

AGENDA

*Regular Council Meeting
City Council Chambers*

*August 28, 2012
7:00 p.m.*

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

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES

- a. City Council Meeting 08/14/2012
- b. Finance Committee Meeting 08/09/2012

2. SCHEDULE MEETINGS

3. REQUEST OF CITIZENS & PUBLIC COMMENT

4. PROCLAMATIONS

Family Day: 4th Monday in September

5. STAFF REPORTS

Dawn Colton, Grant Administrator: Update on Riverside Restroom Project

Al Kelm, Public Utilities Director:

Update on Fire Door

Update on Water Tank Removal

Update on Strevell Street Project

Becky Stanton, City Clerk

Status of Finance Department Reorganization

6. CITY COUNCIL COMMENTS

7. MAYOR COMMENTS

8. APPOINTMENTS

-- Connie Muggli to Historic Preservation Commission Officer

9. PUBLIC HEARINGS

- a. **RESOLUTION NO. 3524:** A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 165 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.

- b. **RESOLUTION NO. 3525:** A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 167 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.
- c. **RESOLUTION NO. 3526:** A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 171 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.
- d. **RESOLUTION NO. 3527:** A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 172 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.
- e. **RESOLUTION NO. 3528:** A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 195 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.
- f. **RESOLUTION NO. 3529:** A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 202 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.
- g. **RESOLUTION NO. 3530:** A Resolution Levying and Assessing a Tax Upon All Property in Special Improvement Lighting District No. 173 to Defray The Cost of Leasing, Maintenance and Electrical Current in Said Special Improvement Lighting District and Authorizing and Directing Payment Therefore, For The Fiscal Year 2012-2013.
- h. **RESOLUTION NO. 3531:** A Resolution Levying and Assessing a Tax Upon All of The Property Within Maintenance District No. 204 To Defray The Cost of Maintaining The Improvements In The Said Maintenance District No. 204 For The Fiscal Year 2012-2013.
- i. **RESOLUTION NO. 3532:** A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 205 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 205 For Fiscal Year 2012-2013.
- j. **RESOLUTION NO. 3533:** A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 207 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 207 For Fiscal Year 2012-2013.
- k. **RESOLUTION NO. 3534:** A Resolution Pursuant To §2-9-212 Of The Montana Code Annotated, Authorizing A Permissive Medical Levy For Fy 2012-2013 To Fund Group Health Insurance Premium Contributions By The City And Providing For Hearing Thereon
- l. **RESOLUTION NO. 3535:** A Resolution Pursuant To 15-10-203 MCA Authorizing The Budgeting Of An Increased Amount Of Ad Valorem Tax Revenues In FY 2012-2013

In Excess Of Property Tax Revenues For The Prior Fiscal Year And Providing For Public Hearing Thereon

- m. **RESOLUTION NO. 3539:** A Resolution Approving And Adopting A Final Budget For The City Of Miles City For FY 2012-2013; Authorizing Procedure For Adjustments To Appropriations For Certain Fee Based Budgets; Authorizing Procedure For Transferring Appropriations Between Items Within The Same Fund
- n. **RESOLUTION NO. 3540:** A Resolution Electing To Operate Under The All-Purpose Mill Levy And Fixing The Tax Levy For The General Fund, Ambulance Fund And Airport Fund To Be Levied And Assessed On All The Taxable Property In The City Of Miles City For Fiscal Year 2012-2013

10. OLD BUSINESS

- a. **RESOLUTION NO. 3478:** A Resolution Authorizing The City Of Miles City To Enter Into An Agreement With Laurence R. Martin For Labor Relations Services
- b. **RESOLUTION NO. 3524: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 165 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013.
- c. **RESOLUTION NO. 3525: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 167 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013.
- d. **RESOLUTION NO. 3526: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 171 To Defray The Cost Of Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013
- e. **RESOLUTION NO. 3527: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 172 To Defray The Cost Of Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013.
- f. **RESOLUTION NO. 3528: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 195 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013

- g. **RESOLUTION NO. 3529: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 202 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013.
 - h. **RESOLUTION NO. 3530: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 173 To Defray The Cost Of Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013.
 - i. **RESOLUTION NO. 3531: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 204 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 204 For The Fiscal Year 2012-2013.
 - j. **RESOLUTION NO. 3532: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 205 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 205 For Fiscal Year 2012-2013.
 - k. **RESOLUTION NO. 3533: (Second Reading & Final Adoption)** A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 207 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 207 For Fiscal Year 2012-2013.
 - l. **RESOLUTION NO. 3534: (Second Reading & Final Adoption)** A Resolution Pursuant To §2-9-212 Of The Montana Code Annotated, Authorizing A Permissive Medical Levy For FY 2012-2013 To Fund Group Health Insurance Premium Contributions By The City And Providing For Hearing Thereon
 - m. **RESOLUTION NO. 3535: (Second Reading & Final Adoption)** A Resolution Pursuant To 15-10-203 MCA Authorizing The Budgeting Of An Increased Amount Of Ad Valorem Tax Revenues In FY 2012-2013 In Excess Of Property Tax Revenues For The Prior Fiscal Year And Providing For Public Hearing Thereon.
11. **BID AWARDS**
None
12. **NEW BUSINESS**
- a. **RESOLUTION NO. 3539:** A Resolution Approving And Adopting A Final Budget For The City Of Miles City For FY 2012-2013; Authorizing Procedure For Adjustments To Appropriations For Certain Fee Based Budgets; Authorizing Procedure For Transferring Appropriations Between Items Within The Same Fund

- b. **RESOLUTION NO. 3540:** A Resolution Electing To Operate Under The All-Purpose Mill Levy And Fixing The Tax Levy For The General Fund, Ambulance Fund And Airport Fund To Be Levied And Assessed On All The Taxable Property In The City Of Miles City For Fiscal Year 2012-2013
- c. **RESOLUTION NO. 3541: To Provide for Truck Parking next to Best Western Motel**
- d. **RESOLUTION NO. 3542:** A Resolution Authorizing The City Of Miles City To Dispose Of Walk-In Cooler At The Former Fish & Game Quonset By Transferring It To Range Riders, Inc., A Montana Nonprofit Public Benefit Corporation.
- e. **RESOLUTION NO. 3543:** A Resolution Authorizing The City Of Miles City To Dispose Of A Surplus Used Snow Plow By Transferring It To The Town Of Terry, Montana
- f. **Easement request from Oftedal Construction: 300' of city property along currently existing access road west of Miles City Airport**
- g. **Animal Rescue Shelter Permit Application: Diane Grutkowski, 818 N. Lake**

13. 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

**August 14, 2012
7:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, August 14, 2012, in the Council Chambers at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor C. A. Grenz called the meeting to order. Council members present were Dwayne Andrews, Roxanna Brush, John Hollowell, Mark Ahner, Bill Melnik and Sue Galbraith. Council members Jerry Partridge and John Uden were excused.

Also present were City Clerk Becky Stanton, Deputy City Clerk Linda Wildman, Payroll/HR Officer Billie Burkhalter, Police Chief Doug Colombik, City Attorney Jerry Huss, City Planner Dianna Broadie, Public Utilities Director Al Kelm, Grant Administrator Dawn Colton, RSVP Director Betty Vail and Council Recorder Connie Watts.

PLEDGE OF ALLEGIANCE

Mayor Grenz led the council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes – 7/24/2012

****** *Councilperson Galbraith moved to approve the minutes of the Regular Council Meeting of July 24, 2012, seconded by Councilperson Andrews.*

Corrections: Councilperson Ahner - P. 7, under Tongue River Electric Cooperative – the minutes should read that this item was referred to the Public Services Committee, not the Finance Committee.

Councilperson Galbraith noted her name was misspelled on P. 7 under Approval of Claims.

Councilperson Brush noted that on page 3 under Mayor Comments, it should read “Jaycee” Park instead of J.C. Park.

The motion then passed unanimously, 6-0.

Finance Committee – 7/26/12

****** *Councilperson Ahner moved to approve the minutes of the Finance Committee Meeting of July 26, 2012, seconded by Councilperson Brush.*

Corrections: Councilperson Galbraith noted that on Page 2, last paragraph, it should read “\$3,500 per week” for the attorney to do the Human Resource person’s job.

The motion then passed unanimously, 6-0.

Public Services Committee – 7/31/2012

****** *Councilperson Brush moved to approve the minutes of the Public Services Committee Meeting of July 31, 2012, seconded by Councilperson Galbraith. The motion passed unanimously, 6-0.*

Flood Control Committee Meeting – 8/1/2012

*** Councilperson Galbraith moved to approve the minutes of the Flood Control Committee Meeting of August 1, 2012, seconded by Councilperson Melnik and passed unanimously, 6-0.*

SCHEDULE MEETINGS

Flood Control Committee: Wednesday, August 22, @ 6:00 p.m.
Planning Committee: Tuesday, August 21, @ 6:00 p.m.
Special Council Meeting: Monday, August 27, @7:00 p.m.
regarding changing the form of the airport from an Airport Commission to an Airport Authority

REQUEST OF CITIZENS & PUBLIC COMMENT

Mike Coryell, Director, Miles City Economic Development -- Jailhouse Assessment Funding: Mr. Coryell spoke to the Council on some issues regarding the Custer County jail facility. The Economic Development Board formed a subcommittee, the Economic Planning Committee, to address issues and concerns this community may be facing with possible growth. The idea was that they could possibly facilitate some research and bring some information and items of concern to the City Council and/or the County Commissioners.

