



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers*

*October 24, 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 10/10/2017
 - B. Finance Committee Meeting 10/05/2017
 - C. Public Service Committee Meeting 10/05/2017
2. **SCHEDULE MEETINGS**
3. **REQUEST OF CITIZENS & PUBLIC COMMENT**
4. **APPOINTMENTS**
5. **PROCLAMATIONS**
6. **STAFF REPORTS**

Dawn Colton- Update on selling property to United Parts (Industrial Park)
7. **CITY COUNCIL COMMENTS**

Kathy Wilcox- Public Health Board Meeting Report
8. **MAYOR COMMENTS**
9. **COMMITTEE RECOMMENDATIONS**

Finance Committee -- Send Water/Sewer receivable for an amount of \$895.94 to collections
10. **BID OPENINGS**

Janitorial service for City Shop
Wastewater Treatment Plant or Old Lagoon lease
11. **BID AWARDS**

Printing Contract
12. **PUBLIC HEARINGS**
 - A. **ORDINANCE NO. 1316- An Ordinance Revising Sections 12-56 Through 12-62 of the Flood Code Provisions of the Code of Ordinances of Miles City, Montana, Regarding Review of Floodplain Variance Applications**

13. **UNFINISHED BUSINESS**

- A. **ORDINANCE NO. 1316- *(Second Reading)* An Ordinance Revising Sections 12-56 Through 12-62 of the Flood Code Provisions of the Code of Ordinances of Miles City, Montana, Regarding Review of Floodplain Variance Applications**

14. **NEW BUSINESS**

- A. **RESOLUTION NO. 4111- A Resolution Adopting a 2017 Update to Multi-Hazard Mitigation Plan for Custer County, Montana and City of Miles City and Town of Ismay**
- B. **RESOLUTION NO. 4113- A Resolution Approving a Revised Fire Protection Agreement for Contracted Fire Services**
- C. **RESOLUTION NO. 4114- A Resolution Authorizing the City of Miles City to Enter Into a City Printing Contract with Boss Printing Company**
- D. **ORDINANCE NO. 1317- *(First Reading)* An Ordinance Revising Zoning Code Sections 24-90, 24-91, and Article V (Definitions), so as to Call For Review of Conditional Use Permits by City Council**

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 **October 10, 2017** 7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, October 10, 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, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith. Councilperson John Uden was excused.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Officer Coy Sheets, Acting Fire Chief Brandon Stevens, Firefighter III Sarah Lewin, Cross Certified Operator Tom Speelmon, 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: 9/26/2017

** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of September 26, 2017, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 7-0.*

Public Service Minutes: 9/27/2017

** *Councilperson Andrews moved to approve the minutes of the Public Service Meeting of September 27, 2017, and seconded by Councilperson Erlenbusch. The motion **passed** by unanimous consent, 7-0.*

SCHEDULE MEETINGS

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

- Human Resource: Thursday, October 19th @ 5:15 p.m.
- Finance Committee: Thursday, October 19th @ 6:00 p.m.
- Core of Engineers: Tuesday, October 17th @ 5pm-MCC/106
- Flood Committee: Wednesday, October 18th @ 5:30 p.m.
- Public Safety Committee: Friday, October 20th @ 4:30 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Citizen Bernard Diggins, 1519 Palmer:

- Asked what is happening with the houses that are demolished or burnt on Orr, Cottage and Knight Street. The Mayor said they are in the condemning process and/or in the Prosecutor office being handled
- Said the City has an Ordinance to handle all the camper, trailer and old cars parked on the street. Asked why nothing is being enforced on them. Mayor Hollowell said Code Enforcer Winkley handles over 20 cases a day, and the City is shorthanded at the moment. Mr. Diggins thought if the City made the fines higher it may help. Mayor Hollowell said the City is in the process of making fines stiffer.
- Said there are yards in City limits that are fire traps. Also a business on Haynes that is out of hand. Mayor Hollowell explained that the City did issue a citation to the business and it had cleaned up some. Mr. Diggins added that 1511 Palmer's property is a public nuisance and downgrades surrounding properties

APPOINTMENTS

Health Board- Reappoint Donna Faber and Jody Menyhart to three (3) year terms

Mayor Hollowell reappointed *Donna Faber and Jody Menyhart* to a three (3) year term.

** *Councilperson Gardner moved to approve Donna Faber and Jody Menyhart to another three year term on the Health Board, seconded by Councilperson Galbraith and passed 7-0*

PROCLAMATIONS

None

STAFF REPORTS

Annual TIFD Report- Connie Muggli: Not Present

Acting Fire Chief Stevens:

- Reported on ambulance/fire calls
- Engine 26 will need to have its engine rebuilt

- Down a fire tender and will be working with Councilperson Gardner on purchasing one
- Working on the ambulance grant to buy one (1) new and one (1) used ambulance
- Filling two (2) vacancies by end of November.
- Firefighter are promoting breast cancer awareness month and are selling beanies, tee shirts, etc,. Proceed will go to the Erin Hope Project.

Clerk Pearce:

- Received new supplements for the Code of Ordinance book
- Attended the 86th MCLT conference in Great Falls, and accepted two Loss Control Awards from MMIA. 1) Lowest incurred dollars in Liability Program for 2nd class cities, 2) Lowest incurred dollars in Workman Compensation program for 2nd class cities

CITY COUNCIL COMMENTS

Dwayne Andrews: Asked for Council approval to be absent for more than 10 days

** *Councilperson Galbraith moved to approve the absence of Councilperson Andrews for 10 days or more, and seconded by Councilperson Wilcox. The motion **passed** by unanimous consent, 7-0.*

MAYOR COMMENTS

None

STANDING COMMITTEE RECOMMENDATIONS

Finance Committee: Not to Waive 16/17 taxes on County properties from SID Levies for three (3) properties. RSP0079- Milwaukee Park Lot 10 for an amount of \$121.02, RSP0080- Milwaukee Park Lots 1 through 6 for an amount of \$637.34 and RSP0040- T08, R47E, S33 lots 11 through 20 for an amount of \$3,358.12. Total amount of \$ 4,116.48 (Postponed)

** *Councilperson Galbraith moved to approve the recommendation of the finance committee, and seconded by Councilperson Kassner. The motion **passed** 6-1, with Councilperson Gardner voting no*

Public Service Committee: To approve MCI² the right to name the Splash Pad after a sponsor as recognition for their generosity

- ** *Councilperson Andrews moved to approve giving MCI² the right to name the Splash Pad after a sponsor as recognition for their generosity, and seconded by Councilperson Huber. The motion **passed** by unanimous consent, 7-0.*

BID OPENINGS

Printing Contract

Two bids were received: a) Boss Printing b) Star Printing

- ** *Councilperson Galbraith moved to refer the bid to the Finance Committee, seconded by Councilperson Wilcox and, on roll call vote, passed unanimously, 7-0. **The bid was referred to the Finance Committee.***

BID AWARDS

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

- A. **Approval on Jaycees to use City Hall for a haunted trails event, October 20th and 21st from 7pm to 10pm**

- ** *Councilperson Galbraith moved to approve Jaycees using City Hall for a haunted trails event seconded by Councilperson Andrews.*

** *After a short discussion, Councilperson Galbraith amended her motion to include that the insurance of \$2,000,000 names the City as an additional insured party; the Jaycees clean up the area after each usage and receive approval from the fire inspector, seconded by Councilperson Andrews. **The amended and original motion passed 7-0***

- B. **Approval of Right of Way for Compass Consultants, from Wal-Mart along Stower, Cale, Winchester and Palmer Street to the cell tower on North Haynes Avenue**

- ** *Councilperson Andrews moved to approve the right of way for Compass Consultants and seconded by Councilperson Gardner.*

Councilperson Andrews said the right of way was approved unanimously by the Public Service Committee.

Representative Eric Witt, Pearl Minnesota, explained what Compass Consultant will be completing in the right of way.

- Will be doing all the directional boring and any restoration, if needed
- Would like to complete before winter, but if not will need to come back in the spring to finish

Councilperson Galbraith thought a contract was needed because a gas line could break. Director Gray said Compass Consultants will purchase a \$10,000 excavation bond for each hole they drill.

Councilperson Huber asked if there were going to be any holes in the street. Mr. Witt said there will be 12 inch holes that will be patched with cold patch in the winter and then in the spring, they will be patched with hot mix.

Director Kelm added that the City has access to the excavation bond for two years after the project is completed.

**** On roll call vote, the motion passed by unanimous consent, 7-0. The right of way was approved.**

C. RESOLUTION NO. 4108- A Resolution Authorizing the City of Miles City to Enter Into an Agreement With Custer County, Montana For the Joint Operation of an Airport at Frank Wiley Field

****** *Councilperson Galbraith moved to approve the Resolution, read by title only, and seconded by Councilperson Gardner. On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4108 passed*

D. RESOLUTION NO. 4110- A Resolution Adopting Apprenticeship Standards for Firefighter/Paramedic

****** *Councilperson Gardner moved to approve the Resolution, read by title only, and seconded by Councilperson Andrews.*

Firefighter III Lewin explained that the apprenticeship standards would benefit the City by potentially funding city employee training, and open the door to find federal funding for the training. It would also help the City improve its work force and retain employees.

**** On roll call vote, the motion passed by unanimous consent, 7-0. Resolution No. 4110 passed.**

E. RESOLUTION NO. 4112- A Resolution Authorizing the City of Miles City to Enter Into a Mutual Aid Agreement for Ambulance Services

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

Acting Fire Chief Stevens explained that the agreement would help other communities and expand offers from other communities to the City. It spells out any liability or reimbursement that is due. The responding party can request to be reimbursed for fuel, wages, lube, etc., or they can request not to be reimbursed.

