



# CITY OF MILES CITY AGENDA

*Regular Council Meeting  
City Council Chambers*

*June 28, 2016  
7:00 p.m.*

**CLOSED SESSION AT 6:00 PM- DISCUSSION ON SOUTHGATE LAWSUIT**

**CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL**

1. **APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES**
  - A. Regular Council Meeting 6/14/2016
  - B. Human Resource Meeting 6/21/2016
2. **SCHEDULE MEETINGS**  
2016/2017 Budget Meetings 7/11 & 7/13 @ 6pm
3. **REQUEST OF CITIZENS & PUBLIC COMMENT**
4. **APPOINTMENTS**
5. **PROCLAMATIONS**
6. **STAFF REPORTS**  
Connie Muggli- Update on BNSF depot
7. **CITY COUNCIL COMMENTS**
8. **MAYOR COMMENTS**  
**COMMITTEE RECOMMENDATIONS**  
**Finance Committee**-Approve the purchase of an ambulance for an amount of \$230,000  
**Finance Committee**- Compensate Ingraham Environment an amount of \$1,500 for pest control cost  
**Human Resource Committee** – Recommend to City Council that from 6/15/16 Human Resources correct the vacation accrual rate for Firefighters and move forward since this was a clerical error in the past.
9. **BID OPENINGS**
11. **BID AWARDS**  
**WWTP Phase II Construction**
12. **PUBLIC HEARINGS**
13. **UNFINISHED BUSINESS**
14. **NEW BUSINESS**

- A. **RESOLUTION NO. 3921 (Revisit) A Resolution Approving Amendment of the Interlocal Agreement Between the City of Miles City and the County of Custer for Provision of Health Services**
- B. **RESOLUTION NO. 3932- 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 2016**
- C. **RESOLUTION NO. 3934- A Resolution Approving A Miscellaneous Professional Services Agreement With Kadrmas, Lee & Jackson, Inc., For On-Call Services Related to the Custer County Miles City Flood Protection Project**
- D. **RESOLUTION NO. 3935- A Resolution Approving A Letter of Engagement With Kadrmas, Lee & Jackson, Inc., For Funding Assistance Related to the Custer County Miles City Flood Protection Project**
- E. **RESOLUTION NO. 3937- A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 for Unanticipated Expenditures and unanticipated Revenue in the Airport Capital Improvement Fund**
- F. **RESOLUTION NO. 3938- A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2015-2016 for Unanticipated Expenditures in the Tax Increment Financing District Fund**
- G. **RESOLUTION NO. 3940- A Resolution Adopting Findings of Fact and Approving the Amended Plat for the Purpose of Boundary Line Relocation of Lots 9 and 10 of Block 58 in the Miles City Original Townsite Within the City of Miles City**
- H. **ADJOURNMENT**

Public comment on any public matter that is not on the agenda of this meeting can be presented under Request of Citizens, provided it is within the jurisdiction of the City to address. Public comment will be entered into the minutes of this meeting. The City Council cannot take any action on a matter unless notice of the matter has been made on an agenda and an opportunity for public comment has been allowed on the matter. Public matter does not include contested cases and other adjudicative proceedings

**REGULAR COUNCIL MEETING June 14, 2016**  
**7:00 p.m.**

**CALL TO ORDER**

The Regular Council meeting was held Tuesday, June 14, 2016, in the City Hall Conference Room at City Hall, 17 S. 8<sup>th</sup> Street, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were John Uden, Rachel Sloan, Dwayne Andrews, Susanne Galbraith, Brant Kassner, Jeff Erlenbusch, Ken Gardner and Kathy Wilcox.

Also present were Police Chief Doug Colombik, Public Utilities Director Allen Kelm, Acting Fire Chief Branden Stevens, Firefighter Sarah Lewin, Firefighter Eric Hartse, Firefighter Justin Trethewey, Grant Writer/Planner in Training Dawn Colton, Flood Plain Administrator/AUTO CAD/Assistant PWPV Samantha Malenovsky 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**

**Regular Council Minutes: 5/24/2016**

\*\* *Councilperson Uden moved to approve the minutes of the Regular Council Meeting of May 24, 2016, and seconded by Councilperson Kassner. The motion **passed** by unanimous consent, 8-0.*

**Finance Committee Meeting Minutes: 5/18/2016**

\*\* *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of May 18, 2016, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 8-0*

**Human Resource Meeting Minutes: 5/18/2016**

\*\* *Councilperson Sloan moved to approve the minutes of the Human Resource Committee Meeting of May 18, 2016, and seconded by Councilperson Galbraith. The motion **passed** by unanimous consent, 8-0*

## **Finance Committee Meeting Minutes: 6/02/2016**

- \*\* *Councilperson Galbraith moved to approve the minutes of the Finance Committee Meeting of June 6, 2016, and seconded by Councilperson Andrews. The motion passed by unanimous consent, 8-0*

### **SCHEDULE MEETINGS**

<b>Study Commission Meeting</b>	<b>June 23, 2016 at 5:15pm</b>
<b>Council-Closed Session</b>	<b>June 28, 2016 at 6:00pm</b>
<b>Public Safety Meeting</b>	<b>July 05, 2016 at 6:30pm</b>
<b>Budget Meetings</b>	<b>June 22<sup>nd</sup> &amp; 23<sup>rd</sup> at 6:00pm</b>

### **REQUEST OF CITIZENS & PUBLIC COMMENT**

None

### **APPOINTMENTS**

None

### **PROCLAMATIONS**

None

### **STAFF REPORTS**

Clerk Pearce announced the following:

- Regional Training in Glendive 8/24 at 9am
- Budget Training in Miles City 6/29 at 10am
- Elevator will be inoperable until June 25<sup>th</sup>

Administrator Malenovsky updated Council on the Flood Study progress:

- County applied for up to \$125,000 grant from RRLG, which is just for the study portion
- City and County have been in discussion on who will be the sponsor of Section 205
- Second Section 205 for the Yellowstone portion, and wanted Council thoughts on it. This would potentially help with paying for the levy
- She wanted the Council to be aware that the County had been using Bob Murdo for bonding council. Mayor Hollowell said that all the work has been pro bono and something to consider as the City gets closer to construction
- Worst case scenario of \$1.5 million to build the levy
- Possible loan from SRF for \$150,000 at 2.5%, 20-30 years to pay back
- Possible 6 year term loan from InterCap at 1.55%
- The Army Corp will have a site visit on June 20<sup>th</sup>
- The Army Corp will have a Federal cost share agreement on October 1. Whatever entity decides to pay for the project will have to sign it to

say it has the funds to support the cost. No proof is needed, but nice to have something in place

- A Dish Script will be needed at some time to maintain our current levy, help build a levy and then to help maintain the levy
- A public meeting in October or November
- KLJ's contract will expire this month and felt that paying them by the hourly rate would be best for next year
- KLJ representative Carl Jackson recapped last year expenses.

Chief Colombik introduced the newest policeman Charles Farrington. He is originally from Kalispell and has three years of experience in law enforcement.

Acting Fire Chief Stevens said that ambulance 20 was down for service, which leaves them with 1.5 ambulances for calls. Volunteer Firefighter Denton and Firefighter Lewin completed the Firefighter testing consortium. A lot of overtime right now because employees are at training. In recent light of the Orlando shooting, he and Police Officer Bontrager had been working on sending 2 firefighters, 2 police officers and 2 dispatchers to training to be better prepared for an incident like that.

## **CITY COUNCIL COMMENTS**

Councilperson Galbraith said that she would like to reconsider Resolution 3921. She said Dr. Harris is the health officer for the board. After a long discussion it was decided that the Council did not create a new policy, it objected to the change the County asked for. Now it goes back to the County. Attorney Rice suggested putting it on the next meeting agenda.

Councilperson Galbraith also said that she wanted everyone to know that the Council did not pay SEMDC with a 6-2 vote because it felt that the program is not responsive to some of the City's needs.

Councilperson Andrews said the City crew that installed a culvert close to his home did a really good job. He said Ingraham Environment Inc. had been working on a pest problem, and since the population is manageable he felt Council should address the problem by writing a pest management control plan. Also, Ingraham had spent a lot of money out of his own pocket and is asking the City to reimburse him \$1,500 and thought the Chamber would kick in \$1,500. He asked for it to be put on the Finance Committee agenda.