This non-political committee is made up of members of the City Council, the County Commissioners, planning boards for both agencies, a State Legislator, Ft. Keogh, Chamber of Commerce, etc. Law enforcement being one of the issues considered, Police Chief Colombik and Sheriff Harbaugh were invited to address the committee regarding some of their issues and concerns. The deteriorating condition of the jail was one of the primary concerns expressed.

Mr. Coryell presented a letter from the County Commissioners authorizing the Miles City Economic Development committee to be a subcommittee of Custer County Commissioners for the purpose of working in conjunction with the Custer County Sheriff in order to have an assessment of jail services conducted in Custer County. The assessment was estimated to cost from \$50,000 to \$80,000, possibly more. The Commissioners have pledged \$10,000 to this assessment funding. Matching funds will also be sought, as well as grants and Coal Board monies.

Mr. Coryell said he is here to request a commitment from the City Council of \$10,000, which will provide \$20,000 matching funds. They anticipate \$35,000 from a Coal Board grant and \$25,000 from the Big Sky Trust Fund. Because the impact on both the City and County would be substantial if the jail were to be closed down, the Economic Development committee considers this a community issue.

Mayor Grenz referred this issue to the Finance Committee.

Betty Vail, RSVP Director -- Mayor Grenz asked Ms. Vail for her name and address: 217 N. Prairie. She wanted to publically thank the City Clerk's office -- Becky, Linda, Connie and Billie -- for the efficient and helpful way in which they handled her difficult budget. She has run into many issues and, since Becky has taken over the Clerk's position, she has been able to resolve those issues. The largest issue was that the wages need to be paid non-federally, which had not previously been done, but is now being done correctly. She also commended the Clerk's office for being very cooperative in effectively closing out her fiscal year, which runs on a different fiscal year than the City's.

PROCLAMATIONS

Christopher Bogner Day: August 9th

Cpl. Christopher Bogner, of Miles City, was wounded by an IED while serving our country in Afghanistan during his tour of duty with the United States Marine Corp. As a tribute to Chris and as recognition to all other wounded military men and women who serve our country, a proclamation designating Chris's birthday, August 9th, as Christopher Bogner Day in Miles City was presented.

Mayor Grenz read the proclamation at the meeting and proclaimed August 9th as Christopher Bogner Day in Miles City.

STAFF REPORTS

DAWN COLTON, Grant Administrator -- Update on Riverside

Restroom Project: Administrator Colton is waiting to hear from the Federal Highway Administration, which makes the appropriation. Jacquelyn Smith at that agency contacts the FHWA for updates every day. When Administrator Colton hears from the FHWA that the project has been approved, the Invitation to Bid will be published in the paper. She is already working on that document.

AL KELM, Public Utilities Director -- Update on Fire Door for

Upstairs: He is still waiting to get some contact numbers to try to find an exterior fire escape. He has contacted Fire Chief Dale Berg to gather some smoke detectors for City Hall on all three floors.

Update on 1911 Riverside Park Water Tank Removal: The top of the tank is already off and the crane will be here Thursday morning. They hope to have the work completed by Saturday.

Update on Strevell Street Project: He needs to send back some revisions to DEQ that will have to be made on the water line project. It will then go back to the DEQ a second time for revisions. A bid package will be put together, bids requested, and the City could probably get started yet this year. If winter comes early, however, that would mean Strevell might be torn up all winter. He feels it would be in the best interest of the City to go to bid this winter, give the contractors plenty of time to look over the project and submit a bid. He would do a bid opening early 2013, get the contract awarded and they could start working as soon as the frost is out of the ground.

Update on the Swimming Pool: So far this year we have received \$1,875 in donations between the ROCKS Program and the free swimming. We have used up \$1,364 through the free swimming, with 1,200 people having taken advantage of the free swimming. \$6,000 has also been received in swimming fees, even though we had a late start this year.

On the Rivenes/Laird Aquatic Center sign, Ms. Sigrid Laird approved the sign, a photo of which was circulated among the Council members for their review. He will get some prices and will get started on the construction of it. He said he appreciates the Council's support and the community's support for the pool.

He was asked about the possibility of putting a roof on the dressing rooms. Director Kelm would like to have more discussion on this before any decisions are made.

BECKY STANTON, City Clerk -- Mayor Grenz asked City Clerk

Stanton to state her name: Becky Stanton, 333 Arrowhead Road. City Clerk Stanton had previously distributed a fact sheet on the department reorganization through email or their mailboxes at City Hall. She asked the Council to please stay the reorganization, which would cost the City an additional \$26,000 next fiscal year. She said she is willing to work towards a

full-time Deputy Clerk, as long as the position bidding process and the Personnel Policy rules are followed.

CITY COUNCIL COMMENTS

Councilperson Ahner

-- Thanked Dawn Colton and the City Crews for the installation of the second new restroom at Spotted Eagle.

-- Asked the Police Chief if his department could make note of some of the intersections where visibility is obscured by brush and/or tree limbs. He mentioned Pleasant & 10th and Stacy & Leighton, for example.

-- Was contacted by Councilperson Uden on Friday – he asked if Ahner would convey to the Council that he would be gone for longer than 10 days.

** *Councilperson Ahner moved to approve an absence of greater than 10 days for Councilperson Uden, seconded by Councilperson Hollowell and passed unanimously, 6-0.*

Councilperson Andrews

-- Received a call regarding properties that are going to be sold for delinquent taxes, some of which are located close to the dike. He thought it might be worth considering some of these properties for purchase in anticipation of dike improvements, which could give the City some property for not a lot of money.

-- Noted that he was going to be on fire duty for 14 days and has no idea if he is going to be here. Just giving the Council a heads-up in case he has to be gone unexpectedly.

-- Said that he agrees with City Clerk Becky Stanton. He has visited many times and has watched how she runs her office. It is a cohesive office, the people get along and they are extremely hard working. He feels it is important for the Council to recognize that. He stated that any reorganizing should be done with Becky in charge of it. She's running that office, knows her people's strengths and the seasonal work loads. He also noted that we have additional expenses coming up to the tune of \$50,000 or more.

-- Was looking at all the resolutions on the agenda, and would like to group a lot of these together in one motion, as many of them address Lighting & Maintenance Districts for this fiscal year.

Councilperson Hollowell

-- Noted that his family and he have used the pool quite a bit this summer. He feels it looks better than it has ever looked, and wished to commend those responsible for that. The water is very clear, the kids love it.

-- Spoke about the Clerk's office reorganization. He mentioned the earlier promise wherein the Mayor asked the Council to be good stewards of the citizen's tax dollars, and he feels the council would not be doing that if it were to spend additional tax dollars for something that is already being done. He agrees with City Clerk Stanton, in that it would not be financially responsible to spend \$26,000 more to achieve the same results.

Deputy Clerk Wildman, in response to other discussion, clarified that she has been a working retiree for four years. The only reason she had stayed so long was to help train new personnel in the Clerk's office. City Clerk Stanton is the second city clerk to be hired in those four years, and has only been in that position a year and a half.

Councilperson Melnik

-- Said he was approached by two individuals from the Range Riders Museum who asked if the City would be interested in donating to the museum an old walk-in cooler located behind the old Fish & Game building.

Director Kelm spoke to this issue, saying the old cooler is of no use to the City. He also noted that the Town of Terry inquired if the City would be interested in donating the old snowplow vehicle that is sitting at the airport. The Town of Terry could use it for its airport. He noted that the snowplow was donated to our airport, and we have no use for it any more. He will visit with the Airport Manager about this.

MAYOR COMMENTS

City Attorney request for authorization to employ Erika Griffith as Legal Intern. City Attorney Huss said Ms. Griffith was employed by him last summer, has finished law school, taken the bar exam, and is waiting for the results of that exam. He mentioned she has already argued in front of the Ninth Circuit Court and won her argument in that case.

She is currently working for him in his office, and will become permanent as soon as she passes the exam. She will be doing routine matters for the City; this arrangement will require no change in the budget.

Mayor Grenz asked for a consensus of the Council – the Council approved of this arrangement by consensus.

PUBLIC HEARINGS

None

OLD BUSINESS

Decision on Sewer Rate Increase

****** *Councilperson Ahner moved to approve the Decision as to the Sewer Rate Increase, seconded by Councilperson Melnik. After discussion and on roll call vote, the motion passed unanimously, 6-0.*

RESOLUTION 3364: A Resolution Establishing Procedures for the Sale or Lease of City Lands

****** *Councilperson Ahner moved to approve the resolution by title only, seconded by Councilperson Hollowell. After brief discussion and on roll call vote, the resolution passed 5-1, with Councilperson Andrews voting no.*

RESOLUTION 3513: A Resolution, Pursuant To §69-7-111 Of The Montana Code Annotated, Of Intent To Decrease For Two Years, Then Incrementally Increase For 13 Years, Monthly Minimum Water Rates And Monthly Overage Water Rates, And Providing For Municipal Rate Hearing Thereon

****** *Councilperson Brush moved to approve the resolution by title only, seconded by Councilperson Andrews.*

During discussion, Doug Leidholt, 100 Prima Vista Drive, expressed his opposition to this water rate decrease. He understands the reason for trying to give the people a break, with the sewer rate increase now in effect, but he is concerned that it just pushes higher rates into the future. He also feels the money is needed for infrastructure and, by this decrease, the money won't be increasing in the water fund for at least 8 years. Sue Galbraith also expressed concern about decreased revenues for the water department.

