



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers*

*February 28, 2017
7:00 p.m.*

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES
 - A. Regular City Council Meeting 2/14/2017
2. SCHEDULE MEETINGS
3. REQUEST OF CITIZENS & PUBLIC COMMENT
4. APPOINTMENTS

Preservation Commissioners- Reappoint Kathy Doeden, Melissa Hartman, Doug Melton and Derrick Rogers
Planning Board- Tayler Kennedy
5. PROCLAMATIONS
6. STAFF REPORTS

Lorrie Pearce- 2017 Montana Municipal Institute- May 7th thru May 11th
Betty Vail- RSVP Funding
7. CITY COUNCIL COMMENTS
8. MAYOR COMMENTS
9. COMMITTEE RECOMMENDATIONS
10. BID OPENINGS
11. BID AWARDS
12. PUBLIC HEARINGS
 - A. **RESOLUTION NO. 4032- A Resolution Amending the City of Miles City's Program to Charge Mitigation Rates for the Deployment of Emergency and Non-Emergency Services by the Fire Department for Services Provided/Rendered for the City of Miles City**
 - B. **ORDINANCE NO. 1309- An Ordinance of the City Council of the City of Miles City, Montana Enacting Section 23-1 of the Code of Ordinances of the City of Miles City, Montana, and Adopting a Utility Rule Requiring a Property Owner's Consent to Annexation as a Condition of Receiving Water and/or Sewer Service**

13. UNFINISHED BUSINESS

- A. **Motion to reconsider Ordinance 1310- *(First Reading)* An Ordinance Changing the Zoning of Tract No. 4 of the Dyba Addition to the City of Miles City From General Commercial Zone to Highway Commercial Zone, and Providing For a Hearing Thereon**

- B. **RESOLUTION NO. 4032- *(First Reading)* A Resolution Amending the City of Miles City's Program to Charge Mitigation Rates for the Deployment of Emergency and Non-Emergency Services by the Fire Department for Services Provided/Rendered for the City of Miles City**

- C. **ORDINANCE NO. 1309- *(First Reading)* An Ordinance of the City Council of the City of Miles City, Montana Enacting Section 23-1 of the Code of Ordinances of the City of Miles City, Montana, and Adopting a Utility Rule Requiring a Property Owner's Consent to Annexation as a Condition of Receiving Water and/or Sewer Service**

14. NEW BUSINESS

- A. **RESOLUTION NO. 4036- A Resolution Authorizing the City of Miles City to Award a Downtown Façade Improvement Grant to 1885 Entertainment, LLC**

- B. **RESOLUTION NO. 4037- A Resolution Approving a Memorandum of Understanding With the Montana Association of Planners Board to Host Planning Conference**

15. 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 February 14, 2017
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, February 14, 2017, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were Brant Kassner, Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith.

Also present were Fire Chief Gary Warren, Planner II Dawn Colton, Public Utility Director Allen Kelm and City Clerk/Minute Recorder Lorrie Pearce. City Attorney Dan Rice arrived late.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 1/24/2017

- ** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of January 24, 2017 subject to any changes, and seconded by Councilperson Huber. The motion **passed** by unanimous consent, 8-0.*

Human Resource Committee Minutes: 2/2/2017

- ** *Councilperson Erlenbusch moved to approve the minutes of the Human Resource Committee Meeting of February 2, 2017, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 8-0.*

Ad Hoc Wage Survey Minutes: 2/07/2017

- ** *Councilperson Wilcox moved to approve the minutes of the Ad Hoc Wage Survey Committee Meeting of February 7, 2017, and seconded by Councilperson Erlenbusch. The motion **passed** by unanimous consent, 8-0.*

Finance Committee Meeting Minutes: 2/9/2017

- ** *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of February 9, 2017, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 8-0.*

SCHEDULE MEETINGS

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

- Human Resource: Thursday, February 23rd @ 5:15 p.m.
- Finance: Thursday, March 2nd @ 6:00 p.m.
- Ad Hoc/Wage Survey Tuesday, March 7th @ 5:15 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Planner II Dawn Colton: Reported that she had been working with Miles City Aware Economic Director Mike Coryell on sponsoring the Montana Association of Planner conference in Miles City this year. She received an MOU recently and will present it to Council at a later date.

CITY COUNCIL COMMENTS

John Uden: Recognized Larry Kuchynka who passed away February 11th. He said Mr. Kuchynka served on the police department in the sixties and seventies and brought considerable honor to the police department. Also, he asked for approval from Council to be absent for more than 10 days, starting February 21st. *The Council unanimously approved the absence.*

Rick Huber: Thanked Firefighter Tanner Harbaugh for the tour of the fire hall and passed around a framed thank you for partnership with Miles City Area Economic Development Council. Councilperson Huber and Planner Colton were sworn in as board members.

Kathy Wilcox: Thanked the fire/ambulance department for taking the time in searching for grants.

Jeff Erlenbusch: Announced he will be absent for the February 28th council meeting.

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

Finance Committee Meeting- Send Bulk Water and Hydrant Replacement Debts for an Amount of \$529.37 to Collections

** *Councilperson Galbraith moved to approve sending the bulk water and hydrant replacement debts for an amount of \$529.37 to collections, seconded by Councilperson Andrews and passed unanimously.*

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. RESOLUTION NO. 4027- A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase the Budgeted Amount in Fund # 1000-007-420460-364 and to Fund the Repairs of Three Fire Vehicles**

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

UNFINISHED BUSINESS

- A. RESOLUTION NO. 4027- (Second Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase the Budgeted Amount in Fund # 1000-007-420460-364 and to Fund the Repairs of Three Fire Vehicles**

** *Councilperson Uden moved to adopt the Resolution, read by title only, seconded by Councilperson Andrews and, on roll call vote, passed unanimously, 8-0. Resolution No. 4027 was adopted.*

NEW BUSINESS

- A. Discussion on Council Vacancy Policy**

Councilperson Wilcox asked for feedback on the policy. She said it was stuck in the process as to how to vote on the candidate. There were two options she asked for feedback:

- Vote the night the applicants present their opening statement and answer questions from Council,
- or have the candidates read their opening statement and answer questions from Council. Council feedback would be sent to the

Human Resource Committee and it would recommend the candidate(s) with the highest rating to be voted on at the next Council meeting

There was not a majority consensus on the two options.

After a long discussion, it was decided that the City Clerk will research how voting was completed in the past.

B. RESOLUTION NO. 4032- *(First Reading)* A Resolution Amending the City of Miles City's Program to Charge Mitigation Rates for the Deployment of Emergency and Non-Emergency Services by the Fire Department for Services Provided/Rendered for the City of Miles City

****** *Councilperson Galbraith moved to approve the Resolution, read by title only, and seconded by Councilperson Kassner.*

Councilperson Uden explained that the Public Safety Committee recommended excluding the billing of Miles City citizens and their insurance company. Councilperson Galbraith said Miles City citizens will not be billed unless the individual had been cited for driving under the influence of alcohol or drugs; reckless driving; or a criminal violation which contributed to or resulted in the need for services.

****** *On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4032 passed on first reading.*

C. RESOLUTION NO. 4033- A Resolution Approving a Montana Department of Transportation Utility Occupancy and Location Agreement Between the City of Miles City and the Montana Department of Transportation

****** *Councilperson Gardner moved to approve the Resolution, read by title only, and seconded by Councilperson Erlenbusch. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4033 passed*

D. RESOLUTION NO. 4034- A Resolution Approving Purchase Agreement Renewal With Mid-Rivers Telephone Cooperative, Inc., For Telephone Services

****** *Councilperson Wilcox moved to approve the Resolution, read by title only, and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4034 passed*

E. RESOLUTION NO. 4035- A Resolution Authorizing the City of Miles City to Enter Into an Interlocal Agreement with Custer County for Fiscal Years 2016-2017 and 2017-2018

** *Councilperson Uden moved to approve the Resolution, read by title only, and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 8-0. Resolution No. 4035 passed*

F. ORDINANCE NO. 1309- (First Reading) An Ordinance of the City Council of the City of Miles City, Montana Enacting Section 23-1 of the Code of Ordinances of the City of Miles City, Montana, and Adopting a Utility Rule Requiring a Property Owner's Consent to Annexation as a Condition of Receiving Water and/or Sewer Service

** *Councilperson Galbraith moved to approve the Ordinance, read by title only, and seconded by Councilperson Kassner.*

Custer County Water/Sewer District representative Jerry Backlund asked to be on the record that the CCWSD board disagrees with the verbiage "that requires a property owner's consent to annexation as a condition of new or continued sewer and/or water service".