Councilperson Uden was concerned about the BNSF depot being a pigeon roost area. He felt that it was a health hazard, and would like it to be added to the next agenda to discuss. He was also impressed by the work being done at Riverside Park and looking forward to seeing the final product.

## MAYOR COMMENTS

Mayor Hollowell asked everyone to keep Chief Colombik informed on any decisions to the pest problem.

The \$50,000 CDBG grant for the planning study should possibly be used for the flood study, for the match money.

The County proposed that the cost of the flood study is 70 percent paid by the City and 30 percent paid by the County. Administrator Malenovsky was wondering if that would apply to grants also. She said the study covers both side of the Tongue River to the mouth and then this side of the Yellowstone, and is a lot of information for the community.

Director Kelm said the \$50,000 grant was to be used to save money in the water fund. It was going to be used to pay for a study that covered the process of getting an extra line in the South Gate area and possibly South of Miles City. With the study, the City could apply for other grants. He said he had no problem with the \$50,000 being used for the flood study.

Mayor Hollowell read a contribution from the Code Council to Building Inspector Hirsch for his services.

The City received a \$41,603 grant from Fish Wildlife for Conner stadium.

The City received a grant for the GPS software.

## STANDING COMMITTEE RECOMMENDATIONS

**Finance Committee-** Approve the purchase of an ambulance for an amount of \$230,000- Transfer money from General Fund.

*\*\* Councilperson Galbraith moved to postpone until next council meeting, seconded by Councilperson Uden. The motion passed by roll call vote. 8-0*

**Finance Committee-** Send an amount of \$155,725.36 to collections for ambulance fund

*\*\* Councilperson Galbraith moved to approve sending \$155,725 to collections for the ambulance fund, seconded by Councilperson Sloan. The motion **passed** by roll call vote, 8-0*

## BID AWARDS

None

## **BID OPENINGS**

Wastewater Plant Upgrade Phase II Construction

There were three (3) sealed bid received:

- Williams Brother- Base \$3,585,000, Alternative \$225,000
- Dick Anderson- Base \$4,640,000, Alternative \$364,000
- EDK Engineering and Construction- Base \$, 223,000, Alternative \$400,000. Director Kelm said he received a fax from EDK that deducted the base amount by \$175,000 and the alternative by \$43,000. He said he would need to talk to Attorney Rice and see if that was legal.

\*\* *Councilperson Uden moved to send the bids to Finance Committee, seconded by Councilperson Wilcox. The motion passed 8-0*

## **BID AWARDS**

None

## **PUBLIC HEARINGS**

- A. **RESOLUTION NO. 3923- A Resolution Adopting A City of Miles City Insufficient Funds Policy, and Setting A Public Hearing Thereon**  
Mayor Hollowell called for comments from opponents three times, then proponents three times and, hearing none, the hearing was closed.

## **UNFINISHED BUSINESS**

- A. **RESOLUTION NO. 3923- A Resolution Adopting A City of Miles City Insufficient Funds Policy, and Setting A Public Hearing Thereon**  
\*\* *Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Andrews. On roll call vote, the motion passed 8-0*

## **NEW BUSINESS**

- A. **RESOLUTION NO. 3928- A Resolution Approving an Agreement with Universal Blower Pac, Inc., For Goods and Special Services Pertaining to the Miles City Wastewater Improvements Phase II Project**

*\*\* Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Sloan. On roll call vote, the motion passed 8-0*

- B. **RESOLUTION NO. 3929- A Resolution Approving a Real Property Lease Agreement Between the City of Miles City and James Dighans, Located Within the Industrial Site Owned by Miles City, Montana**

*\*\* Councilperson Uden moved to approve the Amendment, by title only, seconded by Councilperson Galbraith. By roll call vote, the motion passed 8-0*

**C. RESOLUTION NO. 3930- A Resolution for procedures to Manage and Monitor Leases of Property Owned by the City of Miles City**

*\*\* Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Erlenbusch. On roll call vote, the motion passed 8-0*

Mayor Hollowell appointed Planner Colton to Lease Administrator.

**D. RESOLUTION NO. 3931- A Resolution Authorizing Extension of City Water Main To Serve Tract X Section 5, Within Township 7 North, Range 47 East, Custer County**

*\*\* Councilperson Galbraith moved to approve the Resolution, by title only, seconded by Councilperson Gardner. After a short discussion and on roll call vote, the motion passed 8-0*

**E. DISCUSSION on Discharge of fireworks for fourth of July 2016.**

After a long discussion, it was the consensus of Council to leave the Resolution the same as last year.

**F. APPROVAL OF MAY CLAIMS**

*\*\* Councilperson Uden moved to approve May claims, seconded by Councilperson Sloan. On roll call vote, the motion passed 8-0*

**ADJOURNMENT**

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

The meeting was adjourned at 8:58 p.m.

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**John Hollowell, Mayor**

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**Lorrie Pearce, City Clerk**



**Human Resources Committee**  
**June 21, 2016**

The **Human Resources Committee** met Tuesday, June 21, 2016, at 5:15 p.m. in the Conference Room at City Hall. Present were Committee Members Rachel Sloan, Susanne Galbraith, Kathy Wilcox and Jeff Erlenbusch. Also present were Union Representative Police Chief Doug Colombik, Public Works Director Scott Gray, PW/PU Office Clerk/Receptionist Dianna Larson, City Planner-in-Training/Grant Writer Dawn Colton, Fire Chief Gary Warren and Deputy City Clerk/HR Director/Committee Recorder Linda Wilkins.

Committee Chairperson Rachel Sloan called the meeting to order and notified members that item 6 was being move to the 2<sup>nd</sup> position on the agenda, item 2 was moved to the 4<sup>th</sup> item on the agenda.

**1. Requests of Citizens**

None

**2. Review job description for Planner II**

City Planner-in-Training/Grant Writer Colton made a few small changes in the following sentences under "Summary of Work", page 1 as follows: "Prepares staff reports and recommendations for special use permits and land use projects." "This positions prepares updates for the subdivision regulations, other development plans, assists in annexation and public right-of-way vacation activities.".. Committee Member Wilcox asked if there had been information obtained regarding a Planner II job description. Committee Member Galbraith had information from the website planning.org and read the qualifications for a Planner II, there was discussion regarding the education requirements. After this discussion it was decided, under the heading "EDUCATION AND EXPERIENCE" to change Associate's Degree to Bachelor's and add the following language at the end of the paragraph "or combination of equivalent education and experience."

*\*\*Committee Member Wilcox moved to approve the Planner II job description with revisions as noted, seconded by Committee Chairperson Sloan. Upon roll call vote the motion passed unanimously.*

**3. Approve job description for PW/PU Administrative Assistant/Building Permit Technician**

The following changes will be made to the job description per MMIA's recommendations typing speed will be changed to 35 wpm with 100% accuracy on a 5 minute test. It will be noted under summary of work that this is a full time permanent position. Physical requirements were also in accordance with MMIA recommendations. Preferred experience will be changed to one year.

*\*\*Committee Member Galbraith moved to approve the PW/PU Administrative Assistant/Building Permit Technician job description w/recommended changes; seconded by Committee Chairperson Sloan. Upon roll call vote the motion passed unanimously.*

**4. Review Detective position**

*\*\*Committee Member Wilcox moved to review the detective position; seconded by Committee Member Galbraith.*

Chief Colombik commented on the job description and made recommendations for change. We do have a detective lieutenant badge so no new badge would need to be purchased.

The position description provided to committee members was reviewed and it was recommended the following changes be made: any reference in the job description to Assistant Chief of Police will be changed to Chief of Police or Captain. Under Nature of Work add in the first sentence

after administrative duties "as well as field duties". After confidentiality add: "Maybe required to work other hours on street duty, as necessary." Under other duties change city manager to "Mayor". Under the heading "**EDUCATION AND EXPERIENCE**" under the last bullet point "five years" will be changed to "eight years"; and the following sentence will be added to the end "Must have obtained an advanced certificate in police officer standards and training.". Physical requirements will be also added. Job description will be reviewed with changes made at the next Human Resource Committee Meeting.

