



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers*

*June 27, 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 | 6/13/2017 |
| B. Human Resource Meeting | 6/06/2017 |
| C. Public Safety Meeting | 6/13/2017 |
| D. Finance Committee Meeting | 6/08/2017 |

2. **SCHEDULE MEETINGS**

3. **REQUEST OF CITIZENS & PUBLIC COMMENT**

Comments on environmental impacts for the Coal Board Grant application for Preliminary Engineering Report and Snow Removal Equipment at the Airport

4. **APPOINTMENTS**

5. **PROCLAMATIONS**

6. **STAFF REPORTS**

7. **CITY COUNCIL COMMENTS**

8. **MAYOR COMMENTS**

9. **COMMITTEE RECOMMENDATIONS**

10. **BID OPENINGS**

11. **BID AWARDS**

12. **PUBLIC HEARINGS**

13. **UNFINISHED BUSINESS**

14. **NEW BUSINESS**

- A. **RESOLUTION NO. 4060- A Resolution Authorizing the City of Miles City to Enter Into an Agreement With the Montana Department of Transportation for Street Sweeping for Fiscal Year 2017-2018**
- B. **RESOLUTION NO. 4069- A Resolution Approving an Application for Tax Exemption and Reduction for Remodeling, Reconstruction or Expansion of Existing Commercial Buildings or Structures for DNJ,LLC**

- C. **RESOLUTION NO. 4070- A Resolution of the City of Miles City Notifying the Custer County Election Administrator of the City's Desire to Conduct the 2017 City General Election by Mail Ballot in Accordance With 13-19-202 Montana Code Annotated (MCA)**
- D. **RESOLUTION NO. 4071- A Resolution Adopting a Policy Governing Approval of and Revision to Employee Position Descriptions**
- E. **RESOLUTION NO. 4072- A Resolution Adopting a Policy Governing Wage Increase Requests**
- F. **RESOLUTION NO. 4073- (*First 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 Various Funds for Various Unbudgeted Expenditures**
- G. **RESOLUTION NO. 4074- A Resolution Approving an Amendment to the Agreement With Kadrmas, Lee & Jackson, INC., For Task Order Services Related to the Custer County Miles City Flood Protection Project**
- H. **RESOLUTION NO. 4075- A Resolution Approving an Amendment to the Agreement With Kadrmas, Lee & Jackson, INC., For Task Order Services Related to the Custer County Miles City Flood Protection Project, and Task Order Pertaining to the Same**
- I. **ORDINANCE NO. 1312- (*First Reading*) An Ordinance Revising Section 2-51 of the Code of Ordinances of the City of Miles City, Montana, So as Revise Provisions Regarding the Salaries of City Council Members**
- J. **ORDINANCE NO. 1313- (*First Reading*) An Ordinance Revising Section 16-48 of the Code of Ordinances of the City of Miles City, Montana, so as Revise Provisions Regarding the Use of Fireworks Within the City Limits**

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

Minutes

REGULAR COUNCIL MEETING June 13, 2017
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, June 13, 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, and Kathy Wilcox. Council Member Susanne Galbraith was excused.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Fire Chief Gary Warren, Planner II Dawn Colton, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, Public Utilities Director Allen Kelm and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 5/23/2017

** *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of May 23, 2017, subject to any changes, and seconded by Councilperson Kassner. The motion **passed** by unanimous consent, 7-0.*

Finance Committee Minutes: 5/23/2017

** *Councilperson Andrews moved to approve the minutes of the Finance Committee Meeting of May 23, 2017, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 7-0.*

Human Resources Minutes: 5/02/2017

** *Councilperson Wilcox moved to approve the minutes of the Human Resources Meeting of May 2, 2017, and seconded by Councilperson Erlenbusch. The motion **passed** by unanimous consent, 7-0.*

Flood Control Minutes: 5/31/2017

** Councilperson Galbraith moved to approve the minutes of the Flood Control Meeting of May 31, 2017, and seconded by Councilperson Kassner. The motion passed by unanimous consent. 7-0.

SCHEDULE MEETINGS

None

REQUEST OF CITIZENS & PUBLIC COMMENT

Mark Ahner, 13 South Stacey, thanked the City for the efforts that have been put forth on the restoration of the Wibaux Park fountain, and the progress had not gone unnoticed. He did feel that the project was about 1 to 1 ½ years behind schedule and did not want to see the project languish. The overall cost for the renovation is between \$50,000 and \$70,000 depending on the schedule you read. The City had budgeted \$10,000, the sale of benches raised \$10,000, Lily Cruise raised \$6,000 and a grant has been submitted to Lowe's for \$35,000. Deleting the installation of a sidewalk from the fountain to the Veterans Administrative Building may decrease the overall cost for an amount of \$7,000. An ADA sidewalk is needed from the fountain to Strevell. In the past, park projects had been overseen by Public Service Committee and thought this project should be also. He would like to see a banner made to show the progress in phases. The Public Works Director had some concerns on the project and felt if the project was delayed the cost would go up, making it more difficult to receive donations. Lily Cruise is considering another play production and he would go door to door in his neighborhood asking for more donations.

Councilperson Uden commended Mr. Ahner and Ms. Cruise for their work and dedication to the park. He said it was a historic park and would like to see it there for future generations to enjoy.

Mayor Hollowell thanked Mr. Ahner and Ms. Cruise for their hard work and explained that Director Gray was caught off guard at paying Davis Bacon wages. He thought the project was going out for bid soon.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

City Clerk, Lorrie Pearce: Invited Council and Mayor to attend the 2017 Regional Training/District Meeting August 3rd. The only agreement that had not been renewed is the Joint Operation of an Airport at Frank Wiley Field. It had expired in April and hoped a committee would look into it. Budget was e-mailed to Council Members and if anyone wanted a print of the report let her know.

Flood Plain Coordinator, Samantha Malenovsky: Updated Council on the overall project of Levy 205:

- There was a meeting with Robert Murdo on funding options, either forming a district or finding ways to fund the multimillion dollar project. Looking at boundaries that the City can use and estimating cost for each person in that boundary.
- Last week was the Army Corp kickoff meeting, which means the Section 205 will start now. Work in kind was discussed and individual groups were formed to perform tasks such as; internal drainage and land use.
- Clarified that the study was a three year process, and after that time construction does not start right away. The City would have to purchase the property or get easements. The plan is to have two public meetings a year.

CITY COUNCIL COMMENTS

John Uden: Complemented Director Gray for the new street lights that are being installed, they are a really exceptionally good light.

Ken Gardner: Angie Brodston's daughter in law called him about the condemned property on 11th and Orr Street. He asked the Council if a policy could be developed for abandon properties. He thought the City could hire a contractor to clean the lot and access on their taxes. Attorney Rice said the provisions are already in City ordinances and the new code enforcer would be the person to talk to. Mayor Hollowell said if the building had asbestos, the cost could be passed on to the home owner and if not paid the City could end up with the property. Councilperson Gardner said the property is close to a school and that was his biggest concern. He was encouraged that the new enforcement officer was getting things done and hoped that this lot was on his list.

Dwayne Andrews: Asked if anything could be done with property that needs mowed because he thought there was a ten day law on it. If the home owner did not mow the property in ten days the City could mow it and bill the property owner. Attorney Rice said it would need to go to court for due process which is about six months. Councilperson Andrews wondered if a deadline to complete the nuisance could be put on the complaint.

Rick Huber: Asked if anything is being done with the property across from the City Shop. Mayor Hollowell said the owner had been notified by Officer Winkley.

Ken Gardner: Asked if a policy could be written for mowing grass and noxious weeds that are a public nuisance. Mayor Hollowell said it had to go through due process and State Code says that after ten days the City has the right to abate. But, if the City infringes on somebody's right then the City would end up losing the case anyway. Attorney Rice said the City would not go in and clean somebody's yard after the ten days, it's just not going to happen. If the City is cutting grass in the boulevard, then it might get away with that. It's been working in other cities and hasn't been challenge in court yet. It is not an option for a yard full of junk not to go through court first.

MAYOR COMMENTS

Mayor Hollowell: Reported that there had been a lot of complaints of parked vehicles on the street and the City is working on it. It had been suggested to him to possibly issue permits to allow the parking of vehicles. It does go against Ordinance, so if Council would like to allow the permits the ordinance would need to be updated.

The Airport Commissioners and Oftedal representative Shawn Coffin was present to talk about an access at the airport.

Representative Coffin explained that Oftedal Construction had obtained an open cut permit on land owned by Patricia Moore to mine sandy gravel for construction purposes. An encroachment permit had been obtained from the County to install an approach to bring in equipment into the pit. It is on a curve along Sheffield Road, the line of site is not the best but it will work. There is an access less than a quarter of a mile towards Highway 59 owned by the City and has been used by the Moore family and Eckhart Construction to mine the pit. In the interest of public safety he requested permission from Council to access the pit by utilizing the existing access rather than putting the approach on the corner.

Airport Chairman Doug Phair said the Commissioners had some issues and concerns with giving access permission to the road. Sheffield Road is within the Airport runway protection zone and may not be appropriate land use for the area. The road is a public road and nobody has been denied using it. The Commissioners are concerned that the airport may not continue receiving federal money because of breaking the appropriate land use rule, which is associated with the grant assurance. He felt the City needs to get Federal Aviation Administration's input on giving permission to use the road because he was unassured as to what the Airport can or cannot do. The City would need to sign off as the sponsor so it needs to follow all rules and regulations according to the FAA. An alternative is moving Sheffield Road and he thought the Federal Government would pay for it as an airport project.

Attorney Rice wondered why a license could not be issued instead of an easement. If a license was issued and the FAA said no, then it could be shut off.

Kadara's Representative, Craig Canfield, asked the Council not to approve any easement or license before talking to the FAA. If the issue of Sheffield Road running through the Airport runway protection zone did not exist the Commissioners and FAA would have no problems. If the FAA disagreed with the encroachment then it would harm the Airport's chance to receive future grants from the Federal Government.

