



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers*

*November 10, 2015
7:00 p.m.*

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. **APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES**
 - A. City Council Meeting 10/27/2015
2. **SCHEDULE MEETINGS**
3. **REQUEST OF CITIZENS & PUBLIC COMMENT**
Miles City Youth Baseball-Park Users Permit
4. **APPOINTMENTS**
5. **PROCLAMATIONS**
6. **STAFF REPORTS**
Lorrie Pearce- Audit results
Filling 2 Ward 3 positions
7. **CITY COUNCIL COMMENTS**
8. **MAYOR COMMENTS**
9. **COMMITTEE RECOMMENDATIONS**
Finance Committee Meeting 11/5/15
 - a. Recommend Approval of Ambulance Requests payments on ambulance bill
10. **BID OPENINGS- 502 Marion Street property**
BID AWARDS
11. **PUBLIC HEARINGS**

12. **UNFINISHED BUSINESS**

13. **NEW BUSINESS**

- A. **Renovation of Council Chamber**
- B. **ORDINANCE NO. 1300:** *(First Reading)* An Ordinance Establishing the Miles City Downtown Urban Renewal Agency and Providing for its Operation; Pursuant to MCA 7-15-4232; Establishing May 12, 2015 as the Effective Date for Tax Increment Financing, Revising City Code Sections 7-46 and 7-56 Through 7-64, and Providing for an Effective Date Thereof
- C. **RESOLUTION NO. 3863: A Resolution Adopting Findings of Fact and Approving the Amended Plat for the Purpose of Boundary Line Relocation of Lots 2-6 in Block 2 of the Woodland Park Addition to the City of Miles City**
- D. **APPROVAL OF OCTOBER CLAIMS**
- E. **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 27, 2015
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, October 27, 2015, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council Members present were Ken Gardner, Jerry Partridge, Dwayne Andrews, John Hollowell, Rachel Sloan and Roxanna Brush and Mark Ahner. Council Member Susanne Galbraith was excused.

Also present were City Attorney Dan Rice, Police Officer Luke Smith, Public Utilities Director Allen Kelm, Fire Chief Gary Warren, Grant Writer/Planner in Training Dawn Colton, Judge Al Homme and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 10/13/2015

****** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of October 13, 2015, and seconded by Councilperson Brush. The motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

None

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

None

CITY COUNCIL COMMENTS

None

MAYOR COMMENTS

Mayor Grenz opened the floor to Judge Homme to discuss the renovation of the Council Chambers. Items discussed were:

- Court used the chambers 100-200 times a year and it's very cumbersome
- The changes would not exclude the Council from using the room
- Would like to add two tables for defense, a bench for the Jury, a chair for the witness and a chair for the Clerk
- If City crew performed the work, it would be less than \$2,000

Mayor Grenz said that the City crew would not have the time to perform the task; a building permit was needed and asked for a visual plan on the renovation.

Councilperson Ahner thought the next Council meeting should be upstairs so the Judge can explain his plan.

- He is asking to change the furniture and wasn't sure if that would constitute a building permit

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

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**

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. 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

****** *Councilperson Brush moved to approve the resolution by title only and seconded by Councilperson Hollowell.*

Councilperson Ahner thought that the first “whereas” does not explain the real reason why the City shop’s budget needs amended. It reads for “garbage service increase” and he thought it should read “retroactive garbage service billing”.

****** *Councilperson Ahner moved to amend the original motion to change the first whereas from garbage service increase to retroactive garbage service billing, seconded by Councilperson Hollowell. The motion passed 7-0*

****** *Councilperson Brush’s original motion passed 7-0*
Resolution No. 3856 passed

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

Planner Colton said it was a simple boundary line adjustment.

****** *Councilperson Brush moved to approve the Resolution by title only, seconded by Councilperson Gardner and on roll call vote passed 7-0.*
Resolution No 3859 passed

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

Attorney Rice explained that the owner’s properties are in three subdivisions. By moving one line, it changed the shape in one lot in one block

and an entire block in another subdivision that wasn't divided into lots.

****** *Councilperson Gardner moved to approve the Resolution, seconded by Councilperson Hollowell and on roll call vote passed 7-0.*
Resolution No. 3860 passed

ADJOURNMENT

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

The meeting was adjourned at 7:17 p.m.

C. A. Grenz, Mayor

Lorrie Pearce, City Clerk

2015-001. FINANCIAL STATEMENT PREPARATION

Criteria: We were engaged to assist in the preparation of the government's financial statements. The government ensures the quality of its financial statements by engaging a qualified audit firm with expertise in governmental audits and by reading a preliminary draft of the financial statements.

Condition: The government does not have specific controls in place to review the selection and application of accounting principles and resulting disclosures and presentations within the financial statements.

Cause: The government is a small organization with limited resources.

Effect: It is common within the governmental sector to rely on the audit firm to prepare the financial statements; however, an audit firm cannot be considered part of the government's internal control by professional standards currently in effect. Since some presentations and disclosures may be material to the financial statements, this weakness in internal control would be classified as material.

Recommendation: The government should continue to read its draft financial statements and ensure the quality of the document and the preparer.

Client Response: The City Clerk reviewed the draft financials in detail comparing accounts to City's year end reports and did not find any errors.

2015-002. SEGREGATION OF DUTIES

Criteria: Segregation of duties refers to assigning tasks among personnel so that no one person handles substantially all aspects of a transaction.

Condition: In many financial areas, including federal award programs, the government lacks segregation of duties.

Cause: The extent to which the government can segregate duties is limited based on the number of personnel, their skill set and work load, and organizational structure.

Effect: The risk of errors or irregularities occurring and not being detected in a timely manner increases when a lack of segregation of duties exists.