** *On roll call vote, the motion passed by unanimous consent, 7-0.*
Resolution No. 4112 passed.

F. ORDINANCE NO. 1316- (First Reading) An Ordinance Revising Sections 12-56 Through 12-62 of the Flood Code Provisions of the Code of Ordinances of Miles City, Montana, Regarding Review of Floodplain Variance Applications

** *Councilperson Kassner moved to approve the Ordinance, read by title only, and seconded by Councilperson Erlenbusch. On roll call vote, the motion passed by unanimous consent, 5-2, with Councilperson Andrews and Galbraith voting no* **Ordinance No. 1316 passed first reading and was referred to the Flood Control Committee**

After the Ordinance passed on first reading Citizen Michelle Simpson, 1016 North First Street, asked why the City has a Variance Board if City Council will be looking at these variances. Mayor Hollowell said they have the authority; it just has to go in front of a governing body. Mrs. Simpson said if the Variance Board approves the issue and then the Council denies it, would it be dead? Mayor Hollowell said it would not go through the Variance Board that it would go straight to Council.

Councilperson Andrews asked if the Ordinance would eliminate the Variance Board? Mayor Hollowell explained that it's a variance, the Council would look at the variance or the board would look at the variance.

Mrs. Simpson asked if the City Council would look at variances in the flood plain, and the Board look at variances not in the flood plain? Mayor Hollowell replied right, that would be only that. Attorney Rice said the way it is written, it would be only flood plain variances, not all variances are in the

flood plain. Mayor Hollowell said there are structural flood variances that coincide with the flood plain and other stuff that would go in front of the Board; this is just with our Ordinance on flood plain regulation. So with any variance involving the flood plain, it would go to Council instead of the Board.

Mrs. Simpson wondered if it would add more work to the Council. Mayor Hollowell said that it would be something extra for the Council to handle.

Councilperson Andrews asked why the Council would want to do the change? Mayor Hollowell said that was something for Council to discuss, he was asked to put the Ordinance on the agenda.

G. Approval on Record Retention for Disposal

****** *Councilperson Galbraith moved to approve the record retention for disposal and seconded by Councilperson Kassner. On roll call vote, the motion **passed** by unanimous consent, 7-0.*

H. Approval of September Claims

****** *Councilperson Wilcox moved to approve the September claims, seconded by Councilperson Gardner and **passed unanimously**, 7-0.*

ADJOURNMENT

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

The meeting was adjourned at 8:05 p.m.

John Hollowell, Mayor

Lorrie Pearce, City Clerk

Finance Committee Meeting

October 5, 2017

The Finance Committee met Thursday, October 5, 2017 at 6:00 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Kathy Wilcox and Dwayne Andrews. Committee Member Rick Huber was excused.

Also present were: Acting Fire Chief Brandon Stevens, Fire Fighter III Sarah Lewin, Fire Captain Mike Miller and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Request of Citizens & Public Comment

Captain Miller updated the committee on the fire training building:

- Received final approval for funding up to \$250,000, the amount was \$50,000 less than first thought, downsizing the building to three levels instead of four will be needed, but the City will still meet its objectives
- Payback amount will be a little higher than anticipated at \$13,000
- USDA received a grant to pay for all environment requirements
- Captain Miller will continue his training so he can train at the facility, and possibly train the trainer

2. Resolution No. 4110- A Resolution Adopting Apprenticeship Standards For Firefighter/Paramedic

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

Firefighter III Lewin explained the standards:

- Setting the apprenticeship program as a Federal program will help City employees receive cost reimbursement for training. At this point the employees are paying for the training out of their pockets
- Set up for an entry level fire fighter/paramedic
- No commitment from City for the funding at this point

*** The motion passed 3-0*

3. Memorandum of Understanding to the Local 600 Union Contract

*** Committee Member Galbraith moved to refer the memorandum of understanding to the local 600 union contract to Human Resource Committee, seconded by Committee Member Andrews. The motion passed 3-0*

4. Discussion on Signage at Denton Sports Complex

Chairperson Galbraith had talked to Director Gray about the issue. He thought that since the league pays for replacement bulbs/lights and the light bills that the City should leave the lease as is.

*** Committee Member Wilcox moved to leave as is, seconded by Committee Member Galbraith. The motion passed 3-0*

5. Discussion on Business Licenses

Chairperson Galbraith asked the committee how it would like to proceed with the business licenses:

- Committee Member Wilcox thought everyone that does business in the City should have a business license and the City maintain a current inventory of the name of the business, what the business is and the contact information to share with fire and police department. Business license should at least cover staff cost.
- Clerk Pearce explained yearly invoices that are sent to businesses:
 1. Home business license- \$10.00
 2. Loading Zone permit (signage)- \$72.00
 3. 2nd hand/pawn shops - \$50.00
 4. All Beverage License - \$400
 5. Beer/Wine License - \$300
 6. Video Amusement License- \$30 per machine
 7. Others: Construction, Carpentry, Door to Door - \$0
- Committee Member Wilcox thought the committee should find out how long it has been since the City had raised these cost
- Chairperson Galbraith thought that charging a business a certain amount for the initial license and then charging a lower amount for renewal would help the City keep track of the business and its product
- Committee Member Andrews thought the committee needed to have a soft touch on the charges or increases. He thought businesses are the blood line to the City and did not want to chase them away. Also, the City should not retro the current business for the initial cost, but charge for a yearly renewal
- The committee will have an ongoing discussion on the issue

6. **Adjournment**

*** Committee Member Andrews moved to adjourn the meeting, seconded by Committee Member Wilcox and passed unanimously, 3-0.*

The meeting was adjourned at 6:55 p.m.

Susanne Galbraith, Chairperson

Lorrie Pearce Recorder/City Clerk

PUBLIC SERVICE COMMITTEE MEETING
October 5, 2017

The Public Service Committee met Thursday, October 5, 2017 at 5:00 pm in the City Hall Conference Room. 17 S. 8th Street, Miles City, Montana. Present were Committee Chair Dwayne Andrews and Committee Members Ken Gardner, Kathy Wilcox and Committee Member John Uden was excused.

Also present were Public Works Director Scott Gray and Payroll, Claims Clerk/Minute Recorder Ally Capps.

1. Approval of Public Service Minutes from September 27, 2017

*** Committee member Wilcox made a motion to approve the minutes of the Public Service Meeting on September 27, 2017, seconded by Committee Member Gardner. Motion passed unanimously 3-0.*

2. Request of Citizens/Public Comment

-None-

3. Committee Member Comments

-None-

4. Unfinished Business

- None -

5. New Business

A. Recommendation to Council: to grant an easement to Compass Consultants, for the Right of Way from Wal-Mart along Stower Street, Winchester Street and Palmer Street to the cell tower on N. Haynes Avenue, to run a fiber optic cable for a cell phone tower on the Wal-Mart Building.

Public Works Director Gray explained the route Compass Consultants, is requesting for an easement. This is their second set of plans, the Department of Transportation would not grant them an easement down N. Haynes Avenue being there is already lines placed there. Compass Consultants is out of Minnesota and they are using KLJ as engineer.

There was a brief discussion period between Public Works Director Gray and the Committee reviewing the route and if it would affect the City residents.

*** Committee Member Wilcox made a motion to approve the Recommendation to Council to grant the easement, seconded by Committee Member Gardner. On a roll-call vote, the Motion passed unanimously 3-0.*

There was a brief discussion between Public Works Director Gray and the Committee. The original Right of Way did not include Cale Street.

*** Committee Member Wilcox made a motion to approve the Recommendation as revised, to include Cale Street before Winchester Street in the wording for granting the Right of Way, seconded by Committee Member Gardner. On a roll-call vote, the Motion passed unanimously 3-0.*

***Committee Member Wilcox moved to adjourn, seconded by Committee Member Andrews, motion passed unanimously.*

Dwayne Andrews, Chairperson

Ally Capps, Recorder

Staff Reports

Staff Report
Proposal to Create a Tract of Record for Parcel 1 of the Anderson Tract
October 24, 2017

I. BACKGROUND

In 1946, the Federal Government patented the City the land contained with Tracts E & F (Figure 1) via patent #25-93-0281 for use as an industrial park and recreation/museum site, respectively. Since 1946, the City has leased parcels within Tract E to industrial related businesses. In about 1956, Tract E was surveyed to provide legal descriptions of 36 separate leaseholds; Lots 1-34, Anderson and Balsam tracts. See Figure 2. L. P. Anderson was one of the first lessees and initially occupied the Anderson tract (See Figure 3), later also occupying the Balsam tract. In May 2012, United Parts leased Parcel 1 of the Anderson tract while Tire Rama (LP Anderson under new ownership) updated their lease for the Balsam tract and Parcel 2 of the Anderson tract. (See Figure 4) Also in May of 2012, the City Council added an addendum to the lease agreements for both United Parts and Tire Rama to include an option to purchase their respective leaseholds. Upon further investigation into the patent requirements, numerous issues were encountered concerning the actual process to transfer the property out of federal control. Currently, United Parts is exercising the option to purchase while Tire Rama has declined the option.

In order to fulfill our contractual obligations to both lessees, the City would have to subdivide Tract E into a minimum of three lots. Completing a 3-lot subdivision is cost prohibitive at this time due to budget constraints and compliance with local and state DEQ regulations. Staff has recently identified a method to enable transfer of Parcel 1 of the Anderson Tract (United Parts) without going through a full subdivision process.