** *On roll call vote, the motion passed 6-0 with Councilperson Uden and Erlenbusch voting no Ordinance No. 1309 passed on first reading and Mayor Hollowell referred the Ordinance to Public Services*

G. ORDINANCE NO. 1310- (First Reading) An Ordinance Changing the Zoning of Tract No. 4 of the Dyba Addition to the City of Miles City From General Commercial Zone to Highway Commercial Zone, and Providing For a Hearing Thereon

** *Councilperson Andrews moved to approve the Ordinance, read by title only, and seconded by Councilperson Erlenbusch.*

Items that were discussed:

- Difference between General Commercial Zoning and Highway Commercial Zoning. Planner Colton explained that General Commercial Zoning permits general commercial uses up to 15,000 square feet -continued use of residence, (not new residence), multi family dwelling, accessory use associated with the primary use, bars and taverns, schools and other educational facilities, public parks, buildings and playgrounds, religious institutions, daycare centers, home occupations accommodating serving up to 10 guest rooms,

animal rescue shelters, neighborhood lodges and places of assembly, recreational vehicle parks, antenna structures, and minor utilities installations. Conditional use for General Commercial Zoning may allow in excess of 15,000 square feet and wireless communication facility.

Highway Commercial Zoning permits highway usage up to 30,000 square feet, of accessory use associated with the primary use, school, public parks, buildings and playgrounds, religious institutions, animal rescue shelters, recreational vehicle parks, radio antenna structures and minor utility installations. Conditional use for Highway Commercial may allow in excess of 30,000 square feet, and include wholesale, wireless communication facility, daycare centers, and medical marijuana providers

- Concerns that Council would not have the authorization as to what businesses are allowed in the area. It would be decided by the Board of Appeals
- Safety concerns that if the zoning were changed to Highway Commercial Zoning there would be large trucks traveling in the area that had a church and a roller cade in it. With the elderly and young children around, did not think it was a good fit.

*** On roll call vote, the motion failed 6-2, with Councilperson Galbraith, Gardner, Huber, Uden, Kassner and Wilcox voting no*

H. ORDINANCE NO 1311- (First Reading) An Ordinance Amending Sections 24-66(e) and 24-80, and Correcting the City of Miles City Zoning Map to Include City Property not Reflected and Removing Properties Lying Outside of the City Limits, and Providing for a Hearing Thereon

*** Councilperson Gardner moved to approve the Ordinance, read by title only, and seconded by Councilperson Galbraith. On roll call vote, the motion passed by unanimous consent, 8-0. Ordinance No. 1311 passed on first reading and referred to the Finance Committee*

I. APPROVAL OF JANUARY CLAIMS

*** Councilperson Uden moved to approve the January claims, seconded by Councilperson Kassner and passed unanimously.*

ADJOURNMENT

*** Councilperson Huber moved to adjourn the meeting, seconded by Councilperson Uden and passed unanimously.*

The meeting was adjourned at 8:15 p.m.

John Hollowell, Mayor

Lorrie Pearce, City Clerk

PUBLIC HEARINGS
&
UNFINISHED BUSINESS

RESOLUTION NO: 4032

A RESOLUTION AMENDING THE CITY OF MILES CITY'S PROGRAM TO CHARGE MITIGATION RATES FOR THE DEPLOYMENT OF EMERGENCY AND NON-EMERGENCY SERVICES BY THE FIRE DEPARTMENT FOR SERVICES PROVIDED/RENDERED FOR THE CITY OF MILES CITY.

WHEREAS, the City of Miles City previously implemented and adopted a program to charge mitigation rates for the deployment of emergency and non-emergency services by the fire department for services provided/rendered for the City of Miles City by Resolution 4007, and the City desires to amend the same;

WHEREAS, the emergency and non-emergency services response activity to incidents continues to increase each year; Environmental Protection requirements involving equipment and training, and Homeland Security regulations involving equipment and training, creating additional demands on all operational aspects of the fire department services; and

WHEREAS, the fire department has investigated different methods to maintain a high level of quality of emergency and non-emergency service capability throughout times of constantly increasing service demands, where maintaining an effective response by the fire department decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency situations, saving lives and reducing property and environmental damage; and

WHEREAS, raising real property tax to meet the increase in service demands would not be fair when the responsible party(s) should be held accountable for their actions; and

WHEREAS, City of Miles City residents support the fire department through payment of property taxes and should not be assessed any amounts for the services set forth herein so long as the at-fault individual was not driving under the influence of alcohol or drugs, driving recklessly, or involved in the commission of a criminal act, contributing to or resulting in the need for services; and

WHEREAS, the City Council of the City of Miles City desires to implement a fair and equitable procedure by which to collect said mitigation rates and shall establish a billing system in accordance with applicable laws, regulations and guidelines; Now, Therefore

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

SECTION 1: The City of Miles City shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies and equipment to the scene of emergency and non-emergency incidents as listed in "EXHIBIT A". The mitigation rates shall be based on actual costs of the services and that which is usual, customary and reasonable (UCR) as shown in "EXHIBIT A", which may

include any services, personnel, supplies, and equipment and with baselines established by addendum to this document.

SECTION 2: A claim shall be filed to the responsible party(s) through their insurance carrier. In some circumstances, the responsible party(s) will be billed directly.

SECTION 3: Neither City of Miles City residents, nor their insurance, shall be billed for services unless the individual has been cited for driving under the influence of alcohol or drugs; reckless driving; or a criminal violation which contributed to or resulted in the need for services.

SECTION 4: The fire department's City Council may make rules or regulations and from time to time may amend, revoke, or add rules and regulations, not consistent with this Section, as they may deem necessary or expedient in respect to billing for these mitigation rates or the collection thereof.

SECTION 5: It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and upon consideration of comments offered during the public hearing on the adoption of this resolution, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in accordance with all legal requirements, and the Codified Ordinances of the City Council.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed fees on the 28th day of February, 2017, 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 on its passage this 14th day of February, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 28th day of February, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

EXHIBIT A

MITIGATION RATES BASED ON PER HOUR

The mitigation rates below are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.

MOTOR VEHICLE INCIDENTS

Level 1 - \$435.00

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the fire department responds to an accident/incident.

Level 2 - \$495.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 3 – CAR FIRE - \$605.00

Provide scene safety, fire suppression, breathing air, rescue tools, hand tools, hose, tip use, foam, structure protection, and clean up gasoline or other automotive fluids that are spilled as a result of the accident/incident.

ADD-ON SERVICES:

Extrication - \$1,305.00

Includes heavy rescue tools, ropes, airbags, cribbing etc. This charge will be added if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

Creating a Landing Zone - \$400.00

Includes Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter landing zone is created and/or is utilized to transport the patient(s).

Itemized Response: The fire department has the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

ADDITIONAL TIME ON-SCENE

Engine billed at \$400 per hour.

Truck billed at \$500 per hour.

Miscellaneous equipment billed at \$300.

HAZMAT

Level 1 - \$700.00

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

Level 2 - \$2,500.00

Intermediate Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

Level 3 – \$5,900.00

Advanced Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - **each additional hour @ \$300.00 per HAZMAT team.**

ADDITIONAL TIME ON-SCENE (for all levels of service)

Engine billed at \$400 per hour.

Truck billed at \$500 per hour.