Recommendation: There are inherent inefficiencies with full segregation of duties and inherent risks with the lack of segregation of duties. The cost versus benefits for both should be considered. The government should continue to evaluate its segregation of duties and when possible assign tasks to strengthen controls.

Client Response: Segregation of duties is implemented as much as staffing and facility will allow.

2015-003. AMBULANCE FUND OPERATING DEFICIT

Criteria: The ambulance fund is operated as an enterprise fund. Enterprise funds generally are used to report activities where costs of providing services, including capital costs (such as depreciation or debt service), be recovered with fees and charges.

Condition: Operating expenses and transfers have exceeded operating revenues in prior years.

Cause: Revenues and expenses were not monitored.

Effect: The ambulance fund has a deficit net position of \$164,712 and a negative cash balance of \$258,101 as of June 30, 2015.

Recommendation: The city needs to continue to monitor and address the deficit net position and cash balance in the ambulance fund.

Client Response:

2015-004. CITY COURT TIME PAY ACCOUNTING

Criteria: The Montana Supreme Court Administrator's Office Full Court Accounting Responsibility & Compliance Guidelines that have been adopted by the Courts of Limited Jurisdiction Automation Committee outlines court personnel accounting responsibilities. The guidelines require court personnel to develop and maintain a system of internal controls to safeguard court resources, check the accuracy of clerical entries, promote operational efficiency, and encourage adherence to prescribed accounting procedures. Effective internal control over time pay accounts requires a reconciliation of the monthly time pay activity to the beginning and ending time pay balances to be prepared to determine that all transactions have been recorded properly and to discover errors and irregularities. Further, a formal time pay reconciliation is a useful tool in evaluating and monitoring outstanding time pay balances.

Condition: The City court office does not perform a monthly time pay account reconciliation.

Cause: Unknown.

Effect: Not reconciling the time pay accounts on a monthly basis means that errors or other problems might not be recognized and resolved on a timely basis.

Recommendation: The City court office should prepare a formal reconciliation of time pay activity to the beginning and ending time pay balances on a monthly basis. Once completed, the reconciliation should be reviewed and approved by the City judge.

Client Response:

2015-005. PURCHASING POLICY NOT FOLLOWED

Criteria: Depending on the dollar amount of the purchase, the city's purchasing policy requires department heads to follow certain steps and obtain certain information prior to purchases being made.

Condition: The city's purchasing policy was not always adhered to.

Cause: Unknown

Effect: Internal control is weakened.

Recommendation: We recommend department heads adhere to the city's current purchasing policy.

Client Response:

New Business



Historic Preservation Commission

CITY OF MILES CITY

Doug Melton
Derrick Rodgers

Kathy Doeden, Chair
Melissa Hartman
Jenna Janshen

Mark Browning
Rachel Sloan

Date: November 10, 2015
To: Mayor Grenz, City Council Members
From: Connie Muggli, Historic Preservation Officer

Mr. Mayor and Council Members:

Ordinance 1109 Section 2 (J) specifies that the Historic Preservation Commission and Officer will review any projects affecting historic districts and individually listed historical buildings within the City using the Secretary of Interior's Standards for Rehabilitating Historic Guidelines.

I have attached the National Register of Historic Properties Listing for City Hall and the Secretary of Interior's Guidelines for your reference in considering the proposed renovation of City Hall's Council Chambers.

The National Register Listing may be used to provide background on the building, and the level of historic integrity of the property. The Secretary's Guidelines may be used to inform the City's decisions regarding City Hall renovations. The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility. The guidelines are designed to assist with renovation of all historic buildings; and regulatory only when federal monies and/or historic preservation tax credits are used.

The pertinent section of the National Register Listing in regard to this proposed renovation is the section entitled "Integrity":

"INTEGRITY:

The City Hall building has very good integrity. The only major alterations since construction are the window replacements, modern roll-up garage doors, and stairway. The building *is essentially in mint condition*, and easily conveys associations to a booming Miles City at the turn of the century."

The sections most pertinent of the Secretary of the Interior's Standards relative to the proposed renovation include:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.



Historic Preservation Commission
CITY OF MILES CITY

Doug Melton
Derrick Rodgers

Kathy Doeden, Chair
Melissa Hartman
Jenna Janshen

Mark Browning
Rachel Sloan

6. and...
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

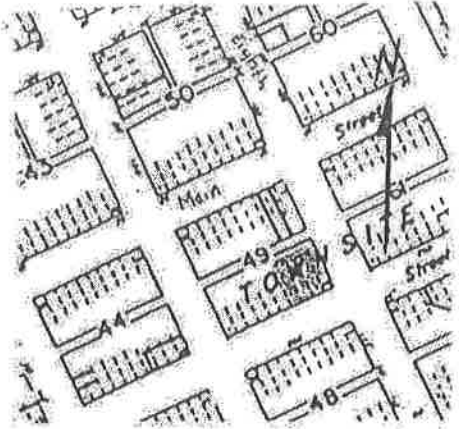
Regards,



Connie Muggli

*Historic Preservation Officer
Public Works Department
City of Miles City
Direct Line: (406)-874-8616
Cell: (406)-853-6072*

MILES CITY MONTANA HISTORIC RESOURCE SURVEY



SITE NUMBER: 1-77
LEGAL DESCRIPTION: OT 49, L 7-10
STREET ADDRESS: 19 S. 8th Street
1987 OWNER: Miles City
ORIGINAL OWNER: Miles City
PUBLIC PRIVATE:

HISTORIC NAME: City Hall and Fire Station
COMMON NAME: City Hall and Fire Station
CONSTRUCTION DATE: 1914 documented
ARCHITECT: G. C. Pruett
BUILDER: Clearman & Co.
ORIGINAL USE: governmental
PRESENT USE: governmental

RESEARCH SOURCES:

Title Search:	Tax Records: X	Biographies:
Maps:	Newspapers: X	Directories:
Obits:	Bldg. Permits:	Photographs: X
Sewer/Water Permits:		Census Records: X

SANBORN MAPS: 1910, 1916

BIBLIOGRAPHY:

Buchanan, A. Seeing Miles City. Chicago: Blakely Printing, 1915.
Golden Jubilee Edition of the Yellowstone Journal. Miles City, MT. 5/24/1934.
Hoopes, Lorman L. "This Last West: 1876-1886." n. p. 1965.
Illustrated and Historical Edition of the Yellowstone Journal. Miles City: Star Printing, 1976, rpt. 1900.
Independent. Miles City. 3/14/1913; 9/19/1913; 8/12/1914.
Stout, Tom. Montana: Its Story and Biography, vol. 1, 1921.
Yellowstone Journal. Miles City, MT. 9/27/1900.