*Committee Member Galbraith moved to submit Detective Lieutenant to MMIA for review of job description with revisions.*

*Upon roll call vote the motions passed unanimously.*

## **5. Fireman Vacation Leave**

Deputy City Clerk/Human Resource Director Wilkins explained to the committee that while reviewing the current contract she discovered that vacation had been accrued at the incorrect amount. The accrual rate has been changed to the correct amount, but it need to be decided what should be done about the incorrect accruals. She has been in contact with Dan Rice and he substantiated the calculation, and reviewed an opinion by former City Attorney Huss which stated the lookback period for the city to recoup any of the time is two years. Committee Member thought that since it was a clerical error that we should move forward.

*\*\*Committee Member Galbraith made the motion to recommend to City Council that from 6/15/16 Human Resource correct, the vacation accrual rate for firefighters and move forward since this was a clerical error in the past, seconded by Committee Member Wilcox. Upon roll call vote the motion passed unanimously*

## **6. Background Check Policy Review**

Information regarding two background check companies was brought to the committee for review, it was discussed that the background check information was part of the Personnel Policies under Section 2-A Recruitment and Selection and this section of the Personnel Policy is to be reviewed on an annual basis, so it was discussed that the whole section should be brought back to the committee for review and that pricing from the background check providers would also be provided.

*\*\*Committee Member Wilcox moved to bring the policy back and background check fee schedules, seconded by Committee Member Galbraith. Motion passed unanimously.*

## **7. Adjournment**

*\*\*Committee Member Galbraith moved to adjourn, seconded by Committee Chairperson Sloan. Motion passed unanimously*

The meeting was adjourned at 6:05 p.m.

Respectfully submitted,

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Chairperson Rachel Sloan

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Recorder Linda Wilkins



# HISTORIC PRESERVATION OFFICE

## CITY OF MILES CITY

17 S. 8TH, P.O. BOX 910  
MILES CITY, MT 59301-0910

TELEPHONE: 406-874-8616  
EMAIL: [cmuggli@milescity-mt.org](mailto:cmuggli@milescity-mt.org)

June 24, 2016

To: Mayor Hallowell, City Council Members  
From: HPO Connie Muggli  
Re: Donation of Northern Pacific Depot; lease of land

In April, at the Council's request HPO Muggli spoke with Barbara Ranf, BNSF Liaison for Governmental Affairs for Montana regarding the status of the NP Depot. Ms. Ranf forwarded Muggli's request for information to Matt Jones, who was slated to replace Ranf upon her retirement at the end of April. Mr. Jones immediately arranged internal meetings with pertinent BNSF personnel to discuss the project, who all agreed they were willing to resume discussions regarding the donation of the building and lease of the land for a period of at least ten years as requested by Muggli, and began to move forward with plans to do so. The status of the project has been "on hold" since January 2014, shortly before Mr. Kuzma's retirement. At that time, Muggli and Kuzma had reached an "Agreement in Principle" on the terms of the transaction. The project had been stalled for a number of years due to the terms of the lease for the land.

Monday of this week, Muggli met with Jones, Sandra Green, new head of the Abandoned and Short Lines section in Fort Worth, Bart McLeroy of Jones Lang LaSalle and Ross Lane, Montana's new Public Relations Liaison to discuss the project.

In Monday's phone conference Jones described the efforts made by BNSF personnel on Miles City's behalf. Mr. McLeroy of Jones Lang LaSalle, BNSF's land management company, has contacted BNSF Engineering and Operation departments to request their approval for issuing a definite term lease, proposing a term of ten years. He has received approval from the Operations Department. If the Engineering Department also grants approval, he will draft a new lease and submit it to BNSF's legal department and the Miles City attorney for review.

The terms of the new lease will also address other issues that have long blocked reaching a final agreement, specifically:

- Term Lease, term yet to be determined. For the project to be financially viable, the lease must meet grant, lending, and tax credit requirements, allowing enough time for financial institutions to be repaid and the business to realize a return on investment.
- Montana Municipal Interlocal Authority (MMIA), which insures all Montana municipalities has agreed to place BNSF on the policy as an additional named insured. BNSF will review the MMIA policy.
- The lease must contain a "buy-back" clause, requiring BNSF purchase the improvements on the building at a reasonable value when and if BNSF wishes to terminate the lease on the land.
- BNSF will review terms for pass through lease to a qualified non-profit. The City has recognized Custer County Historical Society as a qualified entity with the appropriate corporate mission and expertise to serve in the role as fiscal sponsor for the project. CCHS has been informed of the new developments and will move forward with planning when terms for the lease are agreed upon.



# HISTORIC PRESERVATION OFFICE

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## CITY OF MILES CITY

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17 S. 8TH, P.O. BOX 910  
MILES CITY, MT 59301-0910

TELEPHONE: 406-874-8616  
EMAIL: [cmuggli@milescity-mt.org](mailto:cmuggli@milescity-mt.org)

- BNSF requires any entity working in the building carry Railroad Protective Insurance and general liability insurance. BNSF offers RLPI insurance for that purpose.
- Actual distance of right-of-way to be retained by the railroad behind the building will be determined.
- A fence must be erected which will prohibit access to the track and BNSF operations.

Ms. Muggli will follow up with Sandra Green, providing copies of the most recent EPA Environmental Assessments, a copy of the MMIA insurance coverage and any additional information BNSF may request in considering the terms of the lease.

In Monday's phone conference, Muggli also described the community's concerns with the pigeon situation in the depot. Mr. Lane will be the City's contact person at BNSF who will assist Mayor Hallowell in addressing the issue.

Respectfully Submitted,

Connie Muggli, Director

# Apparatus Replacement Guideline

## Current Apparatus Status

Unit	Year	Mileage	Hours	Reliability	Condition	NFPA 1917 Compliant	DOT/NFPA Service status
Ambulance 20	2005	209,983	Unknown	Poor	Poor	No	In service
Ambulance 22	1995	38,230	Unknown	Poor	Poor	No	Out of service
Ambulance 24	1998	86,891	4101	Poor	Poor	No	Out of service
Ambulance 26	2010	70,971	3392	Good	Good	Yes	In service

*Sell* (with arrows pointing to units 20, 22, and 24)

*When comes back from run - usually repairs are needed. IS running, but fuel leaks, box is in poor condition - 4000 hrs of service* (written in the row for unit 24)

## 10 year-ambulance replacement or refurb projection

### Extended Fleet lifespan

*One City has now*

Unit	Manufactured year	Replacement year	Box condition	Replacement Cost	Remount Candidate	Remount Date	Service life
Ambulance 20	2005	2019	Fair	\$160,000	Yes	2019	14 year
Ambulance 26 has h. spec 15	2010	2022	Good	\$130,000	Yes	2022	12 year
<u>Proposed</u> Ambulance 28	2016	2016	New	\$230,000	Yes	2026	10 year

*↓  
firm # w/cot a life pac  
289,000  
Cadillac*

Reliable vehicles and equipment are integral to the management equation in emergency services, so the ability to recognize the optimum time to replace these items is vital. Based on the current and projected call volume, as well as previous history of apparatus lifespan, the best cost to benefit ratio places ambulance service life in the 7-10 year range. This 7-10 year replacement program was outlined in Chief Warren's *Master Plan and Guideline*, projected apparatus replacement schedule on page 9 and 10. American Public Works Association (APWA) offers the best example of scoring and ranking apparatus for replacement based on numerical values assigned to each aspect of apparatus life. This is designed to provide managers at all levels with the basic guidelines to determine when and how to replace vital equipment. The APWA matrix is used to determine apparatus replacement based on age, mileage, hours, condition, and severity of service all factored together to determine a numerical score of the vehicle. The numerical score then places the apparatus into one of four categories ranging from Excellent, Good, Qualifies for Replacement, and Needs Immediate Consideration.

### 10-YEAR REPLACEMENT

**Example:** Ambulance 20 was the last ambulance purchased new for MCFR, and has currently served the department for 10 years and accumulated over 210,000 miles. At times, A-20 has been used as the primary, secondary, and transport (its current role) ambulance while in service with MCFR. Over the past 3 years, as the frequency of repairs have increased, the cost of ownership (maintenance, repair, and downtime combined) has surpassed the value of the vehicle. However, the ambulance's patient compartment was originally built to specs per MCFR, and this component remains viable and reusable due to quality of construction, integrated features, and an engineered box to meet the needs and requirements of our department.