On roll call vote the motion passed unanimously, 6-0.

RESOLUTION NO. 3515: A Resolution, Pursuant To Title 7, Chapter 2, Part 46 MCA, Annexing Certain Lands To The City Of Miles City, Montana, By Petition Of The Landowner, To-Wit: Tract 1 Of Certificate Of Survey No. 49207 In Section 2, Township 7 North, Range 47 East, Custer County, Montana (Commonly Known As The Super 8 Motel Property)

*** Councilperson Hollowell moved to approve the resolution by title only, seconded by Councilperson Melnik. After brief discussion and on roll call vote, the resolution passed unanimously, 6-0.*

RESOLUTION NO. 3516: A Resolution Of Intent To Annex Certain Contiguous Government Lands To The City Of Miles City, Montana, To-Wit: That Portion Of The Right Of Way Of Montana State Highway 59 South Commencing At The Intersection Of Such Highway With The Southerly City Limit Line Of The City Of Miles City On Highway 59 South, Thence Southerly, The Full Width Of Such Right Of Way, To That Point At Which The Southerly Boundary Line Of Tract 1 Of Certificate Of Survey 49207 In Section 2, Township 7 North, Range 47 East, Custer County, Montana (Commonly Known As The Super 8 Motel Property) Intersects The Easterly Boundary Of Such Right Of Way, Providing For Notice Thereof, And Providing For A Public Hearing Thereon

Mayor Grenz complimented the City Planner, as the City has had no annexations for a long time.

*** Councilperson Brush moved to approve the resolution by title only, seconded by Councilperson Melnik. After brief discussion and on roll call vote, the resolution passed unanimously, 6-0.*

DISCUSSION on Building Inspector Contract

Mayor Grenz asked the Council if they wished to allow the Building Inspector to continue to work without a contract, as the proposed contract has not been signed.

City Attorney Huss said a new contract had been presented, but had never been signed. He inquired of Patrick Begley, the Building Inspector's attorney who was in the audience, if it was his opinion that the old contract automatically renewed for 2012.

Mr. Begley stated his client did not understand why a new contract with different terms had been presented so late. Although the old contract expired June 30, 2012, he has been performing the duties and being compensated and has not been terminated.

After extensive discussion, Mr. Begley said he would visit with his client and then get in touch with City Attorney Huss and present to him his client's decision on the proposed contract.

RESOLUTION NO. 3519: Bond Resolution Relating to \$1,810,000 Sewer System Revenue Bonds (DNRC Water Pollution Control State Revolving Loan Program) Consisting of \$300,000 Subordinate Lien Taxable Series 2012A Bond and \$1,510,000 Series 2012B Bond

*** Councilperson Ahner moved to approve the resolution by title only, seconded by Councilperson Melnik. After brief discussion and on roll call vote, the resolution passed unanimously, 6-0.*

RESOLUTION NO. 3520: A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With Williams Brothers Construction, LLC, A Washington Limited Liability Company For Construction Of The Schedule II Wastewater System Improvements (Effluent Building)

*** Councilperson Brush moved to approve the resolution by title only, seconded by Councilperson Melnik. On roll call vote, the resolution passed unanimously, 6-0.*

RESOLUTION NO. 3521: A Resolution Authorizing The City Of Miles City To Enter Into A Construction Agreement With Dick Anderson Construction, Inc., A Montana Corporation, For Construction Of The Schedule I Wastewater System Improvements (Haynes Avenue Lift Station)

*** Councilperson Galbraith moved to approve the resolution by title only, seconded by Councilperson Brush. On roll call vote, the resolution passed unanimously, 6-0.*

Councilperson Brush then requested a recess. The meeting was recessed for approximately ten minutes.

BID AWARDS

None

NEW BUSINESS

Resolution No. 3524: A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 165 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013.

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Resolution No. 3526: A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 171 To Defray The Cost Of Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013

Resolution No. 3527: A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 172 To Defray The Cost Of Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013.

Resolution No. 3528: A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 195 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013

Resolution No. 3529: A Resolution Levying And Assessing A Tax Upon All Property In Special Improvement Lighting District No. 202 To Defray The Cost Of Leasing, Maintenance And Electrical Current In Said Special Improvement Lighting District And Authorizing And Directing Payment Therefore, For The Fiscal Year 2012-2013.

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Resolution No. 3532: A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 205 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 205 For Fiscal Year 2012-2013.

RESOLUTION NO. 3533: A Resolution Levying And Assessing A Tax Upon All Of The Property Within Maintenance District No. 207 To Defray The Cost Of Maintaining The Improvements In The Said Maintenance District No. 207 For Fiscal Year 2012-2013

Mayor Grenz reminded the Council that there will be a public hearing on these resolutions at the next council meeting.

****** *Councilperson Andrews moved to approve Resolutions 3524 through 3533, seconded by Councilperson Melnik and, on roll call vote, passed unanimously, 6-0.*

RESOLUTION NO. 3534: A Resolution Pursuant To §2-9-212 Of The Montana Code Annotated, Authorizing A Permissive Medical Levy For FY 2012-2013 To Fund Group Health Insurance Premium Contributions By The City And Providing For Hearing Thereon

****** *Councilperson Ahner moved to approve the resolution by title only, seconded by Councilperson Andrews.*

Councilperson Hollowell asked why we were increasing our levy from 7 last year to almost 21 this year. Councilperson Ahner replied that, although we were authorized 18 mills last year, we reduced it to 7. This year we are proposing to use the maximum amount (\$141,267.92). The State gives us an inflation adjustment each year – last year it was .72%. This year it is 1.2%. Therefore, we felt we should use the full amount allowed for the Permissive Medical Levy.

After discussion and on roll call vote, the resolution passed unanimously, 6-0.

RESOLUTION NO. 3535: A Resolution Pursuant To 15-10-203 MCA Authorizing The Budgeting Of An Increased Amount Of Ad Valorem Tax Revenues In FY 2012-2013 In Excess Of Property Tax Revenues For The Prior Fiscal Year And Providing For Public Hearing Thereon.

*** Councilperson Brush moved to approve the resolution by title only, seconded by Councilperson Ahner. On roll call vote, the resolution passed unanimously, 6-0.*

RESOLUTION NO. 3536: A Resolution Designating A Loading Zone On The North West Corner Of Washington Street At Its Intersection With Eighth Street, And Granting A Permit Therefore To Ed Martin, And Authorizing The Placement Of Loading Zone Signs At Such Location

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

It was noted that the fee for the sign is \$72 per calendar year.

After discussion and on roll call vote, the resolution passed unanimously, 6-0.

DISCUSSION: Barrie Matthews Request to Purchase City Property Adjacent to Big Sky Smile Center

Mr. Matthews had contacted Councilperson Ahner about this issue. Councilperson Ahner told him this issue would not be addressed until Resolution 3364 dealing with the sale or lease of City lands had been passed. His issue would then be placed on the agenda of a Finance Committee meeting in September.

RESOLUTION NO. 3538: A Resolution Authorizing The City Of Miles City To Enter Into An Easement Agreement With Tongue River Electric Cooperative For An Electric Line Along Horizon Parkway

*** Councilperson Galbraith moved to approve the resolution by title only, seconded by Councilperson Melnik. After brief discussion and on roll call vote, the resolution passed unanimously, 6-0.*

Budget Amendments to the FY12/13 Preliminary Budget

*** Councilperson Ahner moved to adopt the 10 budget amendments, seconded by Councilperson Melnik. After brief discussion and on roll call vote, the budget amendments were adopted by unanimous vote, 6-0.*

Discussion: Lease Agreement for the grazing land by Waste Water Treatment Plant - Duane & Jane Bundy

Director Kelm said the Bundys have leased the land in the past. The grazing helps keep the weeds down, which is advantageous to the City.

*** Councilperson Ahner moved to refer this item to the Finance Committee, seconded by Councilperson Melnik and passed unanimously, 6-0.*

Zone Change: Lot F-1, Horizon Park Subdivision; Roger Lothspeich – No Recommendation from Zoning Commission

City Planner Broadie explained that Mr. Lothspeich had anticipated selling the land to a company that was going to erect a multi-family dwelling on the property, which was why he had submitted a zone change. That deal subsequently fell through, but Mr. Lothspeich never did come in and formally withdraw his zone change application. He has since decided to erect a building for his new Bobcat dealership on that property, which means the zoning would have to remain as is in order to be in compliance. The Zoning Commission,

therefore, simply gave no recommendation on this application. City Planner Broadie recommended a motion and vote by the Council to deny the zone change application, which would allow the zoning to remain unchanged.

*** Councilperson Hollowell moved to deny the zone change, seconded by Councilperson Melnik and, on roll call vote, passed unanimously.*

Approval of July Claims

*** Councilperson Brush moved to approve the July, 2012 claims, seconded by Councilperson Ahner. Councilperson Hollowell asked why some repairs were going to the Ford dealer when we have our own mechanic. Police Chief Colombik replied that sometimes our mechanic is backed up and we have to turn somewhere else for those repairs.*

Councilperson Brush also questioned the \$7500 to A-1 Concrete. Director Kelm explained it was for replacing the concrete in the alley behind Stockman Bank and splitting the cost with them. The funds were in the budget; Director Kelm said the City got a really good deal – the alley actually belongs to the City and would normally have to shoulder the cost of the entire repair/replacement.