Figure 1.

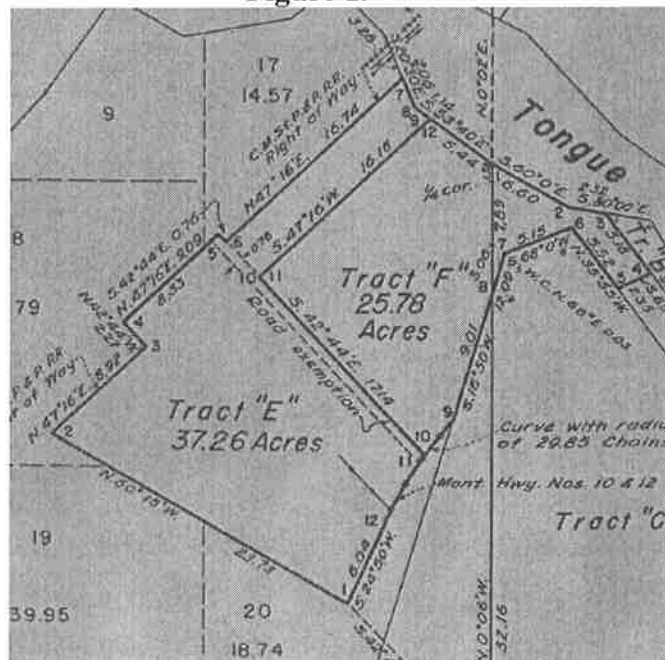


Figure 2.

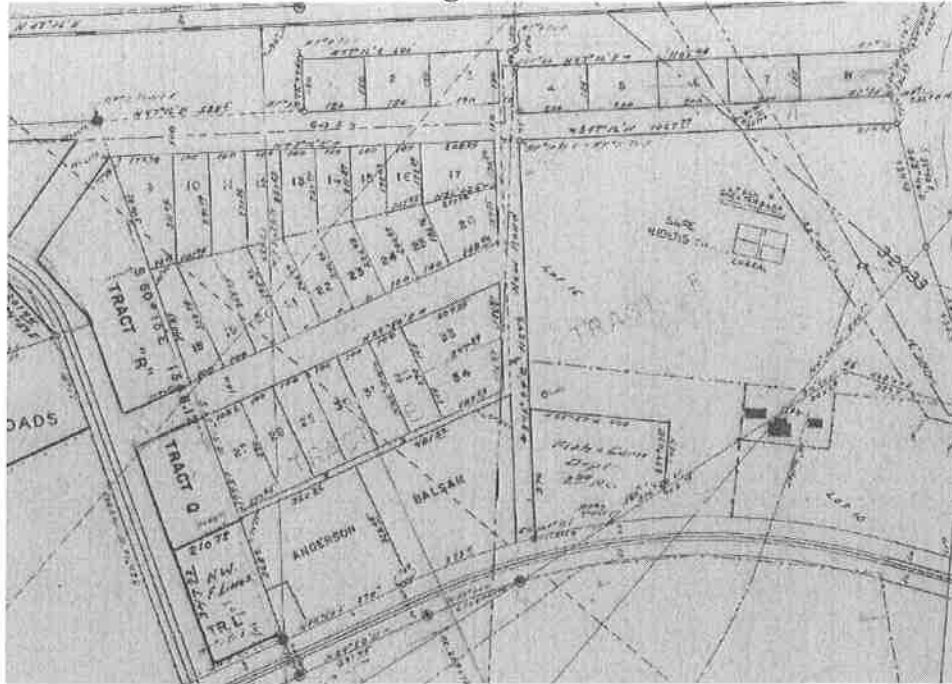


Figure 3.

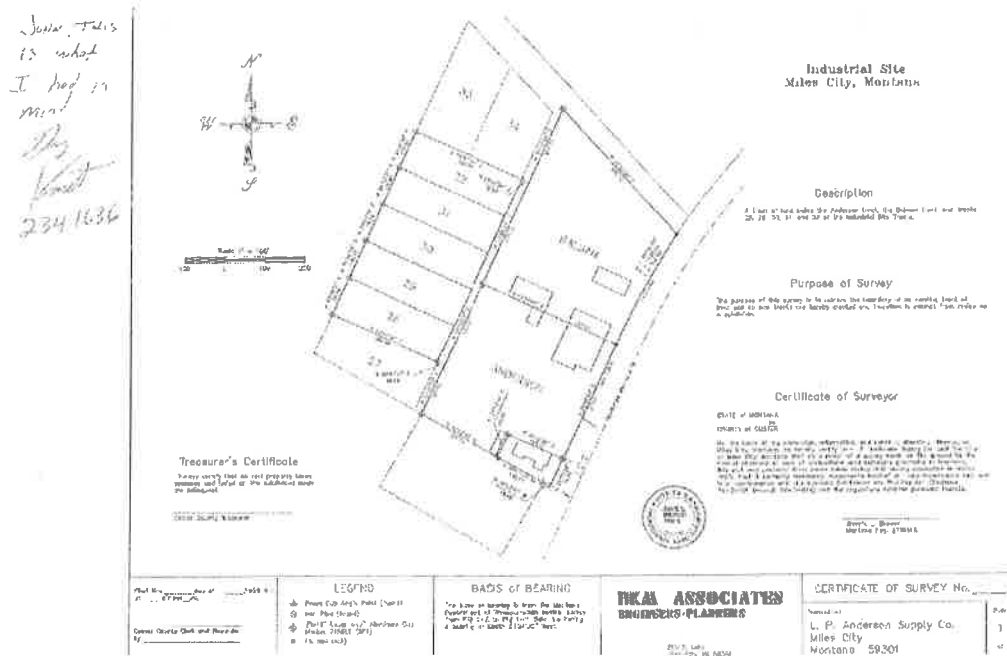
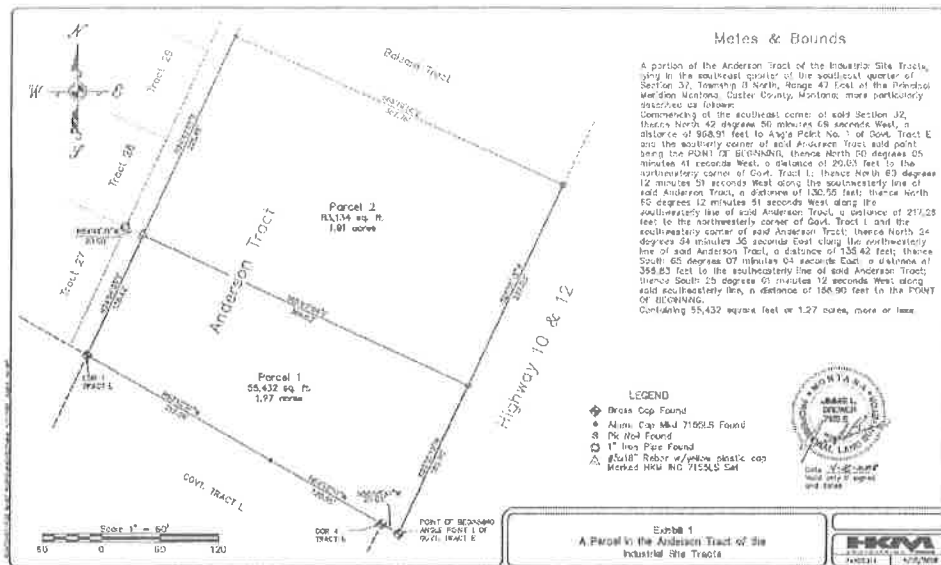


Figure 4.



II. PROPOSAL

Staff has identified an exemption within the Montana Subdivision & Platting Act (MSPA) and local subdivision regulations to allow the creation of a new tract of record for the Anderson Tract. Since that tract has been leased continuously since 1946, the City may commission a retracement certificate of survey (COS) and file it with the County Clerk & Recorder, thus making the Anderson Tract one legal tract of record, apart from Tract E. Following the recordation of the COS, the City may do a boundary line adjustment of the Anderson tract to adjust the boundary to match United Parts' current leasehold. Ultimately, Tract E will include all of the parcels as currently described, minus the 1.27 acres, more or less, now being leased by United Parts. When all the documents have been recorded and the fair market value established, the City is free to sell the property following the requirements established by the patent. Luther Appraisal Services has been contracted to establish the Fair Market Value.

Annexation is not possible because sewer service is not available to the old FWP building or the Tire Rama site at this time.

III. REVIEW PROCEDURE

This proposal will be reviewed as an exemption to the MSPA per MCA 76-3-206 and the MSPA HB1017, Section 8, Ch 334.

76-3-206. Exemption for conveyances¹ executed prior to July 1, 1974. This chapter (meaning the "Montana Subdivision and Platting Act") shall not be applicable to deeds, contracts, leases, or other conveyances executed prior to July 1, 1974

MSPA HB1017, Section 8, Ch 334. All plats, certificates or survey, and other title records recorded after June 30, 1973 and prior to the effective date of this Act in accordance with the law in force at the time of the recording, and all

plats, certificates of survey, and other title records recorded prior to July 1, 1973, and which have not been subsequently vacated are hereby validated, notwithstanding irregularities, and have the same legal status as plats recorded under the provisions of this Act.²

¹In legal parlance, 'conveyance' is defined as "the transfer of ownership or interest in real property from one person to another by a document, such as a deed, lease, or mortgage."

² Parcel 1 of the Anderson Tract has been continuously since 1949 beginning with Resolution 1017.