PHYSICAL DESCRIPTION:

Two-story concrete Renaissance Revival style building faced in Hebron brick divided into three bays on east and four on south

facades by rusticated piers in buff-colored brick. Continuous smooth sandstone sills and lintels interrupted by piers. Sandstone belt course wraps around east and south facades above first floor windows. Prominent metal cornices on east facade and rear section of south facade visually divide building into two working areas, as do larger rusticated buff-colored quoin corner piers of east facade and projecting section of rear south facade. Two roll-up garage doors in this rear section of building. Words "Fire Department" etched into sandstone beltcourse above garage doors. Single-bay, one story concrete garage attachment with roll-up door to rear of building replaced fire escape. Diaperwork brick trim on parapet of south and east facades. Sandstone entrance to City Hall on east side defined by small projecting portal and two flanking Tuscan order columns-in-antis at top of stairway. Words "City Hall" carved into sandstone frieze of portal. Globe lights with original brackets in place on either side of entrance. Daylight basement raises first story above sidewalk, and housed jail. Windows infilled and painted green. The first floor interior features polychrome hexagonal floor tiles and wood paneling.

Alterations to building include replacement of one-over-one windows with smaller thermal type, and infilling with board painted green, probably indicative of lowered ceilings. The east stairway to entrance has been redesigned for side access instead of front access. North brick facade has been completely stuccoed.

HISTORICAL INFORMATION:

Miles City tailor and businessman Ed Arnold was one of the motivating forces behind the project to build a new city hall in 1913 (Independent, 3/14/1913 p. 3). The Yellowstone Journal described Arnold in 1900 as Miles City's leading merchant tailor. Born in Bischwiller, France in 1860, he emigrated to the U.S. when he was 18 years old, and moved to Miles City in 1885. He held the office of city treasurer for two terms, and gained the position of secretary in the Custer County Building association in 1895 (9/27/1900 p. 23; 1900 Census). Arnold's property in the downtown business area included the 717-719 Main Gilman-Huffman Block, and the one-story building at 815 Main. With partner W.C. Jackson, built the Arnold Block in 1913.

The decision to build a new city hall was precipitated by the transformation of Miles City in the early 1900's into the economic and social center of the valley. Already a county seat and stop for the Northern Pacific Railroad, the arrival of a second railroad in 1907 brought an influx of homesteaders. The resulting population boom combined with bumper crops and a fantastic industry in cattle and horses brought the town a new level of prosperity. Businessmen, eager to display their wealth and optimistic visions of the future, wanted a significant, new, and aesthetic style of architecture.

Grover C. Pruett, architect, was City Engineer at the time he

designed the building. He was one of the most versatile designers to work in eastern Montana. Pruett was accomplished in architecture, landscape architecture, and mechanical, civil, and electrical engineering. Miles City's two main recreational parks, Wibaux and Riverside, were designed by Pruett in the 1910's. Many of his drawings can be identified by the preferred motif he used on his building elevation: an oversized American flag blowing in the wind. The decision to commission Pruett may have been augmented by the fact that he was already working for the city.

The City Hall was described in 1930 as a "modest but attractive building of brick and stone," which housed the city offices, the fire department, and the city jail (Stout, p. 704).

INTEGRITY:

The City Hall building has very good integrity. The only major alterations since construction are the window replacements, modern roll-up garage doors, and stairway. The building is essentially in mint condition, and easily conveys associations to a booming Miles City at the turn of the century.

HISTORICAL SIGNIFICANCE:

This building is significant for its associations with Miles City businessman Ed Arnold, Miles City government, architect G. C. Pruett, and for its style. It is eligible for National Register listing under criterion A and C.

As the governmental, economic and social focus of the valley, Miles City was in a position to focus attention on its new-found prosperity in the early 20th century. Along with new construction of private commercial buildings, citizens relied on the sudden growth of the town to fund new administrative buildings to accommodate the inevitable increase in governmental activity. In 1915 Miles City booster Buchanan was confident that the building "will meet the needs of the city for many years to come" (p. 5). It has continued to function in the same capacity to the present day.

Arnold, merchant and active participant in local government, was typical of businessmen eager to participate in the economic boom in town. Along with urging the creation of the City Hall, he was described in the Yellowstone Journal as "always ready to push Miles City along and advise, 'buy at home'" (5/12/1934, III p. 22).

Pruett was one of Miles City's most successful engineer/architects in the early 20th century, and this building is Pruett's greatest landmark in Miles City. It is a good example of the new "academically correct" Renaissance Revival styling in eastern Montana, and in 1914 was a symbol of Miles City as a progressive and cosmopolitan town.