After discussion the motion passed unanimously, 6-0.

ADJOURNMENT

*** Councilperson Ahner moved to adjourn the meeting, seconded by Councilperson Brush and passed unanimously, 6-0. The meeting was adjourned at 9:35 p.m.*

C.A. GRENZ, Mayor

Connie L. Watts, Council Recorder

Finance Committee Meeting August 9, 2012

The **Finance Committee** met August 9, 2012, at 12:00 p.m. in the City Hall Conference Room. Present were Chairperson Mark Ahner and Committee Members Bill Melnik, Roxanna Brush and Jerry Partridge. Also present were Council Member Sue Galbraith, Mayor Chris Grenz and Recorder City Clerk Becky Stanton.

Resolution No. 3519: Bond Resolution Relating to \$1,810,000 Sewer System Revenue Bonds (DNRC Water Pollution Control State Revolving Loan Program) Consisting of \$300,000 Subordinate Lien Taxable Series 2012A Bond and \$1,510,000 Series 2012 B Bond

Chairperson Ahner explained that the City would receive a \$300,000 forgivable loan, if the City met certain requirements: a \$1,510,000 loan, and the City would use \$1,510,000 of the money set aside for capital improvements in the Water Fund. These loans and money will be used to update the Haynes Avenue Lift Station and the effluent building at the Waste Water Plant. He included in the packet the changes made to the bond (see packet for list of changes). He asked City Attorney Huss if he had seen anything different than in previous bonds and City Attorney Huss said no.

*** Committee Member Brush moved to recommend to the Council to approve the Resolution, read by title only, and seconded by Committee Member Melnik. On roll call vote, motion carried unanimously, 4-0.*

Resolution No. 3520: A Resolution Authorizing the City of Miles City to enter into a Construction Agreement with Williams Brothers Construction, LLC, a Washington Limited Liability Company for Construction of the Schedule II Wastewater System Improvements (Effluent Building).

Chairperson Ahner explained the agreement to the Committee. He stated that a contract was not included in the packet and motion should be contingent on the City Attorney reviewing and approving the agreement.

*** Chairperson Ahner moved to recommend to the Council to approve the Resolution, read by title only, with the contingency that the agreement is reviewed and approved by City Attorney Huss. The motion was seconded by Committee Member Melnik, and on roll call vote, the motion carried unanimously, 4-0.*

Resolution No. 3521 A Resolution Authorizing the City of Miles City to enter into a Construction Agreement with Dick Anderson Construction, Inc., a Montana

Corporation, For Construction of the Schedule I Wastewater System Improvements (Haynes Avenue Lift Station).

Chairperson Ahner explained the agreement to the Committee. He stated that a contract was not included in the packet and motion should be contingent on the City Attorney reviewing and approving the agreement.

* * *Committee Member Brush moved to recommend to the Council to approve the Resolution, read by title only, with the contingency that the agreement is reviewed and approved by City Attorney Huss. The motion was seconded by Committee Member Melnik, and on roll call vote, the motion carried unanimously, 4-0.*

Resolution No. 3364: A Resolution to establish procedures for the sale or lease of City lands.

Chairperson Ahner explained that he had asked City Attorney Huss to make changes to the above Resolution which reflects Councilperson Uden's concerns in Sections 4 & 5, clearing up the language to show both lessee and purchaser. Section 7 is a new section, and Chairperson Ahner used the language from the Tire Rama Lease agreement and requested City Attorney Huss to insert it into the Resolution.

* * *Committee Member Brush moved to recommend to the City Council to approve the Resolution, read by title only, and seconded by Committee Member Melnik. On roll call vote, the motion passed unanimously, 4-0.*

Request of Citizens

-None


There being no further business, the meeting was adjourned at 12:16 p.m.

Finance Committee:

Chairperson Mark Ahner

Respectfully Submitted:

City Clerk Becky Stanton



**PROCLAMATION DECLARING
THE 4TH SUNDAY IN SEPTEMBER AS
FAMILY DAY**

WHEREAS the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children;

WHEREAS 17 years of surveys conducted by The National Center on Addiction and Substance Abuse at Columbia University (CASAColumbia™) have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs;

WHEREAS frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse;

WHEREAS the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented;

WHEREAS parents who are engaged in their children's lives – through such activities as frequent family dinners – are less likely to have children who abuse substances;

WHEREAS family dinners have long constituted a substantial pillar of family life in America;

Now, therefore, I, C. A. GRENZ, Mayor of Miles city, Montana, do hereby proclaim the fourth Monday of every September as

Family Day – A Day to Eat Dinner with Your Children™

And urge all citizens to recognize and participate in its observance.

DATED this 28th day of August, 2012.

C.A. GRENZ, Mayor



RESOLUTION NO. 3524

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 165 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2012-2013.

WHEREAS, the City Council for the City of Miles City, Montana did, on the 26th of February, 1968, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 165; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2012-2013 is estimated by the City Council at the sum of \$ 172,016 and,

WHEREAS, the property in said Special Improvement Lighting District No. 165 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2012-2013 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 165.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 165, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 165 amounting to .005727 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 165, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 28th day of August, 2012, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 165 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL THIS 14th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 14th day of August, 2012 and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 28, 2012, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2012-2013 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3524 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2012-2013 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 28th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

RESOLUTION NO. 3525

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 167 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2012-2013.

WHEREAS, the City Council for the City of Miles City, Montana, did on the 26th of February, 1968, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 167; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2012-2013 is estimated by the City Council at the sum of \$ 27,135 ; and,

WHEREAS, the property in said Special Improvement Lighting District No. 167 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2012-2013 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 167.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 167, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 167 amounting to . 010916 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 167, attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 28th day of August, 2012, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 167 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL this 14th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 14th day of August, 2012 and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 28, 2012, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2012-2013 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3525 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2012-2013 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 28th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

RESOLUTION NO. 3526

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 171 TO DEFRAY THE COST OF MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2012-2013.

WHEREAS, the City Council for the City of Miles City, Montana, did on the 10th day of November, 1969, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 171; and,

WHEREAS, the whole cost of MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2012-2013 is estimated by the City Council at the sum of \$ 2,551 and,

WHEREAS, the property in said Special Improvement Lighting District No. 171 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2012-2013 for MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 171.

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

Section 1: To defray one hundred percent (100%) of the cost of MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 171, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 171 amounting to .003217 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 171, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 28th day of August, 2012, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 171 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL this 14th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 14th day of August, 2012 and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 28, 2012, pursuant to published notice;

WHEREAS, the cost of MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2012-2013 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3526 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2012-2013 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 28th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

RESOLUTION NO. 3527

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 172 TO DEFRAY THE COST OF MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2012-2013.

WHEREAS, the City Council for the City of Miles City, Montana did on the 13th day of April 1970, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 172; and,

WHEREAS, the whole cost of MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2012-2013 is estimated by the City Council at the sum of \$ 8,973 and,

WHEREAS, the property in said Special Improvement Lighting District No. 172 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2012-2013 for MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 172.

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

Section 1: To defray one hundred percent (100%) of the cost of MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 172, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 172 amounting to .011770 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 172, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 28th day of August, 2012, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 172 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL this 14th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 14th day of August, 2012 and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 28, 2012, pursuant to published notice;

WHEREAS, the cost of MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2012-2013 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3527 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2012-2013 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 28th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

RESOLUTION NO. 3528

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 195 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2012-2013.

WHEREAS, the City Council for the City of Miles City, Montana, did, on the 28th day of March, 1981, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 195; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2012-2013 is estimated by the City Council at the sum of \$ 4,758 and,

WHEREAS, the property in said Special Improvement Lighting District No. 195 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2012-2013 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 195.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 195, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 195 amounting to .006475 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 195, attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 28th day of August, 2012, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 195 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL this 14th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 14th day of August, 2012 and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 28, 2012, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2012-2013 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3528 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2012-2013 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 28th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

RESOLUTION NO. 3529

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 202 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2012-2013.

WHEREAS, the City Council for the City of Miles City, Montana did, on the 10th day of May, 1983, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 202; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2012-2013 is estimated by the City Council at the sum of \$ 7,531 and,

WHEREAS, the property in said Special Improvement Lighting District No. 202 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2012-2013 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 202.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 202, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 202 amounting to .008805 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 202, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 28th day of August, 2012, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 202 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL by the City Council this 14th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 14th day of August, 2012 and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 28, 2012, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2012-2013 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3529 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2012-2013 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 28th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

RESOLUTION NO. 3530

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 173 TO DEFRAY THE COST OF MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2012-2013.

WHEREAS, the City Council for the City of Miles City, Montana, did on the 13th day of March, 2007, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 173; and,

WHEREAS, the whole cost of MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2012-2013 is estimated by the City Council at the sum of \$ 1,570 and,

WHEREAS, the property in said Special Improvement Lighting District No. 173 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2012-2013 for MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 173.

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

Section 1: To defray one hundred percent (100%) of the cost of MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 173, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 173 amounting to .003597 per square foot;

Section 2: A description of each lot or parcel of land, the total square footage of property contained therein, the name of the owner and the amount assessed against each lot or parcel of land in Special Improvement Lighting District 173, is attached hereto as Exhibit "A" and made a part hereof, and shall, upon passage, be kept on file in the City Clerk's Office.

