



# CITY OF MILES CITY AGENDA

*Regular Council Meeting  
City Council Chambers*

*October 27, 2015  
7:00 p.m.*

## CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. **APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES**
  - A. City Council Meeting 10/13/2015
2. **SCHEDULE MEETINGS**
3. **REQUEST OF CITIZENS & PUBLIC COMMENT**
4. **APPOINTMENTS**
5. **PROCLAMATIONS**
6. **STAFF REPORTS**
7. **CITY COUNCIL COMMENTS**
8. **MAYOR COMMENTS**
9. **COMMITTEE RECOMMENDATIONS**
10. **BID OPENINGS**  
**BID AWARDS**
11. **PUBLIC HEARINGS**
  - A. **RESOLUTION NO. 3856: A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the City Shop Fund 6040**
12. **UNFINISHED BUSINESS**
  - A. **RESOLUTION NO. 3856: (Second Reading) A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the City Shop Fund 6040**

13. **NEW BUSINESS**

- A. **RESOLUTION NO. 3859: A Resolution Adopting Finding of Fact and Approving the Amended Plat for the Purpose of Boundary Line Relocation of Lots 12-16 in Block 8 of the Residence Park Addition to the City of Miles City**
- B. **RESOLUTION NO. 3860: A Resolution Adopting Finding of Fact and Approving the Amended Plat for the Purpose of Boundary Line Relocation of Lot B in Block 8 of the Amended Plat of Hunter's Addition, and Block 7 Gordon's Addition, to the City of Miles City**
- C. **EXECUTIVE SESSION:**
- D. **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    October 13, 2015**

**7:00 p.m.**

## **CALL TO ORDER**

The Regular Council meeting was held Tuesday, October 13, 2015, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council Members present were Ken Gardner, Jerry Partridge, Dwayne Andrews, Susanne Galbraith, John Hollowell and Roxanna Brush and Mark Ahner.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Public Works Director Scott Gray, Public Utilities Director Allen Kelm, Fire Chief Gary Warren, Grant Writer/Planner in Training Dawn Colton, Historic Preservation Officer/Grant Writer Connie Muggli and City Clerk/Minute Recorder Lorrie Pearce.

Others present were City Consultant Dave DeGrandpre and Custer County Commissioners Jason Strouf and Keith Holmlund.

## **PLEDGE OF ALLEGIANCE**

Mayor Grenz led the Council in the Pledge of Allegiance.

## **APPROVAL OF COUNCIL & COMMITTEE MINUTES**

### **City Council Minutes: 9/22/2015**

**\*\***     *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of September 22, 2015, and seconded by Councilperson Galbraith. The motion **passed** by unanimous consent, 7-0.*

### **Human Resource Committee Minutes: 9/16/2015**

**\*\***     *Councilperson Brush moved to approve the minutes of Human Resource Committee Meeting of September 16, 2015, and seconded by Councilperson Ahner. The motion **passed** by unanimous consent, 7-0.*

### **Public Service Committee Minutes: 9/16/2015**

**\*\***     *Councilperson Galbraith moved to approve the minutes of the Public Service Committee Meeting of September 16, 2015, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 7-0.*

**Finance Committee Minutes: 9/22/2015**

- \*\* *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of September 22, 2015, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 7-0.*

**Finance Committee Minutes: 10/1/2015**

- \*\* *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of October 1, 2015, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 7-0.*

**SCHEDULE MEETINGS**

**Study Commission Meeting**

**October 15, 2015**

**REQUEST OF CITIZENS & PUBLIC COMMENT**

Becky Willis 802 Silversage said there was a trailer that moved in the area that violated a lot of their covenant. The owners are using the alley as a toilet and they are known to party. She was worried that the neighborhood would not stay nice and safe. Also, this resident had hooked up to City water illegally.

Attorney Rice explained that the City can enforce City Ordinances, but cannot enforce subdivision covenants, such as the color of a house or the age of a trailer. If residences wanted to do anything about those types of complaints the subdivision would have to file a suit in District Court. With the public urination or loudness, they would have to call 911.

Director Kelm explained that the City shut their water off in late September, and the owner hooked it up again. He had been working with a police officer in the investigation of the violation and a City employee went out today to shut off the water and tack weld the source.

Betsy Schell 809 Silversage asked what the definition of a good habitat is. She said the trailer is not skirted, and a window was broken out and covered with plywood. She added that the structure is pretty much a free standing shell.

Director Gray explained that the zoning laws give owners 60 days to skirt a trailer.

Attorney Rice added that the Building Inspector will be addressing the problems that apply to the City.

## APPOINTMENTS

### Urban Renewal Agency Board of Commissioners – Permanent Term Appointments

Todd Gillette, President, Community 1<sup>st</sup> Federal Credit Union – 1 year term  
Amy Rolandson, Commercial Loan Officer, Stockman Bank – 2 year term  
Brady Patch, Commercial Loan Officer, First Interstate Bank – 3 year term  
Brent Leischner, Commercial Loan Officer, US Bank – 4 year term

*\*\* Councilperson Galbraith moved to approve the appointments and seconded by Councilperson Andrews. The motion passed 7-0*

The City and fellow Board members would like to recognize and thank Blake Mollman for his year of service as a member of the Miles City Interim Tax Increment Finance District Committee.

The URA Board of Commissioners will publish a request for letters of interest for one four year term.

## PROCLAMATIONS

None

## STAFF REPORTS

Chief Colombik had Mayor Grenz pull the winning names for the following raffles:

- New Colt M4 Carbine 5.56 mm Semi Auto Rife (Donated by Dr. Jeff Williams)- Winner was Allen Kelm
- .388 Laupua Mag Rifle with 8-32 X 56 mm Scope (Donated by Chip Homme)- Winner was Tim Stoltz

Chief Colombik said that law enforcement had sold 248 tickets which would allow the police force to purchase 5 tasers.

Grant Writer Colton reported that the City will receive a \$20,000 CDBG grant for the transportation study, and is looking at recruiting one person from the County and one person from the Council to sit on the board.

Clerk Pearce asked the Council to pencil in December 11, 2015 at 10 am for a Special Council meeting to hear a grievance. She said that the hearing would take most of the day.

## CITY COUNCIL COMMENTS

Councilperson Hollowell said he had been informed by the Flood Administrator that the City had been selected for Section 205.

Councilperson Brush said there is a building east of St. Vincent's that had windows broken out and pigeons were living in it. Mayor Grenz said that the Building Inspector had been looking into the situation. Councilperson Brush added that Zip Trip on Haynes Avenue is moving dirt and was wondering if the County is reviewing the project.

## MAYOR COMMENTS

Reported on progress of funding for the dike:

- City was accepted for SRF funds. With the help of Director Kelm, hopefully they have convinced SRF that these funds can be used for construction of the levy since both the water and sewer infrastructure are in the floodway and the cost of changing the location of these buildings would be astronomical. At the worst, the interest rate would be 2.5% at the best 1.5%. The difference of 1% for every million is \$10,000
- DNRC and the Flood Administrator are working together on receiving a 10 million dollar grant
- May qualify for TSEP funds
- Flood Administrator said insurance rates are going through the roof

## STANDING COMMITTEE RECOMMENDATIONS

**Public Service Committee** –Permanent closure of Bridge Street

Councilperson Ahner did not understand why there is a safety concern. He never knew there was a problem. He felt the street is a paved street and should stay open to the public.

Director Gray said by closing the street it would cause a safety hazard by adding more turns which would cause slower traffic, and the City would lose dollars from the gas tax.

County Commissioner Jason Strouf explained why the County would like Bridge Street closed.

- The speed limit in the area is 10 miles per hour, so he felt the City already recognized that there was a safety issue
- All intersections that traffic would have to detour to are controlled by either a stop sign or stop light.
- There would be two roads left, one paved and one that had been widen
- He had talked to a representative of Rolling Rubber that said closing the road would not affect their business
- It is a safety hazard to the Senior Citizens

Director Gray added that the widen street is not a platted City street and it is on BN's property and they could close it at any time.