IV. PROCESS

1. Contract with Dowl to survey and produce a COS (Retracement Survey) of the Anderson tract and the perimeter of Tract E. (Cost: \$7500 for entire project)
2. Council reviews and approves the COS.
3. City files the COS at the Courthouse. The Anderson tract is now a separate tract of record, no longer within Tract E. (Cost: Survey review fee: \$250; Filing Fee: \$30.00)
4. Dowl produces an amended plat of Tract E to adjust the boundary line between the Balsam and Anderson tracts to define the parcel that United Parts currently leases. Council approves the amended plat.
5. City files Amended Plat at Courthouse. (Cost: Survey review fee: \$250; Filing Fee: \$30.00)
6. Council reviews the fair market value appraisal completed by Luther Appraisals. Council determines the purchase price of the United Parts parcel.
7. Council or staff negotiates with United Parts to establish the sale price of the property.
8. If sale terms are agreed upon, Council must do a budget amendment to appropriate \$90,000 to pay the General Services Administration (GSA) prior to sale of the property. The City must return this share to the Federal government per the patent terms.
9. Council requests the GSA to provide a letter stating that the patent restrictions no longer apply to the new tract of record.
10. Council proceeds with sale of public property by ordinance as per MCA 7-8-4201.

F. Land Use & Zoning

Current Land Use: Tract E is currently all commercial/industrial use.

Proposed Land Use: No change in use is proposed.

Current Zoning: Commercial – C-1

G. Surrounding Land Use & Zoning

Surrounding land uses and zoning include public lands and agriculture.

H. Utilities and Services

Water	City of Miles City
Wastewater	City of Miles City
Electricity	MDU
Solid Waste	Miles City Sanitation/Custer County Landfill District
Fire District	Custer County Fire
Police	Custer County Sheriff's Department

IV. REVIEW ITEMS TO CONSIDER

The following information is the typical review criteria for a subdivision. Review of the information below is not required for the proposed project because it is not a subdivision. The info is provided as potential impacts to consider when reviewing land use proposals of all kinds.

Compliance with Local Zoning: The parcel is appropriately zoned for commercial uses.

Finding #1. The proposed tract complies with the current County zoning.

Impact on Agriculture

This property is bordered on all sides by other developed properties and is not in an optimum location or of an adequate size to provide for much in the way of agricultural activities. The Custer County Fairgrounds is located across the I-94 Business Loop highway, zoned as Public Land.

Finding #2. There is no impact to agriculture because the area is located adjacent to an already developed area.

Impact on Agricultural Water User Facilities

The business on this parcel is already in place and has been in operation for 6 yrs. No agricultural water facilities exist on or nearby the subject property. Therefore, there is no impact on those facilities.

Finding #3. There will be no impact to agriculture water user facilities because none of these facilities exists on or near the subject property.

Impact on Local Services

1. Water and Wastewater

The property is currently served by City water and sewer services.

2. Storm water

There will be no change in stormwater runoff volumes at this time.

3. Streets

Two streets exist that currently serve the proposed lot. The site may be accessed from the I-94 Business Loop on the south or Garryowen road to the east.

4. Police & Fire Service

Police and Fire already serve the site.

5. Schools

This is a developed commercial area and therefore will not place additional demand on schools.

6. Recreation

This is a commercial business district and is not near any current parks or trails. The impact on recreational facilities is negligible.

Other Services: Solid Waste, Mail Delivery, Other Utilities

There is solid waste collection service available to this area. Mail service and utilities such as telephone and electric already serve this site.

Finding #4. There is no impact to local services as the site is established.

Impact on the Natural Environment

1. Impact to Flora & Fauna

The business on this parcel is already in place and has been in operation for 6 yrs. There is some sparse native vegetation on the north side of the lot,; however, the lot is kept clear for business operations.

2. Impact to Riparian/Wetland Areas

There are no naturally occurring riparian corridors or wetlands within this subdivision.

3. Impact to Historical/Cultural Features

No apparent cultural features were noted upon site visit.

4. Impact to Water/Air Quality

The site and area have been developed for many years. The proposed project will not degrade air quality below acceptable levels. The use of city wastewater systems will protect groundwater. Surface stormwater is currently being held in road ditches. There are few impervious surfaces. Future development will address stormwater detention/retention requirements that will help filter contaminants from impervious surfaces.

Finding #5. The impact to the natural environment is not significant because the site has been disturbed and thus has little native vegetation, has no natural water or wetlands, and has no historic or cultural features of significance.

Finding #6. The project will have minimal impact to water or air quality.

Wildlife

Montana Fish, Wildlife & Parks (FWP) maps do not list any wildlife management areas within 25 miles of Miles City. The Miles City area, in general, has a population of antelope, white tail deer and mule deer.

Wildlife Habitat

According to the Montana FWP website, the subject property does not lie in any critical habitat range.

Finding #7. Development will not have a significant impact to wildlife or wildlife habitat because there will be little change to habitat value.

Impact on Public Health and Safety

1. Floodplain

The site is out of the floodplain so this is of no concern.

2. Fire & Emergency Services

There is one fire hydrant within 500 feet of the structure. One fire hydrant is located at the southeast corner of Garryowen Road and I-94 business Loop, directly across the roadway from the proposed project.

3. Storm water

Requirements for stormwater detention will be evaluated with future subdivision of neighboring properties.

4. Street Network

There is no expected change in use or traffic counts.

5. High Voltage Transmission Lines/High Pressure Gas Lines

There are no high-pressure gas lines nearby or high voltage power transmission lines in this area.

6. Steep Slopes/Geologic Hazards

The property is generally flat. There are no steep slopes or geologic hazards on site.

Finding #8. There are no negative effects on public health and safety issues as the property has been in use for many years.

Finding #9. Current conditions will not change with the proposed project. .

Finding #10. Public health and safety is adequate because the site is absent of natural or man-made hazards.

Provision for Legal and Physical Access to Each Parcel.

The lot is directly served by existing streets that have been dedicated as public streets. Therefore, the existing street will provide legal and physical access to the parcel.

Finding #11. With the existing road network, the parcel has physical and legal access.

V. COUNCIL ACTION

This report is information only to update the Council with the plan to fulfill the City's contractual obligation to offer the subject leased parcel for sale since United Parts has exercised their option to purchase the property. Council will approve a contract between the City and Dowl.

NEXT STEPS

We need to begin serious discussions on the idea of selling Tract E. Jerry Singleton has also expressed an interest in purchasing the property he currently leases along Garryowen Rd.

City Council Comments

Public Health Board Meeting: held Oct 16, 2017

1. Board membership Donna Faber and Jody Menyhart re-appointed to the Board

 Dr. John Harris, formerly on MC, now in Glendive, wants to continue as Health Board physician member

2. Contract for Services Contract between Custer CO, the PH Board and Custer County Community Health Center (CCHC) renewed for 2 years

3. 2017 Custer County Health Alliance Community Health Assessment Report
Key findings (survey plus CDC and MT-DPHHS statistics, 2014-2015)
 - public's concerns: access to care; illegal drug and prescription drug abuse
 - preventive care: roughly 30-50% do not receive recommended preventive health care services (varies with the particular service; may be related to 33% of respondents indicating they do not have a consistent personal relationship with a primary care provider in town; 18% are uninsured.)
 - Teen birth rate: 40/1000 births (state average = 31)
 - ALC impaired driving deaths 57% of all driving deaths in county (47% state average)

4. Emergency Response Disrepair of the ER road entry to HRHC: HRHC Board to address

5. Communicable Diseases flu shot season underway; get yours!

6. Environmental Health bed bugs outbreak in-town; primary source appears to be used furniture; be sure to properly treat and/or fumigate all upholstered used furniture prior to bringing it into your home or rental unit. Usually subsides during winter.

7. Em Prep/Haz Materials *ChemPack*- a pre-assembled group of antidotes for emergency treatment of nerve-agent exposures (like sarin, VX) is available in-town; distributed and use monitored by CDC; secured at HRHC; emergency first responders are authorized to request use; pharmacist only can access and distribute.

 State-wide EP drill will be Oct 19, 2017

Bid Award



STAR COMMERCIAL PRINTING · P.O. BOX 1216 · MILES CITY, MT 59301

Please consider this our bid. Thanks. - Margo

<u>5 day Biochemical Oxygen Demand</u>	<u>500- \$ 48.22</u>
<u>Suspended Solids</u>	<u>250- \$ 39.16</u>
<u>Bacteriological Lab Worksheet</u>	<u>250- \$ 42.99</u>
<u>Daily Data & Calculation Sheet</u>	<u>500- \$ 66.02</u>
<u>City Court Payment Env.</u> 6 ¾ white env.	<u>500- \$ 67.85</u>
<u>City Court Payment Env.</u> #10 Regular white wove	<u>500- \$ 70.15</u>
<u>City of Miles City Env.</u> #10 Regular white wove	<u>500- \$ 70.15</u>
<u>City of Miles City Env.</u> #10 Regular white wove window	<u>500- \$ 70.15</u>
<u>City Claim Voucher Recap</u> Single sided pads of 100	<u>500- \$ 51.09</u>
<u>Travel Expense Voucher</u> 2 pt. carbonless, fan apart	<u>200- \$ 52.73</u>
<u>Advance Travel Expense Voucher</u> 3 pt. carbonless, fan apart	<u>200- \$ 72.43</u>
<u>City of Miles City Letterhead</u> 24# Capitol Bond	<u>500- \$ 159.70</u>
<u>Leave Authorization Form</u> 2 pt. carbonless padded in sets of 25	<u>100- \$ 33.72</u>
<u>City Purchase Order</u> CB green, CF canary Tagboard wrap, 50 sets/book	<u>500- \$ 227.00</u>
<u>Stolen Gun Entry</u>	<u>100- \$ 20.43</u>
<u>Stolen or Felony Vehicle</u>	<u>100- \$ 23.18</u>