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 28th day of August, 2012, at 7:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

Section 4: The City Clerk is hereby authorized and directed to publish in a newspaper of general circulation within the City of Miles City, in the manner provided for in 7-1-4127 MCA, a notice stating that the resolution levying the special assessment to defray the cost of MAINTENANCE AND ELECTRICAL CURRENT for Special Improvement Lighting District No. 173 is on file at City Hall and subject to inspection.

Section 5: Said notice shall state time and place at which objections to the final adoption of this resolution will be heard by the City Council, and the last publication of said notice shall be published at least five (5) days before the time set by the Council for hearing objections to the final adoption of this resolution.

PASSED BY THE CITY COUNCIL this 14th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 14th day of August, 2012 and has ever since been on file in said office subject to public inspection.

WHEREAS, the City Clerk, having given notice of the passing and filing of said Resolution by publishing, in accordance with 7-1-4127 MCA, said notice in the Miles City Star, a newspaper published in Miles City, with the last date of publication at least five (5) days before the day set therein for hearing all objections to the final adoption of said Resolution.

WHEREAS, a hearing on objections was conducted by the City Council on August 28, 2012, pursuant to published notice;

WHEREAS, the cost of MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2012-2013 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 3530 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2012-2013 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 28th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

RESOLUTION NO. 3531

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 204 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 204 FOR THE FISCAL YEAR 2012-2013.

WHEREAS, on the 15th day of May, 1984, the City Council of the City of Miles City, Montana, passed Ordinance No. 933 and Resolution No. 2284 creating Maintenance District No. 204 to improve and maintain streets, avenues and alleys by sweeping and flushing, chip sealing and overlaying, curb and gutter replacement and repair, asphalt replacement and repair, snow removal, sanding, signing, storm drain cleaning and repair, weed mowing and alley maintenance or any part thereof; and

WHEREAS, not more than forty percent (40%) of the property owners protested in writing against the passage of the ordinance and the said ordinance was finally passed and adopted on June 12, 1984; and

WHEREAS, pursuant to 7-12-4425, MCA the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 204 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2012-2013 is \$ 944,553.

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

Section 1: That to defray the costs of maintaining Maintenance District No. 204 for the fiscal year 2012-2013 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 204: .0302976 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$ 212.08

Section 2: That there shall be maintained open to public inspection at the City Clerk's Office at City Hall in the City of Miles City, Montana, a list which describes each lot or parcel of land being assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite which shall be open to the public during business hours between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 204, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 28th day of August, 2012, at 7:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL this 14th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

FINALLY PASSED AND ADOPTED THIS 28th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

RESOLUTION NO. 3532

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 205 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 205 FOR FISCAL YEAR 2012-2013.

WHEREAS, on the 15th day of May, 1984, the City Council of the City of Miles, Montana, passed Ordinance No. 934 and Resolution No. 2285 creating Maintenance District No. 205 to improve and maintain streets, avenues and alleys by grading and graveling, maintain drainage, asphalt replacement and repair, snow removal, sanding, signing, culvert cleaning and repair, weed mowing, alley maintenance, or any part thereof; and

WHEREAS, not more than forty percent (40%) of the property owners protested in writing against the passage of the Ordinance and said ordinance was finally passed and adopted on June 12, 1984; and

WHEREAS, pursuant to 7-12-4425, MCA, the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 205 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2012-2013 is \$ 312,916

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

Section 1: That to defray the cost of maintaining Maintenance District No. 205 for fiscal year 2012-2013 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 205: .037274 per
sq. ft assessment

FOR EXAMPLE: Typical lot within the district of approximately 7,000
square feet shall have an annual assessment \$ 260.92

Section 2: That there shall be maintained open to public inspection at the City Clerk's Office at the City Hall in the City of Miles City, Montana, a list which describes each lot or parcel of land being assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite which shall be open to the public during business hours between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 205, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 28th day of August, 2012, at 7:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL THIS 14th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

FINALLY PASSED AND ADOPTED THIS 28th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

RESOLUTION NO. 3533

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 207 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 207 FOR FISCAL YEAR 2012-2013.

WHEREAS, on the 27th day of March, 2007, the City Council of the City of Miles, Montana, passed Ordinance No. 1167 and on March 13th, 2007 Resolution No. 3137 creating Maintenance District No. 207 includes, but is not limited to, sprinkling, chip sealing, seal coating, overlaying, treating, pothole repair, general cleaning, sweeping, flushing, snow removal, leaf and debris removal and the operation, maintenance and repair of traffic signal systems, the repair of traffic and street signs, the placement and maintenance of pavement markings, curb and gutter repair, and minor sidewalk repair that includes cracking, chipping, sinking, and the replacement of not more than 6 feet of sidewalk in any 100-foot portion of sidewalk, and

WHEREAS, not more than forty percent (40%) of the property owners protested in writing against the passage of the Ordinance and said ordinance was finally passed and adopted on March 27, 2007; and

WHEREAS, pursuant to 7-12-4425, MCA, the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 207 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2012-2013 is \$ 4,364 ; and

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

Section 1: That to defray the cost of maintaining Maintenance District No. 207 for fiscal year 2012-2013 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 207: .009999 per
sq. ft assessment

FOR EXAMPLE: Typical lot within the district of approximately 10,000 square feet shall have an annual assessment \$99.99

Section 2: That there shall be maintained open to public inspection at the City Clerk's Office at the City Hall in the City of Miles City, Montana, a list which describes each lot or parcel of land being assessed, with the name of the owner thereof, if known, and the amount levied thereon set opposite which shall be open to the public during business hours between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 207, is on file in his or her office and is subject to inspection and said notice shall be published in the Miles City Star as provided in 7-1-4127 MCA. The Notice shall also state that the City Council of the City of Miles City, Montana, shall on 28th day of August, 2012, at 7:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL THIS 14th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

FINALLY PASSED AND ADOPTED THIS 28th day of August, 2012.

MAYOR

ATTEST:

BECKY STANTON
CITY CLERK

RESOLUTION NO. 3534

A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2012-2013 TO FUND GROUP HEALTH INSURANCE PREMIUM CONTRIBUTIONS BY THE CITY AND PROVIDING FOR HEARING THEREON

WHEREAS, the City of Miles City contributes funds for employee group health insurance premiums;

AND WHEREAS, §2-9-212 MCA permits the City of Miles City to levy an annual property tax, designated "Permissive Medical Levy" to fund the payment of such health insurance premiums in the amount in excess of the base contribution as determined under §2-18-703(4)(c) for group benefits under §2-18-703;

AND WHEREAS, such levy is not subject to the mill levy limitations set forth in §15-10-420 MCA;

AND WHEREAS, the City of Miles City desires to levy such property tax for Fiscal Year 2012- 2013;

AND WHEREAS the provisions of §2-9-212(2)(b) MCA require public hearing upon any increase in such permissive medical levy prior to implementing such levy;

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

That a property tax levy of **20.29 mills** be imposed, pursuant to §2-9-212 MCA, for the purposes of funding the premium for group health insurance for Fiscal Year 2012-2013.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed levy on the 28th day of August, 2012 at 7:00 p.m. in the City Hall Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4127 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 14TH DAY OF AUGUST, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, 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 28TH DAY OF AUGUST, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

RESOLUTION NO. 3535

A RESOLUTION PURSUANT TO 15-10-203 MCA AUTHORIZING THE BUDGETING OF AN INCREASED AMOUNT OF AD VALOREM TAX REVENUES IN FY 2012-2013 IN EXCESS OF PROPERTY TAX REVENUES FOR THE PRIOR FISCAL YEAR AND PROVIDING FOR PUBLIC HEARING THEREON.

WHEREAS the City Council of the City of Miles City, Montana intends to budget for real and personal property tax revenues for Fiscal Year 2012-2013 in excess of the property tax revenues for Fiscal Year 2011-2012, exclusive of taxes on properties appearing for the first time on the property tax records;

AND WHEREAS, §15-10-203 MCA requires the adoption of a resolution of the City Council authorizing such action;

AND WHEREAS, pursuant to §15-10-203 MCA, published notice and public hearing is required prior to adoption of this resolution;

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

1. It hereby authorizes the budgeting of real and personal property tax revenues for FY 2012-2013 in excess of the real and personal property tax revenues for FY 2011-2012.