If MCFR were to purchase a 4x4 ambulance during FY 16 for the price of \$230,000 to fill the identified need, the next ambulance that would require immediate attention is A-20. This ambulance is a prime candidate for to be remounted and refurbished, which would reap huge savings to the department. Although most of the current equipment in the ambulance could be transferred to help reduce costs, the age and condition of some equipment precludes transfer to a new ambulance (for example, two cardiac monitors/defibrillators are out of their "useable life" by more than 2 years and will not be serviceable by the manufacturer after September of this year); subsequently, the cost of a new cot system and a new cardiac monitor/defibrillator have been included into the remount price.

In summary, If MCFR was able to purchase a new ambulance for FY 2016, we would be able to rotate our current fleet into less demanding positions within the department, extending their service life. The department would be given a larger time frame to seek out additional funding sources, as well as begin to budget (or save) for the remount of the existing ambulance fleet. Planning for an apparatus savings fund of \$52,000 per year for fleet replacement will replace the fleet at the listed dates and begin to allow the department to maintain the replacement rotation and continue to meet the needs of Miles City and Custer County.

8. Ambulance Replacement Program – Our fleet of ambulances is aging, and with this the cost to keep them in operating condition is mounting. Ambulance #20 has cost the city over \$20,000 just in 2015; an engine replacement was a large part of this expense. In 2016 the repair costs are about \$5,200 as of June. The average life expectancy of an ambulance that is utilized as much as ours is about fifteen years; of our four ambulances, three have either reached or exceeded that point. An increase in maintenance costs is the direct result, and reliability becomes a concern. At some point it is no longer cost effective to keep them in the fleet. A suggestion would be to keep an ambulance in “Front-Line” status for ten years, “Second Due” status for an additional five years, and “Reserve” status for five years, then replace it. This rotation would help to extend the usable life of the ambulance fleet. The projected cost for a replacement ambulance is between \$90,000 and \$300,000 in today’s dollars, depending on the model and options chosen.



The IRS generally allows a business to amortize the cost of vehicles over a five year period, thus a \$100,000 purchase would equate to roughly \$20,000 per year. At the end of the term, the vehicle would be expected to remain a viable resource for an additional ten to fifteen years. Instead of an outright purchase, one viable solution is a lease-purchase agreement. Typically this type of arrangement has a nominal buy-out at the end of the term. Another alternative is a purchase through a bulk buying group such as the Houston-Galveston Group which The City of Great Falls has recently joined in order to purchase a new fire truck.

PHASE II WASTEWATER PLANT UPGRADE

	<u>BASE BID</u>	<u>ALTERNATE</u>
WILLIAMS BROTHERS	\$3,585,000	\$225,000
DICK ANDERSON	\$4,640,500	\$364,000
EDK ENGINEERING & CONST	\$4,223,000	\$400,000
	<u>(-\$ 175,000)</u>	<u>(-\$43,000)</u>
	\$4,048,000	\$375,000



# WILLIAMS BROTHER CONSTRUCTION, LLC

P. O. Box 1459  
BILLINGS, MT 59103  
(406) 259-9395 FAX: 248-6695

June 15, 2016

City of Miles City  
17 South 8<sup>th</sup> Street  
Miles City, MT 59301

Robert Peccia & Associates, Inc.  
825 Custer Avenue  
Helena, MT 59601

Subject: Miles City Wastewater System Improvements Phase II

Dear Sirs:

We have identified an error in our bid submitted on June 14, 2016 for the subject project. The error is material and substantial, and is detailed below. We request your permission to correct our bid by adding the sum of \$150,000 to our previously submitted bid. The corrected bid amount is \$3,735,000.

The error occurred in the electrical and instrumentation costs for Subject Project. Colstrip Electric has informed us that their sub-bid is \$150,000 short of covering all electrical and instrumentation costs. Colstrip has advised that they need to increase their sub-bid price by \$150,000 to cover their error or withdraw their sub-bid. Therefore, we need to increase our bid accordingly. We have carefully reviewed our other costs and determined that we are not able to make up the identified shortfall without increasing our bid.

If you are not able to allow our correction as requested, we need to withdraw our bid. Please contact me if you need more documentation for correction or withdrawal of our bid.

Sincerely,



John McRae  
Williams Brother Construction LLC



6131 Homestead Blvd PO Box 1934 Colstrip, MT 59323  
TEL: (406) 748-4048 FAX: (406) 748-3135  
[cei@cei-online.com](mailto:cei@cei-online.com)  
[www.cei-online.com](http://www.cei-online.com)

647 S. 18<sup>th</sup> Street W. Billings, MT 59102  
TEL: (406) 656-4365 FAX: (406) 656-4534

2401 S. Greely Hwy Cheyenne, WY 82003  
TEL: (307) 426-4258 FAX: (307) 426-4259

4105 S. Broadway Minot, ND 58701  
TEL: (701) 500-1007 FAX: (406) 748-3135

---

June 15, 2016

RE: Miles City WTP Improvements 2016

To whom it may concern,

The purpose of this letter is to clarify a mistake made on our bid proposal. Our original price sent out on 6/14/2016 (bid day) was \$665,200. We sent this price to all Prime contractors on the bidder's list provided on the Billings Builders Exchange. This price did not include the instrumentation portion needed to complete the project above and beyond what the City is already under contract per Specification 13400. We realized the mistake and received additional pricing for this portion on the morning of 6/15/2016.

The additional price to correct the mistake is: \$150,000.

If you have any further questions please call me at 406-656-4365.

Respectfully,

A handwritten signature in black ink, appearing to read 'W. Kyle Smith', written in a cursive style.

W. Kyle Smith



# Integrated Process Solutions, Inc.

Corporate Office: PO Box 26, Fosston, MN 56542

34696 412 St. SE  
Fosston, MN 56542  
218.435-1703

6145 235 St. W  
Farmington, MN 55024  
612.791.6998

606 Cooper Road  
Waunakee, WI 53597  
608.849.4375

**Date:** June 13, 2016

**Project:** Miles City Wastewater Treatment Improvements Phase II

**Engineer:** Robert Peccia & Associates

**Project Location:** Miles City, MT

**Bid Date:** June 14, 2016

Integrated Process Solutions, Inc. is pleased to provide the following proposal for the above referenced project, following specification sections, and attached Bill of Material. Our proposal is based on all specified hardware, software, and services as specified, we take no exceptions to the specifications and acknowledge *addendums no. 1*

Section 13400      Process Instruments & Controllers

Thank you for the opportunity to provide our proposal to you for your consideration. Should you have questions or require further information concerning this proposal, please contact me at 218-435-1703.

We look forward to earning your business,

Peter J. Nelson  
Integrated Process Solutions, Inc.

## Miles City Wastewater Treatment Improvements Phase II Bill of Materials

1. Septage Unloading Station Control Panel as specified including: (Additive Alternate No. 1)
  - a. Nema 12 Enclosure
  - b. Main Circuit Breaker
  - c. Feeder Circuit Breakers
  - d. Lighting Arrestors
  - e. Two (2) Variable Frequency Drives
  - f. Programmable Logic Controller
  - g. Operator Interface Terminal
  - h. Interface Relays
  - i. Misc. Interface Hardware
  
2. Quantity one (1) Lot Instrumentation as specified including:
  - a. Magnetic Flow Meters
    - i. WAS Magnetic Flow Meter
    - ii. RAS Magnetic Flow Meter
    - iii. Filtrate Magnetic Flow Meter
  
  - b. Ultrasonic Level Transmitters
    - i. Digester No. 1 Ultrasonic Level Transmitter
    - ii. Digester No. 2 Ultrasonic Level Transmitter
    - iii. Filtrate Sump Ultrasonic Level Meter
    - iv. UV Parshall Flume Ultrasonic Level/Flow Transmitter
    - v. Septage Holding Tank Ultrasonic Level Transmitter (Bid Additive Alternate No. 1)
    - vi. Note: Transducer Mounting Hardware including
  
  - c. Float Switches
    - i. Septage Receiving Hi/Low Float Switches (Bid Additive Alternate No. 1)
    - ii. Level Alarm Panel including Alarm Horn & Light
  
  - d. pH, Dissolved Oxygen, Total Suspended Solids Probes and Controllers
    - i. YSI System 202 XT Controller
    - ii. Seven (7) Optical DO Sensor Probes
    - iii. Seven (7) Suspended Solids Sensor Probes
    - iv. Seven (7) pH/ORP Sensor Probes
    - v. Sensor Mounting Hardware
    - vi. Sensor Cable
    - vii. Spare Parts & Consumables
  