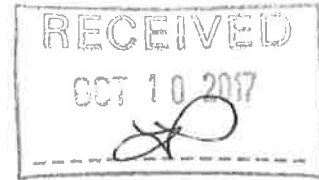


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<u>Stolen Securities & Stolen Article</u>	<u>100- Police Dept.</u> says they don't use any more
<u>Stolen Boat Entry</u>	<u>100- \$ 20.43</u>
<u>Order of Protection</u>	<u>200- \$ 33.46</u>
<u>NCIC Missing Person File</u>	<u>100- \$ 23.18</u>
<u>Wanted Person File Entry</u>	<u>300- \$ 36.64</u>
<u>Police Receipt for Property</u> 2 pt. carbonless, fan apart	<u>500- \$ 69.02</u>
<u>Request for Forensics Exam</u>	<u>500- no info for this job</u>
<u>Vehicle Impoundment Record</u> 2 pt. carbonless, fan apart	<u>100- \$ 44.35</u>
<u>Partner & Family Member Assault</u> 3 pt. carbonless, fan apart	<u>400- \$ 126.52</u>
<u>Police Dept. Letterhead</u> 24# Capitol Bond	<u>300- \$ 173.88</u>
<u>Police Dept. Receipt Books</u> 3 pt., 4/sheet, perfed, Numbered, spiraled	<u>30 books- \$ 984.08</u>
<u>Accident Exchange Sheet</u> 3 pt., 150/pad	<u>1000- \$ 294.53</u>
<u>Criminal Investigation Covers</u> -back covers to above	<u>100- \$ 65.86</u> 25- included
<u>Shutdown Notice Door Tags</u>	<u>500- \$ 46.03</u>
<u>Curb Stop Notice Door Tags</u>	<u>500- \$ 128.93</u>
<u>Work Order</u>	<u>5 books- no info for this job</u>

Cost Comparison for Printing
October 10, 2017

PRESENTED BY BOSS PRINTING



8:43 AM

Item		
5 day Biochemical Oxygen Demand I	500 ea. =	No Quote Required
5 day Biochemical Oxygen Demand II	500 ea. =	No Quote Required
Suspended Solids	250 ea. =	No Quote Required
Bacteriological Lab Worksheet	250 ea. =	No Quote Required
Daily Data & Calculation Sheet	500 ea. = \$62.50	
City Court Payment Envelope 5 1/2 Bar White Envelope	500 ea. = \$77.25	
City Court Payment Envelope #10 Regular White Wove Envelope	500 ea. = \$57.05	
City Of Miles City Envelope #10 Regular White Wove Envelope	500 ea. = \$55.25	
City Of Miles City Envelope #10 Regular White Wove Envelope - Window	500 ea. = \$58.40	
City Claim Voucher Recap Blue Bond, Black Ink Single Sided Pads Of 100	500 ea. = \$34.40	
Travel Expense Voucher 2 Part Carbonless Single Sided Glued In Sets Of 2	200 = \$	No Quote Required
Advance Travel Expense Voucher 3 Part Carbonless Single Sided Glued In Sets Of 2	200 sets =	No Quote Required
City Of Miles City Letterhead White 24lb. Smooth	500 ea. = \$59.25	
Leave Authorization Form CB Blue, CF Yellow 8 1/2 X 3 1/2 Single Sided, Glued In Sets of 2	100 ea. = \$12.95	

City Purchase Order CB Blue, CF yellow 8 1/2 X 11 Single Sided Glued In Sets Of 2	500 ea. = \$86.50	
City of Miles City Ambulance Envelope #10 Regular white wove Envelope	500 ea. =	No Quote Required
City of Miles City Ambulance Envelope #6 3/4 Regular white wove envelope	500 ea. =	No Quote Required
City of Miles City Ambulance Envelope #10 Regular White Wove Envelope Left Handed	500 ea. =	No Quote Required
City of Miles City Ambulance Envelope #10 Regular white wove Envelope Right Handed	500 ea. =	No Quote Required
Stolen Gun Entry 8x5 White Index Black Ink Single Sided	100 ea. = \$24.25	
Stolen Or Felony Vehicle	100 ea. = \$24.25	
Stolen Securities Entry	100 ea. = \$24.25	
Stolen Article Entry	100 ea. = \$24.45	
Stolen Boat Entry	100 ea. = \$25.50	
Order Of Protection Entry 8X5 White Index, Double Sided	200 ea. = \$18.50	
NCIC Missing Person File Double Sided	100 ea. = \$28.80	
Wanted Person File - Entry	300 ea. = \$23.95	
Police Receipt For Property 2 Part Carbonless, Single Sided Glued in Sets of 2	500 sets = \$73.80	
Request For Forensics Exam 2 Part Carbonless, Double Sided Glued in Sets of 2	500 sets = \$87.75	
Vehicle Impoundment Record 2 Part Carbonless, Single Sided Glued in Sets of 2	100 sets = \$41.50	
Partner & Family Member Assault Notice	400 sets = \$91.15	

3 Part Carbonless, Single Sided
Glued in Sets of 3

Police Dept. Letterhead 300 ea. = \$72.10
White 24lb. Smooth

Police Dept. Receipt Books 30 bks = \$753.00
4 Per Sheet, 3 Part
Perforated, Numbered, Wirebound

Accident Exchange Sheet 1000 ea. = \$212.75
8 1/2 X 11 3 Part, 150 Per Pad

Criminal Investigation Covers 100 ea. = \$70.25
8.75X12.5 Blue 110# Index Colored

Back Covers To Above 25 ea. = \$12.80

Shutdown Notice Door Tags 500 ea.= \$75.10

Curb Stop Notice Door Tags 500 ea. = \$48.04

Work Order 5 books = \$101.30
3 Part Carbonless, Single Sided
8x5, Numbered (8 1/2 x 5 w/ Stub)
White, Yellow & Pink

**PUBLIC HEARINGS
&
UNFINISHED BUSINESS**

ORDINANCE NO. 1316

AN ORDINANCE REVISING SECTIONS 12-56 THROUGH 12-62 OF THE FLOOD CODE PROVISIONS OF THE CODE OF ORDINANCES OF MILES CITY, MONTANA, REGARDING REVIEW OF FLOODPLAIN VARIANCE APPLICATIONS.

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

Section 1. Sections 12-56 through 12-62 of the Flood Code provisions within the Code of Ordinances of Miles City, Montana, shall be revised to read as follows:

Sec. 12-56 GENERAL

A variance from the minimum development standards of these regulations may be granted by the City Council. An approved variance would permit construction in a manner otherwise as required or prohibited by these regulations. ((44 CFR 59.1) (ARM 36.15.218))

Sec. 12-57 VARIANCE APPLICATION REQUIREMENTS:

1. Prior to any consideration of a variance from any development standard in these regulations, a completed Floodplain Permit application and required supporting material must be submitted.
2. Additionally, supporting materials in a Variance application specific to the variance request including facts and information addressing the criteria in this section must be submitted.
3. If the Floodplain permit application and Variance application is deemed not correct and complete, the Floodplain Administrator shall notify the applicant of deficiencies within a reasonable time not to exceed 30 days. Under no circumstances should it be assumed that the variance is automatically granted.

Sec. 12-58 NOTICE REQUIREMENTS FOR FLOODPLAIN VARIANCE

APPLICATION Public Notice of the Floodplain Variance application shall provide the following information:

1. Name of applicant and the landowner (if different);
2. Legal description of the site and its address or another general description by which the public can locate it;
3. Present land use at the site;
4. Proposed use;
5. That a public hearing is to be held before the City Council, and that the City Council will conduct a public hearing and accept public comment on the application;

6. The date, time and place of the hearing; and
7. Where applications are available for review.

Notice of the hearing shall be provided as follows:

1. By certified mail, at least 15 calendar days before the hearing, to the applicant, landowner, and all adjoin property owners (including purchasers of record under contract for deed) and owners of land within 150 feet of the subject property;
2. By newspaper publication, at least 15 calendar days before the hearing, one legal notice in the official newspaper;
3. To the State National Floodplain Insurance Program Coordinator located in DNRC by the most efficient method.