Miscellaneous equipment billed at \$300

ILLEGAL FIRES

Assignment - \$400.00 per hour, per engine / \$500.00 per hour, per truck

When a fire is started by any person or persons that requires a fire department response during a time or season when fires are regulated or controlled by local or state rules, provisions or ordinances because of pollution or fire danger concerns, such person or persons will be liable for the fire department response at a cost not to exceed the actual expenses incurred by the fire department to respond and contain the fire. Similarly, if a fire is started where permits are required for such a fire and the permit was not obtained and the fire department is required to respond to contain the fire the responsible party will be liable for the response at a cost not to exceed the actual expenses incurred by the fire department. The actual expenses will include direct labor, equipment costs and any other costs that can be reasonably allocated to the cost of the response.

WATER INCIDENTS

Level 1

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common "billing level". This occurs almost every time the fire department responds to a water incident.

Billed at \$400 plus \$50 per hour, per rescue person.

Level 2

Intermediate Response: Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

Billed at \$800 plus \$50 per hour, per rescue person.

Level 3

Advanced Response: Includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

Billed at \$2,000 plus \$50 per hour per rescue person, plus \$100 per hour per HAZMAT team member.

Level 4

Itemized Response: The fire department has the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

BACK COUNTRY OR SPECIAL RESCUE

Itemized Response: Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

Minimum billed \$400 for the first response vehicle plus \$50 per rescue person. Additional rates of \$400 per hour per response vehicle and \$50 per hour per rescue person.

CHIEF RESPONSE

This includes the set-up of Command, and providing direction of the incident. This could include operations, safety, and administration of the incident.

Billed at \$250 per hour.

MISCELLANEOUS / ADDITIONAL TIME ON-SCENE

Engine billed at \$400 per hour.

Truck billed at \$500 per hour.

Miscellaneous equipment billed at \$300.

MITIGATION RATE NOTES

The mitigation rates above are average "billing levels", and are typical for the incident responses listed, however, when a claim is submitted, it will be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.

LATE FEES

If the invoice is not paid within 90 days, a Late Charge of 10% of the invoice, as well as 1.5% per month, as well as the actual cost of the collections, will be assessed to the responsible party.

ORDINANCE NO. 1309

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA
ENACTING SECTION 23-1 OF THE CODE OF ORDINANCES OF THE CITY OF MILES
CITY, MONTANA, AND ADOPTING A UTILITY RULE REQUIRING A PROPERTY
OWNER'S CONSENT TO ANNEXATION AS A CONDITION OF RECEIVING WATER
AND/OR SEWER SERVICE

WHEREAS, the City operates a municipal water and sewer utility, providing water from its municipal water supply system to various properties and receiving wastewater to its municipal treatment system from various properties located outside of the City limits; and

WHEREAS, Montana Code Annotated Section 69-7-201 requires each municipal utility to adopt, with concurrence of the municipal governing body, rules for the operation of its utility which outline the procedure for discontinuance of service and the reestablishment of service as well as the extension of service to users within the municipal boundaries and outside the municipal boundaries; and

WHEREAS, in 46 Op. Atty. Gen. No. 12 (1995), the Montana Attorney General ruled that a city or town may adopt a rule for the operation of its municipal sewer and/or water utility requiring a property owner's consent to annexation as a condition of continued sewer and/or water service; and

WHEREAS, Montana Code Annotated Section 7-13-4314 states that any person, firm, or corporation receiving water or sewer service outside of incorporated city limits may be required by the city or town, as a condition to initiate such service, to consent to annexation of the tract of property served by the city or town. The Montana Supreme Court in *Gregg v. Whitefish City Council* and the AG Opinion cited above state that consent to annexation may be required for receipt of continued utility service, in addition to initiation of service, and

WHEREAS, the City adopted RESOLUTION NO. 3872, *An Annexation and Extension of Services Plan*, which states: Properties outside of the City municipal boundary will not be connected to or receive service from the City's water and/or sewer systems without either annexation nor the property owner submitting a waiver of the right to protest annexation as a requirement for receiving service; and, for those properties currently receiving water and/or sewer service that are not within the City limits, the City may require the property owner(s) to consent to annexation or waive the right to protest annexation as a condition of continued water and/or sewer service; and

WHEREAS, from time to time the City Council determines that it is in the best interests of the City to annex property owned by those persons, firms or corporations receiving water and/or sewer service, and to bring the properties within the corporate limits of the City; and

WHEREAS, the City desires to adopt a rule requiring a property owner's consent to annexation as a condition of initiating or receiving continued water and/or sewer service;

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

Section 1: That there is hereby enacted a Section 23-1, entitled Annexation Required, as follows:

Sec. 23-1. – Annexation Required.

The City may, at any time, require a property owner's consent to annexation as a condition of new or continued sewer and/or water service. Sewer and/or water service is defined as the receipt of water or transmission of wastewater from or to the City, regardless of the ownership of the delivery infrastructure which services the property. When the City determines to require such consent from a particular property owner, the City may notify the property owner, in writing, that the City seeks such consent, and that if such consent is not given, the City will require that the property owner discontinue receiving sewer and/or water service. The property owner may notify the City in writing of his or her consent to annexation. If within 10 days of the property owner's receipt of such notice, the property owner contacts the City and makes firm arrangements, in writing, to discontinue sewer and/or water service, then the City shall not further pursue obtaining the property owner's consent. If, however, the property owner has not, within 10 days, made firm written arrangements to discontinue sewer and/or water service, then the City shall be entitled to treat the property owner as having consented to annexation of his or her property upon the expiration of such 10-day period. The failure by the property owner to respond in writing within 10 days shall entitle the City to treat the property owner as having consented upon the expiration of such 10-day period.

If the property owner consents to annexation under any of the methods described above, the property owner may not thereafter withdraw his or her consent to any proposed annexation of his or her property. If the property owner consents to annexation under any of the methods described above, then the City shall be entitled to disregard any protest that such property owner makes to a proposed annexation of his or her property. Nothing herein shall prevent the City from seeking consent even if the City has previously obtained a waiver of protest from such property owner or from his or her predecessor in interest.

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

Said Ordinance read and put on its passage this 14th day of February, 2017.

John Hollowell, Mayor

ATTEST: _____
Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 28th day of February, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

ORDINANCE NO. 1310

AN ORDINANCE CHANGING THE ZONING OF TRACT No. 4 OF THE DYBA ADDITION TO THE CITY OF MILES CITY FROM GENERAL COMMERCIAL ZONE TO HIGHWAY COMMERCIAL ZONE, AND PROVIDING FOR A HEARING THEREON.

WHEREAS, John Hoofman, on behalf of JNJ Management LLC, and on behalf of property owners Joseph and Janine Yates, has made application for the property described as Tract No. 4 of the Dyba Addition to the City of Miles City, Montana, to be rezoned from mixed zones of General Commercial District (GC), to Highway Commercial District (HWC) zone;

AND WHEREAS, such property is situated within the city limits of the City of Miles City, Montana, and subject to the zoning jurisdiction of the City of Miles City;

AND WHEREAS, Section 24-96 of the Code of Ordinances of Miles City, Montana requires that such application be referred to the City Zoning Commission for public hearing and recommendation to the City Council prior to any action by the City Council upon such application;

AND WHEREAS, the Miles City Zoning Commission, on February 6, 2017, upon public hearing and deliberation, recommended to the City Council that such zoning change be approved.

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

Section 1. Zoning for the following described real property located within the City of Miles City, Custer County, Montana, is hereby rezoned from General Commercial District (GC), to Highway Commercial District (HWC) zone, to wit:

Tract No. 4 of the Dyba Addition to the City of Miles City, according to the official plat and survey thereof on file with the Clerk and Recorder in and for Custer County, Montana.

Section 2. The City of Miles City Staff Report prepared as part of the review of this application, and attached hereto as Exhibit "A," is hereby adopted as Findings of Fact to support the Council's decision.

Section 3. Prior to final passage, a public hearing shall be held upon this proposed zoning change before the City Council at 7:00 P.M. on the 14th day of March, 2017, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

Section 4. The City Clerk shall give notice of the date, time and place of such hearing by publication in the Miles City Star at least 15 days prior to the date of such hearing, as well as notice by certified mail at least 15 calendar days prior to such hearing to the applicant, landowner, and all adjoining property owners and owners of land within 150 feet of the subject property, containing all information required by, and in accordance with, MCA Sections 76-2-303 and 305, as well as Section 24-97 of the Code of Ordinances of Miles City, Montana.