Mayor Hollowell asked for a straw poll vote, the result was:

Councilperson Uden voted to have Oftedal use the existing encroachment that does not go through the Airport land- Sheffield Road into Moore pit
Councilperson Huber, Gardner, Andrews, Wilcox and Erlenbusch voted to go to the FAA first, then if the FAA has a problem with the requested access then deny the access to Oftedal. If approved the City could issue a license.
Councilperson Kassner voted no to the access request.

Mayor Hollowell said he would call the FAA and try to get some answers.

STANDING COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. **RESOLUTION NO. 4054- 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 RSVP Fund No. 2985-015-450330-220 as the Result of Unanticipated Grant Revenue**

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. 4054- *(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 RSVP Fund No. 2985-015-450330-220 as the Result of Unanticipated**

Grant Revenue

- ** *Councilperson Andrews moved to approve the Resolution, by title only; the motion was seconded by Councilperson Wilcox and on roll call vote, passed unanimously 7-0. Resolution No. 4054 passed*

NEW BUSINESS

CONSENT AGENDA

*** Councilperson Uden moved to suspend the rules to place items A thru M on a consent agenda, seconded by Councilperson Wilcox.*

Councilperson Kassner said he would like to discuss "L".

*** Councilperson Uden moved to amend the motion to suspend the rules to place items A thru K and item M on a consent agenda, seconded by Councilperson Gardner. The motion passed 7-0*

*** The original motion passed 7-0*

- A. RESOLUTION NO. 4055- A Resolution to Withdraw the Application for Land & Water Conservation Fund Assistance for Connor Stadium and Cancel Resolution No. 3899**

**** Resolution No. 4055 passed by consent agenda 7-0**

- B. RESOLUTION NO. 4056- A Resolution Authorizing the City of Miles City to Enter Into a Montana Department of Commerce Coal Board Contract to Assist in the Purchase of an Ambulance**

**** Resolution No. 4056 passed by consent agenda 7-0**

- C. RESOLUTION NO. 4057- A Resolution Authorizing the City of Miles City to Amend MT-TSEP-CG-15-744A**

**** Resolution No. 4057 passed by consent agenda 7-0**

- D. RESOLUTION NO. 4058- A Resolution Pursuant to §16-48 of the Miles City Code of Ordinances, Establishing Dates, Times and Locations for Discharge of Fireworks Within the City Limits for the Year 2017**

**** Resolution No. 4058 passed by consent agenda 7-0**

- E. RESOLUTION NO. 4059- A Resolution Approving a Levee Emergency Action Plan for the City of Miles City**

**** Resolution No. 4059 passed by consent agenda 7-0**

- F. RESOLUTION NO. 4061- A Resolution Authorizing the City of Miles City to Enter Into a Construction Contract with Century Companies, Inc., A Montana Corporation, for Paving in Maintenance Districts 204 and 205**

**** Resolution No. 4061 passed by consent agenda 7-0**

- G. RESOLUTION NO. 4062- A Resolution Approving an Agreement Between the City of Miles City Airport and the City of Miles City as to Rent Payment for CORS Antenna System**

**** Resolution No. 4062 passed by consent agenda 7-0**

- H. RESOLUTION NO. 4063- A Resolution Approving an Extension of Lease Agreement Between the City of Miles City and Linda Larsen for the Lease of Certain Industrial Site Property**

**** Resolution No. 4063 passed by consent agenda 7-0**

- I. RESOLUTION NO. 4064- A Resolution Approving an Extension of Lease Agreement Between the City of Miles City and United Parts & Supply, L.L.C. For the Lease of Certain Industrial Site Property**

**** Resolution No. 4064 passed by consent agenda 7-0**

- J. RESOLUTION NO. 4065- A Resolution Approving an Extension of Lease Agreement Between the City of Miles City and the Tire Guys DBS Tire Rama for the Lease of Certain Industrial Site Property**

**** Resolution No. 4065 passed by consent agenda 7-0**

- K. RESOLUTION NO. 4066- A Resolution Correcting the Legal Description of Certain Industrial Site Properties Leased to Jerry Singleton, and Allowing for Installation of a Truck Scale**

**** Resolution No. 4066 passed by consent agenda 7-0**

L. RESOLUTION NO. 4067- A Resolution Granting a Revocable License to SH Properties LLC and Rolling Rubber LLC for a Sign Encroachment Upon City of Miles City Right of Way

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

Councilperson Kassner asked where the sign is located and what kind it was.

Attorney Rice explained that the sign had already been installed, but the City had not received the money for the permit.

****** *After a long discussion, Councilperson Erlenbusch moved to amend the original motion to add a time limit for the payment of the permit fee to June 30, 2017, seconded by Councilperson Wilcox. By roll call vote the motion passed 7-0*

****** *On roll call vote, the original motion passed 7-0* **Resolution No. 4067 passed**

M. RESOLUTION NO. 4068- A Resolution Establishing a Procedure to Require 'As-Built' Plans Prior to the Issuance of a Permanent Occupancy Permit

****** **Resolution No. 4068 passed by consent agenda 7-0**

N. APPROVAL ON RECORD RETENTION FOR DISPOSAL

****** *Councilperson Uden moved to approve disposal of the record retention as presented in the packet and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 7-0.*

O. DISCUSSION AND RECOMMENDATION ON WAGE INCREASE FOR CITY COUNCIL

****** *Councilperson Andrews moved to recommend a \$1,000 a year increase to City Council, and seconded by Councilperson Uden.*

Councilperson Andrews said the finance committee recommended raising wages for the Council on a 3-1 vote. He added Council spends a lot of time at other meetings and it is not getting easier. Also, the current wage is not appealing to anyone who may be interested in running for the position.

Councilperson Uden said if the increase is approved, it would not be effectively immediately. The increase would be effective January 2018.

*** By a straw poll vote, it passed 7-0*

*** Councilperson Andrews moved to amend City Code Section 2-51. by an Ordinance, seconded by Councilperson Uden. On roll call vote, the motion **passed** by unanimous consent, 7-0.*

P. APPROVAL OF MAY CLAIMS

*** Councilperson Huber moved to approve the May claims and seconded by Councilperson Erlenbusch. On roll call vote, the motion **passed** by unanimous consent, 7-0.*

ADJOURNMENT

*** Councilperson Andrews moved to adjourn the meeting, seconded by Councilperson Erlenbusch and **passed** unanimously.*

The meeting was adjourned at 8:50 p.m.

John Hollowell, Mayor

Lorrie Pearce, City Clerk

Human Resources Committee

June 6, 2017

The **Human Resources Committee** met Tuesday, June 6, 2017, at 6:00 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, Susanne Galbraith, John Uden and Jeff Erlenbusch. Also present were Public Works Director Scott Gray, Mayor John Hollowell, and Deputy City Clerk/HR Officer /Committee Recorder Linda Wilkins.

Committee Chairperson Kathy Wilcox called the meeting to order.

1. Request of Citizens

None

2. Committee Member Comments

None

3. Unfinished Business

A. Review/action revised City Position Descriptions policy

Committee Member Uden commented that whoever put this together had done an excellent job.

***Committee Member Uden moved the City Position Description Policy be accepted by the committee and forwarded to Council as whole for approval, seconded by Committee Member Galbraith. On roll call vote, the motion passed 4-0.*

B. Review/action revised City Position Descriptions template

The City Position Template was reviewed. HR Officer Wilkins suggested that a signature line for the employee be added to the bottom to indicate they had received a copy of the position description. Chairperson Wilcox agreed to add the employee signature line.

***Committee Member Uden moved to approve the position description template as reviewed and revised, and forward to council as whole, seconded by Committee Member Erlenbusch. On roll call vote, the motion passed 4-0.*

C. Recommend/table: Job Classification and Wage Scale policy

***Committee Member Galbraith moved to table until after budget season, seconded by Committee Member Uden. On roll call vote, the motion passed 4-0.*

D. Review/action: flow chart and procedure City parks reservations and fees for permits

Mayor Hollowell stated he had instructed Water Billing Clerk Bissell to move the park reservation material up to the Public Works Department and she had done so. Director Gray stated they had taken over reservations as of May 30. All cash is being receipted at the payment window downstairs. The department had made up a fee slip with input from City Clerk Pearce. The department had also developed a system for reserving the various park facilities throughout the City and Alcohol Variances had also been moved upstairs. The department currently has a process in place that works. Mayor Hollowell asked Director Gray if he thought they would still need a flow chart. Director Gray commented at first there was a learning curve for Admin Assistant Larson to differentiate between a park permit and reservation, but it was determined it was best for Director Gray to make that determination. Chairperson Uden commented that it sounded like the Public Works Department had things well in hand and that there needed to be no more involvement by the HR Committee.

***Committee Member Galbraith moved that the committee not get involved and let the City employees handle the situation, seconded by Committee Member Erlenbusch. On consent vote, the motion passed unanimously.*

4. New Business

A. Review/recommend/action: Wage Increase Requests policy- replaces identical section in the Position Descriptions policy

The HR Committee reviewed the new Wage Increase Requests policy. Chairperson Wilcox suggested under "PROCEDURE" Item 2 that the third bullet be removed as this was left over from the previous policy the new wage increase policy was developed from. Committee Member Erlenbusch commented that his question would be on the hiring date of the employee isn't that customarily when increases are looked at. HR Officer Wilkins commented that it was previously discussed that performance evaluations had been completed in April prior to budget session and at the time the position description should be reviewed. Chairperson Wilcox commented that it makes the most sense to have the position description review done at evaluation time. Director Gray commented that evaluations would provide time for the changes to go through the HR and Finance Committees and then any increases could be allocated during the budget process. Mayor Hollowell commented that during the budget process the increase in wage would be allocated for the coming budget year, however; this did not automatically guarantee an increase in wage until it was approved through the Wage Increase Request process. Committee Member Galbraith commented that this would make it easier at budget time because it would eliminate supporting why the extra raises are put in; this way the wage increases would be front and center. Committee Member Uden stated that it would be good to have all wage increases come at the same time prior to the budgeting process. It was agreed to add an item 7 that will state that no wage increase will be paid if they are not approved through the established procedure.