2. Pursuant to §15-10-203 MCA, a public hearing shall be held on this resolution on the 28th day of August, 2012 at 7:00 p.m. in the City Hall Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana at which time and place public comment will be received. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §15-10-203 and §7-1-4127 MCA, at least 2 times with at least 6 days separating each publication. Such publication shall be placed in a portion of the newspaper other than that portion utilized for legal and classified advertisements.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 14TH DAY OF AUGUST, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, 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 28TH DAY OF AUGUST, 2011.**

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

Property Tax Revenues for FY 2011-12

General	\$1,370,709.00
Emergency	\$12,656.00
Judgment	\$352.00
Medical	\$45,196.00
Total:	\$1,428,913.00

Property Tax Revenues for FY 2012-13

General	\$1,400,000.00
Medical	\$141,467.92
Total	\$1,541,467.92

Difference \$112,554.92

Increase: 7.88%

RESOLUTION NO. 3539

A RESOLUTION APPROVING AND ADOPTING A FINAL BUDGET FOR THE CITY OF MILES CITY FOR FY 2012-2013; AUTHORIZING PROCEDURE FOR ADJUSTMENTS TO APPROPRIATIONS FOR CERTAIN FEE BASED BUDGETS; AUTHORIZING PROCEDURE FOR TRANSFERRING APPROPRIATIONS BETWEEN ITEMS WITHIN THE SAME FUND

WHEREAS there was presented to the City Council of the City of Miles City, Montana a preliminary budget for the City of Miles City for fiscal year 2012-2013;

AND WHEREAS, a public hearing was duly noticed and held on August 28, 2012 upon such preliminary budget as required by §7-6-4024 MCA;

AND WHEREAS, upon due consideration of all matters presented at such public hearing, and the City Council having made such amendments, if any, to such preliminary budget as deemed necessary;

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

1. The budget attached hereto as Exhibit "A" (hereinafter "the Final FY 2012-2013 Budget"), and by this reference made a part hereof, is hereby approved and adopted.
2. The appropriations set forth in the Final FY 2012-2013 Budget are hereby authorized.
3. The spending for each fund in the Final FY 2012-2013 Budget is limited at the level of detail set forth in Exhibit "A" to this resolution, except that:
 - A. Pursuant to the authority of §7-6-4031, the City Council is hereby authorized throughout the budget period, by appropriate resolution, to transfer appropriations in the Final FY 2012-2013 Budget between items within the same fund; and
 - B. Pursuant to the authority of 7-6-4012 adjustments to appropriations for the following fee-based funds may be authorized by the City Council during FY 2012 - 2013:

Fund No. 2394 Building Inspection Fund
Fund No. 2770 Health
Fund No. 5510 Ambulance Fund
Fund No. 5610 Airport Fund
Fund No. 6040 Public Works Garage Fund

Provided, all adjustment of fee-based appropriations must be based upon the cost of providing the services supported by the fees, and fully funded by the related fees for services, fund reserves, or nonfee revenue such as interest.

4. This resolution is effective as of July 1, 2012.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, IN A SPECIAL MEETING, DULY NOTICED, THIS 28TH DAY OF
AUGUST, 2012.**

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

RESOLUTION NO. 3540

A RESOLUTION ELECTING TO OPERATE UNDER THE ALL-PURPOSE MILL LEVY AND FIXING THE TAX LEVY FOR THE GENERAL FUND, AMBULANCE FUND AND AIRPORT FUND TO BE LEVIED AND ASSESSED ON ALL THE TAXABLE PROPERTY IN THE CITY OF MILES CITY FOR FISCAL YEAR 2012-2013

WHEREAS the City Council of the City of Miles City, Montana on August 28, 2012 by Resolution No. 3539 approved and adopted a final budget for the City of Miles City for fiscal year 2012-2013;

AND WHEREAS, pursuant to §7-6-4451, the City Council has determined that it is in the best interests of the City of Miles City to operate under the all-purpose annual mill levy;

AND WHEREAS, the City Council has determined the amount of taxes required to balance the budgets as provided in §§7-6-4034 and 7-6-4036 MCA;

AND WHEREAS, the City Council is required by law to fix the tax levy required for the City of Miles City for FY 2012-2013;

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

1. The City of Miles City elects to operate under the all-purpose mill levy authorized by §7-6-4451 for Fiscal Year 2012-2013.

2. There is hereby levied and assessed for the Fiscal Year 2012-2013 on all taxable property within the City of Miles City, Montana, a tax for 206.46 mills in the following respective amounts and for the following purposes:

- A. For the general municipal and administrative purposes 203.96 mills, the money to be collected therefrom to be placed in a fund known as the "General Fund" and to be used for said purposes.
- B. For the purpose of providing ambulance service by the City of Miles City, 1.0 mills, the money to be collected therefrom to be placed in a fund known as the "Ambulance Fund" and to be used for said purposes.
- C. For the purposes of operation of the City-County Airport, 1.5 mills, the money to be collected therefrom to be placed in a fund known as the "Airport Fund" and to be used for said purposes.

3. The City Clerk is hereby directed to at once certify to the Clerk and Recorder of Custer County, Montana a copy of this resolution.

**SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY,
MONTANA, IN A SPECIAL MEETING, DULY NOTICED, THIS 28TH DAY OF
AUGUST, 2012.**

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

Connie Watts

From: George Huss
Sent: Friday, August 24, 2012 10:50 AM
To: Becky Stanton; Billie Burkhalter; Connie Watts; Linda Wildman
Cc: 'Butch Grenz'; Jana Mueller
Subject: Resolution 3478 Larry Martin Contract
Importance: High
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Resolution 3478 approving Agreement for Labor Relations services with Laurence R. Martin 2012 - 2013 (rev 8-24-12).pdf

Attached is Resolution 3478 along with the Exhibit "A" referenced in it. It has been revised to an August 28 passage date. The engagement letter needs to have non-discrimination wording added. I have e-mailed the request to Larry's office and hope to have it back by noon today. If I don't then we will need to substitute the revised Exhibit "A" at the Council meeting.

George W. Huss
Brown and Huss, P.C.
507 Pleasant Street
P.O. Box 128
Miles City, Montana 59301
(406) 234-3054
(406) 234-5864 (FAX)
bhpc@midrivers.com

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RESOLUTION NO. 3478

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN AGREEMENT WITH LAURENCE R. MARTIN FOR LABOR RELATIONS SERVICES.

WHEREAS, the City of Miles City desires to contract for the provision of certain labor relations services on behalf of the City;

AND WHEREAS Laurence R. Martin, of the law firm of Felt, Martin, Frazier & Weldon, P.C., Billings, Montana is a qualified and meritorious person to provide such labor relations services and is willing to provide such services on terms and conditions mutually agreeable to him and the City of Miles City;

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

1. The Contract for Service between the City of Miles City, Montana and , Martin, Frazier & Weldon, P.C., Billings, Montana, attached hereto as Exhibit "A", 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 Contract for Services 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 Contract for Services 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 28TH DAY OF AUGUST, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

Exhibit "A"

FELT, MARTIN, FRAZIER & WELDON, P.C.

ATTORNEYS AT LAW

LAURENCE R. MARTIN
KENNETH S. FRAZIER
JEFFREY A. WELDON
MARY E. DUNCAN
MARTIN S. SMITH
BURT N. HURWITZ

208 North Broadway, Suite 313
P. O. Box 2558
Billings, Montana 59103-2558

Telephone: 406-248-7646
Facsimile: 406-248-5485
Cell: 406-670-1439
Email: jweldon@feltmartinlaw.com

JAMES R. FELT (1920-1993)
RANDOLPH JACOBS, JR. (Of Counsel)

August 15, 2012

Via E-mail and U.S. Mail

C. A. Grenz, Mayor
City of Miles City
P.O. Box 910
Miles City, MT

Dear Butch:

This follows our recent conversations and email communications in which you requested that Felt, Martin, Frazier & Weldon, P.C. (the "Firm") provide the City of Miles City (the "City") with an engagement letter which would set forth an understanding between the City and the Firm with respect to the Firm's representation of the City in connection with labor relations issues. We are pleased to have an opportunity to represent the City and look forward to working with you, the City Council, and the City Administrators.

This will confirm that, at the request of the City, the Firm will represent the City with respect to matters relating to labor relations, employment, labor negotiations, labor contract administration, and human resources issues including grievance arbitrations, unfair labor practice charges, discrimination charges, contested cases and such other adversarial procedures. The services requested shall include, but are not limited to:

- Labor contract proposal preparation and labor negotiations, including mediation.
- Training of and consultation with staff with respect to labor contract provisions.
- Preparation of labor contracts.
- Representation and administrative hearings with respect to unfair labor practice charges, grievances, arbitrations, unit determination, determination and clarifications.
- Labor relations consultations and advice with respect to labor and employment issues.
- Other contested cases in state or federal courts arising out of labor, employment or human resources claims or complaints as requested.

I will be the attorney designated by the Firm with overall responsibility for implementing the services provided to the City. I may also utilize the services other employees and attorneys in the Firm with experience in labor and employment law to assist with providing services

Name
August 15, 2012
Page 2

hereunder. The Firm plans to have an attorney available on a regular daily basis for labor relations consultations by phone.

The fees charged by the Firm for the services provided to the City will be based on hourly time charges, i.e., the amount of time spent by attorneys and legal assistants on any matters in which we represent the City. The Firm's attorney billing rate with respect to services provided including negotiations, consultations, or other issues involving counseling the City with respect to labor employment and human resource issues will be \$175 per hour. Services rendered by an attorney in connection with representation of the City in contested cases, litigation, or other adjudicated issues will be billed at \$200 per hour.

The Firm will bill the City on a monthly basis, and payment of the Firm's monthly statement will be expected within thirty (30) days following the date sent.

The Firm may adjust its hourly rate from time to time to reflect increased experience and special expertise of the attorneys and legal assistants and inflationary cost increases affecting its practice. Any adjusted rates will apply to all services performed thereafter, and the Firm will notify the City thirty (30) days in advance of any billing rate increases.

In addition, the City will be expected to pay the Firm the following amounts with respect to expenses of the Firm in connection with services provided hereunder:

- Mileage – in compliance with Section 2-18.503(1)(3) M.C.A.
- Meals – actual cost not to exceed \$25 per day.
- Lodging, if required, actual cost.
- Any other reasonable and necessary expenses required to provide services if authorized by the City.

We do not bill for our travel time, just travel expenses, except to the extent that such travel time occurs during the normal work day. Any such travel time will be billed to the City at fifty percent (50%) of the normal hourly charge for services.