Sec. 12-59 EVALUATION OF VARIANCE APPLICATION

1. A Floodplain permit and Variance shall only be issued upon a determination by the City Council that the variance is the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and provided all of the following criteria are met:
 1. There is a good and sufficient cause. Financial hardship is not a good and sufficient cause; (44 CFR 60.6(a)(3))
 2. Failure to grant the variance would result in exceptional hardship to the applicant; (44 CFR 60.3(a)(3)) & ARM 36.15.218(b))
 3. Residential and nonresidential buildings are not in the Floodway except for alterations or substantial improvement to existing buildings, Residential dwellings including basements and attached garages do not have the lowest floor elevation below the Base Flood Elevation;
 4. Any enclosure including a crawl space must meet the requirements of Section 12-51.14, Wet Flood Proofing if the enclosure interior grade is at or below the Base Flood Elevation;
 5. Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances; (44 CFR 60.6 (a)(3) & (ARM 36.15.218(a))
 6. The proposed use is adequately flood proofed; (ARM 36.15.218(c))
 7. The variance is the minimum necessary, considering the flood hazard, to afford relief; (44 CFR 60.6(a)(4))
 8. Reasonable alternative locations are not available; (MCA 76-5-406(3) & ARM 36.15.218(d))

9. An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and (44 CFR 60.6(a)(1))
 10. All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.
2. An exception to the variance criteria may be allowed as follows:
1. For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the Base Flood Elevation; or (44 CFR 60.6(a).
 2. Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program. (44 CFR 60.6(a))

Sec. 12-60 DECISION

1. The City Council shall:

1. Evaluate the Floodplain permit application and Variance application using the criteria in Section 12-59, and the application requirements and minimum development standards in Articles 9 and 10;
2. Make findings, and approve, conditionally approve or deny a Floodplain permit and variance within 60 days of a complete application. (criteria as stated in Section 12-33.1)
3. If approved, attach conditions to the approval of Floodplain permit and Variance including a project completion date and inspections during and after construction.
4. Notify the applicant that the issuance of a Floodplain permit and Variance to construct a structure not meeting the minimum building requirements in these regulations may result in increased premium rates for flood insurance and that flood insurance premiums are determined by actuarial risk and will not be modified by the granting of a variance. (44CFR 60.6(a))
5. Submit to the Floodplain Administrator a record of all actions involving a Floodplain permit and variance, including the findings and decision and send a copy of each variance granted to DNRC.(44 CFR 60.6(a)(6) & MCA 76-5-405)

Sec. 12-62 GENERAL

An administrative appeal may be brought before the City Council for review of the Floodplain Administrator's order, decision to grant, condition or deny a floodplain permit or interpretation of the Regulated Flood Hazard Area boundary.

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

Said Ordinance read and put on its passage this 10th day of October, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 24th day of October, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

New Business

RESOLUTION NO. 4111

A RESOLUTION ADOPTING A 2017 UPDATE TO MULTI-HAZARD MITIGATION PLAN FOR CUSTER COUNTY, MONTANA AND CITY OF MILES CITY AND TOWN OF ISMAY.

WHEREAS, in October of 2000 the President of the United States signed into law the “Disaster Mitigation Act of 2000” (PL 106-390) to amend the “Robert T. Stafford Disaster Relief and Emergency Act of 1988” which among other provisions requires local governments to adopt a Multi-Hazard Mitigation Plan in order to be eligible for hazard mitigation funding;

AND WHEREAS, the City of Miles City, Montana has worked closely with Custer County Disaster and Emergency Services to update a county-wide Multi-Hazard Mitigation Plan that will serve the needs of Custer County;

AND WHEREAS, the City of Miles City supports the 2017 Update to the Custer County Multi-Hazard Mitigation Plan as a logical means toward protecting people and property from the potential devastating effects of natural and man-made hazards;

AND WHEREAS, the City Council finds that said plan protects and is in the best interest of the City of Miles City and its residents, and desires to adopt and approve the same;

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

1. The “2017 Update to Multi-Hazard Mitigation Plan for Custer County, Montana and City of Miles City and Town of Ismay attached hereto as Exhibit “A”, and made a part hereof, are hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out and implement said Plan, 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, AT A DULY CALLED MEETING THIS 24TH DAY OF OCTOBER, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

CITY OF MILES CITY

17 S. 8th ; P.O. Box 910, Miles City, MT 59301

FAX #: (406) 234-2903

PHONE#: (406)234-3462

MEMORANDUM

DATE: 10/20/2017

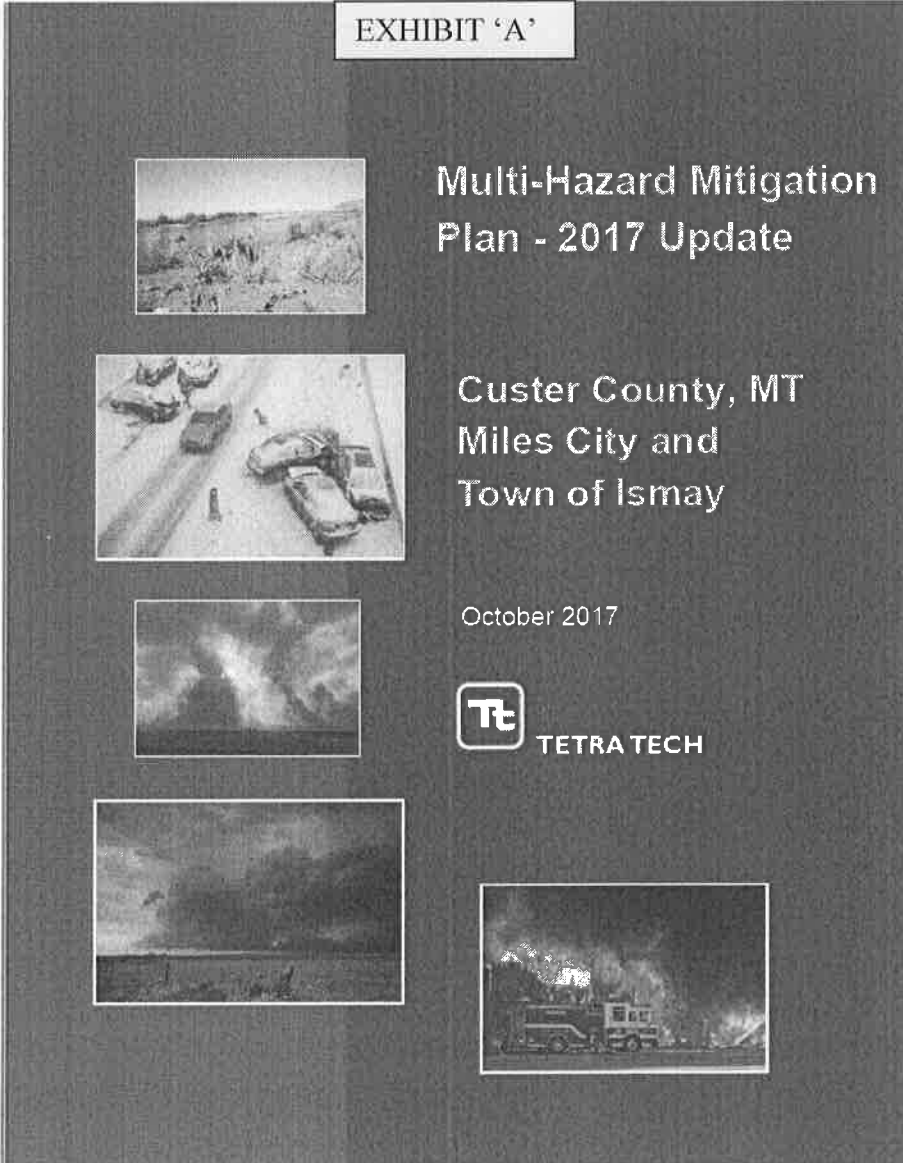
RE: Resolution No. 4111

PLEASE NOTICE:

The full Multi-Hazard Mitigation Plan-2017 Update is available for review in the City Clerk's Office, or on the website: <http://milescity-mt.org> .

A digital copy can be emailed to any requesting party by contacting the City Clerk's office at 406-874-8602, or cityclerk@milescity-mt.org .


EXHIBIT 'A'



Multi-Hazard Mitigation
Plan - 2017 Update

Custer County, MT
Miles City and
Town of Ismay

October 2017

 TETRA TECH

RESOLUTION NO. 4113

A RESOLUTION APPROVING A REVISED FIRE PROTECTION AGREEMENT FOR CONTRACTED FIRE SERVICES.

WHEREAS, the City of Miles City provides certain fire protection services to individuals who own property outside of the city limits, for a fee;

AND WHEREAS, the City desires to approve an updated form of agreement to be used for said services, to clarify that wildland fire services are not provided as a part of said agreement;

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

1. The City of Miles City does hereby approve the "Fire Protection Agreement" form attached hereto as Exhibit "A," and incorporated herein by this reference.

2. The Mayor is authorized to enter into fire protection agreements utilizing said form on behalf of the City, and to bind the 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 24TH DAY OF OCTOBER, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

EXHIBIT A

**FIRE PROTECTION AGREEMENT
BETWEEN THE CITY OF MILES CITY
AND**

THIS AGREEMENT made and entered into this * day of * 2014, by and between the CITY OF MILES CITY, a political subdivision of the State of Montana, hereinafter called "*CITY*"; and *, of *, Miles City, Montana, hereinafter called "*PROPERTY OWNER*".

RECITALS:

WHEREAS, Property Owner owns improved property within Custer County, Montana, which is outside the city limits of the City of Miles City and desires fire protection from the City for the property identified herein;

AND WHEREAS the Attorney General of the State of Montana, in his opinion dated May 4, 1988, held that cities have authority to contract with entities outside of the city limits for fire protection;

AND WHEREAS, the City deems it to be in the public interest to enter into private fire contracts with certain properties outside of its city limits.

NOW, THEREFORE, for the considerations herein above and hereinafter made, the CITY and PROPERTY OWNER ***HEREBY AGREE*** as follows:

1. ***IDENTITY OF CONTRACTED PROPERTY***. CITY shall furnish stand-by fire protection service to the Contracted Property of the PROPERTY OWNER situated in Custer County, Montana, and described as follows;

All structures and contents located upon the following described real property: *
Such property is commonly known as *

The above described property is the only property of Property Owner for which City is providing services under this Agreement. The above described property is hereafter referred to as the "*Contracted Property*".