Secretary's Standards for Rehabilitation

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility. The guidelines are designed to assist with renovation of all historic buildings; however, rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" to be eligible for the 20% rehabilitation tax credit.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Connie Muggli

From: Chad Sutter
Sent: Thursday, November 05, 2015 12:20 PM
To: 'Connie Muggli'; 'Al Homme'
Cc: 'Scott Gray'; mvhirsch@midrivers.com; 'Kathy Doeden'
Subject: RE: Council Chamber Renovation

Judge Homme,

I was copied an email from Connie Muggli about your courtroom project this morning. While I agree with Connie that the historic integrity of the Miles City Hall building should be maintained, I also see the necessity for the building to adapt to changes of use and accessibility. There are other options for a courtroom location, but the City would have to be willing to give up some space, make some physical changes, and move people around within the building. Any solution is going to be costly, and making historic detailing and features a part of the project will add to the cost.

The current International Building Code and the International Existing Buildings Code address access as a requirement as well. Also, MCA 50-60-214 addresses accessibility of primary function area and essentially says that the area will be made accessible; it also says roughly that the cost of making alterations for accessibility shall go up to 20% of the overall project cost. I would add that there are three major Federal Acts that address access (see below). If you or the City are receiving any Federal funds for your/their programs or activities the Acts apply. The ADA applies regardless of funding sources. Another applicable code is ANSI, that too has access standards that may apply.

Architectural Barriers Act (1968)

The Architectural Barriers Act stipulates that all buildings designed, constructed, and altered by the Federal Government, or with federal assistance, must be accessible. Changes made to federal buildings must meet the Uniform Federal Accessibility Standards (UFAS). Special provisions are included in UFAS for historic buildings that would be threatened or destroyed by meeting full accessibility requirements.

Rehabilitation Act (1973)

The Rehabilitation Act requires recipients of federal financial assistance to make their programs and activities accessible to everyone. Recipients are allowed to make their properties accessible by altering their building, by moving programs and activities to accessible spaces, or by making other accommodations.

Americans with Disabilities Act (1990)

Historic properties are not exempt from the Americans with Disabilities Act (ADA) requirements. To the greatest extent possible, historic buildings must be as accessible as non-historic buildings.

Under Title II of the ADA, State and local governments must remove accessibility barriers either by shifting services and programs to accessible buildings, or by making alterations to existing buildings. For instance, a licensing office may be moved from a second floor to an accessible first floor space, or if this is not feasible, a mail service might be provided. However, State and local government facilities that have historic preservation as their main purpose-State-owned historic museums, historic State capitols that offer tours-must give priority to physical accessibility.

Historic properties are irreplaceable and require special care to ensure their preservation for future generations. With the passage of the Americans with Disabilities Act, access to historic properties open to the public is a now civil right, and owners of historic properties must evaluate existing buildings and determine how they can be made more accessible. It is a challenge to evaluate properties thoroughly, to identify the applicable accessibility requirements, to explore alternatives and to implement

solutions that provide independent access and are consistent with accepted historic preservation standards. Solutions for accessibility should not destroy a property's significant materials, features and spaces, but should increase accessibility as much as possible. Most historic buildings are not exempt from providing accessibility, and with careful planning, historic properties can be made more accessible, so that all citizens can enjoy our Nation's diverse heritage.

You may also note that the NPS website has Preservation Briefs (<http://www.nps.gov/tps/how-to-preserve/briefs/32-accessibility.htm#planning>) meant to guide planners, designers, preservationists and others as historic buildings are being looked at and considered for work or alteration. From **PRESERVATION BRIEF 32 - Making Historic Properties Accessible** I took the following excerpt:

Moving Through Historic Interiors

Persons with disabilities should have independent access to all public areas and facilities inside historic buildings. The extent to which a historic interior can be modified depends on the significance of its materials, plan, spaces, features, and finishes. Primary spaces are often more difficult to modify without changing their character. Secondary spaces may generally be changed without compromising a building's historic character. Signs should clearly mark the route to accessible restrooms, telephones, and other accessible areas.

Installing Ramps and Wheelchair Lifts

If space permits, ramps and wheelchair lifts can also be used to increase accessibility inside buildings. However, some States and localities restrict interior uses of wheelchair lifts for life-safety reasons. Care should be taken to install these new features where they can be readily accessed.

Having been deeply involved with preservation for my entire career it is one of my major concerns when working on old or historically significant buildings. Projects of recent note that I have had full responsibility for are the complete renovation and restoration of the Richland County Courthouse in Sidney, and the ongoing restoration of the Rosebud County Courthouse in Forsyth. It would be an honor to provide the same level of service for City Hall, but I don't believe that is currently up for consideration.

I would be glad to see the Council Chambers left as is, and in fact for money to be spent to restore them. However, if the space is to be used for a courtroom it does need to be accessible. Putting the court up on the elevated floor dictates that you provide access to the floor level and the Court. The plan I provided is an option for doing that. I'm sure we can come up with other solutions, though my opinion is they will be more costly, and they may require taking over some other spaces in the building (i.e., relocation of the Court), or moving to another building.

I would be happy to be involved in a discussion with you and City staff and officials if needed, please let me know how I can be of service. We should be able to come up with an amicable solution for all.

Thank you,

Chad Sutter
Stevenson Design, Inc.
909 Main Street
Miles City, MT 59301
406-234-0777

From: Connie Muggli [mailto:cmuggli@milescity-mt.org]
Sent: Thursday, November 05, 2015 10:04 AM
To: Al Homme

From: M. Hartman
Sent: Thursday, November 05, 2015 12:53 PM
To: 'Connie Muggli'; 'Kathy Doeden'; 'Doug melton BLM'; 'Mark Browning'; 'Jenna Janshen'; 'Derrick Rodgers'; racheldsloan@gmail.com
Subject: RE: Letter of recommendation for Court Room renovation

Have just read Mark's response which were good. I agree with what he has said and would like to add that in renovating the council chambers into permanent judge's chambers would not allow participation of citizens at the larger meetings which do happen. I would think the council members and mayor would be doing all of us a disfavor by eliminating our council chambers.