Section 5. This ordinance shall be in full force and effect thirty (30) days after its final passage and approval.

Said Ordinance read and put on its passage this 28th day of February, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 28th day of March, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

EXHIBIT A

Miles City City Council

Zone Change Request From General Commercial to Highway Commercial

Staff Report

John Hoofman, JNJ Management, LLC

The Miles City Zoning Commission met on February 6, 2017 and held a public hearing to consider a request from JNJ Management LLC for a zone change from General Commercial to Highway Commercial on property located at the intersection of Valley Drive East and North Strevell Avenue. Matthew Rohrbach, contract planner with Land Solutions, presented the staff report below (MCZC-2017-01), recommending that the Zoning Commission adopt the staff report as findings of fact and make a recommendation to the Miles City City Council to approve the zone change from General Commercial to Highway Commercial.

At the public hearing a neighboring property owner asked for clarification as to what the zone change would mean in terms of what would be allowed on the property and he was provided a handout outlining regulations in the General Commercial and Highway Commercial districts. Otherwise, no one spoke in support of or opposition to the requested zone change. After the close of the public hearing, the Zoning Commission discussed the requested zone change and unanimously adopted the findings of fact presented and recommended that the Miles City City Council approve the zone change from General Commercial to Highway Commercial.

Background Information

John Hoofman, on behalf of JNJ Management LLC, has requested a zoning designation change from General Commercial to Highway Commercial on property located at the intersection of Valley Drive East and North Strevell Avenue (the old Dairy Queen). The applicant is in the process of purchasing the property, with said purchase contingent upon the zoning designation being changed to Highway Commercial. The proposed zone change would make it possible for the applicant to apply for a conditional use permit to operate a medical marijuana dispensary.

A. Applicant

John Hoofman, JNJ Management, LLC
P.O. Box 1231
Helena, MT 59624

B. Owner

Joseph and Janine Yates
766 W 1550 S
Payson, UT 84651

C. Location and Legal Description of Property

The property is located on Valley Drive East at the intersection with North Strevell Avenue – see vicinity map below. The legal description of the property is Tract No. 4 of the Dyba Addition located in Section 27, Township 8 North, Range 47 East, P.M.M., Custer County, Montana.



D. Existing Land Use(s) and Zoning

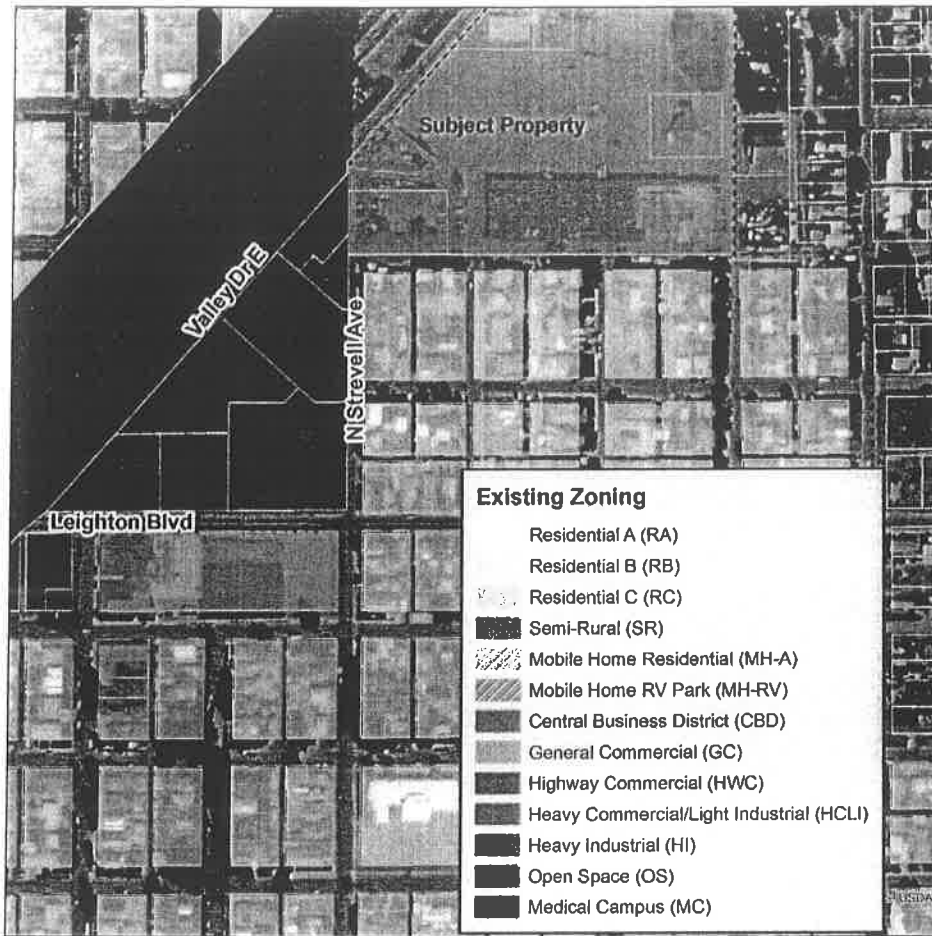
The property is currently occupied by a vacant building which used to house a Dairy Queen. The existing zoning is General Commercial. The General Commercial zone is intended to provide for commercial districts in close proximity to and serving the ordinary shopping needs of residents and visitors, and which do not attract large volumes of traffic.

E. Proposed Land Use(s) and Zoning

The proposed land use is a medical marijuana dispensary and the proposed zoning is Highway Commercial. The Highway Commercial zone is intended to provide for commercial oriented uses around highways and arterials that rely on convenient automobile access. In the Highway Commercial district, medical marijuana dispensaries are a conditional use and thus the applicant will need to obtain a conditional use permit in the event the proposed zone change is approved.

F. Adjacent Zoning and Land Uses

- North/Northwest:* Heavy Commercial/Light Industrial, Railroad
- East/Southeast:* General Commercial, The Plaza Shopping Center and Parking Lot
- South:* General Commercial, Developmental Educational Assistance Program
- West/Southwest:* Highway Commercial, Sandhills Sewing and Vacuum Center



G. Size

The property is approximately 16,780 square feet

H. General Land Use Characteristics

The general land use characteristics of the area can be described as auto-oriented commercial and industrial.

Evaluation of Zone Change Criteria

The following is an evaluation of the zone change request under the criteria outlined in 76-2-304, M.C.A. and in section 24-96(c) of Miles City’s Zoning Regulations.

1. Is the proposed zone change in accordance with the Miles City Growth Policy?

The future land use map in Miles City’s Growth Policy identifies future land uses for properties outside of Miles City limits only. As the property in question is within Miles City limits it does not have a designation on the future land use map. The closest designation on the future land use map is 0.1 miles northeast of the subject property, which is designated commercial. The commercial designation is a composite or general term that does not differentiate between General Commercial zoning and Highway Commercial zoning.

Miles City's Growth Policy states, "Miles City also intends to ensure that new development is compatible with existing development by adopting zoning that generally extends the existing pattern of development (i.e., more residential near existing residential areas and more commercial near existing commercial areas)." The property is surrounded by Highway Commercial to the southwest and general commercial to south and east. The pattern of development along Valley Drive East between Leighton Blvd. and the Baker Highway (US 12) is primarily auto-oriented commercial and industrial and is compatible with the Highway Commercial district regulations. A change from General Commercial to Highway Commercial will not result in incompatible development patterns because the zone change would result in a logical extension of Highway Commercial to the northeast.

The Growth Policy contains several goals and objectives. Two appear to apply to the proposal.

Economy objective 2.1: Encourage infill development on vacant lots and in vacant buildings. Changing the zoning would facilitate the use of an existing building within the city limits.

Land use objective 3.1: Protect private property rights and respect property owners' wishes to enjoy and gain economic return from their properties and investments while ensuring that other public and private interests are not unreasonably compromised or impacted by land uses and development projects. The zoning amendment would allow the property owners to gain economic return from their investments. If the amendment is approved, subsequent zoning permit processes (potentially including a conditional use permit public review and development requirements for landscaping, lighting, etc.) would help to ensure that other public and private interests are not unreasonably compromised or impacted by future land uses.

Based on this information, the proposed zone change generally complies with Miles City's Growth Policy.

2. Is the proposed zone change designed to secure safety from fire and other dangers?

The property is served by Miles City Fire and Rescue and Miles City Police Department. The property is accessible by Valley Drive East to the northwest and Plaza Blvd to the south, both of which could provide emergency vehicle access. Furthermore, a fire hydrant is located approximately 120 feet to the northeast along Valley Drive East. Based on this information the proposed zone change is generally designed to secure safety from fire and other dangers.

3. Is the proposed zone change designed to promote public health, public safety, and the general welfare?

The health, safety, and general welfare of the public will be upheld through general Miles City regulations and specifically through the Highway Commercial zoning district regulations, which specify permitted and conditional uses as well as regulations for setbacks, building height, and lot coverage. Based on this information public health, safety, and general welfare will be promoted in the event of the proposed zone change is approved.

4. Is the proposed zone change designed to facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements?

Transportation – Adequate access to the property is provided from Valley Drive East to the northwest and Plaza Blvd to the south.

Water and Sewer – The property is served by Miles City water and sewer.

Schools – School facilities and bus services are available to the property if necessary. However, it is unlikely that the zone change would impact Miles City schools as residential uses are not permitted in the Highway Commercial district.

Parks – No parks are immediately adjacent to the property. Assuming a medical marijuana dispensary or other highway commercial business is developed on the property, the proposed zone change is not likely to place additional demand on Miles City's parks.

Other Public Requirements – Mail delivery and utilities are available to the property.

Based on the above information, the proposed zone change will facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other facilities.

5. Does the proposed zone change provide reasonable provision of adequate light and air?

The property is bordered by a large parking lot to the east/northeast, railroad tracks and right of way to west/northwest, and one-story buildings to the south. Given this information there is currently adequate light and air on the property. Furthermore, Miles City's zoning regulations and building codes are intended to provide for adequate light and air, which will apply to any future development on the property. Based on this information the proposed zone change provides reasonable provision of adequate light and air.

6. How would the proposed zone change effect motorized and non-motorized transportation systems?

The proposed zone change is not likely to have a significant impact on motorized or non-motorized transportation. As the current building on the property is vacant, there will likely be an increased number of vehicles going to and from the site, though it is unlikely that the level of increased traffic will have a detrimental impact on traffic flows on Valley Drive East. Additionally, as there are multiple access points to the property off Valley Drive East, and ample sight distances of over 300 feet in both directions, the increased traffic is not likely to have a significant impact on traffic safety. In terms of non-motorized transportation, Valley Drive East is not heavily traveled by pedestrians or bicycles as there are currently no sidewalks or bike lanes and adjacent land uses are auto-oriented. The proposed zone change will have little, if any, impact on non-motorized transportation.

7. Does the proposed zone change promote compatible urban growth?

The proposed zone change would result in an extension of Highway Commercial to the northeast. Development patterns along Valley Drive East between Leighton Blvd and the Baker Highway (US 12) are predominantly auto-oriented commercial and industrial uses, which are in-line with the

Highway Commercial district. The proposed zone change will promote compatible urban growth by further encouraging development patterns which currently exist along Valley Drive East.

8. Does the proposed zone change consider the character of the district, and its peculiar suitability for particular uses?

The Highway Commercial zoning designation is intended to provide for commercial oriented uses around highways and arterials that rely on convenient automobile access. Valley Drive East between Leighton Blvd and the Baker Highway (US 12) is classified as a principal arterial and primarily serves auto-oriented commercial and industrial uses. While this portion of Valley Drive East contains both Highway Commercial and General Commercial zoning designations, overall the development pattern along Valley Drive East between Leighton Blvd and the Baker Highway is compatible with the character of the Highway Commercial district and is generally suitable for allowed uses in the district.

9. Would the proposed zone change conserve the value of buildings and encourage the most appropriate use of the land?

The proposed zone change would modify what land uses are considered permitted and conditional on the property. Residential uses would no longer be allowed, although a wider array of commercial uses would be permitted. As the property fronts a principal arterial and is surrounded by auto-oriented commercial and industrial, it is better suited for commercial uses than residential ones. Additionally, the proposed zone change would allow the applicant to apply for a conditional use permit for a medical marijuana dispensary. If the conditional use permit is approved by the Miles City Board of Adjustment, the applicant would refurbish and occupy (conserve) a currently vacant building. Based on this information the proposed zone change would potentially conserve the value of the building and encourage the most appropriate use of the land.

10. Would the proposed zone change be considered illegal spot zoning?

The following is an evaluation of the Little Factors for Spot Zoning based on legal precedent established in *Little v. Board of County Com'rs*, 193 Mont. 334 (1981) and other judicial decisions.

1. Is the proposed land use significantly different from the prevailing use in the area?

The property is surround by auto-oriented commercial and industrial uses. Furthermore, the property borders an existing Highway Commercial designation to the southwest. Because the area is predominately highway oriented commercial, the proposed land use would not be significantly different from the prevailing uses in the area.

2. Is the area rather small from the perspective of the number of separate landowners benefited from the proposed change?

A zone change requested by one landowner is small from the perspective of the number of separate landowners benefited from the proposed change.

3. Would the change be special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public?

The proposed zone change could be viewed as special legislation designed to benefit one landowner. However, as the property borders an existing Highway Commercial district and is in-line with the intent of the Highway Commercial District, the proposed zone change can also be viewed as making the property's zoning designation compatible with prevailing land uses. Also, while certain members of the public might see harm from a medical marijuana dispensary on this property, other segments of the public will likely benefit from being able to obtain medical marijuana where few other options (if any) exist within Miles City. In the end, the benefits of the proposed zone change to the landowner and patients seeking medical marijuana are not at the overall expense of the general public.

11. Does the proposed zone change correct an inconsistency in the zoning?

The zone change does not necessarily correct an inconsistency in the zoning, but rather changes the zoning to better reflect prevailing land uses in the area.

12. Does the proposed zone change address changing conditions or further a specific public challenge?

The proposed zone change does address a changing condition prevalent throughout Montana. In November, Montana voters pass Initiative 182, which explicitly allow licensed providers of medical marijuana to operate dispensaries. As a result, medical marijuana providers in Montana are seeking to open dispensaries to provide medication to patients seeking relief from a variety of ailments.

Recommendation

Adopt this staff report as findings of fact and approve the proposed zone change from General Commercial to Highway Commercial for the property in question.

CITY OF MILES CITY
Zoning Commission
Box 910
Miles City, MT 59301

February 7, 2017

Mayor Hollowell and City Council Members,

RE: Administrative changes to the adopted zoning map and text.

RE: Proposed re-zone for the property located at 2210 Valley Drive E Miles City, MT 59301 – at the intersection of Valley Drive E and N Strevell Avenue in the northeast portion of Miles City. The legal description of the property is, Lot 4 of the Dyba Addition, better known as the old Dairy Queen.

The Miles City Zoning Commission conducted two public hearings on February 6, 2017 to consider the requests listed above. After reviewing comments from the public hearings, the Zoning Commission recommends approval for the administrative changes to the adopted zoning map and text. Also, recommends approval for the zone change for the property described above, from general commercial to highway commercial.

Please schedule these for review by the City Council at your earliest convenience.

Respectfully,

LeRoy Meidinger, Chair
Zoning Commission

A handwritten signature in cursive script that reads "LeRoy Meidinger". The signature is written in dark ink and is positioned below the typed name and title.