  - e. Pressure Gauges
    - i. Suction Water Booster Pump No. 1
    - ii. Suction Water Booster Pump No. 2
    - iii. Discharge Water Booster Pump No. 1
    - iv. Discharge Water Booster Pump No. 2
    - v. Non-Potable Water at Press

- vi. Suction Permeate Pump No. 1
- vii. Suction Permeate Pump No. 2
- viii. Suction Permeate Pump No. 3
- ix. Discharge Permeate Line 1
- x. Discharge Permeate Line 2
- xi. Discharge ADS Pump No. 1 (Diaphragm Seal Included)
- xii. Discharge ADS Pump No. 1 (Diaphragm Seal Included)
- xiii. Membrane Blower Discharge Digester No. 1
- xiv. Membrane Blower Discharge Digester No. 2
- xv. Digester Blower Discharge Digester No. 1
- xvi. Discharge Blower Discharge Digester No. 2
- xvii. Discharge Septage Pump No. 1 (Additive Alternate No. 1)
- xviii. Discharge Septage Pump No. 2 (Additive Alternate No. 1)

f. Pressure Switches

- i. Discharge Septage Pump No. 1 (Additive Alternate No. 1)
- ii. Discharge Septage Pump No. 2 (Additive Alternate No. 1)
- iii. Diaphragm Seals included

g. Pressure Transmitters

- i. Membrane Blower Discharge Digester No. 1
- ii. Membrane Blower Discharge Digester No. 2
- iii. Digester Blower Discharge Digester No. 1
- iv. Discharge Blower Discharge Digester No. 2
- v. Block & Bleed Valves Included

3. Spare Parts as specified.

4. Services

- a. Submittals and System Drawings
- b. Panel Fabrication & UL Listing
- c. Factory Testing
- d. VFD Configuration
- e. VFD Startup & Implementation
- f. Motor Control Center Startup & Implementation
- g. Instrumentation Calibration & Certification
- h. Coordination with Digester Blower Manufacture
- i. Coordination with Dewater Press Manufacture
- j. Coordination Fine Screen Manufacture
- k. System Training
- l. Freight to the Jobsite
- m. Warranty

5. Exclusions

- a. Installation of Equipment
- b. Field Wiring of Equipment
- c. Digester Blower Control Panel
- d. Dewatering Control Panel
- e. Fine Screening Control Panel

- f. Digester Air Flow Meters
- g. Membrane Air Flow Meters
- h. Lighting
- i. Heating or HVAC
- j. Sales or Use Tax

The total Base Bid price for this proposal is \$136,100.00 net, excluding Sales and Use Tax.

The total Additive Alternate No. 1 price for this proposal is ~~200,000~~ net, excluding Sales and Use Tax.

# New Business

**RESOLUTION NO. 3921**

**A RESOLUTION APPROVING AMENDMENT OF THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF MILES CITY AND THE COUNTY OF CUSTER FOR PROVISION OF HEALTH SERVICES.**

*WHEREAS*, the City of Miles City and the County of Custer have entered into an interlocal agreement for the cooperative provision of health services

*AND WHEREAS*, the City and the County desire to amend certain provisions within the same;

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

1. The Amendment to the Interlocal Agreement between the city of Miles City and the County of Custer to Cooperate in the Provision of Health Services, 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 Amendment on behalf of the City of Miles City 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 24<sup>th</sup> DAY OF MAY, 2016.**

\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

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



## **Amendment**

### **AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF MILES CITY AND THE COUNTY OF CUSTER TO COOPERATE IN THE PROVISION OF HEALTH SERVICES**

It is proposed that the interlocal agreement described above be amended as follows. Under section III subpart A (c) the phrase "who must be a medical doctor" be removed. Section 50-2-106 M.C.A. does not require a board member to be a medical doctor.

#### **III. MEMBERSHIP OF CITY/COUNTY HEALTH BOARD**

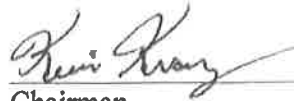
- A. The City-County Health Board shall be composed of five (5) members in accordance with the provision of Section 50-2-106 M.C.A. and appointed as follows:**
  - a. Two (2) members shall be appointed by the County Commissioners. One (1) of these appointees and only one (1) may be an elected County official. None of these appointments shall be subject to review or confirmation by the City Council.**
  - b. Two (2) members shall be appointed by the City Council. One (1) of these appointees and only one (1) may be an elected city official. None of these appointments shall be subject to review or confirmation by the County Commissioners.**
  - c. One (1) at-large member, ~~who must be a medical doctor,~~ shall be appointed by the City-County Board of Health, subject to the approval of the City Council and the County Commissioners.**

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

CITY OF MILES CITY

CUSTER COUNTY BOARD  
OF COUNTY COMMISSIONERS


\_\_\_\_\_  
MAYOR OF MILES CITY

 4-27-16  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
CITY COUNCIL PRESIDENT

  
\_\_\_\_\_  
Commissioner

ATTEST:

  
\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
City Clerk

ATTEST:

\_\_\_\_\_  
Clerk & Recorder

RECEIVED

FEB 24 2016

CUSTER COUNTY  
HEALTH BOARD APPLICATION

COPY

Name: John Goff

Address: P.O. Box 683 miles City, MT 59301

Phone Number: Work 406-234-2191

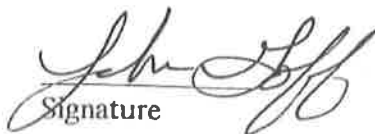
Home 406-853-2191

\*\*\*\*\*

Briefly summarize any experience or education you have that would assist you in performing the duties of a County Health Board Member.

As an owner/operator of a septic+sewer Company for 17+ years dealing with a variety of environmental sanitary issues along with the continued septic inspection training certifications as well as the owner of a Janitorial and Chemical Company that sells and trains on Quat Disinfectants and the proper uses of Disinfectants. I feel that this board would not only benefit from my involvement but could also help advise the different departments of changes or updates that based on our continued education in our industries and our everyday operation could possibly benefit the board.

I'm interested in sitting on this board as I was invited to a board meeting in the past and was able to give many useful insights and ideas at that meeting that I felt was useful to the board.

  
Signature

Date: 2-19-16

## RESOLUTION NO. 3932

### 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 2016

**WHEREAS**, §16-48 of the Miles City Code of Ordinances permits the City Council to establish special times and places at which fireworks may be discharged within the city limits of the City of Miles City;

**AND WHEREAS**, the City Council desires to establish certain locations and certain times and dates at which fireworks may be discharged within the city limits during the 4th of July holiday period in 2016;

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

1. The discharge of fireworks shall be allowed between the hours of 10:00 a.m. and 10:00 p.m. on Sunday, July 3, 2016, 10:00 a.m. and midnight on Monday, July 4, 2016, and 10:00 a.m. and 10:00 p.m. on Tuesday, July 5, 2016 only at the following locations within the City of Miles City, to-wit:

Bender Park, Riverside Park, Jaycee Field, Tedesco Field

2. Non-aerial fireworks, being those fireworks which do not project themselves into the air, or fire projectiles into the air, shall be allowed within the City limits on Monday, July 4, 2016, but shall not be allowed on any other day except on the days and places hereinbefore designated.

3. All fireworks so discharged shall comply with all State of Montana and federal regulations.

4. The discharge of fireworks within the city limits, or upon any property of the City of Miles City, on any other dates, at any other times, or at any other locations is prohibited and such prohibition shall be enforced by the Miles City Police Department.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28<sup>th</sup> DAY OF JUNE, 2016.**

---

John Hollowell, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

**RESOLUTION NO. 3934**

**A RESOLUTION APPROVING A MISCELLANEOUS PROFESSIONAL SERVICES AGREEMENT WITH KADRMAS, LEE & JACKSON, INC., FOR ON-CALL 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 Projection Project, and wishes to engage Kadrmass, Lee & Jackson, Inc. (KLJ), a City of Miles City retained engineering firm, for assistance.