The downstairs conference room was built for exactly that – a conference room. The ventilation in the conference room is horrid and the room is really not suited for City Council meetings to begin with. Again, built for conferences/small department meetings.

I cannot condone the council chambers being turned into judge's chambers. Let us hope more level heads not grant this.

Melissa

Connie Muggli

From: Mark Browning
Sent: Thursday, November 05, 2015 12:20 PM
To: Connie Muggli
Cc: Kathy Doeden; Doug melton BLM; Jenna Janshen; M. Hartman; Derrick Rodgers; racheldsloan@gmail.com
Subject: Re: Letter of recommendation for Court Room renovation

TO: Commission members

Welcome, Rachel!

Re: The issue of renovation of Council Chambers for City Court use, here are a few thoughts.

It would be nice if historic traditions were kept in mind with renovations to the building but it has not always been the case. I think our Commission should pick our battles and I don't think this is a big one, other than to advance our concern.

If I were a City Council person, I would advise against removing the current set-up. City Court is hardly of the stature that would require a formal setting that the current one would not meet and still be used for other public meetings.

Mark

Mark Browning
mebrowning@midrivers.com
309 South Strevell
Miles City, MT 59301
406-234-3771
cell:853-3771

Connie Muggli

From: Connie Muggli
Sent: Wednesday, November 04, 2015 7:15 PM
To: Kathy Doeden; Doug melton BLM; Mark Browning; Jenna Janshen; M. Hartman; Derrick Rodgers; racheldsloan@gmail.com
Subject: Letter of recommendation for Court Room renovation

Commission members,

First, this is the first Commission business that our new council and commission member Rachel is receiving, so if you have a moment to send her a welcome email please do. Rachel, I am copying you, although as a Council person, you will probably not wish to take any action as a commission member in regard to a recommendation in this matter.

I am asking you to provide a letter for the November 10th Council meeting to address Judge Homme's proposal to renovate the historic City Hall Council Chambers as a court room.

Judge Homme presented his request to begin renovations at last week's council meeting. Council asked for construction drawings and plans. He has asked Chad Sutton of Stevenson's to prepare those plans. The plans he has discussed with me include moving the current council desk out of the room and replacing it with a raised judge's bench and seating for a 12 member jury, a defense table and a prosecution table. I have suggested and asked that he consider the historic public use of the room and using materials in keeping with the character of the original purpose and current function, as required by the Secretary of Interior's Standards for Historic Buildings. Whether his renovation plans will do so, I have no idea at this point.

By necessity, this renovation would significantly reduce the amount of public seating available for larger public meetings and hearings - which of course does not align, or at the least, detracts from the Secretary's Standards.

The judge will be using revenues from fines imposed in his court to pay for the cost. Given the fact that there will be no use of state or federal funds for this undertaking, I am unable to request a Section 106 review.

Please let me know your thoughts, in the form of a letter than can be made part of the public record in the November 10th Council meeting.

Regards,
Connie

ORDINANCE NO. 1300

AN ORDINANCE ESTABLISHING THE MILES CITY DOWNTOWN URBAN RENEWAL AGENCY AND PROVIDING FOR ITS OPERATION; PURSUANT TO MCA 7-15-4232; ESTABLISHING MAY 12, 2015 AS THE EFFECTIVE DATE FOR TAX INCREMENT FINANCING, REVISING CITY CODE SECTIONS 7-46 AND 7-56 THROUGH 7-64, AND PROVIDING FOR AN EFFECTIVE DATE THEREOF.

WHEREAS, the City Council of the City of Miles City has previously adopted resolutions finding that: (1) one or more blighted areas exist in the City of Miles City, (2) the rehabilitation, redevelopment, or a combination thereof of such area or areas is necessary in the interest of the public health, safety, morals, or welfare of the residents of the City; and (3) its intent to establish an Urban Renewal District in order to address said conditions in accordance with Section 7-15-4210, Section 7-15-4216 and Section 7-15-4280 MCA; and

WHEREAS, the Miles City Downtown Urban Renewal Plan has been prepared, and reviewed by the City Planning Board in accordance with Section 7-15-4212 MCA of the Urban Renewal Law; and

WHEREAS, said plan conforms to the Miles City Growth Policy and its updates, as required by Section 7-15-4213 MCA of the Urban Renewal Law; and

WHEREAS, said plan contains a workable program providing maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise and public private partnerships; and

WHEREAS, a sound and adequate financial program is set forth in the urban renewal plan for the implementation of said plan, including the use of tax increment financing as authorized by Section 7-15-4282 MCA of the Urban Renewal Law; and

WHEREAS, said tax increment financing will be applied to a district described in Attachments One of this Ordinance, and

WHEREAS, the City Council of the City of Miles City has adopted Ordinance 1294 on May 12, 2015 adopting the Miles City Downtown Urban Renewal Plan establishing said District.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THE FOLLOWING:

Section 1: City Code Sections 7-46 and 7-56 through 7-64 are hereby amended to read as follows:

Sec. 7-46. Effective date of plan. The City of Miles City establishes May 12, 2015 as the effective date for the purposes of employing tax increment financing according to Section 7-15-4282 MCA of the Urban Renewal Law.

...

Sec. 7-56. Created. There is created a Miles City Downtown Urban Renewal Agency, which shall be a public agency and public body corporate created by this ordinance in accordance with Section 7-15-4232 MCA.

Sec. 7-57. Appointment of commissioners. That the Chief Executive, by and with the advice and consent of the City Council, shall appoint a board of five commissioners of the Agency.

Sec. 7-58. Same – certificate of appointment. The initial membership shall consist of one commissioner appointed for one (1) year, one for two (2) years, one for three (3) years, and two for four (4) years. A certificate of appointment or reappointment shall be filed with the Clerk of the City, and shall be conclusive evidence of the due and proper appointment of such commissioner.