2. **DUTY TO MAINTAIN IDENTIFYING SIGN.** PROPERTY OWNER will, at the commencement of this Agreement, and at PROPERTY OWNER's expense, affix a sign upon the mailbox and/or the residence upon the Contracted Property, visible from the street upon which the above "street address" is given, identifying the street address and/or name of the Contracted Property. Such sign shall be in contrasting colors with numbers and letters of at least 6" height. All such signs shall be subject to the approval of the Chief of the CITY's Fire Department. Thereafter PROPERTY OWNER, at all times during the terms of this Agreement, shall maintain such sign in good condition and assure that it is continuously visible.

3. **SERVICE TO BE PROVIDED.** "Stand-by fire protection service" for purposes of this Agreement shall consist of the following: The CITY will, upon receiving a fire alarm identifying a fire at the Contracted Property, send fire equipment and personnel from its fire department for the purpose of attempting to suppress and extinguish the fire upon the Contracted Property. The City does not provide any wildland fire protection services. Due to the lack of water supply in some areas outside of the City Limits and the inherent difficulties of firefighting, the CITY cannot guarantee results in their firefighting efforts. The CITY will use reasonable efforts within the limits of its personnel and equipment to suppress and extinguish the fire on the Contracted Property.

4. **DISCRETIONARY RIGHT TO WITHDRAW PERSONNEL AND EQUIPMENT OR NOT RESPOND IN EMERGENCY SITUATIONS.** CITY reserves the right to withdraw any portion of the personnel and equipment committed to fire suppression efforts upon the Contracted Property if, in the sole and absolute discretion of the CITY, acting through its Fire Chief, Battalion Chief or fire ground commander, an emergency situation, including another fire, exists, within or without the City Limits of the CITY, which requires commitment of personnel and/or equipment being utilized upon the Contracted Property. This reserved right of the City to withdraw includes the right not to respond to a fire alarm upon the Contracted Property if, in the sole and absolute discretion of the CITY, acting through its Fire Chief, Assistant Fire Chief or fire ground commander, its fire equipment and personnel are committed upon another emergency incident which requires the continued commitment of such equipment and personnel. Such decisions of the CITY will be based upon considerations of life-safety, relative values of properties involved, potential risks to other lives and property, and such other factors as CITY, in its sole and absolute discretion, deems relevant.

5. **COOPERATION BY PROPERTY OWNER:** The CITY is authorized to take all measures that it, in its sole and absolute discretion, deems necessary for the suppression of any fire upon the Contracted Property and the PROPERTY OWNER will cooperate with all reasonable requests of the CITY in the suppression of such fire. In this regard, if more than one fire suppression agency responds to a fire upon the Contracted Property, PROPERTY OWNER hereby designates the CITY as the agency in charge of fire operations and, if requested by the CITY, will direct any other responding fire suppression agency to withdraw from the Contracted Property.

PROPERTY OWNER will, during the term of this Agreement, grant to CITY reasonable access to the Contracted Property for purposes of inspection of the property for fire risks or pre-planning fire operations upon the Contract Property. This provision shall not require the CITY to inspect the Contracted Property for fire risks or pre-plan fire operations upon the Contract Property, such activities being in the sole and absolute discretion of the CITY.

6. **CONSIDERATION**: As consideration for this Agreement, PROPERTY OWNER shall pay to the CITY immediately upon execution of this Agreement by PROPERTY OWNER, the sum of \$*. Thereafter the annual fee shall be *\$ (*) per year, due and payable on or before the 1st day of July of each year thereafter. This sum is based upon the taxable valuation of the property multiplied by that portion of the Miles City General Fund mill levy that is appropriated for fire service. This annual fee shall be increased or decreased annually in accordance with the foregoing formula.

7. **TERM OF AGREEMENT**: The term of this agreement shall be from the date of execution to July 1, 2014, and shall continue, upon payment by PROPERTY OWNER of the annual fee provided for herein, from July 1 to June 30 each year thereafter until terminated by either party.

8. **TERMINATION**: This agreement may be terminated at any time by either party upon thirty (30) days advance written notice, and, in the event of such termination, the amount of payment paid by PROPERTY OWNER will be prorated for the unused time period of the contract. *PROVIDED HOWEVER*, that should PROPERTY OWNER fail to pay the annual fee on or before July 1st of each year, services hereunder by the CITY to the Contracted Property shall be immediately suspended until payment in full of such fee by PROPERTY OWNER.

9. **TIME OF THE ESSENCE**: Time is of the essence of this Agreement.

10. **BINDING NATURE**: This Agreement is binding upon and inures to the benefit of the parties, their successors and assigns.

11. **APPLICABLE LAW; VENUE**: This Agreement shall be construed and governed under the laws of the State of Montana and any action maintained to interpret or enforce this Agreement shall be venued in the District Court of the Montana Sixteenth Judicial District in and for the County of Custer.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first above written.

CITY OF MILES CITY - "CITY"

By: _____
Its Mayor

ATTEST:

CITY CLERK

"PROPERTY OWNER"

RESOLUTION NO. 4114

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO A CITY PRINTING CONTRACT WITH BOSS PRINTING COMPANY.

WHEREAS, the City has advertised for and accepted bids for a city printing contract;

AND WHEREAS Boss Printing Company, a Montana corporation, of P.O. Box 1056, Miles City, Montana was the lowest responsible bidder for such contract;

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

1. The Contract for City Printing, attached hereto, between the City of Miles City and Boss Printing Company 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 Contract on behalf of the City of Miles City and bind the City of Miles City thereto; and
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 Contract and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 24th DAY OF OCTOBER, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

CONTRACT FOR CITY PRINTING

THIS CONTRACT is made and entered into this 24th day of October, 2017 by and between the City of Miles City, Montana, a Montana Municipal Corporation, of P. O. Box 910, Miles City, Montana 59301 hereinafter called "City," and Boss Printing Company, a Montana corporation, of P.O. Box 1056, Miles City, Montana 59301, hereinafter called "Printer."

WHEREAS, the City Council of the City of Miles City, Montana, did heretofore advertise for bids pursuant to Montana Code Annotated 7-5-4108, and Printer was the lowest responsible bidder, said bid dated October 10, 2017, being attached hereto as Exhibit "A" and by this reference made a part hereof.

NOW, THEREFORE, the parties agree as follows:

The term of this contract shall be for one (1) year, effective October 24, 2017 until October 25, 2018.

City hereby contracts with Printer for completion of certain commercial printing jobs as specified in Exhibit "A" and agrees to pay for said printing during the term of this contract at the prices and amounts specified therein.

In any litigation arising out of this contract, the successful litigant shall be entitled to receive from the other parties, in addition to the costs and disbursements provided for by statute, a reasonable attorney's fee as fixed by the Court.

IN WITNESS WHEREOF, the parties hereto have made and executed this Contract on the day and year first above written.

"CITY"

The City of Miles City, Montana

By: _____
John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

"PRINTER"

Boss Printing Company

By: _____
Tige Vester, CEO

Cost Comparison for Printing
October 10, 2017

PRESENTED BY BOSS PRINTING

Item		
5 day Biochemical Oxygen Demand I	500 ea. =	No Quote Required
5 day Biochemical Oxygen Demand II	500 ea. =	No Quote Required
Suspended Solids	250 ea. =	No Quote Required
Bacteriological Lab Worksheet	250 ea. =	No Quote Required
Daily Data & Calculation Sheet	500 ea. = \$62.50	
City Court Payment Envelope 5 1/2 Bar White Envelope	500 ea. = \$77.25	
City Court Payment Envelope #10 Regular White Wove Envelope	500 ea. = \$57.05	
City Of Miles City Envelope #10 Regular White Wove Envelope	500 ea. = \$55.25	
City Of Miles City Envelope #10 Regular White Wove Envelope - Window	500 ea. = \$58.40	
City Claim Voucher Recap Blue Bond, Black Ink Single Sided Pads Of 100	500 ea. = \$34.40	
Travel Expense Voucher 2 Part Carbonless Single Sided Glued In Sets Of 2	200 = \$	No Quote Required
Advance Travel Expense Voucher 3 Part Carbonless Single Sided Glued In Sets Of 2	200 sets =	No Quote Required
City Of Miles City Letterhead White 24lb. Smooth	500 ea. = \$59.25	
Leave Authorization Form CB Blue, CF Yellow 8 1/2 X 3 1/2 Single Sided, Glued In Sets of 2	100 ea. = \$12.95	

City Purchase Order CB Blue, CF yellow 8 1/2 X 11 Single Sided Glued In Sets Of 2	500 ea. = \$86.50	
City of Miles City Ambulance Envelope #10 Regular white wove Envelope	500 ea. =	No Quote Required
City of Miles City Ambulance Envelope #6 3/4 Regular white wove envelope	500 ea. =	No Quote Required
City of Miles City Ambulance Envelope #10 Regular White Wove Envelope Left Handed	500 ea. =	No Quote Required
City of Miles City Ambulance Envelope #10 Regular white wove Envelope Right Handed	500 ea. =	No Quote Required
Stolen Gun Entry 8x5 White Index Black Ink Single Sided	100 ea. = \$24.25	
Stolen Or Felony Vehicle	100 ea. = \$24.25	
Stolen Securities Entry	100 ea. = \$24.25	
Stolen Article Entry	100 ea. = \$24.45	
Stolen Boat Entry	100 ea. = \$25.50	
Order Of Protection Entry 8X5 White Index, Double Sided	200 ea. = \$18.50	
NCIC Missing Person File Double Sided	100 ea. = \$28.80	
Wanted Person File - Entry	300 ea. = \$23.95	
Police Receipt For Property 2 Part Carbonless, Single Sided Glued in Sets of 2	500 sets = \$73.80	
Request For Forensics Exam 2 Part Carbonless, Double Sided Glued in Sets of 2	500 sets = \$87.75	
Vehicle Impoundment Record 2 Part Carbonless, Single Sided Glued in Sets of 2	100 sets = \$41.50	
Partner & Family Member Assault Notice	400 sets = \$91.15	