***Committee Member Erlenbusch moved that the Wage Increase Requests policy with the changes as noted be sent to City Council for approval, seconded by Committee Member Galbraith. On roll call vote, the motion passed 4-0.*

5. Schedule Committee's Next Meeting: consider Thurs, June 29, 5:30 pm

The next meeting was tentatively scheduled for July 20.

6. Adjournment

***Committee Member Uden moved to adjourn, seconded by Committee Member Galbraith. The motion passed unanimously.*

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Chairperson Kathy Wilcox

Recorder Linda Wilkins

**Public Safety Committee Meeting
June 13, 2017**

The Public Safety Committee met Tuesday, June 13, 2017 at 6:30 pm in the City Hall Conference Room. Present were Committee Members John Uden, Jeff Erlenbusch, Brant Kassner and Ken Gardner. Also present was Committee Recorder Linda Wilkins.

Chairperson Gardner called the meeting to order.

1. Request of Citizens
None
2. Committee Member Comments
None
3. Review and recommendation on Resolution No. 4058 a Resolution Pursuant to Section 15-48 of the Miles City Code of Ordinances. Establishing dates, times and locations for the discharge of fireworks within the City Limits for year 2017.

***Committee Member Erlenbusch moved we as a committee pass Resolution No. 4058 and recommend for Council approval, seconded by Committee Member Kassner.*

Committee Member Erlenbusch asked if there were other changes in the resolution. Committee Member Uden commented it was the same as last year.

***On roll call vote, the motion passed 4-0.*

4. Adjournment
Committee Member Kassnar moved to adjourn the meeting, seconded by Committee Member Uden and **passed unanimously, 4-0.

The meeting was adjourned at 6:32 p.m.

Respectfully Submitted:

Ken Gardner, Chairperson

Linda Wilkins, Recorder

Finance Committee Meeting

June 8, 2017

The Finance Committee met Thursday, June 8, 2017 at 6:00 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rick Huber, Kathy Wilcox and Dwayne Andrews.

Also present were: Planner II Dawn Colton, Battalion Chief Branden Stevens, Firefighter Sarah Lewin and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens-

None

2. Review and Recommendation on KLJ Contracts for Engineering Services for Clear Well Baffle Project

None

3. Review and Recommendation on Amendment to United Parts and Supplies' Lease

*** Committee Member Wilcox moved to recommend to Council to approve the amendment to United Parts and Supplies Lease, seconded by Committee Member Andrews.*

Planner Colton explained that the amendment is not extending the lease; it is extending the renewal because the City missed the deadline for its obligations. The initial lease expires June 30, 2017 and the second renewal is according to the initial lease agreement with every five years an escalation of 10 percent. She added that the appraisal she received from GSA, included the buildings and should not have and wondered if the City should hire its own appraiser. The Committee thought she should get a cost for another appraisal.

*** On roll call, the motion tied 2-2, with Committee Members Wilcox and Galbraith voting yes, and Committee Members Andrews and Huber voting no.*

4. Review and Recommendation on Amendment to Tire Rama's Lease

*** Committee Member Wilcox moved to recommend to Council to approve the amendment to Tire Rama's Lease, seconded by Committee Member Galbraith. The motion passed 3-1 with Committee Member Andrews voting no*

5. **Review and Recommendation on Resolution No. 4056: A Resolution Authorizing the City of Miles City to Enter Into a Montana Department of Commerce Coal Board Contract to Assist in the Purchase of an Ambulance**

*** Committee Member Andrews moved to recommend to Council to approve the Resolution, seconded by Committee Member Wilcox.*

Battalion Chief Stevens explained that the ambulance department would like to buy the 2007 ambulance from Baker for an amount of \$10,000 to \$25,000. The box could be remounted in a couple of years and the City would have a brand new ambulance. The grant was written to purchase a used ambulance and or equipment.

Chairperson Galbraith said there is \$13,500 in their capital improvement fund which could be used to buy the Baker ambulance and then purchase a newer ambulance with the grant.

*** The motion passed 4-0*

6. **Review and Recommendation on Resolution No. 4057: A Resolution Authorizing the City of Miles City to Enter Into a Montana Department of Commerce Treasure State Endowment Program Contract Amendment**

*** Committee Member Andrews moved to recommend to Council to approve the Resolution, seconded by Committee Member Wilcox.*

Chairperson Galbraith explained that the resolution is needed because construction was not completed by the deadline and needed to be extended.

*** The motion passed 4-0*

7. **Review and Recommendation Resolution No. 4060: A Resolution Authorizing the City of Miles City to Enter Into an Agreement With the Montana Department of Transportation for Street Sweeping for Fiscal Year 2017-2018**

*** Committee Member Galbraith moved to recommend to Council to approve the Resolution, seconded by Committee Member Wilcox.*

Clerk Pearce explained the agreement has been the same for at least seven years, so nothing had changed in the agreement.

Committee Member Andrews thought Director Gray should look at increasing the amounts charged for the services.

*** After a short conversation, Committee Member Galbraith moved to amend her motion, to take it off the council agenda and look into increasing the amounts charged for the service, seconded by*

Committee Member Wilcox The motion passed 4-0

8. **Review and Recommendation Resolution No. 4061: A Resolution Authorizing the City of Miles City to Enter Into a Construction Contract with Century Companies, Inc., A Montana Corporation, for Paving in Maintenance Districts 204 and 205**

*** Committee Member Andrews moved to recommend to Council to approve the Resolution, seconded by Committee Member Huber. The motion passed 4-0*

9. **Review and Recommendation on Resolution No. 4062- CORS Agreement with Airport**

*** Committee Member Wilcox moved to recommend to Council to approve the Resolution, seconded by Committee Member Huber.*

Planner Colton explained the rent would be \$75 a month to install the antenna at the Airport. She had negotiated with them on this amount for a couple of months and said it is a lot less than what the airport had started with. She did not know what funds will help with the rent but the internet will also be an additional cost and the Airport will pay for the electricity. Committee Member Wilcox thought the City should try and negotiated with Midrivers since they will be able to use the system.

*** The motion passed 4-0*

10. **Review and Recommendation on Resolution No. 4063: A Resolution Approving an Extension of Lease Agreement Between the City of Miles City and Linda Larson For the Lease of Certain Industrial Site Property**

*** Committee Member Wilcox moved to recommend to Council to approve the Resolution, seconded by Committee Member Galbraith. The motion passed 4-0*

11. **Discuss and Recommendation on Wage Increase for City Council**

Committee Member Andrews thought City Council should get a wage increase because the members have a lot of responsibility, attend a lot of night meetings, more meetings will be added once annexation goes into effect, once taxes are taken out of the money received it is about \$2,000 a year and it would give younger citizens more of an incentive to be on the Council. He thought a \$1,000 a year raise would be adequate, which would be an increase of \$8,000 for General Fund.

Committee Member Wilcox agreed.

Committee Member Galbraith said she would like to see what the budget looks like before she made a decision.

Committee Member Wilcox asked how long it had been since Council received a raise. Clerk Pearce explained that an Ordinance was presented to Council in

been 12 years since a raise was passed for Council. She referred to the 2017 wage study received during the Ad Hoc Committees sessions. The only one on the study who was a class 2 city was Anaconda-Deer Lodge at \$700 a month. Committee Member Huber asked what Glendive pays. It was not on the survey. Clerk Pearce said she would call the City and get back with the Committee.

Committee Member Huber asked how the raise would enter into the wage study. Committee Member Wilcox said that right now Council's wage is about \$7.00 an hour and felt a raise was due.

*** Committee Member Wilcox moved to recommend to forward the discussion to Council, seconded by Committee Member Andrews. The motion **passed** 3-1, with Committee Member Galbraith voting no*

12. Adjournment

*** Committee Member Wilcox moved to adjourn the meeting, seconded by Committee Member Andrews and **passed** unanimously, 4-0.*

The meeting was adjourned at 7:12 p.m.

Susanne Galbraith, Chairperson

Lorrie Pearce Recorder/City Clerk

New Business

RESOLUTION NO. 4060

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR STREET SWEEPING FOR FISCAL YEAR 2017-2018.

WHEREAS, pursuant to Section 60-2-204 MCA the City of Miles City has negotiated an agreement with the Montana Department of Transportation for the City of Miles City to provide street sweeping and flushing services upon specific sections of state highway within or abutting the City of Miles City, a copy of which is attached hereto as Exhibit "A";

AND WHEREAS, the City Council of the City of Miles City finds that it is in the best interest of the City of Miles City to enter into such agreement with the Montana Department of Transportation;

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

- I. The Agreement for the provision of street sweeping and flushing service between the City of Miles City, Montana and the Montana Department of Transportation, attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by the Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City and to bind the City of Miles City thereto.
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Agreement and to 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, THIS 27TH DAY OF JUNE, 2017.

ATTEST: Lorrie Pearce, City Clerk

John Hollowell, Mayor

Street Sweeping Agreement

This agreement is between the City of Miles City and the Montana Department of Transportation (MDT) for defining street sweeping and flushing responsibilities of the City and MDT in accordance with state law which allows MDT to enter into an agreement with local governments to provide maintenance of State routes with provision for full reimbursement. The term of this agreement shall be for one year beginning July 1, 2017.

LIMITS OF AGREEMENT: The listing of streets and intersections identified under items covered is a full and complete listing of areas covered by this agreement. Unless otherwise defined, that list includes all intersections along the route and intersecting streets for a distance of 15' or to the end of the curb radius return, whichever is greater, and shall include all of the street right of way. During the term of this Agreement, additional areas may be added by written Agreement of the parties.

SCOPE OF AGREEMENT: This agreement covers all activities ordinarily associated with street sweeping and flushing activities.

ITEMS COVERED: Payment to the City for this Agreement shall be for the following:

STREET CLEANING ACTIVITIES:

The City will flush the streets identified below once per week and sweep and clean the streets identified below once every other week, unless otherwise noted. This will begin July 1, 2017 through October 15, 2017 and begin again on April 15, 2018 through June 30, 2018, approximately six months.