Sec. 7-59. Same – Succession; qualifications; commissioners not to hold other public office. Each commissioner shall hold office until a successor has been appointed and qualified. Any persons may be appointed if they reside within the City of Miles City. A commissioner shall not hold any other public office under the municipality other than their commissionership within this agency.

Sec. 7-60. Same – Removal. A commissioner may be removed for inefficiency, neglect, or misconduct in office.

Sec. 7-61. Quorum; bylaws. The powers and responsibilities of the Agency shall be exercised by the Commissioners in accordance with the Miles City Urban Renewal Board of Commissioners Bylaws as established in Resolution No. 3843 thereof. A majority of the commissioners shall constitute a quorum.

Sec. 7-62. Annual Report. The Agency shall file with the City Council, on or before March 31 of each year, a report of its activities for the preceding calendar year, including a complete financial report. At the time of filing said report, the Agency shall publish in a newspaper of general circulation within the municipality a notice to the effect that such been filed and is available for inspection in the office of the Clerk of the City and in the Agency office.

Sec. 7-63. Staff. The Agency shall be staffed with the necessary employees, permanent and temporary, as it may require.

Sec. 7.64. Powers.

- (a) The powers which may be exercised by the agency are:
- (1) to formulate and coordinate a workable program as specified in 7-15-4209;
 - (2) to assist city staff in the preparation of urban renewal plans or modifications to such plans and make recommendations to the City Council;
 - (3) to review urban renewal projects and make recommendations to the City Council regarding the funding of such projects;
 - (4) to undertake and carry out urban renewal projects as required by the local governing body;
 - (5) to disseminate blight clearance and urban renewal information;
 - (6) to perform such duties as the local governing body may direct so as to make the necessary arrangements for the exercise of the powers and performance of the duties and responsibilities entrusted to the local governing body, as provided in MCA 71-15-4233.
- (b) Powers reserved for the City Council include but are not limited to:
- (1) Any powers granted in MCA 7-15-4233 that are not included in this Ordinance as powers of the Urban Renewal Agency in lieu thereof may only be exercised by the local governing body.

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

Said Ordinance read and put on its passage this ____ day of _____, 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

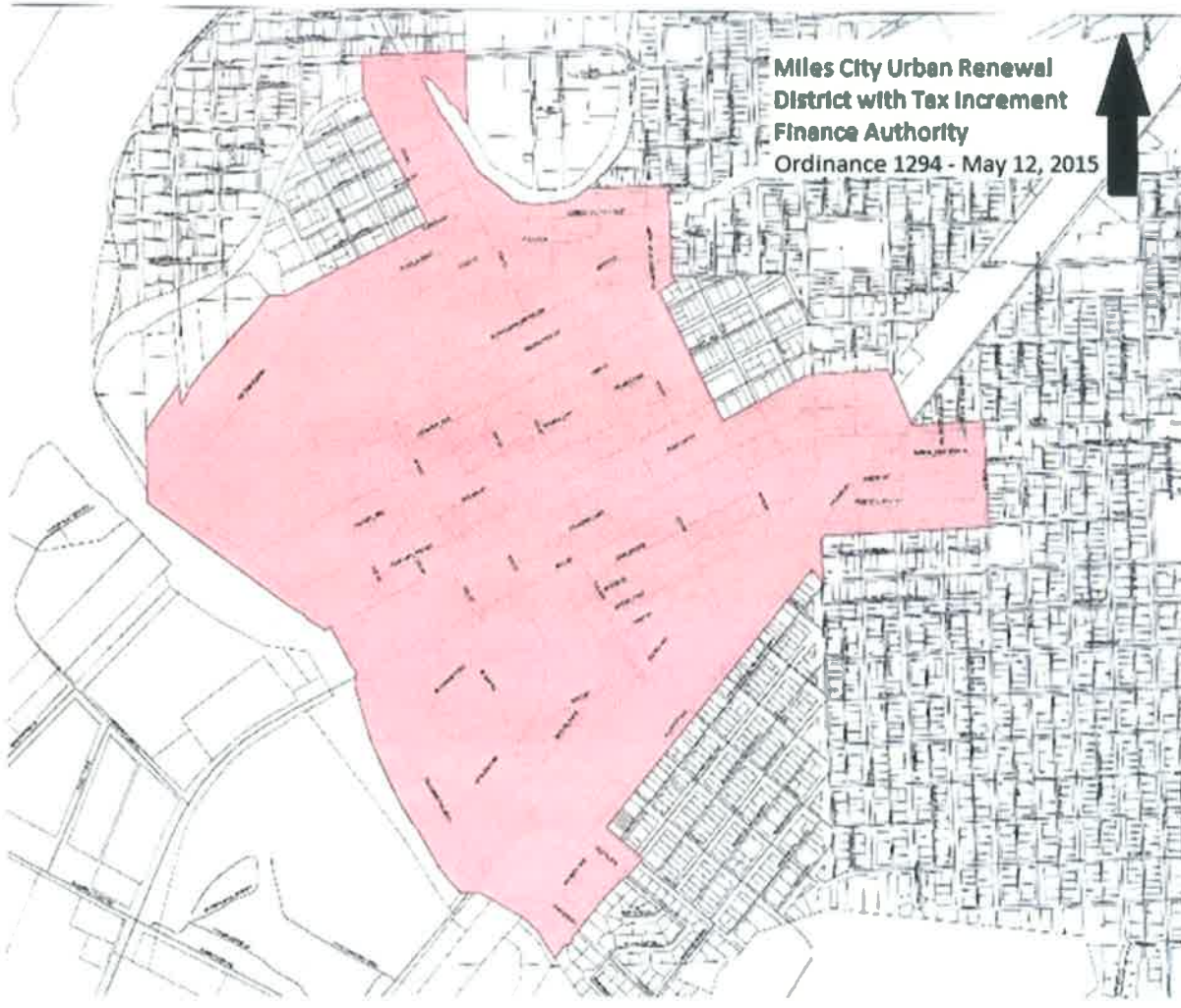
EXHIBIT A

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 10th St, continuing northwest on 10th St along the southern border of the City's easement right of way setback to the intersection of 10thSt 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



**Miles City Urban Renewal
District with Tax Increment
Finance Authority
Ordinance 1294 - May 12, 2015**



Return To:
City of Miles City
P.O. Box 910
Miles City MT 59301

RESOLUTION NO. 3863

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF BOUNDARY LINE RELOCATION OF LOTS 2-6 IN BLOCK 2 OF THE WOODLAND PARK ADDITION TO THE CITY OF MILES CITY.