3 Part Carbonless, Single Sided
Glued in Sets of 3

Police Dept. Letterhead 300 ea. = \$72.10
White 24lb. Smooth

Police Dept. Receipt Books 30 bks = \$753.00
4 Per Sheet, 3 Part
Perforated, Numbered, Wirebound

Accident Exchange Sheet 1000 ea. = \$212.75
8 1/2 X 11 3 Part, 150 Per Pad

Criminal Investigation Covers 100 ea. = \$70.25
8.75X12.5 Blue 110# Index Colored

Back Covers To Above 25 ea. = \$12.80

Shutdown Notice Door Tags 500 ea.= \$75.10

Curb Stop Notice Door Tags 500 ea. = \$48.04

Work Order 5 books = \$101.30
3 Part Carbonless, Single Sided
8x5, Numbered (8 1/2 x 5 w/ Stub)
White, Yellow & Pink

ORDINANCE NO. 1317

AN ORDINANCE REVISING ZONING CODE SECTIONS 24-90, 24-91, AND ARTICLE V (DEFINITIONS), SO AS TO CALL FOR REVIEW OF CONDITIONAL USE PERMITS BY CITY COUNCIL.

WHEREAS, the City Council of the City of Miles City has determined that for prudent administration of the Zoning Code, the City Council should review all applications for conditional use permits;

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

AND WHEREAS, the Miles City Zoning Commission, on _____, upon public hearing and deliberation, recommended to the City Council that such changes be approved.

AND WHEREAS, the City Council finds that the proposed revisions to conditional use permit review process, following public hearing at the City Council level for additional public comment, are in the best interests of the City and its residents.

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

Section 1. City Code Section 24-90 shall be amended to read as follows:

Sec. 24-90. – Board of Adjustment.

- a) The Board of Adjustment is established to act on variances and appeals of the Administrator decisions and actions. The Board of Adjustment shall not hear matters related to conditional uses, and shall not review or approve conditional use permit applications.
- b) The Board of Adjustment consists of five members appointed by the mayor for staggered three year terms, and subject to the confirmation by the City Council. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Board members serve without compensation. A Board member is removable for cause by the City Council upon written charges and after public hearing.
- c) The Board of Adjustment shall appoint one of its members as chairman and will set its operating rules in accordance with 76-2-321 through 76-2-328, Montana Code Annotated.
- d) All official files of the Board of Adjustment shall be held in the offices at City Hall.

- e) Meetings of the Board of Adjustment must be held at the call of the chairman and at other times that the board may determine.
- f) The chairman or in the chairman's absence the acting chairman may administer oaths and compel the attendance of witnesses.
- g) The concurring vote of four members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Administrator; to decide in favor of the applicant on any matter upon which the Board of Adjustment is required to pass under these regulations; or to effect any variation in these regulations.
- h) All meetings of the Board of Adjustment shall be open to the public.
- i) The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the offices at City Hall and shall be a public record.

Section 2. City Code Section 24-91 shall be amended to read as follows:

Sec. 24-91. – Conditional Use Permit Review.

- a) **Purpose:** Conditional uses require public review for activities that may have a significant impact on the landscape setting, public facilities, or neighboring land uses. Conditional uses may be compatible with the permitted uses in a zoning district, but require individual review of their location, scale, design, and configuration, and may include the imposition of special conditions or mitigations in order to ensure the appropriateness of the use at a particular location within a given zoning district.
- b) **Applicability:** The conditional uses for each district are listed in the permitted and conditional use tables in the various districts sections in Article II. When a proposed use is listed as a conditional use in the site's zoning district, the following require review under this Section:
 - 1. Any new conditional uses;
 - 2. Any non-minor changes of occupancy resulting in a different conditional use, as determined by the Administrator;
 - 3. Any expansion to an existing use listed as a conditional use involving addition to buildings or outdoor areas directly associated with the conditional use that is greater than 25 percent of the existing square footage or 5,000 square feet, whichever is less; and
 - 4. Changes in use where the parking requirements will exceed 25 percent of the existing use.

- c) **Procedure:** The following is the typical procedure for an applicant to apply for and receive a Conditional Use Permit:
1. The applicant shall submit a properly completed Conditional Use Permit application form, a site plan, any supporting materials necessary to demonstrate compliance with these regulations, and the required application fee at City Hall.
 2. The Administrator shall determine whether the application is complete and sufficient for review. When an application is determined incomplete or insufficient, the Administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
 3. After determining a Conditional Use Permit application is complete and sufficient, the Administrator shall place a public hearing on the proposed conditional use on the agenda of the next City Council meeting for which the notice requirements of these regulations can be met (Section 24-97), and at which time will allow for its proper consideration.
 4. The Administrator shall give notice of the public hearing in accordance with Section 24-97.
 5. The Administrator shall prepare, or contract for preparation of, a report that describes the proposed conditional use, its site, its context, and its compliance, or failure to comply, with the applicable requirements of these regulations. In preparation of the report, the Administrator may seek input from the police, fire, parks, sewer and water, streets, solid waste and other departments as well as other agency and service providers including the Montana Department of Transportation, local school district, utility service providers, Montana Department of Environmental Quality and others. In the report the Administrator shall propose findings of fact and a recommendation of approval, approval with conditions or denial of the proposal for the City Council's consideration.
 6. The City Council shall conduct a hearing on the proposed conditional use. At that hearing, the City Council shall review the particular facts and circumstances of the proposed conditional use and adopt findings of fact in support of its decision. If the City Council finds the application complies with the evaluation criteria in (d), below it shall approve the application. If the City Council finds the application fails to comply, it shall deny the application. All decisions by the City Council shall require the majority vote of a quorum of the Council, with the Mayor having the authority to break any ties.
 7. Conditions may be attached to approval of any Conditional Use Permit as provided in (e) below, provided the City Council specifically identifies the basis for each condition.
 8. Consideration of a Conditional Use Permit application may be tabled for no more than 35 calendar days.

9. Within 10 days after a decision on the Conditional Use Permit application is made, the Administrator, working on behalf of the City Council, shall notify the applicant of the decision and any conditions attached to the approval.
 10. Upon the applicant demonstrating compliance with any conditions required by the City Council to the Administrator, the Conditional Use Permit will be issued by the Administrator within 10 days.
 11. Approval of a conditional use by the City Council does not require the Administrator to permit any activity that is found to not comply with other applicable requirements.
- d) **Evaluation Criteria.** The City Council, after weighing and evaluating the proposed use in light of the criteria set forth below, shall grant a Conditional Use Permit if the application, supplemental information, public hearing and other evidence demonstrate that:
1. The proposed use complies with the applicable standards and the requirements of the zoning district in which the project is proposed;
 2. The proposed use, including mitigation measures, shall have no more adverse effects on the health, safety, or welfare of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than would any other permitted or conditional uses in the same district. In making such determination, consideration shall be given to the location, type, height, scale, layout, and the type and extent of landscaping and screening on the site, as well as measures proposed by the applicant to minimize impacts to neighborhood;
 3. Adequate facilities and services are, or will be, through the application of these regulations and the adoption of conditions, made available to serve the proposed use including police, fire, parks, sewer, water, streets, motorized and non-motorized transportation, drainage, solid waste, schools and other facilities and services as appropriate;
 4. Adequate measures shall be taken as necessary to provide ingress and egress so designed as to minimize traffic hazards and to minimize traffic congestion on the public roads; and
 5. No use shall be constructed or operated so as to cause excessive noise, vibrations, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare into a residential district. "Excessive" is defined for these purposes as a degree that could be observed by the Administrator and City Council to be injurious to the public health, safety or welfare.
- e) **Conditions.** Conditions may be imposed upon the approval of any Conditional Use Permit, if:
1. They are clearly designed to ensure compliance with one or more specific requirement of these or other adopted regulations the city has the ability to enforce;

2. They are clearly designed to ensure the applicant complies with other laws or regulations;
 3. They are directly related to the anticipated impacts of the proposed use;
 4. They are roughly proportional to the anticipated impacts of the proposed use;
 5. The applicant offers to take specific actions in relation to the proposal that can be ensured through the implementation of a condition; or
 6. That conditions are deemed necessary to protect the public health, safety and general welfare.
- f) **Approval Period.** Conditional Use Permits are typically valid for two years from the date of approval by the City Council, during which time all construction must be completed and compliance with the permit demonstrated. After this time, the use must remain in compliance with the City Council approval and these regulations. However:
1. A Conditional Use Permit may be granted with a shorter approval period as deemed appropriate by the City Council with a justifiable reason related to protecting public health and safety or to ensure compliance with these regulations or other applicable regulations or laws.
 2. At the end of the approval period the City Council may, at the request of the applicant, extend its approval for a mutually agreed-upon period of time. The City Council may issue more than one extension. For a permit to be extended, the applicant may be required to submit substantiating evidence justifying the request and showing good cause for extending the permit period.

Section 3. City Code Chapter 24, Article V, “Definitions,” shall be amended as follows:

ARTICLE V. – DEFINITIONS

Conditional Use Permit: A permit issued for any land use or building activity listed as a “conditional use” in the various zoning districts following review of a conditional use by the City Council and the applicant meeting any conditions imposed by the City Council.

Section 4. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this ____ day of _____, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this ____ day of _____, 2017.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk