz, Mayor

ATTEST:

BY: \_\_\_\_\_  
Lorrie Pearce, City Clerk

**EXHIBIT A  
MAP OF URBAN RENEWAL AREA**



## EXHIBIT B

### LEGAL DESCRIPTION OF URBAN RENEWAL AREA

Beginning at the intersection of Tatro Street and 7th St, continuing east on Tatro Street along the northern border of the City's easement right of way setback to the municipal limits, paralleling the city limits south and east to the intersection of Ullman St and Gordon St, continuing east on Gordon Street along the northern border of the City's easement right of way setback to the intersection of Gordon St and Woodbury St, continuing South on Woodbury along the eastern border of the City's easement right of way setback to the intersection of Woodbury St. and Leighton Blvd, continuing west on Washington St along the southern border of the City's easement right of way setback to the intersection of Washington St and 10th St, continuing south on 10th St along the eastern border of the City's easement right of way setback to the intersection of 10th and Pleasant St, continuing east along the northern border of the City's easement right of way setback to the intersection of Pleasant St and N Center Ave, continuing South on N Prairie Ave along the eastern border of the City's easement right of way setback to the intersection of N Prairie Ave and Main St, continuing east on Main Street along the northern border of the City's easement right of way setback to the intersection of Main St and S Lake Ave, continuing south along the eastern border of the City's easement right of way setback to the intersection of S Lake Ave and Fort St, continuing west on Fort Street along the southern border of the City's easement right of way setback to the intersection of Fort St and S Montana Ave, continuing southwest on Montana Street along the southwestern border of the City's easement right of way setback to the intersection of S Montana Ave, Pearl Street and 10th St, continuing northwest on 10th St along the southern border of the City's easement right of way setback to the intersection of 10th St and S Montana Ave and Atlantic Ave, continuing southwest on Atlantic along the southeastern border of the City's easement right of way setback to the intersection of Atlantic and NueVu, continuing southeast on NueVu along the eastern border of the City's easement right of way setback to the intersection of NueVu and Yellowstone, continuing southwest on Yellowstone along the southern border of the City's easement right of way setback to the city limits and the Tongue River, following the municipal limits west, north, and east to the intersection of Dike Rd and Wilderness Rd, continuing northeast on Wilderness Rd to the intersection of Wilderness Rd and Hubbell St, continuing east on Hubbell St. along the northern border of the City's easement right of way setback to the intersection of Hubbell St and 6th St, continuing north on 6th St along the western border of the City's easement right of way setback to the intersection of 6th and William St, continuing east on William St along the northern border of the City's easement right of way setback to the intersection of William St and 7<sup>th</sup> St, continuing north on 7th St along the western border of the City's easement right of way setback north to the intersection of 7th St and Tatro Street.

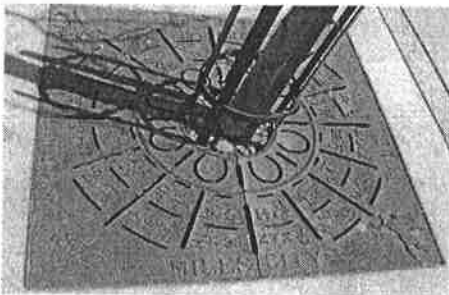
**EXHIBIT C**  
**MILES CITY URBAN RENEWAL PLAN**

(Separate document)

# CITY OF MILES CITY

## DOWNTOWN URBAN RENEWAL PLAN

Adopted  
Ordinance 1294  
May 12, 2015



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## **BACKGROUND AND STATEMENT OF PURPOSE**

During a Community Discussion hosted at the Miles City Library in August of 2012 to discuss the impact of regional energy development, the group also voiced concerns about the increasing number of vacant properties in the Miles City's Main Street business district. The loss of green space for new business construction near Interstate 94 on South Haynes Avenue to accommodate energy growth was a stark contrast to the deterioration of a beautiful Historic Main Street District lacking in similar development. The Director of the City's Historic Preservation Office responded by proposing the "Revitalize Downtown" project to City Council and the Historic Preservation Commission. The Miles City Preservation Commission plays a major role in the City's planning process as an advisory Board to the City which reviews and comments on planning programs undertaken by the city, through the city zoning commission and the city/county planning board on matters relative to historic resources such as land use, economic development, municipal improvements, housing and other public programs. The Director and Commission scheduled a second Community Discussion in November of 2012 to focus on the concerns of the community specific to the Historic Main Street District. The findings of that meeting are attached as Appendix A, Project Priorities Matrix.

The Miles City Revitalize Downtown (MCRD) project is designed to answer the growing concern voiced by the community over the ongoing deterioration of the iconic business district which represents our City's cultural heritage and a significant economic asset. It is a primary goal of the MCRD project level the playing field between redevelopment and greenfield development.

A broader collaboration between the City, the Miles City Area Economic Development Council, Miles City Housing Authority, Fort Keogh Livestock and Range Research Station and other area service groups, the MCRD project works to design strategies, financial incentives, and provide technical assistance that will address the specific barriers or challenges to development in the Main Street Historic District, Miles City's primary business corridor. The Revitalize Downtown team refers recommendations to the City Council for consideration in supporting economic development in historic downtown Miles City.



The Urban Renewal Plan with a Tax Increment Finance option is one of many initiatives of the Revitalize Downtown project. The strategy to provide capital resources and leverage existing funds is a critical component of the larger effort to incentivize redevelopment in the city's main business corridor. TIF District revenue can be packaged with other funding mechanisms which include, but are not limited to grant match dollars, New Market Tax Credits, Historic Preservation Tax Credits, EPA Brownfields dollars, Montana Board of Investment Loans, Montana Department of Transportation planning and construction dollars, and Montana Board of Investment Infrastructure loans.

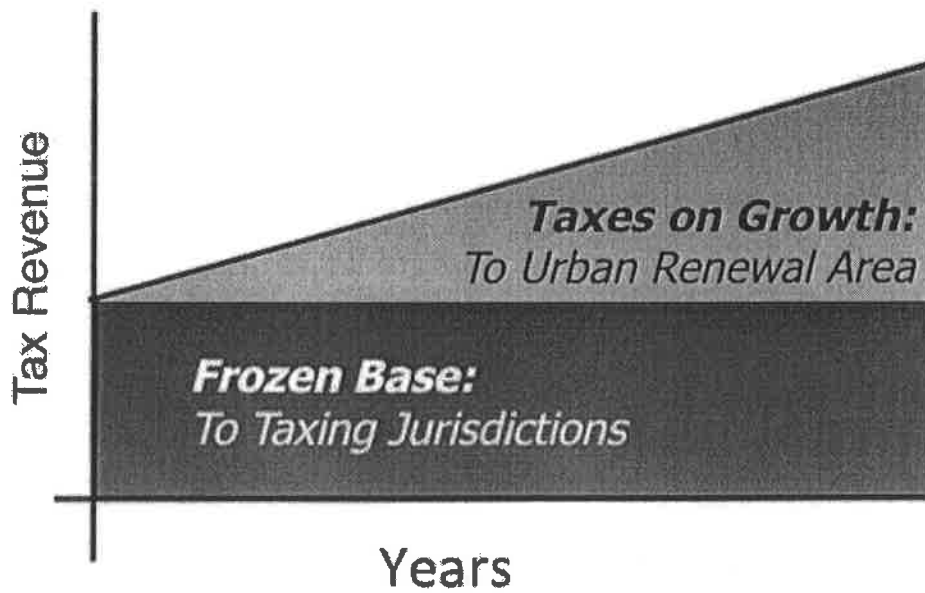
To implement the Tax Increment Finance District Initiative, the City sought grants from the Montana Community Development Block Grant-Economic Development program, the Montana Main Street programs and private sources to fund a Tax Increment Finance District Feasibility Study, and to proceed with creation of the district should it prove feasible. On April 22, 2014, the city contracted with Zeier Consulting, LLC to conduct the Feasibility Study and advise the City Council in creating the District should it prove feasible.

On June 24, 2014, the Miles City Council adopted **Resolution 3686** approving the Feasibility Determination for the proposed Miles City Downtown Urban Renewal District with the option for Tax Increment Financing and authorized Zeier Consulting, LLC of Billings, Montana to conduct a professional study for the purpose of determining if blight exists within the downtown Miles City area. The Study conducted determined that blight exists in the area in accordance with Urban Renewal Law (7-15 Parts 42 & 43 M.C.A.). Based on the findings of the Zeier Study, the City Council adopted **Resolution 3705**, "declaring the intent to create the Miles City Downtown Urban Renewal District with Tax Increment Authority; and declaring the existence of blight within the Miles City Downtown Urban Renewal area". The Council directed Zeier Consulting to prepare the Miles City Downtown Urban Renewal Plan. This Plan is the result of that effort.

## **INTRODUCTION**

The State of Montana has provided local municipalities with the Urban Renewal Plan process through Montana Code Annotated Title 7 Chapter 15 Part 42 & 43. Montana Urban Renewal as it is known

provides for a process known as Tax Increment Finance. This process allows a municipality to designate a certain area of the city that is infrastructure deficient or blighted as an Urban Renewal District. A base tax value is determined for that District and tax revenue continues to be distributed to all taxing jurisdictions (including the City) based on that value. The City also receives any incremental property tax revenues generated in the Urban Renewal District for planning and redevelopment activities. The incremental tax revenues generated in the district must be spent within the district for infrastructure improvements as incentives to encourage redevelopment in the District. After an initial 15 year term the base values reset to the current level and all other taxing jurisdiction then receives the base values and the incremental revenues generated. See illustration below.



## HISTORY

Miles City and the region have a rich and colorful history. Downtown Miles City is a unique place that is steeped in the history of the west. Our history extends back to the days of the dinosaurs and nomadic hunters following the herd migrations. The first modern group to make their home here permanently appears to have been the Crow Indians. They were followed by fur trappers, the Lewis & Clark Expedition and other early explorers.

Miles City as we know it today was established at the confluence of two iconic rivers, the Yellowstone and the Tongue, in 1877, in response to Custer's defeat at the Battle of the Little Bighorn. The fort was built to carry out the political decision to remove the native peoples to reservations during the Great Sioux Wars. This ultimately made way for increasing numbers of settlers from all over the world, cattle barons and farmers alike that found our region inviting.

As a civilian settlement around the Fort Keogh military outpost, the city immediately began to flourish as a regional trade hub on the frontier. At that time, steamboats and bull trains were the means of travel, commerce and shipping. Early buildings were of log or locally milled lumber construction. The early log and lumber buildings provided great fuel for fires; and Miles City experienced a number of major fires in the early business district.

As they rebuilt the city's core business district, the founding fathers encouraged the City's role as a regional trade center and planned accordingly. They designed the city based on the concept that "looking prosperous would attract prosperity".

Architects were hired and as the city fathers tried to outdo each other, a city featuring impressive architecture of enduring materials, beautiful homes, parks, landscapes and walkways was built.

The concept worked. Leighton and Jordan, early businessmen, were the largest supplier of ranch and home goods in the entire Northwest Territories. Other businesses and trades were attracted to the growing city, and Miles City was, for a time, the second-largest banking center in Montana

and held the record for the most millionaires per capita. Miles City has served as eastern Montana's largest city, providing hospitality, commerce, education, cultural, recreation, medical, government, and other services to a large rural region for over 135 years.

Their legacy is a beautiful downtown district constructed with enduring materials and inspiring architecture that reflects our proud cultural heritage which was listed on the National Register of Historic Places in 1989.

Extending from Riverside Park to the railroad underpass, Main Street features an array of stunning architectural styles that reflect a prosperous past. Always a source of great pride in the community, sadly, the downtown historic district can now only be described as blighted.

The efforts of the community has led to the development of policies and plans to help preserve this history and plan carefully to incorporate new development into the downtown. This careful, well-conceived, and transparent planning process is a critical component to the success of this Urban Renewal Plan.

## **EXECUTIVE SUMMARY**

A vibrant downtown area is a vital component of a healthy community. The Downtown area of Miles City has undergone significant change in the last fifty years due to several factors affecting the economic viability of the area, including but not limited to:

- Miles City began to experience a long, slow deterioration of the downtown business corridor following construction of the Interstate highway system and rerouting of State highways in the 1960s. Without the automobile traffic to support them, numerous businesses located on Main either closed due to lack of business or migrated to higher traffic areas near the Interstate highway exits on South Haynes Avenue hoping to increase sales.
- Declining economic conditions also contributed to the decrease in business in the main business district and eventually other retail and service businesses followed or closed up shop completely.

- The Main Street District experienced a series of devastating fires between 1980 and 2009 which left an impact as well. During that time, the City lost many successful businesses and historically significant buildings on Main Street. There has been some rebuilding, though there are still parcels that have been left as vacant and underutilized.
- This shift has been accelerated in recent years as more businesses have either closed or left Main Street.
- The result is that the Main Street business corridor is no longer viewed as an attractive location due to lack of traffic, resulting in a decline in business investment in the Downtown. This lack of development is evidenced in the high ratio of empty storefronts and declining real estate transactions in the Downtown.

During the 1980's the local Historical Society worked diligently to list the Main Street District. It was hoped that designation as a historic district would help incentivize preservation of the buildings through tax credits. Economic conditions at the time were not conducive to redevelopment, even with the tax incentives for commercial properties. The Main Street District originally included ninety-nine buildings (99), sixty (60) of which were considered contributing buildings and thirty-nine (39) non-contributing buildings. Based on a recent survey of the district, only fifty-five (55) of the ninety-nine original buildings listed on the Historic Register remain standing. Of those, only thirty-three (33) of the original sixty (60) "contributing" buildings have survived and remain mostly intact historically. Unfortunately, the downtown district often goes overlooked by new businesses or potential investors, primarily because of the fear that the cost of having to renovate these older buildings far outweighs the cost of simply building brand new. The fact that the downtown district has become a seemingly low traffic area (due to the migration and closures of businesses) does nothing to convince businesses to open their doors downtown. The overall appeal of the city core has deteriorated significantly discouraging any possibility of new business investments.

Per MCA 7-15-4206(2)(a),(i), and (j), the downtown is eligible for inclusion on an Urban Renewal Area with a TIF District provision as a solution to address its current market and physical deterioration, the deterioration of site and site improvements, as well as a diversity of ownership that makes consensus on any potential redevelopment activities challenging and difficult.

The study of the Miles City Downtown core began with a data review process evaluating current property values within the Main Street Historic District and adjacent City neighborhoods, followed by site inspections throughout those portions of the City included in proposed TIF boundaries. The process continued with interviews with property owners and stakeholders. As part of this plan there have been meeting held with:

- City Council Members
- Downtown property owners
- Downtown business owners
- Business owners that have relocated out of the downtown
- City Staff that are responsible for maintaining and improving public infrastructure.
- Local economic development staff

There is a consensus that there is significant opportunity to be had for the redevelopment of the downtown core. The downtown is not meant to compete with the Haynes development and this plan is not meant to suggest that. The downtown needs to leverage the available tools, such as a TIF District, to provide property and business owners a level playing field to develop businesses that are viable. The South Haynes corridor experiences high transient traffic by offering regional residents and travelers food, lodging, automotive and truck sales and repair, and box store goods. This captured market demographic represents an opportunity for Main Street businesses to offer complimentary goods and services that will attract and retain that demographic.

The initial feasibility portion of this planning process has determined the plan for a TIFD in Miles City relates directly to the likelihood that such a District will successfully address the slow economic decline of the area and encourage investment in the main business corridor. The findings of this initial study concluded that the creation of a TIFD in Miles City has a high chance of success due to the following facts:

- The downtown is eligible under Montana Statute for an Urban Renewal District with a TIF provision.
- There are significant issues with multiple properties in the downtown such as empty storefronts, infrastructure deficiencies, and lack of investment that can be addressed in the Urban Renewal Planning process.
- There is an upswing in the regional economy due to energy development in the Bakken area, and as a result there is increased market interest in Miles City to locate businesses as evidenced in the development of the South Haynes corridor.
- The increased volume of Interstate traffic to and from the Bakken region creates an economic environment which provides additional opportunity to capture a market share for businesses offering goods and services complimentary to those offered in the business areas serving the Interstate exits into the City.
- There is an increased demand for housing across all income levels in the region.
- The downtown area generates higher per square foot tax revenues than large paved areas in surrounding business districts.
- Re-use of existing infrastructure which is already in place and is financially viable.
- The City is located in Census Tract 30017962000 making it eligible for New Market Tax Credits.
- The business corridor is listed on the National Register of Historic Places making a high percentage of properties eligible for Historic Preservation Tax Credits.
- The City's unique history in combination with cultural and tourism events such as the Bucking Horse Sale, the Bluegrass Festival and other local events make it a platform for creating a travel destination.
- The City is home to a number of stable economic drivers that attract a diverse regional and national demographic to the city such as the Community College, Fort Keogh Research Station, Miles City Livestock Commission, Range Riders, the Art Center and the Eastern Montana Fair which provides an opportunity for business to capture a portion of the existing market share.

- The redevelopment of a downtown area has already seen significant investment from the public sector in the form of land use regulation changes such as rezoning to allow for mixed use buildings, a Brownfields project to eliminate environmental issues as a barrier to redevelopment, and the willingness to begin the discussion of an Urban Renewal Plan with a Tax Increment District provision.

There is a significant amount of interest from the community for the redevelopment of the downtown core. The proposed Urban Renewal District and its corresponding Urban Renewal Plan will be a critical element in the redevelopment of Downtown. The Urban Renewal Plan is an ideal vehicle for the capturing of public input from property owners and public officials to set the long term vision of the Downtown area. The process to be undertaken is to be a transparent and public process that captures all input that is important to the Urban Renewal Plan. What the Downtown can be reinvented as and how to get there is the whole point of an Urban Renewal Plan and is perhaps the most important component of this project. Only through the Urban Renewal Planning process can the goals and objectives of the community be realized.



## DEFINITIONS

### MCA 7-15-4206. Definitions.

The following terms, wherever used or referred to in part 43 or this part, have the following meanings unless a different meaning is clearly indicated by the context:

- (1) "Agency" or "urban renewal agency" means a public agency created by 7-15-4232.
- (2) "Blighted area" means an area that is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, that substantially impairs or arrests the sound growth of the city or its environs, that retards the provision of housing accommodations, or that constitutes an economic or social liability or is detrimental or constitutes a menace to the public health, safety, welfare, and morals in its present condition and use, by reason of:
  - (a) the substantial physical dilapidation, deterioration, age obsolescence, or defective construction, material, and arrangement of buildings or improvements, whether residential or nonresidential;
  - (b) inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality;
  - (c) inappropriate or mixed uses of land or buildings;
  - (d) high density of population and overcrowding;
  - (e) defective or inadequate street layout;
  - (f) faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
  - (g) excessive land coverage;
  - (h) unsanitary or unsafe conditions;
  - (i) deterioration of site;
  - (j) diversity of ownership;
  - (k) tax or special assessment delinquency exceeding the fair value of the land;
  - (l) defective or unusual conditions of title;
  - (m) improper subdivision or obsolete platting;
  - (n) the existence of conditions that endanger life or property by fire or other causes; or
  - (o) any combination of the factors listed in this subsection (2).
- (3) "Bonds" means any bonds, notes, or debentures, including refunding obligations, authorized to be issued pursuant to part 43 or this part.
- (4) "Clerk" means the clerk or other official of the municipality who is the custodian of the official records of the municipality.
- (5) "Federal government" means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (6) "Local governing body" means the council or other legislative body charged with governing the municipality.
- (7) "Mayor" means the chief executive of a city or town.

- (8) "Municipality" means any incorporated city or town in the state.
- (9) "Neighborhood development program" means the yearly activities or undertakings of a municipality in an urban renewal area or areas if the municipality elects to undertake activities on an annual increment basis.
- (10) "Obligee" means any bondholder or agent or trustee for any bondholder or lessor conveying to the municipality property used in connection with an urban renewal project or any assignee or assignees of the lessor's interest or any part of the interest and the federal government when it is a party to any contract with the municipality
- (11) "Person" means any individual, firm, partnership, corporation, company, association, joint-stock association, or school district and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.
- (12) "Public body" means the state or any municipality, township, board, commission, district, or other subdivision or public body of the state.
- (13) "Public officer" means any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or other activities concerning dwellings in the municipality.
- (14) "Public use" means:
- (a) a public use enumerated in 70-30-102; or
  - (b) a project financed by the method provided for in 7-15-4288.
- (15) "Real property" means all lands, including improvements and fixtures on the land, all property of any nature appurtenant to the land or used in connection with the land, and every estate, interest, right, and use, legal or equitable, in the land, including terms for years and liens by way of judgment, mortgage, or otherwise.
- (16) "Redevelopment" may include:
- (a) acquisition of a blighted area or portion of the area;
  - (b) demolition and removal of buildings and improvements;
  - (c) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the area the urban renewal provisions of this part in accordance with the urban renewal plan; and
  - (d) making the land available for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan. If the property is condemned pursuant to Title 70, chapter 30, the private enterprise or public agencies may not develop the condemned area in a way that is not for a public use.
- (17) (a) "Rehabilitation" may include the restoration and renewal of a blighted area or portion of the area in accordance with an urban renewal plan by:
- (i) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements;
  - (ii) acquisition of real property and demolition or removal of buildings and improvements on the property when necessary to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, to reduce traffic hazards, to eliminate obsolete or other uses detrimental to the public welfare, to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;
  - (iii) installation, construction, or reconstruction of streets, utilities, parks, playgrounds,

and other improvements necessary for carrying out in the area the urban renewal provisions of this part; and

(iv) subject to 7-15-4259(4), the disposition of any property acquired in the urban renewal area, including sale, initial leasing, or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan.

(b) Rehabilitation may not include the development of the condemned area in a way that is not for a public use if the property is condemned pursuant to Title 70, chapter 30.

(18) "Urban renewal area" means a blighted area that the local governing body designates as appropriate for an urban renewal project or projects.

(19) "Urban renewal plan" means a plan for one or more urban renewal areas or for an urban renewal project. The plan:

(a) must conform to the growth policy if one has been adopted pursuant to Title 76, chapter 1; and

(b) must be sufficiently complete to indicate, on a yearly basis or otherwise:

(i) any land acquisition, demolition, and removal of structures; redevelopment; improvements; and rehabilitation that is proposed to be carried out in the urban renewal area;

(ii) zoning and planning changes, if any, including changes to the growth policy if one has been adopted pursuant to Title 76, chapter 1;

(iii) land uses, maximum densities, building requirements; and

(iv) the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(20) (a) "Urban renewal project" may include undertakings or activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of blight and may involve redevelopment in an urban renewal area, rehabilitation or conservation in an urban renewal area, or any combination or part of redevelopment, rehabilitation, or conservation in accordance with an urban renewal plan.

(b) An urban renewal project may not include using property that was condemned pursuant to Title 70, chapter 30, for anything other than a public use.

## PRIOR POLICY AND REDEVELOPMENT EFFORTS

The Revitalize Downtown project has already achieved significant traction up to the creation of the Urban Renewal District. Since the inception of the Revitalize Downtown Project, the City of Miles City has accomplished the following:

- Applied for a Community Wide Brownfields Assessment Grant in 2012 and 2013, working with all city departments to develop a plan to integrate Brownfields into ongoing City Planning and Permitting activities and Comprehensive Planning efforts underway within the city.
- Worked with the EPA and the Great Northern Development Corporation of Wolf Point, Montana to perform Targeted Brownfields Assessments and clean-up of hazardous materials in local properties;
- Adopted Ordinance #1252: the Historic Mixed Use Zoning District on June 11, 2013 which creates “a new zoning district giving more flexibility for historic buildings, allowing commercial and residential usage within individual buildings within the historic district”. This revision broadens the definition of “historic district” to include other satellite properties individually listed on the National Register that are not located within a designated Historic District in Miles City. Regulations for enforcement will be drafted in accordance with the City’s growth policy;
- Became Montana Main Street program Affiliate Member, allowing the city access to additional funding and specialized technical assistance available through that program
- Educating the community on leveraging capital using Historic Preservation and New Market Tax Credit programs and the EPA’s Brownfields programs that are available to the City of Miles City.
- Significantly increased the budget and schedule of the Historic Preservation Department to manage the Revitalize Downtown and other related projects
- Obtained a Targeted Brownfields Assessment Grant for a downtown property owner, and will work with the owner to qualify for EPA Brownfields funding for environmental clean-up

There are currently three prior projects underway that represent the City's commitment to the Revitalize Downtown Project. Phase I of the Riverside Park renovations which included installing historic lighting fixtures along newly designed pathways is complete and Phase II is in the planning stage. In addition, the acquisition and restoration of the historic Northern Pacific Depot continues to move forward and the West End project is in the planning phase. The West End project will improve the Interstate exit route leading into the city at the western entrance into town with signage, lighting and landscaping, directing additional customer traffic to Main Street businesses. These projects will use a combination of state and federal funding along with private investment, and will contribute to the first impression formed by all visitors, will increase the appeal and functionality of the Urban Renewal District and incentivize investment in the area.

## **PROPOSED DISTRICT ATTRIBUTES**

The boundaries of the Tax Increment Finance District (TIFD) are designed to surround the City's main business corridor, the Historic Main Street District, with a mixture of properties that create a balance between the population demographic and income levels, commercial and residential use, vacant land suitable for new construction and properties viable for adaptive re-use, renovation and expansion. The boundaries were drawn based on condition of existing infrastructure balanced by the need for additional infrastructure, existing multimodal transportation routes, traffic flow patterns, building conditions and population demographics among other factors. Careful consideration was given to the opportunities for potential economic development within the boundaries, with the primary goal of creating an incubator that will create customer traffic sufficient to support a healthy downtown business district. It is important to note that a key factor driving boundary selection was to strike a balance between properties with the potential to create Increment Revenue through development, and properties that would benefit from expenditure of increment revenue. The potential of extending the benefit beyond the boundaries drove many of the decisions in boundary selection.

The TIF District includes the historic Washington Middle School and Custer County High School, which serve not only the population of the district, but the whole community. This provides the School Board with opportunities to access Tax Increment revenues throughout the life of the District for building and infrastructure projects. The district includes the fraternal orders that played a significant role in the early economic development of the city. These include the Elks Lodge, the Eagles Lodge and the Masonic Temple. The historic Custer County Courthouse is also located within the district, providing the county the opportunity to propose projects to preserve the beautiful landmark building. Of equal importance, as community partners and stakeholders in the Tax Increment District, increased property values from new development within the TIFD will ultimately accrue to both the County and School Districts at sunset of the District, supporting long term capital improvement planning capability for each. The District is also designed to include important parks and recreation facilities that serve the whole community. Riverside Park, the Oasis, Denton Connor Sports Complex serve young and old alike and are an important part of the City's social fabric.

The proposed Urban Renewal District (District) is approximately 168.82 acres in size, with a 2013 total taxable market value of \$52,397,861. Total real property acreage in Miles City is 487.06 with a current cycle reappraisal value of \$216,570,297. The Urban Renewal District is approximately 34.66% of the land area of the City of Miles City. Historically, the City expanded east from the banks of the Tongue River as far north as the Yellowstone River and included the primary transportation corridors of that period, the intersection of state highways 12 and 59, and the Northern Pacific and Milwaukee Railroads. The District's infrastructure was primarily designed during the period of 1878 and 1910 and shapes the character and ambiance of the City through its historic significance in building this country. The median property tax in Custer County, Montana is \$1,207 per year for a home worth the median value of \$86,700. Custer County collects, on average, 1.39% of a property's assessed fair market value as property tax.

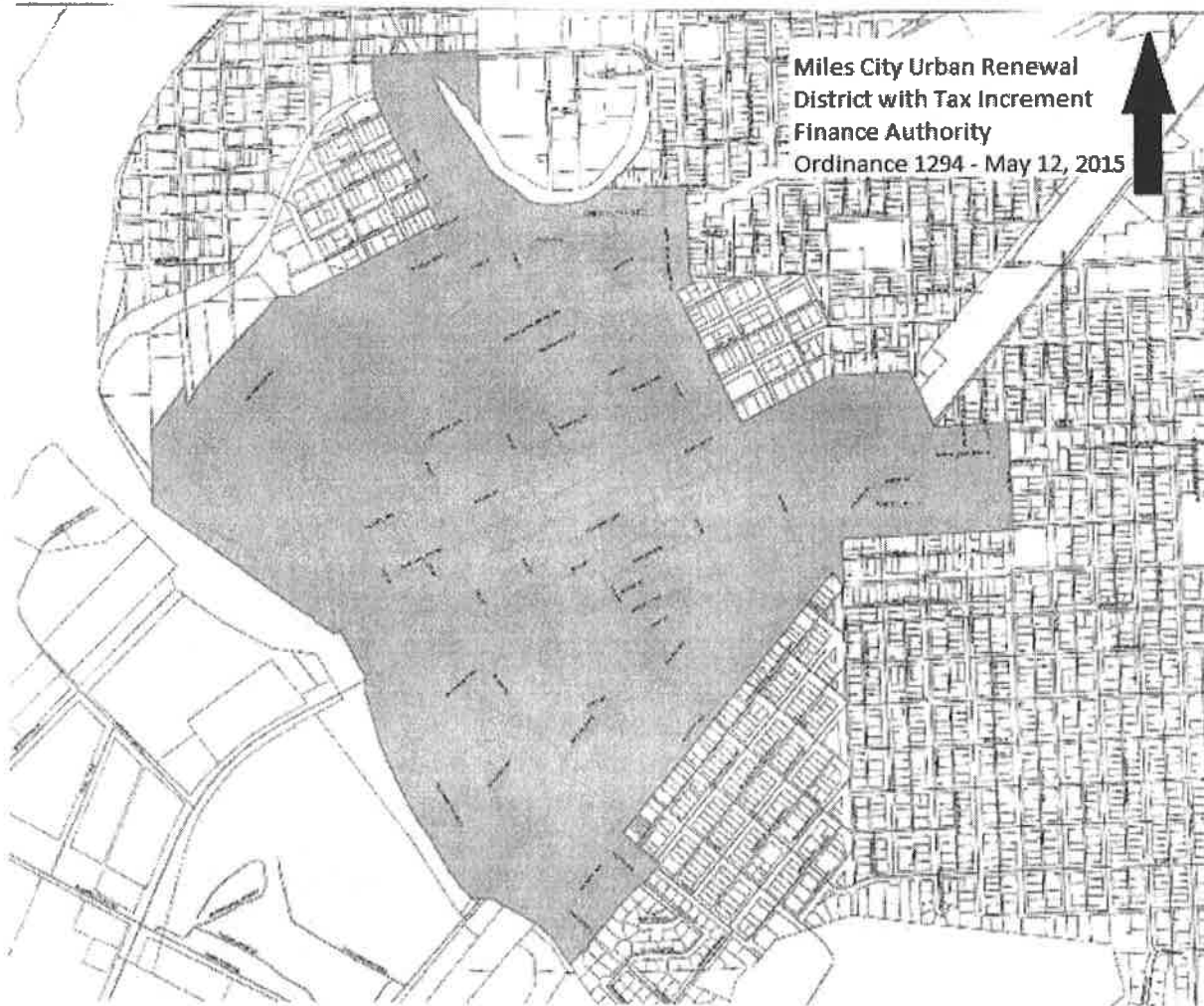
### **BOUNDARY DESCRIPTION**

Legal Description of Miles City Downtown Urban Renewal District The area being considered for inclusion in the proposed urban renewal area is described as:

Beginning at the intersection of Tatro Street and 7th St, continuing east on Tatro Street along the northern border of the City's easement right of way setback to the municipal limits, paralleling the city limits south and east to the intersection of Ullman St and Gordon St, continuing east on Gordon Street along the northern border of the City's easement right of way setback to the intersection of Gordon St and Woodbury St, continuing South on Woodbury along the eastern border of the City's easement right of way setback to the intersection of Woodbury St. and Leighton Blvd, continuing west on Washington St along the southern border of the City's easement right of way setback to the intersection of Washington St and 10St, continuing south on 10th St along the eastern border of the City's easement right of way setback to the intersection of 10th and Pleasant St, continuing east along the northern border of the City's easement right of way setback to the intersection of Pleasant St and N Center Ave, continuing South on N Prairie Ave along the eastern border of the City's easement right of way setback to the intersection of N Prairie Ave and Main St, continuing east on Main Street along the northern border of the City's easement right of way setback to the intersection of Main St and S Lake Ave, continuing south along the eastern border of the City's easement right of way setback to the intersection of S Lake Ave and Fort St, continuing west on Fort Street along the southern border of the City's easement right of way setback to the intersection of Fort St and S Montana Ave, continuing southwest on Montana Street along the southwestern border of the City's easement right of way setback to the intersection of S Montana Ave, Pearl Street and 10<sup>th</sup> St, continuing northwest on 10<sup>th</sup> St along the southern border of the City's easement right of way setback to the intersection of 10th St and S Montana Ave and Atlantic Ave, continuing southwest on Atlantic along the southeastern border of the City's easement right of way setback to the intersection of Atlantic and NueVu, continuing southeast on NueVue along the eastern border of the City's easement right of way setback to the

intersection of NueVu and Yellowstone, continuing southwest on Yellowstone along the southern border of the City's easement right of way setback to the city limits and the Tongue River, following the municipal limits west, north, and east to the intersection of Dike Rd and Wilderness Rd, continuing northeast on Wilderness Rd to the intersection of Wilderness Rd and Hubbell St, continuing east on Hubbell St. along the northern border of the City's easement right of way setback to the intersection of Hubbell St and 6th St, continuing north on 6th St along the western border of the City's easement right of way setback to the intersection of 6th and William St, continuing east on William St along the northern border of the City's easement right of way setback to the intersection of William St and 7th St, continuing north on 7th St along the western border of the City's easement right of way setback north to the intersection of 7th St and Tatro Street.

**MAP**





## **DETERMINTATION OF BLIGHT**

There is a statutory requirement that the municipality make a determination of blight prior to the creation of an urban renewal district. The area in the district contains a great deal of blight. Within the district there is substantial structural deterioration, long-term land vacancy, and significant infrastructure needs. Several of the commercial buildings in the district are vacant or deteriorated and are in need of demolition. Many of the sidewalks are cracked or nonexistent, alleys are deteriorated, and, in general, much of the area is below city standards. Montana Code 7-15-4206(2) provides statutory guidance to determine the eligibility of an area of a city to be deemed as blighted. Specifically MCA 715-4206(a)(i)(j)(n) are all items that relate to the condition of the proposed Miles City Downtown Urban Renewal District. The continued lack of investment requires that action be taken by both public and private parties. Portions of the district fall into the blighted, neglected and under-utilized categories. The Miles City Council declared its intention to create a Miles City Downtown Urban Renewal District and have adopted Resolution No. 3705 approved July 8<sup>th</sup>, 2014 that determines that blight exists in the district.

## **HOUSING**

Housing in Miles City has always been seen as challenging. The stable population base with small increments of growth over the last few decades have led to a situation where there is no elasticity in the market to absorb the demand for housing. The shortage of available housing is present at all income levels, not just the low to moderate income levels. The recent development and unqualified success of large amounts of rental housing have proven that a need exists that is not being met with the current housing stock. The use of the available resources from this plan and the other efforts to attract and incentivize new housing in the district is an important component of the Urban Renewal Plan.

The adjacency to amenities and services is seen as the next best thing in residential development. This national and state trend to provide housing that meets the needs of all demographics is an opportunity to capitalize on the unique nature of the downtown area. The

Urban Renewal District is in a perfect position to take advantage of this trend. The higher density residential development adjacent to the downtown as well as the opportunity to redevelop the historic structures in the downtown core are an excellent opportunity. The benefit would be twofold: the property would be redeveloped and generate income, and a critical housing need would be met.

## **PUBLIC INFRASTRUCTURE AND FACILITIES**

In numerous discussions with stakeholders and city officials, it is determined that the public infrastructure of the district is in need of repair and upgrade. This infrastructure includes streets, alleys, curb and gutter, sidewalks, public and private utilities, storm sewers, street lighting, traffic signals and other traffic capacity upgrades. In addition, the district includes Custer County High School, Washington School and the Custer County Courthouse. Tax increment dollars can be utilized to make improvements to public buildings. It is important to recognize and involve the locally affected taxing jurisdictions and partner with them through the Urban Renewal Planning process to promote collaboration and cooperation.

The development of public infrastructure is seen as an important element of the plan not only because of the eligibility for TIF funds but also for the benefits to the public. The thought is that public investment can attract further private investment that will in turn provide increased property tax revenues and in turn more funds in the TIF district to continue the cycle.

## **INFILL DEVELOPMENT**

An important consideration is the concept of infill development. Infill can be defined as the development or redevelopment of properties in an area that take advantage of currently existing infrastructure. Things such as streets and utility connections are expensive improvements to make and are not getting any less expensive. The availability and adjacency of existing infrastructure is an important attribute to capitalize on. This availability is an advantage to a potential project but is often seen as an impediment to many project stakeholders. By partnering with potential projects in the district the city can take advantage of the infrastructure that it already has as opposed to requiring significant new investment or worse

yet not having the budget to maintain new infrastructure. Examples of infill projects can include the development of single family and two family homes on currently vacant residential areas of the district, the development of as higher density residential uses, and the redevelopment of currently existing structures that have potential for redevelopment. It is also important to consider the context of new development. The historic structures that are in the district may require some type protection in the form of design standards or guidelines. In some cases it may be more economical to demolish structures that are beyond saving.

#### **CONFORMANCE TO THE GROWTH POLICY**

Montana Code Annotated 7-15-4213 requires that any urban renewal plan is found by the local Planning Board to be in conformance with the currently adopted Growth Policy. The City of Miles City Planning Board has found that this Urban Renewal Plan is in conformance with the 2006 Growth Policy. To illustrate this point, there is a specific recommendation on page 33 of the 2006 Growth Policy that states "Create a tax-increment district encompassing the Main Street Historic District"

#### **CURRENT ZONING**

The current zoning of the proposed district is consistent with the objective of redeveloping the district. In addition to the recently adopted Historic Mixed Use Zoning category, the district is composed of a mix of commercial and residential zoning districts. There is a significant movement to remove any actual regulatory impediment to the redevelopment of properties with redevelopment uses in mind. Prior to this change it was not allowable for different uses such as commercial and residential to exist in the same structure. The zoning of the district is consistent with the Growth Policy as per Montana Code Annotated 7-15-4213.

#### **TAX INCREMENT FINANCING**

Montana Code Annotated 7-15-4282-4294 authorizes the utilization of Tax Increment Financing in an Urban Renewal District. The City of Miles City intends to utilize Tax Increment Financing in the Miles City Urban Renewal District. The base year for the calculation of incremental values generated is to be 2014 and base values are to be calculated as of January 1, 2014.

## Tax Increment revenues generated

Montana Code Annotated specifies what TIF revenues may be used for. It is important to note that the Committee will make recommendations as to the utilization of the funds the City of Miles City Council is ultimately responsible for these funds. No funds may be spent without their approval. To clarify further, the citation is reproduced below.

**7-15-4288. Costs that may be paid by tax increment financing.** The tax increments may be used by the local government to pay the following costs of or incurred in connection with an urban renewal area or targeted economic development district as identified in the urban renewal plan or targeted economic development district comprehensive development plan:

- (1) land acquisition;
- (2) demolition and removal of structures;
- (3) relocation of occupants;
- (4) the acquisition, construction, and improvement of public improvements or infrastructure, including streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and offstreet parking facilities, sewers, sewer lines, sewage treatment facilities, storm sewers, waterlines, waterways, water treatment facilities, natural gas lines, electrical lines, telecommunications lines, rail lines, rail spurs, bridges, publicly owned buildings, and any public improvements authorized by Title 7, chapter 12, parts 41 through 45; Title 7, chapter 13, parts 42 and 43; and Title 7, chapter 14, part 47, and items of personal property to be used in connection with improvements for which the foregoing costs may be incurred;
- (5) costs incurred in connection with the redevelopment activities allowed under 7-15-4233;
- (6) acquisition of infrastructure-deficient areas or portions of areas;
- (7) administrative costs associated with the management of the urban renewal area or targeted economic development district;

(8) assemblage of land for development or redevelopment by private enterprise or public agencies, including sale, initial leasing, or retention by the local government itself at its fair value;

(9) the compilation and analysis of pertinent information required to adequately determine the needs of the urban renewal area or targeted economic development district;

(10) the connection of the urban renewal area or targeted economic development district to existing infrastructure outside the area or district;

(11) the provision of direct assistance to secondary value-adding industries to assist in meeting their infrastructure and land needs within the area or district; and

(12) the acquisition, construction, or improvement of facilities or equipment for reducing, preventing, abating, or eliminating pollution.

## **GOALS AND OBJECTIVES**

### **GOAL One: Create Vibrant Historic Downtown Business District**

#### **Objectives:**

- Provide access to capital through small business lending programs, grants and grant writing services, create funding for locally driven economic development
- Assist potential business and property owners in leveraging existing capitol through programs such as Historic Preservation Tax Credits, New Market Tax Credits, HUD and EPA Brownfields dollars, Community Development Block Grant programs, Montana Board of Investment Loans, Montana Department of Transportation planning and construction dollars, and Montana Board of Investment Infrastructure loans, and others.
- Develop and promote programs that provide technical assistance to potential investors in the Urban Renewal District
- Create funding for locally driven economic development utilizing Tax Increment Finance Revenue, and Revolving Loan Fund grants
- Leverage public funds with other resources. Utilizing the resources available to capture other

money is a critical item. Money follows plans

- Perform a market analysis of the district to determine the most appropriate marketing plan and strategies
- Develop Business Recruitment and Retention Plan in coordination with local economic development entities Prioritize the recruitment of business entities planning on long term investment in alignment with community needs and values.
- Capitalize and promote the regional nature of the economy as a place for goods and services for a large part of the eastern Montana economy
- Pursue programs that increase the number of well-paying jobs and raise the standard of living for all citizens
- Promote a vibrant local business climate that will encourage expansion of existing businesses and attract new ventures
- Work with local businesses, Chamber of Commerce, and other area service groups to promote local recreational cultural resources in support of making the area a tourist/recreational destination
- Link renovation and adaptive reuse of historic structures and existing buildings with economic development and housing development

**Goal Two: Attract and Retain Work Force**

Create an environment that provides all demographics the opportunity to thrive in the local economy and preserves the small town charm of Miles City. It has been said that the greatest export from Miles City is its youth.

**Objectives:**

- Create a sense of place that allows for all demographics to thrive in the local economy
- Develop strategies and provide business opportunities that will encourage Miles City's educated youth and young professionals to return home to raise their families and start their businesses.
- Develop strategies and provide opportunities for vocational trades to grow and expand within the local economy.

- Stem the tide of this demographic that have traditionally left and have not returned.
- Support, and coordinate with, the efforts of the local educational community, business leaders, governmental officials and economic development entities to ensure our local educational resources are focused on meeting communities employment training needs

**Goal Three: Historic Resources**

Recognize the importance of preserving our historic resources for the future economic health of the community as a whole.

**Objectives:**

- Continue to Promote historic preservation as a key element in developing the tourism segment of Miles City economy
- Maintain and enhance existing tourist attractions and develop new venues that encourage tourists to visit and extend their stay
- Continue to promote and support cultural events and arts programming
- Develop Design Guidelines and/or Standards in the Historic Main Street District and other areas of the downtown core to preserve the architectural character of the area
- Work to create a regulatory framework that will protect our historic resources and community fabric as redevelopment occurs, such as demolition and bonding ordinances to ensure completion of business construction, and local historic overlay districts, ADA accessibility, infill construction and renovations to existing historic structures.
- Remove perceived or actual barriers to redevelopment via a case study review of recent development and how it occurred and what part of those processes can be improved.

**Goal Four: Housing for all income levels**

**Objectives:**

- Preserve and rehabilitate the existing supply of affordable housing
- Pursue programs that assist with first time homeownership and private property improvements
- Create more affordable housing and work towards new and replacement housing

- Encourage more live-work environments.
- Encourage and incentivize a diverse housing stock with enough supply to meet current demand
- Recognize the market demand for affordable downtown apartments, and condominium units as in town residence for farmers and ranchers and retirees looking for housing alternatives that better suit their needs and lifestyles

### **Goal Five: Infrastructure**

Enhance Safety and Visual Appeal of Community to improve the image of the community, instill a sense of community pride and improve the quality of life for residents

#### **Objectives:**

- City streets and alleys maintained at safe standards, pursue funding and partnerships with other agencies and groups to make needed infrastructure improvements to make the downtown environment “business friendly”
- Test and evaluate existing water, sewer, gas and other utility services and make needed improvements, replace as needed
- Strengthen and improve infrastructure and services with pedestrian amenities such as public restrooms, ADA accessibility.
- Continue to improve and expand the city’s park network
- Well-maintained network of safe and interconnected ADA compliant sidewalks
- Create cleaner and more inviting entrances to the district through signage and design elements
- Enhance community aesthetics that ultimately make the community more attractive to new businesses
- Provide for greater enforcement of regulatory language currently in force
- Investigate the Business Improvement District process to provide for a funding mechanism for the maintenance of public spaces

### **Goal Six: Transportation**

Provide a safe and secure transportation network to include adequate parking

#### **Objectives:**



- Utilize available resources to leverage all funding sources to improve the pedestrian connectivity of the downtown and the surrounding residential development. Capitalizing on the adjacent residential properties as customers for the downtown area is a natural fit
- Provide a safe and secure intermodal transportation network to include bicycles, wheelchair access, automobile, and truck traffic to prove each their own place in the same network to ensure safety
- Conduct a parking study to determine that adequacy of the current parking facilities and if and how it can be improved.

## **PUBLIC INVOLVMENT**

As part of the planning process, a public discussion was held October 9<sup>th</sup> to gather public input from property owners in the district and other stakeholders. The meeting was well attended and provided needed feedback as to what types of things the public would like in the district. These improvements included:

- Increased availability of parking
- Development of office space
- More specialty and boutique retail
- Redevelopment of niche lodging to increase the downtown census
- More eating and drinking establishments

This Urban Renewal Plan is to be viewed as a living document that can respond to new opportunities and changing economic, social and demographic conditions within the community. The City will continue the ongoing planning necessary to incorporate and accommodate new information and conditions as they arise. It is the City's hope and intent that active public involvement will assist in determining priorities, and generate projects that will enhance the community as it evolves to encompass change.

## **ADMINISTRATION**

The Downtown Miles City Urban Renewal District will be administered by the City of Miles City Historic Preservation Office. A steering committee consisting of downtown property owners, representatives of local finance institutions, and city officials will be charged with developing administrative and fiscal policy and direction during the initial creation phase. Following adoption of the plan, this committee will transition into a term appointed Board responsible for advising the City Council as to the expenditure of TIF dollars generated in the district. The HPO will provide staff support to the steering committee and will facilitate the implementation of the Urban Renewal Plan. This is a key component of any successful Urban Renewal District.

## **ANNUAL BUDGET**

The Miles City Urban Renewal District Steering Committee shall prepare an annual program budget that accurately reflects anticipated revenues and operating expenditures, allocating budget for projects aligned with goals of the Plan. The Budget shall be managed in accordance with sound fiscal management policy developed by the Steering Committee, in accordance with City Policies and municipal fund management principles and subject to audit as required. Program and budget may be amended during the course of the fiscal year, to meet changing opportunities, subject to review and approval by the City Council of the City of Miles City.

**APPENDIX A: PROJECT PRIORITY MATRIX**

**APPENDICES**

**Community Discussion:  
Preserving Our Cultural Heritage in Our Downtown Historic District**  
Miles City Eagles Lodge  
November 8, 2012 ~ 7:00pm – 9:00pm

Discussion Topic	Table One	Table Two	Table Three	Table Four
1. What makes Miles City feel like a hometown to you and/or contributes to the bond that you feel for your community?	Social aspects: Friends, Family, Events (weddings, graduations, holidays shared with family & friends	Western Culture, History and Traditions Small town spirit Friendliness, open & Welcoming to visitors Self-reliant & Independent people Friendliness/neighbors Shared values	Size of community – small Values are relative to size, Ag-based, rural community, Sense of open space, Familiar landscapes Friendliness	Common Values Shared history of, and vision for community we live in
2. What aspects of downtown Miles City's cultural heritage do you value and feel are important to preserve for future generations to enjoy?	Familiar Landscapes & Familiar Landmarks Buildings – Iconic (old)	Landmarks Traditional Downtown Events: Parades, BHS, Holiday Stroll, Fall Festival, Hayrides Locally owned businesses – not a bunch of franchises Western Culture – stores reflect – Saddlery, Hats, Saddles Preserve Neon Signs	Downtown shopping Walkability/Friendliness Bar's unique neon signage Architecture – Buildings tell the story of our history Denton Field Oasis	Architecture – "Cityscape" Walkability vs Haynes Ave Preserve Riverside Park, Enhance West – Ft. Keogh Entrance to Fifth St, Denton Field, Cook Lake, Art Center, Depot Movie Theater Trees downtown Benches Parks
3. What values or factors do you feel are unique to our community and would like downtown Miles City to reflect and support?	Community Values, Rebuild vibrancy, Business show pride of ownership (clean up!), Local support of merchants, Preserve Past but be open	Community Pride, Inviting, Clean, well maintained features Cultural History/Heritage Cultural events - BHS	First Impressions important Historic Features Open/friendly small town Safe town Community Pride: Clean, well maintained	Values Historic features Friendly, Miles City represents small town rural America Western Heritage – Cowboy Code

<p>to new ideas/reuse – not static Value Western Culture but not commercialized</p>	<p>Independence is an asset not a liability Spirit &amp; drive to rebuild after fires</p>
<p><b>4. What types of things could be downtown that support those values, for example, what kinds of businesses, social venues, activities. What about those that reflect the values the group agreed were important?</b></p>	<p>Clean/open – busy people (vibrancy) Residences – if people live downtown it creates business opportunities and supports family values:</p> <ul style="list-style-type: none"> <li>• Local markets</li> <li>• Splash pads/kids</li> <li>• Indoor pool at Oasis</li> </ul> <p>Support local businesses West End Project – direct business traffic</p>
<p><b>4a. What types of things could be downtown that DON'T support the values the group thinks are important, and why don't they?</b></p>	<p>Restore old buildings, Successful Businesses (as opposed to fly-by-night Residential – which will increase vibrancy, use capture business traffic (Leverage west end while Haynes under construction) Historic Lighting – other pedestrian friendly amenities Develop existing buildings for maximum return Recruit Stable Businesses</p>
<p><b>Group Discussion</b> <b>5. How could we continue working together on this? What can we do beyond this community conversation to keep the dialogue going?</b></p>	<p>Eliminate empty storefronts, vacant buildings No more casinos No more Beauty Salons</p>
<p><b>Discussion Format:</b></p>	<p>General Blight Vandalism Weeds/Trash</p>
<p><b>Group Discussion</b> <b>5. How could we continue working together on this? What can we do beyond this community conversation to keep the dialogue going?</b></p>	<p>Fragmented community communication: Many separate groups w/different projects affects sustainability of community Coordinate common goals: Different groups communicate different projects better</p>
<p><b>Discussion Format:</b></p>	<p>Four tables of five participants and one scribe which captured the work of each table for each question Facilitator led discussion and captured each table's work and disseminated to full group</p>

## APPENDIX B: PROPERTY OWNERS

600 CAFE INC  
 607 HOLDINGS LLC  
 ADAMS LINDA J  
 ADRIAN GREGORY W  
 AERIE 885 FRATERNAL ORDER OF EAGLES  
 ALLEN NELLIE MAE  
 ALLISON KARLA K  
 AMELINE RUSSELL D  
 ANDERSON BETTY  
 ANDERSON SPENCER P & KRISTEN L  
 ANJOLI INC  
 APL-J PROPERTIES LLC  
 ARMSTRONG DOUGLAS & JACKIE L  
 ARMSTRONG MARIE  
 ARNOLD DANIEL K & PATRICIA  
 ARNOLDT LAWRENCE E EDDIE  
 AT HOME MANAGEMENT LLC  
 BALSAM E G & L W  
 BARBOUR ELIZABETH RAE  
 BAUMGARDNER RAYMOND T  
 BEACON CARTER SERVICE  
 BEALS BYRON E  
 BEAN PROPERTIES LLC  
 BECKER DENISE M  
 BECKMAN STEVEN R & NICOLE M  
 BENNETT LAWRENCE W III & LINDA  
 BENNETT LARRY E  
 BERGERSON BONNIE L  
 BIG SKY PHARMACY  
 BIG SKY PROPERTY RENTALS LLC  
 BIG SKY TRUCK AND AUTOMOTIVE REPAIR LLC  
 BLOTSKY MARNIE L  
 BLUE ROCK DISTRIBUTING CO  
 BOHLMAN SHERRY  
 BOSS RENTALS LLC  
 BOTTRELL FAMILY INVESTMENTS LTD PTSHIP  
 BOVEE TRUMAN A III & JUDY K  
 BOYT GEORGE E & TAMMY JO  
 BRADLEY BOB B & COLVIN JOHN C  
 BRADLEY JACK WHITNEY  
 BREWER WALTER THOMAS  
 BRIGGS WILLIAM C  
 BRODSTON INC  
 BROWN MURRAY S  
 BROWN SHEILA A CO TRUSTEE  
 BRUCE BILLY PAGE  
 BRYAN BEN A JR  
 BRYAN BENNY  
 BRYFORD PAMELA  
 BUNDY JANE & DUANE E  
 BYRNE DONALD L & SHIRLEY  
 C J G PARTNERSHIP LLP  
 CAREY MICHAEL J  
 CARLSON PROPERTIES LLC  
 CDH HOLDINGS LLC  
 CENEX INC  
 CHERRY DONALD J  
 CITY OF MILES CITY  
 CLARK GARY L & JOANNE L  
 CLARKE TOM PROPERTIES INC  
 COLLINS PETER  
 CONLEY MICHAEL W & SHERI L  
 CONLEY RENEE FORMERLY LOWRIMORE RENEE  
 CONLEY RONALD  
 COWTOWN AG SUPPLY LLC  
 CREMER JAMES CRAIG & DANNETTE M  
 CRIDLAND GARY L & BERNADETTE  
 CURTIS PAMELA L  
 CUSTER CO COMMUNITY BROADCASTING CORP  
 CUSTER COUNTY  
 CUSTER COUNTY CONFERENCE OF THE SOCIETY  
 CUSTER COUNTY HIGH SCHOOL  
 DALAKOW CRAIG J  
 DALBEC JOSEPH N & GERALDINE A  
 DANE JO ANN A  
 DARVIAL DERON A  
 DAUGHERTY BOBBY D & KAREN A  
 DAVIS BERTHA & MORAN ANNA  
 DAVIS LORN & LUDWIG DAWN D  
 DEANDA ARMANDO & MERRY J  
 DEIBEL JACK & MARY LOU  
 DELUXE MOTORS INC  
 DJS PROPERTIES LLC  
 DOBSTAFF DEANNA K  
 DOEDEN JERRY D & KATHERINE F  
 DOLATTA JAMES E  
 DOUBLE S DEVELOPMENT  
 DUFFY DUANE & KARLA  
 DUFFY JANETTE  
 EASTERN MONTANA COMMUNITY MENTAL HEALTH CENTER  
 EASTERN MONTANA INDUSTRIES  
 EBERT EDITH C  
 EISELE NICHOLAS P & ROBYN S  
 ELDER SCOTT WELDON  
 ENGINEERING PROPERTIES LLC  
 ERLENBUSCH LAVERN & LINDA  
 ETCEMENDY JAMES MICHAEL & JAMIE  
 FARMERS UNION OIL COMPANY OF WORDEN MONTANA  
 FERRIS SHELBY S  
 FIECHTNER JACK  
 FILLAFAER CURTIS  
 FILLER JOHN T & CATHY R  
 FIRST BAPTIST CHURCH  
 FIRST INTERSTATE BANK OF COMMERCE  
 FIRST PRESBYTERIAN CHURCH  
 FIRST SECURITY BANK  
 FIRST UNITED METHODIST CHURCH  
 FLEMING TAB J & SANTOS A  
 FLOTKOEETTER RICHARD  
 FOSSIL DEVELOPMENT COMPANY LLC  
 FRANKS SHORT STOP II LLC  
 FRARE MITCH & MONTY  
 FREDERICK DALE C & ERNA JILL  
 FREEBIRD II LLC  
 FREEDMAN DAVID S & MELISSA A  
 FRIEND DANIEL P & NICOLE C  
 G & T MCFARLAND LLC  
 GALBRAITH SUSANNE M  
 GAPPA SUMMER L & JIM M  
 GASKILL DELORES STEINER  
 GEDROSE DAVID T & MARILYN L  
 GEORGE ROBERT E & SUZANNE M & NICKOLAS R  
 GERGEN EDWARD J & REBECCA L  
 GILBERTSON NANCY P  
 GILBERTSON THOMAS M  
 GM PETROLEUM DISTRIBUTORS  
 GOOKIN JIMMY G  
 GORDON DIANA M  
 GREEN THELMA EVALYN AKA GREEN EVALYN T  
 GREER GLEN CHARLES & CHERI LEA  
 GRENZ CHERYL S & MICHAEL C  
 GRENZ CHRIS A & GLORIA  
 GRESENS IRA & JOANN  
 GRYWUSIEWICZ IGNATIUS  
 HAGEMAN AARON DEAN  
 HANSON TERRY J & DEBORAH L  
 HARDEN LINDA SUE  
 HARDESTY REAL ESTATE LLP  
 HARDY BERNARD E & EDYTHE M TRUSTEES  
 HARMS MERIAH J  
 HARRIS DAVID A & COLETTE M  
 HARRISON INVESTMENT PROPERTIES LLC  
 HARTMAN DONNA K  
 HARTMAN PAUL A  
 HELMTS RUSSELL S & KIMBERLY D  
 HENDERSON DAVID H & VERNA L  
 HENRICHS DICK L  
 HESS KENNETH R & VICKI K

HILGER NELSON D  
 HILL EUNICE E  
 HILL WILLIAM J & ALANDRA K  
 HILLIS STEWART L & ANITA L  
 HINEBAUCH AMANDA M  
 HOLMEN C BRYAN & SHANNON M  
 HOLOM ALAN M & LINDA S  
 HORAN STEVEN J & LINDA M  
 HORIZONS UNLIMITED LLC  
 HORTON JOYCE TOOKE  
 HOVERSON WILLIAM S & JOANN K  
 HOWARD JAMES O  
 HOWE EARL L & PAULA S  
 INGRAHAM MARC ALYN & ASHLEY  
 CAMILLE  
 INNOVATIVE MARKETING  
 SOLUTIONS LLC  
 INTEGRITY REALTY OF MILES CITY  
 LLC  
 JAMES T FLINN POST 1579  
 JAMES T FLINN POST NO 1579  
 JARRETT MIKE & DELLA J  
 JAS BEN C & DORIE LOU  
 JERREL JOSEPH H  
 JM PROPERTIES LLC  
 JOHNSON ANTHONY P & KARLA K  
 JOHNSON JOHN B & CATHERINE M  
 K  
 JOHNSON LOREN C  
 JONES COREY L & JANETTE  
 KRUTZFELDT  
 JUHL TRACEY L  
 KANENWISCHER MARVIN & JOANN  
 KEMPTON CORA  
 KETCHAM STANLEY L  
 KFM INCORPORATED  
 KINSEY SANDRA SCHEID & JASE  
 KIRCHHECK DENNIS R & SANDRA  
 KLEIN ANTONIA  
 KLIPPENSTEIN STACY S & CARRIE S  
 KOHONES SANDRA S AND  
 KENNETH W  
 KOUNTZ PATRICIA  
 KRACHT KELLY W & JOYCE M  
 KRAFT NATHAN P  
 KRAUSZ CHANCE J  
 KRON LYNNE M  
 KRUTZFELDT JAMIE B  
 KUCHYNKA RUTH ANN  
 KUCHYNKA STEPHANIE  
 L N REAL ESTATE LLC  
 LAAKSO CHARLES E  
 LAMACH WILLIAM A & JACQUELINE  
 A  
 LAMBRIGHT ERNEST & CONNIE  
 LANCHBURY DONNA  
 LANDERS JADE & KYLEIGH  
 LANDMARK LAND COMPANY LLC  
 LANDRY DANIEL A  
 LANEY CANDUS E  
 LAWRENCE WAYNE B  
 LEATHERBERRY ALFRED L  
 LEGGATE ERIC J  
 LEIDHOLT DUSTIN ALLEN  
 LEIGHTON HOUSE LLC  
 LILES LEVI P  
 LONE BUCKAROO INC  
 LONG JOHN J & RACHELI  
 LOSINSKI GREGORY J & LINDA  
 LOWRIMORE RENEE  
 LUCAS JAMES P  
 LUND ROBERT L  
 MACKEY HERBERT C & HOUT-  
 MACKEY PATRICIA  
 MADSEN KEN  
 MAIER DUANE L & DEBORAH A  
 MANGEN ELECTRIC INC  
 MARTIN DIANE M  
 MARTIN ED & HELEN  
 MARTIN ED L & HELEN K  
 MARTIN ROBERT S  
 MASA JOHN G  
 MASONIC TEMPLE ASSN  
 MATTHEWS BROTHERS REAL  
 ESTATE LLC  
 MATZEN BILL  
 MCDANIEL SUSAN J  
 MCFARLAND MICKEY & MARCIA  
 MCKINNEY PROPERTIES LLC  
 MCRAE CLARK L & ROBIN K  
 MEIDINGER JERRY W & SANDRA  
 MEIDINGER LEROY & LORI  
 MEISSEL ALVIN  
 MID RIVERS TELEPHONE CO-OP  
 MIDLAND INC  
 MILES CITY FEED LLC  
 MILES CITY KOA CAMPGROUND  
 LLC  
 MILES CITY LODGE BPO ELKS  
 MILES CITY WRESTLING CLUB INC  
 MILLER & HOLMES INC  
 MILLER TIMOTHY I  
 MILLIGAN MILES W II & BETH A  
 MITCHELL R G JR & NANCY L  
 MOGLE LOUISE E & LEWIS M  
 MOLLGAARD CARTER & BETSY  
 MONIER KENNETH L  
 MONTANA DAKOTA UTILITIES  
 MONTANA DEPT OF HIGHWAYS  
 MONTANA PRODUCERS LLC  
 MOORE DARRYL D & LINDA J  
 MOORE GREG & DEBIE  
 MOORE THOMAS W & KRISTI L  
 MOOREHEAD RENTAL PROPERTIES  
 LLC  
 MORGART JERRY & ROBERT  
 MOTT THOMAS B & PATRICIA M  
 MTN REALTY  
 MURI DAX ROBERT & ELIZABETH  
 NANSEL ARLO D  
 NEIBAUER ESTHER I  
 NEUTS INC  
 NGO FRANK ALAN  
 NIECE JOHN J & KIRA N  
 NIEMI KENNETH H & CAROL A  
 NILES PANSY & ALMA MARIE  
 NORSBY NANCY L  
 OAKLAND IMPROVEMENTS INC  
 OFFICIOUS INTERMEDDLER LLC  
 OLSON SOPHIE A  
 ORPHEUM THEATRE INC  
 OTTENBACHER JACK R & ELNORA K  
 OUTLAND LAND CO  
 PACIFIC HIDE & FUR DEPOT  
 PAPA JOE'S SHOP LLC  
 PARKER CHERYL LEE (SHERI)  
 PARKS GARY A  
 PARKS LINDA D  
 PARKS MARCY  
 PAULSON MARK J  
 PEAVEY OCCIDENT ELEVATORS  
 PEDERSON ALTON & ROSE MARIE  
 PEDERSON CARRIE  
 PELLETT WM R & COLE MARK R  
 PIERSON ROBERT D & ROBYN  
 PIONEER RENTALS LLC  
 PLEASANT STREET PROPERTIES LLC  
 PLOG PAULA  
 PMLB LLC  
 PONESSA REED  
 PORTEN CHERY S  
 PRICE MICHAEL V & CAROL J  
 PUBLIC LIBRARY  
 PURVIS ROBBY D & DANIEL  
 QUINLAN RICHARD & VIRGINIA  
 QWEST CORPORATION  
 REBSOM LORETTA A  
 REED MICHAEL J  
 REGALADO CHARLES L & CLAUDINE  
 L  
 REGAN PLUMBING & HEATING  
 RENTSCHLER TONI  
 REX JOHN W SR  
 RICHARDS BRENDA J  
 RIGGS CAMERA & GIFTS  
 ROGERS FAMILY REVOCABLE  
 TRUST  
 RONNING JOHN A  
 RONNING MATTHEW S  
 ROSS WENDI  
 ROST RICKY D  
 RSB PROPERTIES LLC  
 RUSSELL DARLENE E  
 SALAZAR THOMAS D & DARLA R  
 SANDERSON SUSAN K  
 SCANLAN JOHN L & JEANNETTE  
 SCHEIBEL ROBERT G & ROSEMARY  
 SCHEID MARTY J & THERESA L  
 SCHEUERING JOHN  
 SCHMIDT BRAD & STEWART

SCHMITZ MICHAEL J & RHONDA K  
 SCHOCK ALAN L & COLLEEN S  
 SCHWEITZER MYRON & JODI  
 SDR INVESTMENTS LLC  
 SHELTON ROBERT E & PAMELA Y  
 SHIELDS BARBARA A  
 SHIPMAN BERL J  
 SHIPMAN LEON B & RAYANDA M  
 SHOOK MICHELLE A CUMMMINGS  
 SILVER STAR CASINO LLC  
 SIMPSON JAMES D  
 SIMPSON JAMES D & MICHELLE A  
 SINGLETON JAY DEE  
 SINGLETON JERRY D  
 SMITH BONNIE J  
 SMITH BRANDEL R  
 SMITH JESSE W JR & DEBRA L  
 SMITH KRISTINE J  
 SMITH SCOTT ALLEN  
 SPARBY DAVID T & CHRISTINA M  
 STABLER HAZEL J  
 STALLARD & DENT CO  
 STANLEY JERRY LYNN & PEGGY SUE  
 STAR PRINTING COMPANY  
 STARCK PROPERTIES LLC  
 STATE OF MONTANA  
 STEADMAN'S RANCH &  
 PROPERTIES LLC  
 STEELE HELEN E  
 STEIN KENNETH P & KRISTI R  
 STEWART KENNETH  
 STOCKHILL JEWELERS JOHN  
 STOLTZ FRANK F & M PATRICIA  
 STOLTZ RENTALS LLC  
 STOLTZ TIM & CAROLYN  
 STRADLEY JEREMY S & MARCY G  
 STRAIT RUSSELL D  
 STRAND SIDNEY L & KIMBERLY J  
 STRATTON TERRY A  
 STREITMATTER KENT  
 STROM RUBY J & SYLVESTER E  
 SUMMERS NED K & PATSY J  
 SUNRISE INC  
 TETSCHNER WILLIAM F &  
 MARJORIE M

THAUT ROCKY J & TERESA L  
 THIBAUT IRENE  
 THIBAUT JAMES RAY  
 THJ PROPERTIES INC  
 THORMODSGARD LLC  
 TOENNIS LYNNETTE R  
 TOWLER BEVERLY J  
 TUCKER GLORIA E  
 TURLEY RALPH G  
 UELAND ENTERPRISES LLC  
 US BANK NA  
 US POSTAL SERVICE  
 VANCLEAVE PAUL E & PHYLLIS N  
 VETERANS OF FOREIGN WARS  
 WACKER FRED D & LUCAS JAMES P  
 WAMBOLT FRED III & WINNIE  
 WARNER D LOUISE TRUSTEE  
 WARNER JESSE & ELAINE  
 WATTS RONALD J & CONNIE L  
 WATTS RYAN J & BETH A  
 WEEKS ALEXANDER OBADIAH  
 WEISCHEDEL KATHERINE R  
 WELLEMS JOHN V & LOU ANN  
 WESEN THOMAS J  
 WESTALL DONALD R & VIVIAN L  
 WHEATCROFT RICHARD  
 WHEELER DAVID & JEAN J  
 WIEDEMAN HAYWARD L & SHERI L  
 WIELAND RICHARD P & REGINA M  
 WILHELM JOHN E & TWILA M  
 WILLIAMS JEFF A  
 WILLSON BONNIE A & DAVID A  
 WILLSON DOLORES P  
 WINKLEY ALLEN  
 WOHLGENANT DUNCAN &  
 DEBORAH  
 WORLIE DAVID L & RONDA K  
 WURTZ MIKE  
 ZIGNEGO ROBERT J

## APPENDIX C: STATE STATUTES

The following Montana Code Annotated 7-15-42 provide statutory guidance in regard to Urban Renewal Districts with Tax Increment Finance Authority:

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- 7-15-4203. Need for redevelopment and rehabilitation of blighted areas.
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- 7-15-4206. Definitions.
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- 7-15-4286. Procedure to determine and disburse tax increment.
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- 7-15-4297. Repealed.
- 7-15-4298. Repealed.
- 7-15-4299. Repealed.



## APPENDIX D: LIST OF PARTICIPANTS

### Mayor

Chris A. Grenz

### City Council Members

Sue Galbraith

Ken Gardner

Sheena Martin

John Hollowell, President

Mark Ahner

Roxanna Brush

Dwayne Andrews

Jerry Partridge

### City Staff

Lorrie Pearce, City Clerk

Connie Watts, Deputy Clerk

Scott Gray, Public Works

Al Kelm, Public Service

Dawn Colton, Planning

Connie Muggli, Historic

Preservation

Samantha Malenowsky, Flood

Plain Admin

Dennis Hirsh, Building Inspector

Dianna Larson, Secretary

### Planning Board

Brad Certain

Carol Hardesty

Spencer Haynes

Twila Wilhelm

Dale Barta

Dawn Leidholt

Colette Butcher

### Historic Preservation Commission

Kathy Doeden

Doug Melton

Melissa Hartman

Ms. Denise Hartse

Jerry Partridge

Mr. Mark Browning

Mr. Derrick Rodgers

### County Commissioners

Vicki Hamilton

Keith Holmlund

Kevin Krauz

### Superintendent of Schools

Keith Campbell

Dr. Robert Wagner, Chair

### Chamber of Commerce

John Laney, Executive Director

### Miles City Area Economic

### Development Council (MCAEDC)

Mark Petersen, President

Mike Coryell, Executive

Director,

Members of the Board

### Southeastern Montana Economic

### Development Corporation

Jim Atchison, Executive

Director

### Local Residents and Business

#### People

Amundson, Erik

Anderson, Sandra

Armstrong, Dorothy

Breisch, David

Cathay, Bill & Sheryl

Certain, Brad

Cremer, Dannette

Dalbec, Jeri

Deibel, Jack A.

DiAnder, Merry

Ela, Scott

Feickert, Tracey

Gilbertson, Nancy

Gillette, Todd

Griffith, Erica

Grube, Mary

Hafer, Randy

Hardest, Carol

Hartman, Jan

Heitz, Glen

Hill, George

Holman, Bryan

Holmlund, Ken

### Local residents and Business, cont'd

Hould, Melyndanshen

Janshen, Brandon

Jourdan, Lisa

Killoy, Daniel

Korell, Matt

Krutzfeldt, William

Laakso, Chuck

Laird, Sigrid

Leischner, Brent

Lesh, Monty

Madler, Mona

Makeiky, Robbin

Markuson, Stan

Martin, Bryant

McLane, Kathleen

Melnick, Bill

Miller, Celeste

Mitchell, Dick

Mitchell, Greg

Mitchell, Nancy

Mollman, Blake

Moore, Greg and Debbie

Muri, Jacki

Murmin, Karla

Neiffer, Pat

Nelson, Heather

Otis, Laura

Petersen, Polly

Pinkerton, Jennifer

Rice, Dan

Rodenbaugh, Jeff

Rolandson, Amy

Scheuering, John

Schmidt, Donna

Smith, Dave

Steadman, Todd

Stein, Ken

Stevenson, Karen

Stevenson, Mike

Stoltz, Frank

Strouf, Jason

### Local residents and Business, cont'd

Tooke, John

Uden, John

Williams, Jeff

# RESOLUTION NO. 3786

## A RESOLUTION ADOPTING A PURCHASING POLICY FOR THE CITY OF MILES CITY, MONTANA

*WHEREAS*, the City of Miles City wishes to implement a revised policy governing the process relative to all purchases made by the City of Miles City;

*AND WHEREAS* the City of Miles City has developed an updated policy with regards to the same;

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

1. The Purchasing Policy attached hereto as Exhibit "A" is hereby approved and adopted by the Council, effective immediately.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28<sup>TH</sup> DAY OF APRIL, 2015.**

---

C.A. Grenz, Mayor


ATTEST:

---

Lorrie Pearce, City Clerk

EXHIBIT A

Cross outs  
are changes  
made.

 <b>CITY OF MILES CITY POLICY &amp; PROCEDURE</b>	Effective Date:	02-2003
	Last Revised:	
<b>Purchasing Policy</b>		
<b>RESOLUTION #</b>		

**Purpose & Scope**

This document is intended to describe the policy and process that which shall be followed by the City of Miles City relative to all purchases.

**A. Authorization to Make Purchases**

1. Upon the City Council's acceptance of budgets, all Department Directors are authorized to make purchases required for their departments in accordance with this policy.
2. The Department Director may designate other department staff to make the purchases for the Department; however, the Department Director will acknowledge ALL department purchases through signing off or initialing off on each transaction.

**B. Montana Law References**

1. MCA 7-5-4302 (1) requires that any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials, or supplies, or any construction, repair or maintenance of any kind in excess of \$20,000 as well as any construction, repair, or maintenance in excess of \$25,000 \$80,000 must be advertised & let to the lowest responsible bidder.
2. MCA 7-5-4302 (2) and (3) as well as MCA 7-5-4303 and MCA 7-5-4304 provide details on bidding & advertising requirements.
3. MCA 7-5-4305 explains that the bidding process cannot be circumvented by dividing a work or construction project into several contracts or separate work orders or similar device.
4. MCA 7-5-4306 & MCA 7-7-4104 explain limitations placed upon the use of installment purchase contracts.
5. MCA 7-7-4101 explains the purposes for which the City can incur indebtedness.
6. MCA 7-5-4310 explains that the city may make purchases at public auction for any vehicle, machinery, appliance, apparatus, building, or materials and supplies provided the sum is less than \$25,000 \$50,000.
7. MCA 15-70-101 explains that when more than \$4,000 \$25,000 of Gas Tax money is used for any construction, re-construction, maintenance or repair, the project must be subject to a bid

~~process and disbursed to the lowest responsible bidder~~—all Gas Tax funds must be disbursed to the lowest responsible bidder for projects set forth in MCA 7-5-2301 and 7-5-4302.

### C. City Policy

1. Department Directors will purchase from local vendors when the item is available locally. & ~~shall include qualified vendors in any bid process.~~ Written explanation will be provided and Retained by the Director when a local vendor is not the provider.
2. All documentation on purchases under **Section A, B & C** above will be kept in retrievable files within the appropriate Department.
3. All documentation on purchases for **Section D** ~~above~~ below will be provided to the City Clerk's office for retention in a central location.

### D. Process for Procurement by Purchase Order (PO)

1. The Department Director or designee **will** obtain an invoice from **the** vendor. ~~and~~
2. The Department Director **or designee** will prepare **and** sign ~~or initial~~ the PO and properly code the Purchase Order.
3. The Department Director will insure delivery of signed & coded Purchase Orders to the City Clerk's office as they occur or insuring ~~e~~ that outstanding PO's are completed properly & delivered to City Clerk's office by the 25th of each month. PO's are paid ~~monthly by the 10th~~ **the next day after the first Council meeting** of each month.
4. The City Clerk's office will review the PO for completeness and proper coding.
  - a. Department Directors will be advised on POs that need correction or coding adjustment.
  - b. The City Clerk's office may return the PO for the Department Director to correct, or
  - c. The City Clerk's office may make any adjustments after consultation with the Department Director.
5. The City Clerk's office will make notes ~~entries~~ on any adjustments made to a PO that was not returned to the Department Director for adjustment.

### E. Process for Procurement by Credit Card.

1. Departments will restrict those persons authorized to make purchases with the credit card(s) to as few as needed to meet department needs.
2. Department Directors will sign off on each purchase **and** code **it** for budgeting purposes. ~~and insure that the "transaction" gets to the City Clerk's office timely.~~
3. The Department Director will receive a monthly statement from the credit card company. ~~And he/she~~ **The Department Director or designee** will check that all transactions are theirs; that documentation (charge slips, receipt or invoice) exists for every purchase; and that each purchase is properly coded for budget purposes.
4. The Department Director will insure that the City Clerk's office gets the original of the card statement and the originals of all documentation (charge slips, receipts or invoices) on a timely basis. ~~(If originals are not available, the Department Director will so document.) These may be transmitted on a regular basis including daily if desired.~~
5. ~~The Department Director will keep a copy of all transmittals.~~
6. All disputed items on the monthly credit card statement, or billing errors or credits due are the responsibility of the Department to rectify or verify.

7. Departments will develop internal policy/procedures relative to the proper use and security of the credit card(s).
8. Department Directors **and/or employees who are issued a card** will sign a "Cardholder Agreement".
9. Credit card(s) will be kept in a secure location(s).
10. The credit card numbers should be protected and should not be posted at a desk or in an easily seen location.
11. ~~Lost or stolen cards will be reported to Credit Card Company and to the Department Director & City Clerk's office immediately.~~ **The card holder will be responsible for reporting the loss/theft of the credit card to the City Clerk and Department Director immediately. The City Clerk will be responsible to report the loss of the credit card to the Credit Card Company.**
12. Credit cards may not be used for any personal (non-City) use, **such as:** cash advances; any lodging, meals, per diem that exceeds city policy, or any personal health & medical services.

#### **F. Claims review and approval**

1. The City Clerk's office will prepare checks to vendors and present the itemized list of reviewed claims to the City Council for approval before payment.
2. Full Council approval will be obtained at the first council meeting of each month. ~~except in months where the first council meeting occurs after the 11th calendar day of the month. On those occasions, a quorum of the Council's Finance Committee will meet and approve claims prior to payment.~~
3. Each month following **before** claims are approved by the City Council, the Chair of the City's Finance Committee **or his/her designee**, or the Mayor in the Chair's absence, will:
  - a. Review & approve the journal voucher register & supporting vouchers
  - b. Sign the monthly claims list as evidence of that approval;
  - c. Review and account for the numerical sequence of checks & account for any checks paid but not approved by list and ~~confirm~~ **confirm** voided checks; and
  - d. Compare the claims register with the claims check register;


#### **Attachments:**

- ~~Cardholder statement for Credit Card Users~~
- Guide on How to Write Bid Specifications
- Compliance for Audits of Local Government on Procurement, Bid Letting, Contracts
- Purchasing policy guidelines

**Purchasing Policy Guidelines for the City of Miles City  
January 2011**

Amount of Purchase	Policy/Process	Documentation Required
A. Under \$2,499 <del>\$4,999</del>	1. Any manner deemed appropriate by department manager.	1. Copy of invoice and signed purchase order or credit card receipt 2. Attach documentation to claim
B. <del>\$2,500 to \$7,499</del> <b>\$5,000 to \$9,999</b>	1. Secure telephone quotations from a minimum of three vendors, whenever possible. 2. Document if unable to obtain three quotations.	1. Must use purchase order/claim 2. Record of telephone quotations with name of bidder and name of person submitting quote 3. Attach documentation to claim.
C. <del>\$7,500 to \$34,999</del>  <b>\$10,000 to \$79,999–\$49,000</b>	1. Payment by written purchase orders only, unless authorization to use a credit card is approved by the Mayor in advance. 2. Secure written bids/quotes from a minimum of three vendors, whenever possible. 3. Document if unable to secure three quotations. 4. <b>If purchase and amount was not approved in Budget, then the purchase must be approved in advance by both the Finance Committee and the Mayor City Council</b>	1. Copy of invoice and signed purchase order/claim 2. List of vendors 3. Copy of Request for Quotation (RFQ) form 4. Copies of all memoranda and correspondence concerning the purchase 5. Written record of any phone conversations regarding the purchase with vendors ("Sole Source" documentation) 6. Notification to Finance Committee and the Mayor if purchase is being awarded to someone other than the lowest bidder 7. Attach documentation to claim.
D. Over <del>\$35,000 \$80,000</del> <b>\$50,000</b> in equipment, supplies or construction costs <del>or over \$4,000 in use of Gas Tax in construction.</del>	Per appropriate section in Montana Codes Annotated, sealed bids with Public Opening; with legal review on the process prior to letting; followed by City Council approval. <b>Solicitation of bids, only need to go to Finance Committee.</b>	1. All of the above, plus: • Copies of all advertisements for bid. • Copies of bid specifications as supplied to vendors, • Copies of certified mail receipts, • Documentation of legal review of the bidding process by the City Attorney



 <b>CITY OF MILES CITY POLICY &amp; PROCEDURE</b>	Effective Date:	02-2003
	Last Revised:	
<b>Purchasing Policy</b>		
<b>RESOLUTION # 3786</b>		

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3. MCA 7-5-4305 explains that the bidding process cannot be circumvented by dividing a work or construction project into several contracts or separate work orders or similar device.
4. MCA 7-5-4306 & MCA 7-7-4104 explain limitations placed upon the use of installment purchase contracts.
5. MCA 7-7-4101 explains the purposes for which the City can incur indebtedness.
6. MCA 7-5-4310 explains that the city may make purchases at public auction for any vehicle, machinery, appliance, apparatus, building, or materials and supplies provided the sum is less than \$50,000.
7. MCA 15-70-101 explains that all Gas Tax funds must be disbursed to the lowest responsible bidder for projects set forth in MCA 7-5-2301 and 7-5-4302.

**C. City Policy**

1. Department Directors will purchase from local vendors when the item is available locally. Written explanation will be provided and retained by the Director when a local vendor is not the provider.
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3. All documentation on purchases for Section D below will be provided to the City Clerk's office for retention in a central location.

#### **D. Process for Procurement by Purchase Order (PO)**

1. The Department Director or designee will obtain an invoice from the vendor.
2. The Department Director or designee will prepare and sign the PO and properly code the Purchase Order.
3. The Department Director will insure delivery of signed & coded Purchase Orders to the City Clerk's office as they occur or insure that outstanding PO's are completed properly & delivered to City Clerk's office by the 25th of each month. PO's are paid **the next day after the first Council meeting** of each month.
4. The City Clerk's office will review the PO for completeness and proper coding.
  - a. Department Directors will be advised on POs that need correction or coding adjustment.
  - b. The City Clerk's office may return the PO for the Department Director to correct, or
  - c. The City Clerk's office may make any adjustments after consultation with the Department Director.
5. The City Clerk's office will make notes on any adjustments made to a PO that was not returned to the Department Director for adjustment.

#### **E. Process for Procurement by Credit Card.**

1. Departments will restrict those persons authorized to make purchases with the credit card(s) to as few as needed to meet department needs.
2. Department Directors will sign off on each purchase and code it for budgeting purposes.
3. The Department Director will receive a monthly statement from the credit card company. The Department Director or designee will check that all transactions are theirs; that documentation (charge slips, receipt or invoice) exists for every purchase; and that each purchase is properly coded for budget purposes.
4. The Department Director will insure that the City Clerk's office gets the original of the card statement and the originals of all documentation (charge slips, receipts or invoices) on a timely basis.
5. All disputed items on the monthly credit card statement, or billing errors or credits due are the responsibility of the Department to rectify or verify.
6. Departments will develop internal policy/procedures relative to the proper use and security of the credit card(s).
7. Department Directors and/or employees who are issued a card will sign a "Cardholder Agreement".
8. Credit card(s) will be kept in a secure location(s).
9. The credit card numbers should be protected and should not be posted at a desk or in an easily seen location.

10. The card holder will be responsible for reporting the loss/theft of the credit card to the City Clerk and Department Director immediately. The City Clerk will be responsible to report the loss of the credit card to the Credit Card Company.
11. Credit cards may not be used for any personal (non-City) use, such as: cash advances; meals, per diem that exceeds city policy, or any personal health & medical services.

#### **F. Claims review and approval**

1. The City Clerk's office will prepare checks to vendors and present the itemized list of reviewed claims to the City Council for approval before payment.
2. Council approval will be obtained at the first council meeting of each month. Each month before claims are approved by the City Council, the Chair of the City's Finance Committee or his/her designee, or the Mayor in the Chair's absence, will:
  - a. Review & approve the journal voucher register & supporting vouchers
  - b. Sign the monthly claims list as evidence of that approval;
  - c. Review and account for the numerical sequence of checks & account for any checks paid but not approved by list and confirm voided checks; and
  - d. Compare the claims register with the claims check register;

#### **Attachments:**

- Guide on How to Write Bid Specifications
- Compliance for Audits of Local Government on Procurement, Bid Letting, Contracts
- Purchasing policy guidelines

**Purchasing Policy Guidelines for the City of Miles City  
May 2015**

<b>Amount of Purchase</b>	<b>Policy/Process</b>	<b>Documentation Required</b>
A. Under \$4,999	1. Any manner deemed appropriate by department manager.	1. Copy of invoice and signed purchase order or credit card receipt 2. Attach documentation to claim
B. \$5,000 to \$9,999	1. Secure telephone quotations from a minimum of three vendors, whenever possible. 2. Document if unable to obtain three quotations.	1. Must use purchase order/claim 2. Record of telephone quotations with name of bidder and name of person submitting quote 3. Attach documentation to claim.
C. \$10,000 to \$49,999	1. Payment by written purchase orders only, unless authorization to use a credit card is approved by the Mayor in advance. 2. Secure written bids/quotes from a minimum of three vendors, whenever possible. 3. Document if unable to secure three quotations. 4. If purchase and amount was not approved in Budget, then the purchase must be approved in advance by City Council	1. Copy of invoice and signed purchase order/claim 2. List of vendors 3. Copy of Request for Quotation (RFQ) form 4. Copies of all memoranda and correspondence concerning the purchase 5. Written record of any phone conversations regarding the purchase with vendors ("Sole Source" documentation) 6. Notification to Finance Committee and the Mayor if purchase is being awarded to someone other than the lowest bidder 7. Attach documentation to claim
D. Over \$50,000 in equipment, supplies or construction costs	Per appropriate section in Montana Codes Annotated, sealed bids with Public Opening; with legal review on the process prior to letting; followed by City Council approval. Solicitation of bids, only need to go to Finance Committee.	1. All of the above, plus: • Copies of all advertisements for bid. • Copies of bid specifications as supplied to vendors, • Copies of certified mail receipts, • Documentation of legal review of the bidding process by the City Attorney

## Guide on How to Write Bid Specifications

Specifications provide a precise description of the critical features a supply or service must have to satisfy a need. A specification should be written from the general to the specific. Good procurement practice and Montana law require that specifications not be unduly restrictive (Ref. Mont. Code Ann. § 18-4-234). Restrictive specifications may limit competition and in the end, do not promote the overall economy for the purposes intended. The following outline should be used as a guideline:

1. **Common Title of Supply or Service:** Begin a specification by listing the common name of the product or service sought: "compact sedan," for example, or "photocopier maintenance." Do not list a specific brand name in the title.
2. **Purpose/Use for Supply or Service:** State the intended purpose for which the item will be used. For example, a lawn tractor specification might state: "suitable for daily use (4-6 hours) on a 7-acre complex with several 20 degree slopes." Vendors must know the intended use to assist in determining the specific **supply to bid**.
3. **Description of Supply or Service:** List all the critical features the supply must perform or have to meet your requirements. Use a specification that indicates the necessary **performance** requirements of the end supply or service, or a design specification that details how a product is engineered, if you have a specific physical requirement for the product. However, it is difficult to draft design specifications without being restrictive and limiting competition. A combination of performance and design requirements is often the most ideal specification. Identify the minimum requirements, but make sure the stated minimums will result in a product that will satisfy the needs. If there are **brand name-or-equal** products that are of the appropriate quality level, list several of the acceptable brand names and model numbers. Be careful to not imply that only a certain brand name will be acceptable, unless compatibility is an issue.
4. **List Special Requirements:** Describe any special conditions that the product or vendor must perform. Warranty, service, parts, and training requirements must be included.
5. **Unusual Conditions:** Describe any unusual conditions, such as compatibility, fiscal year funding source, etc.
6. **Delivery Date:** Indicate a specific delivery date, if required. If a delivery time is not specified, it will generally be 30 days after issuance of a purchase order.
7. **Delivery Location:** Be specific about delivery location and any special delivery requirements. Bids must state that supplies are to be shipped F.O.B. Destination – Freight Prepaid, meaning that the title of the supplies remains with the vendor until the supplies are unloaded at the final destination. When supplies are purchased F.O.B. Destination – Freight Prepaid, the vendor is responsible for damage to the supplies while they are in transit and also responsible for filing freight claims if damages are incurred.
8. **Contact Person:** List the name, address, and phone number of the person who should be contacted if questions arise.



## 1. GENERAL BIDDING REQUIREMENTS

- A contract for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair, or maintenance **in excess of \$80,000** must be let to the lowest responsible bidder after advertisement for bids. (MCA 7-5-4302(1)) (See exceptions to this bidding requirement, below)
  - √ **Public Auction:** In lieu of soliciting bids, the council may purchase at public auction any vehicle, machinery, appliances, apparatus, building, or materials or supplies for which must be paid a sum of \$50,000 or less. (MCA 7-5-4310)
  - √ **Self-Government Powers:** A local government unit with self-government powers cannot supersede by the passage of a resolution or ordinance the competitive bidding requirements set forth in MCA 7-5-4302. (AGO #175, Vol. 37))
- **Publication Requirements:** The advertisement for bids must be published as provided in 7-1-4127 (See C/T-1 – “General Topics” for discussion of these publication requirements), and the second publication must be made not less than 5 days or more than 12 days before the consideration of bids. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for considering bids. (MCA 7-5-4302(2))
- **Exceptions to Bidding Requirements:** The following are the exceptions to the bidding requirements of MCA 7-5-4302:
  1. Purchases necessitated by emergencies, as defined in MCA 7-5-4303(1);
  2. Purchases of supplies or equipment from government agencies when the purchase can result in a substantial savings to the city or town, and when there is sufficient budget for the purchase (MCA 7-5-4303(2));
  3. Alternative project delivery contracts, as provided in Title 18, chapter 2, part 5 (MCA 7-5-4302) (See discussion below)
  4. Solicitation and award of an investment grade energy audit or energy performance contract pursuant to Title 90, Chapter 4, Part 11, or to the construction or installation of conservation measures pursuant to the energy performance contract. (MCA 7-5-4315) (See discussion below)

## 1. GENERAL BIDDING REQUIREMENTS - continued

- **Exceptions to Bidding Requirements - continued:**
  5. Contracts for professional, technical, engineering, or legal services (MCA 7-5-4301(2)(a));

- √ However, contracts in which the value of the majority of the services to be rendered constitute services other than professional, technical, engineering, or legal services must be awarded under the bidding procedures. (MCA 7-5-4301(2)(a))
- √ A contract for the employment of a construction manager that calls only for the application of the contractor's technical expertise and experience in a supervisory capacity and does not involve the procurement of supplies or actual construction is a contract for professional and technical services. (AGO #175, Vol. 37))
- √ A municipality may extend, renew, or amend a contract or series of contracts for the supervision or operation of a physical plant that provides water, sewer, or power services without proceeding under the bidding procedure if:
  - a. one or more of the contracts were awarded to the entity in accordance with the competitive bidding procedures, and
  - b. the entity has provided the services to the municipality for the immediately preceding 5-year period. (**Note:** Other than these situations, supervision over or operation of a physical plant that provides water, sewer, or power services to a municipality does not constitute a service excluded under the provisions of 7-5-4301(2)(a) (above).) (MCA 7-5-4301(2)(b))

## 2. CERTAIN CONTRACTS TO BE SUBMITTED TO VOTERS

- No contract may be let pursuant to MCA 7-5-4302, pertaining to competitive bidding requirements, (see above) that extends over a period of 5 years or more without first submitting the question to a vote of the electors of the city or town. (MCA 7-5-4304)
- √ **Exceptions:** The following are the exceptions to the requirement that the contract be submitted to the voters:
  1. A contract for solid waste management system as defined in MCA 75-10-103, which may not exceed 10 years; or
  2. Obligations issued pursuant to MCA 7-7-4104, which may include bonded indebtedness, note indebtedness, a lease, a lease-purchase agreement, an installment purchase contract, or other legal forms. These obligations are general obligations of the municipality but are not secured by a pledge of the taxing power of the municipality. See 7-7-4104 for the specific terms and restrictions of this type of obligation. (MCA 7-5-4304))

## 3. BIDDING - GAS TAX FUNDS

(See TRAN-1 "Gasoline Tax Apportionment" for additional information)

- If a city or town contracts for construction, reconstruction, maintenance or repair of city or town streets or alleys costing **in excess of \$80,000** to be paid with gasoline tax



funds, the funds must be disbursed to the lowest responsible bidder according to applicable bidding procedures. (MCA 15-70-101(5)) .

4. **DIVISION OF CONTRACTS PROHIBITED**

- Public work or construction projects for which competitive bidding is required may not be divided into several contracts to circumvent the competitive bidding requirements. (MCA 7-5-4305)

5. **INSTALLMENT PURCHASE CONTRACTS – LENGTH OF TERM**

- When the amount to be paid under an installment purchase contract **exceeds \$4,000**, the council may provide for the payment of the amount in installments extending over a period of **not more than 10 years** if at the time of entering into the contract, there is an unexpended balance of appropriation in the budget for the then-current fiscal year available and sufficient to pay for the portion of the contract price payable during the then-current fiscal year. The budget for each following year in which any portion of the purchase price is to be paid must contain an appropriation for the purpose of paying that portion. The limitations contained in this section do not apply to installment purchase contracts entered into pursuant to 7-7-4104 (See Requirement #2, above.) (MCA 7-5-4306)

6. **LEASE/PURCHASE AGREEMENTS SUBJECT TO BIDDING REQUIREMENTS**

- A lease with an option to purchase is subject to the competitive bidding requirement of MCA 7-5-4302 (See above). (AGO #78, Vol. 41)

7. **CONFLICT OF INTEREST**

- The mayor, any member of the council, any city or town officer, or any relative or employee of an enumerated officer may not be directly or indirectly interested in the profits of any contract entered into by the council while the officer is or was in office. (MCA 7-5-4109(1))
- √ The governing body of a city or town may waive the application of the above prohibition if in an official capacity the officer or employee does not influence the decision-making process or supervise a function regarding the contract in question. A governing body may grant a waiver under this subsection only after publicly disclosing the nature of the conflict at an advertised public hearing held for that purpose. In determining whether to grant a waiver, the governing body shall consider the following factors, where applicable:
  - (a) whether the waiver would provide to a program or project a significant benefit or an essential skill or expertise that would otherwise not be available;
  - (b) whether an opportunity was provided for open competitive bidding or negotiation;
  - (c) whether the person affected is a member of a clearly identified group of persons that is the intended beneficiary of the program or project involved in the contract; and

- (d) whether the hardship imposed on the affected person or the governmental entity by prohibiting the conflict will outweigh the public interest served by avoiding the conflict.(MCA 7-5-4109(2))
- City or town officers; or any deputies or employees of a city or town may not be interested in any contract made by them in their official capacity or by anybody, agency, or board of which they are members or employees if they are directly involved with the contract. A former employee may not, within 6 months following the termination of employment, contract or be employed by an employer who contracts with the city or town involving matters with which the former employee was directly involved during employment. (MCA 2-2-201(1))
- √ As used above:
1. The term “be interested in” does not include a minority interest in a corporation.
  2. The term “contract” does not include:
    - a. contracts awarded based on competitive procurement procedures conducted after the date of employment termination;
    - b. merchandise sold to the highest bidder at public auctions;
    - c. investments or deposits in financial institutions that are in the business of loaning or receiving money;
    - d. a contract with an interested party if, because of geographic restrictions, a local government could not otherwise reasonably afford itself of the subject of the contract. It is presumed that a local government could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the local government is greater than 10% of a contract with an interested party or if the contract is for services that must be performed within a limited time period and no other contractor can provide those services within that time period.
  3. The term "directly involved" means the person directly monitors a contract, extends or amends a contract, audits a contractor, is responsible for conducting the procurement or for evaluating proposals or vendor responsibility, or renders legal advice concerning the contract.(MCA 2-2-201(2))
- √ The definitions of “be interested in” and “contract” contained in MCA 2-2-201 are incorporated into MCA 7-5-4109. (AGO #28, Vol. 40)
- A public officer or employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict. The public officer or employee shall make the disclosure in writing to the commissioner of political practices, listing the amount of private interest, if any, the purpose and duration of the person's services rendered, if any, and the compensation received for the services or other information

that is necessary to describe the interest. If the public officer or employee then performs the official act involved, the officer or employee shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act. (MCA 2-2-131) (**Note:** Even though an interest may be permissible under the exceptions listed in MCA 2-2-201 (above), an official who has a substantial interest in the affected business must comply with MCA 2-2-131. (AGO #28, Vol. 40)

## 8. AWARDING PUBLIC CONTRACTS - PREFERENCES

- Public contracts for construction, repair, or public works must be awarded to the lowest responsible bidder **without regard to residency**. However, a resident bidder must be allowed a preference on a contract against the bid of any nonresident bidder from any state or country that enforces a preference for resident bidders. The preference given to resident bidders of this state must be equal to the preference given in the other state or country. These preferences apply whether the law requires, or does not require, advertisement for bids, and they apply to contracts involving federal funds unless expressly prohibited by the laws of the United States or regulations adopted pursuant to federal laws. (MCA 18-1-102(1)(a) & (2)) [**Note:** Subsection (1)(b), related to public contracts for the purchase of goods, is not applicable to *local governments*.]

## 8. AWARDING PUBLIC CONTRACTS – PREFERENCES - continued

- *The Common Rule* (CFR § 36(c)(2)) prohibits the use of statutorily or administratively imposed in-state or local geographical preferences in the evaluation of bids or proposals **for federally-funded contracts**, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. (**Note:** Government-wide guidance for administering grants and cooperative agreements with States and local governments is contained in the OMB Circular A-102 *Common Rule* (a.k.a. *Grants Management Common Rule*), which was codified by each Federal funding agency in its title of the *Code of Federal Regulations*. The *Common Rule* section numbers are referred to without the Federal agency's part number (e.g., § 36(c) would refer to the same Procurement/Competition section in all agency regulations). This allows auditors to refer to the same section numbers when discussing administrative issues with different Federal funding agencies. The Codification of Government-wide Grants Requirements by Department can be accessed via this web site: <http://www.whitehouse.gov/omb/grants/chart.html> )

## 9. BID SECURITY

- The advertisement, request, or solicitation for bids must specify that all bidders shall expressly covenant in any bid that if the bidder is awarded the contract, the bidder will, within the time required as stated in the advertisement or solicitation, enter into a formal contract and give a good and sufficient bond to secure the performance of the terms and conditions of the contract. The advertisement or solicitation shall specify the amount of the bond, whether the amount is set by statute or set by the public authority (not less than 10% of the bid price), and shall specify that a bid bond or other form of security specified in 18-1-203 (see below) constitutes compliance with this requirement. (MCA 18-1-202) (**Note:** For a bid for the purchase of

indebtedness, the bond may not be less than 2% of the principal amount of the indebtedness.)

- Bids for public contracts must be accompanied by bid security in the form of cash; cashier's check, certified check, bank money order, or bank draft drawn and issued by a federally or state-chartered bank insured by the federal deposit insurance corporation; or a bid bond, guaranty bond, or surety bond executed by a surety corporation authorized to do business in Montana. (MCA 18-1-203)

#### 10. CONTRACT PERFORMANCE SECURITY

**(Note:** These contract performance security requirements may be waived for building or construction projects that cost less than \$50,000. (MCA 18-2-201(4)))

- Whenever a municipality contracts with a person or corporation to do work, the city/town council shall require that the person or corporation deliver a good and sufficient bond with a surety company, licensed in the state, conditioned that the person or corporation shall (1) faithfully perform all of the provisions of the contract; (2) pay all laborers, mechanics, subcontractors, and material suppliers; and (3) pay all persons who supply the person, corporation, or subcontractors with provisions, provender, material or supplies for performing the work. (MCA 18-2-201)
- The municipality may, in lieu of a surety bond, permit the deposit with the municipality of the following securities in an amount at least equal to the contract sum to guarantee the contract performance: cash; cashier's check, certified check, bank money order, certificate of deposit, money market certificate, or bank draft or irrevocable letter of credit drawn and issued by a federally or state-chartered bank or S&L association insured by the FDIC or an insured credit union. (MCA 18-2-201)

#### 11. ACCEPTANCE AND FINAL PAYMENT ON CONSTRUCTION CONTRACTS

- A government entity that enters into a contract for the construction of a building shall, unless otherwise provided by law or the contract and within 10 days after a request by the construction contractor for final acceptance, decide whether or not to make final acceptance. Within 30 days after final acceptance by the government entity, the government entity shall make the final payment of the contract price specified in the contract to the other party to the contract. (MCA 18-2-306)

#### 12. RETAINAGE FOR PUBLIC CONTRACTS

- The maximum retainage applied to construction contracts may not exceed 5% if the contractor is performing by the terms of the contract. (Retainage means the ratio, in percent, of funds retained to the total amount to be paid to the contractor by the government entity) (MCA 18-2-316)

**(Note:** In all public works contracts entered into under the provisions of Title 18, Chapter 2, Part 4, MCA, [i.e., Standard Prevailing Rate of Wages – see below] at least \$1,000 of the contract price must be withheld at all times until the termination of the public works contract. (MCA 18-2-404(2)))

### 13. STATE PREVAILING WAGE RATES (MONTANA'S "LITTLE DAVIS BACON ACT")

- Current State prevailing wage rates established by the Montana Department of Labor and Industry can be found at: <http://erd.dli.mt.gov/labor-standards/state-prevailing-wage-information/current-prevailing-wage-rates.html>
- The *State* prevailing wage rates do not apply in those instances in which the standard prevailing rate of wages is determined by *federal* law. (MCA 18-2-402(2))
- "Public works contract" is defined as a contract for **construction services** let by the state, county, municipality, school district, or political subdivision or for **nonconstruction services** let by the state, county, municipality, or political subdivision in which the total cost of the contract is in **excess of \$25,000**. (MCA 18-2-401(11)(a))
  - √ "Construction services" means work performed by an individual in building construction, heavy construction, highway construction, and remodeling work. The term does not include engineering, superintendence, management, office, or clerical work on a public works contract; or consulting contracts, contracts with commercial suppliers for goods and supplies, or contracts with professionals licensed under state law. (MCA 18-2-401(3))
  - √ Services that qualify as "nonconstruction services" are listed at MCA 18-2-401(9) and include a wide range of activities, but do not include management, office, or clerical work.
- A public contracting agency must include in the bid specifications and contracts for any public works the following:
  - (a) an unequivocal agreement by the contractor or employer to give preference to employment of bona fide Montana residents (MCA 18-2-403);
  - (b) a statement that any construction project, excluding projects involving the expenditure of federal aid funds or where residency preference laws are specifically prohibited by federal law, the bid specifications and the contract shall provide that at least 50% of the workers of each contractor working on the project will be bona fide Montana residents (MCA 18-2-409);
  - (c) an unequivocal agreement by the contractor or employer that a worker performing labor on the project will be paid the applicable standard prevailing rate of wages;
  - (d) a listing of standard prevailing wage rates including fringe benefits applicable to the public works contract; (MCA 18-2-422) and
  - (e) the contract provisions must clearly show that the contractor or employer is bound to pay wages at rates determined by the Department of Labor and Industry, and to give required preferences.(ARM 24.17.144)

13. **STATE PREVAILING WAGE RATES (MONTANA'S "LITTLE DAVIS BACON ACT") - continued**

- All public works contracts and the bid specifications for those contracts must contain:
  - (1) a provision stating for each job classification the standard prevailing wage rate, including fringe benefits, that the contractors and employers shall pay during construction of the project; (See also MCA 18-2-403)
  - (2) a provision requiring each contractor and employer to maintain payroll records in a manner readily capable of being certified for submission to the Department of Labor & Industry for not less than 3 years after the contractor's or employer's completion of work on the project; and
  - (3) a provision requiring each contractor to post a statement of all wages and fringe benefits. (MCA 18-2-422)

**(Note:** Failure to include these provisions in a public works contract relieves the contractor from the obligation to pay the standard prevailing wage rate and places the obligation on the public contracting agency. (MCA 18-2-403(9); ARM 24.17.144)

- Transportation of goods, supplies, materials, and manufactured or fabricated items to or from the project location is not subject to payment of the standard prevailing rate of wages. (MCA 18-2-403(6))
- All public works contracts under this part must be approved in writing by the legal adviser of the contracting government prior to execution. (MCA 18-2-404(1))
- At least \$1,000 of the contract price must be withheld at all times until the termination of the public works contract. (MCA 18-2-404(2))
- Any public works contract that calls for more than 30 months to fully perform must include a provision to adjust the standard prevailing rate of wages to be paid. The standard prevailing rate of wages must be adjusted 12 months after the date of the award of the contract, and the amount of the adjustment must be a 3% increase. The adjustment must be made and applied every 12 months for the term of the contract. (MCA 18-2-417) **(Note:** Any increase in the standard rate of prevailing wages for workers under this section is the sole responsibility of the contractor and any subcontractors and not the contracting agency.)
- When a public works project costing more than \$50,000 is accepted by the public contracting agency, a notice of acceptance and the completion date of the project must be sent to the Department of Labor & Industry. The Department may *request* this information for projects costing less than this amount. (MCA 18-2-421; ARM 24.17.144)

14. **ALTERNATIVE PROJECT DELIVERY CONTRACTS**

- Alternative project delivery contract means a construction management contract, a general contractor construction management contract, or a design-build contract. (MCA 18-2-501)

- A governing body that uses an alternative project delivery contract shall demonstrate that the governing body has or will have knowledgeable staff or consultants who have the capacity to manage an alternative project delivery contract. (MCA 18-2-502(1))
- Prior to awarding an alternative project delivery contract, the governing body shall make a determination, in writing, that the proposal meets at least two of the sets of criteria described in (a) through (c) below, and that the proposal meets the provisions of (d). (MCA 18-2-502(2) & (3))
  - a. The project has significant schedule ramifications and using the alternative project delivery contract is necessary to meet critical deadlines by shortening the duration of construction.
  - b. By using an alternative project delivery contract, the design process will contribute to significant cost savings.
  - c. The project presents significant technical complexities that necessitate the use of an alternative delivery project contract
  - d. Using an alternative project delivery contract will not encourage favoritism or bias in awarding the contract or substantially diminish competition for the contract.
- The governing body's decision to award an alternative project delivery contract must be based, at a minimum, on:
  - (a) the applicant's history and experience with projects similar to the project under consideration; financial health; staff or workforce that is proposed to be committed to the project; approach to the project; and project costs, and
  - (b) any additional criteria or factors that reflect the project's characteristics, complexities, or goals. (MCA 18-2-503(2))
- At the conclusion of the selection process, the governing body shall state and document in writing the reasons for selecting the contractor that was awarded the contract. The documentation must be provided to all applicants and to anyone else, upon request. The governing body may compensate unsuccessful applicants for costs incurred in developing and submitting a proposal, provided that all unsuccessful applicants are treated equitably. (MCA 18-2-503(4) & (5))

#### **15. OPTIONAL ADOPTION OF MONTANA PROCUREMENT ACT**

- A city or town may adopt any or all parts of the Montana Procurement Act (Title 18, Chapter 4, MCA) and the accompanying rules promulgated by the Montana Department of Administration (ARM Chapter 2.5) (MCA 18-4-124).

#### **16. STATE PROCUREMENT CARD PROGRAM**

- **Effective July 2013**, the State of Montana amended its Procurement Card contract with US Bank to allow approved local public procurement units to participate in the Program. Financial controls in place include daily and monthly spending limits. The

Program gives local governments the ability to purchase items from the State's new online eMarket Center: <http://gsd.mt.gov/ProcurementServices/emarketcenter.mcp>

- A participating entity must follow the same terms, conditions and payment terms as outlined in the State's contract with US Bank. A copy of the State contract will be provided to the participating entity upon request. Mandatory requirements for an entity to participate in the Program include blocked merchant codes, including pawn shops, liquor stores, and jewelry stores.
- Optional recommendations to set individualized parameters on procurement cards include:
  - √ \$5,000 per month spending limit per cardholder (may be changed as needed);
  - √ Limitations on the days of the week the card can be used (Monday through Friday);
  - √ Limiting the number of transactions per day; and
  - √ Limiting the dollar amount per transaction.
- Questions? Contact State Procurement Bureau of Department of Administration--406.444.2575.

#### 17. PRINTING CONTRACTS

- The city or town council has power to provide for the city or town printing. The contract for city or town printing must be let annually to the lowest bidder. (MCA 7-5-4108)

#### 18. ARCHITECTURAL, ENGINEERING, AND LAND SURVEYING SERVICES

- Governmental agencies, including cities and towns, must publicly announce requirements for architectural, engineering, and land surveying services and negotiate contracts for such professional services on the basis of demonstrated competence and qualifications for the type of professional services required and at fair and reasonable prices. (MCA 18-8-201)
- Each government shall publish in advance its requirement for professional services. The announcement must state concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the government who can provide further details. A government may comply with this section by:
  - (1) publishing an announcement on each occasion when professional services provided by a licensed professional are required by the government; or
  - (2) announcing generally to the public its projected requirement for any category or type of professional services. (MCA 18-8-203)
- In the procurement of the above professional services, the government may encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The government shall evaluate current



statements of qualifications and performance data on file with the government, together with those that may be submitted by other firms regarding the proposed project, and conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services. The government shall then select, based on criteria established under government procedures and guidelines and the law, the firm considered most qualified to provide the services required for the proposed project. The government procedures and guidelines must be available to the public and include at a minimum the criteria specified in 18-8-204(2)(b) as they relate to each firm.(MCA 18-8-204)

- The government shall negotiate a contract with the most qualified firm for the above professional services at a price which the government determines to be fair and reasonable. In making its determination, the government shall take into account the estimated value of the services to be rendered, as well as the scope, complexity, and professional nature thereof. If the government is unable to negotiate a satisfactory contract with the firm selected at a price the government determines to be fair and reasonable, negotiations with that firm must be formally terminated and the government shall select other firms in accordance with 18-8-204 and continue as directed in this section until an agreement is reached or the process is terminated. (MCA 18-8-205)
- This part need not be complied with by a government when the contracting authority makes a finding in accordance with this or any other applicable law that an emergency requires the immediate execution of the work involved. This part does not relieve the contracting authority from complying with applicable law limiting emergency expenditures.(MCA 18-8-211)
- Cities and towns securing architectural, engineering, and land surveying services for projects for which the fees are estimated not to exceed \$20,000 may contract for those professional services by direct negotiation. (MCA 18-8-212)
- No agency may separate service contracts or split or break projects for the purpose of circumventing the provisions of Title 18, Chapter 8, Part 2, MCA. (MCA 18-8-212)

## **19. LOCAL GOVERNMENT ENERGY PERFORMANCE CONTRACTS**

- Energy performance contracts are a means by which local government units can achieve energy and water conservation without an initial capital outlay. “Energy performance contract” is defined as a contract between a local government unit and a qualified provider for evaluation, recommendation, and implementation of one or more conservation measures, evaluation of conservation-related cost savings, and a guarantee of cost savings. (MCA 90-4-1101 & 1102)
- A local government may solicit requests for qualifications (RFQ) to enter into an energy performance contract and requests for proposals for investment grade energy audits, and negotiate a contract with the most qualified provider by following the process in MCA 90-4-1104. Alternatively, the local government can avoid the RFQ

process by selecting a qualified provider from a pre-qualified list provided by the Montana Department of Environmental Quality's Air, Energy and Pollution Prevention Bureau. (MCA 90-4-1104 & 1105; MACo Newsletter 2/06)

- An investment grade audit serves as a basis for the terms of an energy performance contract. If the local government determines that the energy audit doesn't provide sufficient conservation-related cost savings, it shall pay the cost of the audit and decline to enter into the energy performance contract. If it is determined that the energy audit provides sufficient cost savings, the qualified provider shall provide plans for the proposed conservation measures. The local government may then negotiate the conservation measures to be included in the energy performance contract and enter into the contract. (MCA 90-4-1106)
- The energy performance contract may include the option of payment of the costs of the energy audit and plans provided for proposed conservation measures through project financing. (MCA 90-4-1106)
- The term of an energy performance contract must be a minimum of 3 years and may be up to the useful life of the conservation measures or 20 years, whichever is less. The contract must require the qualified provider to (1) guarantee the cost savings to the extent necessary to pay for the conservation measures, including financing charges incurred over the life of the contract, (2) monitor the costs savings, and (3) prepare an annual report documenting the performance of the conservation measures. (MCA 90-4-1107)
- Payment obligations pursuant to an energy performance contract aren't general obligations of the local government and are collectible only from conservation-related costs savings provided in the energy performance contract and other revenue, if any, pledged in the energy performance contract. (MCA 90-4-1109)

## 20. **FEDERAL INFORMATION RETURNS**

- The entity must report on a Federal Information Return, Form 1099-MISC, all payments of \$600 or more which the entity makes during a calendar year to anyone, other than a corporation or tax-exempt organization, who is not an employee. (U.S. Internal Revenue Service Codes)

<http://www.irs.gov/uac/Form-1099-MISC,-Miscellaneous-Income->

**(Note:** The following are some examples of payments to be reported on Form 1099-MISC. For a complete list, contact the IRS:

Professional service fees, such as fees to attorneys (including corporations), accountants, architects, contractors, subcontractors, etc.

Payments by attorneys to witnesses or experts in legal adjudication.)

## RESOLUTION NO. 3794

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2014-2015 TO APPROPRIATE UNANTICIPATED REVENUES TO AMBULANCE FUND NO. 5510.

*WHEREAS*, the City of Miles City has accrued revenues for Fiscal Year 2014-2015 which were not appropriated in the Final Budget for Fiscal Year 2014-2015 consisting of the following:

American Heart Association--\$24,712.70

*AND WHEREAS*, as permitted by §7-6-4006 MCA, the City of Miles City desires to amend its final budget for Fiscal Year 2014-2015 to appropriate and expend such revenues;

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

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

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

1. The Estimated Revenues for the Final Budget for Fiscal Year 2014-2015 shall be amended in the following funds as follows:

Fund No. 5510, the Ambulance Fund, shall be increased in the amount of \$24,712.70;

2. The appropriations for the Final Budget for Fiscal Year 2014-2015 shall be amended in the following funds as follows:

Fund No. 5510.010.420730.214 of the Ambulance Fund shall be increased in the amount of \$24,712.70;

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendments to the Final Budget for Fiscal Year 2014-2015 on the 12th day of May, 2015 at 7:00p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 28TH

DAY OF APRIL, 2015.

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED  
QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA,  
THIS 12TH DAY OF MAY, 2015.

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C.A. Grenz, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

# RESOLUTION NO. 3796

**A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2014-2015 TO INCREASE THE BUDGETED AMOUNT IN FUND # 1000-005-420140-214 FOR THE PURCHASE OF BODY CAMERAS AND OFFICE FURNITURE FOR THE MILES CITY POLICE DEPARTMENT.**

*WHEREAS*, the City of Miles City wishes to amend the budget for Fiscal Year 2014-2015 to provide funding for the purchase of body cameras in the amount of \$5,000.00, and office furniture in the amount of \$2,000.00, for the Miles City Police Department, as permitted by §7-6-4006 MCA;

*AND WHEREAS*, such amendment of the final budget will result in an overall increase in appropriation authority within fund # 1000-005-420140-214,

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

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

The appropriations for the Final Budget for Fiscal Year 2014-2015 shall be increased in the following amount:

Fund No. 1000-005-420140-214 in the sum of \$7,000.00.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2014-2015 on the 12<sup>th</sup> day of May, 2015, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 28TH DAY OF APRIL, 2015.

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C. A. GRENZ, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A  
DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE  
CITY OF MILES CITY, MONTANA, THIS 12TH DAY OF MAY, 2015.

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C. A. GRENZ, Mayor

ATTEST:

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Lorrie Pearce, City Clerk

-----Original Message-----

From: laird@homenetnw.net [mailto:laird@homenetnw.net]

Sent: Tuesday, April 14, 2015 1:11 PM

To: mayor@milescity-mt.org

Subject: Sigrid Laird celebration of life

Hey Butch,

This is Dave Laird. I am contacting you to ask if it would be possible to use (rent) the Oasis on the evening of July 30 from approximately 5:00 to 8:00. We are hoping to have a celebration of our mom's life with friends and family here for the class reunions. It was my mother's wish that we have her service at the Oasis. Since she passes in February, that wasn't really an option at the time. Thanks for your consideration and I look forward to hearing from you.

Dave

(509)760-8696

btw- Thanks again for your kindness and thoughtfulness when my mom passed. She thought very highly of you and Gloria and we appreciate how well you treated her (and us).

American Association of University Women

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P.O. Box 163  
Miles City, MT

April 6, 2015

Mayor Chris Grenz  
Mayor's Office City Hall  
Miles City, MT 59301

Dear Mayor Grenz,

Since the early 1990's, the Miles City branch of American Association of University Woman (AAUW), with the help of other organizations, business, and individuals have sponsored Shakespeare in the Parks. This year's featured production is Shakespeare's "*Cyrano de Bergerac*" under the direction of Si Osborne. The performance will be July 7<sup>th</sup>, 2015 at 6:30 pm at Pumping Plant Park. In the event of inclement weather, the performance will be moved to Sacred Heart Gym.

Montana State University (MSU) offers this traveling troupe which brings cultural awareness and entertainment to the citizens of rural Montana who may otherwise not have the opportunity to attend performing arts. There is no charge to the public to attend this event. It is through the generosity of groups and individuals who have been friends of Shakespeare in the Parks which have made it possible for MSU to bring their performing arts to Miles City.

AAUW is grateful to the City of Miles City for allowing us to host SIP for so many years. We are once again, requesting permission to have SIP at Pumping Plant Park. On behalf of the Miles City branch of AAUW, we thank you for keeping the performing arts alive and hope to see you at the performance.

Sincerely,



Susanne M. Galbraith  
AAUW Coordinator  
Shakespeare in the Parks