WHEREAS, Richard W. Bolton and Jacqueline K. Bolton (owners of Lots 2 and 3) and William E. Hodgson and Wanda V. Hodgson (owners of Lots 4 through 6) have requested that the City of Miles City approve a boundary line relocation involving Lots 2 through 6 in Block 2 of the Woodland 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 2015-0____, attached hereto as Exhibit "A" as findings of fact, and based on such findings of fact, approves the "Amended Plat of Lots 2-6, Block 2, Woodland Park Addition" creating Lots A and B in Block 2, Woodland 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 10th DAY OF
NOVEMBER, 2015.**

C.A. Grenz, Mayor

ATTEST:

Lorrie Pearce, City Clerk

**Staff Report for City Council
File #BLA-2015-05
Bolton Common Boundary Line Adjustment
November 10, 2015**

The proposed aggregation and boundary line adjustment is to facilitate the sale of “Acquired Tract B” of Lot 3 in Block 2 of the Woodland Park Addition. Lots 2 through 6 will be aggregated and the boundary line adjusted to create Lot A (6,061 sq. ft.), Lot B (9,309 sq. ft.) and Acquired Tract B (89 sq. ft.). The property boundary line between the lots is not perpendicular to the north and south property lines as it will reflect the adjustment of the Acquired Tract B that is intended to accommodate an existing garage on site.

The preliminary Amended Plat of Block 2, Lots 2-6 of the Woodland Park Addition is an aggregation of land and a subsequent boundary line adjustment. This amendment is exempt from Subdivision Review per MCA section 76-3-207(1)(d) and (f)..

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.

Per the Miles City Subdivision Regulations Section 21-17(6) – (8), 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.

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

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

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

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

subject to the design and improvement standards of the subdivision regulations during subdivision review.

The property is zoned Residential A (RA) and both newly created lots comply with the zoning district regulations.

The affected properties are already receiving City Services. Therefore, approval of this proposal will not:

- impact the ability of the government to provide local services
- endanger the public health, safety or welfare
- 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.
- create additional lots or tracks of land

It appears this proposal will simply reflect and accommodate the existing garage on the new Lot B. This plat has been reviewed and approved by Custer County's Examining Land Surveyor for compliance with surveying requirements of 76-3-401.

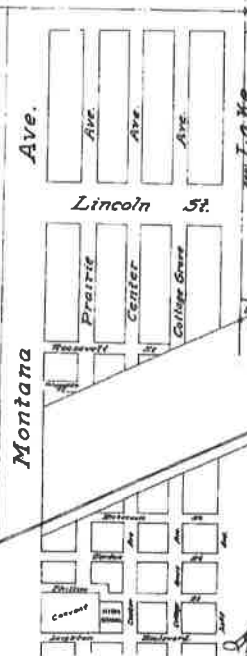
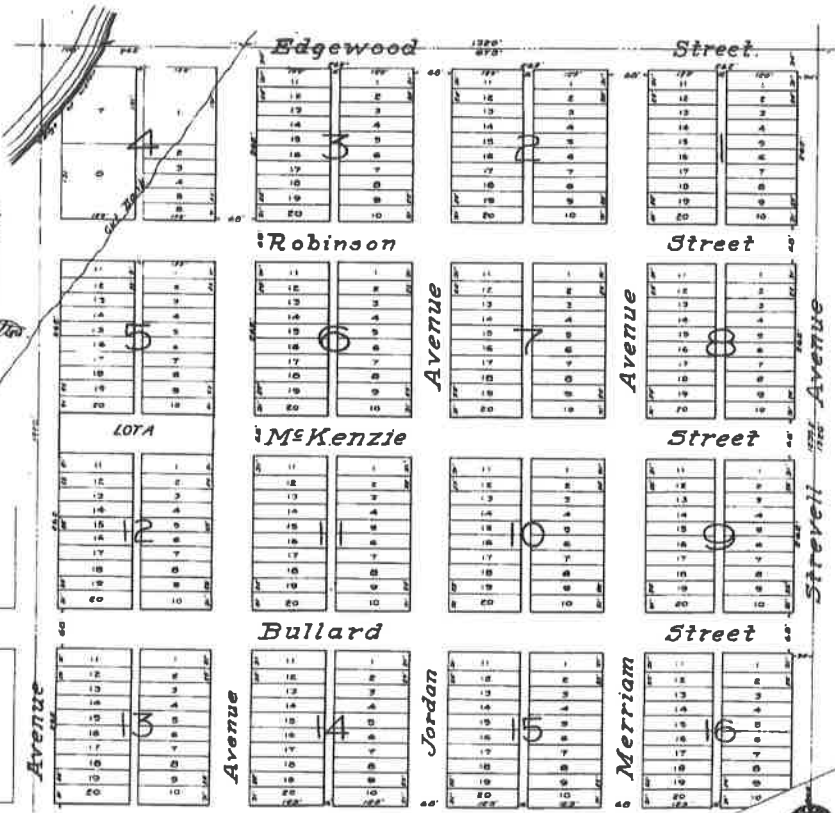
Staff recommends approval of the amended plat of Block 2, Lots 2-6 of Woodland Park Addition as proposed.



WOODLAND PARK MILES CITY MONT.

STATE OF MONTANA) ss.
COUNTY OF CUSTER)
William R. Foster, being first
day sworn, on oath says: That he is a surveyor
and that in the month of August, July 1907, he
correctly surveyed and marked the land
described in the annexed plat of Woodland Park
in the manner required by Chapter 11776 of
the Public Code of the State of
Montana, and subdivided and located the
same as shown in the annexed plat of such
survey.
Witness my hand and seal this
14th day of June 1907.

William R. Foster
Surveyor



STATE OF MONTANA) ss.
COUNTY OF CUSTER)
The Clark Land Company, a corporation, hereby certifies that it has caused the
survey, subdivided and platted into lots, blocks, streets and alleys, as shown by the plat
and certificate of survey hereunto annexed, a certain tract of land in said county, that is to-wit:
All the South east quarter (3 E 1/4) of the North west quarter (NW 1/4) and the North east
quarter (NE 1/4) of the South west quarter (SW 1/4) of Section twenty-seven (27) Township
eight (8N) Range forty second (42R) East, situated north of the right of way and east of the
Chicago, Milwaukee & St. Paul Railway Company of Montana, as shown on the annexed plat.
Said land is here offered to be leased and developed as Woodland Park, a pleasure adjoining Miles
City in said county, and the land included included in streets, avenues, alleys and public squares shown
and plat is hereby granted and devoted to the use of the public forever.
IN WITNESS WHEREOF, the said corporation has caused its duly authorized officers to hereunto set
their hands and seals this 14th day of June 1907.
The Clark Land Company

Witness my hand and seal this 14th day of June 1907.
E. B. Olson
President

STATE OF MONTANA) ss.
COUNTY OF CUSTER)
On this 14th day of June, 1907, before me a Notary Public in and for said County, personally appeared
E. B. Olson known to me to be the president of the corporation, named The Clark Land Company, that executed
the within instrument and acknowledged to me that said Corporation executed the same.
WITNESS my hand and seal on the said last named day and year.
John H. ...
Notary Public

3884



File No. _____
to be completed by City

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

Miles City Community Services & Planning
17 South 8th 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. 8th Street, Miles City, MT, 59301.

1. Property owner(s): (If more than 2, please attach additional sheets)

a. Name: Richard & Jacqueline Bolton Occupation: _____
Address: 1619 North Merriam Avenue Phone: _____
City, State, Zip: Miles City, MT, 59301 Email: _____

b. Name: William & Wanda Hodgson Occupation: _____
Address: 1609 North Merriam Avenue Phone: _____ + _____
City, State, Zip: Miles City, MT, 59301 Email: _____

2. Surveyor/Representative:

Name: Quinn. W. Wright Firm: DOWL
Address: 713 Pleasant Street Phone: 406-234-6666
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: 1619 North Merriam Avenue
Tax ID Number: _____ Geocode: 14-1740-27-2-17-04-0000
Section: 27 Township: 8 North Range: 47 East
Other legal description: Lots 2 & 3, Block 2, Woodland Park Addition
Zoning District: _____ Minimum Lot Size: _____
How and when the parcel was created (example: Subdivision: X Addition, 10/3/92):
Woodland Park Addition Plat, Envelope Number 388A, 6/1907



File No. _____
to be completed by City

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

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

Date Received: _____
to be completed by City

b. Address: _____ 1609 North Merriam Avenue _____

Tax ID Number: _____ Geocode: _____ 14-1740-27-2-17-03-0000 _____

Section: 27 Township: 8 North Range: 47 East

Other legal description: _____ Lots 4-6, Block 2, Woodland Park Addition _____

Zoning District: _____ Minimum Lot Size: _____

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

_____ Woodland Park Addition Plat, Envelope Number 388A, 6/1907 _____

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

File No. _____
to be completed by City

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

Date Received: _____
to be completed by City

a. Reasons/justification for use of the exemption:

To get building on Lot 4 entirely on owners property.

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 A will be used for residence purposes.

Lot B will be used for residence purposes.

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 correct an encroachment of a building.

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

File No. _____
to be completed by City

Miles City Community Services & Planning
17 South 8th 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;



File No. _____
to be completed by City

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

Miles City Community Services & Planning
17 South 8th 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.

William H. Baltan, Jr.
Property owner's/Claimant's signature

Date: 9/28/15

Property owner's/Claimant's signature

Date: _____

Property Record Card

Summary

Primary Information	
Property Category: RP	Subcategory: Real Property
Geocode: 14-1740-27-2-17-04-0000	Assessment Code: 000RMS0385
Primary Owner:	PropertyAddress: 1619 N MERRIAM AVE
BOLTON RICHARD W & JACQUELINE K	MILES CITY, MT 59301
MAIL TO: BOLTON WILLIAM T JR & CONSTANCE M	COS Parcel:
MILES CITY, MT 59301-0891	
<i>NOTE: See the Owner tab for all owner information</i>	
Certificate of Survey:	
Subdivision: WOODLAND PARK ADDITION	
Legal Description:	
WOODLAND PARK ADDITION, S27, T08 N, R47 E, BLOCK 002, Lot 001 - 003	
Last Modified: 8/24/2015 8:33:29 PM	

General Property Information	
Neighborhood: 002	Property Type: RU - Residential Urban
Living Units: 1	Levy District: 14-0172-1C
Zoning: 2	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: 4 - Residential Street
Utilities: 1, 4, 9	Parking Type:
Access: 2	Parking Quantity:
Location: 5 - Neighborhood or Spot	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	0.229	2,991.00