**AND WHEREAS**, KLJ has agreed to provide such services pursuant to the terms of a certain Miscellaneous Professional Services Agreement;

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

1. The Miscellaneous Professional Services Agreement between the City and KLJ for on-call engineering services related to the Custer County Miles City Flood Protection Project, 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 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 28th DAY OF JUNE, 2016.**

\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

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

# MISCELLANEOUS PROFESSIONAL SERVICES AGREEMENT



KLJ PROJECT #: 2416113

EFFECTIVE DATE: July 1, 2016

**CLIENT INFORMATION:**

Name: City of Miles City, Montana  
Billing Address: 17 South 8<sup>th</sup> Street, PO Box 910  
City: Miles City State: MT Zip Code: 59301  
Contact Person: Samantha Malenovsky  
Cell #:      Business #: 406-234-3493

**PROJECT DESCRIPTION:** Program Management Services for Flood Control Project

**DETAILED DESCRIPTION OF SERVICES:** KLJ will provide on-call Program Management services for the Custer County Miles City (CCMC) flood protection project (Project). Program Management services will consist of assisting CCMC throughout upcoming Project phases including planning, due diligence, budget assistance, agency coordination, public relations, steering committee participation and other on-call services upon request.

**PROJECT LOCATION:**

City: Miles City, County: Custer, State: MT

**ESTIMATED COMPLETION DATE OF SERVICES:** June 30, 2017

**CLIENT DESIRES SERVICES COMPLETED BY (Date):** June 30, 2017

**ESTIMATED FEES FOR SERVICES:** \$48,000.00  Lump Sum  Hourly Rates Plus Expenses

**SPECIAL CONDITIONS TO BE CONSIDERED:** KLJ's fee for Program Management will be invoiced on an hourly rate based on time billed directly to the project, not to exceed \$4,000 per month without written approval. The estimated fee amount is based on Program Management services commencing on July 1, 2016 and continuing through June 30, 2017.

**OTHER ITEMS:**



**RESOLUTION NO. 3935**

**A RESOLUTION APPROVING A LETTER OF ENGAGEMENT WITH KADRMAS, LEE & JACKSON, INC., FOR FUNDING ASSISTANCE RELATED TO THE CUSTER COUNTY MILES CITY FLOOD PROTECTION PROJECT.**

**WHEREAS**, the City of Miles City requires funding assistance and public education coordination services in connection with the Custer County Miles City Flood Projection Project, and wishes to engage Kadrmas, Lee & Jackson, Inc. (KLJ), a City of Miles City retained engineering firm, for assistance.

**AND WHEREAS**, KLJ has agreed to provide such funding assistance services pursuant to the terms of a certain Letter of Engagement;

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

1. The Letter of Engagement between the City and KLJ for funding assistance and public education coordination services related to the Custer County Miles City Flood Protection Project, 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 document 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 document.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A REGULAR MEETING THIS 28th DAY OF JUNE, 2016.**

\_\_\_\_\_  
John Hollowell, Mayor

ATTEST:

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



4585 Coleman Street  
PO Box 1157  
Bismarck, ND 58502-1157  
701 355 8400  
kljeng.com



June 15, 2016

City Council of Miles City and County Commission of Custer County, MT  
1010 Main Street  
Miles City, MT 59301

Re: Letter of Engagement

Dear Council Members and Commissioners:

KLJ's Government Relations Group looks forward to having the opportunity to continue to provide Miles City and Custer County with Government Relations Services. If you agree to the proposal outlined below, this letter shall serve as a Letter of Engagement between Miles City, Custer County and KLJ.

Becky Bey will serve as the primary Government Relations Consultant and shall perform services contracted for in this manner, with times and places that we deem appropriate to meet this agreement. Becky may from time to time utilize the services of additional KLJ staff members to perform the contracted services.

**SCOPE:**

KLJ will work in concert with Miles City, Custer County and their designees to coordinate stakeholders, and identify and pursue various funding opportunities for the Custer County Miles City (CCMC) Flood Protection Project (Project). This contract will function in three phases:

**FUNDING ASSISTANCE**

At the request of the City and County, KLJ will continue to identify potential funding resources for the Project. KLJ will also maintain a funding matrix, funding timeline and detailed next steps required to move the funding of the Project forward. The report will continue to be provided to the City, County and its designees. Should the City and County decide to pursue an opportunity, as requested, KLJ will develop a funding application checklist to outline the process and timeline for completing the application. KLJ will then host a pre-application conference call with the City, County and its designees to go over the application checklist and answer any questions that the City or County may have. KLJ will also lead or assist in application development at the request of the City and County.

KLJ will not be held responsible for deadlines missed by CCMC's designees that could impact the completion of the application or delivery of the application by program deadlines.

**AGENCY COORDINATION**

KLJ will facilitate the agency coordination and related CCMC subcommittees that are anticipated while pursuing high level, complex funding sources and related partners for this Project. At the City and County's request, coordination services could also include the



preparation of supporting materials such as briefing documents, newsletters, event initiations, and letters of support as well as meeting coordination and facilitation.

**PUBLIC EDUCATION COORDINATION**

KLJ will continue to develop and maintain the Project's public education strategy to include: coordination and development of associated materials for public education and input sessions, managing social media and website content, letters to the editor, press releases and a traveling display to showcase the project. KLJ will also prepare routine project updates for the steering committee and the community at large.

**FEE:**

To implement this Letter of Engagement, KLJ's compensation will be an amount equal to the cumulative hours charged to the project by each employee class times standard hourly rates for each applicable class, which typically ranges from \$95-\$120 per hour, plus reimbursable expenses and Engineer's consultants' charges, if any. It is anticipated that Government Relations staff from Billings and Bismarck, ND will travel to Miles City for the Project.

**TERMINATION:**

KLJ is proposing that this agreement shall be effective from July 1, 2016 through June 30, 2017. This agreement may be terminated upon 30 days of written notice by either party. At termination, both parties agree to confidentiality regarding the business dealings during the term of this contract.

**DISPUTES:**

Disputes will be addressed under the provisions of Montana law.

If you agree to these terms, please sign the designated area below and return a copy to me.

KLJ looks forward to working with Miles City and Custer County.

Sincerely,

KLJ

A handwritten signature in cursive script that reads "Molly Herrington".

Molly Herrington  
KLJ Government Relations Manager

cc: Jason Strouf, Samantha Malenovsky



**AGREEMENT**

---

**Agree to by (Signature):** \_\_\_\_\_

**Printed name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

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

**Agree to by (Signature):** \_\_\_\_\_

**Printed name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

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

**RESOLUTION NO. 3937**

**A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2015-2016 FOR UNANTICIPATED EXPENDITURES AND UNANTICIPATED REVENUE IN THE AIRPORT CAPITAL IMPROVEMENT FUND.**

*WHEREAS*, the City of Miles City wishes to amend the budget for Fiscal Year 2015-2016 for unanticipated expenditures and unanticipated revenues in the Airport Capital Improvement Fund, 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 fund # 4056-87-430300-230, 4056-87-430300-360, and 4056-87-430300-940; and increased revenues in fund # 4056-343018, 4056-343065, and 4056-343067;

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

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

The appropriations for the Final Budget for Fiscal Year 2015-2016 shall be increased in the following amount as the result of unanticipated expenditures:

Fund No. 4056-87-430300-230 in the amount of \$1,250.00;  
Fund No. 4056-87-430300-360 in the amount of \$5,813.00;  
Fund No. 4056-87-430300-940 in the amount of \$17,184.00;

The appropriations for Final Budget for Fiscal Year 2015-2016 shall be increased in the following amounts as the result of unanticipated revenues:

Fund No. 4056-343018 in the amount of \$31,725.00;  
Fund No. 4056-343065 in the amount of \$10,810.00;  
Fund No. 4056-343067 in the amount of \$49,120.00;

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2015-2016 on the 12th day of July, 2016, 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 28<sup>TH</sup> DAY OF JUNE, 2016.

\_\_\_\_\_  
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 12<sup>TH</sup> DAY OF JULY, 2016.

\_\_\_\_\_  
JOHN HOLLOWELL, Mayor

ATTEST:

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

RESOLUTION NO. 3938

**A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2015-2016 FOR UNANTICIPATED EXPENDITURES IN THE TAX INCREMENT FINANCING DISTRICT FUND.**

*WHEREAS*, the City of Miles City wishes to amend the budget for Fiscal Year 2015-2016 for unanticipated expenditures in the Tax Increment Financing District Fund, 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 fund # 2310-11-460462-350;

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

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

The appropriations for the Final Budget for Fiscal Year 2015-2016 shall be increased in the following amount as the result of unanticipated expenditures:

Fund No. 2310-11-460462-350 in the amount of \$750.00;

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2015-2016 on the 12th day of July, 2016, 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 28<sup>TH</sup> DAY OF JUNE, 2016.

\_\_\_\_\_  
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 12<sup>th</sup> DAY OF JULY, 2016.

---

JOHN HOLLOWELL, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

Return To:  
City of Miles City  
Box 728  
Miles City MT 59301

**RESOLUTION NO. 3940**

**A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING THE AMENDED PLAT FOR THE PURPOSE OF BOUNDARY LINE RELOCATION OF LOTS 9 AND 10 OF BLOCK 58 IN THE MILES CITY ORIGINAL TOWNSITE WITHIN THE CITY OF MILES CITY**

*WHEREAS*, DKS Investments, LLC has requested that the City of Miles City approve a boundary line relocation involving Lots 9 and 10 of Block 58 in the Miles City Original Townsite within the City of Miles City, Custer County, Montana;

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

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

It does hereby adopt the Staff Report to City Council, File #BLA 2016-02, attached hereto as Exhibit "A" as findings of fact, and based on such findings of fact, approves the "AMENDED PLAT of Lots 9 & 10, Block 58, Miles City Original Townsite, Env. 384A, NE1/4, Section 33, Township 8 North, Range 47 East, P.M.M. City of Miles City, Custer County, Montana," said amended plat being attached hereto as Exhibit "B."

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 28TH DAY OF JUNE 2016.**



---

John Hollowell, Mayor

ATTEST:

---

Lorrie Pearce, City Clerk

Exhibit A

Report for City Council  
Meeting Date June 28, 2016  
File #BLA-2016-02 - Boundary Line Adjustment  
Block 58, Lots 9 & 10, Miles City Original Townsite

The subject properties are Lots 9 and 10 of Block 58 in the Miles City Original Townsite in Miles City, MT. The applicant, DKS Investments LLC, 3704 Batchelor, Miles City, MT, proposes a boundary line adjustment to change the orientation of the subject lots from northerly-southerly to easterly-westerly. The properties will continue as residential land use.

The proposed Amended Plat of Block 58 of the Miles City Original Townsite reconfigures lots 9 and 10. This amended plat is exempt from Subdivision Review per MCA section 76-3-207(1)(d) but is subject to the survey requirements in MCA 76-3-401.

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

*(d) for five or fewer lots within a platted subdivision, the relocation of common boundaries;*

This review is being conducted according to the Miles City Code of Ordinances (MCCO) effective May 2015.

The Amended Plat of Block 58 in the Miles City Original Townsite does not create new tracts of record. Lot 9A is reconfigured to be the north half of the original lots 9 & 10, the area of the new Lot 9A totaling 7,509 square feet. Lot 10A is reconfigured to be the south half of the original lots 9 & 10, the area of the new Lot 10A totaling 7,509 square feet.

All tracts are appropriately zoned Residential A (RA). The properties are bordered by RA districts to the north and east and General Commercial to the south and west. No change in land use is proposed. Requirements of Sec 24-53 of the Miles City Code of Ordinances (MCCO) will apply to development on all tracts within this subdivision.

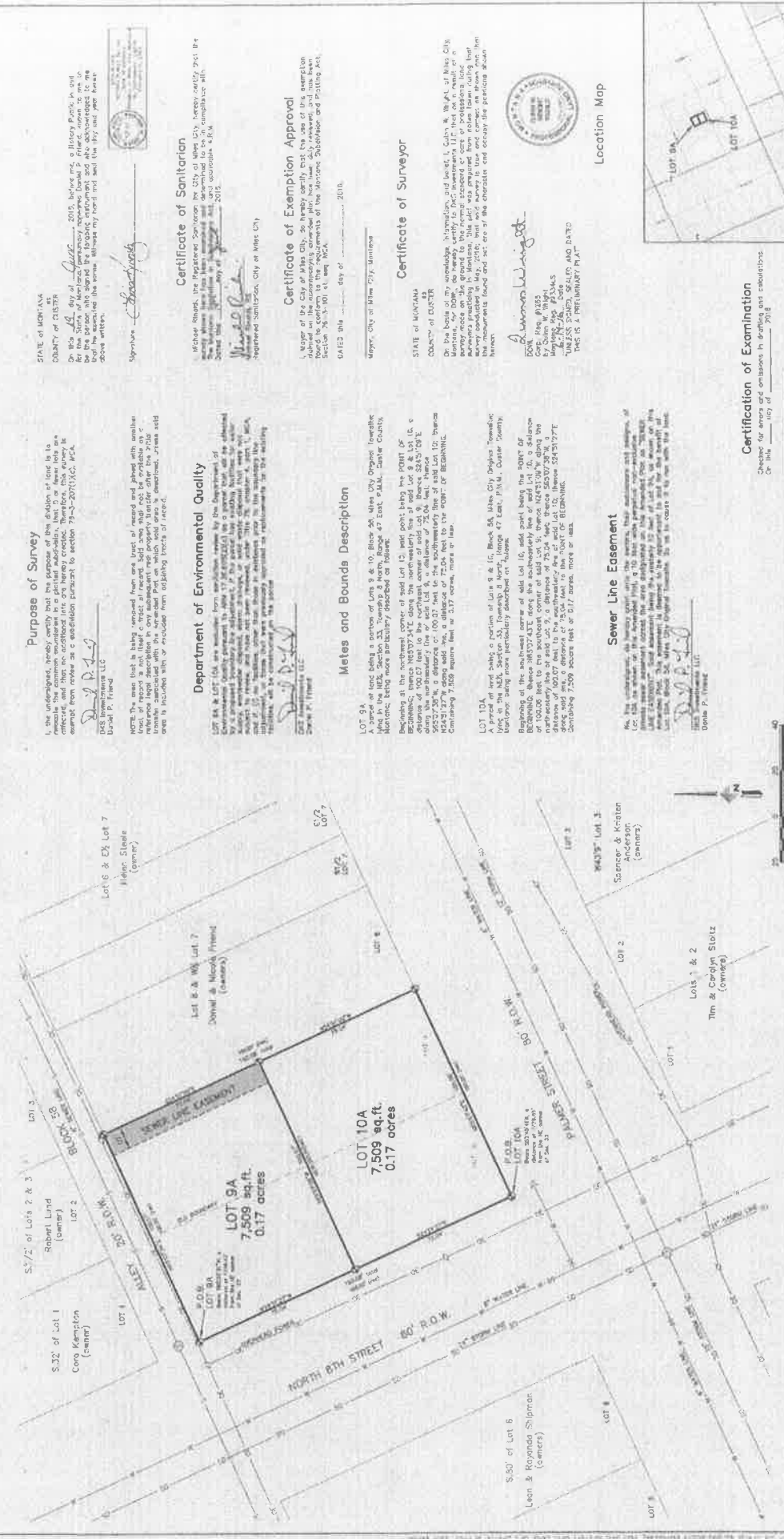
The Amended Plat includes one 10' Sewer line easements shown on Lot 9A for the benefit of Lot 10A.

No development is proposed on these lots at this time. Any development on these lots will be a residential use and will be reviewed and approved by the Building Inspection Department. This boundary line adjustment will not:

- create additional lots or tracks of land
- impact the ability of the government to provide local services
- endanger public health and safety
- create or expand a non-conforming use
- create an expansion or cost of services
- increase the amount of roads currently being maintained by the City
- significantly increase emergency response times, traffic load, fire protection levels, schools and school routes, or landfill requirements
- create any special or rural improvement districts that would obligate the local government either administratively or financially.

Per MCA 76-3-207, the proposed amended plat is not a subdivision, is not subject to subdivision review and does not appear to be an attempt to evade subdivision review. This plat has been reviewed by Custer County's Examining Land Surveyor for compliance with surveying requirements of 76-3-401. Therefore, staff recommends approval of the amended plat as proposed.

# AMENDED PLAT of RELOCATION OF COMMON BOUNDARY LINE NE1/4, Section 33, Township 8 North, Range 47 East, P.M.M. Miles City, Custer County, Montana



**Purpose of Survey**  
The undersigned hereby certifies that the above plat is the true and correct plat of the common boundary line of Lots 9 & 10 as shown on the attached plat and that no additional line or survey is intended. Therefore, this survey is not to be construed as a subdivision pursuant to Section 17-2-221(1)(c), MCA.