*\*\* Councilperson Hollowell moved to send the closure to Resolution and seconded by Councilperson Gardner. The motion failed 2-5, with Councilperson Brush, Ahner, Partridge, Gardner and Galbraith voting no.*

**Finance Committee-** Approval of purchase of sludge pump for Water Treatment Plant

*\*\* Councilperson Galbraith moved to accept the recommendation to approve the purchase and seconded by Councilperson Andrews. The motion passed 7-0*

**Finance Committee-** Approval on sending ambulance write offs to collection

*\*\* Councilperson Galbraith moved to approve sending the ambulance write offs to Collections and seconded by Councilperson Hollowell. The motion passed 7-0*

### **BID OPENINGS**

None

### **BID AWARDS**

None

### **PUBLIC HEARINGS**

- A. **RESOLUTION NO. 3850: A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the Treasurer Fund 1000**

Mayor Grenz called for comments from proponents three times,

then opponents three times and, hearing none, the hearing was closed

- B. RESOLUTION NO 3851: A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the City Hall Maintenance Fund 1000**

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

- C. ORDINANCE NO. 1299: An Ordinance Adopted Pursuant To The Montana Interim Zoning Statute Contained in Section 76-2-2006 MCA Extending Interim Zoning Ordinance 1290 Pertaining to the Zoning of Sexually Oriented Businesses**

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

### **UNFINISHED BUSINESS**

- A. RESOLUTION NO. 3850: *(Second Reading)* A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the Treasurer Fund 1000**

**\*\* *Councilperson Galbraith moved to approve the resolution by title only and seconded by Councilperson Brush. The motion passed 7-0***  
**Resolution No. 3850 passed**

- B. RESOLUTION NO 3851: *(Second Reading)* A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the City Hall Maintenance Fund 1000**

**\*\* *Councilperson Gardner moved to approve the resolution by title only and seconded by Councilperson Galbraith. The motion passed 7-0***  
**Resolution No. 3851 passed**

- C. ORDINANCE NO. 1299: *(Second Reading)* An Ordinance Adopted Pursuant To The Montana Interim Zoning Statute Contained in Section 76-2-2006 MCA Extending Interim Zoning Ordinance 1290**



## Pertaining to the Zoning of Sexually Oriented Businesses

- \*\*** *Councilperson Galbraith moved to approve the ordinance and seconded by Councilperson Brush. The motion passed 7-0* **Ordinance No. 1299 passed**

### NEW BUSINESS

- A. COUNCIL HEARING: Interview for Ward II Council Vacancy**  
Mayor Grenz announced that Gary Mathews withdrew his candidacy for the Ward II Council Vacancy.

Councilperson Ahner asked Rachel Sloan if she was selected, would she entertain running for the position when it comes up for re-election. Mrs. Sloan said yes, she would run for Council again when it expired.

- \*\*** *Councilperson Ahner moved to appoint Rachel Sloan as new Council Member to replace Sheena Martin's vacancy, seconded by Councilperson Hollowell and on roll call vote passed 7-0.*

- B. RESOLUTION NO. 3856: (First Reading) A Resolution Pursuant to 7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 to Increase Budgeted Amounts in the City Shop Fund 6040**

- \*\*** *Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Hollowell and on roll call vote passed 7-0.*  
**Resolution No. 3856 passed first reading**

- C. RESOLUTION NO. 3857: A Resolution of Intention of the City Council of the City of Miles City, Montana to Adopt the City of Miles City Growth Policy Update**

**\*\*** *Councilperson Brush moved to approve the Resolution, seconded by Councilperson Hollowell.*

Consultant Dave DeGrandpre presented a power point on Miles City 2015 Growth Policy Update. The subjects discussed were:

- ❖ What is a Growth Policy
- ❖ How are Growth Policies used
- ❖ Why the City needs a Growth Policy now

- ❖ Growth Policy structure
- ❖ Growth Policy contents
- ❖ Key Growth Policy Topics
- ❖ Growth Policy Survey Results
- ❖ Population change from 1950-2010
- ❖ Land Use- Key Issues and Trends
- ❖ Future Land Use
- ❖ Potential Annexation Areas
- ❖ Public Facilities- Key Issues and Trends
- ❖ Economy- Key Issues and Trends
- ❖ Housing- Key Issues and Trends
- ❖ Coordination between City and County

Councilperson Gardner asked if the City passed the intent resolution does the City have 30 days to change anything.

Consultant DeGrandpre said nothing is set in stone at this point. Even if the final policy is passed, it too could be changed at any point.

Councilperson Ahner asked if the Annexation Plan is separate from the Growth Policy.

Consultant DeGrandpre said they were, and explained that the Annexation Plan was more specific.

Councilperson Brush said at the Planning Boards Public hearing there were three Southgate residents not in favor of the Growth Policy.

- ✓ Mr. Rude said it lacked an action plan, needed to hold neighborhood meetings, give information upfront and opposed the plan in current form.
- ✓ Mrs. Jewel said that there are issues with adhering to the Growth plan, frustrated with zoning issues, procedures needed to be specific, and asked not to approve the plan.
- ✓ Mr. Jewel is not for or against the growth plan. He suggested additional language regarding storm water run offs, needed to have a knowledgeable person guide the City with obtaining and enforcing DEQ permits, and said the City was violating State laws.

Gary Ryder said in 2008 there was a Growth plan in place

with some general principles that were very well thought out. It included requiring the developers pay a portion of the cost to collect the input from surrounding land owners. People should not have to hire a private attorney to do a public function of endorsing adopted laws. He thought what was neglected when it comes to growth policies and land issues are that you have residents used to their quality of life and then you put an industry not compatible in their neighborhood. The City somehow should retake consensus between the land owner and the developers. Citizens are upset that the City's zoning laws are not being enforced and thought there needed to be cooperation between the City and County.

Councilperson Brush said that this is a growth policy, a plan for growth and nothing is set in stone. Making those changes to the growth policy would not bear much because they are already in the City ordinances.

*\*\*By roll call vote the motion passed 6-1, with Councilperson Partridge voting no. Resolution No. 3857 passed*

**D. RESOLUTION NO. 3858: A Resolution Providing for a Capital Improvement Fund for the Airport Service of the City of Miles City**

*\*\* Councilperson Galbraith moved to approve the Resolution, seconded by Councilperson Gardner.*

Councilperson Ahner was concerned that the airport was limiting their source of revenue by naming just the terminal, hanger garage rent and payment for gravel all received by Century Company in Lewistown, Montana.

Airport Committee Chairperson Doug Phair said the Airport is looking for other sources of revenue and didn't mean to limit it to the revenues being received from Century. He said the Airport itself is really self sustained, but the buildings are in dire need of repair to a sum of \$300,000.

Mayor Grenz said the airport had been neglected for 25 years. In the last year there has been a huge improvement on the buildings but it ran out of money. That is why the CIP is being started.

*\*\* Councilperson Galbraith amended her original motion to delete the entire description of a. and replace with "Any non-aeronautical sources of revenue, designated by the Airport Commission" and*

*deleting entirely b, seconded by Councilperson Gardner.*

*\*\* On roll call vote the amended motion passed 7-0.*

*\*\* On roll call vote the original motion passed 7-0.  
Resolution No. 3858 passed with corrections.*

- E. **LETTER OF SUPPORT: Letter of Support for Montana Main Street Program application to the National Main Street Center asking for sponsorship of a two-day “placemaking” workshop entitled, Cultivating Place in Main Street Communities in Montana. The sponsorship will include access to national expertise, and paid lodging for attendees from Montana Main Street communities, including Miles City.**

*\*\* Councilperson Galbraith moved to approve the letter of support, seconded by Councilperson Andrews and on roll call vote passed 7-0.*

F. **APPROVAL OF SEPTEMBER CLAIMS**

*\*\* Councilperson Hollowell moved to approve September claims seconded by Councilperson Galbraith and on roll call vote passed 7-0.*

**ADJOURNMENT**

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

The meeting was adjourned at 9:15 p.m.