Either the City or the Firm has the right to terminate the relationship between the Firm and the City on reasonable prior notice.

Finally, we will keep the City reasonably informed of the progress and developments with respect to any legal services provided and respond to inquiries concerning our services. To enable us to effectively render services to the City we ask that the City fully and accurately disclose to us all facts and information that may be relevant to any matter in which we are engaged to represent the City and to keep us apprised of any developments relating to the issues in which we are providing legal services.

Assuming this letter correctly reflects the understanding of the City of the terms and conditions of this Firm's representation, please confirm the City's acceptance by signing in the

Name
August 15, 2012
Page 3

space provided. Please return the fully executed original to me. In addition, I would be happy to answer any questions concerning the understanding described above.

Sincerely yours,

FELT, MARTIN, FRAZIER, & WELDON, P.C.


By: Laurence R. Martin

The City of Miles City has approved and agreed to the terms and conditions set forth in this letter.

C.A. Grenz, Mayor
City of Miles City

Connie Watts

From: George Huss
Sent: Friday, August 24, 2012 8:46 AM
To: Becky Stanton; Billie Burkhalter; Connie Watts; Linda Wildman
Cc: 'Butch Grenz'; Jana Mueller
Subject: RESOLUTION 3541 - TRUCK PARKING BY WAR BONNET INN
Importance: High
Follow Up Flag: Follow up
Flag Status: Red

I have reviewed City ordinances and there is nothing that specifically prohibits truck parking on Tompy and Sudlow adjacent to the War Bonnet. Ordinance No. 1098 controlled parking on Haynes Avenue in the area of that motel but did not cover the side streets.

The only prohibition on truck parking is under Sec. 22-189 of the City Code which reads:

Sec. 22-183. - Parking of large vehicles, i.e., semi-tractors and trailers, recreational vehicles or any other large vehicle.

(a) *Prohibited.* It shall be unlawful for any person to park on any street, alley or boulevard, a vehicle that has a width greater than 84 inches or a total length exceeding 30 feet including load.

(b) *Exceptions.* Disabled vehicles and trailers may temporarily park on a city street when emergency repairs are needed.

Thus, if a truck parked on Tompy or Sudlow adjacent to the War Bonnet is more that 84 inches wide or more than 30 feet long, it is illegally parked. Otherwise, it is legally parked.

If the Council wants to change 22-183 to allow vehicles to be parked on Tompy and Sudlow larger than 84 inches wide or 30 feet long, it would need to enact an ordinance to make that change. It can't be done by a resolution.

George W. Huss
 Brown and Huss, P.C.
 507 Pleasant Street
 P.O. Box 128
 Miles City, Montana 59301
 (406) 234-3054
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 bhpc@middrivers.com

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RESOLUTION NO. 3542

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO DISPOSE OF WALK IN COOLER AT THE FORMER FISH & GAME QUONSET BY TRANSFERRING IT TO RANGE RIDERS, INC., A MONTANA NONPROFIT PUBLIC BENEFIT CORPORATION.

WHEREAS, the City of Miles City owns a walk-in cooler located at the former Fish & Game Quonset in the industrial site west of Miles City;

AND WHEREAS the City Council of the City of Miles City finds that such cooler is not necessary for the operations of the City of Miles City, has negligible monetary value, and is surplus property of the City and can be disposed of pursuant to §7-8-4201 MCA;

AND WHEREAS the Range Riders, Inc., a Montana not for profit public benefit corporation, of Miles City, Montana operates a museum adjacent to the City of Miles City which benefits the community of Miles City;

AND WHEREAS, the museum operated by Range Riders, Inc. has a need for such walk-in cooler and has requested such cooler from the City of Miles City;

AND WHEREAS, the City Council of the City of Miles City has determined that transferring such walk-in cooler to the Range Riders, Inc. is an acceptable and beneficial method of disposing of such surplus property and will put such property to use for the benefit of the citizens of Miles City;

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

1. It hereby authorizes the transfer of the walk-in cooler located at the former Fish & Game Quonset in the industrial site to Range Riders, Inc., a Montana not for profit public benefit corporation, of Miles City, Montana for use at their museum adjacent to the City of Miles City.

2. The Mayor of the City of Miles City is hereby empowered and authorized to take all actions necessary to effect such transfer.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY AT LEAST A 2/3 MAJORITY OF THE MEMBERSHIP OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28TH DAY OF AUGUST, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

RESOLUTION NO. 3543

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO DISPOSE OF A SURPLUS USED SNOW PLOW BY TRANSFERRING IT TO THE TOWN OF TERRY, MONTANA.

WHEREAS, the City of Miles City owns a used snow plow;

AND WHEREAS the City Council of the City of Miles City finds that such snow plow is not necessary for the operations of the City of Miles City, has negligible monetary value, and is surplus property of the City and can be disposed of pursuant to §7-8-4201 MCA;

AND WHEREAS the Town of Terry, Montana, a political subdivision of the State of Montana has need for a snow plow;

AND WHEREAS, the City Council of the City of Miles City has determined that transferring snow plow to the Town of Terry, Montana, with or without compensation, is an acceptable and beneficial method of disposing of such surplus property, and the Mayor should be authorized to determine the compensation, if any, to be received.

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

1. It hereby authorizes the transfer of the snow plow to the Town of Terry, Montana, with the Mayor of the City of Miles City authorized to determine the amount of compensation, if any.
2. The Mayor of the City of Miles City is hereby empowered and authorized to take all actions necessary to effect such transfer.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY AT LEAST A 2/3 MAJORITY OF THE MEMBERSHIP OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28TH DAY OF AUGUST, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk



OFTEDAL
CONSTRUCTION, INC.
EMPLOYEE OWNED • EMPLOYEE BUILT

City of Miles City
Al Kelm
P.O. Box 910
Miles City, Mt 59301

August 1, 2012

Mr. Kelm;

Oftedal Construction is applying for an Opencut Mining Plan of Operation with the Montana Department of Environmental Quality. The application process requires us to secure written approval when crossing any land that is not possessed by the owner of the permitted area.

Our company has acquired an aggregate source located in Township 8 North, Range 47 East, SW1/4 of Section 19, just west of the Miles City Airport. Currently there is an existing approach and access road to the pit area and it crosses approximately 300 feet of city property. This access road has been and is currently being utilized by various contractors.

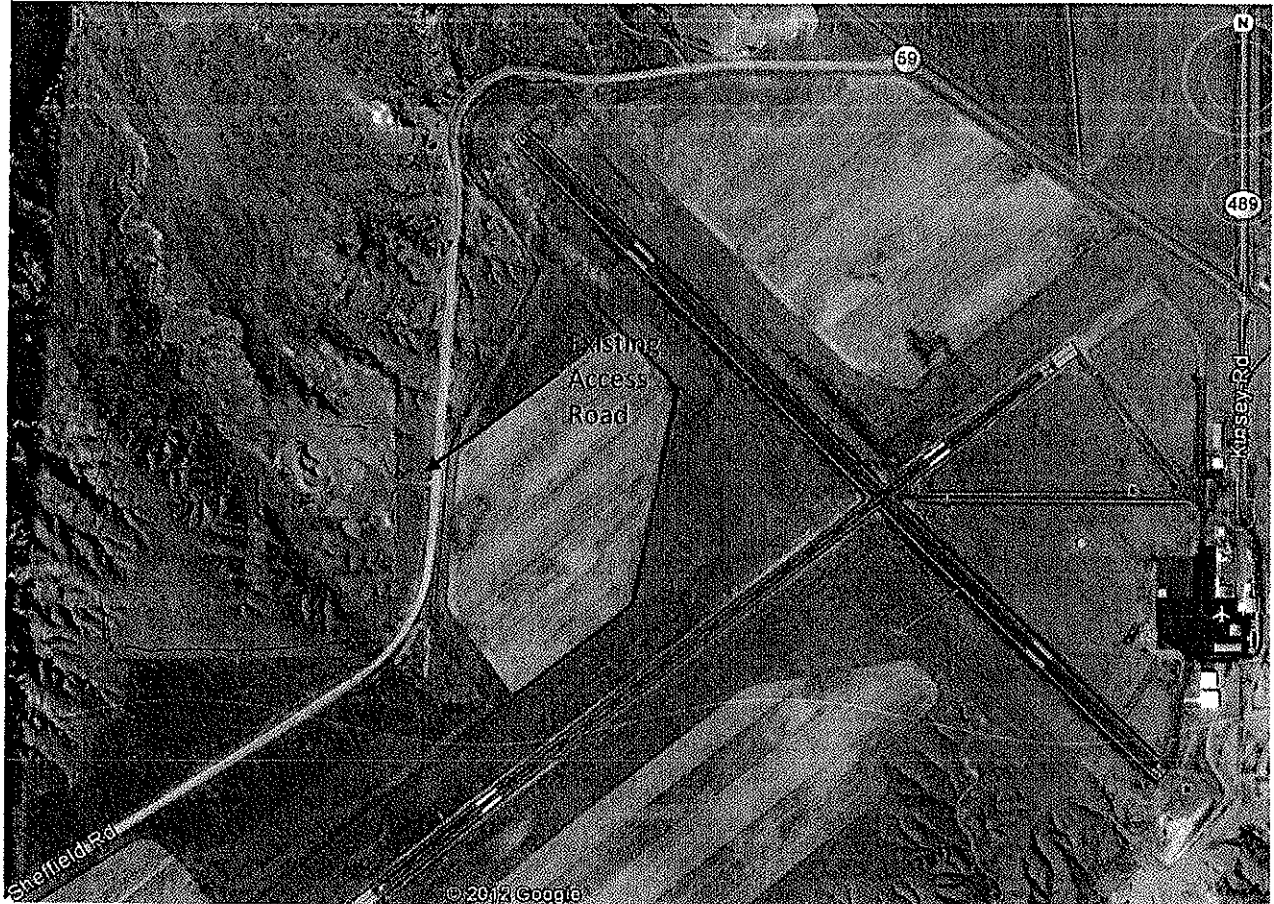
Oftedal Construction is requesting the City of Miles City's permission to utilize this existing road for our future mining operations. We have included a detailed map and coordinates of the existing road for your information.