*D.P. Friend*  
D.P. Friend  
DPS Investments LLC  
Doreen P. Friend

**Department of Environmental Quality**  
The owner that is being removed from one tract of record and joined with another tract of record is not liable or exempt from the provisions of the Montana Surface Water Pollution Control Act, MCA 10-09-101, which shall apply to the entire tract of record as if the tract of record were not divided into two tracts of record.

**Metes and Bounds Description**  
A parcel of land being a portion of Lot 9 & 10, Block 58, Mile City Original Township, in the NE1/4, Section 33, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, being more particularly described as follows:  
Beginning at the northeast corner of said Lot 10, and point being the POINT OF BEGINNING, thence N63°37'41" along the westerly line of said Lot 9 & 10, a distance of 100.00 feet to the southeast corner of said Lot 9, a distance of 75.00 feet, thence S23°37'41" a distance of 100.00 feet to the westerly line of said Lot 10, thence S63°37'41" a distance of 75.00 feet to the southeast corner of said Lot 10, thence S63°37'41" a distance of 100.00 feet to the POINT OF BEGINNING.  
Containing 7,509 square feet or 0.17 acres, more or less.

**Department of Sanitation**  
The undersigned hereby certifies that the above plat is the true and correct plat of the common boundary line of Lots 9 & 10 as shown on the attached plat and that no additional line or survey is intended. Therefore, this survey is not to be construed as a subdivision pursuant to Section 17-2-221(1)(c), MCA.

*D.P. Friend*  
D.P. Friend  
DPS Investments LLC  
Doreen P. Friend

**Metes and Bounds Description**  
A parcel of land being a portion of Lot 9 & 10, Block 58, Mile City Original Township, in the NE1/4, Section 33, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, being more particularly described as follows:  
Beginning at the northeast corner of said Lot 10, and point being the POINT OF BEGINNING, thence N63°37'41" along the westerly line of said Lot 9 & 10, a distance of 100.00 feet to the southeast corner of said Lot 9, a distance of 75.00 feet, thence S23°37'41" a distance of 100.00 feet to the westerly line of said Lot 10, thence S63°37'41" a distance of 75.00 feet to the southeast corner of said Lot 10, thence S63°37'41" a distance of 100.00 feet to the POINT OF BEGINNING.  
Containing 7,509 square feet or 0.17 acres, more or less.

**Sewer Line Easement**  
The undersigned hereby certifies that the above plat is the true and correct plat of the common boundary line of Lots 9 & 10 as shown on the attached plat and that no additional line or survey is intended. Therefore, this survey is not to be construed as a subdivision pursuant to Section 17-2-221(1)(c), MCA.

*D.P. Friend*  
D.P. Friend  
DPS Investments LLC  
Doreen P. Friend

**Certificate of Exemption Approval**  
I, Mayor of the City of Miles City, do hereby certify that the plat of the relocation of the common boundary line of Lots 9 & 10, Block 58, Mile City Original Township, in the NE1/4, Section 33, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, as shown on the attached plat, was duly prepared and approved by the Board of Commissioners of the City of Miles City, Montana, on this 15th day of August, 2016, and said survey is true and correct, as shown on the attached plat.

*Mayor*  
Mayor  
City of Miles City

**Certificate of Surveyor**  
STATE OF MONTANA  
COUNTY OF CUSTER  
I, *Amanda Livingston*, Surveyor, do hereby certify that I am a duly licensed and qualified Surveyor under the laws of the State of Montana, and that I have personally examined the plat of the relocation of the common boundary line of Lots 9 & 10, Block 58, Mile City Original Township, in the NE1/4, Section 33, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, as shown on the attached plat, and that the same is true and correct, as shown on the attached plat.

*Amanda Livingston*  
Amanda Livingston  
Surveyor  
1735 Pleasant Street  
Miles City, Montana 59701  
406-234-6660

**Certification of Examination**  
Checked for errors and omissions in drafting and calculations:  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2016  
(Signature)

**Location Map**  
A small map showing the location of the project area within the context of the surrounding town and streets.

**STATE OF MONTANA**  
COUNTY OF CUSTER  
On this 15th day of August, 2016, before me, a Notary Public, in and for the State of Montana, personally appeared Doreen P. Friend, known to me to be the person whose name is subscribed to the foregoing plat, and she acknowledged to me that she executed the same for the purposes and consideration therein expressed.

*Doreen P. Friend*  
Doreen P. Friend  
Notary Public

**Certificate of Sanitation**  
I, *Doreen P. Friend*, Sanitation Engineer, do hereby certify that the above plat is the true and correct plat of the common boundary line of Lots 9 & 10, Block 58, Mile City Original Township, in the NE1/4, Section 33, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, as shown on the attached plat, and that the same is true and correct, as shown on the attached plat.

*Doreen P. Friend*  
Doreen P. Friend  
Sanitation Engineer  
City of Miles City

**Certificate of Exemption Approval**  
I, Mayor of the City of Miles City, do hereby certify that the plat of the relocation of the common boundary line of Lots 9 & 10, Block 58, Mile City Original Township, in the NE1/4, Section 33, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, as shown on the attached plat, was duly prepared and approved by the Board of Commissioners of the City of Miles City, Montana, on this 15th day of August, 2016, and said survey is true and correct, as shown on the attached plat.

*Mayor*  
Mayor  
City of Miles City

**Certificate of Surveyor**  
STATE OF MONTANA  
COUNTY OF CUSTER  
I, *Amanda Livingston*, Surveyor, do hereby certify that I am a duly licensed and qualified Surveyor under the laws of the State of Montana, and that I have personally examined the plat of the relocation of the common boundary line of Lots 9 & 10, Block 58, Mile City Original Township, in the NE1/4, Section 33, Township 8 North, Range 47 East, P.M.M., Custer County, Montana, as shown on the attached plat, and that the same is true and correct, as shown on the attached plat.

*Amanda Livingston*  
Amanda Livingston  
Surveyor  
1735 Pleasant Street  
Miles City, Montana 59701  
406-234-6660

**Certification of Examination**  
Checked for errors and omissions in drafting and calculations:  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2016  
(Signature)

**Location Map**  
A small map showing the location of the project area within the context of the surrounding town and streets.

**LEGEND**  

- ☐ Gray Area
- ☐ City Street Right-of-Way
- ☐ City Right-of-Way
- ☐ City Street Right-of-Way
- ☐ City Street Right-of-Way
- ☐ City Street Right-of-Way

**County Treasurer's Certification**  
I hereby certify that all taxes assessed on this land have been paid.  
This is certified by *Doreen P. Friend*, County Treasurer.

**County Clerk and Recorder**  
I hereby certify that this plat is a true and correct copy of the original as recorded in the County Clerk and Recorder's Office.

**PLAT**  
MILES CITY ORIGINAL TOWNSHIP  
BLOCK 58, ORIGINAL TOWNSHIP  
MILES CITY, MONTANA

**FILED**  
Miles City, Montana  
August 15, 2016

**PLAT**  
MILES CITY ORIGINAL TOWNSHIP  
BLOCK 58, ORIGINAL TOWNSHIP  
MILES CITY, MONTANA

## CUSTER COUNTY ARM/ELS APPROVAL

The following described survey has been reviewed for conformance to ARM 24.183.1101 and 24.183.1104, mathematical closure, area computations, errors and omissions in drafting. The survey is approved for conformance to the above cited and is authorized by law and approved for recording or filing pursuant to 7-4-2617 MCA.

Description of Document or Survey: Boundary Relocation Survey located in Lots 9 & 10, Block 58, Miles City Original Townsite, NE ¼ Section 33, Township 8 North, Range 47 East, P.M.M., MILES CITY, CUSTER COUNTY, MONTANA Survey Commissioned by DKS Investments, LLC and dated May 2016.

*Note: This approval applies to ARM/ELS review only, the subdivision or exemption review is performed by the Miles City Planning Department.*

**Dan Stahly**

Digitally signed by Dan Stahly  
DN: cn=Dan Stahly, o=Stahly  
Engineering, ou,  
email=dstahly@seaeng.com, c=US  
Date: 2016.06.14 09:29:38 -06'00'

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Dan Stahly, P.L.S. # 16192  
Custer County Contract Reviewer