- a. Main Street beginning at the westernmost end of the Tongue River bridges proceeding east to the intersection of Main Street and Haynes Avenue.
 - b. North Seventh Street beginning 15' south of the intersection of North Seventh Street and Main Street and proceeding North to the old Milwaukee Railroad tracks.
 - c. Haynes Avenue beginning at the intersection with East Main Street and proceeding south to the south side of the entrance to the Comfort Inn, south of the Broadus Interchange. *The City of Miles City will sweep and flush every 3rd week of the month.
 - d. The Montana Department of Transportation will assist in sweeping activities when excessive sand or leaves have been deposited on the designated state routes.
- If additional sweeping or flushing is requested by the Montana Department of Transportation, and approved by the Maintenance Chief, the agreed rate will be \$55.00 per hour for sweeping and \$32.00 per hour for flushing.

where it is determined that MDT agrees to purchase goods from the lowest bidder provided these goods are comparable in price and quality to those required by this Agreement pursuant to Section 18-7-112(1), MCA.

COSTS / PAYMENT: The costs associated with this Agreement shall be \$1415.00 per month for a period of six months beginning July 1, 2017 and ending June 30, 2018. This will be a lump sum cost for the activity described, and shall be paid to the City on an annual basis.

The City shall submit billing and a narrative summary of the work done in the period of this Agreement on or before June 10, 2018. MDT agrees to make payment within 20 calendar days of receipt of the billing.

RECORDS: The labor, equipment and materials used on the streets covered in this Agreement shall be assigned a special budget category by the City. No record keeping shall be attempted to break contractual costs against individual streets that are covered in this Agreement. All City records concerning this project are open for review and/or audit by representatives of MDT or the Legislative Auditor at any reasonable time.

TERMINATION: This Agreement may be terminated upon thirty days written notice, delivered by certified mail, return receipt requested, by either party. Upon service of such notice, MDT is liable only for actual work completed as of the date of the notice.

HOLD HARMLESS / INDEMNIFICATION: MDT agrees to hold harmless and/or indemnify the City for damages resulting from the construction or design done by MDT of the streets and areas covered by this Agreement. This holds harmless / indemnification clause shall not cover damages, which are caused whether directly or indirectly by the work done by the City pursuant to this Agreement. The City agrees to defend, protect, indemnify and save harmless MDT and the State against and from all claims, liabilities, demands, causes of action, judgments, and losses claimed to be due to the City's performance of the activities of this Agreement.

CIVIL RIGHTS COMPLIANCE: The City must comply with all applicable Federal and State laws including, but not limited to, prevailing wage laws and those laws referred to in the two-page NOTICE attached hereto, which is made a part of this Agreement by its reference.

LAW AND VENUE: The laws of Montana govern This Agreement. The parties agree that, in the event of any dispute concerning this Agreement, any litigation will be adjudicated utilizing the appropriate, established legal/judicial systems.

Agreement between the parties, and no statements, promises or inducements made by either party or its agents which in any way modifies, alters or changes the contents of the document is binding. Any subsequent modification must be done by a separate written document.

IN WITNESS WHEREOF, the parties hereto caused this Agreement to be executed in duplicate by their duly authorized officers.

**STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION**

By: _____ Date _____
District Administrator

CITY OF MILES CITY

By: _____ Date _____

Title: _____

Attest: _____

Enclosures
Notice Approved for Legal Content per the attached signature page of the original Agreement.

RESOLUTION NO. 4069

A RESOLUTION APPROVING AN APPLICATION FOR TAX EXEMPTION AND REDUCTION FOR REMODELING, RECONSTRUCTION OR EXPANSION OF EXISTING COMMERCIAL BUILDINGS OR STRUCTURES FOR DNJ, LLC.

WHEREAS, DNJ, LLC has applied for a tax exemption and reduction for remodeling, reconstruction, or expansion of existing commercial buildings or structures for certain renovations made to property located within the City of Miles City;

AND WHEREAS, the City finds that approving said application encourages development within the City, particularly as to buildings and areas which are in a state of disrepair or non-use;

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

1. The "Application for Tax Exemption and Reduction for the Remodeling, Reconstruction or Expansion of Existing Commercial Buildings or Structures," attached hereto as Exhibit "A," is hereby approved and adopted by the Council.

2. The Mayor of the City of Miles City is hereby authorized to execute said Application and mark the same as "Approved" and return to the Montana Department of Revenue for processing.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 27TH DAY OF JUNE, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk



Application for Tax Exemption and Reduction for the Remodeling,
Reconstruction or Expansion of Existing Commercial Buildings or Structures

This application must be submitted to the appropriate local governing body or bodies by the property owner of record or his agent. The decision of the local governing body or bodies must be mailed to the Department of Revenue before April 1 of the tax year for which the benefits are sought.

I, DNJ, LLC whose mailing address is
Name of Applicant - Please Print
PO Box 1783, Miles City, MT 59301

Please Print

do hereby make application for tax exemption and reduction for the remodeling, reconstruction or expansion of existing commercial building(s) or structure(s), in accordance with 15-24-1502, MCA, on the following described lands. (Please attach an additional page if the legal description does not fit within this space). Legal Description: (see attached)

- ◆ I submit the following information in support of this application:
- ◆ Date that the remodeling, reconstruction or expansion will start 2/22/2016
- ◆ Date that the remodeling, reconstruction, or expansion will be completed 8/1/2016
- ◆ Date that the earliest building permit was received, 2/22/16
- ◆ (The construction period for a specific project may not exceed 12 months.)
- ◆ Estimated cost of the remodeling, reconstruction or expansion \$ 848,000.00
- ◆ Please supply a brief description and diagram of the remodeling, reconstruction or expansion. If additional space is required, please attach additional pages.
- ◆ The commercial building or structures has not been used in a business for 16 months.
- ◆ Property taxes on the building or structures are delinquent yes no.

Under penalty for perjury, I hereby certify the facts herein stated are true. I further acknowledge by my signature that I have reviewed the information on the reverse side of this form and understand its meaning.

Date June 12, Year 2017
Signature of Property Owner or Agent

Signature of Property Owner or Agent

For County Government Purposes Only

Application received by county governing body on _____ year _____. This application for exemption and reduction for remodeling, reconstruction or expansion of existing commercial buildings or structures is hereby:
_____ Approved _____ Disapproved

By _____, Chairman-County Commission on _____, year _____

For City Government Purposes Only

Application received by city governing body on _____ year _____. This application for exemption and reduction for remodeling, reconstruction or expansion of existing commercial buildings or structures is hereby:
_____ Approved _____ Disapproved

By _____, Authorized Agent of City Government on _____, year _____

For Department of Revenue Purposes Only

- ◆ Application received by Department of Revenue governing body on _____ year _____.
- ◆ The remodeling, reconstruction or expansion of the existing commercial building or structure increases the taxable value of that structure or building by at least 5% yes no.
- ◆ This application for tax exemption and reduction for the remodeling, reconstruction, or expansion of existing commercial buildings or structures is hereby _____ Approved _____ Disapproved
- ◆ If approved, the appropriate tax benefits will be granted for the _____ tax year.

By _____, County Appraiser on _____, year _____

Application for Tax Exemption and Reduction for
the Remodeling, Reconstruction, or Expansion of
Existing Commercial Buildings or Structures

Acknowledgment of Application Procedures and Criteria

A. I acknowledge the following:

- i. Failure to make application prior to completion of a building permit or prior to commencement of construction will result in the waiver of the construction period tax exemption and reduction. Additionally, all subsequent tax exemption and reduction, if approved, will be calculated as of the date the building permit was completed or as of the date construction began, whichever is earlier.
 - ii. If the remodeling, reconstruction or expansion of the existing commercial building or structure does not increase the taxable value of that structure or building by at least 5%, the application will be automatically denied.
 - iii. "Construction period" means a period of time that commences with the issuance of a building permit and which concludes when the local DOR office determines that the structure is substantially completed, not to exceed 12 months. If more than one building permit is issued, the date on the earliest building permit issued will constitute the commencement of the construction period. In those cases where building permits are not issued, the commencement of the construction period is that time determined by the local DOR office to be the start of construction. That determination will coincide with the date the contract is let, the date the application is approved by the governing body, or when site work begins, whichever occurs first. For purposes of determining the eligibility for tax benefits, the construction period for a specific project may not exceed 12 months.
 - iv. The computation of the tax exemption and reduction will be dependent upon the approval of the application by all affected governing bodies.
 - v. For projects which are entirely physically located outside the boundaries of incorporated cities or towns, the governing body of the affected county has sole authority to approve the tax benefits for the project.
 - vi. If the project is entirely physically located within an incorporated city or town, both the governing body of the affected county and the governing body of the incorporated city or town must approve the application by resolution before the tax exemption and reduction may be extended to the project. If the city alone approves the application, the exemption and reduction will apply only to the number of mills levied and assessed by the incorporated city or town. The number of mills levied and assessed by the county governing body will not be affected nor will any tax exemption and reduction be extended by the county to the project.
 - vii. Only additional value created after an application has been filed may be considered for tax exemption and reduction.
 - viii. I do hereby consent to having a representative of the Department of Revenue reappraise and revalue my structure for purposes of ad valorem taxation.
- B. It is the responsibility of the applicant to ensure the application is delivered to all affected levels of local government for their review. Further, it is the responsibility of the applicant to ensure the completed application is forwarded to the Department of Revenue prior to April 1 of the tax year for which the benefits are sought.

ALTA 6-17-06 OWNER'S POLICY

LEGAL DESCRIPTION
EXHIBIT "A"

Agent #: MT1001

Order #: WLT-4203

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CUSTER, STATE OF MONTANA, AND IS DESCRIBED AS FOLLOWS:

Township 8 North, Range 47 East. M.P.M.

Section 33: Tract "C", being a Tract of land located within the Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) 400.0 foot wide Charter Right of Way granted to the Northern Pacific Railroad Company under Act of Congress approved July 2, 1864, being 200.0 feet wide on each side of said Railway Company's Main Track centerline, as now located and constructed over and across Government Lot 5 in said Section 33, according to Certificate of Survey, filed for record on August 13, 2001, at 1:45 P.M., as Document No. 118477, in Envelope No. 372B of the Plat Cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana.