PETITION FOR ZONE CHANGE

Community Services & Planning

City of Miles City 17 S. 8th Street, P.O. Box 910 Miles City, MT 59301 406-234-3493

Date Received: _____

Note: If more than one property petitioner a list of signatures and legal descriptions may be attached to this application

I, JNJ Management LLC is/are petitioning the City of Miles City to rezone the following property:

LEGAL DESCRIPTION OF PROPERTY:

Street Address or General Location 2210 VALLEY DRIVE EAST

Tract/s _____ in Section _____ Township _____ Range _____

OR

Lot/Tract/s 4 of Dyba Addition in Section 27 Township 08N Range 47E

Assessor Number/s or Geocode 14-1740-27-4-23-20-0000

PRIMARY CONTACT:

Applicant Name: John Hoofman If a business: Contact Name John Hoofman

Address: P.O. box 1231

Helena MT 59624

Phone: 406-459-2618 Cell Phone: same Email: jhoofman@gmail.com

DESCRIPTIVE DATA:

Total area in acres: 2.4 acres

Existing Zoning: General Commercial Proposed Zoning: Highway commercial district

Existing Use: vacant Baby Queen

Yes No Purpose of the zone change is for pending development/sale. If so please explain the nature of the proposal or state any other reason for requested change:

The zoning was changed while I was in the middle of the purchase and I would not get any clear answers about the zoning prior to the adoption of the new zoning.

Note: All information must be filled in for the application to be complete. Submission of an application is not a guarantee that a zone change will be approved.

DYBA ADDITION AND ACERAGE TRACTS MILES CITY, MONTANA.

STATE OF MONTANA
COUNTY OF DEWEE
I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing plat is a true and correct copy of the original as the same appears in the files of the County Clerk of the County of Dewee, Montana.

WITNESSED my hand and the seal of the County of Dewee, Montana, this 12th day of January, 1961.

Wm. L. ...

STATE OF MONTANA
COUNTY OF DEWEE
I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing plat is a true and correct copy of the original as the same appears in the files of the County Clerk of the County of Dewee, Montana.

WITNESSED my hand and the seal of the County of Dewee, Montana, this 12th day of January, 1961.

Wm. L. ...

STATE OF MONTANA
COUNTY OF DEWEE
I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing plat is a true and correct copy of the original as the same appears in the files of the County Clerk of the County of Dewee, Montana.

WITNESSED my hand and the seal of the County of Dewee, Montana, this 12th day of January, 1961.

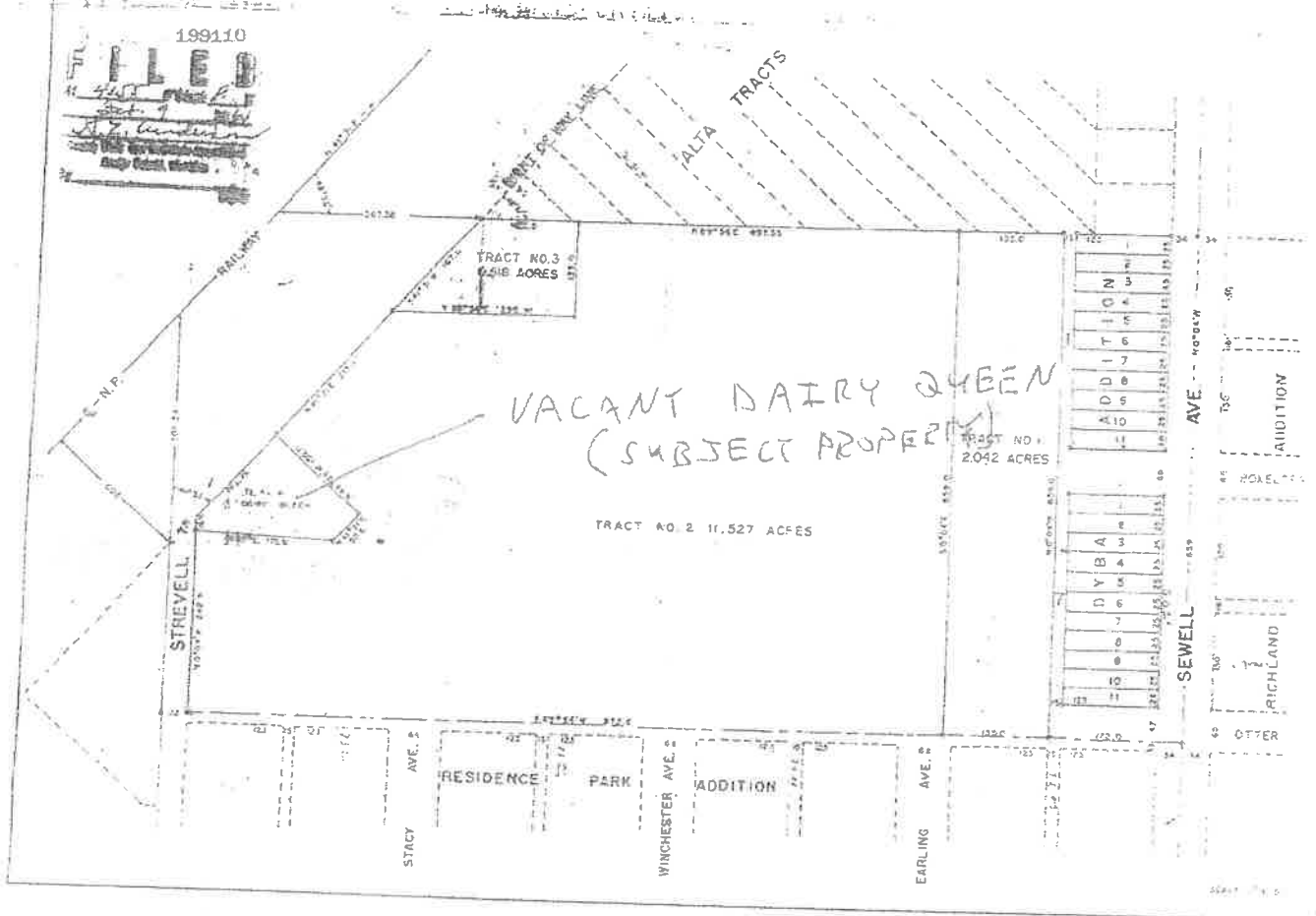
Wm. L. ...

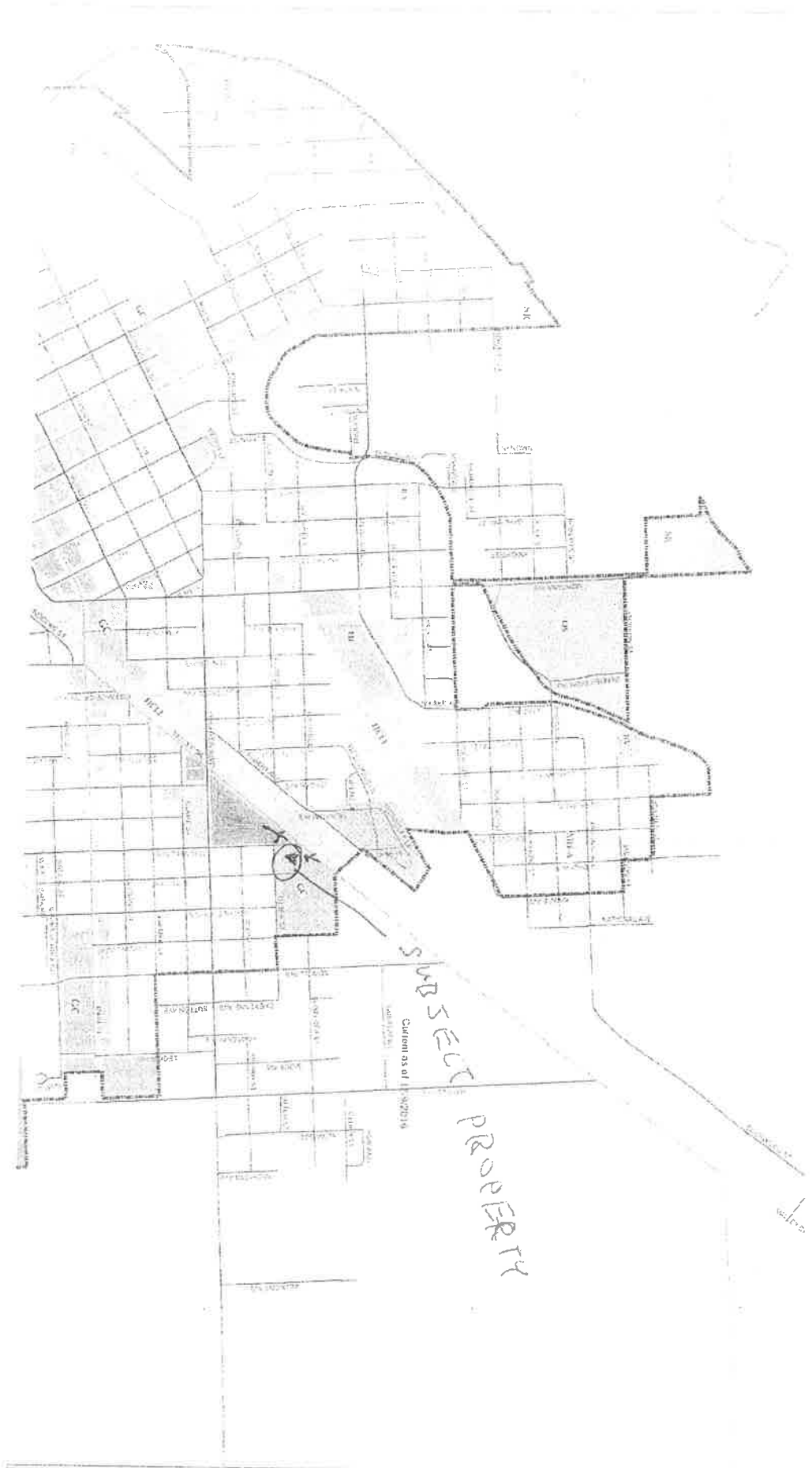
STATE OF MONTANA
COUNTY OF DEWEE
I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing plat is a true and correct copy of the original as the same appears in the files of the County Clerk of the County of Dewee, Montana.

STATE OF MONTANA
COUNTY OF DEWEE
I, the undersigned, being duly qualified and sworn, do hereby certify that the foregoing plat is a true and correct copy of the original as the same appears in the files of the County Clerk of the County of Dewee, Montana.

APPROVED
FEB 8 1961

Wm. L. ...





SUBSECT PROPERTY

Current as of 11-2019



102

PROPERTY OWNERS

Re-zone

for

JNJ Management, LLC

OMNI Corporation
PO Box 879
Miles City, MT 59301

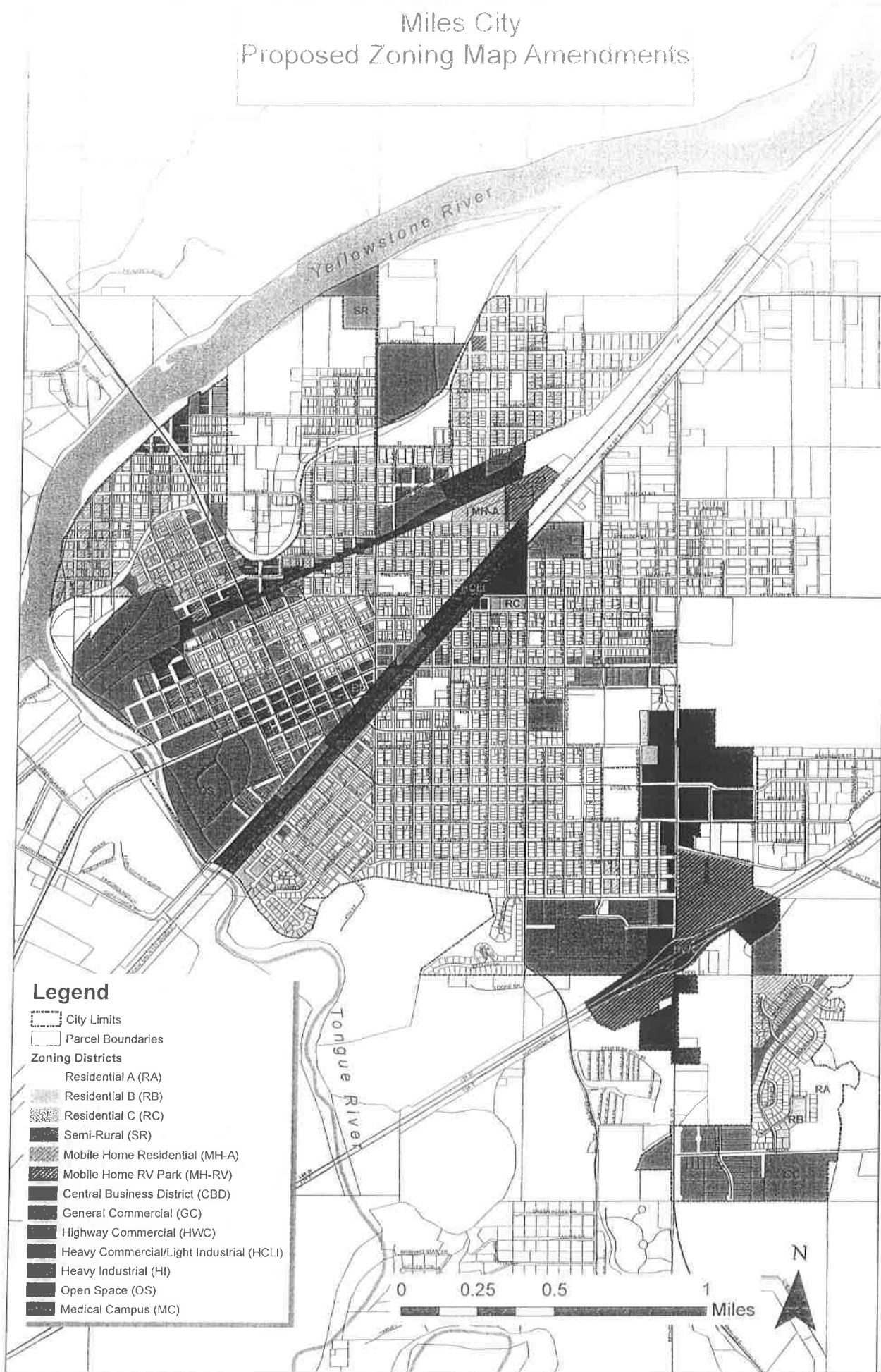
Joseph & Janine Yates
766 W 1550
Payson, UT 84651

Fossil Development Co, LLC
2200 Box Elder Street
Miles City, MT 59301

Jerrold Dusatko
56 Cornhusker Rd
Miles City, MT 59301

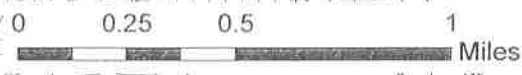
JNJ Management, LLC
John Hoofman
PO Box 1231
Helena, MT 59624

Miles City Proposed Zoning Map Amendments



Legend

- City Limits
- Parcel Boundaries
- Zoning Districts**
- Residential A (RA)
- Residential B (RB)
- Residential C (RC)
- Semi-Rural (SR)
- Mobile Home Residential (MH-A)
- Mobile Home RV Park (MH-RV)
- Central Business District (CBD)
- General Commercial (GC)
- Highway Commercial (HWC)
- Heavy Commercial/Light Industrial (HCLI)
- Heavy Industrial (HI)
- Open Space (OS)
- Medical Campus (MC)



New Business

RESOLUTION NO. 4036

**A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO AWARD A
DOWNTOWN FAÇADE IMPROVEMENT GRANT TO 1885 ENTERTAINMENT, LLC**

WHEREAS, the City has established a Façade Improvement Grant for qualified applicants within the Miles City Downtown Urban Renewal District, *and*

WHEREAS, the City has adopted Guidelines for said grant program, and

WHEREAS, 1885 Entertainment, LLC has applied for a Downtown Façade Improvement Grant and has met all program criteria set forth in said Guidelines,

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

1. The City hereby awards a Downtown Façade Improvement Grant to 1885 Entertainment, LLC in the amount of \$2,000 to assist with installation of a new entrance door at their building at 607 Main Street, Miles City Montana.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as may be necessary to facilitate the delivery of said award.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, THIS 28TH DAY OF FEBRUARY.**

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

RESOLUTION NO. 4037

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE MONTANA ASSOCIATION OF PLANNERS BOARD TO HOST PLANNING CONFERENCE.

WHEREAS, the City of Miles City desires to host a planning conference with the assistance of the Montana Association of Planners;

AND WHEREAS, the responsibilities of the parties have been reduced to writing in the form of a Memorandum of Understanding;

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

1. The Memorandum of Understanding, between the City and the Montana Association of Planners, attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.

2. The City Planner is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City, and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A REGULAR MEETING THIS 28th DAY OF FEBRUARY, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

**MEMORANDUM of
UNDERSTANDING**

**Between the City of Miles City and the
Montana Association of Planners Board**

for

The Montana Association of
Planners 2017 Conference in Miles
City, MT

The Montana Association of Planners Board (hereinafter "MAP Board") and the City of Miles City and the Miles City Area Economic Development Council (hereinafter "Miles City") have agreed to cooperate on the organization and operation of the 2017 Montana Association of Planners Conference. The following represents the understanding between the MAP Board and Miles City.

The City of Miles City will host the conference, at a location determined by the City, Miles City Area Economic Development Council and MAP Board on dates to be determined through the planning process by the City, Miles City Area Economic Development Council and MAP Board between September 1, 2017 and October 31, 2017.

The following guidelines assist the execution of a successful conference and will facilitate a smooth, productive, enlightening, profitable and fun event.

The City of Miles City and the Miles City Area Economic Development Council have agreed to serve as the co-conveners of the conference and will complete the following activities in consultation with the MAP Board:

- a) Miles City will designate at least one person to serve as a point of contact with the MAP Board.
- b) Miles City will identify the persons who will to serve on the conference committee to assist with tasks such as:
 - Providing a conference venue
 - Providing conference setup at venues
 - Organizing meals
 - Reserving hotels
 - Organizing tours and recreational opportunities
 - Providing staffing for registration
 - Providing staffing to answer conference attendee questions etc.
- c) Reserve and rent a conference venue capable of providing:
 - A room large enough to accommodate all of the conference attendees, keynote speeches, lunches and dinner.
 - 3 to 4 smaller rooms capable of accommodating conference sessions
 - Facilities at the conference venue to allow for the catering of food.

- Space for sponsors and vendors
 - Adequate parking to accommodate attendees
- d) Provide a suitable venue for the opening night mixer for attendees to mingle and socialize. Depending on the location in relation to the conference venue and hotels, a group transportation option may be appropriate.
- e) Organize and provide meals to conference attendees as follows:
- Snacks and drinks during each break – daily
 - Light appetizers for opening night mixer
 - A lunch during keynote speaker
 - Dinner for the conference banquet
- f) Organize recreational and tour opportunities for attendees after and during conference hours.
- i.e. Range Rider's Museum, Tilt Würks Brewery
- g) Compile registration packets and handle incidentals for attendees
- Arrange for printing services and delivery to the conference site.
 - Provide badges, maps, and venue signs.
- h) Draft and administer the conference budget based on a template provided by the MAP Board. This includes forwarding invoices to the MAP Board for payment and providing a list of vendors with estimated payments prior to the conference.
- i) Identify and obtain local sponsors for the conference which can be general support or for breaks or social events.
- j) Provide daily administrative and logistics support including on-site staff for the conference.

The Miles City Planning Department and Miles City Area Economic Development Council agree to complete the tasks outlined above meeting the schedule found in the attached Exhibit A. The schedule can be amended upon the mutual consent of all the co-conveners.

The MAP Board agrees to serve as the co-convener for the conference and will perform the following services in consultation with Miles City:

- a) Designate at least one person to serve as a point of contact with the Miles City organizers.
- b) Market the conference to the MAP membership through email, the MAP web site and other options.
- c) Provide a theme and logo to the Miles City organizers for use on conference related materials.

- d) Administer attendee registration through the MAP website and MAP's Wild Apricot system.
- e) Review and approve conference budget.
- f) Pay invoices forwarded from Miles City and as approved in the conference budget.
- g) The MAP Board will collect registration fees from each attendee. The registration fees will be used to defray the cost of conference expenses.
- h) Develop a conference website.
- i) Identify and schedule keynote speakers for:
 - One lunch
 - Opening night mixer or conference banquet
- j) Call for session abstracts.
- k) Review and select abstracts for presentation at the conference.
- l) Provide honoraria, reduced registration, complimentary meals, or travel and lodging assistance for keynote speakers and conference presenters as deemed necessary.
- m) Identify and obtain state-wide sponsors for the conference in general, for breaks or for social events.
- n) Develop the conference programs.

The MAP Board agrees to complete the tasks outlined above meeting the schedule found in the attached Exhibit A. The schedule can be amended upon the mutual consent of all the co-conveners.

Sponsorship levels for the conference are:

Silver \$100-\$200

- Opportunity to be a host coffee/water/tea/snack break station
- Sponsor logo on conference agenda
- Sponsor business card (supplied by sponsor) as a conference pocket insert

Gold \$300-\$500

- A booth to display company materials and engage with attendees
- Sponsor logo on the conference agenda
- Verbal recognition as an activity sponsor during the conference
- Conference packet insert upgrade – one item identifying your company (brochure, etc.), supplied by sponsor

Platinum \$600+

- Participate in sponsorship of the conference activities and receive all the benefits of a Gold Sponsorship, **plus**:
 - A booth to display company materials and engage with attendees
 - Recognition as an official sponsor during opening remarks
 - Sponsored event host (lunch, reception, or dinner)
 - One complimentary conference registration
 - Sponsor logo on the conference website
 - A sponsor sign located in the conference area
 - Conference packet insert upgrade – up to 3 items identifying your company, supplied by sponsor

Budget, Revenues and Expenses:

The overall budget shall be reviewed and approved by the MAP Board.

Revenues shall be first used to pay conference expenses. Remaining profit shall be retained by the MAP Board for the annual operation of MAP.

Miles City shall forward invoices to the MAP Board for payment as expenses are incurred. Final conference costs and revenues shall be calculated as soon as possible after the conference closes. The parties agree to reconcile expenses and income within sixty days after the conclusion of the conference.

Agreement Execution:

The parties who sign this agreement acknowledge that they are authorized to bind their respective organizations to terms outlined in this Memorandum of Understanding.

Dawn Colton
City Planner

Date

Andrew Hagemeyer, AICP
President, MAP

Date

Tracy Baker
Miles City Area Economic Development
Council, Inc.

Date

Exhibit A

TASK	RESPONSIBILITY	COMPLETION DATE
Designate point of contact for conference organization	Miles City and MAP Board	3/1/17
Call for session abstracts	MAP Board	3/1/17
Identify persons to serve on Miles City organizing committee	Miles City	3/31/17
Draft conference budget	Miles City	3/31/17
Review and approve conference budget	MAP Board	4/31/17
Provide invoices to MAP Board for payment as expenses are incurred	Miles City	Starting 5/1/17 and ongoing through conference
Make payments to vendors as approved in the conference budget	MAP Board	Starting 5/1/17 and ongoing through conference
Review and select abstracts	MAP Board	5/30/17
Reserve and rent conference	Miles City	6/1/17
Reserve and rent a venue for opening night mixer	Miles City	6/1/17
Market the conference	MAP Board	Starting 6/1/17 ongoing through conference
Provide a theme and conference logo to Miles City	MAP Board	6/1/17
Administer conference registration, including financial transactions	MAP Board	Starting 6/1/17 ongoing through conference
Develop a conference website	MAP Board	6/15/17
Reserve blocks of hotel rooms for attendees	Miles City	7/1/17
Identify and schedule keynote speakers	MAP Board	7/1/15
Develop the conference program	MAP Board	8/1/17
Organize and provide meals	Miles City	8/15/17
Organize recreation/tours	Miles City	8/15/17
Obtain state-wide sponsors	MAP Board	9/1/17
Obtain local sponsors	Miles City	9/1/17

Provide final list of vendors and estimated payments to MAP Board	Miles City	9/1/17
Compile registration packets	Miles City	9/15/17
Provide administrative support and logistics	Miles City	Ongoing through conference