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**C. A. Grenz, Mayor**

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**Lorrie Pearce, City Clerk**

# Public Hearing

&

Unfinished Business

**RESOLUTION NO. 3856**

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2015-2016 TO INCREASE BUDGETED AMOUNTS IN THE CITY SHOP FUND 6040.

*WHEREAS*, the City of Miles City wishes to amend the budget for Fiscal Year 2015-2016 to account for budgeting in the City Shop fund, for garbage service increase;

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

*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 2015-2016 shall be increased in the following amounts:

City Shop Fund	
6040-910-430220-346	\$3,780- Garbage Services

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2015-2016 on the 27<sup>th</sup> day of October, 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 13<sup>th</sup> DAY OF OCTOBER, 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 27<sup>th</sup> DAY OF OCTOBER, 2015.

\_\_\_\_\_  
C. A. GRENZ, Mayor

ATTEST:

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

# New Business



## **RESOLUTION NO. 3859**

### **A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF BOUNDARY LINE RELOCATION OF LOTS 12-16 IN BLOCK 8 OF THE RESIDENCE PARK ADDITION TO THE CITY OF MILES CITY**

*WHEREAS*, Lloyd Comer and Gladys Comer have requested that the City of Miles City approve a boundary line relocation involving Lots 12-16 in Block 8 of the Residence Park Addition to the City of Miles City, Custer County, Montana;

*AND WHEREAS*, the City of Miles City is authorized to approve the relocation of common boundary lines for five or fewer lots within a platted subdivision pursuant to Section 76-3-207(1)(d) and (f), MCA.

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

It does hereby adopt the Staff Report to City Council, File #BLA 2015-03, attached hereto as Exhibit "A" as findings of fact, and based on such findings of fact, approves the "Amended Plat No. \_\_\_\_\_ of Lots 12, 13, 14, 15, and 16 of Block 8 of Residence Park Addition to the City of Miles City, Custer County, Montana" creating Lot 12-A and Lot 13-A within said Block 8 of the Residence Park Addition, said amended plat being attached hereto as Exhibit "B."

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES**

CITY, MONTANA, AT A DULY CALLED MEETING THIS 27<sup>th</sup> DAY OF  
OCTOBER, 2015.

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

ATTEST:

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

**Report for City Council  
File #BLA-2015-03  
Comer Boundary Line Adjustment  
October 27, 2015**

The subject property is located at Stacy and Otter Streets, Lots 12 through 16, Block 8 of the Residence Park Subdivision in Miles City, MT. The applicants, Lloyd and Gladys Comer of 517 Stacy Ave, propose aggregation of lots and a boundary line adjustment to facilitate the sale of the resulting amended new Lot 12A with the existing residential structure.

The preliminary Amended Plat of Lots 12-16, Block 8 of the Residence Park Addition is an aggregation of the lots 12 through 16, and a subsequent boundary line adjustment to create 2 new lots; 12A and 13A. This amended plat is exempt from Subdivision Review per MCA section 76-3-207(1)(d) and 76-3-207(1)(f) but subject to the survey requirements in MCA 76-3-401.

*76-3-207. Divisions or aggregations of land exempted from review but subject to survey requirements and zoning regulations -- exceptions -- fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions or aggregations of tracts of record of any size, regardless of the resulting size of any lot created by the division or aggregation, are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions or aggregations of land other than subdivisions and are subject to applicable zoning regulations adopted under Title 76, chapter 2:*

*(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;*  
*(f) aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.*

The property is appropriately zoned Residential A (RA), is adjacent to RA zones on three sides and General Commercial to the north. No change in land use is proposed. After aggregation of Lots 12, 13, 14, 15 and 16, the new boundary line will split the lots approximately in half. The resulting Lot 12A (the west half of lots 12 thru 16) is 6,540.1 sq. ft.; Lot 13A (includes the east half of lots 12 thru 16) is 8,838.4 sq. ft. The existing homes do not meet the current code requirements for setbacks for the frontages and the home at 2212 Otter St does not meet the alleyway setback. However, these conditions do not expand or create a new non-conforming use per Sec 24-11(a) and (b) and is acceptable as a continuing non-conforming use. The side yard setbacks from the new property line meets current requirements of the RA zoning code.

Existing structures on the proposed new lots are served by all city services, including municipal water and sewer services. This proposal will place the structures on separate parcels, facilitating a clean title for the purchaser of either property. The water and sewer services are currently separate accounts; however, the sewer service line for the Stacy property may be shared with the Otter property. Since service lines are not under the City's authority, staff simply recommends that the sewer service lines be located by the property owner(s) and this information be disclosed to future buyers.

The aggregation of lots and the boundary line adjustment will not:

- create additional lots or tracks of land
- impact the ability of the government to provide local services
- endanger public health and safety
- create or expand a non-conforming use
- create an expansion or cost of services
- increase the amount of roads currently being maintained by the City
- increase emergency response times, traffic load, fire protection levels, schools and school routes, or landfill requirements

- create any special or rural improvement districts that would obligate the local government either administratively or financially.

Per MCA 76-3-207, the proposed amended plat is not a subdivision, is not subject to subdivision review and does not appear to be an attempt to evade subdivision review. This plat has been reviewed by Custer County's Examining Land Surveyor for compliance with surveying requirements of 76-3-401. Therefore, staff recommends approval of the amended plat as proposed. Staff has advised the property owner to provide an easement for access to the sewer service lines that currently serve the properties. The easement will guarantee access should the service lines require repair or replacement, however, the City cannot require the easement be established as approval criteria for this application.

EXHIBIT B

AMENDED PLAT NO. OF LOTS 12, 13, 14, 15, AND 16 OF BLOCK 8 OF RESIDENCE PARK ADDITION TO THE CITY OF MILES CITY, CUSTER COUNTY, MONTANA TO BE KNOWN AS: LOT 12A & LOT 13A OF BLOCK 8, RESIDENCE PARK ADDITION TO THE CITY OF MILES CITY

OLD DESCRIPTION: Lots 12, 13, 14, 15, and 16 in Block 8 of Residence Park Addition to the City of Miles City, Custer County, Montana. NEW DESCRIPTIONS: LOT 12A and LOT 13A of the Amended Plat of Lots 12, 13, 14, 15, and 16 in Block 8 of Residence Park Addition to the City of Miles City, Custer County, Montana. PROPERTY OWNER'S CERTIFICATE: We hereby certify that the partition of the survey is for the purpose of subdividing premises existing in a plat and subdivision, and the subdivision is intended to be used as a subdivision. The subdivision is subject to the provisions of the Montana Subdivision Control Act, Chapter 100, Part 1, MCA. The subdivision is subject to the provisions of the Montana Subdivision Control Act, Chapter 100, Part 1, MCA.

City of Miles City, Montana Mayor: \_\_\_\_\_ Mayor \_\_\_\_\_ City Clerk: \_\_\_\_\_ City Clerk \_\_\_\_\_

STATE OF MONTANA County of \_\_\_\_\_ City of Miles City, Montana Mayor: \_\_\_\_\_ Mayor \_\_\_\_\_ City Clerk: \_\_\_\_\_ City Clerk \_\_\_\_\_

NOTICE TO THE PUBLIC: This plat was prepared by me or under my direct supervision. I am a duly licensed and qualified professional engineer or land surveyor in the State of Montana. This plat was prepared by me or under my direct supervision. I am a duly licensed and qualified professional engineer or land surveyor in the State of Montana.



LEGEND: SECTION CORNER, SECTION CORNER, SECTION CORNER, SECTION CORNER. SCALE: 1" = 200'. SHEET NO. 1. INTERSTATE ENGINEERING, INC. 2015. INTERSTATE ENGINEERING, INC.



### SUBDIVISION EXEMPTION CLAIM APPLICATION

Miles City Community Services & Planning  
17 South 8<sup>th</sup> Street, PO Box 910  
Miles City, MT 59301

Date Received: RECEIVED SEP 4 2015  
(for official use only)

Attach a check payable to the City of Miles City for \$200.00 and submit the application materials (Original, plus 2 copies) to the City of Miles City Community Services and Planning Department, 17 S. 8<sup>th</sup> Street, Miles City, MT, 59301.