Tract "D", being a Tract of land located within the Burlington Northern and Santa Fe Railway Company's (formerly Northern Pacific Railway Company) 400.0 foot wide Charter Right of Way granted to the Northern Pacific Railroad Company under Act of Congress approved July 2, 1864, being 200.0 feet wide on each side of said Railway Company's Main Track centerline, as now located and constructed over and across Government Lot 5 in said Section 33, according to Certificate of Survey, filed for record on December 14, 2001, at 9:50 A.M., as Document No. 119503, in Envelope No. 378B of the Plat Cabinet in the office of the County Clerk and Recorder in and for Custer County, Montana.

DNJ, LLC

The interior of the building at 420 Pacific, Miles City, MT was gutted and extensively renovated into a brewery, restaurant and casino.

The exterior was resided and reroofed. An outdoor patio with a fireplace was added along with landscaping.

Please see attached pictures (before & after).

Lorrie Pearce

From: Dan Rice
Sent: Monday, June 19, 2017 1:56 PM
To: Dan Rice; Lorrie Pearce
Subject: Re: Tax abatement

No, he didn't. I asked about the calculation and he just said that it would be 80/60/40/20 of the increase.

On Mon, Jun 19, 2017 at 1:54 PM Lorrie Pearce <cityclerk@milescity-mt.org> wrote:

Thanks Dan, he didn't give you any idea as to amount of \$ were talking about per year?

From: dzrice@gmail.com [mailto:dzrice@gmail.com] **On Behalf Of** Dan Rice
Sent: Monday, June 19, 2017 1:31 PM

To: Lorrie Pearce
Cc: Dan Z. Rice; John Hollowell
Subject: Re: Tax abatement

Talked with Lee - all is well. He said that the application is a touch late for this year, but that it can still be processed if approved.

Attached.

Per Lee, the value went up \$50,000 =
for a total tax of \$466. The following

Daniel Z. Rice

City Attorney, Miles City, MT

P.O. Box 728, 513 Main St.

Miles City, MT 59301

(406)232-4070

(406)232-4093 (Fax)

Construction year is 0%
Year ç1- 20% = \$372.80
Year ç2- 40% = \$279.20
Year ç3- 60% = \$186.40
Year ç4- 80% = 93.20

RESOLUTION NO. 4070

A RESOLUTION OF THE CITY OF MILES CITY NOTIFYING THE CUSTER COUNTY ELECTION ADMINISTRATOR OF THE CITY'S DESIRE TO CONDUCT THE 2017 CITY GENERAL ELECTION BY MAIL BALLOT IN ACCORDANCE WITH 13-19-202 MONTANA CODE ANNOTATED (MCA).

WHEREAS, state law provides a method for conducting mail ballot elections for local elections; and

WHEREAS, mail ballot elections statistically increase voter turnout in elections; and

WHEREAS, pursuant to 13-19-104 MCA, such elections can be conducted by a mail ballot election; and the Custer County Election Administrator has determined that a mail ballot election conducted in accordance with the provisions of Title 13, Chapter 19, Parts 1-3, MCA is in the best interests of the City and the electors thereof by virtue of resulting in higher voter turnout and reduced cost to City taxpayers, and pursuant to 13-19-202 MCA the City of Miles City may notify the County Election Administrator of its intent to conduct a mail ballot election;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Miles City hereby notifies the Custer County Election Administrator of the city's desire to conduct the 2017 city general election by mail ballot in accordance with 13-19-202 Montana Code Annotated (MCA).

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 27th DAY OF JUNE, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

Custer County Clerk and Recorder
1010 Main Street
Miles City, Montana 59301
Linda Corbett, Clerk and Recorder/Elections

To whom it may concern:

per election, so if 2 election in a year - it would double.

With the upcoming Muncipal elections you have two choices in what way the election is conducted. A poll election, which would involve a polling places, judges, etc- approximately \$10,500 estimated or a mail ballot election, in which all the ballots would be returned to the election office- approximately \$6,500 estimated.

In the past your elections have been conducted by a poll election (versus a mail ballot election). Mail Ballot elections are generally less expensive and yield a high voter turnout. In a Mail Ballot all registered voters would be mailed a ballot to vote and return. New registrants would have to appear at the Election Office and complete a voter registration card and would be given a ballot to vote. There are several ways to initiate a mail ballot, -one would be for the governing body to pass a resolution requesting the election administrator conduct the election by mail ballot. The deadline for the Council to do that is 70 days before election, which would be Tuesday July 4, 2017.

I would like you to make a determination on which style of election that you prefer. Thanks for your time and consideration in this matter.



Linda Corbett

RESOLUTION NO. 4071

A RESOLUTION ADOPTING A POLICY GOVERNING APPROVAL OF AND REVISION TO EMPLOYEE POSITION DESCRIPTIONS.

WHEREAS, the City of Miles City wishes to adopt a standardized policy for the review, approval, and revision of employee position descriptions; and has developed a written policy governing the same;

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

1. The "Position Descriptions" policy, attached hereto as Exhibit "A," and the Position Description template attached hereto as Exhibit "B," are hereby approved and adopted by the Council, effective immediately.
2. This policy shall supersede any previously adopted policies of the same subject matter.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 27TH DAY OF JUNE, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk



CITY OF MILES CITY PERSONNEL POLICY

Section 3:	Employment Information
Effective:	
Last Revised:	05/02/2017 10/07/2014

Position Descriptions Resolution #4071

- This policy supersedes all previous policies and/or handbooks published by the City of Miles City.
- Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

POLICY

It is the policy of the City of Miles City ("City") that all City positions shall have a current Position Description, and that all Position Descriptions shall be maintained by the Human Resources/Payroll Office.

PURPOSE

- To establish a framework for developing standardized Position Descriptions for all City of Miles City positions;
- To clarify and publicize the duties, expectations and qualifications of each City position;
- To support determination of the appropriate position/job classification and grade for each position.

PROCEDURE

1. All City position descriptions (PD) shall be written in a standardized format, using the approved PD template.
2. Each PD shall be written as a cooperative effort between the appropriate Department Director, the Human Resources (HR) Director and City Council HR Committee.
3. Each PD must be approved for use by the City Council HR Committee.
4. An approved PD shall include the following elements:
 - a. Position title
 - b. Job Class
 - c. Fair Labor Standards Act (FLSA) Status
 - d. Department

- e. Immediate Supervisor/Accountable To
 - f. Summary of Work (brief)
 - g. Essential Accountabilities and Expected Outcomes
 - h. Minimum Requirements
 - i. Desirable Qualifications
 - j. Performance Standards
 - k. Working Conditions
 - l. Physical Requirements
 - m. Approval Signatures
 - n. Effective Date
 - o. Revised Date when revisions are made
5. Each current job description will be reviewed annually and recommendations for updates and changes noted in writing by the Department Director.
 - a. The Department Director will communicate the completion of the annual review and all recommendations for updates and changes to the HR Director in writing.
 6. When a new position is requested by a Department Director, the Department Director will draft a new PD using the approved tool, and submit it along with a written explanation about the need for the PD to the HR Director.
 7. The HR Director will transmit requests for updates and changes to current PDs, and requests for new PDs, to the Human Resource Committee of the City Council for review and approval.
 8. Employees may review and/or secure copies of their position description at their request. There will be no charge to obtain a copy. Requests may be made through the Human Resources/Payroll Office.
 9. Employees may request changes be made to their position description at any time. Making a request is not a guarantee of a change being made.

Reviewed and is recommended by City Human Resource Director.

HR Director: _____ Date: _____
Signature

Reviewed and approved by City Human Resource Committee.

HR Committee Chair: _____ Date: _____
Signature



CITY OF MILES CITY

Position Description

Position Title

Last Revised	
Effective	
FSIA Exempt	
Job Class	
Department	
Accountable to	

SUMMARY OF WORK

ESSENTIAL ACCOUNTABILITIES AND EXPECTED OUTCOMES

- 1.
- 2.
- 3.
- 4.
- 5.

MINIMUM REQUIREMENTS

Education (knowledge)

Experience (skills, abilities)

Certificates/Licenses

DESIRABLE QUALIFICATIONS

Knowledge:

Skills:

Abilities:

PERFORMANCE STANDARDS

Individual performance evaluation shall be based on the following elements:

- Productivity/Independence/Reliability
- Job Knowledge
- Interpersonal Relationships/Cooperation/Commitment
- Attendance
- Adherence to Policy
- Overall Performance

WORKING CONDITIONS

Stand

Sit

Lift

Noise

Hazardous materials exposure

Travel

Other

PHYSICAL REQUIREMENTS

I attest that this City of Miles City Position Description accurately reflects the major duties of this position.

Position Immediate Supervisor: _____ Date: _____
Signature

This City of Miles City Position Description has been reviewed and is recommended by City Human Resource Director.

HR Director: _____ Date: _____
Signature

This City of Miles City Position Description has been reviewed and approved by City Human Resource Committee.

HR Committee Chair: _____ Date: _____
Signature

I, _____, acknowledge I have received and reviewed the Miles City Position Description; this position description will become part of my personnel file.

Employee: _____ Date: _____
Signature

RESOLUTION NO. 4072

A RESOLUTION ADOPTING A POLICY GOVERNING WAGE INCREASE REQUESTS.

WHEREAS, the City of Miles City wishes to adopt a standardized policy for the processing of wage increase requests, and has prepared a written policy to govern such requests;

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

1. The "Wage Increase Requests" policy, attached hereto as Exhibit "A," is hereby approved and adopted by the Council, effective immediately.
2. This policy shall supersede any previously adopted policies of the same subject matter.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 27TH DAY OF JUNE, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk



CITY OF MILES CITY PERSONNEL POLICY

Section 3:	Employment Information
Effective:	
Last Revised:	06/06/17

Wage Increase Requests Resolution #4072

- This policy supersedes all previous policies and/or handbooks published by the City of Miles City.
- Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.

POLICY

It is the policy of the City of Miles City (“City”) that all requests for wage increases by staff who are represented by a Union shall be made to the City Council through the elected Union representative, in accordance with the policies and procedures of that Union.