Please feel free to contact me should you have any questions or concerns.

Respectfully;

Jack Peaslee
Oftedal Construction
P.O. Box 400
Miles City, MT 59301
Office: 406-233-3233
Cell: 406-852-3841

Road Coordinates: N46.42903 W105.89563
 N46.42891 W105.89466





Dianna Broadie

From: George Huss
Sent: Monday, August 20, 2012 11:46 AM
To: 'Dianna Broadie'
Cc: Jana Mueller
Subject: RE: Notice requirement

Dianna –

The Ordinance as adopted by the Council does not require a public hearing. Mailed notice must be given to property owners within 250 feet of the exterior boundaries of the property. It would simply be placed as a new business item on the Council agenda and then requires a 2/3 vote.

In making its decision, the Council is required to consider the following criteria:

1. An animal rescue shelter shall not have more than eight (8) animals on the premises at any time. Animals owned by the permit holder are included within this 8 animal limit;
2. Animal rescue shelters shall not be a for-profit enterprise;
3. The permit holder for an animal rescue shelter shall not knowingly accept into the shelter animals from any locations outside of Custer County, Montana;
4. When the animals are not under the actual physical control of the permit holder, the permit holder shall provide an appropriate fenced area in which the animals may be placed for exercise; and
5. The permit holder must be compliant with all animal control ordinances.

I am not sure how the Council is going to consider any of the above criteria. Since no permit has been issued, there could not be more than 8 animals – there should be 0 animals. The application does not ask whether the operation is a for-profit enterprise and the ordinance does not identify what a “for-profit enterprise” is. The applicant could not have accepted animals outside Custer County into the shelter, since, by definition there is no shelter until it is approved and there should not be any animals in it prior to approval. The permit application does not require identification of the source of the animals.

The permit application does not require any physical description of the shelter facilities so it would not reveal whether there is a fenced area in which the animals can exercise.

The permit application does not require any disclosure of prior violations of the animal control ordinance, so there is no way to determine if the permit holder is compliant with all animal control ordinances.

George W. Huss
BROWN AND HUSS, P.C.
507 Pleasant Street
P.O. Box 128
Miles City, Montana 59301
(406) 234-3054
(406) 234-5864 (FAX)
bhpc@midrivers.com

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File No. _____
to be filled out by City

City of Miles City
17 S. 8th Street
Miles City, Montana 59301

RECEIVED JUN 19 9 REGD

ANIMAL RESCUE SHELTER PERMIT APPLICATION

Procedure: Up to eight (8) animals (including any animals owned by the applicant) may kept in a residential zone upon approval of this permit.
The applicant must also comply with [Section 24-20 (b)] of the Zoning Regulations.
The materials indicated must be submitted to the City Clerk. This permit requires City Council approval prior to the issuance.

Applicant Name: Diane Grutkowski Application Date 7-16-12
Please print

Applicant Address:

Mailing Address 818 N. Lake Ave.
Miles City, MT 59301

Shelter Address (if different from the applicant address):

Street Address same as above

Phone: 406-234-7412 Cell Phone: 406-853-6615 Email: dg753@hotmail.com

Materials/Information to be submitted with this application:

Verification of current rabies vaccinations for any animal currently being kept at the proposed location.

By signing this application I agree that I will not violate any of the provisions set out in Ordinance Number 1230. (See attached)

Applicant Signature: Diane Grutkowski Date: 7-16-12

C E R T I F I C A T E O F R A B I E S V A C C I N A T I O N

issued by

MILES CITY VETERINARY SERVICE INC.
PO Box 189
Miles City, MT 59301
(406) 234-2559

Owner..: Diane Grutkowski
818 N Lake
Miles City MT 59301

Phone..: (406) 234-7412

Animal..: Duke
DOB....: 2/09/03 08 Yrs 09 Mths
Weight..: 0 lb 0 oz
Breed..: DACHSHUND
Color..: BLACK & TAN
Species: CANINE
Sex....: NEUTERED MALE

Vaccination Given: 12/08/11
Revaccination Due: 12/08/13


Tag #..: 111104
MFR..: Merial
Brand..: IMRAB3
Serial Lot #: 12251
Expiration Date: 05/12
Method of Admin: IM

THIS IS TO CERTIFY that I have vaccinated the described animal against Rabies, with a killed virus vaccine.

Periodic Examinations and Boosters Help Maintain Your Pet's Resistance to Disease.

P L E A S E K E E P T H I S C E R T I F I C A T E ! Y O U W I L L
N E E D I T T O R E C E I V E A L I C E N S E F O R Y O U R P E T .

Today's Date: 12/08/11

Signed: Ryan Rienstra, DVM 

Veterinarian: RYAN RIENSTRA, DVM License #: 1965

C E R T I F I C A T E O F R A B I E S V A C C I N A T I O N

issued by

MILES CITY VETERINARY SERVICE INC.
PO Box 189
Miles City, MT 59301
(406) 234-2559

Owner...: Diane Grutkowski
818 N Lake
Miles City MT 59301

Phone...: (406) 234-7412

Animal...: Scrapy
DOB....: 3/07/03 09 Yrs 00 Mths
Weight..: 0 lb 0 oz
Breed...: TECKEL
Color...: BROWN/BLACK
Species: CANINE
Sex.....: MALE

Vaccination Given: 4/06/12
Revaccination Due: 4/06/14

Tag #...: 12201
MFR...: MERIAL
Brand...: IMRAB3
Serial Lot #: 12558
Expiration Date: 11/12
Method of Admin: PM

THIS IS TO CERTIFY that I have vaccinated the described animal against Rabies, with a killed virus vaccine.

Periodic Examinations and Boosters Help Maintain Your Pet's Resistance to Disease.

P L E A S E K E E P T H I S C E R T I F I C A T E ! Y O U W I L L
N E E D I T T O R E C E I V E A L I C E N S E F O R Y O U R P E T .

Today's Date: 4/06/12

Signed: Ryan Rienstra, DVM by su

Veterinarian: RYAN RIENSTRA, DVM

License #: 1965

C E R T I F I C A T E O F R A B I E S V A C C I N A T I O N

issued by

MILES CITY VETERINARY SERVICE INC.
PO Box 189
Miles City, MT 59301
(406) 234-2559

Owner...: Diane Grutkowski
818 N Lake
Miles City MT 59301

Phone...: (406) 234-7412

Animal...: Bucky
DOB....: 6/01/03 07 Yrs 02 Mths
Weight..: 0 lb 0 oz
Breed...: DACHSUND
Color...: BLACK/TAN
Species: CANINE
Sex.....: NEUTERED MALE

Vaccination Given: 8/20/10
Revaccination Due: 8/20/12

Tag #...: 10713
MFR...: MERIAL
Brand...: IMRAB3
Serial Lot #: 12539B
Expiration Date: 07/11
Method of Admin: IM

THIS IS TO CERTIFY that I have vaccinated the described animal against Rabies, with a killed virus vaccine.

Periodic Examinations and Boosters Help Maintain Your Pet's Resistance to Disease.

P L E A S E K E E P T H I S C E R T I F I C A T E ! Y O U W I L L
N E E D I T T O R E C E I V E A L I C E N S E F O R Y O U R P E T .

Today's Date: 8/20/10

Signed: Ryan Rienstra, DVM by DRH

Veterinarian: RYAN RIENSTRA, DVM License #: 1965

C E R T I F I C A T E O F R A B I E S V A C C I N A T I O N

issued by

MILES CITY VETERINARY SERVICE INC.
PO Box 189
Miles City, MT 59301
(406) 234-2559

Owner..: Diane Grutkowski
818 N Lake
Miles City MT 59301

Phone..: (406) 234-7412

Animal..: Shawlie
DOB....: 6/01/06 06 Yrs 01 Mths
Weight..: 0 lb 0 oz
Breed...: DACHSHUND MIN
Color...: BRN BLK
Species: CANINE
Sex.....: SPAYED FEMALE

Vaccination Given: 7/24/12
Revaccination Due: 7/24/14

Tag #...: 121440
MFR...: Merial
Brand...: IMRAB3
Serial Lot #: 12562
Expiration Date: 02/13
Method of Admin: PM

THIS IS TO CERTIFY that I have vaccinated the described animal against Rabies, with a killed virus vaccine.

Periodic Examinations and Boosters Help Maintain Your Pet's Resistance to Disease.

P L E A S E K E E P T H I S C E R T I F I C A T E ! Y O U W I L L
N E E D I T T O R E C E I V E A L I C E N S E F O R Y O U R P E T .

Today's Date: 7/24/12

Signed: Ryan Rienstra, DVM, R

Veterinarian: RYAN RIENSTRA, DVM License #: 1965