**1. Property owner(s):** (If more than 2, please attach additional sheets)  
a. Name: Lloyd Comer Occupation: Retired  
Address: 517 N. Stacy Ave Phone: 406-234-0477  
City, State, Zip: Miles City MT 59301 Email: \_\_\_\_\_

b. Name: Gladys Comer Occupation: Retired  
Address: 517 N. Stacy Phone: 406-234-0477  
City, State, Zip: Miles City MT 59301 Email: \_\_\_\_\_

**2. Surveyor/Representative:**  
Name: Adam Thompson Firm: Interstate Engineering  
Address: P.O. Box 20953 Phone: 406-  
City, State, Zip: Billings, MT 59104 Email: adam.thompson@interstateeng.com

**3. Parcel Description(s) of Existing Tract(s):** (If more than 2, please attach additional sheets)

a. Address: 517 N. Stacy Ave, Miles City MT 59301  
Tax ID Number: RMS0357 Geocode: 14-1740-27-4-09-06 0000  
Section: 27 Township: 8N Range: 47E  
Other legal description: \_\_\_\_\_  
Zoning District: Residential A Minimum Lot Size: 5500<sup>sq</sup> with 50' width  
How and when the parcel was created (example: Subdivision: X Addition, 10/3/92):  
Subdivision: Residence Park Addition

b. Address: 515 N. Stacy Ave, Miles City, MT 59301

Tax ID Number: RMS3099 Geocode: 14-1740-27-4-09-04-000

Section: 27 Township: 8N Range: 47E

Other legal description: \_\_\_\_\_

Zoning District: Residential A Minimum Lot Size: 5500<sup>sq ft</sup> with 50' width

How and when the existing parcel was created (example: Subdivision: X Addition, 10/3/92):

Subdivision: Residence Park Addition

**4. Proposed Exemption(s):**

This application is used for proposals to relocate common boundaries between adjoining properties, and/or the aggregation of lots, or miscellaneous exemptions (MCA 76-3-. Please indicate which exemptions apply to this proposal by checking the appropriate box(es):

- A division made outside of platted subdivisions for the purpose of relocating common boundary line(s) between adjoining properties. [76-3-207(1)(a), MCA]
- For five or fewer lots within a platted subdivision, the relocation of common boundaries. [76-3-207(1)(d), MCA]
- A division made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas. [76-3-207(1)(e), MCA]
- Aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas. [76-3-207(1)(f), MCA]
- A division of land that is created for rights-of-way or utility sites. A subsequent change in the use of the land to a residential, commercial, or industrial use is subject to the requirements of this chapter [76-3-201(1)(h), MCA]
- Other (please describe) \_\_\_\_\_

a. Reasons/justification for use of the exemption:

Property owners want to aggregate 5 lots and do a boundary line adjustment to create 2 new lots ... to come into zoning compliance

b. Intentions for uses of the property (List or discuss the property owners' intentions for the use of each resulting parcel. For example, will the parcel(s) be used for agriculture, commercial, residences, etc.):

2 newly created lots will each have one residence.

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c. Intentions for disposition (For example, is the intent to correct a building or fence encroachment, to bring the property into compliance with zoning requirements, to prepare tracts for sale, etc.):

to bring the property into compliance with zoning requirements AND to prepare tracts for sale

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**5. Required attachments:**

Submit the original, signed application, along with two additional copies of the completed application and the information listed below.

- a. Copies of recorded deeds documenting present ownership of affected parcels.
- b. Copies of all deeds, contracts, restrictions, and covenants related to this property recorded or entered into within the past year.
- c. Site plan (or draft certificate of survey or subdivision/amended plat) showing the approximate gross and net lot sizes (in acreage or square feet), proposed property lines, and all existing and proposed structures. The site plan should also identify property line setbacks, parking spaces, and any other information necessary to demonstrate compliance with the zoning code.
- d. Documentation of approved variances from zoning requirements related to the affected parcels.
- e. Copies of existing and proposed deed restrictions or covenants, if any. *n/a*
- f. All documentation in support of the sanitation exemption(s), if applicable. *n/a*
- g. Copies of any existing permits for the development on the property (building permits, floodplain permits, etc.), as applicable. *n/a*

**6. Acknowledgments:**

I/We, the undersigned landowner(s) and exemption claimant(s) understand that the State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the transactions are an attempt to evade the Montana Subdivision and Platting Act or local subdivision regulations.

I/We affirm that this exemption claim is not an attempt to evade the Montana Subdivision and Platting Act or the Miles City Subdivision Regulations.



I/We recognize that I/We may be subject to penalties if my actions are deemed to be an effort to evade subdivision review, as set forth in Montana law:

- 76-3-301(3), MCA: If transfers not in accordance with the Montana Subdivision and Platting Act are made, the City Attorney shall commence action to enjoin further sales or transfers and complete compliance with all provision of the Montana Subdivision and Platting Act. The cost of such action shall be imposed against the party not prevailing.
- Violations: Any person who violates any provision of the Montana Subdivision and Platting Act or any local regulations adopted pursuant thereto shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense.
- I/We also recognize that making false statements on this form could subject me to criminal prosecution for False Swearing (per MCA 45-7-202) and Perjury (per MCA 45-7-201).
- I/We also recognize that per 45-7-203(1), MCA (Unsworn falsification to authorities), A person commits an offense under 45-7-203 if, with the purpose to mislead a public servant in performing an official function, the person:
  - (a) makes any written false statement that the person does not believe to be true;
  - (b) purposely creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements from being misleading;
  - (c) submits or invites reliance on any writing that the person knows to be forged, altered, or otherwise lacking in authenticity; or
  - (d) submits or invites reliance on any sample, specimen, map, boundary mark, or other object that the person knows to be false.

**7. Signatures:**

I/We, as Claimant(s), has/have read the foregoing Exemption Claim Application, and affirm that my/our statements and information are true and correct to the best of my/our knowledge.

x Lloyd Comer  
Property owner's/Claimant's signature

Date: Aug. 13-15

x Lloyd Comer  
Property owner's/Claimant's signature

Date: Aug. 13-15

# EXHIBIT DRAWING

## LOTS 12, 13, 14, 15, AND 16 IN BLOCK 8 OF RESIDENCE PARK ADDITION TO THE CITY OF MILES CITY, CUSTER COUNTY, MONTANA

LOT 10 OF TRACT NO. 2

LOT 10 OF TRACT NO. 2

OTTER STREET *Sanitary Sewer 8" 40'*

*Water 8"*



STACY AVENUE

BLOCK 7

### LEGEND



ZONE AE/SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD PER FIRM FLOOD INSURANCE RATE MAP PANEL NO. 0662D DATED: JULY 22, 2010



BASE FLOOD ELEVATION LINE AND VALUE PER FIRM FLOOD INSURANCE RATE MAP PANEL NO. 0662D DATED: JULY 22, 2010

2354.8

EXISTING GROUND ELEVATIONS

SCALE: 1" = 40'

<h1 style="font-size: 48px; margin: 0;">A</h1> <p style="font-size: 8px; margin: 0;">SHEET NO.</p>	<p style="font-weight: bold; font-size: 12px; margin: 0;">INTERSTATE ENGINEERING</p> <p style="font-size: 8px; margin: 0;">Professionals you need. people you trust.</p>	<p style="font-size: 8px; margin: 0;">Interstate Engineering, Inc. P.O. Box 648 425 East Main Street Sidney, Montana 59270 Ph (406) 433-5617 Fax (406) 433-5616 www.interstateeng.com</p> <p style="font-size: 8px; margin: 0;">Other offices in Minneapolis, North Dakota and South Dakota</p>	<p style="font-weight: bold; font-size: 10px; margin: 0;">EXHIBIT DRAWING</p> <p style="font-weight: bold; font-size: 10px; margin: 0;">LOTS 12, 13, 14, 15, &amp; 16, BLOCK 8</p> <p style="font-weight: bold; font-size: 10px; margin: 0;">RESIDENCE PARK ADDITION</p> <p style="font-weight: bold; font-size: 10px; margin: 0;">MILES CITY, MONTANA</p>		Revision No.	Date	By	Description
			Drawn By: A.M.R.	Project No.: S1509233				
Checked By: A.C.T.	Date: AUGUST 2015							

## **RESOLUTION NO. 3860**

### **A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF BOUNDARY LINE RELOCATION OF LOT B IN BLOCK 8 OF THE AMENDED PLAT OF HUNTER'S ADDITION, AND BLOCK 7 GORDON'S ADDITION, TO THE CITY OF MILES CITY**

*WHEREAS*, Mel Kernutt and Nancy Kernutt have requested that the City of Miles City approve a boundary line relocation involving Lot B in Block 8 of the Amended Plat of Hunter's Addition, and Block 7 of Gordon's Addition, to the City of Miles City, Custer County, Montana;

*AND WHEREAS*, the City of Miles City is authorized to approve the relocation of common boundary lines for five or fewer lots within a platted subdivision pursuant to Section 76-3-207(1)(d) and (f), MCA.

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

It does hereby adopt the Staff Report to City Council, File #BLA 2015-04, attached hereto as Exhibit "A" as findings of fact, and based on such findings of fact, approves the "Amended Plat of Lot B, Block 8, of the Amended Plat of Hunter's Addition, Env. 537B Amended Plat of Block 7, Gordon's Addition" creating Lot B Amended in Block 8, Hunter's Addition; and enlarging all of Block 7, Gordon's Addition, said amended plat being attached hereto as Exhibit "B."

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY  
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES  
CITY, MONTANA, AT A DULY CALLED MEETING THIS 27<sup>th</sup> DAY OF  
OCTOBER, 2015.**

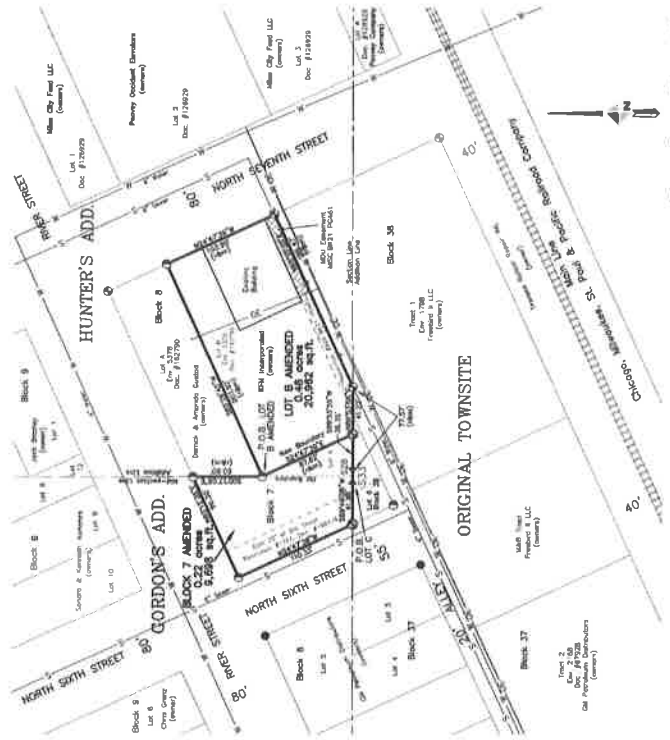
\_\_\_\_\_  
C.A. Grenz, Mayor

ATTEST:

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

EXHIBIT B

AMENDED PLAT OF LOT B, BLOCK 8, OF THE AMENDED PLAT OF HUNTER'S ADDITION, ENV. 537B  
 AMENDED PLAT OF BLOCK 7, GORDON'S ADDITION  
 STL/455E/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M.  
 Miles City, Custer County, Montana



Certificate of Surveyor

STATE OF MONTANA  
 COUNTY OF CUSTER

On the basis of my knowledge, information, and belief, I, Daniel B. Wright, of Miles City, Montana, do hereby certify that the plat of the Amended Plat of Lot B, Block 8, of the Amended Plat of Hunter's Addition, Environmental 537B, and the Amended Plat of Block 7, Gordon's Addition, STL/455E/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, was prepared from reliable data and that the instruments were duly and lawfully recorded in the public records of the State of Montana.



*Daniel B. Wright*  
 D.B. Wright, Surveyor  
 1798  
 State of Montana  
 THIS IS A PRELIMINARY PLAT

**Purpose of Survey**  
 I, the undersigned, hereby certify that the purpose of the addition of land is to be effected, and that no additional lots are hereby created. Therefore, this plat is being recorded as a subdivision pursuant to section 78-3-201(M), MCA.

*Daniel B. Wright*  
 KFM Incorporated (President)

NOTE: This case that is being reviewed from any kind of record and filed with another tract of record in not bound a tract of record. Said case shall not be affected by any subsequent plat description in any subsequent plat primary transfer of the subject property. The plat description in this plat shall not be affected by any subsequent plat description in any subsequent plat primary transfer of the subject property, unless said area is included with or excluded from adjoining tracts of record.

Department of Environmental Quality

LOT 8 AMENDED, BLOCK 8, HUNTER'S ADDITION, ENVIRONMENTAL 537B, and the AMENDED PLAT OF BLOCK 7, GORDON'S ADDITION, STL/455E/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, were reviewed by the Department of Environmental Quality pursuant to Section 17-06-0201, MCA. The review was conducted in accordance with the Department of Environmental Quality's rules and regulations. The Department of Environmental Quality has determined that the proposed plat complies with the requirements of the Department of Environmental Quality's rules and regulations. The Department of Environmental Quality has no objection to the recording of this plat.

*Daniel B. Wright*  
 KFM Incorporated (President)

Metes & Bounds

LOT 8 AMENDED, BLOCK 8, HUNTER'S ADDITION, ENVIRONMENTAL 537B, and the AMENDED PLAT OF BLOCK 7, GORDON'S ADDITION, STL/455E/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, were reviewed by the Department of Environmental Quality pursuant to Section 17-06-0201, MCA. The review was conducted in accordance with the Department of Environmental Quality's rules and regulations. The Department of Environmental Quality has determined that the proposed plat complies with the requirements of the Department of Environmental Quality's rules and regulations. The Department of Environmental Quality has no objection to the recording of this plat.

*Daniel B. Wright*  
 KFM Incorporated (President)

Certificate of Sanitarian

I, the undersigned, hereby certify that the plat of the Amended Plat of Lot B, Block 8, of the Amended Plat of Hunter's Addition, Environmental 537B, and the Amended Plat of Block 7, Gordon's Addition, STL/455E/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, was prepared from reliable data and that the instruments were duly and lawfully recorded in the public records of the State of Montana.

*Daniel B. Wright*  
 KFM Incorporated (President)

Certificate of Exemption Approval

I, the undersigned, hereby certify that the plat of the Amended Plat of Lot B, Block 8, of the Amended Plat of Hunter's Addition, Environmental 537B, and the Amended Plat of Block 7, Gordon's Addition, STL/455E/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, was prepared from reliable data and that the instruments were duly and lawfully recorded in the public records of the State of Montana.

*Daniel B. Wright*  
 KFM Incorporated (President)

STATE OF MONTANA  
 COUNTY OF CUSTER

On this 28th day of September, 2015, before me, a Notary Public in and for the State of Montana, personally appeared *Daniel B. Wright*, known to me to be the person whose name is subscribed to the foregoing plat, and acknowledged to me that he executed the same. Witness my hand and seal of my office this 28th day of September, 2015.

*Daniel B. Wright*  
 Notary Public  
 State of Montana  
 My Comm. Expires 09/28/2017

Certificate of Sanitarian

I, the undersigned, hereby certify that the plat of the Amended Plat of Lot B, Block 8, of the Amended Plat of Hunter's Addition, Environmental 537B, and the Amended Plat of Block 7, Gordon's Addition, STL/455E/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, was prepared from reliable data and that the instruments were duly and lawfully recorded in the public records of the State of Montana.

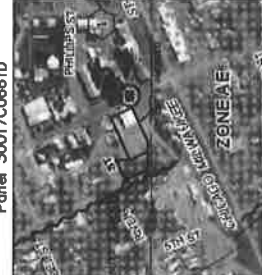
*Daniel B. Wright*  
 Notary Public  
 State of Montana  
 My Comm. Expires 09/28/2017

Certificate of Exemption Approval

I, the undersigned, hereby certify that the plat of the Amended Plat of Lot B, Block 8, of the Amended Plat of Hunter's Addition, Environmental 537B, and the Amended Plat of Block 7, Gordon's Addition, STL/455E/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, was prepared from reliable data and that the instruments were duly and lawfully recorded in the public records of the State of Montana.

*Daniel B. Wright*  
 Notary Public  
 State of Montana  
 My Comm. Expires 09/28/2017

Flood Map  
 Panel 30017C0661D



Location Map



BASIS of BEARING

Basis of bearing is true north obtained by GPS observations. Coordinates shown are from a Transverse Mercator Projection. Projection Origin: MILES CITY GPS. False Easting: 1003138.93037' W. False Northing: 1003138.93037' N. Distance shown are surface distances to international feet. Quarter corner of Section 28, Township 8 North, Range 47 East of the P.M.M. is 889.11 feet from the south corner of Section 28, Township 8 North, Range 47 East of the P.M.M.

County Treasurer's Certification

I hereby certify that all real property taxes and special assessments assessed and levied on the land being subdivided have been paid.

*Daniel B. Wright*  
 Custer County Treasurer

LEGEND

- 1" Brass Cap Quarter Section Corner (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "TOWN" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "S" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "E" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "W" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "N" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "SE" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "SW" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "NE" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "NW" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "EAST" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "WEST" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "SOUTH" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "NORTH" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "MILES CITY" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "CUSTER COUNTY" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "MONTANA" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "1889" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "1909" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "1929" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "1949" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "1969" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "1989" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2009" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2015" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2016" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2017" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2018" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2019" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2020" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2021" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2022" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2023" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2024" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2025" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2026" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2027" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2028" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2029" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2030" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2031" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2032" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2033" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2034" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2035" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2036" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2037" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2038" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2039" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2040" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2041" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2042" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2043" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2044" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2045" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2046" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2047" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2048" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2049" (Found)
- 3" Yellow with Yellow Plastic Cap Stamped "2050" (Found)

DOWL

713 Pleasant Street  
 Miles City, Montana 59301  
 406-224-6686

AMENDED PLAT OF LOT B, BLOCK 8, OF THE AMENDED PLAT OF HUNTER'S ADDITION, ENV. 537B  
 AMENDED PLAT OF BLOCK 7, GORDON'S ADDITION, STL/455E/4, SE1/4SW1/4 Section 28, Township 8 North, Range 47 East, P.M.M.

Prepared for:  
 KFM Incorporated  
 519 North 7th Street  
 Miles City, MT 59301

Page 1 of 1

Document # \_\_\_\_\_

This plat was recorded on \_\_\_\_\_ day of \_\_\_\_\_, 2015 A.D.

Custer County Clerk and Recorder

Envelope # \_\_\_\_\_ Document # \_\_\_\_\_

Custer County Treasurer



**EXEMPTION CLAIM APPLICATION**  
**BOUNDARY LINE ADJUSTMENT**  
**AND/OR AGGREGATION OF LANDS**

Miles City Community Services & Planning  
17 South 8<sup>th</sup> Street, PO Box 910  
Miles City, MT 59301

Date Received: \_\_\_\_\_  
to be completed by City

Attach a check payable to the City of Miles City for \$200.00 and submit the application materials (Original, plus 2 copies) to the City of Miles City Community Services and Planning Department, 17 S. 8<sup>th</sup> Street, Miles City, MT, 59301.

**1. Property owner(s):** (If more than 2, please attach additional sheets)  
a. Name: KFM Incorporated Occupation: \_\_\_\_\_  
Address: 519 N 7<sup>th</sup> Street Phone: 951-0645  
City, State, Zip: Miles City, MT 59301 Email: \_\_\_\_\_  
b. Name: \_\_\_\_\_ Occupation: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_ + \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_ Email: \_\_\_\_\_

**2. Surveyor/Representative:**  
Name: Quinn Wright Firm: Dowl  
Address: 713 Pleasant Street Phone: 234-6666  
City, State, Zip: Miles City, MT 59301 Email: qwright@dowl.com

**3. Parcel Description(s) of Existing Tract(s):** (If more than 2, please attach additional sheets)  
a. Address: 519 N. 7<sup>th</sup> Street  
Tax ID Number: \_\_\_\_\_ Geocode: 14-1740-28-4-01-0000 (Cadastral doesn't show the new relocation yet.)  
Section: 28 Township: 8N Range: 47E  
Other legal description: Lot B, Block 8, Amended Plat of Hunter's Addition  
Zoning District: \_\_\_\_\_ Minimum Lot Size: \_\_\_\_\_  
How and when the parcel was created (example: Subdivision: X Addition, 10/3/92):  
Envelope 537 B, Document # 162790  
3-12-2015



**EXEMPTION CLAIM APPLICATION**  
**BOUNDARY LINE ADJUSTMENT**  
**AND/OR AGGREGATION OF LANDS**

Miles City Community Services & Planning  
17 South 8<sup>th</sup> Street, PO Box 910  
Miles City, MT 59301

Date Received: \_\_\_\_\_  
to be completed by City

b. Address: River Street  
Tax ID Number: \_\_\_\_\_ Geocode: Cadastral doesn't show our last Amended Plat yet.  
Section: 28 Township: 8N Range: 47E  
Other legal description: Block 7, Gordon's Addition, Envelope 380B  
Zoning District: \_\_\_\_\_ Minimum Lot Size: \_\_\_\_\_  
How and when the existing parcel was created (example: Subdivision: X Addition, 10/3/92):  
Gordon's Addition, Envelope 380B  
August 1881

**4. Proposed Exemption(s):**

This application is used for proposals to relocate common boundaries between adjoining properties, and/or the aggregation of lots. Please indicate which exemptions apply to this proposal by checking the appropriate box(es):

- A division made outside of platted subdivisions for the purpose of relocating common boundary line(s) between adjoining properties. [76-3-207(1)(a), MCA]
- For five or fewer lots within a platted subdivision, the relocation of common boundaries. [76-3-207(1)(d), MCA]
- A division made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas. [76-3-207(1)(e), MCA]
- Aggregation of parcels or lots when a certificate of survey or subdivision plat shows that the boundaries of the original parcels have been eliminated and the boundaries of a larger aggregate parcel are established. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas. [76-3-207(1)(f), MCA]



**EXEMPTION CLAIM APPLICATION**  
**BOUNDARY LINE ADJUSTMENT**  
**AND/OR AGGREGATION OF LANDS**

Miles City Community Services & Planning  
17 South 8<sup>th</sup> Street, PO Box 910  
Miles City, MT 59301

Date Received: \_\_\_\_\_  
to be completed by City

a. Reasons/justification for use of the exemption:

To prepare a lot for a better house site.

b. Intentions for uses of the property (List or discuss the property owners' intentions for the use of each resulting parcel. For example, will the parcel(s) be used for agriculture, commercial, residences, etc.):

Lot C will be used as residence.  
Lot B Amended will continue be used for commercial.

c. Intentions for disposition (For example, is the intent to correct a building or fence encroachment, to bring the property into compliance with zoning requirements, to prepare tracts for sale, etc.):

Lot B Amended will be retained by KFM Incorporated.  
Lot C will be sold to Mel & Nancy Kernutt

**5. Required attachments:**

Submit the original, signed application, along with two additional copies of the completed application and the information listed below.

- a. Copies of recorded deeds documenting present ownership of affected parcels.
- b. Copies of all deeds, contracts, restrictions, and covenants related to this property recorded or entered into within the past year.
- c. Site plan (or draft certificate of survey or subdivision/amended plat) showing the approximate gross and net lot sizes (in acreage or square feet), proposed property lines, and all existing and





**EXEMPTION CLAIM APPLICATION**  
**BOUNDARY LINE ADJUSTMENT**  
**AND/OR AGGREGATION OF LANDS**

Miles City Community Services & Planning  
17 South 8<sup>th</sup> Street, PO Box 910  
Miles City, MT 59301

Date Received: \_\_\_\_\_  
to be completed by City

- proposed structures. The site plan should also identify property line setbacks, parking spaces, and any other information necessary to demonstrate compliance with the zoning code.
- d. Documentation of approved variances from zoning requirements related to the affected parcels.
  - e. Copies of existing and proposed deed restrictions or covenants, if any.
  - f. All documentation in support of the sanitation exemption(s), if applicable.
  - g. Copies of any existing permits for the development on the property (building permits, floodplain permits, etc.), as applicable.

**6. Acknowledgments:**

I/We, the undersigned landowner(s) and exemption claimant(s) understand that the State of Montana provides that certain divisions of land, which would otherwise constitute subdivisions, are exempt from local subdivision review and approval, unless the transactions are an attempt to evade the Montana Subdivision and Platting Act or local subdivision regulations.

I/We affirm that this exemption claim is not an attempt to evade the Montana Subdivision and Platting Act or the Miles City Subdivision Regulations.

I/We recognize that I/We may be subject to penalties if my actions are deemed to be an effort to evade subdivision review, as set forth in Montana law:

- 76-3-301(3), MCA: If transfers not in accordance with the Montana Subdivision and Platting Act are made, the City Attorney shall commence action to enjoin further sales or transfers and complete compliance with all provision of the Montana Subdivision and Platting Act. The cost of such action shall be imposed against the party not prevailing.
- Violations: Any person who violates any provision of the Montana Subdivision and Platting Act or any local regulations adopted pursuant thereto shall be guilty of a misdemeanor and punishable by a fine of not less than \$100 or more than \$500 or by imprisonment in a county jail for not more than 3 months or by both fine and imprisonment. Each sale, lease, or transfer of each separate parcel of land in violation of any provision of this chapter or any local regulation adopted pursuant thereto shall be deemed a separate and distinct offense.
- I/We also recognize that making false statements on this form could subject me to criminal prosecution for False Swearing (per MCA 45-7-202) and Perjury (per MCA 45-7-201).
- I/We also recognize that per 45-7-203(1), MCA (Unsworn falsification to authorities), A person commits an offense under 45-7-203 if, with the purpose to mislead a public servant in performing an official function, the person:
  - (a) makes any written false statement that the person does not believe to be true;



**EXEMPTION CLAIM APPLICATION**  
**BOUNDARY LINE ADJUSTMENT**  
**AND/OR AGGREGATION OF LANDS**

Miles City Community Services & Planning  
17 South 8<sup>th</sup> Street, PO Box 910  
Miles City, MT 59301

Date Received: \_\_\_\_\_  
to be completed by City

- (b) purposely creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements from being misleading;
- (c) submits or invites reliance on any writing that the person knows to be forged, altered, or otherwise lacking in authenticity; or
- (d) submits or invites reliance on any sample, specimen, map, boundary mark, or other object that the person knows to be false.

**7. Signatures:**

I/We, as Claimant(s), has/have read the foregoing Exemption Claim Application, and affirm that my/our statements and information are true and correct to the best of my/our knowledge.

Mel Kenneth President  
Property owner's/Claimant's signature

Date: 9-15-2015

\_\_\_\_\_  
Property owner's/Claimant's signature

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

# Property Record Card

## Summary

### Primary Information

**Property Category:** RP **Subcategory:** Real Property  
**Geocode:** 14-1740-28-4-01-01-0000 **Assessment Code:** 000RMS0212  
**Primary Owner:** **PropertyAddress:** 519 N 7TH ST  
 KFM INCORPORATED MILES CITY, MT 59301  
 519 N 7TH ST **COS Parcel:**  
 MILES CITY, MT 59301-1801

*NOTE: See the Owner tab for all owner information*

### Certificate of Survey:

**Subdivision:** HUNTERS ADDITION

### Legal Description:

HUNTERS ADDITION, S28, T08 N, R47 E, BLOCK 008, Lot 002, LTS 2-6, FRL BLK 7 GOR, FRL LT 6 BLK 38 OTS, N PART CLOSED ALLEY BETWEEN BLK 8 HNT & RR R/W & E25' 6TH ST

**Last Modified:** 8/24/2015 8:32:57 PM

### General Property Information

**Neighborhood:** 002 **Property Type:** CU - Commercial Urban  
**Living Units:** 0 **Levy District:** 14-0172-1C  
**Zoning:** 6 **Ownership %:** 100

### Linked Property:

No linked properties exist for this property

### Exemptions:

No exemptions exist for this property

### Condo Ownership:

**General:** 0 **Limited:** 0

### Property Factors

**Topography:** 1 **Fronting:** 1 - Major Strip or Central Business District  
**Utilities:** 1, 4 **Parking Type:**  
**Access:** 1 **Parking Quantity:**  
**Location:** 4 - Commercial Area **Parking Proximity:**

### Land Summary

<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	0.988	11,256.00

**Deed Information:**

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
11/25/2004			4/8/2011	150921	Warranty Deed
3/4/2004	12	7724			
12/2/2003	12	6930			

**Owners**

Party #1

**Default Information:** **KFM INCORPORATED**  
**519 N 7TH ST**

**Ownership %:** 100

**Primary Owner:** "Yes"

**Interest Type:** Fee Simple

**Last Modified:** 5/21/2012 11:44:35 AM

Other Names

Other Addresses

Name	Type	Other Addresses
TECHNOLOGIES FOR MANUFACTURE INC.	B - Business Name	No other address

**Appraisals**

**Appraisal History**

Tax Year	Land Value	Building Value	Total Value	Method
2015	11256	102644	113900	INCOME
2014	10895	85400	96295	COST
2013	10895	85400	96295	COST

**Market Land**

Market Land Item #1

**Method:** Sqft **Type:** 1 - Primary Site

**Width:** **Depth:**

**Square Feet:** 43,022 **Acres:**

Valuation

**Class Code:** 2207 **Value:** 11256

**Dwellings**

**Existing Dwellings**

No dwellings exist for this parcel

**Other Buildings/Improvements**

Outbuilding/Yard Improvement #1

**Type:** Commercial **Description:** CPA1 - Paving, asphalt

**Quantity:** 1 **Year Built:** 1961 **Grade:**

**Condition:** **Functional:** 2-Fair **Class Code:** 3507

Dimensions

Width/Diameter:                      Length:                                      Size/Area: 2996  
 Height:                                      Bushels:                                      Circumference:

**Commercial**

**Existing Commercial Buildings**

Building Number	Building Name	Structure Type	Units/Bldg	YearBuilt	
1		398 - Warehouse	1	1961	<a href="#">View</a>
1		398 - Warehouse	1	1920	<a href="#">View</a>

General Building Information

**Building Number:** 1                      **Building Name:**                      **Structure Type:** 398 - Warehouse  
**Units/Building:** 1                      **Identical Units:** 1  
**Grade:** L                                      **Year Built:** 1961                      **Year Remodeled:** 2004  
**Class Code:** 3507                      **Effective Year:** 0                      **Percent Complete:** 0

Interior/Exterior Data Section #1

**Level From:** 01                      **Level To:** 01                      **Use Type:** 045 - Warehouse

Dimensions

**Area:** 1,840                                      **Use SK Area:** 0  
**Perimeter:** 212                                      **Wall Height:** 14

Features

**Exterior Wall Desc:** 03 - Concrete Block                      **Construction:** 1-Wood Frame/Joist/Beam                      **Economic Life:** 40  
**% Interior Finished:** 100                      **Partitions:** 2-Normal                      **Heat Type:** 0-None  
**AC Type:** 0-None                                      **Plumbing:** 0-None  
**Physical Condition:** 2-Fair                      **Functional Utility:** 2-Fair

Building Other Features

Description	Qty	Width	Length	Height	Area	Calculated Value	Unadjusted Value
HS1 - Hoist, single plunger, 8,000#	1	00	00	0	00	7616.251	7616

Interior/Exterior Data Section #2

**Level From:** 01                      **Level To:** 01                      **Use Type:** 045 - Warehouse

Dimensions

**Area:** 464                                      **Use SK Area:** 0  
**Perimeter:** 69                                      **Wall Height:** 8

Features

**Exterior Wall Desc:** 02 - Frame                      **Construction:** 1-Wood Frame/Joist/Beam                      **Economic Life:** 40  
**% Interior Finished:** 100                      **Partitions:** 2-Normal                      **Heat Type:** 1-Hot Air  
**AC Type:** 0-None                                      **Plumbing:** 2-Normal  
**Physical Condition:** 2-Fair                      **Functional Utility:** 2-Fair

Building Other Features

No other features exist for this interior/exterior detail

Interior/Exterior Data Section #3

**Level From:** 01                      **Level To:** 01                      **Use Type:** 045 - Warehouse

Dimensions

**Area:** 4,800                                      **Use SK Area:** 0  
**Perimeter:** 280                                      **Wall Height:** 12

Features

**Exterior Wall Desc:** 02 - Frame                      **Construction:** 1-Wood Frame/Joist/Beam                      **Economic Life:** 40  
**% Interior Finished:** 0                      **Partitions:** 1-Below Normal



**WARRANTY DEED**

That **BEACON CARTER SERVICE**, a corporation, organized and existing under the laws of the State of Montana, of 711 Main Street, Miles City, Montana 59301, in consideration of the sum of One Dollar and Other Valuable Consideration (\$1.OVC), the receipt of whereof is hereby admitted, does hereby grant, bargain, sell, convey and confirm unto **KFM INCORPORATED**, an Oregon corporation, d/b/a **TECHNOLOGIES FOR MANUFACTURERS INC.**, of 2805 10<sup>th</sup> Avenue S.E., P.O. box 336, Albany, Oregon 97321, and to its successors and assign, **FOREVER**, the following described real property, situated in the County of **CUSTER**, State of Montana, to-wit:

Lots 2, 3, 4, 5, and 6 in Block 8 of Hunter's Addition to the City of Miles City, Custer County, Montana, according to the official plat and survey of said addition now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana.

AND

All of fractional Block 7 of Gordon's Addition to the City of Miles City, Custer County, Montana, according to the official plat and survey of said addition now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana.

AND

All of fractional Lot 6 in Block 38 of the original town, now City, of Miles City, Custer County, Montana, according to the official plat and survey of said town by the Northern Pacific Railroad Company now on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana.

AND

That northerly portion of the alley between the former right-of-way of the former Chicago, Milwaukee, St. Paul & Pacific Railroad Company and Block 8 of Hunter's Addition to the City of Miles City, Custer County, Montana, between 6<sup>th</sup> Street and 7<sup>th</sup> Street in said City, as shown on the original plat of said Hunter's Addition on file and of record in the office of the County Clerk and Recorder in and for Custer County, Montana, which was closed and vacated by the City of Miles City, by Resolution No. 926, filed for record March 3, 1958, in Book 21 of Misc., at Page 461, in the office of the County Clerk and Recorder in and for Custer County, Montana.

AND

1

**150921 Fee: \$14.00**

Custer County Recorded 4/8/2011 At 3:13 PM

Linda Corbett, Clk & Rcdr By 

Return to: Security Abstract In Person

The easterly 25 feet of North Sixth Street located and lying between Blocks 7 and 8 of Gordon's Addition to the City of Miles City, Custer County, Montana, which was discontinued and vacated in accordance with Resolution No. 1354, passed by the City Council of Miles City on February 8, 1960 and filed in the office of the County Clerk and Recorder on April 19, 1960, as Document No. 196479. The foregoing easterly 25 feet extends from the south side of River Street to the north right-of-way line of the former Chicago, Milwaukee, St. Paul & Pacific Railroad.

SUBJECT TO all prior easements, reservations, and exceptions of record.

TOGETHER, with all and singular the tenements, hereditaments, and appurtenances thereto belonging or in anywise appertaining.

And the said GRANTOR hereby covenants that it will forever WARRANT and DEFEND all right, title, and interest in and to said premises, and the quiet and peaceable possession thereof, unto the said GRANTEE, its successors and assigns, against the acts and deeds of said GRANTOR, and all and every person and persons whomsoever lawfully claiming or to claim the same.

IN WITNESS WHEREOF, said GRANTOR has caused its corporate name to be subscribed and its corporate seal to be affixed, by its proper officers, thereunto duly authorized, on this 4<sup>th</sup> day of February, 2004.

BEACON CARTER SERVICE

By: [Signature]  
Its President

ATTEST:

[Signature]  
Its Secretary

150921 Fee: \$14.00

Custer County Recorded 4/8/2011 At 3:13 PM

STATE OF MONTANA )  
   ) ss  
COUNTY OF CUSTER )

On this 4<sup>th</sup> day of February, 2004, before me, the undersigned, a Notary Public for the State of Montana, personally appeared R. C. CREMER, known to me to be the President of BEACON CARTER SERVICE, the corporation that executed the within instrument and acknowledged to me that he executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.



[Signature]  
Notary's Printed Name: Rhea L. Larson  
Notary Public for the State of Montana  
Residing at Miles City, Montana  
My Commission Expires: 9/15/2004



A RESOLUTION CLOSING, DISCONTINUING AND VACATING THAT PORTION OF THE ALLEY BETWEEN THE RIGHT OF WAY OF THE CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD COMPANY, AND BLOCK 8 IN HUNTER'S ADDITION, TO THE CITY OF MILES CITY, MONTANA, BETWEEN 6TH STREET AND 7TH STREET IN SAID CITY AS SHOWN ON THE ORIGINAL PLAT OF HUNTER'S ADDITION TO THE CITY OF MILES CITY, MONTANA, ON FILE AND OF RECORD IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF CUSTER COUNTY, MONTANA:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA:

WHEREAS there has been heretofore filed with the City Clerk of the City of Miles City, Montana, a petition in due form requesting that the City Council of the City of Miles City, Montana, close, discontinue and vacate that portion of the alley between the right of way of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company and Block 8 of Hunter's Addition to the City of Miles City, Montana, between 6th Street and 7th Street in said Miles City, as shown on the original plat of the said Hunter's Addition on file and of record in the office of the County Clerk and Recorder of Custer County, Montana, and

WHEREAS the said petition was signed by all of the property owners on that portion of said alley sought to be vacated, and

WHEREAS said petition was duly noticed for hearing as provided by law and statutory notice of said hearing has been given, and

WHEREAS said petition has been duly considered by the City Council of said City in regular meeting held in the chambers of the City Council in said City on Wednesday, the 30th day of April, 1947, at which time the said City Council found and determined that the portion of said alley above described can be closed and vacated without detriment or inconvenience to the public and upon motion duly made, seconded and carried the said alley was ordered vacated and closed.

NOW THEREFORE be it RESOLVED by the City Council of Miles City, Montana, that the following described portion of said alley is hereby closed, discontinued and vacated, to-wit:

That portion of the alley between the right of way of the Chicago, Milwaukee, St. Paul & Pacific Railroad Company and Block 8 of Hunter's Addition to the City of Miles City, Montana, between Sixth Street and Seventh Street in said City, as shown on the original plat of the said Hunter's Addition on file and of record in the office of the County Clerk and Recorder of Custer County, Montana,

SUBJECT however, to the right of the City, its officials and employees to enter upon said closed portion of said alley for the purpose of constructing, maintaining, repairing and inspecting any necessary mains, conduits, or wiring or for any other purpose connected with the affairs of said city.

This Resolution is passed and adopted pursuant to action of the City