It is the policy of the City of Miles City (“City”) that all staff requests for a wage increase that is not related to the annual longevity wage increase afforded all City employees shall follow the process detailed below.

PURPOSE

- To ensure that wage increases for unionized City staff are presented and requested by the elected Union representative;
- To establish a standardized process for City staff and directors to request staff wage increases.

PROCEDURE

1. When an employee is represented by a union and believes a substantial change in duties, certifications/formal education, accountabilities or expected outcomes justifies a wage increase which is separate and distinct from the City’s annual longevity increase, the employee shall contact his/her union representative and follow the procedures of the union to make his/her request.
2. When an employee is not represented by a union and believes a substantial change in duties, certifications/formal education, accountabilities or expected outcomes justifies a wage increase which is separate and distinct from the City’s annual longevity increase, the employee shall submit to his/her immediate supervisor a written request for a wage increase which includes:
 - the dollar value of the increase requested;
 - a complete copy of the current Position Description;

- the most recent performance evaluation (completed within the past year).
3. Upon receipt of a staff request for a wage increase and all of the required supporting documentation, the immediate supervisor will:
 - review the request and supporting documentation;
 - provide a written recommendation concerning the request, sign and date it;
 - forward the request and all supporting documentation to the Department Director.
 4. Upon receipt of the request and all of the required supporting documentation, the Department Director shall:
 - review the request and all supporting documentation;
 - provide a written recommendation concerning the request, sign and date it;
 - forward the request and all supporting documentation to the Mayor.
 5. Upon receipt of the request and all required supporting documentation, the Mayor shall:
 - review the request and all supporting documentation
 - make a written recommendation for action to the City Council Human Resources (HR) Committee, sign and date it;
 - forward the request and all supporting documentation to the HR Committee.
 6. Upon receipt of the request and all supporting documentation, the HR Committee shall:
 - a. review the request and all supporting documentation;
 - b. take action on the request, sign and date it;
 - when the action includes a recommendation of a wage increase, whether the same as or different from the increase requested, the HR Committee will forward the request and all supporting documentation to the City Finance Committee for action. The recommendations of the HR Committee and City Finance Committee will be sent to City Council for final approval.
 - When the action does NOT include a recommendation for a wage increase, the HR Committee provides a written copy of its action to the Mayor. The Mayor will then communicate the action to the Department Director; Director will inform the immediate supervisor; immediate supervisor will inform the requesting staff.
 - Notes: a change in Position Title only is not adequate justification for an increase in wage rate.
 7. No wage increase will be paid without following this established procedure.

RESOLUTION NO. 4073

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 VARIOUS FUNDS FOR VARIOUS UNBUDGETED EXPENDITURES.

WHEREAS, the City of Miles City wishes to amend the budget for Fiscal Year 2016-2017 to provide increased funding in the amount of \$81,374.74 for 2260 (Emergency Disaster), 2350 (Study Commission) 2400 (Ltg District #165), 3670 (SID211), 4056 (Airport CIP) expenditures, as permitted by §7-6-4006 MCA;

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

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

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

The appropriations for the Final Budget for Fiscal Year 2016-2017 shall be increased in the following amount:

Fund No. 2260-202-521000-820 in the sum of \$95.85 (Transfer to GF)
Fund No. 2350-302-521000-820 in the sum of \$5,263.77 (Transfer to GF)
Fund No. 2400-046-430263-533 in the sum of \$19,000 (Machinery and Equipment)
Fund No. 3670-110-521000-820 in the sum of \$2,985 (Transfer to 3400)
Fund No. 4056-087-521000-820 in the sum of \$54,030.12 (Transfer to 5610)

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2016-2017 on the 11th day of July, 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 UPON ITS FINAL PASSAGE THIS 27th DAY OF JUNE, 2017.

JOHN HOLLOWELL, Mayor

ATTEST:

Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF
MILES CITY, MONTANA, THIS 11th DAY OF JULY, 2017.

JOHN HOLLOWELL, Mayor

ATTEST:

Lorrie Pearce, City Clerk

RESOLUTION NO. 4074

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH KADRMAS, LEE & JACKSON, INC., FOR TASK ORDER SERVICES RELATED TO THE CUSTER COUNTY MILES CITY FLOOD PROTECTION PROJECT.

WHEREAS, the City of Miles City requires services related to the Custer County Miles City Flood Protection Project, and has engaged Kadrmas, Lee & Jackson, Inc. (KLJ), a City of Miles City retained engineering firm, for assistance.

AND WHEREAS, the procedure for assignment of task orders by the City to KLJ are set forth in a certain "Agreement Between Owner and Engineer for Professional Services, Task Order Edition," as approved by Resolution 4050, and requires amendment for clarification of duties;

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

1. The "Agreement Between Owner and Engineer for Professional Services, Task Order Edition" between the City and KLJ for services related to the Custer County Miles City Flood Protection Project, previously adopted by Resolution 4050, is amended to revise the provisions of 1.01(D), as set forth in Exhibit "A", attached hereto and made a part hereof, is hereby approved and adopted by this Council.

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

3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Agreement.

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 27th DAY OF JUNE, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

EXHIBIT A

AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR PROFESSIONAL SERVICES
(Floodplain Management, Flood Control and Related Services)

TASK ORDER EDITION

THIS IS AN AGREEMENT effective as of _____ (“Effective Date of the Agreement”) between

City of Miles City, PO Box 910, Miles City, MT 59301 (“Owner”) and

Kadrmars, Lee & Jackson, Inc., 4585 Coleman Street, Bismarck, ND 58503 (“Engineer”).

Other terms used in this Agreement are defined in Article 7.

From time to time Owner may request that Engineer provide professional services for Specific Projects. Each engagement will be documented by a Task Order. This Agreement sets forth the general terms and conditions which shall apply to all Task Orders duly executed under this Agreement.

Owner and Engineer further agree as follows:

ARTICLE 1 – SERVICES OF ENGINEER

1.01 *Scope*

- A. Engineer’s services will be detailed in a duly executed Task Order for each Specific Project. The general format of a Task Order is shown in Attachment 1 to this Agreement. Each Task Order will indicate the specific services to be performed and deliverables to be provided.
- B. This Agreement is not a commitment by Owner to Engineer to issue any Task Orders.
- C. Engineer shall not be obligated to perform any prospective Task Order unless and until Owner and Engineer agree as to the particulars of the Specific Project, including the scope of Engineer's services, time for performance, Engineer's compensation, and all other appropriate matters.
- D. Task Orders executed as part of this Agreement pertain to Engineer providing general on-call professional services related to flood control, floodplain management, and associated tasks. These services may include, but are not limited to, assisting with the U.S. Army Corps of Engineers Section 205 Feasibility Study and subsequent related professional services requested by Owner for Task Orders related to flood control and floodplain management as well as ancillary tasks and projects.

1.02 *Task Order Procedure*

- A. Owner and Engineer shall agree on the scope, time for performance, and basis of compensation for each Task Order. With respect to the scope of Engineer’s services, each specific Task Order shall either (1) be accompanied by and incorporate a customized Exhibit A, “Engineer’s Services for Task Order,” prepared for the Specific Project, (2) state the scope of services in the Task Order document itself, or (3) incorporate by

RESOLUTION NO. 4075

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH KADRMAS, LEE & JACKSON, INC., FOR TASK ORDER SERVICES RELATED TO THE CUSTER COUNTY MILES CITY FLOOD PROTECTION PROJECT, AND TASK ORDER PERTAINING TO THE SAME.

WHEREAS, the City of Miles City requires services related to the Custer County Miles City Flood Protection Project, and has engaged Kadrmas, Lee & Jackson, Inc. (KLJ), a City of Miles City retained engineering firm, for assistance.

AND WHEREAS, the procedure for assignment of task orders by the City to KLJ are set forth in a certain "Agreement Between Owner and Engineer for Professional Services, Task Order Edition," as approved by Resolution 4050 on May 9, 2017, and requires amendment for clarification of duties;

AND WHEREAS, the parties have prepared a Task Order setting forth certain services to be provided by KLJ in accordance with said Agreement, and the City desires to approve the same;

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

1. The "Agreement Between Owner and Engineer for Professional Services, Task Order Edition" between the City and KLJ for services related to the Custer County Miles City Flood Protection Project, previously adopted by Resolution 4050, is amended to revise the provisions of 1.01(D), as set forth in Exhibit "A", attached hereto and made a part hereof, is hereby approved and adopted by this Council.

2. The Task Order entitled "Hazardous, Toxic, and Radioactive Waste (HTRW) Investigation" setting forth certain services to be performed by KLJ, as set forth in Exhibit "B", attached hereto and made a part hereof, is hereby approved and adopted by this Council.

3. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement, as revised; and Task Order; on behalf of the City of Miles City, and bind the City of Miles City thereto.

4. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Agreements.

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 27th DAY OF JUNE, 2017.

John Hollowell, Mayor

AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR PROFESSIONAL SERVICES
(Floodplain Management, Flood Control and Related Services)

TASK ORDER EDITION

THIS IS AN AGREEMENT effective as of _____ (“Effective Date of the Agreement”) between

City of Miles City, PO Box 910, Miles City, MT 59301 (“Owner”) and

Kadmas, Lee & Jackson, Inc., 4585 Coleman Street, Bismarck, ND 58503 (“Engineer”).

Other terms used in this Agreement are defined in Article 7.

From time to time Owner may request that Engineer provide professional services for Specific Projects. Each engagement will be documented by a Task Order. This Agreement sets forth the general terms and conditions which shall apply to all Task Orders duly executed under this Agreement.

Owner and Engineer further agree as follows:

ARTICLE 1 – SERVICES OF ENGINEER

1.01 *Scope*

- A. Engineer’s services will be detailed in a duly executed Task Order for each Specific Project. The general format of a Task Order is shown in Attachment 1 to this Agreement. Each Task Order will indicate the specific services to be performed and deliverables to be provided.
- B. This Agreement is not a commitment by Owner to Engineer to issue any Task Orders.
- C. Engineer shall not be obligated to perform any prospective Task Order unless and until Owner and Engineer agree as to the particulars of the Specific Project, including the scope of Engineer's services, time for performance, Engineer's compensation, and all other appropriate matters.
- D. Task Orders executed as part of this Agreement pertain to Engineer providing general on-call professional services related to flood control, floodplain management, and associated tasks. These services may include, but are not limited to, assisting with the U.S. Army Corps of Engineers Section 205 Feasibility Study and subsequent related professional services requested by Owner for Task Orders related to flood control and floodplain management as well as ancillary tasks and projects.

1.02 *Task Order Procedure*

- A. Owner and Engineer shall agree on the scope, time for performance, and basis of compensation for each Task Order. With respect to the scope of Engineer’s services, each specific Task Order shall either (1) be accompanied by and incorporate a customized Exhibit A, “Engineer’s Services for Task Order,” prepared for the Specific Project, (2) state the scope of services in the Task Order document itself, or (3) incorporate by

Floodplain Management, Flood Control and Related Services

This is a Task Order consisting of three (3) pages plus attachments.
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Task Order

In accordance with Paragraph 1.01 of the Agreement Between Owner and Engineer for Professional Services – Task Order Edition, dated May 9, 2017 ("Agreement"), Owner and Engineer agree as follows:

1. Background Data

- | | | |
|----|---------------------------------|--|
| a. | Effective Date of Task Order: | _____ |
| b. | Owner: | City of Miles City |
| c. | Engineer: | Kadmas, Lee & Jackson, Inc. |
| d. | Specific Project (title): | Hazardous, Toxic, and Radioactive Waste Investigation |
| e. | Specific Project (description): | Hazardous, Toxic, and Radioactive Waste (HTRW) Investigation as part of the US Army Corps of Engineers Section 205 Feasibility Study in Miles City, Montana. |

2. Services of Engineer

- A. The specific services to be provided or furnished by Engineer under this Task Order are:
- [X] as follows: Refer to the attached document entitled "Scope of Services – Hazardous, Toxic, and Radioactive Waste Investigation" dated June 22, 2017 (6 pp.).
- B. Resident Project Representative (RPR) Services *(Does not Apply)*
- C. Designing to a Construction Cost Limit *(Does not Apply)*
- D. Other Services
- Engineer shall also provide the following services: *(Does not Apply)*
- E. All of the services included above comprise Basic Services for purposes of Engineer's compensation under this Task Order.

3. Additional Services

- A. Additional Services that may be authorized or necessary under this Task Order are:
- [X] those services (and related terms and conditions) set forth in Paragraph A2.01 of Exhibit A, as attached to the Agreement referred to above, such paragraph being hereby incorporated by reference.

4. Owner's Responsibilities

Owner shall have those responsibilities set forth in Article 2 of the Agreement and in Exhibit B.

5. Task Order Schedule

It is anticipated that Owner will arrange access (per Exhibit B2.01.A.5) so Engineer will be authorized to commence with services by July 10, 2017 to be completed by November 1, 2017.

6. Payments to Engineer

A. Owner shall pay Engineer for services rendered under this Task Order as follows:

	Description of Service	Amount	Basis of Compensation
1.	HTRW Investigation	\$33,500.00	Lump Sum
2.	Additional Services (Part 2 of Exhibit A)	(N/A)	TBD

Compensation items and totals based in whole or in part on Hourly Rates or Direct Labor are estimates only. Lump sum amounts and estimated totals included in the breakdown by phases incorporate Engineer's labor, overhead, profit, reimbursable expenses (if any), and Consultants' charges, if any. For lump sum items, Engineer may alter the distribution of compensation between individual phases (line items) to be consistent with services actually rendered, but shall not exceed the total lump sum compensation amount unless approved in writing by the Owner.

B. The terms of payment are set forth in Article 4 of the Agreement and in the applicable governing provisions of Exhibit C.

7. Consultants retained as of the Effective Date of the Task Order: *(Does not Apply)*

8. Other Modifications to Agreement and Exhibits: *(Does not Apply)*

9. Attachments: Refer to the attached document entitled "Scope of Services – Hazardous, Toxic, and Radioactive Waste Investigation" dated June 22, 2017 (6 pp.).

10. Other Documents Incorporated by Reference: *(Does not Apply)*

11. Terms and Conditions

Execution of this Task Order by Owner and Engineer shall make it subject to the terms and conditions of the Agreement (as modified above), which Agreement is incorporated by this reference. Engineer is authorized to begin performance upon its receipt of a copy of this Task Order signed by Owner.

The Effective Date of this Task Order is _____.

OWNER: City of Miles City

ENGINEER: Kadrmas, Lee & Jackson, Inc.

By: _____

By: _____

Print Name: _____

Print Name: _____

Title: _____

Title: _____

Engineer License or Firm's Certificate No. (if required): PEL-EF-LIC-37
State of: Montana

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

DESIGNATED REPRESENTATIVE FOR TASK ORDER:

Name: Samantha Malenovsky

Name: Carl Jackson

Title: Floodplain Administrator

Title: Project Manager

Address: PO Box 910
Miles City, MT 59301

Address: PO Box 80303
Billings, MT 59108-0303

E-Mail Address: smalenovsky@milescity-mt.org

E-Mail Address: carl.jackson@kljeng.com

Phone: 406-234-3493

Phone: 406-245-5499

Scope of Services - Hazardous, Toxic, and Radioactive Waste Investigation
City of Miles City - Section 205 Study

June 22, 2017

I. DESCRIPTION

The City of Miles City has requested that KLJ perform a Hazardous, Toxic, and Radioactive Waste (HTRW) investigation for the Miles City, Montana Section 205 Study in accordance with the requirements provided in Engineer Regulation (ER) 1165-2-132 *Hazardous, Toxic, and Radioactive Waste Guidance for Civil Works*. The work will be completed to ascertain the presence of recognized environmental conditions (RECs), as defined in American Society for Testing and Materials (ASTM) Standard E1527-13 *Standard Practice for Environmental Site Assessments*.

The study area for this HTRW investigation is located in the western and north-northwestern parts of the City of Miles City, in Custer County, Montana. The study area includes the following (please refer to the Project Location Map provided at the end of this Scope of Services):

- The northeastern bank of the Tongue River, from downstream of I-94 to the confluence of the Yellowstone River including the following boundaries to the northeast:
 - Tongue River to Cemetery Rd
 - South of Balsam Drive
 - The western half of the Miles City Town and Country Club including the clubhouse
 - Autumn Circle and Charles Street
 - The southwest portion of Atlantic Avenue
 - The western portion of Denton Field
 - West of N 1st Street
- The south-southeastern bank of the Yellowstone River, from upstream of the water treatment plant to downstream of the wastewater treatment plants to the north of the Old Tongue River Channel

This Scope of Services outlines each party's responsibilities and associated costs for completing the HTRW investigation. The HTRW investigation will be performed by KLJ under the direction of the City of Miles City. KLJ will provide professional services and recommendations to the City of Miles City, and the City of Miles City will make decisions and provide direction to KLJ. The City of Miles City will fund KLJ's preparation of the HTRW investigation.

II. OBJECTIVE, METHODOLOGY, AND SERVICES INCLUDED

The objective of this HTRW investigation will be to determine the presence of RECs within the study area, as defined in ASTM Standard E1527-13.

The HTRW investigation will include the following four components, which are further described in the following subsections:

- Site reconnaissance
- Records review
- Interviews
- Draft and Final Reports.

A. Site Reconnaissance

To complete the HTRW investigation, the study area will be assessed by either a pedestrian (walking) survey or windshield (driving) survey, where possible. During the windshield survey, there will be a driver of the vehicle/UTV and a spotter observing the study area and taking photographs. It is anticipated that a majority of the study area defined in the Project Location Map will be accessible by UTV or vehicle with landowner permission granted by USACE or the city.

During the site reconnaissance, KLJ will perform the following:

- Visually observe the study area to identify potential sources or indications of on-site chemical or petroleum releases. Potential sources could include tanks, chemical storage, and disposal areas.
- Take photographs during the site reconnaissance, as necessary, which will be included in the draft and final reports.
- Visually inspect (from vantage points) abutting properties and categorize the use of abutting properties as potential off-site sources of contamination.

B. Records Review

KLJ will coordinate with a third-party provider to obtain the following information necessary for compliance with ASTM Standard E1527-13. This information relating to on-site activities will be included in the draft and final reports:

- Historical Aerial Photographs
- Historical Topographic Maps
- Certified Sanborn Maps
- Governmental Database Search, which includes the following listings of published regulatory Federal and state records related to the study area and potential off-site sources of contamination:
 - National Priorities List (NPL) - Lists US Environmental Protection Agency (USEPA) high-priority cleanup properties within a 1-mile radius, or as determined necessary, in accordance with ASTM E1527-13.
 - Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) - Lists properties subject to investigation by the USEPA for contamination within a 0.5-mile radius.

- Resource Conservation and Recovery Act (RCRA) - Lists notified generators at a site and adjacent properties and RCRA Transfer, Storage, and Disposal Facilities (TSDFs) within a 1-mile radius.
- RCRA Corrective Action Sites (CORRACTS) - Lists TSDFs subject to corrective action within a 1-mile radius, or as determined necessary, in accordance with ASTM E1527-13.
- Engineering Controls (US ENG CONTROLS) and Institutional Controls (US INST CONTROL) - Lists sites within a 0.5-mile radius with engineering and/or institutional controls.
- Emergency Response Notification System (ERNS) - Lists reported releases of oil and hazardous substances at a site and adjacent properties.
- State Hazardous Waste Sites (SHWS) - Lists sites within a 1-mile radius that are planned for cleanup (state equivalent of Superfund) and may or may not already be listed on the Federal CERCLIS.
- Underground Storage Tank (UST) - Lists sites with USTs within a 0.25-mile radius.
- Leaking UST (LUST) - Lists reported LUST incidents at a site and within a 0.5-mile radius.
- Solid Waste Landfills (SWLF) - Lists facilities permitted as SWLFs, incinerators, or transfer stations within a 0.5-mile radius.

In addition, KLJ will perform the following:

- Review available published geological information obtained from the State Geological Survey, US Department of Agriculture Soil Conservation Service, and US Geological Survey, including the 7.5 Minute Series Topographic Maps covering the study area.
- Review local available records related to the development of the study area.
- Review data regarding on-site spills, the material released, and the medium that was contaminated on site.
- Upon cursory review and evaluation of off-site properties, conclude whether or not off-site properties within the search radius have the potential to affect environmental conditions within the study area due to their locations in reference to the study area.
- Review past site documents to assess the potential for on-site contamination including the following, if available:
 - Environmental Assessments
 - Construction documents
 - Hazardous Waste Manifests
 - Records of previous environmental-related activities.

C. Interviews

KLJ will interview local environmental authorities to identify complaints, violations, citations, or inspections related to the study area. Upon receipt of the addresses of the landowners within the study area from the City of Miles City, KLJ will mail *Landowner Interview Questionnaires* to all of the landowner addresses provided. In addition, KLJ will interview the User (i.e., City of Miles City and the US Army Corps of Engineers [USACE]) via *User Questionnaires*, as required by 40 Code of Federal Regulations § 312.25, 312.26, 312.28, 312.29, 312.30, and 312.31, and to complete All Appropriate Inquiries.

D. Draft and Final Reports

One report will be provided for the entire study area. The HTRW investigation will evaluate the current and historical conditions within the study area and surrounding areas that could present potential environmental concerns within the study area, in accordance with guidelines described in ASTM E1527-13. The report will include a description of the study area, methodology, and services performed; discussion of significant assumptions, limitations, and exceptions; and summary of findings, opinions, and data gaps, User-provided information, the records review, the site reconnaissance, and interviews. The report will also include conclusions made by the *Environmental Professional*.

Upon completion of the site reconnaissance, records review, and interviews KLJ will develop and submit an electronic copy of the Draft HTRW Investigation Report to the City of Miles City and USACE for a one-time concurrent review. Upon completion of review, the City of Miles City and USACE will submit all comments on the Draft HTRW Investigation Report to KLJ for incorporation into the Final HTRW Investigation Report. KLJ will revise the Final HTRW Investigation Report and provide electronic copies to the City of Miles City and USACE.

It is understood by all parties that HTRW investigations are not intended to be exhaustive, the scope of the HTRW investigation might require revisions based on field conditions and findings, and findings of the HTRW investigation cannot eliminate all uncertainty. Results of the site reconnaissance might vary depending on the weather conditions at the time of the site reconnaissance. Professional judgment and interpretation are inherent in the process and exercised in accordance with objective scientific principles; however, uncertainty is inevitable.

III. DELIVERABLES

- A. Draft HTRW Investigation Report (electronic copy)
- B. Final HTRW Investigation Report (electronic copy)

IV. SERVICES NOT INCLUDED

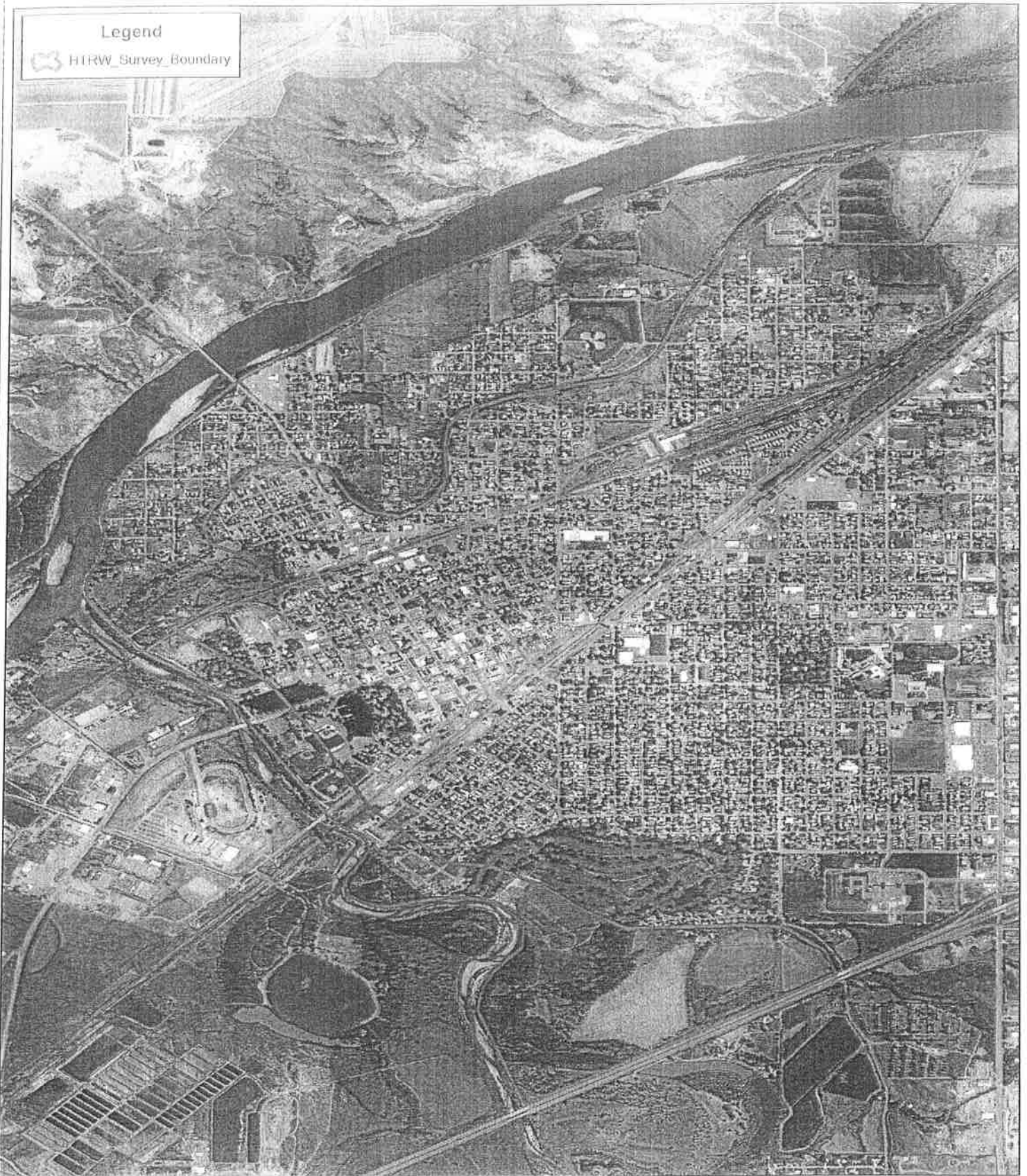
- A. Legal testimony.
- B. Environmental Lien, Activity and Use Limitations (AULs), and Chain of Title searches are not included in this Scope of Services, as they are considered User responsibilities. However, if requested, Environmental Lien, AULs, and Chain of Title searches can be added to this Scope of Services for an additional cost.
- C. During the site reconnaissance (windshield survey), up-close visual inspection of the exterior of buildings/facilities or areas inaccessible due to landowner preferences are not included in this Scope of Services. In the event that the *Environmental Professional* visually identifies an area that could be of environmental concern, the *Environmental Professional* would attempt to coordinate with the landowner to conduct an up-close visual inspection or record the observed concern from the public right-of-way.
- D. Visual inspection of the interior of buildings/facilities is not included in this Scope of Services.
- E. Sampling (e.g., soil, groundwater) is not included in this Scope of Services.
- F. Services beyond this Scope of Services.

V. FEES ASSOCIATED

Cost for completion of this HTRW investigation is \$33,500.00.

Legend

 HTRW_Survey_Boundary



Data Source: 2013 NAIP Aerial Photo, Custer County Mosaic



US Army Corps
of Engineers ®



0 1,000 2,000
Feet

1:27,000

Miles City Section 205
Flood Risk Management Study

Custer County, Montana

HTRW Survey Boundary Map

ORDINANCE NO. 1312

AN ORDINANCE REVISING SECTION 2-51 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, SO AS REVISE PROVISIONS REGARDING THE SALARIES OF CITY COUNCIL MEMBERS.

BE IT ORDAINED, by the City Council of the City of Miles City, Montana, pursuant to the authority granted by MCA 7-4-4201, as follows:

Section 1. Section 2-51 shall be amended to read as follows:

“Sec. 2-51. - Salaries of members.

The salary for city council members, including the chairman of the city council, shall be \$333.34 per month payable in equal installments twice per month. Council member salaries shall be paid on the same dates as other city employees.

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

Said Ordinance read and put on its passage this 27th day of June, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 11th day of July, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

ORDINANCE NO. 1313

AN ORDINANCE REVISING SECTION 16-48 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, SO AS REVISE PROVISIONS REGARDING THE USE OF FIREWORKS WITHIN THE CITY LIMITS.

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

Section 1. Section 16-48 shall be amended to read as follows:

“Sec. 16-48. - Fireworks.

It shall be unlawful for any person to discharge or cause to be discharged any fireworks, as defined by state law, within the city limits; provided that the city council may grant a permit for a supervised public display of fireworks to be held by the city, fair association, amusement park or other organizations or groups of individuals. The city council, by resolution, may allow the discharge of fireworks at special times and places as deemed appropriate as long as such use is in accordance with state law and any other reasonable restrictions which the council may impose in order to preserve the public peace and safety. Notwithstanding the foregoing, the discharge of fireworks shall be allowed between the hours of 10:00 a.m. and 10:00 p.m. on July 2nd and July 3rd; between 10:00 a.m. and midnight on July 4th; and between 10:00 a.m. and 10:00 p.m. July 5th; at the following locations within the City of Miles City, to-wit: Bender Park, Riverside Park, Jaycee Field, Tedesco Field. Furthermore, non-aerial fireworks, being those fireworks which do not project themselves into the air, or fire projectiles into the air, shall be generally allowed within the City limits on July 4th of each year, but shall not be allowed on any other day except as hereinbefore set forth.

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

Said Ordinance read and put on its passage this 27th day of June, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 11th day of July, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk