



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers*

*October 25, 2016
7:00 p.m.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. **APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES**
 - A. Regular City Council Meeting 10/11/2016
 - B. Public Service Meeting 09/26/2016
 - C. Public Safety Meeting 09/26/2016
 - D. Public Service Meeting 10/19/2016
2. **SCHEDULE MEETINGS**
3. **REQUEST OF CITIZENS & PUBLIC COMMENT**
4. **APPOINTMENTS**

Addition to Ad Hoc Wage/Salary Survey Committee: Lorrie Pearce
5. **PROCLAMATIONS**
6. **STAFF REPORTS**
7. **CITY COUNCIL COMMENTS**
8. **MAYOR COMMENTS**
9. **COMMITTEE RECOMMENDATIONS**

Public Services Committee- To have the 406 scheduling approved for the year 2017, before entering into a long term contract with the outlaws
10. **BID OPENINGS**
11. **BID AWARDS**
12. **PUBLIC HEARINGS**
 - A. **RESOLUTION NO. 3992- A Resolution Establishing Fire Inspection Fees For Miles City, Montana**
13. **UNFINISHED BUSINESS**
 - A. **Discussion and Approval on location for Courtroom**
 - B. **RESOLUTION NO 3992- A Resolution Establishing Fire Inspection Fees For Miles City, Montana**
14. **NEW BUSINESS**
 - A. **Final Approval on Vision Enterprises plat**
 - B. **ORDINANCE NO. 1307- (First Reading) An Ordinance Enacting Chapter 25 of the Code of Ordinances of the City of Miles City, Montana, Renumbering Existing Provisions Regarding Airport Zoning**
 - C. **RESOLUTION NO. 3993- A Resolution of Intent to Adopt A Long Range**

Transportation Plan for the City of Miles City, and Setting a Public Hearing Thereon

- D. **RESOLUTION NO. 3994- A Resolution Authorizing the City of Miles City to Contract with AGWA Grant Consulting Services, INC., For Consulting Services Related to FEMA Grant Writing for the Miles City Fire and Rescue Department**
- E. **RESOLUTION NO. 3995- A Resolution Establishing Wages and Salaries for City Employees for Fiscal Year 2016-2017**
- F. **RESOLUTION NO. 3996- A Resolution Authorizing the Assignment of a Certain Lease Agreement Between the City of Miles City and Brenda Baugatz to Terry Brown for the Lease of Mobile Home Space in Bender Park**
- G. **RESOLUTION NO. 3997- A Resolution Authorizing the City of Miles City to Enter into a City Printing Contract With Boss Printing Company**
- H. **RESOLUTION NO. 3998- *(First Reading)* A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Increase Budgeted Amounts in the Building Inspection Fund 2394, Planning Fund 1000, Streets 204 Fund 2510, Streets 205 Fund 2520, Streets 207 Fund 2540, Water Fund 5210 and Sewer Fund 5310**
- I. **RESOLUTION NO. 3999- A Resolution Revising City of Miles City Personnel Policies Regarding Recruitment and Selection, Overtime and Compensatory Time Non-Bargaining Unit, Basic Employee Classification, Sick Leave, Military Leave, Maternity and Paternal Leave, Family Medical Leave (FMLA), Discipline, Grievance Policy, Harassment Prevention and Reporting, and Travel**
- J. **RESOLUTION NO. 4001-*(First Reading)* A Resolution Amending Resolution 3964 and 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 the Fiscal Year 2016-2017**
- K. **RESOLUTION NO. 4002-*(First Reading)* A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2016-2017 to Decrease the Budgeted Amount in Fund # 2520-108-430233-350**
- J. **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 October 11, 2016
7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, October 11, 2016, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Council President Galbraith called the meeting to order. Council Members present were John Uden, Brant Kassner, Jeff Erlenbusch, Ken Gardner, and Rick Huber. Council Members Kathy Wilcox and Dwayne Andrews were excused along with Mayor Hollowell

Also present were Attorney Dan Rice, Police Chief Doug Colombik, Public Utilities Director Allen Kelm, Fire Chief Gary Warren, Public Works Director Scott Gray, Flplain Adm/AutoCad/Asst. PWPV Samantha Malenovsky, Grant Writer/Historic Preservation Administer and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Council President Galbraith led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

Regular Council Minutes: 9/27/2016

****** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of September 27, 2016 subject to any corrections, and seconded by Councilperson Kassner. The motion **passed** by unanimous consent, 6-0.*

Finance Committee Minutes: 9/22/2016

****** *Councilperson Uden moved to approve the minutes of the Finance Committee Meeting of September 22, 2016, and seconded by Councilperson Kassner. The motion **passed** by unanimous consent, 6-0.*

Human Resource Minutes: 9/21/2016

****** *Councilperson Erlenbusch moved to approve the minutes of the Human Resource Meeting of September 21, 2016, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 6-0.*

Public Safety Committee Minutes: 9/05/2016

** *Councilperson Uden moved to approve the minutes of the Public Safety Committee Meeting of September 5, 2016, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 6-0.*

SCHEDULE MEETINGS

REQUEST OF CITIZENS & PUBLIC COMMENT

Citizen John Baugatz, 821 Knight Street, explained that his family is trying to sell the trailer parked at Bender Park. He had two potential individual that are showing interest in buying the trailer. One is a private sale and the other is a sublease sale and asked for clearance from Council as to which one would be okay to proceed with. Council President Galbraith said that she would put it on the next finance committee meeting agenda and discuss it.

APPOINTMENTS

Ad Hoc Wage/Salary Survey Committee:

Susanne Galbraith
Jeff Erlenbusch
Rick Huber
Kathy Wilcox
Linda Wilkins
Union Representative

** *Councilperson Uden moved to approve the Ad Hoc Wage/Salary Committee to be comprised of Susanne Galbraith, Jeff Erlenbusch, Rick Huber, Kathy Wilcox, Linda Wilkins and Union Representatives, and seconded by Councilperson Erlenbusch. On roll call vote the motion **passed** 6-0.*

PROCLAMATIONS

None

STAFF REPORTS

Gary Warren- Present Firefighter Ben Shipp and Mayor's presentation of helmet shield

Chief Warren said that firefighter Eric Hartse and Taylor Lee had been accepted to a paramedic program. He added they will be paying the expenses out of their own pockets.

Chief Warren introduced firefighter Ben Shipp to Council and Council President Galbraith presented a helmet shield to Firefighter Shipp.

Director Kelm asked for a Council member to volunteer for a vacant position on the Safety Culture Committee. Councilperson Gardner volunteered for the vacancy.

Administrator Malenovsky reminded Council that there will be a Community update meeting on the Flood at the Miles Community College on October 18th at 6:00pm.

CITY COUNCIL COMMENTS

Councilperson Gardner said it was real important to remind the citizens of Miles City how important the study and building the levy is to Miles City. He said it will save home owner is a substantial amount of money on insurance, and felt that building the levy was something the City needed to do.

Councilperson Galbraith was asked by the County Commissioners if the City would be interested in any of the buildings at the VA. Any feedback could be referred to them.

MAYOR COMMENTS

Council President Galbraith asked Mr. Chuck Notbohm to speak on behalf of 406 Baseball Club. Mr. Notbohm said that the Continental Amateur Baseball Association (CABA) came to 406 Baseball Club and asked them to host a tournament of 16 teams. They are asking from the City a thirty year commitment for the usage of Tedesco and Denton Field for the week of July 31 thru August 6th. He thought the tournament would bring an economic boost to the City and it would be a great experience for the players and family to visit Eastern Montana. The club is committed to hosting the tournament in 2017.

Council President Galbraith referred the issue to the Public Service Committee.

Reschedule Regular Council Meeting on November 8th (Holiday). With consent from Council it was moved to Wednesday November 9th.

STANDING COMMITTEE RECOMMENDATIONS

Flood Steering Committee- Bond Council

Administrator Malenovsky explained that the Flood Steering Committee recommends Jackson, Murdo and Grant P.C. for the Bond Council because Mr. Murdo had knowledge of the project and had helped determine other options that have been open to the City. She added the proposal prices of both bond councils were very close and they were both qualified to do the job.

*** Councilperson Erlenbusch moved to approve the proposal that was received from Jackson, Murdo and Grant, seconded by Councilperson Gardner. On roll call vote, the motion passed 6-0*

BID OPENINGS

Printing Contract

Clerk Pearce opened the one bid received from Boss Printing. **Council President Galbraith referred the item to Finance Committee to review.**

BID AWARDS

None

PUBLIC HEARINGS

A. ORDINANCE NO. 1305- An Ordinance Enacting Section 11-1 of the Code of Ordinances of the City of Miles City, Montana, to Establish Regulations Governing Fire Department Repository Units

Council President Galbraith called for comments from opponents three times, then proponents three times and, hearing none, the hearing was closed.

UNFINISHED BUSINESS

A. ORDINANCE NO. 1305- An Ordinance Enacting Section 11-1 of the Code of Ordinances of the City of Miles City, Montana, to Establish Regulations Governing Fire Department Repository Units

*** Councilperson Uden moved to approve the Ordinance, by title only, seconded by Councilperson Erlenbusch.*

Councilperson Uden said the Public Safety Committee recommends passing the Ordinance with an amendment.

*** Councilperson Uden moved to amend the original motion to replace on Section (F) "accomplished through citations issued by the Fire Chief or his/her designee, cited into City Court" and replace with "referred to the City Prosecutor to be filed into City Court", seconded by Councilperson Erlenbusch. On roll call vote, the amended motion passed 6-0*

*** On roll call vote, the original motion passed 6-0*

B. Discussion and Approval on location for Courtroom

Council President Galbraith said there was no space available at the Custer County Courthouse. Councilperson Uden said it was a lot of money to renovate upstairs and personally felt the conference room would be the best place for the courtroom because it was the cheapest to upgrade. Attorney Rice said that he found it hard to believe that by changing the furniture it would change the whole dynamics of upstairs. Councilperson Kassner said it would change the chamber from a meeting room (A2) to a business (B5) and it would make easier access for presenting arrested persons.

*** Councilperson Uden moved to table until next meeting so Attorney Rice and Building Inspector Hirsch can discuss the issue, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0*

NEW BUSINESS

A. RESOLUTION NO. 3987- A Resolution Authorizing the City of Miles City to Award a Downtown Façade Improvement Grant to Whipps Welawiben Gallery

*** Councilperson Erlenbusch moved to approve the Resolution, by title only, seconded by Councilperson Gardner. On roll call vote, the motion passed 6-0*

B. RESOLUTION NO. 3988- A Resolution Adopting a Program for Public Information

*** Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0*

C. RESOLUTION NO. 3989- A Resolution Approving an Amendment to the Miles City Area Transportation Plan Subrecipient Agreement Extending Term of Agreement

*** Councilperson Gardner moved to approve the Resolution, by title only, seconded by Councilperson Erlenbusch. On roll call vote, the motion passed 6-0*

D. RESOLUTION NO. 3991- A Resolution Authorizing the City of Miles City to Enter Into an Agreement With the Custer County Water and Sewer District for Flushing Hydrants in Calendar year 2016

*** Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Kassner. On roll call vote, the motion passed 6-0*

E. RESOLUTION NO. 3992- (First Reading) A Resolution Establishing Fire Inspection Fees For Miles City, Montana

**** Councilperson Uden moved to approve the Resolution, by title only, seconded by Councilperson Gardner. On roll call vote, the motion passed 6-0 Council President Galbraith referred to Finance Committee**

F. ORDINANCE NO.1306 - (First Reading) An Ordinance Repealing and Replacing “Chapter 24- Zoning” of the Code of Ordinances of Miles City, Montana, For the Purpose of Implementing a Revised Zoning Code

**** Councilperson Gardner moved to approve the Ordinance, by title only, seconded by Councilperson Erlenbusch.**

Consultant Dave DeGrandpre explained the significant changes in the Zoning update:

- Administrative procedures were updated
- Site Plan Review projects had been changed to be reviewed and approved by the Board of appeals. The projects will not come to Council for approval
- Signage changed
- Had 17 districts, now 13
- Permit by right and conditional (Need to make sure following rules)
- Code 24-49, page 33 landscape requirement is a **new section** that applies to new commercial and multifamily. Haynes Avenue is a big part of the City’s image and the section would certify beautification of the area. Staff would approve
- Provides Clarity and flexibility
- New overlay District on South Haynes Avenue for sexually orientated business. Located in the New Hunan area
- Did not include medical marijuana dispensaries. Per a memo from Mr. DeGrandpre options could be added.

**** Councilperson Kassner moved to amend the public hearing date to November 9, 2016, seconded by Councilperson Uden. On roll call vote, the motion passed 6-0**

****On roll call vote, the original motion passed 6-0**

G. Approval of September Claims

*** Councilperson Galbraith moved to approve the September claims, seconded by Councilperson Uden, and passed unanimously.*

ADJOURNMENT

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

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

Susanne Galbraith, Council President

Lorrie Pearce, City Clerk

Public Services Committee Meeting September 26, 2016

The Public Services Committee met Monday, September 26, 2016, at 5:00 pm in the City Hall Conference Room. Present were Committee Members Dwayne Andrews, John Uden and Ken Gardner. Brant Kassner was excused. Also present were Citizens Helen Brown, Paul Person and Committee Recorder/Deputy City Clerk Linda Wilkins.

1. Quit Claim Marion Street property Sec 28 T8N R47E to Paul Peterson and Helen Martin

There was discussion concerning the flood study that was currently occurring and the affect this would have on the property under consideration. Chairperson Andrews stated that he felt it would be short sighted for the city to divest itself of the property.

***Committee Chairperson Andrews moved to recommend to refer this back to Council with a do not pass recommendation, seconded by Committee Member Uden. On roll call vote the motion passed unanimously, 3-0.*

2. Public Comment
None

3. Adjournment

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

The meeting was adjourned at 5:55 p.m.

Respectfully Submitted:

Dwayne Andrews, Chairperson

Linda Wilkins, Recorder

**Public Safety Committee Meeting
September 26, 2016**

The Public Safety Committee met Monday, September 26, 2016, at 5:15 pm in the City Hall Conference Room. Present were Committee Members John Uden, Kathy Wilcox, Jeff Erlenbusch, and Ken Gardner. Also present Committee Recorder Linda Wilkins.

Chairperson Uden called the meeting to order.

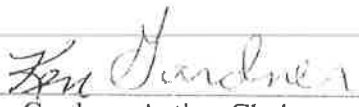
1. Request of Citizens
None
2. Review and recommendation Public Nuisance Ordinance

***Committee Member Wilcox moved to approve this stage of the planning process for a joint facility for Fire Department and Police Department for the use of city property presented and recommend to the full council on July 12; seconded by Committee Member Erlenbusch. Upon roll call vote the motion passed unanimously*

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

The meeting was adjourned at 6:40 p.m.

Respectfully Submitted:


Ken Gardner, Acting Chairperson


Linda Wilkins, Recorder

Public Services Committee Meeting October 19, 2016

The Public Services Committee met Wednesday, October 19, 2016, at 6:00 pm in the City Hall Conference Room. Present were Committee Chairperson Dwayne Andrews, John Uden Ken Gardner and Brant Kassner. Also present were Parks Director, Scott Gray and Committee Recorder Ally Capps.

1. Re-model of City Council Chambers

There was lengthy discussion concerning the advantages and disadvantages of moving City Court's Courtroom to the Conference Room or keeping City Court in their current location on the second floor of City Hall. City Attorney Rice, provided his legal opinion, letter attached, on renovations to the current courtroom in City Hall. Dennis Hirsch, wanted to go on record, "that he would not support or accept any responsibility to the renovations in the current courtroom."

***Committee Chairperson Andrews moved to recommend to refer this back to Council with a pass recommendation, to have City Attorney, Dan Rice, contact the Mayor, Building Inspector, Dennis Hirsch and Judge Homme, to find a suitable plan of action for using the current courtroom, seconded by Committee Member Uden. On roll call vote the motion passed unanimously, 4-0.*

2. 406 Baseball Scheduling

Scott Gray, presented the pros and cons of signing a multi-year contract with the Outlaw Baseball League. Currently they are asking for three ten year contracts. Locking the first weekend in August, for their international tournament dates. The league is currently 16 teams for 14 and under. Teams range from Hawaii, Canada and the west coast. The main concern presented by Scott Gray. Was how to avoid any scheduling conflict with our current league if there was a contract in place for a set number of years. Would the Outlaws be willing to have an alternate weekend in August, if Denton Field had a currently booked event? Dr. Williams has agreed to move the Malt-Fest to the second weekend in August. Leaving the first weekend in August open for the 2017 Outlaws tournament, upon council approval.

*** Committee Uden, moved to recommend to Council with a pass recommendation, "to have the 406 scheduling approved for the year 2017, before entering into a long term contract with the Outlaws," Seconded by Committee Chairperson Andrews. On roll call vote the motion passed unanimously, 4-0.*

3. Public Comment

None

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

The meeting was adjourned at 6:44 p.m.

Respectfully Submitted:

Dwayne Andrews, Chairperson

Ally Capps, Recorder

Public Hearing

+

un finished Business

RESOLUTION NO: 3992

**A RESOLUTION ESTABLISHING FIRE INSPECTION FEES FOR
MILES CITY, MONTANA**

WHEREAS, pursuant to the 2012 International Fire Code, as adopted by the State of Montana and the City of Miles City, Miles City Fire Rescue is required to annually conduct a fire code compliance inspection for buildings and premises; and

WHEREAS, Miles City Fire Rescue incurs administrative time and expense in connection with the performance of fire code compliance inspection for buildings and premises for Miles City; and

WHEREAS, Miles City Fire Rescue has studied the aforementioned costs and expenses associated with the performance of fire code compliance inspection for businesses and premises for Miles City; and

WHEREAS, Miles City Fire Rescue has made certain recommendations to establish a fire code compliance inspection fee; and

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

1. That Miles City Fire Rescue is hereby authorized to charge rates for fire inspections as set forth in the attached Exhibit "A", which is hereby incorporated into this resolution as if fully set forth herein.

2. That Miles City Fire Rescue, pursuant to Sections 103.1-104.3 of the 2012 International Fire code, has the following authority related to inspections:

(a) *Authority to Enter.* The Fire Inspector or designee is authorized to enter and inspect, or cause to be inspected, all buildings and premises for the purpose of conducting an annual fire code compliance inspection.

(b) *Annual Inspection Fee.* The Fire Inspector or designee shall charge an annual inspection fee for each fire code compliance inspection except local and state government buildings. It shall be the duty of every person maintaining or operating the business or premise to pay the annual inspection fee. Equipment requiring periodic testing or operation shall be tested or operated as specified by the 2012 International Fire Code, as adopted by the State of Montana.

(c) *Required Posting of Fire Inspection Certificate.* Each building or premise shall post their Fire Inspection Certificate in plain view and each Fire Inspection Certificate will be updated upon the completion of the annual fire inspection.

(d) Finding of Dangerous or Hazardous Conditions; Notice of Violation. Whenever the Fire Inspector or designee determines that there are reasonable grounds to believe that there has been a violation of any provision of this section, he or she shall give notice of the alleged violation to the persons responsible. The notice shall be in writing, include a statement of the reasons why it is being issued, allow a reasonable time, not less than ten (10) days, for the performance of any act it requires, be served upon the owner or his agent, or the occupant, as the case may require. The notice shall be deemed properly served upon the owner, agent or occupant if a copy thereof is sent by regular mail or email to the last known address. The notice may contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this article.

3. BE IT FURTHER RESOLVED that a public hearing shall be held on said fees on the 25th day of October, 2016, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, pursuant to §7-1-4128 MCA, 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE
THIS 11th day of October, 2016.

JOHN HOLLOWELL, Mayor

ATTEST:

Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY
CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF
MILES CITY, MONTANA, THIS 25th day of October, 2016.

JOHN HOLLOWELL, Mayor

ATTEST:

Lorrie Pearce, City Clerk

EXHIBIT A

FIRE INSPECTION FEES

SELF-INSPECTION

\$10.50

LIVE INSPECTION

\$25 = 0-5000 SQ FT

\$50 = 5001-7500 SQ FT

\$75 = 7501-10,000 SQ FT

\$100 = 10,001+ SQ FT

\$25 = Reinspection

LATE FEES

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



CITY OF MILES CITY
OFFICE OF THE CITY ATTORNEY

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728
Miles City, MT 59301
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DANIEL Z. RICE
City Attorney

October 19, 2016

Hon. Al Homme
Mayor Hollowell
City Council
17 South 8th
Miles City, Montana 59301

Re: Renovations – courtroom – City Hall

To Whom It May Concern,

This memorandum is in response to a series of requests for legal opinions regarding the City Court, its location in City Hall, what constitutes dignified court surroundings, the need to apply for building permits for certain renovations, the need for fire suppression system, and the occupancy of the current City Council Chambers and City Court.

“DIGNIFIED SURROUNDINGS”

The City is required to provide the City Court with “the office space, courtroom, and clerical assistance necessary to enable the Judge and Clerk of City Court, to conduct business in a dignified surrounding.” MCA 3-11-206(1).

“Dignified surrounding” is a term which is not defined in statute, nor in Attorney General opinions, nor case law. As such, the plain meaning within the context of the statute should be applied.

In the context of a courtroom, dignified surroundings would generally consist of an appropriate facility to conduct routine court matters (law in motion, hearings on motions, arraignments, suppression hearings) all the way through jury trials. This should reasonably

include, at a minimum:

- An appropriate location of authority for the Judge to be seated, giving him or her command over the courtroom;
- An appropriate location for a jury to sit, where they are able to see witnesses who are testifying, the Judge, and the defendant, at all times;
- An appropriate location for the Clerk of Court to perform his or her duties, in close proximity to the Judge;
- An appropriate location for a witness to provide testimony, within the line of sight of the jury, the Judge, the City Prosecutor, and the defense;
- An appropriate seating area for the public, witnesses waiting to testify, media, etc.

It is my opinion that the existing courtroom layout is in some areas inadequate to provide the basic accommodations referred to above, most notably that the jury is generally unable to be seated in a position where they are able to see the witnesses as they testify. Although I have seen other instances where the Judge is not seated in an elevated platform (City Court in Forsyth being a notable example), the majority of courtrooms do seat the Judge higher than the other individuals in the courtroom. I am not aware of other regional courtrooms where the jury is unable to see the Judge, the witnesses, and the defendant from their location. Given the layout of courtrooms in similarly situated and regional local governments, a permanently constructed "jury box" does not appear to be necessary, and is not present in Forsyth City Court nor in the Prairie County Justice / District courtroom. The courtroom does not necessarily need to be a dedicated space, referencing again Forsyth and Prairie County, which are combined as meeting space and courtroom both. I will note that both the City of Forsyth and Prairie County serve a significantly smaller population than does the City of Miles City.

BUILDING PERMIT

The 2012 International Existing Building Code (IEBC) has been adopted by the City of Miles City, and controls in situations where changes are being made to an existing building.

Section 105.1 states that a permit is required to "alter, relocate, demolish or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system..." as regulated by the code. 105.2 exempts, among other work, "painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work," as well as "movable cases, counters, and partitions not over 69 inches... in height."

The question of whether the removal of the large table in the City Council Chambers (2nd floor) is exempt from the permitting process has been raised. The table is long (but not over 69" in height), and is fastened to the floor. A reasonable interpretation of the IEBC would be that the

table itself is akin to cabinets or countertops, which are similar in nature, and which are also generally affixed to the building structure. The question hinges on whether the removal of a fixed table is “similar finish work” as compared to installing/replacing/moving cabinets or countertops. I believe that there is a reasonable good faith interpretation that removing such a table is similar in nature to removing cabinets and countertops.

The question of whether the table would be considered a “fixture” is answered by looking at the definition of “fixture” found in Section 202. “Equipment or Fixture” is defined as: “Any plumbing, heating, electrical, ventilating, air conditioning, refrigerating, and fire protection equipment, and elevators, dumb waiters, escalators, boilers, pressure vessels and other mechanical facilities or installations that are related to building services...” Within the definition of the IEBC, the table would not be considered either equipment or a fixture.

I find no other code sections which address tables specifically, or furniture in general, other than as noted above (movable cases, counters and partitions over 69” in height). As such, it does not appear that a building permit is required to acquire, place, move, or remove furniture which is 69” in height or under.

Any alterations or repairs to the building itself (construction of walls, cutting of railings, etc.) will most certainly require a building permit, and such “level 1” alterations come with a variety of compliance requirements, to include fire suppression, egress, and ADA accessibility, etc. My understanding from the City Judge is that no alterations which constitute structural changes are contemplated, with the notable exception of the question of the removal of the current table.

Ultimately, the decision as to the need for a building permit is determined by the Code Official per Section 103 and 105. The Code Official for the City of Miles City is the City’s Building Inspector, Dennis Hirsch. Any disagreement as to determinations made by the Code Official are to be heard by the Board of Appeals, pursuant to Section 112.

FIRE CODE OCCUPANCY, SPRINKLERS

Captain Matthew Spiess of Miles City Fire & Rescue advises that the City Council chambers is currently classified as a Group B “small assembly” (less than 50 persons) use area. If the City were to want to change the use of this space from Class B use to Class A use (50 or more persons), this change in classification would require an automatic sprinkler system, among other requirements, pursuant to Section 903.2.1 of the fire code.

MAIN FLOOR CONFERENCE ROOM

In speaking with the Building Inspector and CPT Spiess, there does not appear to be any concern with regards to bringing in movable furniture and making use of the main floor conference room as a courtroom in its current condition (without fire suppression, ADA related changes, building permits, etc.), so long as no permanent alterations are made.

CONCLUSION

In closing, I do believe that the current courtroom lacks the dignity which is required to be afforded to our City Court, particularly as to the ability for jurors to see witnesses who are testifying in court.

I do not find any specific requirement for a building permit for the removal of the City Council chambers table, however, I am not the final authority as to the issuance or nonissuance or requirement to obtain a building permit. This should be discussed with Dennis Hirsch, the building inspector. Should there be disagreement as to the requirement for a permit, this issue should be brought to the Board of Appeals. Should no permit be required, it should be possible to furnish the Council Chambers with courtroom appropriate furniture for continued use as a multipurpose space without changing the occupancy type.

Regardless of any changes being made to the 2nd floor Council Chambers, occupancy is limited to 49. Any structural or permitted changes, or changes in use, of the 2nd floor Council Chambers will require significant expense to come into compliance. Compliance concerns are not present with regards to the main floor conference room.

Sincerely,

/Daniel Z. Rice/

City Attorney

cc: Dennis Hirsch, Building Inspector
CPT. Spiess, Fire Inspector

New Business

Final Plat Application Staff Report #FP-2016-01
Vision Enterprises Major Subdivision
October 20, 2016

On July 12, 2016, the City Council of Miles City, MT granted preliminary conditional approval to the preliminary plat of the Vision Enterprises Major Subdivision which creates six parcels for commercial purposes, Tracts C-1 through C-6. Subsequent to the granting of preliminary plat approval, the subdivider requested a change to the proposed road (Mallet Lane), and submitted an amended preliminary plat eliminating the cul-de-sac configuration in favor of a T-style turnaround. Per requirements in the 2014 Miles City Subdivision Regulations, the proposed amendment was reviewed by the City Council on August 9, 2016, where the Council determined the change was non-material and granted approval to the amended preliminary plat. The property is described as the Lothspeich Minor Subdivision Tract C Amended & Tract D Amended, located in the SE1/4NE1/4 of Section 35, Township 8 North, Range 47 East, P.M.M., Custer County, Montana. The property is located along the west side of South Haynes Ave. (See Figure 1). The property is within the city limits of Miles City and is zoned General Commercial (GC).

Figure 1: Location Map



Vision Enterprises, LLC is the owner of the subject property. Quinn Wright of Dowl represents the applicant. The final plat application was submitted on September 24, 2016. The application materials were accompanied by the final plat (copy attached). The final plat will require signatures prior to filing.

The City Council is scheduled to review the final plat and make a decision whether to approve the final plat on October 25, 2016 at 7:00 PM in the City Hall Conference Room.

The conditions of preliminary approval are listed below. Following each condition in ***bold italics*** is a statement indicating how the condition has been met.

Standard Conditions:

1. The proposed Vision Enterprises Major Subdivision shall conform to the Sections 76-3-401 through 406 MCA of the Montana Subdivision and Platting Act and Montana's Uniform Standards for Final Subdivision Plats. (76-3-401 – 411, MCA and Administrative Rules of Montana (ARM) 24.183.1107))

As presented, the final plat appears to meet all of the requirements of the MSPA and the Uniform Standards for final subdivision plats.

2. The final plat must conform to the 2014 Miles City Subdivision Regulations (MCSR) and the Miles City Code of Ordinances. (MCCO)

As presented, the final plat appears to conform to the 2014 Miles City Subdivision Regulations and Miles City Code of Ordinances.

3. The final plat shall be in substantial compliance with the plat and plans submitted for preliminary plat review, except as modified by these conditions. [MCA 76-3-611].

The final plat is in substantial compliance with the plat and plans submitted for preliminary plat review. No changes have been made to the plat or plans other than those required by the conditions of final plat approval or those required to comply with the Montana Subdivision and Platting Act and Montana's Uniform Standards for Final Subdivision Plats. (76-3-401 – 406, MCA and Administrative Rules of Montana (ARM) 24.183.1107))

4. The final plat shall comply with state surveying requirements. [MCA 76-3-608(3)(b)(i)]

The final plat has been reviewed by the Custer County Contract Examining Land Surveyor and was approved for conformance with state surveying requirements.

5. The subdivision must conform to all the rules and regulations set out in MCCO and MCA in effect as of May 11, 2016. [MCA 76-3-604(9)(a)]

As presented, the final plat appears to conform all rules and regulations in the Miles City Code of Ordinances and Montana Code Annotated.

6. All traffic signs shall be installed by the subdivider. Traffic signs shall be of the size, shape, height, and placement as to be in accordance with the Manual of Uniform Traffic Control Devices. [MCCO Section 21-18 (8)(f)]

At the time of writing, traffic signs had not been installed as they were being fabricated. It is expected that all traffic signs shall be installed by the subdivider the week of October 24, 2016.

7. The proposed subdivision application, and/or any proposed exemption(s) from sanitation review, shall be re-viewed and approved by the Montana Department of Environmental Quality (MDEQ) and/or the Custer County Sanitarian prior to final plat approval. (MCA 76-4)

This subdivision has been reviewed and approved by the Montana Department of Environmental Quality, approval #EQ-16-1798.

8. The applicant(s) shall comply with all standards and procedures of the 2014 Miles City Subdivision Regulations that are applicable to this subdivision prior to receiving final plat approval. The applicant(s) for this proposed subdivision is hereby informed that any unmet regulations, procedures, or provisions that are not specifically listed as conditions of approval, does not, in any way, create a waiver, variance, or other relaxation of the lawful requirements of the 2014 Miles City Subdivision Regulations or State law. (MCCO Section 21 and MCA 76-3)

As presented, the final plat appears to conform to the standards and procedures of the 2014 Miles City Subdivision Regulations that are applicable to this subdivision.

9. The applicant(s) shall have three years from the date of preliminary approval to complete these conditions and obtain final plat approval. Application for final plat shall be submitted at least thirty days prior to the expiration of the preliminary plat approval period, unless the applicant(s) requests an extension in accordance with Montana Code Annotated. Failure to comply with the final plat provisions or the conditions of final plat thirty calendar days prior to the expiration of the preliminary plat approval period will render the governing body's approval null and void. [(MCSR 21-16(a)(8)(e) and MCA (76-3-610)]

The preliminary plat received conditional approval by the City Council of Miles City on July 12, 2015. The final subdivision plat application was submitted September 24, 2016, within the three-year period.

10. Any changes made to the original application or preliminary plat, other than changes made to meet the required conditions of final plat approval, may require the subdivider(s) to resubmit the application for subdivision review pursuant to state law and sections 21-14(b)(5) and 21-16(a)(9) of the 2014 Miles City Subdivision Regulations.

No changes have been made to the original application or preliminary plat other than the non-material change, approved by City Council on August 9, 2016, changing the cul-de-sac configuration to a T-style turnaround and those required by the conditions of final plat approval.

11. All water supply systems shall meet MDEQ & City Code requirements. The water supply systems shall be approved by a licensed engineer. Design specifications, including the requirement for tracer wire or curb stamps to indicate line locations, and capacity shall be confirmed by the Public Utilities Director prior to acceptance. [MCCO Sec 23; Sec 21-18(a)(10)]

The final plat application contains a completed certification of improvements, stamped by a registered professional engineer licensed in Montana, certifying that all water supply systems have been installed according to submitted plans and specifications approved by Miles City.

12. All sanitary sewer systems shall meet MDEQ & City Code requirements. The sanitary sewer system shall be approved by a licensed engineer. Design specifications, including the requirement for tracer wire or curb stamps to indicate line locations, and capacity shall be confirmed by the Public Utilities Director prior to acceptance. A stub out for connection shall be provided for each lot. [MCCO Sec 23-28(5); Sec 21-18(a)(10)]

The final plat application contains a completed certification of improvements, stamped by a registered professional engineer licensed in Montana, certifying that all sanitary sewer

systems have been installed according to submitted plans and specifications approved by Miles City.

13. Where the aggregate total of disturbed area of any construction, as defined in A.R.M. 17.30.1102(28), is equal to or greater than one acre; or when combined with subsequent construction, such disturbed area is equal to or greater than one acre, a Montana State Department of Environmental Quality SWPPP Storm Water Construction General Permit shall be obtained and provided to the Miles City Planning Office prior to any site disturbance or construction. [ARM 17-30-1115]

All proposed tracts are less than one acre and as a result future construction activity is not likely to require a Storm Water Construction General Permit. In the event an area equal to or greater than one acre is disturbed during the installation of public improvements, a Storm Water Construction General Permit will need to be obtained and provided to the Miles City Planning Office prior to any site disturbance or construction

14. All utilities shall be placed underground, provide for easements at least 15 feet wide unless otherwise specified by the utility firms serving the site and shall be centered along the rear and side lot lines wherever practical for service to the lot. [MCCO Sec 21-18(a)(13)(f)]

All utilities have been placed underground with easements provided on the rear and side lot lines where practical.

15. Future maintenance must prevent the potential for the spread of noxious weeds on the property and the surrounding area. Section 7-22-2116, MCA states; "it is unlawful for any person to permit any noxious weeds to propagate on their property." (76-3-608(3)(a) and 7-22-2116, MCA)

The owners of the lots in this subdivision shall continue to maintain their property in a weed-free condition and will not allow the propagation of noxious weeds, per requirements in the declaration of covenants, which were submitted with the final plat application.

16. All street intersection and address number signs shall be installed by the subdivider. The addressing plan shall be approved by the Planning Department. [MCCO 21-18(a)(8)(g)]

An addressing plan has been approved by the planning department and intersection and address number signs shall be installed by the subdivider.

17. Stormwater runoff design shall be approved by the MDEQ prior to construction. (MDEQ Circular 8) [MCCO 21-18(a)(9)]

This subdivision has been reviewed and approved by the Montana Department of Environmental Quality, approval #EQ-16-1798.

18. Mallet Lane shall be constructed to the Montana Public Works Standard Specifications (MPWSS) and the MCSR as a Minor Street. Roadway design shall include curb, gutter and sidewalk constructed to the MPWSS. All sidewalk ramps shall comply with the Americans with Disabilities Act (ADA) design standards. [MCSR 21-18(a)(8)(h)(1)] Maintenance of Mallet Lane is to be governed by the Declaration of Covenants that will run with the land. [MCCO 21-14(b)(3)(e)]

The final plat application contains a completed certification of improvements, stamped by a registered professional engineer licensed in Montana, certifying that Mallet Lane has been constructed according to submitted plans and specifications approved by Miles City. Maintenance of Mallet will be governed by the declaration of covenants, which were submitted with the final plat application.

19. The subdivider shall provide a turnaround to accommodate current MCFR equipment at the end of Mallet Lane that conforms to the requirement of the 2012 International Fire Code, Appendix D, Section D103.1. (This condition amended 8/9/2016)

Submitted plans show the hammerhead turnaround at the end of Mallet Lane as being designed to accommodate Miles City Fire and Rescue and Equipment and conforming to the requirement of the 2012 International Fire Code, Appendix D, Section D103.1. The final plat application contains a completed certification of improvements, stamped by a registered professional engineer licensed in Montana, certifying that Mallet Lane has been constructed according to submitted plans and specifications approved by Miles City.

20. Stop signs shall be installed at each driveway on Mallet Lane and at the intersection of Mallet Lane and S. Haynes Ave. (Traffic Impact Study – Dowl 4/2016) [MCCO 21-18(a)(8)(g)]

At the time of writing, stop signs had not been installed at each driveway on Mallet Lane as driveway locations had not been established. A stop sign has been installed at the intersection of Mallet Lane and Haynes Avenue. It is expected that all stop signs shall be installed by the subdivider as driveways are constructed.

21. All future development within the subdivision shall utilize dark-sky lighting to reduce the impact of the residential neighbor's enjoyment of the night sky. [MCA 76-3-608(3)(a)]

All future development within the subdivision shall utilize dark-sky lighting to reduce the impact of the residential neighbor's enjoyment of the night sky, per requirements in the declaration of covenants, which were submitted with the final plat application.

22. Site visibility zones at the development approach and driveways shall be maintained and kept clear of any obstacles or obstructions to preserve adequate vision left and right for exiting vehicles, including the use of low-level landscaping treatments, set-back signing, and set-back fencing. (Traffic Impact Study – Dowl 4/2016)

Site visibility zones at the development approach and driveways will be maintained and kept clear of any obstacles or obstructions, per requirements in the declaration of covenants, which were submitted with the final plat application.

23. Landscaping for each tract shall be 8% of the net area (total area of the site minus the area occupied by all building). [MCCO 21-18(a)(18)]

Landscaping for each tract will be 8% of the net area (total area of the site minus the area occupied by all building), per requirements in the declaration of covenants, which were submitted with the final plat application.

24. If postal service will not be provided to each individual lot within the subdivision, the subdivider must provide an off-street area for mail delivery within the subdivision, in cooperation with the United States Post Office. Responsibility for maintenance is

included as part of the Declaration of Covenants, Conditions and Restrictions. [MCCO 21-18(a)(8)(h)(7)]

Postal service will be provided to each individual lot within the subdivision, therefore off-street mail delivery is not required.

25. All future development must comply with the MCCO effective as of the date of the applicable applications. (Building, Floodplain, Planning, Zoning, and other relevant permits)

All future development will be required to obtain the necessary permits from the appropriate department at the City of Miles City, including but not limited to, building, floodplain, planning, and zoning.

26. All development on Tracts C-1 through C-5 must comply with the zoning code setbacks for commercial districts adjacent to residential districts. [MCCO Chapter 24, Article II]

All future development will be required to obtain a building permit and undergo zoning review for compliance with regulations in the general commercial district.

27. Development on Tract C-5 and C-6 will require further review by the Floodplain Administrator per comment letter. [MCCO Chapter 12, Article II, Sec 12 - 18]

All future development on Tracts C-5 and C-6 will be required to be reviewed by Miles City's Floodplain Administrator to ensure any proposed structures do not accidentally place themselves back into the floodplain.

STAFF RECOMMENDATION:

Approve the final plat for the Vision Enterprises Major Subdivision.

ORDINANCE NO. 1307

AN ORDINANCE ENACTING CHAPTER 25 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, RENUMBERING EXISTING PROVISIONS REGARDING AIRPORT ZONING.

WHEREAS, the City Council of the City of Miles City has enacted a revised zoning code in Chapter 24 of the Code of Ordinances of the City of Miles City, Montana, and as a result, is renumbering the portion of the City Code pertaining to Airport Zoning, which is not included in the revised Chapter 24, without changing any content to said Airport Zoning provisions other than numbering and internal references to section numbers from Chapter 24 to Chapter 25, and making no change to content.

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

Section 1. That there is hereby enacted a Chapter 25, entitled "Airport Zoning," which renumbers Chapter 24, Sections 156-190, and internal references to section numbers, but which makes no changes as to content.

- **CHAPTER 25 - AIRPORT ZONING**
- **Sec. 25-1. - Short title.**

This article shall be known and may be cited as Miles City Airport Zoning Ordinance.

- **Sec. 25-2. - Definitions.**

As used in this article, unless the context otherwise requires, the following terms shall have the following meanings:

Airport. Frank Wiley Field (also known as the Miles City Airport).

Airport elevation. Two thousand six hundred twenty-eight feet above mean sea level.

Approach surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 25-4. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal, and conical zones. Those zones as described and set forth in section 25-3.

Board of adjustment. A board consisting of three members appointed by the city council as provided for in MCA 67-6-206.

Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

Hazard to air navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height. For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone.

Nonconforming use. Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this article or amendment thereto.

Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 25-4.

Person. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in section 25-3. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure. An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, or overhead transmission lines.

Transitional surfaces. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Tree. Any object of natural growth.

Utility runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds of maximum gross weight and less.

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures.

- **Sec. 25-3. - Airport zones; established and defined.**

In order to carry out the provisions of this article, there are hereby created and established certain zones which includes all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Miles City Airport. Such zones are shown on the FAR Part 77 Airspace Drawing of the current Miles City Airport Plan drawing set, which is attached to this article and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive heights limitation. The various zones are hereby established and defined as follows:

(1)

Approach surface zone. The inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands outward uniformly to a width as shown on the FAR Part 77 Airspace Drawing of the current Miles City Airport Plan drawing set. Its centerline is the continuation of the centerline of the runway.

(2)

Transitional zones. The transitional zones are the areas beneath the transitional surfaces.

(3)

Horizontal zone. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.

(4)

Conical zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

- **Sec. 25-4. - Height limitations.**

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

(1)

Approach surface zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.

(2)

Transitional zone. Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 2,628 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the

sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

(3)

Horizontal zone. Established at 150 feet above the airport elevation or at a height of 2,778 feet above mean sea level.

(4)

Conical zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

(5)

Excepted height limitations. Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land, except that no new construction or growth will be allowed to penetrate the transitional surface.

• **Sec. 25-5. - Use restrictions.**

(a)

Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(b)

No use may be made of land or water within any zone established by this article which receives an objectionable determination in response to the notice required to be filed under Federal Aviation Regulations Parts 157 or Part 77.

• **Sec. 25-6. - Nonconforming uses.**

(a)

Regulations not retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this article derives, and is diligently prosecuted.

(b)

Marking and lighting. Notwithstanding the proceeding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be

deemed necessary by the city council, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the city through its airport commission.

- **Sec. 25-7. - Permits.**

(a)

Future uses. Except as specifically provided in a, b and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit thereof shall have been applied for and granted. Each application for a permit shall indicate the purposes for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection 25-7(d).

In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this article except as set forth in subsection 25-4(5).

(b)

Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard of air navigation than it was on the effective date of this article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

(c)

Nonconforming uses abandoned or destroyed. When the city council determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn

down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(d)

Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article.

(e)

Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of adjustment, this condition may be modified to require the owner to permit the city council, at its own expense, to install, operate, and maintain the necessary markings and lights.

- **Sec. 25-8. - Enforcement.**

It shall be the duty of the city council, to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city council, upon a form published for that purpose. Applications required by this article to be submitted to the city council shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the city council.

- **Sec. 25-9. - Board of adjustment.**

(a)

There is hereby created a board of adjustment to have and exercise the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the city council, in the enforcement of this article; (2) to hear and decide special exceptions to the terms of this article upon which such board of adjustment under such article may be required to pass; and (3) to hear and decide specific variances as provided under subsection 25-7(d).

(b)

The board of adjustment shall consist of five members appointed by the city council and each shall serve for a term of three years until a successor is duly appointed and qualified. Of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, and one for a term of three years. Members shall be

removable by the appointing authority for cause, upon written charges, after a public hearing. No member of the city council may be a member of the board of adjustment.

(c)

The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this article. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall immediately be filed in the office of the city clerk and shall be a public record.

(d)

The board of adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this article.

(e)

The concurring vote of four of the members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the city council, or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect any variation to this article.

• **Sec. 25-10. - Appeals.**

(a)

Any person aggrieved, or any officer, department, board or bureau of the city affected, by any decision made in the administration of the article, may appeal to the board of airport hazard adjustment.

(b)

All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of airport hazard adjustment, by filing with the city a notice of appeal specifying the grounds thereof. The city, shall forthwith transmit to the board of airport hazard adjustment all the papers constituting the record upon which the action appealed from was taken.

(c)

An appeal shall stay all proceedings in furtherance of the action appealed from unless the city, certifies to the board of airport hazard adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the city cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order, which may be granted by the board of airport hazard adjustment or by a court of record on application, with notice to the city and on due cause shown.

(d)

The board of airport hazard adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

(e)

The board of airport hazard adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

- **Sec. 25-11. - Judicial review.**

Any person or persons, jointly or severally, aggrieved, or any taxpayer or any officer, department, board or bureau of the city affected, by any decision of the board of airport hazard adjustment, may appeal to the appropriate court of record as provided for in MCA 76-2-327.

- **Sec. 25-12. - Penalties.**

(a)

Any person who violates any provision of this article is guilty of a misdemeanor and punishable by a fine not to exceed \$500.00, imprisonment in the county jail for a period not to exceed six months, or both. Each day a violation continues to exist constitutes a separate offense.

(b)

The city may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this article.

- **Sec. 25-13. - Conflicting regulations.**

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

- **Secs. 25-14 through 25-45. - Reserved.**

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

Said Ordinance read and put on its passage this 25th day of October, 2016.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 9TH day of November, 2016.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

Chapter 25 – Frank Wiley Field Influence Area and Airport Zoning

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ARTICLE I. - FRANK WILEY FIELD INFLUENCE AREA

Sec. 25-121. - Short title.

This article shall be known and may be cited as Frank Wiley Field (Miles City's Airport) Influence Area Ordinance.

(Ord. No. 1142, § I, 6-10-03)

Sec. 25-122. - Definitions.

As used in this article, unless the context otherwise requires:

Airport. Frank Wiley Field (Miles City's Airport).

Board of airport hazard adjustment. A board consisting of five members appointed by the city council as provided in MCA 67-4-312 and 76-2-321 through 76-2-328.

Incompatible use. Any use of land which is inconsistent with the provisions of this article or an amendment thereto.

Person. An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

(Ord. No. 1142, § II, 6-10-03)

Sec. 25-123. - Created; description.

There is hereby created an airport influence area (hereinafter airport influence area) around the airport described as follows:

An area longitudinally centered on a the primary instrument approach runway which extends 10,000 feet from the threshold (ends) of the runway and is one nautical mile in width on each side of the runway and its extended centerline. Land being located south and east of the Yellowstone River is excepted from the airport influence area. A map of the airport influence area shall be filed, upon passage of this article, in the office of the Clerk and Recorder of Custer County, Montana and the office of the City Clerk of the City of Miles City, Montana.

(Ord. No. 1142, § III, 6-10-03)

Sec. 25-124. - Airport impact zone and limited development area zone established; boundaries; land uses defined.

In order to carry out the provisions of this article, there is hereby created and established within the airport influence area, an airport impact zone and a limited development area zone which includes all of the land lying within the boundaries and zones so designated on the airport influence area map on file with the Clerk and Recorder of Custer County, Montana and the City Clerk of the City of Miles City, Montana. The various land uses are hereby established and defined as follows:

- 1) Urban area. An area consisting of typical dense residential and commercial development such as retail, banking, hotel/motel, restaurant, and similar uses.
- 2) Suburban residential area. An area consisting of suburban residential development typically sited on acreages in excess of one acre but not in excess of ten acres.
- 3) Industrial area. An area consisting of heavy to light manufacturing activities, warehousing, distributing, machinery and vehicle dealerships, and similar uses.
- 4) Agricultural area. Areas devoted to primarily agricultural uses, scattered residential development with density not greater than one residence/20 acres. Also, forested lands, wildlife and waterfowl reserves, and similar uses.
- 5) Terrain obstructions. Areas where natural terrain height penetrates the FAA FAR Part 77 Surfaces for the airport.
- 6) Airport impact zone. An area consisting of the runway protection zones and the primary surface. No development should occur in this area other than airport specific development whose needs are airport related. This area, according to federal guidelines, should be under the airport's control to prevent incompatible land use development.
- 7) Limited development area zone. An area defined and shown on the land use compatibility drawing. Land use in this limited area should be restricted to uses that are not noise sensitive; those that do not promote public assembly; those that do not have distracting lights, glare, smoke, provide electronic interference; those that are not bird attractors or otherwise deemed to be hazardous to aviation use.

(Ord. No. 1142, § IV, 6-10-03)

Sec. 25-125. - Limitations.

In an airport impact zone and limited development area zone, the following regulations shall apply:

- 1) Uses permitted outright. In an airport impact zone, the following uses and their accessory uses are permitted outright:
 - a. Facilities and operations at the airport.
 - b. Farm use, excluding livestock feed or sales yard and excepting those uses set forth in subsection (2) of this section.
- 2) Conditional uses. In limited development area zones, the following uses and their accessory uses may be permitted when authorized in accordance with the requirements of this article:
 - a. Farm accessory buildings and uses.

- b. Mining, quarrying, or other extraction activity, including the processing or refining of ore or other raw materials.
 - c. Utility facility necessary for public service.
 - d. Golf course.
 - e. Park, playground, other public recreation site or facility, or community service facility owned and operated by a governmental agency or non-profit community organization.
 - f. Veterinary clinic, animal pound or kennel.
 - g. Private or public grounds and buildings for games, sports, riding arenas, race tracks and similar activities.
 - h. Water supply and treatment facility.
 - i. Manufacturing and warehousing.
 - j. Travelers' accommodation facilities.
 - k. Retail and wholesale trade facilities.
 - l. Residential use and development therefore.
- 3) Use limitations. In a limited development area zone, the following limitations and standards shall apply to all uses permitted, unless a variance has been approved in accordance with subsection 25-128(d):
- a. In approach surface zones from the runway end up to 4,500 feet from the end of the runway, no meeting place for public or private purposes which is designed to accommodate more than 25 persons at any one time shall be permitted. Residential use is limited to one living unit per ten acres in this portion of the approach zone.
 - b. Mining or quarry operation will not be permitted if such use will allow or cause ponding which is likely to attract birds.
 - c. No use permitted by subsection (2)(c) of this section shall permit any power lines to be located in runway protection zones and any power line located within an approach zone shall be in conformance with designated approach slope ratios as defined in MCA, Title 67, Chapters 4, 5, and 6, FAA FAR Part 77 and other local ordinances that regulate the height of objects.
 - d. No use permitted by this section shall be allowed if such use is likely to attract an unusual quantity of birds, particularly birds which are normally considered high flight.
- 4) Design and use criteria. In the consideration of an application for a proposed use in an airport impact zone or a limited development area zone, the city council shall take into account the impact of the proposed use on nearby residential and commercial uses, on resource carrying capacities, on the capacity of transportation and other public facilities and services, and on the appearance of the proposal. The proposed use shall be permitted only if the council shall find all of the following criteria met:
- a. Proposal is in compliance with the airport master plan;

- b. Proposal is in compliance with the intent and provisions of this article and more particularly with this section;
 - c. That economic and environmental considerations are in balance; and
 - d. That any social, economical, physical, or environmental impacts are reasonably minimized.
- 5) Any application for a proposed use in the airport impact zone or a limited development area zone may be denied if, in the opinion of the commission, the proposed use is not related to the present land use patterns in the area.
- 6) In approving a proposed use in the airport impact zone or a limited development area zone, the council shall be satisfied that the applicant is fully appraised of the city's policy relative to development in the area in relation to the existing airport and accessory uses thereof.
- 7) The council may require establishment and maintenance of aesthetic or noise screens, the use of a flare resistant material in construction and landscaping, or may attach other similar conditions or limitations that will serve to reduce hazards to airport operations, including lighting and marking of airport hazards in accordance with MCA 67-4-314.

(Ord. No. 1142, § V, 6-10-03)

Sec. 25-126. - Use restrictions.

Notwithstanding any other provisions of this article, no use may be made of land or water within the airport influence area or any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, creating bird strike hazards, facilities intended for the takeoff and/or landing of aircraft, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(Ord. No. 1142, § VI, 6-10-03)

Sec. 25-127. - Nonconforming uses; regulations not retroactive.

The regulations prescribed by this article shall not be construed to require the removal or other change or alteration of any structure lawfully in existence when this article becomes effective, not conforming to the regulations as of the effective date of the ordinance from which this article derives, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any lawful structure, the construction or alteration of which was begun prior to the effective date of this article, and is diligently prosecuted.

(Ord. No. 1142, § VII, 6-10-03)

Sec. 25-128. - Permits.

- a) Future uses. No material change shall be made in the use of land, no structure shall be erected or otherwise established, in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection 25-128(d).
- b) Existing uses. No permit shall be granted that would allow a nonconforming use to become a greater hazard to air navigation than it was on the effective date of this article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- c) Nonconforming uses abandoned or destroyed. Whenever the council determines that a nonconforming use has been abandoned, no permit shall be granted that would allow such use to deviate from the zoning regulations without submitting an application to the board of airport hazard adjustment for a variance.
- d) Variances. Any person desiring to erect or increase the height of a structure, permit the growth of a tree, or use property, not in accordance with the regulations prescribed in this article, may apply to the board of airport hazard adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable air space. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in substantial practical difficulty or unnecessary hardship and where the variance would not be contrary to the public interest. . A variance shall be granted for a nonconforming use where there is not immediate hazard to safe flying operations or persons and property in the vicinity of the airport and where the noise or vibrations from normal and anticipated normal operations of the airport would not be likely to cause structural damage. An application for variance to the requirements of this article will be considered by the board of airport hazard adjustment, which will act to grant or deny said application.

(Ord. No. 1142, § VIII, 6-10-03)

Sec. 25-129. - Enforcement.

It shall be the duty of the city to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city upon a form published for that purpose. applications required by this article to be submitted to the city shall be promptly considered and granted or denied. Application for action by the board of airport hazard adjustment shall be forthwith transmitted by the city.

(Ord. No. 1142, § IX, 6-10-03)

Sec. 25-130. - Board of airport hazard adjustment.

- a) There is hereby created a board of airport hazard adjustment to have and exercise the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official, in the enforcement of this article; (2) to hear and decide special exceptions to the terms of this article upon which such board of airport hazard adjustment under such regulations may be required to pass; and (3) to authorize upon appeal in specific cases such variance from the terms of this article was permitted under subsection 25-128(d).
- b) The board of airport hazard adjustment shall consist of five members to be appointed for terms and in the manner provided for in MCA 67-4-312 and 76-2-321 through 76-2-328. The city may designate the board of adjustments appointed pursuant to MCA 76-2-321 through 76-2-328 as the board of airport hazard adjustment hereunder, in which case the terms of such members for purposes of this article are concurrent with their terms as members of the board of adjustment.

(Ord. No. 1142, § X, 6-10-03)

Sec. 25-131. - Appeals.

- a) Any person aggrieved, or any officer, department, board or bureau of the city affected, by any decision made in the administration of the article, may appeal to the board of airport hazard adjustment.
- b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of airport hazard adjustment, by filing with the city a notice of appeal specifying the grounds thereof. The city, shall forthwith transmit to the board of airport hazard adjustment all the papers constituting the record upon which the action appealed from was taken.
- c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the city, certifies to the board of airport hazard adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the city cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order, which may be granted by the board of airport hazard adjustment or by a court of record on application, with notice to the city and on due cause shown.
- d) The board of airport hazard adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- e) The board of airport hazard adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.
- f) The concurring vote of four members of the board of airport hazard adjustment shall be necessary to reverse any order, requirement, decision, or determination of the administrative

official; to decide in favor of the applicant on any matter upon which it is required to pass under this article; or to effect any variance hereunder.

(Ord. No. 1142, § X, 6-10-03)

Sec. 25-132. - Judicial review.

Any person or persons, jointly or severally, aggrieved, or any taxpayer or any officer, department, board or bureau of the city, affected, by any decision of the board of airport hazard adjustment, may appeal to the appropriate court of record as provided for in MCA 76-2-327.

(Ord. No. 1142, § XI, 6-10-03)

Sec. 25-133. - Penalties.

- a) Any person who violates any provision of this article is guilty of a misdemeanor and punishable by a fine not to exceed \$500.00, imprisonment in the county jail for a period not to exceed six months, or both. Each day a violation continues to exist constitutes a separate offense.
- b) The city may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this article.

(Ord. No. 1142, § XII, 6-10-03)

Sec. 25-134. - Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Ord. No. 1142, § XIII, 6-10-03)

Secs. 25-135—25-155. - Reserved.

ARTICLE II. - AIRPORT ZONING

Sec. 25-156. - Short title.

This article shall be known and may be cited as Miles City Airport Zoning Ordinance.

(Ord. No. 1143, § I, 6-10-03)

Sec. 25-157. - Definitions.

As used in this article, unless the context otherwise requires, the following terms shall have the following meanings:

Airport. Frank Wiley Field (also known as the Miles City Airport).

Airport elevation. Two thousand six hundred twenty-eight feet above mean sea level.

Approach surface. A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 25-159. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal, and conical zones. Those zones as described and set forth in section 25-158.

Board of adjustment. A board consisting of three members appointed by the city council as provided for in MCA 67-6-206.

Conical surface. A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

Hazard to air navigation. An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height. For the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal surface. A horizontal plane 150 feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone.

Nonconforming use. Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this article or amendment thereto.

Obstruction. Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 25-159.

Person. An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Primary surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in section 25-158. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Runway. A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure. An object, including a mobile object, constructed or installed by man, including but without limitation, buildings, towers, cranes, smokestacks, earth formation, or overhead transmission lines.

Transitional surfaces. These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot

vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

Tree. Any object of natural growth.

Utility runway. A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds of maximum gross weight and less.

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures.

(Ord. No. 1143, § II, 6-10-03)

Sec. 25-158. - Airport zones; established and defined.

In order to carry out the provisions of this article, there are hereby created and established certain zones which includes all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the Miles City Airport. Such zones are shown on the FAR Part 77 Airspace Drawing of the current Miles City Airport Plan drawing set, which is attached to this article and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive heights limitation. The various zones are hereby established and defined as follows:

- 1) Approach surface zone. The inner edge of this approach zone coincides with the width of the primary surface. The approach zone expands outward uniformly to a width as shown on the FAR Part 77 Airspace Drawing of the current Miles City Airport Plan drawing set. Its centerline is the continuation of the centerline of the runway.
- 2) Transitional zones. The transitional zones are the areas beneath the transitional surfaces.
- 3) ~~Horizontal zone. The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.~~
- 4) Conical zone. The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of 4,000 feet.

(Ord. No. 1143, § III, 6-10-03)

Sec. 25-159. - Height limitations.

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this article to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

- 1) Approach surface zone. Slopes 34 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
- 2) Transitional zone. Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending

to a height of 150 feet above the airport elevation which is 2,628 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface.

- 3) Horizontal zone. Established at 150 feet above the airport elevation or at a height of 2,778 feet above mean sea level.
- 4) Conical zone. Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.
- 5) Excepted height limitations. Nothing in this article shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to 50 feet above the surface of the land, except that no new construction or growth will be allowed to penetrate the transitional surface.

(Ord. No. 1143, § IV, 6-10-03)

Sec. 25-160. - Use restrictions.

- a) Notwithstanding any other provisions of this article, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.
- b) No use may be made of land or water within any zone established by this article which receives an objectionable determination in response to the notice required to be filed under Federal Aviation Regulations Parts 157 or Part 77.

(Ord. No. 1143, § V, 6-10-03)

Sec. 25-161. - Nonconforming uses.

- a) Regulations not retroactive. The regulations prescribed by this article shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of the effective date of this article, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this article derives, and is diligently prosecuted.
- b) Marking and lighting. Notwithstanding the proceeding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the city council, to indicate to the operators of aircraft in the vicinity of the airport the

presence of such airport obstruction. Such markers and lights shall be installed, operated and maintained at the expense of the city through its airport commission.

(Ord. No. 1143, § VI, 6-10-03)

Sec. 25-162. - Permits.

- a) Future uses. Except as specifically provided in a, b and c hereunder, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless a permit thereof shall have been applied for and granted. Each application for a permit shall indicate the purposes for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this article shall be granted unless a variance has been approved in accordance with subsection 25-162(d).

In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when, because of terrain, land contour or topographic features, such tree or structure would extend above the height limits prescribed for such zones.

In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zones.

In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree in excess of any of the height limits established by this article except as set forth in subsection 25-159(5).

- b) Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure, or tree to become a greater hazard of air navigation than it was on the effective date of this article or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
- c) Nonconforming uses abandoned or destroyed. When the city council determines that a nonconforming tree or structure has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

- d) Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this article, may apply to the board of adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this article.
- e) Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the board of adjustment, this condition may be modified to require the owner to permit the city council, at its own expense, to install, operate, and maintain the necessary markings and lights.

(Ord. No. 1143, § VII, 6-10-03)

Sec. 25-163. - Enforcement.

It shall be the duty of the city council, to administer and enforce the regulations prescribed herein. Applications for permits and variances shall be made to the city council, upon a form published for that purpose. Applications required by this article to be submitted to the city council shall be promptly considered and granted or denied. Application for action by the board of adjustment shall be forthwith transmitted by the city council.

(Ord. No. 1143, § VIII, 6-10-03)

Sec. 25-164. - Board of adjustment.

- a) There is hereby created a board of adjustment to have and exercise the following powers: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the city council, in the enforcement of this article; (2) to hear and decide special exceptions to the terms of this article upon which such board of adjustment under such article may be required to pass; and (3) to hear and decide specific variances as provided under subsection 25-162(d).
- b) The board of adjustment shall consist of five members appointed by the city council and each shall serve for a term of three years until a successor is duly appointed and qualified. Of the members first appointed, two shall be appointed for a term of one year, two for a term of two years, and one for a term of three years. Members shall be removable by the appointing authority for cause, upon written charges, after a public hearing. No member of the city council may be a member of the board of adjustment.

- c) The board of adjustment shall adopt rules for its governance and in harmony with the provisions of this article. Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board of adjustment may determine. The chairperson, or in the absence of the chairperson, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall immediately be filed in the office of the city clerk and shall be a public record.
- d) The board of adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provisions of this article.
- e) The concurring vote of four of the members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of the city council, or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect any variation to this article.

(Ord. No. 1143, § IX, 6-10-03)

Sec. 25-165. - Appeals.

- a) Any person aggrieved, or any officer, department, board or bureau of the city affected, by any decision made in the administration of the article, may appeal to the board of airport hazard adjustment.
- b) All appeals hereunder must be taken within a reasonable time as provided by the rules of the board of airport hazard adjustment, by filing with the city a notice of appeal specifying the grounds thereof. The city, shall forthwith transmit to the board of airport hazard adjustment all the papers constituting the record upon which the action appealed from was taken.
- c) An appeal shall stay all proceedings in furtherance of the action appealed from unless the city, certifies to the board of airport hazard adjustment, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of the city cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order, which may be granted by the board of airport hazard adjustment or by a court of record on application, with notice to the city and on due cause shown.
- d) The board of airport hazard adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.
- e) The board of airport hazard adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or

determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken.

(Ord. No. 1143, § X, 6-10-03)

Sec. 25-166. - Judicial review.

Any person or persons, jointly or severally, aggrieved, or any taxpayer or any officer, department, board or bureau of the city affected, by any decision of the board of airport hazard adjustment, may appeal to the appropriate court of record as provided for in MCA 76-2-327.

(Ord. No. 1143, § XI, 6-10-03)

Sec. 25-167. - Penalties.

- a) Any person who violates any provision of this article is guilty of a misdemeanor and punishable by a fine not to exceed \$500.00, imprisonment in the county jail for a period not to exceed six months, or both. Each day a violation continues to exist constitutes a separate offense.
- b) The city may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this article.

(Ord. No. 1143, § XII, 6-10-03)

Sec. 25-168. - Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

(Ord. No. 1143, § XIII, 6-10-03)

Secs. 25-169—25-190. - Reserved.

RESOLUTION NO. 3993

**A RESOLUTION OF INTENT TO ADOPT A LONG RANGE
TRANSPORTATION PLAN FOR THE CITY OF MILES CITY, AND
SETTING A PUBLIC HEARING THEREON.**

WHEREAS, the City of Miles City intends to adopt a long range transportation plan;

AND WHEREAS, notice of the availability of a draft long range transportation plan and for public comment has been published, establishing a public comment period of October 4, 2016, through November 3, 2016;

AND WHEREAS the City of Miles City by this resolution is giving notice of its intent to adopt said Miles City Long Range Transportation Plan, and to set a public hearing thereon;

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

The City of Miles City hereby declares its intent to adopt a Long Range Transportation Plan, a draft copy of which is available for review at the Engineering and Utilities office located on the second floor of City Hall, Miles City, Montana.

BE IT FURTHER RESOLVED that a public hearing shall be held on the adoption of said Miles City Long Range Transportation Plan on November 9, 2016, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

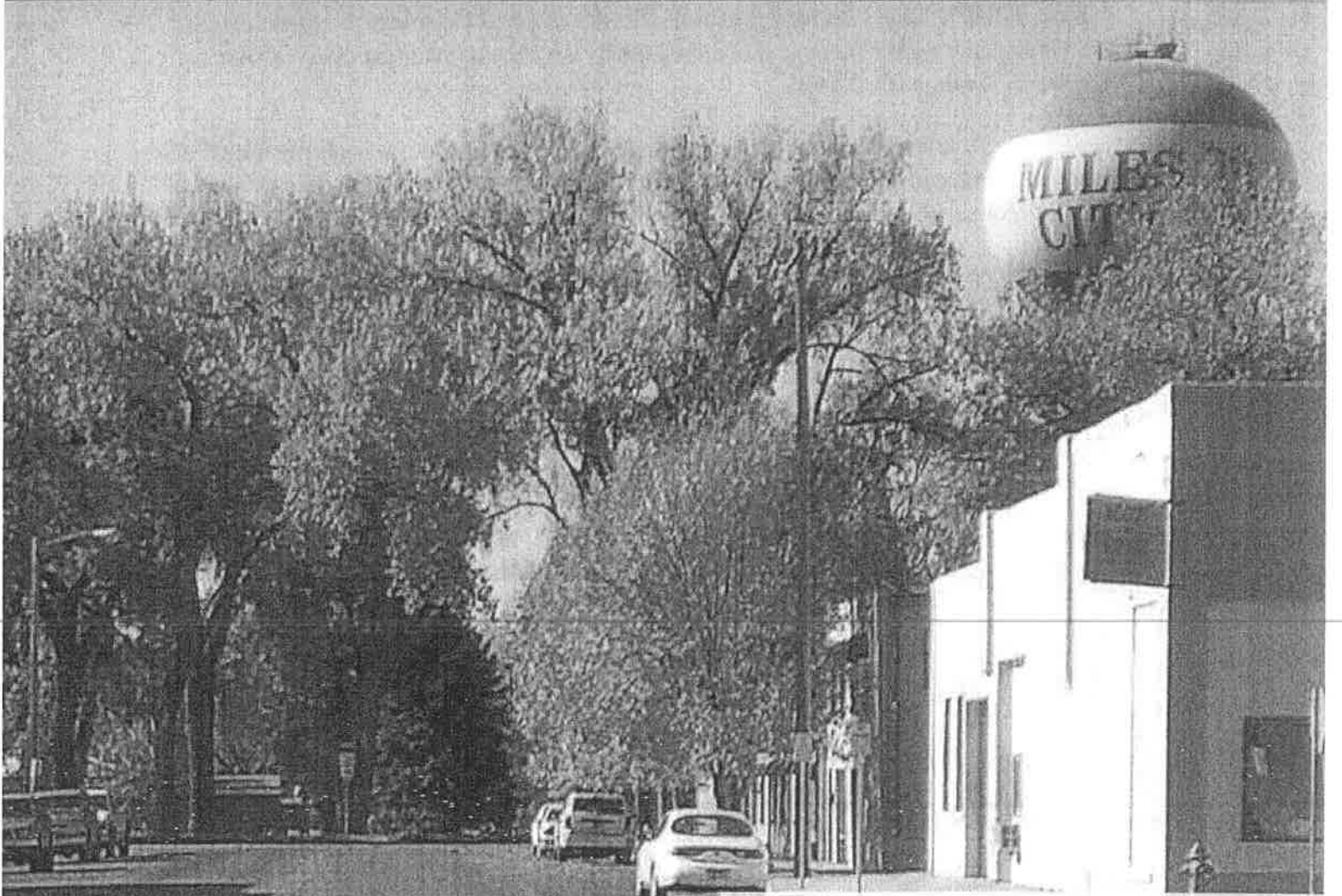
SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 25th DAY OF OCTOBER, 2016.

JOHN HOLLOWELL, Mayor

ATTEST:

Lorrie Pearce, City Clerk

MILES CITY LONG-RANGE TRANSPORTATION PLAN 2016



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CHAPTER 1 | PROJECT OVERVIEW



INTRODUCTION

The Miles City Long-Range Transportation Plan (LRTP) is intended to guide the development and implementation of multi-modal transportation systems in the planning area. With strong medical, commodity, and retail sectors, Miles City is an eastern Montana economic center. As a result, Miles City has encountered recent residential and business growth. Growth and development pressures has prompted the City to prepare its first LRTP. This plan will guide the orderly growth of the transportation network for the safe movement of people and goods now and into the future.

The Miles City LRTP is intended to facilitate achieving the community's goals and improve the City's transportation infrastructure by:

- Coordinating transportation planning with existing and future land use and community growth policies;
- Improving mobility and the impact of current and future travel demands;
- Promoting a safe, reliable transportation network for all users;
- Identifying improvement priorities, strategies, and policies; and
- Identifying potential funding sources and implementation processes.

Transportation planning typically includes the following elements:

- Engaging the public and stakeholders to establish shared goals and visions for the community.
- Analyzing existing conditions and comparing them against transportation performance forecasts.
- Forecasting future population and employment growth, including assessing projected land uses in the region and identifying major corridors of growth or redevelopment.
- Evaluating current and projected transportation system performance by developing performance measures and targets.
- Analyzing various transportation improvement strategies and their related tradeoffs using detailed planning studies.
- Developing long-range plans and short-range programs of alternative capital improvement, management, and operational strategies for moving people and goods.
- Estimating how improvements to the transportation system may impact achievement of performance goals, as well as the impacts on the economy and environmental quality, including air quality.
- Developing a financial plan to cover the costs of implementing strategies and ensuring maintenance and operations.

The plan includes the following:

- Community & Stakeholder Engagement
- Supporting Studies & Reports
- Current & Future Transportation Demand
- Airport Facilities
- Bicycle & Pedestrian Facilities
- Freight and Rail Facilities
- Roadways
- Transit & Ride Sharing
- Safety & Security
- Financial Analysis



STUDY AREA

The study area includes more than 19 square miles of lands in the City of Miles City and surrounding area. Physical features have, and will to continue to, influence growth and development of the planning area.

- The confluence of the Yellowstone and Tongue Rivers puts a significant portion of land in the floodplain which limits the ability to build or even infill within the community.
- North of the Yellowstone River, a large bluff separates the airport from the rest of the community.
- To the west of the city, large tracts of government-owned land are unlikely to be released to the private sector for development.

These constraints demonstrate that readily available growth areas are to the south and east of the present city limits. The study area location is provided in Figure 1-1.

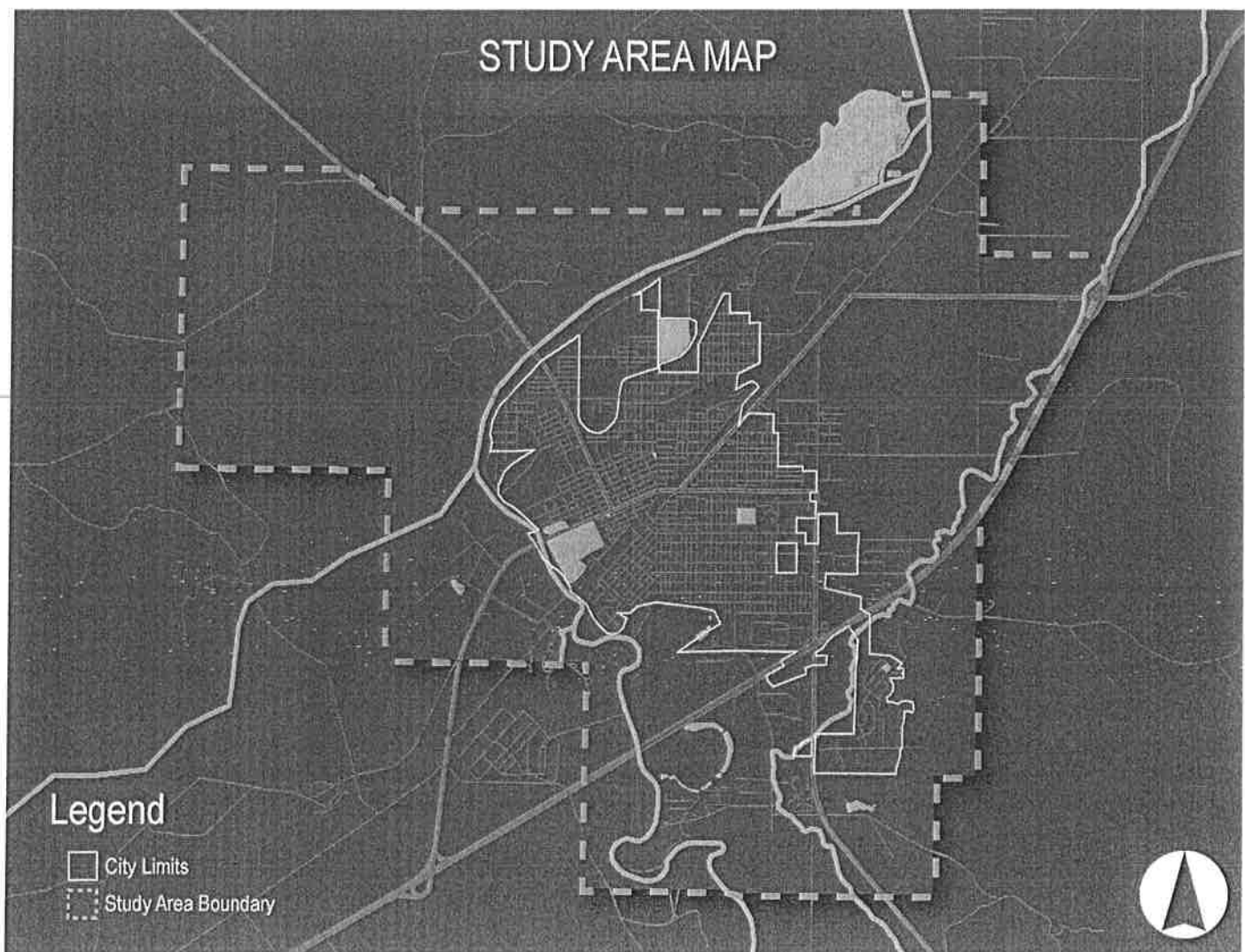


Figure1-1: Study Area

PLAN PURPOSE AND CONTENT

The LRTP is separated by chapters that reflect the step-by-step tasks that are completed in a process similar to that used in the development of other transportation plans. The study began in September 2015 and was completed in October 2016. The plan outlines a 20-year planning horizon, with a base year of 2010, coinciding with the decennial census. Updates to a LRTP for larger communities are typically completed every five years to reflect current growth trends and community needs. Updates to this plan should be undertaken when the community/local government feels necessary.

The purposes of this plan:

- Coordinate transportation planning with existing and future land use and community comprehensive plans;
- Improvement of regional transportation circulation and identify primary travel demands;
- Promote a safe, reliable transportation network;
- Identify improvement priorities, strategies, and policies; and
- Identify funding sources and implementation process.

The Transportation Plan is intended to be a general guide for the expansion and improvement of the existing system to meet future needs. It is essential to establish sound principles and policies to be used as guides for formulation of transportation plans. Although general in nature, planning principles and community goals are essential tools for evaluating existing transportation patterns, identifying existing and projected deficiencies of the transportation system, and governing design guidelines for various types of streets and highways serving the planning area. This Transportation Plan will be based on community vision and the identification of improvement options.

The level of detail developed for each of the plan elements is sufficient for this intended purpose. To further implement specific recommendations, specific problems will require detailed study and additional design beyond the scope of this plan. The intent of the Transportation Plan is to present a program of improvements that will successfully meet the needs of Miles City for the next twenty years. This plan should be updated periodically (e.g. every 5-10 years) to ensure continued applicability of plan recommendations and to respond to unanticipated changes within the community or the transportation system.

This transportation planning process includes the following elements:

- Engage the public and stakeholders to establish shared goals and visions for the community;
- Identify existing and projected conditions;
- Forecast future population and employment growth, and project where it is likely to occur;
- Identify current and projected transportation needs;
- Analyze various transportation improvement strategies and related tradeoffs;
- Develop long-range plans and short-range programs of alternative capital improvement, management, and operational strategies for moving people and goods; and
- Developing a financial plan to identify the costs of implementing improvement strategies and potential revenue sources.

The FAST Act legislation identifies eight planning factors for the development of projects and strategies in the transportation planning process which include:

- Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;
- Increase the safety of the transportation system for motorized and non-motorized users;
- Increase the accessibility and mobility options available to people and for freight;
- Protect and enhance the environment, promote energy conservation, and improve quality of life; promote consistency between transportation improvements and state and local planned growth and economic development patterns;
- Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;
- Promote efficient system management and operation; and
- Emphasize the preservation of the existing transportation system.

CHAPTER 2 | COMMUNITY & STAKEHOLDER ENGAGEMENT



The purpose of community and stakeholder engagement is to identify a shared vision from people with diverse interests and provide an opportunity for citizens to participate in the process. The framework for the public involvement process was based on the premise of three objectives:

1. To encourage openness and transparency throughout the planning process.
2. To provide opportunity for the community to identify concerns, share potential solutions and to validate or dispute decisions.
3. To facilitate widespread understanding of potential constraints, findings and solutions.

An advisory committee was formed from city, county and state agency representatives, and emergency service providers that have a stake in the outcomes of the plan and/or manage the transportation system. The committee met several times throughout the process to review information and provide input. The advisory committee is listed in Appendix A.

Two focus groups were convened to collect stakeholder feedback relating to the LRTP. The first group included people who were civic and business leaders, health care representatives (including the mobility impaired), school district representatives and law enforcement. The second group included representatives from the freight and trucking industries.

Seven topic areas were discussed, with similar questions presented to each group. The items of common interest, which may be an indication of priorities, are listed in the "Key Themes" report in Appendix A.



A website (www.milescity-lrtp.info) was developed to make available information to the public related to the LRTP process. The plan schedule, maps, results of public engagement and other deliverables were posted to the site. A feedback form allowed for citizens to provide comments throughout the entire planning process.

Two informational public meetings were held in Miles City. The first was to provide information about the plan and collect feedback on existing conditions. The second meeting reviewed the inventory and analysis and presented a list of projects for consideration. People were asked to rank the projects to help provide a priority list. The outcomes of both meetings are provided in Appendix A.

Citizens were provided the opportunity to comment on the plan during a series of public hearings held during regularly scheduled City and County meetings. Updates to the plan as a result of those comments are incorporated into the plan prior to the final plan adoption.



CHAPTER 3 | SUPPORTING STUDIES & REPORTS



The Montana Department of Transportation has completed four transportation-related studies within the study area recently at the request of City of Miles City and Custer County officials. While some may not be relevant to this plan, they are all listed for completeness. Those studies are summarized below:

MT 59 South Speed Study (2012)

This request was prompted by development on Horizon Parkway which has increased traffic volumes in the area which in turn has increased safety concerns about the Horizon Parkway and MT 59 South intersection.

- The final report recommended extending the existing 45 mph speed limit zone south of the Horizon Parkway intersection with MT 59 South.

US 12 Speed Study (2015)

This request was prompted by a concerned business owner noting that the existing 55 mph speed limit creates a potential hazard for RV's accessing the campground on US 12.

- The final report did not recommend any changes to the speed limit on US 12 at this location.

School Safety Study (2015)

This request was prompted by the City of Miles City regarding the perception of speeding on urban streets within school areas and requested the reduction of the speed limit from 25 mph to 15 mph.

- The final report offered the following conclusions and recommendations:
 - ◊ The observed travel speed consistently followed the posted 25 mph speed limit and did not create a safety hazard
 - ◊ Local officials do have the authority to reduce speed limit around schools if deemed necessary
 - ◊ The report recommended changes to striping of crosswalks to the ladder style pattern with standardized school crossing signs as defined in the Manual on Uniform Traffic Control Devices (MUTCD)

Comstock and Haynes Signal Study (2013)

This request was prompted by the City of Miles City requesting that a traffic signal be installed at the Comstock Steet and South Haynes Ave intersection which is currently two-way stop controlled with stop control on Comstock Street.

- The final reported concluded that a traffic signal is not currently warranted at this intersection based on observed traffic volumes and crash history.

I-94 Broadus Interchange Study

Due primarily to the lack of vertical clearance between I-94 and the bridge for both the east bound and west bound lanes, the Broadus Interchange is scheduled for reconstruction. The previous report, completed in 2012, suggested that either traffic signals or roundabouts be constructed at the intersections of the interstate ramps with MT 59 and South Haynes Avenue.

Miles City Growth Policy (2015)

The City's Growth Policy briefly discusses transportation regarding streets, maintenance, non-motorized transportation, airport, and rail. A chapter in the Policy titled "Public Facilities and Local Services" outlines the goals and objectives related to transportation.

Objective 2.3: Extend streets to new residential development in a grid to maintain connectivity to Miles City's existing street network.

- Objective 3.1: Develop a bicycle network connecting residential neighborhoods and retail centers.
- Objective 3.2: Work with human services agencies on increasing availability of ADA para-transit service.
- Objective 3.3: Extend sidewalk network to residential neighborhoods currently lacking sidewalks.
- Objective 3.4: Discourage Haynes Avenue traffic from diverting through residential neighborhoods.
- Objective 3.5: Work with MDT to address congestion on Haynes Avenue through transportation management and operational strategies.
- Objective 3.6: Realign the existing truck route so as to provide a direct route that does not travel through residential neighborhoods.



Miles City Downtown Urban Renewal Plan (2014)

The Downtown Urban Renewal Plan briefly discusses non-motorized transportation (specifically Goal Six: Provide a safe and secure transportation network to include adequate parking). Objectives of this goal include:

- Utilize available resources to leverage all funding sources to improve the pedestrian connectivity of the downtown and the surrounding residential development. Capitalizing on the adjacent residential properties as customers for the downtown area is a natural fit.
- Provide a safe and secure inter-modal transportation network to include bicycles, wheelchair access, automobile, and truck traffic to provide each their own place in the same network to ensure safety.
- Conduct a parking study to determine the adequacy of the current parking facilities and if and how it can be improved.

CHAPTER 4 | CURRENT & FUTURE TRANSPORTATION DEMAND

TRAVEL DEMAND MODELING

A travel demand model is a planning tool that provides a regional overview of the transportation network and is able to illustrate system-wide impacts of network or land use changes. Knowledge of how transportation systems perform and the magnitude of their impacts provide local decision-makers with valuable information needed to evaluate various transportation improvements. A travel demand model is used to simulate existing travel patterns, forecast future travel patterns and conditions, and provide analysis of alternative transportation improvements.

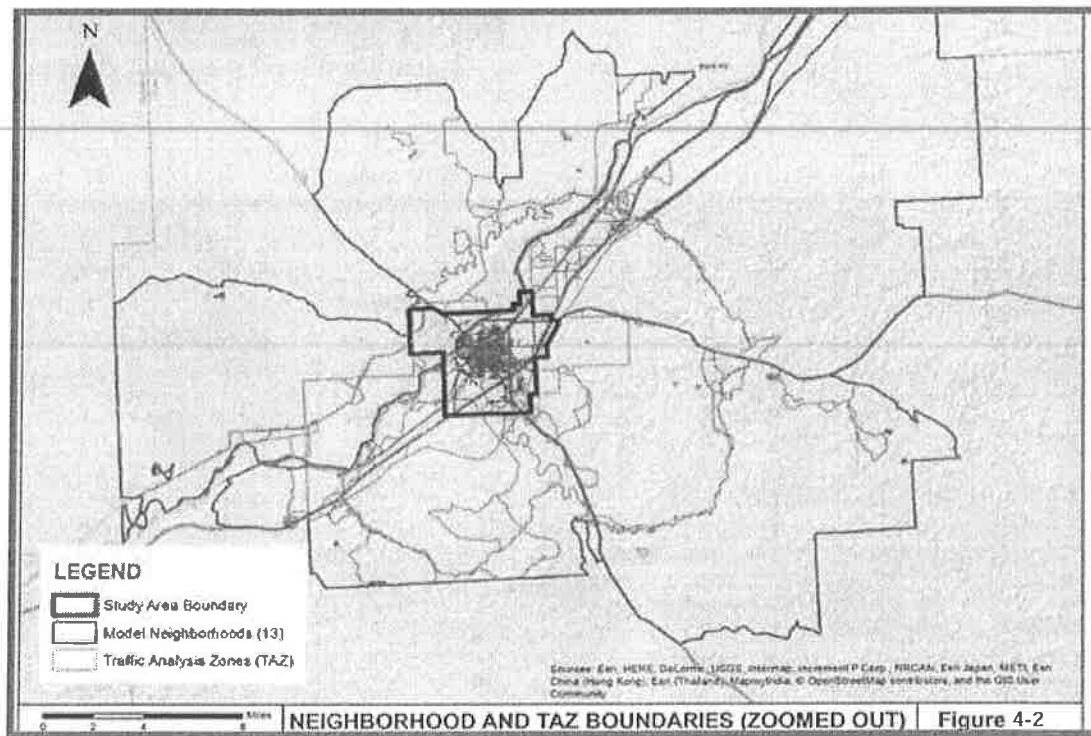
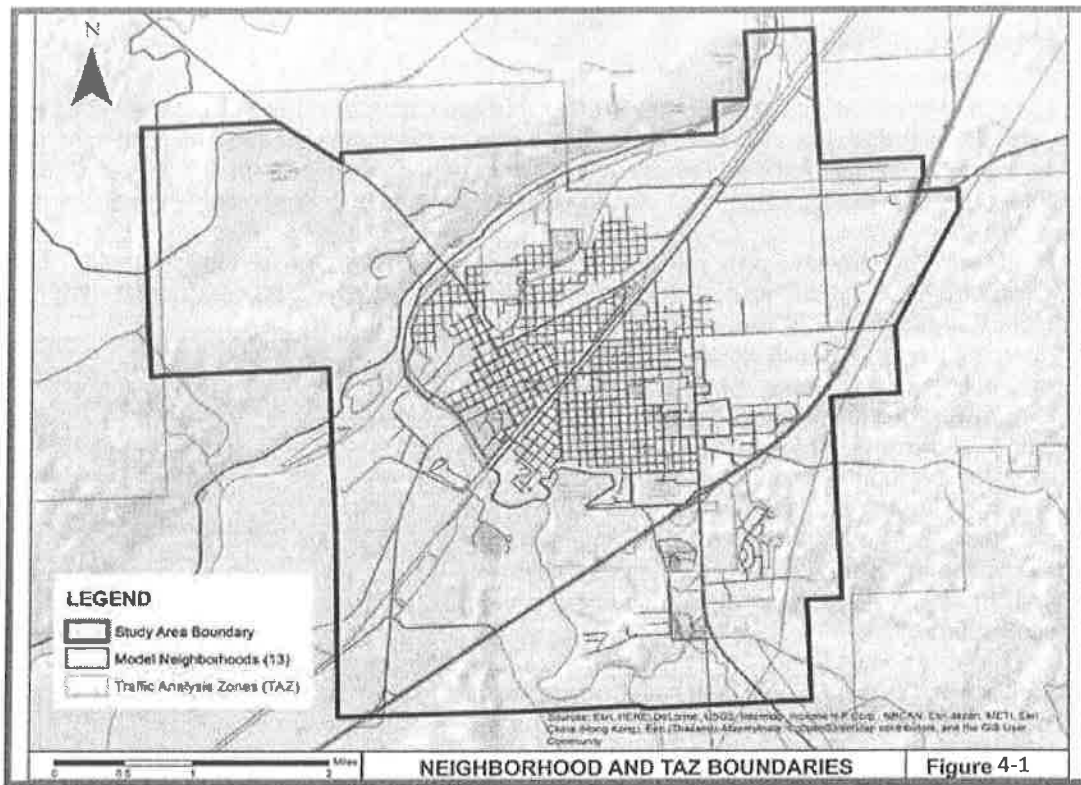
MDT developed a travel demand model for the greater Miles City area. The primary factors that determine transportation demand and travel patterns are the relative locations of population (households) and employment. To reflect existing condition for the 2010 base year, the model used 2010 population census information, 2010 employment information from GeoResults, and Geographic Information System (GIS) for the 2010 roadway network. Traffic volumes generated by the existing conditions model are compared to existing physical traffic counts and adjustments are made to calibrate the model to ensure accuracy.

Modeling of future travel patterns out to the year 2035 planning horizon using MDT's traffic model required identification of future socioeconomic characteristics within each census block. County population and employment projections were translated into predictions of increases in housing and employment within the greater Miles City LRTP Study area. Growth assignment was based on local government staff knowledge of recent land use trends, land availability and development limitations, land use regulations, planned public improvements, and known development proposals.

Projected traffic volumes were estimated using the travel demand model. A comparison of the existing conditions and projected conditions models was made to determine the percent change in traffic volume.

An important step in the travel demand modeling process is the creation of traffic analysis zones (TAZ's) within the study area. TAZ's aggregate areas of similar development characteristics into zones from which vehicle trips are produced or attracted. Population, household, and employment demographic data is entered into these zones. The Miles City Travel Demand Model, maintained by the MDT, includes 961 TAZ's based on census blocks. Most information is taken from the 2010 census, with confidential employment information taken directly from employers.

To streamline the travel demand modeling process, the TAZ's were aggregated into 45, and then 13, "neighborhoods" attempting to further group similar geographic locations, land uses, development patterns, zoning, etc. Figures 4-1 and 4-2 show the neighborhood boundaries used for the Miles City travel demand model.



POPULATION

The estimated population of Miles City in 2013 was approximately 11,951. This is a slight decrease based on historical data as the 1970 population was approximately 12,136 (resulting in an average decrease of 0.04 percent per year over this 43-year period). However, during the period between 2000 and 2013, the population has increased by an average of 0.18 percent per year.

The Miles City Growth Policy provides a wide range of estimates for future population growth varying from 22 percent over a 20-year period to 46 percent over a 20-year period. Without any additional information, it was agreed a constant 2 percent per year growth would be assumed for population, housing, and employment. Assuming this growth, the future population for a 20-year planning horizon is estimated to be approximately 16,200. A chart showing historic population growth and future projected growth is presented in Figure 4-3. The distribution of 2010 population is provided in Figure 4-4. Traffic Analysis Zones (TAZ's), are a geographic area that coincides with census blocks.

Population growth was distributed based on future land use projections, vacant land availability, and potential utility availability. This distribution is presented graphically in Figure 4-5.

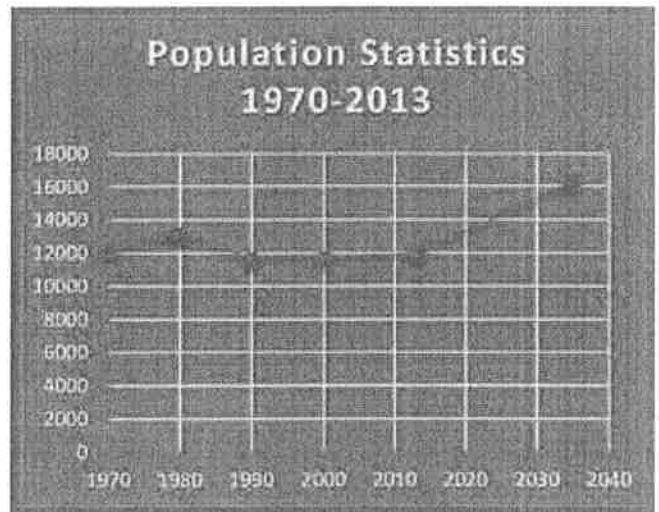
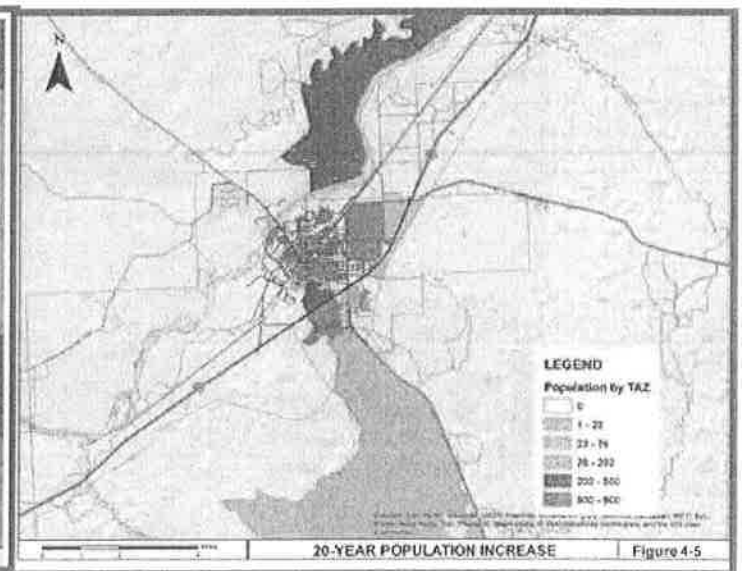
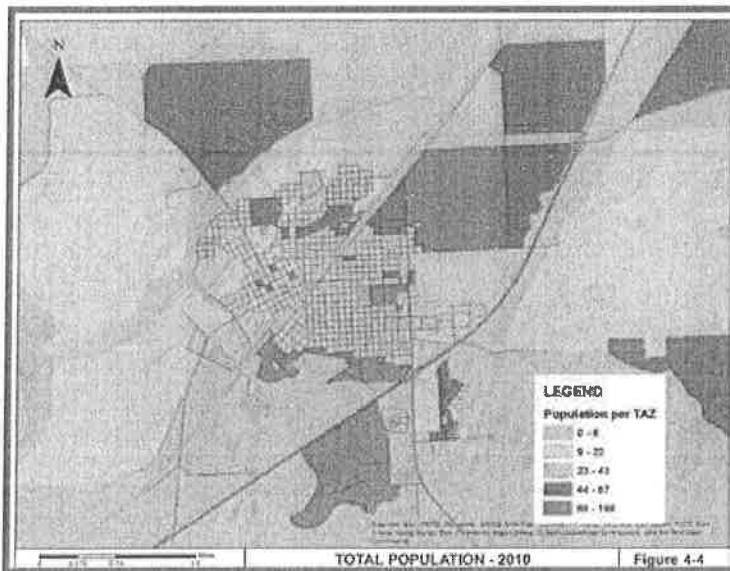


Figure 4-3: Historic Population Growth



EMPLOYMENT

Total employment in Miles City has increased from 5,480 in 1970 to 7,978 in 2013 (an average of 0.9 percent per year). Retail employment has decreased from 1,144 in 1970 to 1,022 in 2013, while non-retail employment has increased from 4,336 in 1970 to 6,956 in 2013. Assuming a constant 2 percent per year growth over 20 years results in a future employment estimate of 11,800 total employees. This information is provided graphically in Figure 4-6. Figures showing the distribution of 2010 retail and non-retail employment are provided in Figure 4-7 and Figure 4-8.

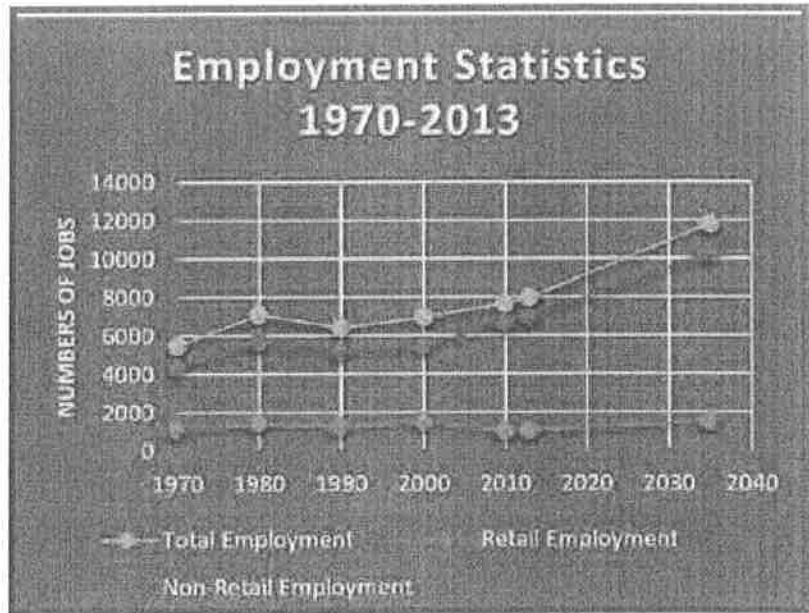
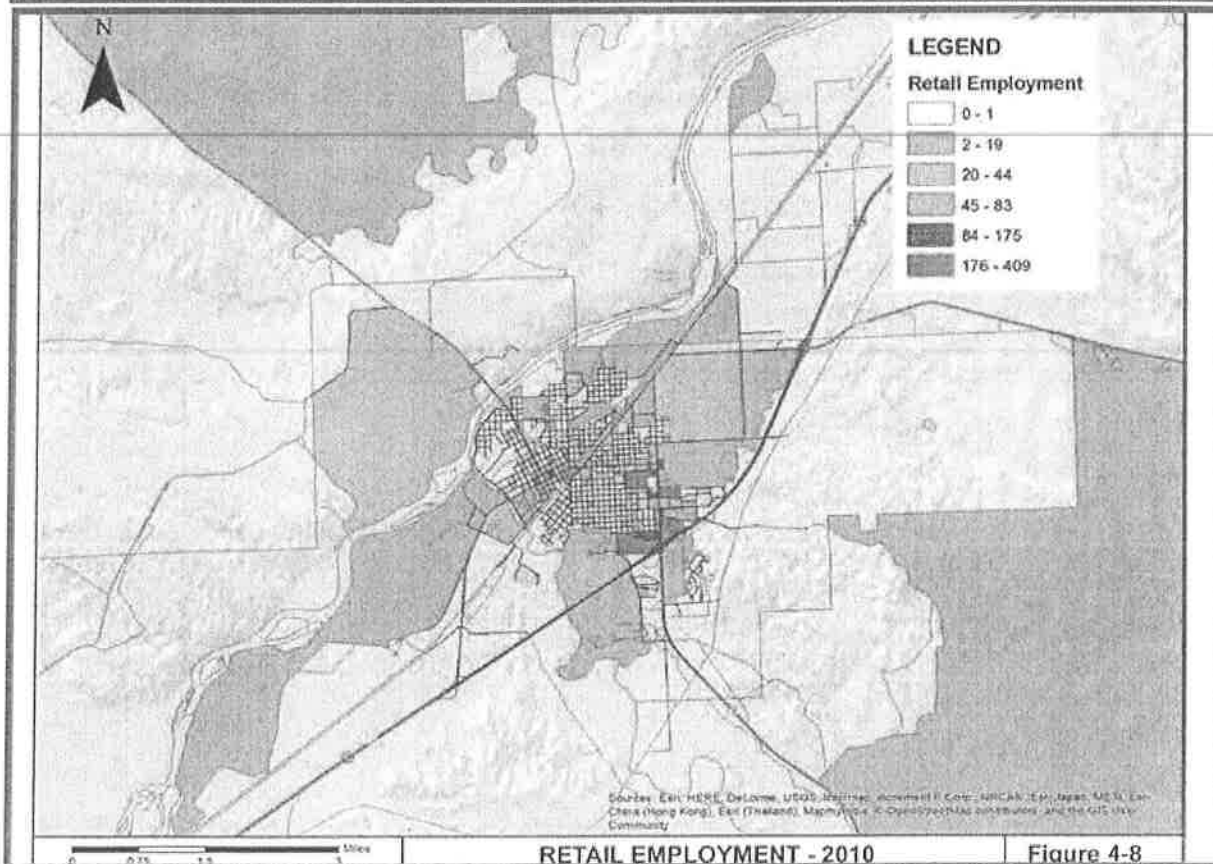
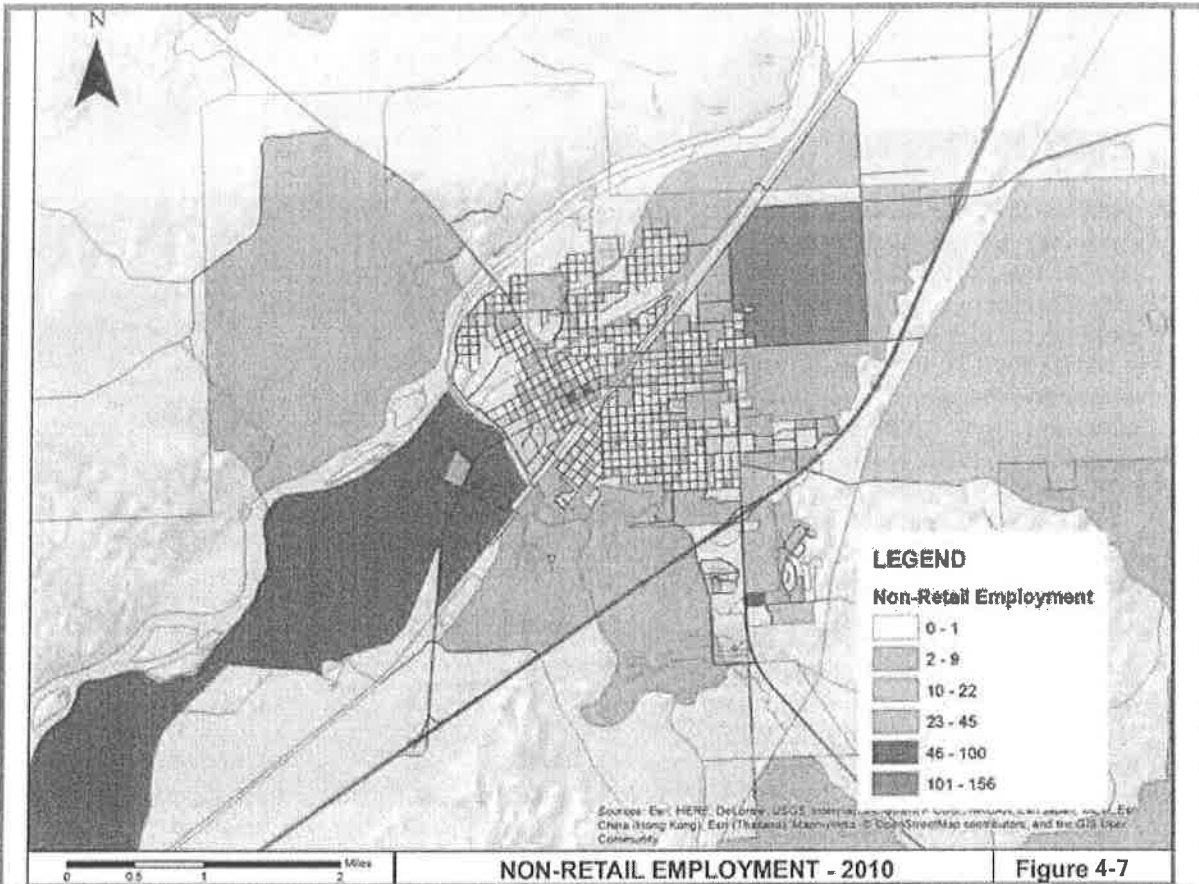
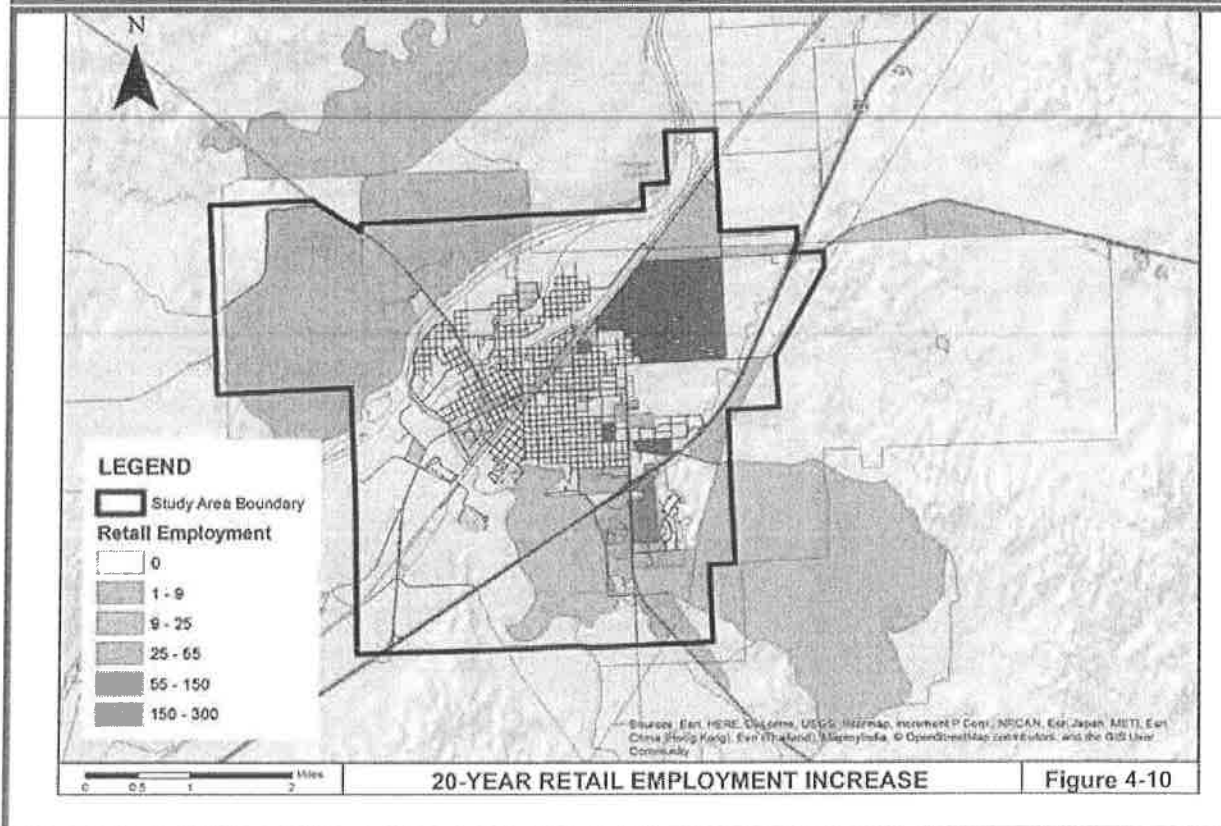
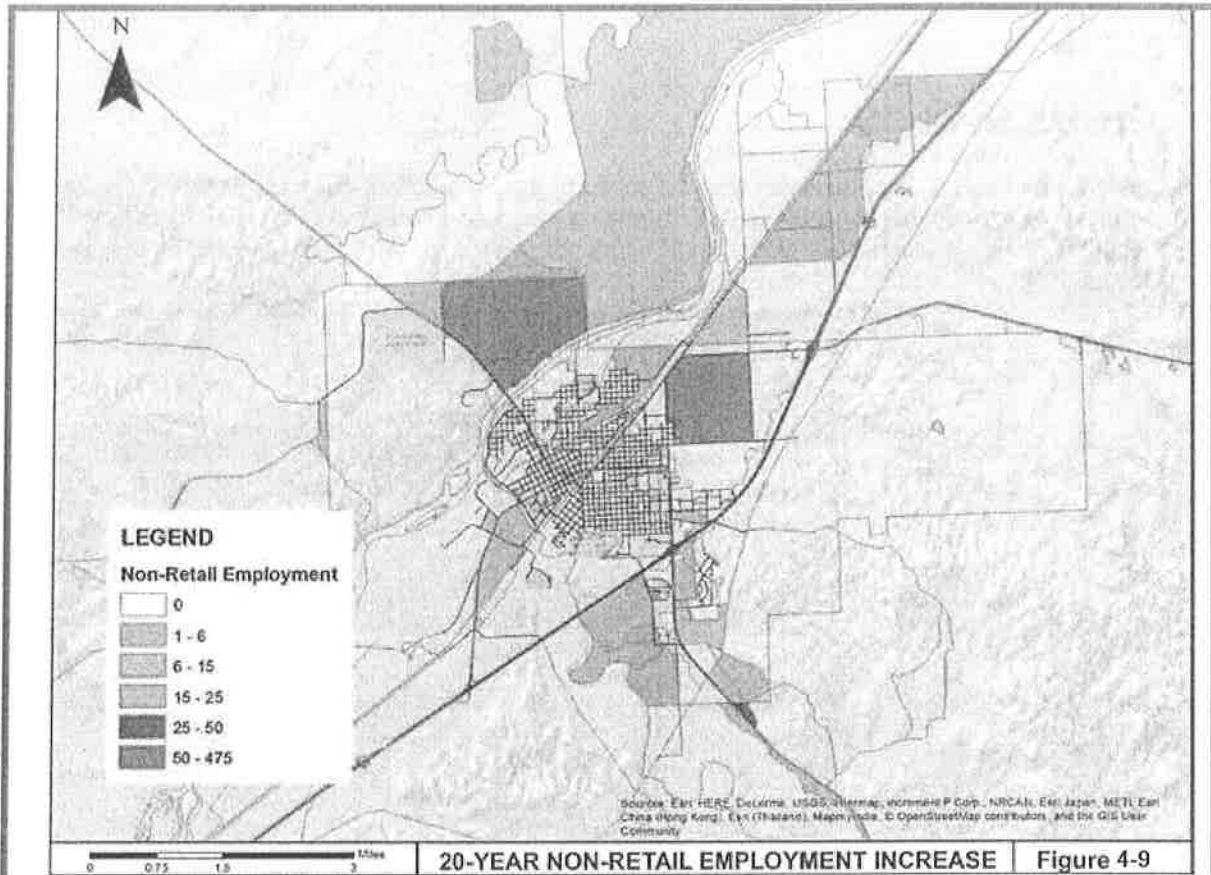


Figure 4-6: Historic Employment Growth

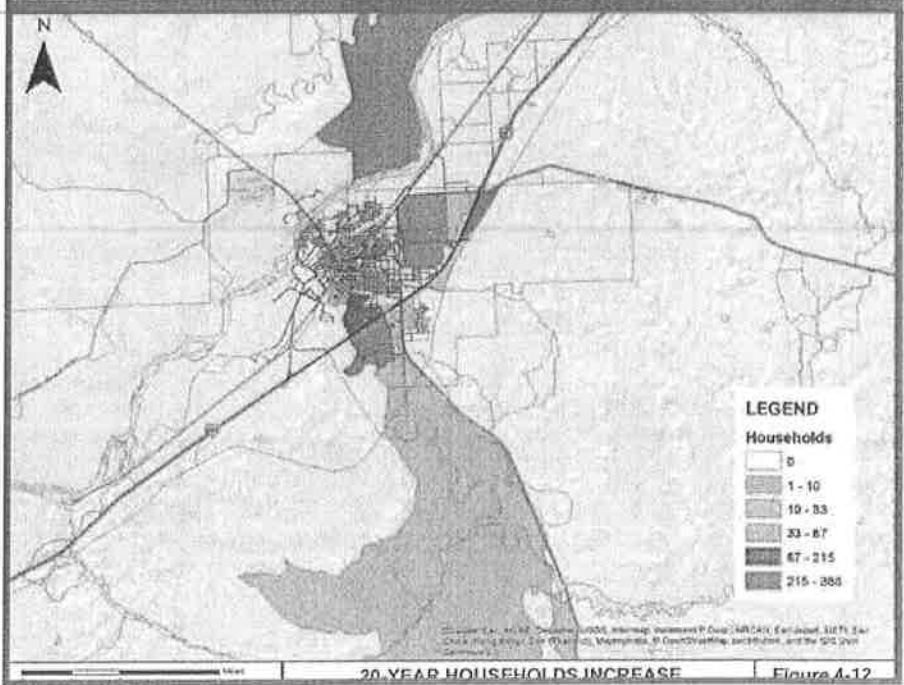
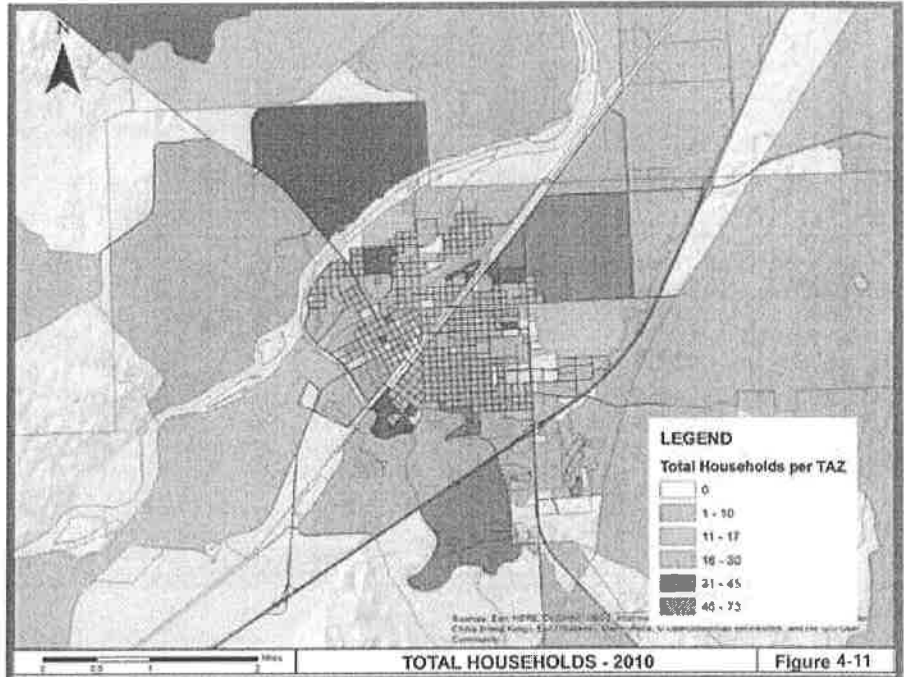
Retail and non-retail growth data was distributed based on future zoning, vacant land availability, and ease and ability to provide utility services. This distribution is presented graphically in Figures 4-9 and 4-10.





HOUSEHOLDS

In this same period, the number of housing units increased by 355. A constant 2 percent per year growth is assumed, resulting in over 7,400 housing units estimated by 2030. The 2010 distribution of households, as well as the distribution of future households' growth is presented in Figures 4-11 and 4-12.



ZONING AND LAND USE

The study area contains approximately 19.3 square miles, while the City of Miles City contains approximately 3.3 square miles. Current zoning within the Miles City limits and immediate surrounding area is presented in Table 4-1.

To determine the impact of population/household growth on the transportation system, the location of the growth as well as its magnitude must be projected. It is intuitive that development occurs first where it is easiest (and least expensive). Extending City infrastructure and utilities (sewer, water and streets) can represent significant cost to development beyond the limits of those existing systems. By examining aerial photography overlaid with zoning information, current city limits, and the future land use plan, we can highlight areas where vacant land exists close to or inside the city limits, with nearby water (and sewer) services that is, or will be zoned residential. Significant population growth is anticipated immediately north and south of I-94 in the southwest portion of town, north of the Yellowstone River in the eastern portion of the city, and the agricultural area east of the Pine Hills Youth Correctional Facility.

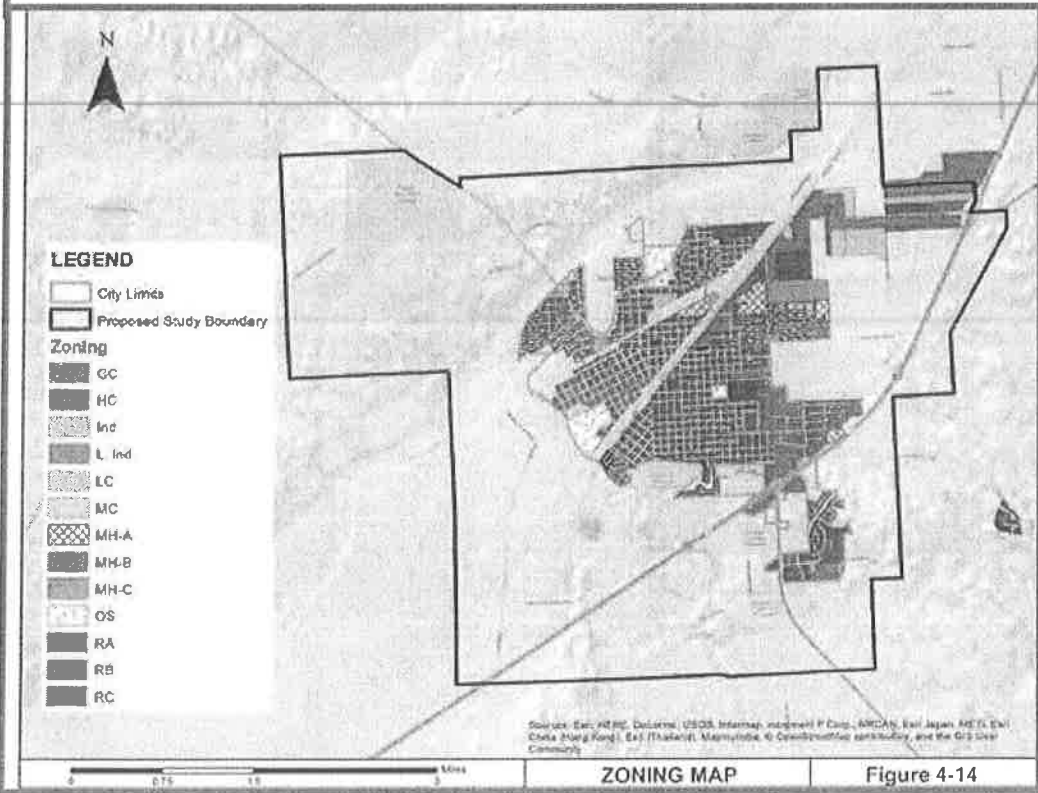
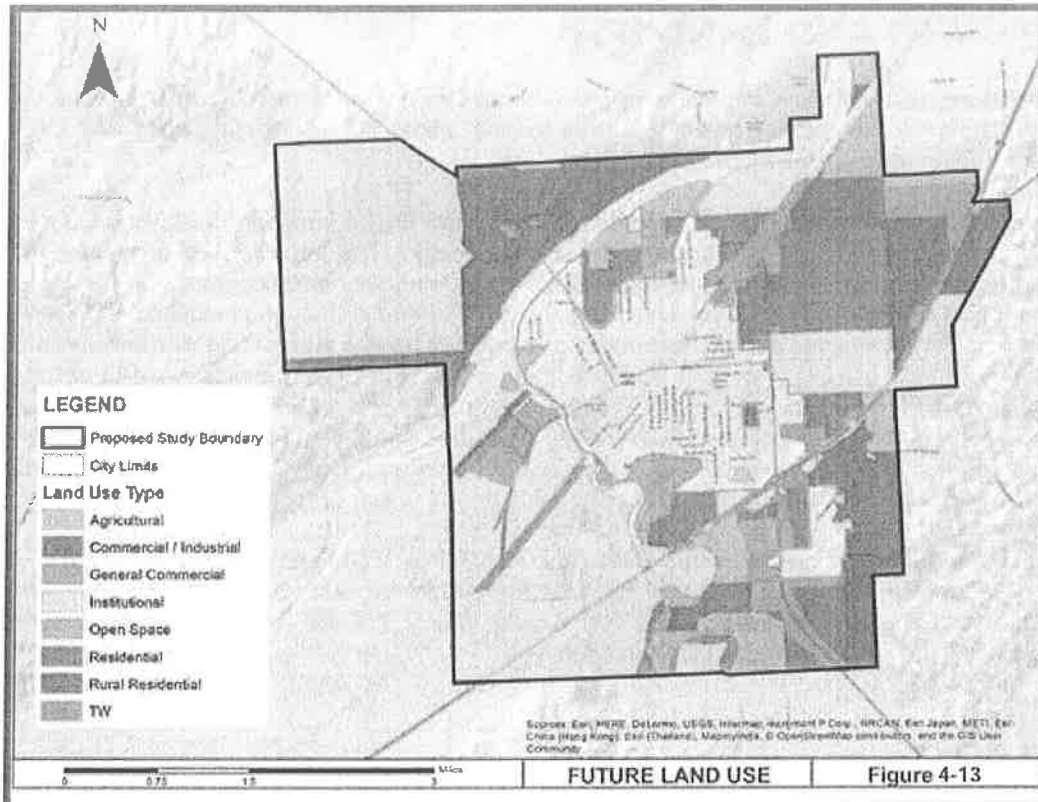
Future land use was defined in the *Miles City Growth Policy* and summarized in Table 4-2. These figures represent areas outside the city limits and within the study area of this report. Projected future land use defined in the *Miles City Growth Policy* and the existing zoning are presented graphically in Figures 4-13 and 4-14, respectively.

Table 4-1: Zoning Breakdown

Zoning Category	Area (Square Miles)
General Commercial	0.80
Heavy Commercial	0.17
Light Commercial	0.08
Medical Campus	0.09
Industrial	0.12
Light Industrial	0.09
Mobile Home Group A	0.40
Mobile Home Group B	0.25
Mobile Home Group C	0.01
Open Space	0.20
Residential Group A	1.16
Residential Group B	0.14
Residential Group C	0.02

Table 4-2: Future Land Use Area Breakdown

Future Land Use Category	Area (Square Miles)
Institutional	6.48
Rural Residential	2.42
Agricultural	1.14
Residential	2.00
Commercial / Industrial	0.78
Open Space	0.61
General Commercial	1.01



CHAPTER 5 | AIRPORT FACILITIES

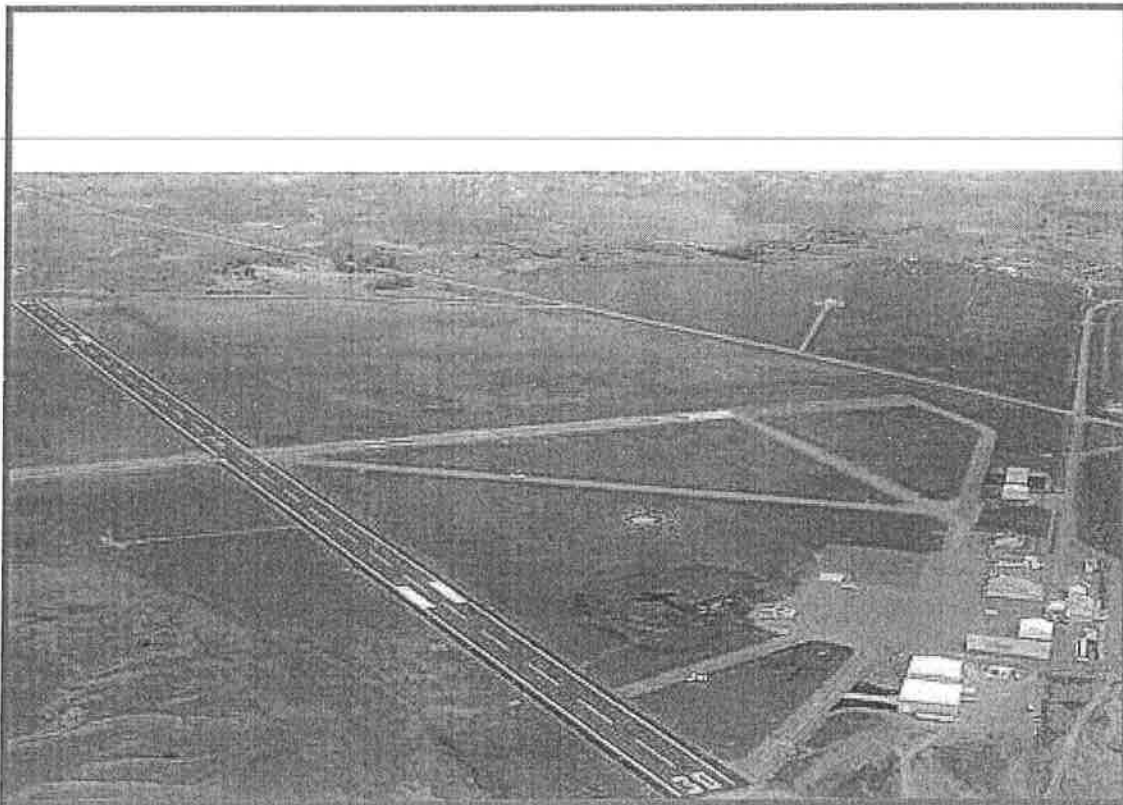


CURRENT SERVICE

Frank Wiley Airport is primarily used for the transport of mail and goods and limited passenger service. The existing passenger terminal does not meet Transportation Security Agency (TSA) requirements. In the past, the airport provided passenger air service through the subsidized Essential Air Services program; however, commercial passenger service is not currently available. With the acquisition of lands to increase runway protection zones (RPZ's) as well as additional physical improvements to airport runways, operational aspects of the airport could support additional services.

NEEDS AND DEFICIENCIES

The Frank Wiley Airport recently updated its Capital Improvements Plan (CIP) which programs improvements for the next 20+ years. The updated plan is provided in Appendix B which breaks down projects into three time frames: short-term (1-5 years), medium-term (6-10 years) and long-term (11+ years). If future expansion were to meet TSA requirements, passenger service was desired to and from Denver, Colorado and Helena, Montana.



CHAPTER 6 | BICYCLE AND PEDESTRIAN



EXISTING CONDITIONS

Sidewalks

Miles City has almost 55 miles of sidewalks within the city limits. The existing sidewalks are generally in good condition, with few reported problems with existing surfaces. The main concern for sidewalks is connectivity. Existing route analysis shows several gaps throughout the community. The gaps occur at the individual lot, block face and neighborhood levels.

In particular, the lack of sidewalks within school zones influences parents' choice to allow their child to walk to school. Many parents drive children to school, which increases traffic in school zones. This increase in traffic results in safety concerns at crosswalks around schools.

State routes within the core of the city have curb sidewalks and ADA-compliant curb ramps. However, Highway 59 south of the I-94 Interchange and Highway 59 north of the downtown core lack sidewalks which were deemed desirable based upon public input.

Trails

Miles City has more than two miles of multi-use trails. The existing primary route for trails extends from the Tongue River around the Fairgrounds and throughout the Spotted Eagle Lake area. The city lacks a dedicated trail "system" or continuous route.

On-Street Bicycle Facilities

Currently no dedicated on-street bicycle facilities (striped lanes, signage) exist. Citizens indicated that with a few exceptions, most of the local roads are bicycle-friendly for intra-city destination-based trips. Recreational bicyclists have indicated that routes extending from the City limits to outer-city destinations are typically on narrow road sections with higher speed limits causing uncomfortable conditions.

NEEDS AND DEFICIENCIES

Sidewalks

Citizen feedback indicated that the lack of continuous sidewalks became a barrier to active transportation. Through a connectivity analysis, the need to connect existing sidewalks for a continuous system identified over 20 areas of potential project clusters with the projects averaging about \$200,000. Sidewalks were identified as a high priority for health, safety and transportation mode choice. The prioritization of sidewalk projects should start in areas with a high destination rate: schools, college, downtown businesses, and parks. Then, projects focusing on completing connectivity and high-volume roads should be secondary priority.

Trails

Four trail segments were identified and consist of opportunities to complete existing trail loops or to capitalize on road and levy projects. The first priority should be to complete the Fairground Trail loop. For new subdivisions, consideration should be given to requiring a multi-use trail on every quarter section or section line so that new development already incorporates a trail requirement.

On-Street Bicycle Facilities

No specific dedicated on-street facilities were identified. "Share the road" signage could be considered to raise awareness that roadways are used by all modes.

PRIORITIES

Sidewalk infill projects are a priority for the community. Many different stakeholders indicated that the lack of continuity in the sidewalk system affects their mode choice. Where possible, priority areas should include low-income neighborhoods, around schools and major destinations for sidewalk infill projects. Figure 6-1 shows the sidewalk project areas.

Miles City should consider developing a non-motorized transportation plan. This plan could take a deeper analysis of both infrastructure and non-infrastructure activities to further the use of alternative modes.

PROJECTS

All sidewalk and trail projects are identified in Figure 6-1. Sidewalk infill projects were divided into twenty-three (23) different areas that kept the average cost around \$200,000. Sidewalk infill can be completed with a variety of funding mechanisms. The "Building Active Communities Resource Guide" (2014), pages 39 through 48, provides a variety of case studies to help fund sidewalk projects.

<http://www.dphhs.mt.gov/Portals/85/publichealth/documents/NutritionAndPhysicalActivity/BACIResourceGuide2014.pdf>

New development policies should require sidewalk construction for all residential, commercial and industrial development within the planning area. Assign sidewalk maintenance including snow removal to the adjoining property owner. In the event a property owner cannot maintain their sidewalk, develop programs that allow for assistance on a case by case basis.

Trail projects are opportunistic and are primarily provided for public health and recreation. The identified trail routes connect to existing trails or take advantage of existing natural or man-made features.

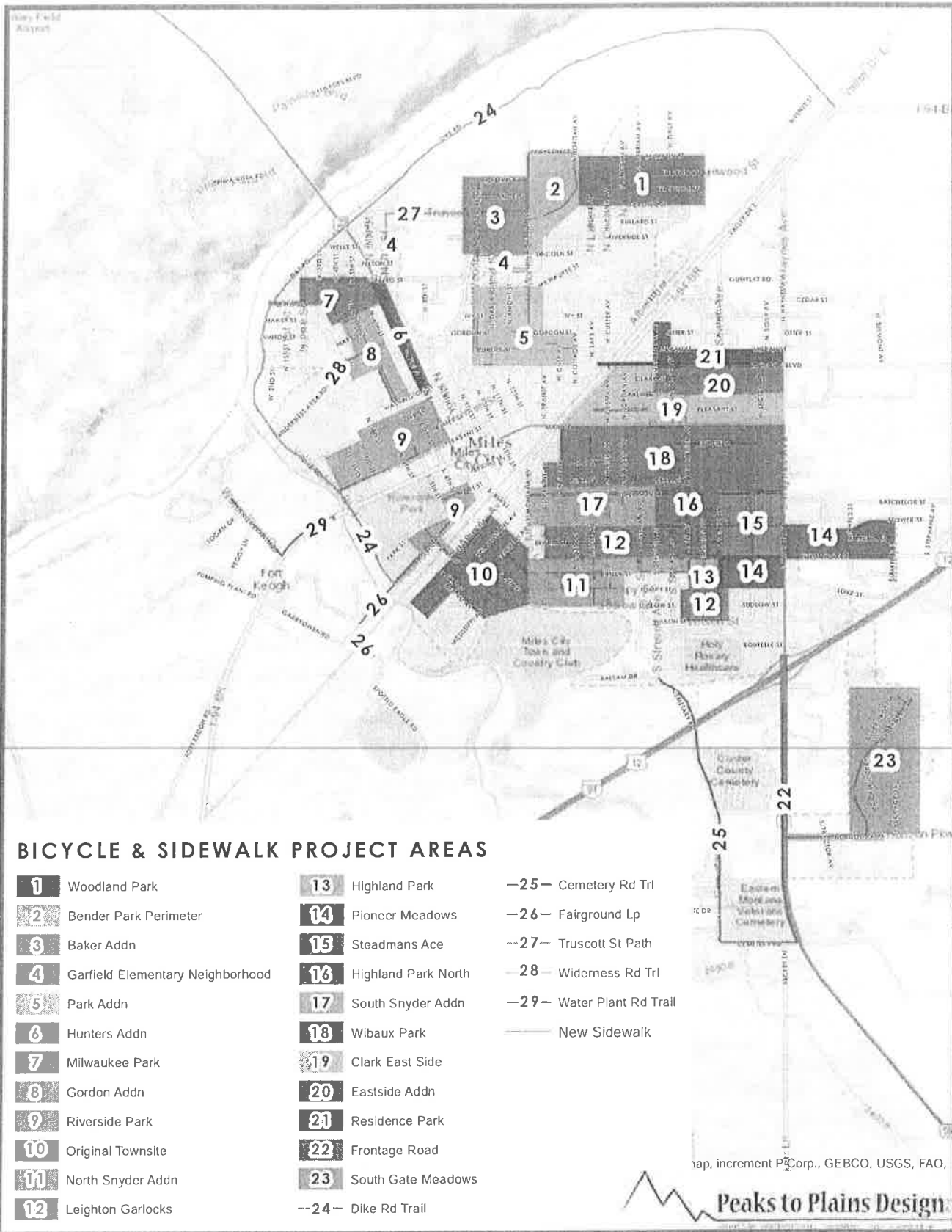


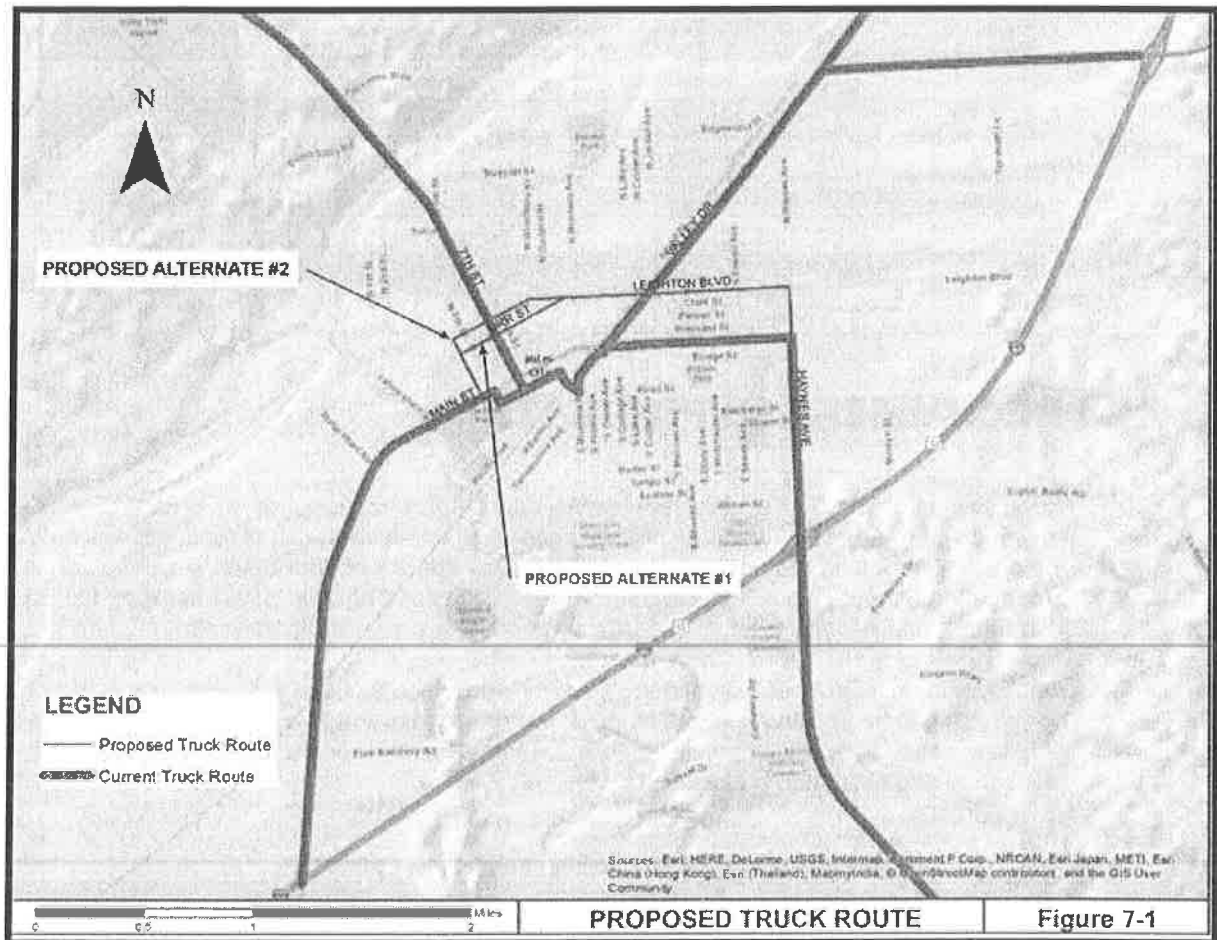
Figure 6-1: Trail & Sidewalk Projects

CHAPTER 7 | FREIGHT AND RAIL



EXISTING FREIGHT CONDITIONS

The existing truck route is presented in Figure 7-1. This route utilizes 7th Street, Main Street, and South Haynes Avenue while avoiding the railroad underpass on Main Street between Prairie Avenue and Valley Drive East. The railroad underpass does not have adequate vertical clearance to ensure safe passage of commercial trucks or fire equipment. The current truck route is not well marked and challenging to navigate through the city.



EXISTING RAIL CONDITIONS

One rail operator exists in Miles City, BNSF. Fourteen at-grade railroad crossings exist within Miles City. Of these, all but one are at-grade crossings. The Main Street crossing is an underpass with limited vertical clearance, which creates a barrier to commercial trucks. At-grade railroad crossings can present a safety concern as they present additional conflict points for passenger vehicle travel. In addition, emergency services are affected by the presence of rail crossings as larger emergency vehicles cannot utilize the underpass in its current configuration. Table 7-1 shows the average daily traffic volume for roadways at all railroad crossing locations.

Table 7-1: Railroad Crossing Locations and Daily Traffic Volume of Roadway Crossed

Location (Facility crossed)	AADT of road crossed
Yellowstone Blvd (Dike Rd)	<100
N 5th St	500
MT 59 North	4,700
N 8th St	<100
N Woodbury St	1,500
N Montana Ave	3,250
Edgewood St (X 2)	1,010
Leighton Blvd	4,490
Main St (underpass)	9,390
S 10th St	2,490
S 8th St	2,870
S 4th St	1,280
Spotted Eagle Rd	500

RECOMMENDED PROJECTS

Re-align the truck route to a more user-friendly orientation which requires fewer turning movements. An improved route could have a significant positive effect on operation of road facilities affected by the change, including but not limited to Main Street, 7th Street, and South Haynes Avenue. The proposed truck route would use Leighton Boulevard instead of Main Street between MT 59 North (7th Street) and Haynes Avenue. The proposed route is presented graphically in Figure 7-1.

Establishing an inter-modal rail and truck facility would increase the economic vitality of Miles City by providing local trucking companies greater opportunities to provide service for the movement of goods which are carried by rail. Table 7-2 summarizes the recommended improvements to the truck route and estimated project costs.

Table 7-2: Recommended Projects for Freight and Rail

Project Name / Description	Estimated Budget
Establish Inter-modal Rail / Truck Transloading Facility	\$20-30 million
Spotted Eagle Grade Crossing Protection	\$75,000
Valley Drive / Leighton Boulevard Intersection Study	\$30,000
Re-route the Truck Route	\$260,000

CHAPTER 8 | ROADWAYS

The automobile is the most commonly used form of transportation in rural cities such as Miles City. The vast majority of expenditures for transportation are spent on the surface transportation system primarily geared toward the movement of vehicles. This chapter provides a summary of the existing surface transportation system as well as a list of potential projects to improve future operation of the road system accounting for the impacts of future growth.

EXISTING CONDITIONS

One of the initial steps in understanding a community's existing transportation system is to first identify what roadways will be evaluated as part of the larger planning process. A community's transportation system is made up of a hierarchy of roadways, with each roadway being classified according to its function. It is standard practice to examine roadways that are functionally classified as collectors, minor arterials, or principal arterials in a regional transportation plan project. These functional classifications occur in both the urban and rural settings.

The reasoning for examining collector, minor and principal arterial roadways, and not local roadways is that when the major roadway system (collectors or above) is functioning to an acceptable level, local roadways are not used beyond their intended function. When problems begin to occur on the major roadway system, vehicles and resulting issues begin to affect neighborhood routes (local roadways). The overall health of a regional transportation system can be typically characterized by the health of the major roadway network.



Most streets and highways have a predominant function: either to provide access to abutting land or allow movement through an area. Functional classification is an important and widely accepted tool in planning highway system development. The classes are defined by certain characteristics as well as the level of access and the type of travel mobility the roads provide. The three classes are arterial, collector, and local roadways. Urban and rural areas have different characteristics as to density and types of land use, nature of travel patterns, and density of street and highway function. Federal regulations recognize these differences through separate urban and rural functional classification systems and associated criteria. Table 8-1 describes the purposes and characteristics of different urban and rural roadway classifications.

Several major highways intersect within the study area, including MT 59, US 12, I-94, and MT 489. The roadway system is broken into six different road types or classifications in the Montana Department of Transportation's (MDT) Travel Demand Model. These are based on the role a particular roadway serves in the context of the entire system as well as the design geometric characteristics of that roadway. Functional classification for the major street networks within the study area, together with examples of each, are listed in Table 8-2.

Table 8-1: Functional Classification Characteristics

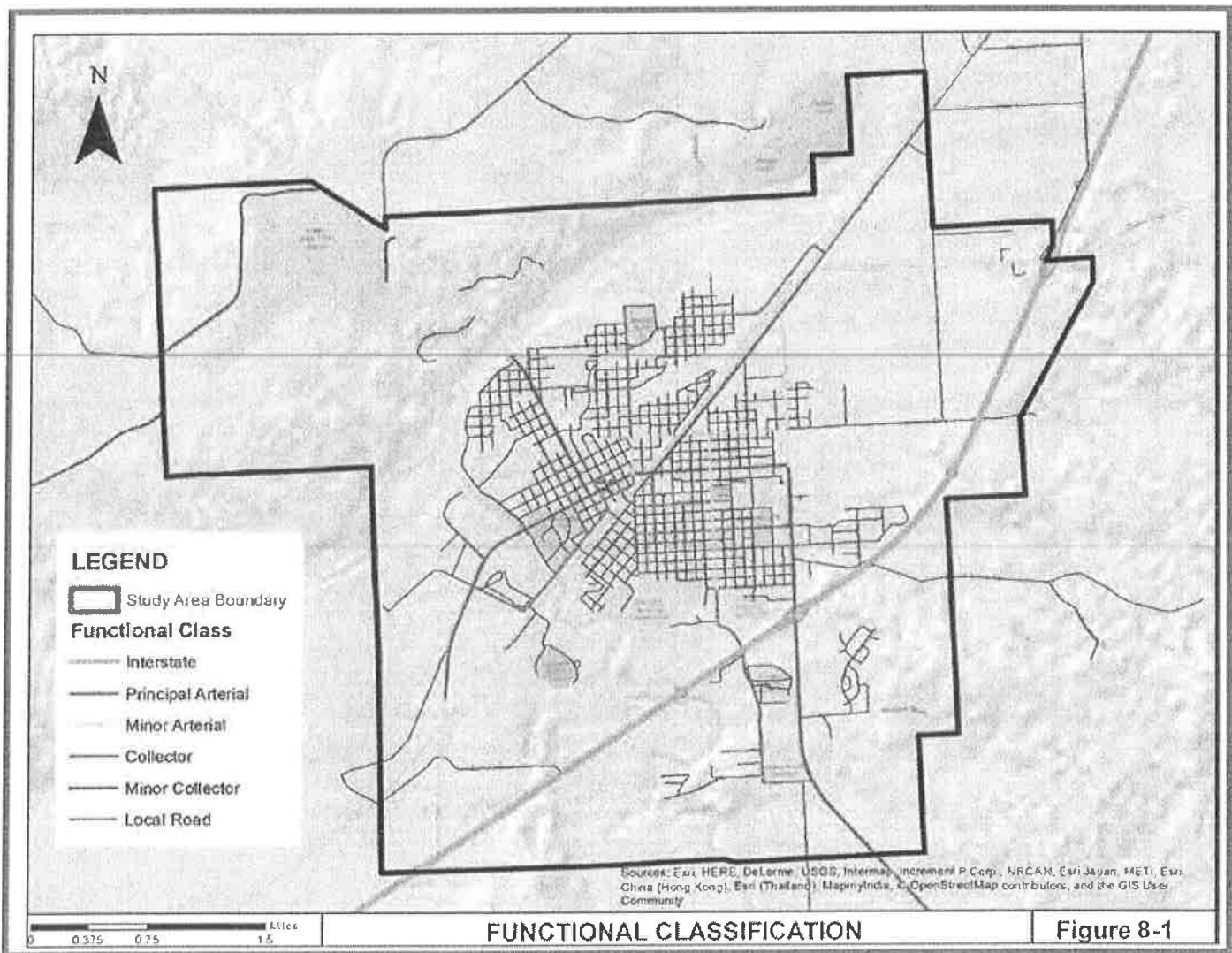
	Functional Classification	Characteristics
URBAN	Interstate (Principal Arterial)	<ul style="list-style-type: none"> Primary through travel route Longest trip Length
	Principal Arterial	<ul style="list-style-type: none"> Serves major activity centers Corridors with highest traffic volumes Longest trip length within city
	Minor Arterial	<ul style="list-style-type: none"> Interconnects urban principal arterials
	Collector	<ul style="list-style-type: none"> Land access to channel local street traffic to arterial
	Local	<ul style="list-style-type: none"> All remaining streets Direct land access and links to higher classifications
RURAL	Principal Arterial	<ul style="list-style-type: none"> Predominant route between major activity centers Interstate or Intrastate significance Long trip lengths Heavy travel densities Provide service to most large urban areas
	Minor Arterial	<ul style="list-style-type: none"> Link cities and larger towns for major resorts Spaced at intervals so that all developed areas within a reasonable distance of an arterial Interconnects network of arterial highways
	Major Collector	<ul style="list-style-type: none"> Service to travel of primarily intra county importance Serves important travel generations (i.e. County seats, consolidated schools, mining or logging areas)
	Minor Collector	<ul style="list-style-type: none"> Land use access and spaced at intervals consistent with population density
	Local	<ul style="list-style-type: none"> Access to adjacent land - short distances All remaining roads not classified under higher systems

* URBAN (areas with urban boundaries and population > 5,000)

Table 8-2: Functional Classification Characteristics

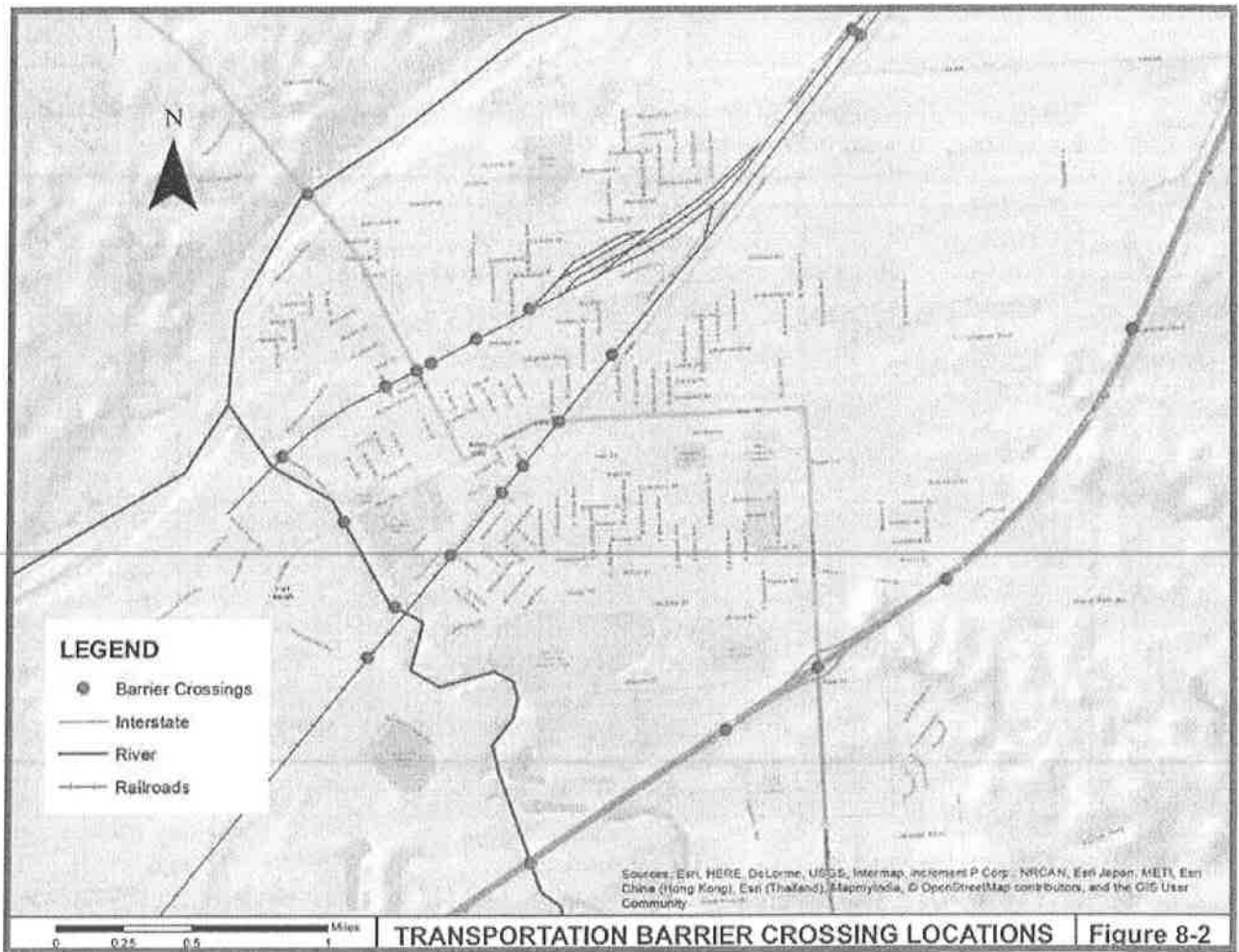
Functional Classification	Examples in Miles City
Interstate (Freeway)	I-94
Principal Arterials	7th Street, Main Street, Valley Drive E, S Haynes Avenue
Minor Arterials	Leighton Boulevard, N Haynes Avenue, N Strevell Avenue
Collector	5th Street, Montana Avenue, Stower Street, Center Avenue, Pacific Avenue, Cemetery Road
Minor Collector	Sheffield Road and Frank Wiley Field Road
Local Roads	Boulette Street, Comstock Street, Sewell Avenue, and South Montana Avenue

The functional classification of the street network in Miles City from the MDT Travel Demand Model is provided graphically in Figure 8-1.



BARRIERS

There are several obstacles which can impact operation, safety, and continuity of the road system. While these elements do not present impenetrable barriers, they do make crossings more expensive, technically difficult, or environmentally undesirable. Some examples of these include railroads, rivers, grade-separated road facilities (i.e. interstate highways), etc. Within the Miles City planning area, some examples include the BNSF Railroad, the Yellowstone River, the Tongue River and I-94. The barrier crossing locations are presented graphically in Figure 8-2.



TRAFFIC COUNTS

Traffic counts to supplement existing MDT traffic count data were collected during December 2015 at six roadways and six intersections within the study area. Intersection counts were taken for four hours capturing the common morning and evening peak hours (7-9 AM and 4-6 PM). Mainline counts were taken for approximately 24 hours. Table 8-3 describe all locations where additional field count data collection took place, while Table 8-4 summarizes the results of the mainline traffic count data collection.

Intersection Turning Movement Counts	Mainline Volume Counts
Main Street / 7th Street	Pacific Avenue between Yellowstone Blvd and the Fairgrounds
Main Street / Valley Drive E / Center Ave	S 4th Street south of railroad tracks
Main Street / Strevell Ave	S Center Avenue south of Main St
Leighton Boulevard / Valley Drive E	S Montana Avenue between Center Ave and Bridge Street
Stower Street / S Haynes Ave	S Sewell Avenue between Main Street and MCC
Horizon Parkway / MT 59 South	Boutelle Street between S Haynes Ave and Holy Rosary Healthcare

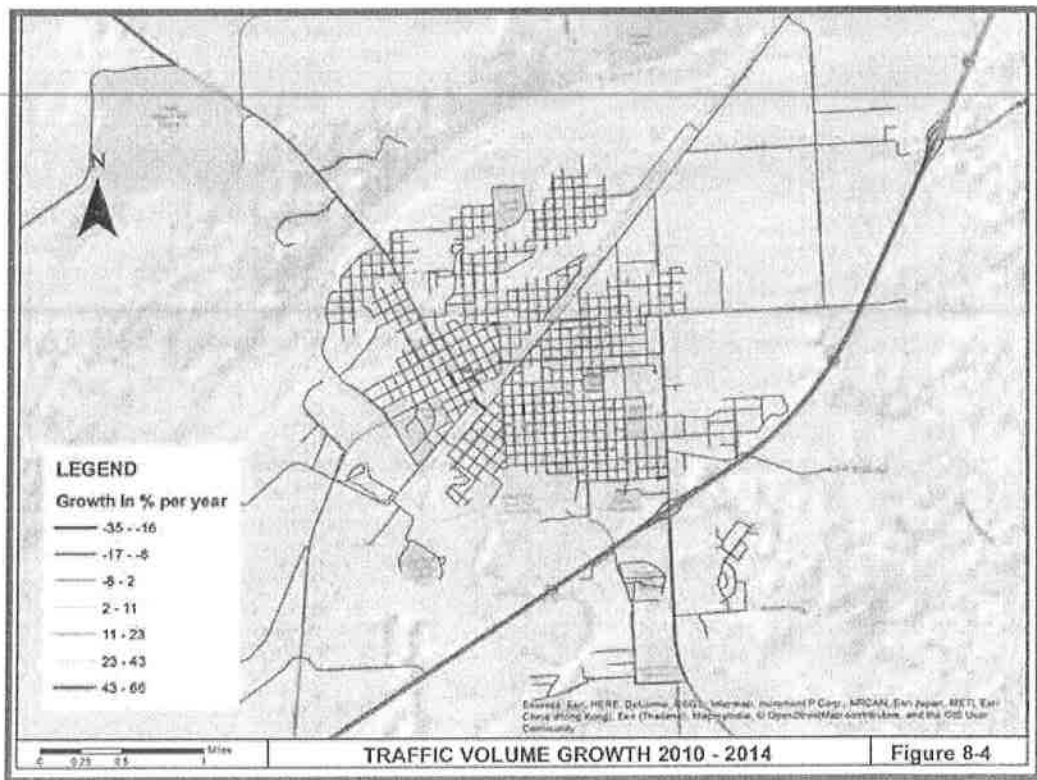
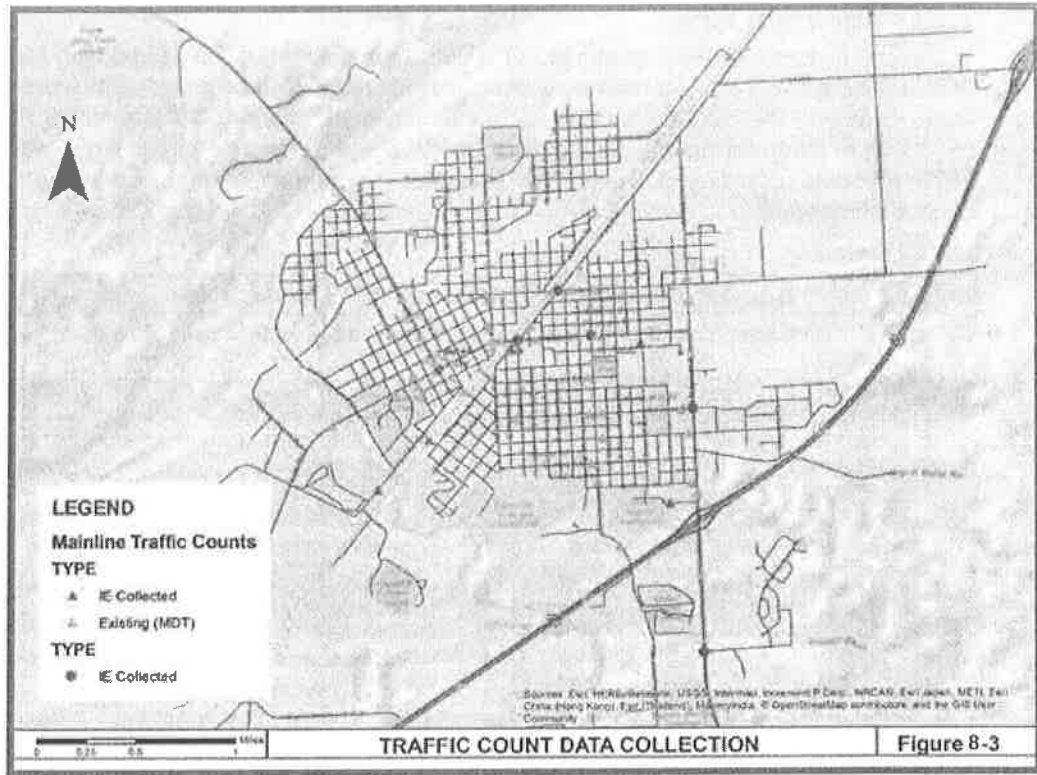
Table 8-3: Traffic Count Data Collection Locations

Facility	Mainline Volume (in vpd)
Pacific Avenue b/w Yellowstone Boulevard and the Fairgrounds	895
South 4th Street south of railroad tracks	1,279
South Center Avenue south of Main Street	704
S Montana Avenue between Center Avenue and Bridge Street	1,030
South Sewell Avenue between Main Street and MCC	822
Boutelle Street between S Haynes Avenue and Holy Rosary Healthcare	939

Table 8-4: Mainline Volumes from Data Collection

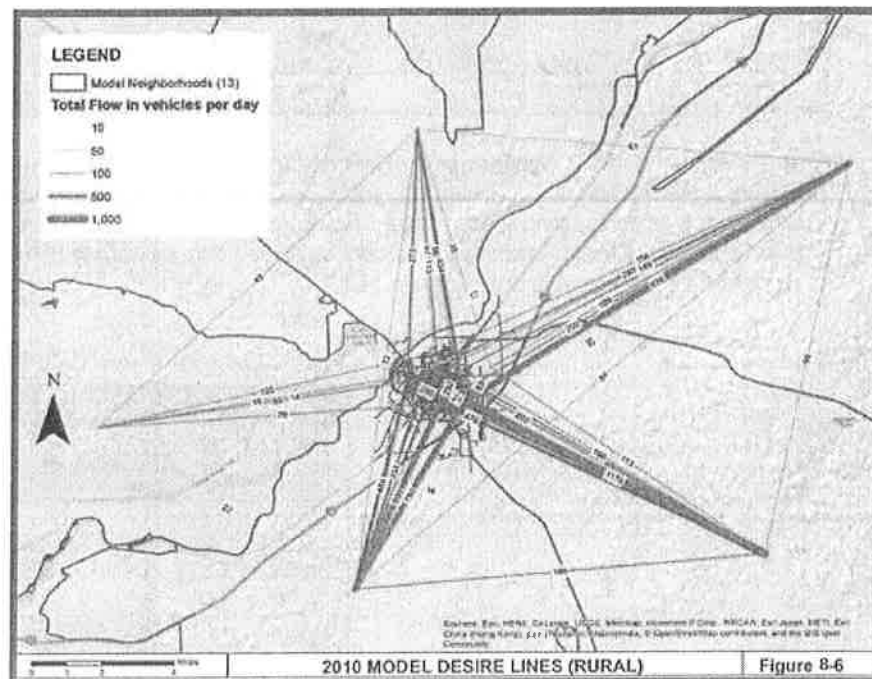
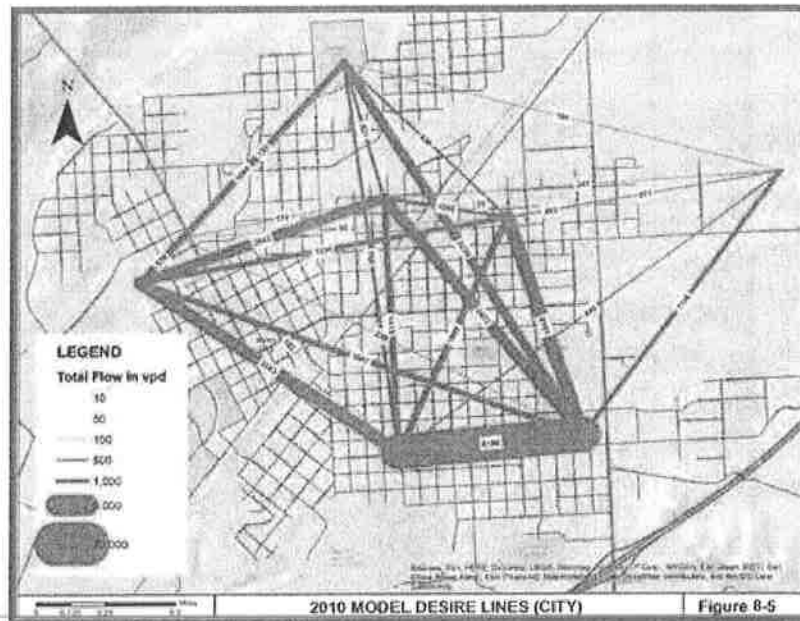
MDT collects mainline traffic counts on a yearly basis at about 70 locations throughout Miles City and the study area. A map showing the locations of all traffic data, either existing or collected for the purposes of this plan, is provided in Figure 8-3.

MDT traffic counts have suggested traffic volumes in Miles City have been increasing slightly over the past five years as shown in Figure 8-4 (which shows growth from 2010-2014 in percent per year).

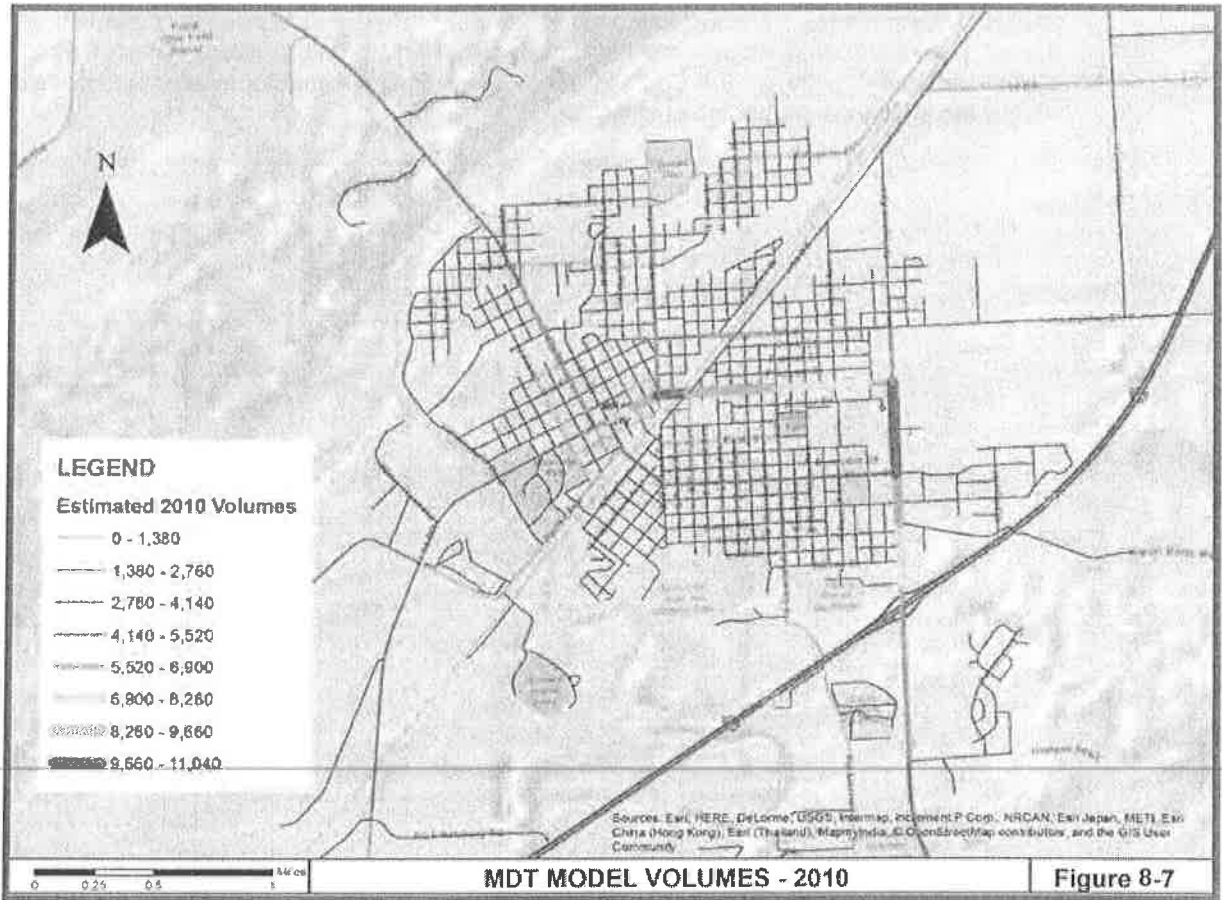


OPERATIONS

The results of year 2010 travel demand modeling are presented in Figures 8-5 and 8-6 which present the total number of vehicular trips between the 13 neighborhoods using a desire line analysis. Desire lines show the total vehicle trip-making (each direction) between two analysis areas. Desire line analysis trips are not directly assigned to road facilities. These figures show a large demand to and from the South Haynes Ave commercial corridor as well as the residential area in the southwestern portion of Miles City.



Traffic volumes (2010) on the road network estimated by the MDT travel demand model are presented in Figure 8-7. This figure shows significant traffic volumes on South Haynes Avenue and Main Street, which matches existing conditions based on existing traffic count data.

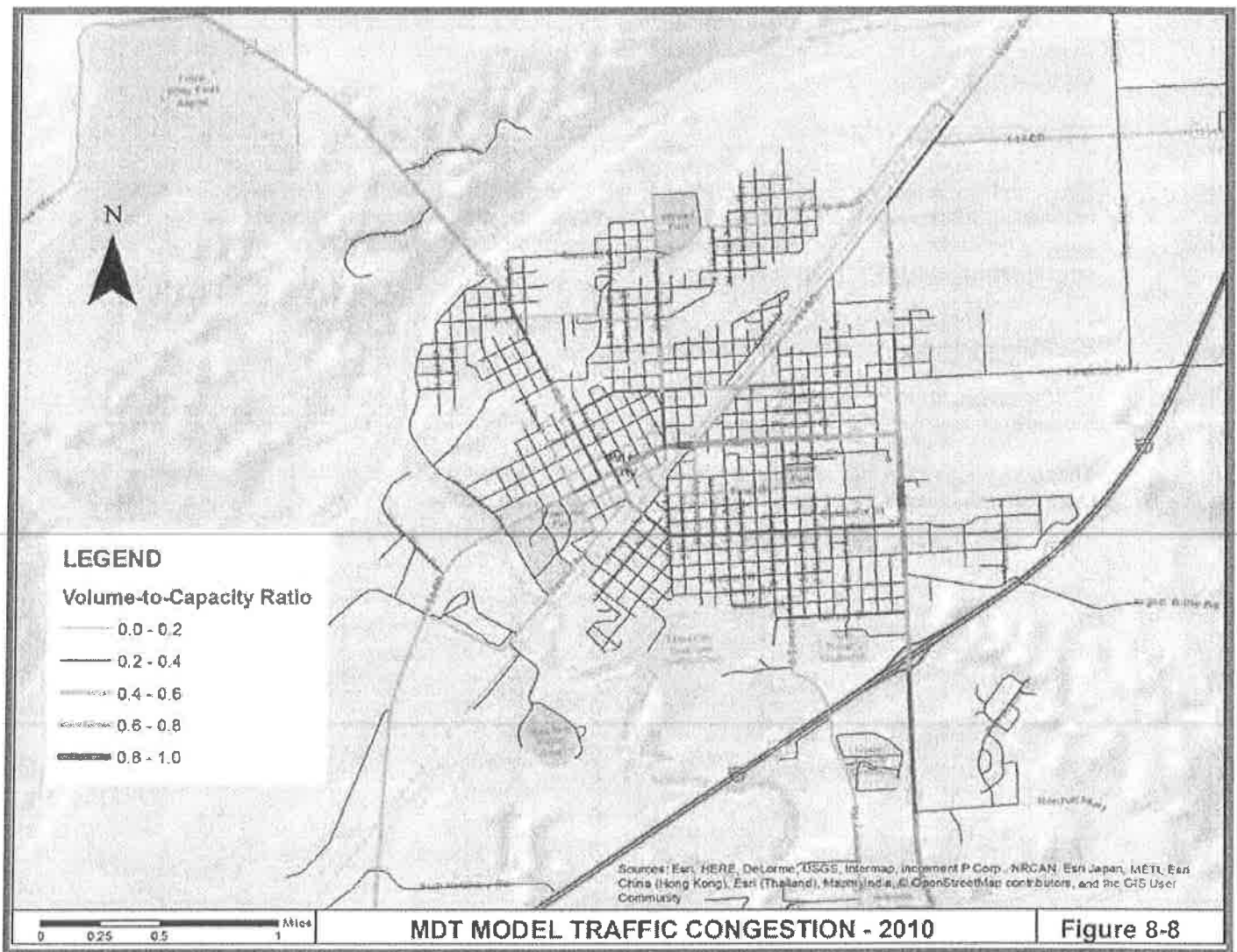


One measure of the operation of a facility is the volume-to-capacity (V/C) ratio. The V/C ratio provides a proportion of the observed traffic volume relative to the maximum volume a particular facility is designed to handle (capacity). A summary of V/C ratio to approximate level-of-service is provided below. Smaller communities such as Miles City generally have a goal of maintaining LOS C or better on streets within the city limits.

Table 8-3: Traffic Count Data Collection Locations

Link V/C Ratio	Approximate Link Peak Hour LOS
0.0 to 0.60	A
0.61 to 0.70	B
0.71 to 0.80	C
0.81 to 0.90	D
0.91 to 1.00	E
>1.00	F

Figure 8-8 shows the estimated V/C ratio for roadways based on the Travel Demand Model. Because of the relatively rural nature of the City of Miles City, only a few roadways in the city show any level of congestion. South Haynes Avenue in front of Wal-Mart, Boutelle Street near the Holy Rosary Healthcare Hospital, and Main Street at the location of the railroad underpass show V/C ratios greater than 0.8, which indicates a potential cause for concern from an operations standpoint. No facilities reported a V/C ratio greater than 1.0, suggesting that no facilities are operating above capacity.



FUTURE CONDITIONS: EXISTING + COMMITTED NETWORK

While future travel demand does not change significantly with the introduction of new streets or with widening of existing streets, changes to route choices will occur with new street connections, shifting traffic from one facility to another, and level of service can be affected with street widening projects as the capacity of these streets will likely increase.

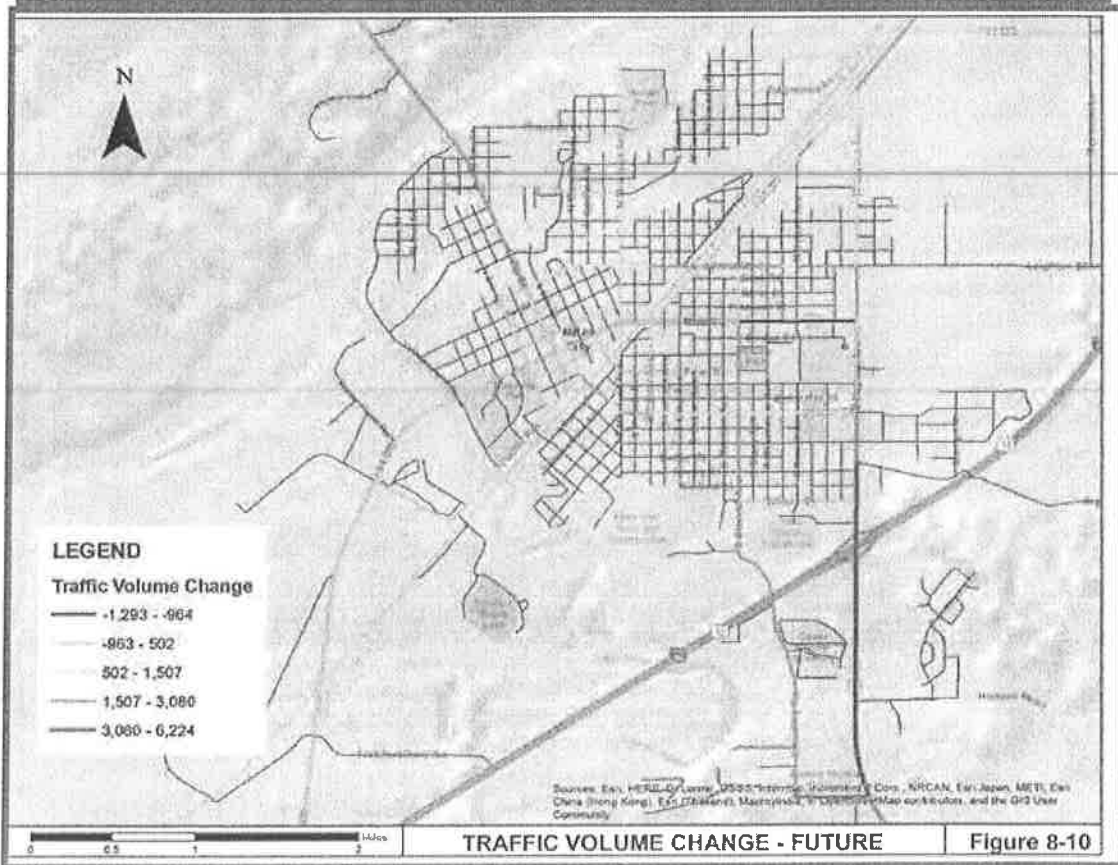
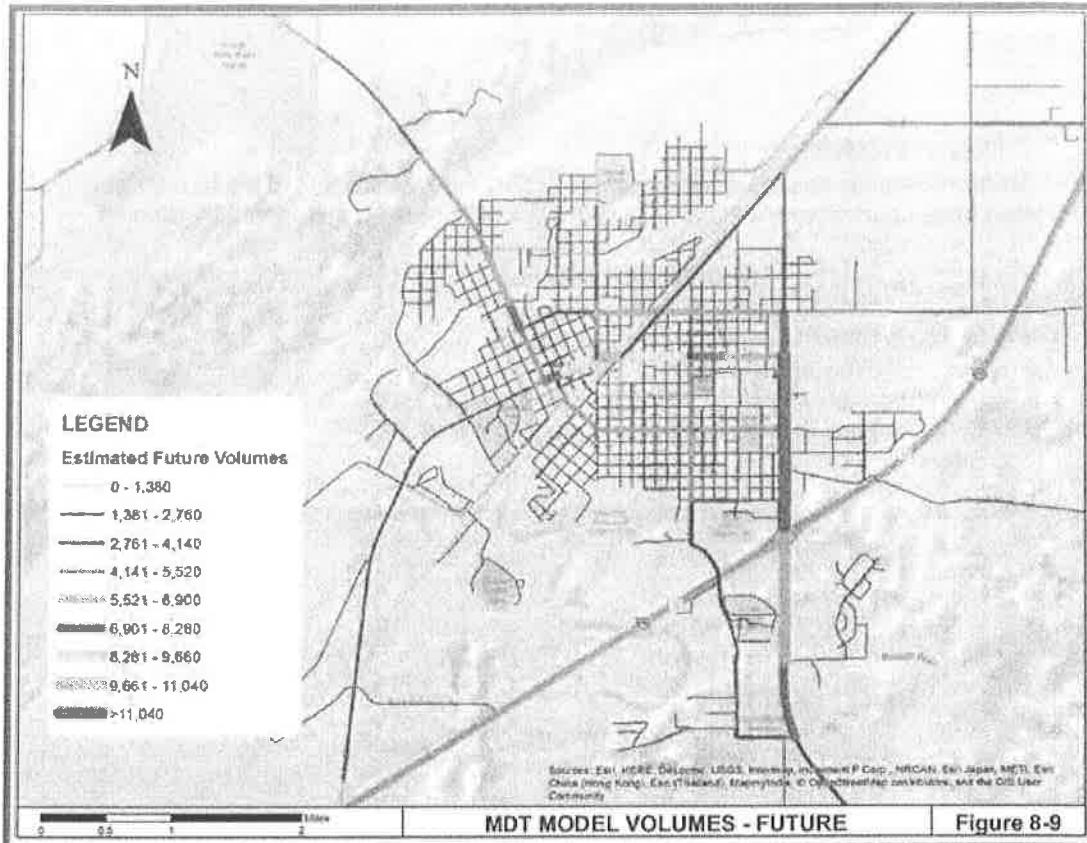
The road network for this assessment includes any additional road facilities already committed in the capital improvements plan (the existing + committed, or E+C, network). The only Miles City committed project at this time is the extension of Dickinson Street east from South Moorehead Avenue to South Haynes Avenue. Additionally, MDT has committed to the reconstruction of the Broadus Interchange and replacing the bridges at the I-94 overpass.

TRAFFIC VOLUMES

Future traffic volumes projected by the MDT Travel Demand Model based on information discussed in detail in Chapter 4 are presented in Figure 8-9, while Figure 8-10 shows the change in projected volume between existing year and future year. Based on this graphic, facilities which show the largest increase in traffic volume include:

- Cemetery Road and Sunset Drive west of MT 59 south of Miles City
- Horizon Parkway east of MT 59 south of Miles City
- MT 59 / Haynes Avenue between Cemetery Road and Comstock Street
- Stower Street east of Haynes Avenue
- Leighton Boulevard and Belmont Avenue east of Haynes Avenue

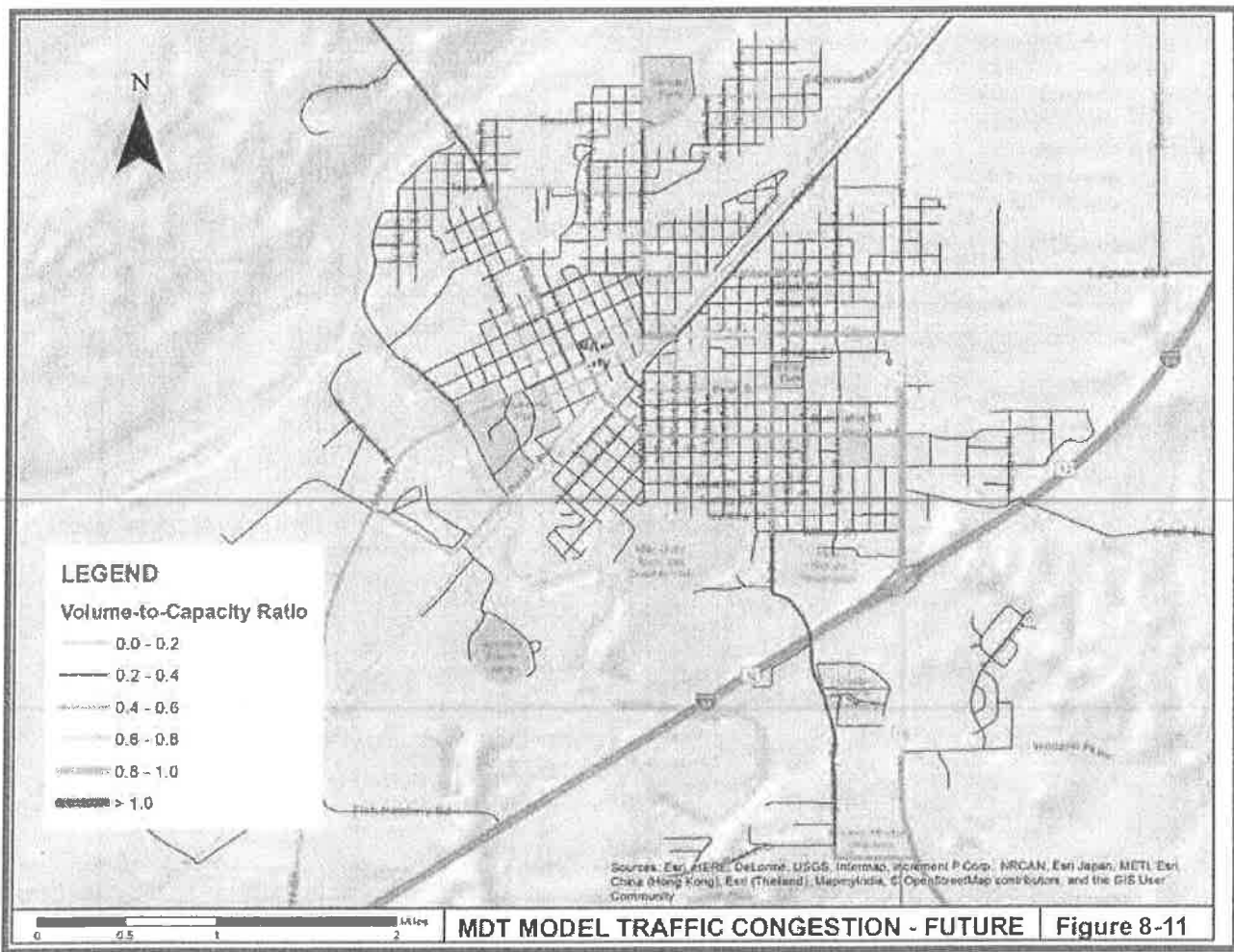
These locations may not necessarily need additional capacity as some of these roadways may have enough unused capacity in order to handle the traffic increase.



OPERATIONS

Traffic operations based on volumes projected by the Travel Demand Model are presented in Figure 8-11. This figure shows several roadways with V/C ratios greater than 0.8 including:

- Leighton Boulevard east of Haynes Avenue
- Horizon Parkway east of MT 59
- Michaels Street south of Comstock Street
- Sunset Drive west of Cemetery Road
- Main Street between 12th Street and Valley Drive East
- South Haynes Avenue between Roger Lane and Batchelor Street extended near Dickinson Street



FUTURE CONDITIONS: NEEDS AND DEFICIENCIES

Improvements to the road network include two alternatives:

- Alternative #1: Provide a second access to and from the Southgate Subdivision; Dike Road connecting with US 12 at Valley Drive East and MT 59 (this includes the realignment of Edgewood Street to connect to Dike Road)
- Alternative #2: Additional I-94 interchange at Leighton Boulevard

The primary goals of these improvements are:

- Reduce the amount of traffic and congestion on Horizon Parkway as a second access to the Southgate Subdivision would be provided.
- Reduce demand on South Haynes Avenue by providing additional routes to travel to Haynes Avenue commercial corridor.
- Re-route trucks from South Haynes Avenue to I-94 by providing Leighton Boulevard interchange directly to truck route.

Several alternatives are being considered for how to provide the second access to the Southgate Subdivision including:

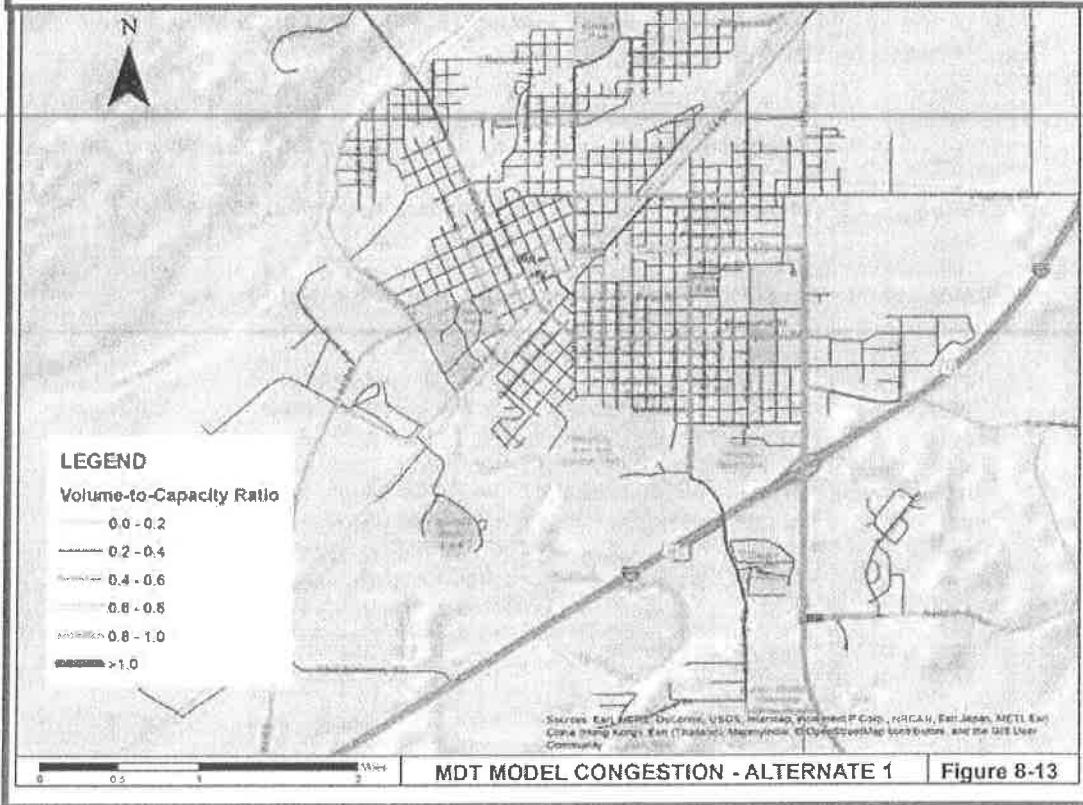
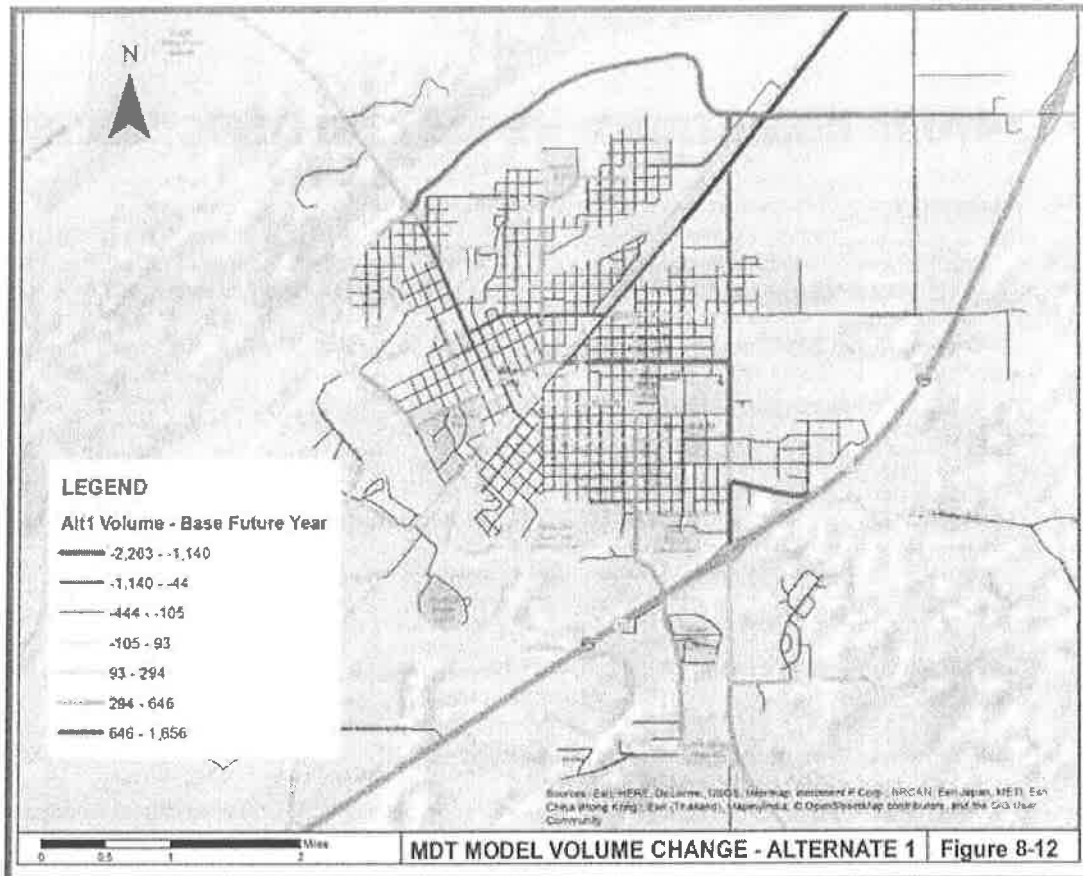
- Extension of Ponderosa Drive to Signal Butte Road
- Extension of Willow Circle to MT 59S
- New road branching south from Horizon Parkway and intersecting MT 59 across from Cemetery Road
- Extension of Horizon Parkway east and north to Signal Butte Road

Any of the above alternatives which connects to Signal Butte Road will likely also require improvements on Signal Butte Road.

~~The changes in traffic volumes projected by the MDT Travel Demand Model with Alternative #1 improvements are provided in Figure 8-12. Figure 8-13 shows the V/C ratio with Alternative #1.~~

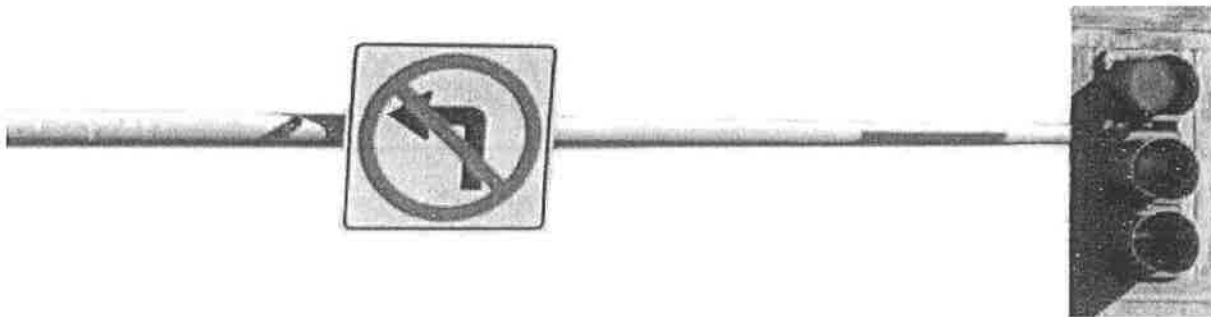
These graphics show changes to operations on the road network including:

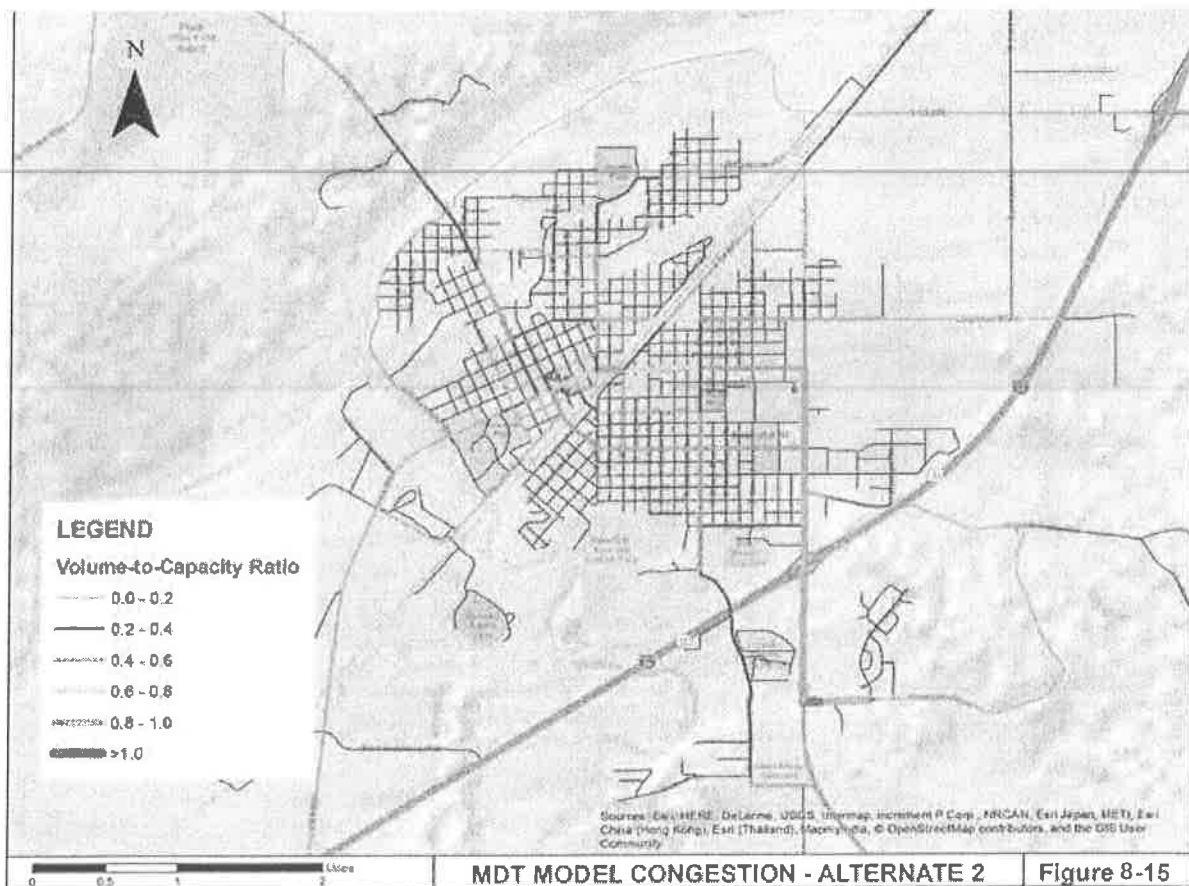
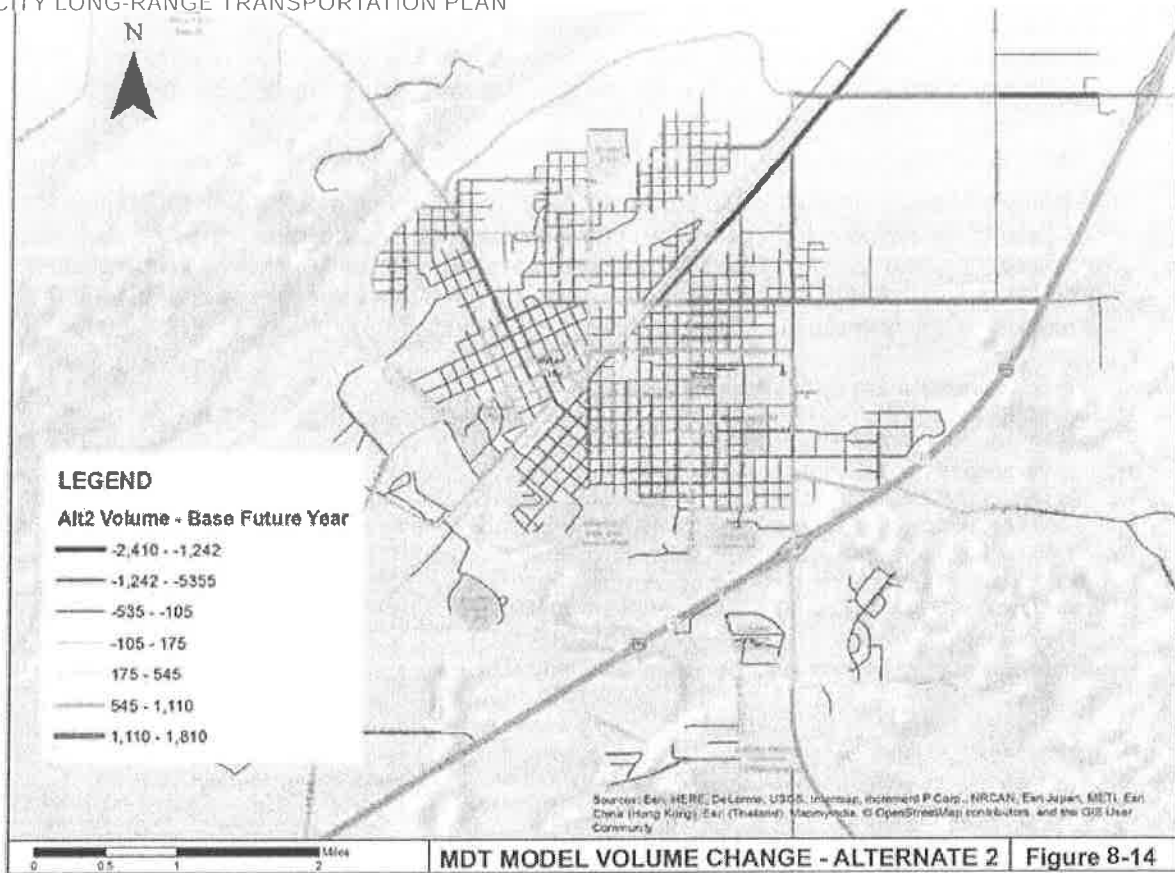
- Traffic volume increase on South Haynes Avenue
- Traffic volume increase on Horizon Parkway west of Ponderosa Drive
- Traffic volume increase on Main Street
- Traffic volume increase on North Montana Avenue
- Significant traffic volume increase on US 12 west of Spandel Lane
- Traffic volume increase on South Strevell Avenue and Cemetery Road
- Traffic volume decrease on North Haynes Avenue
- Significant traffic volume decrease on Valley Drive East
- Traffic volume decrease on Tatro Street and North 7th Street
- Improvement of V/C ratio on Horizon Parkway from 1.1 to 0.9



The changes in traffic volumes projected by the MDT Travel Demand Model with Alternative #2 improvements are provided in Figure 8-14. Figure 8-15 shows the V/C ratio with Alternative #2. This indicates that the addition of the I-94 interchange would significantly improve the operation of Leighton Boulevard west of Belmont Avenue. These graphics show changes to operation of the road network, many of which are similar to Alternative 1 including:

- Traffic volume increase on South Haynes Avenue
- Traffic volume increase on Horizon Parkway west of Ponderosa Drive
- Traffic volume increase on Main Street
- Significant traffic volume increase on Leighton Boulevard
- Significant traffic volume increase on US 12 west of Spandel Lane
- Significant traffic volume decrease on US 12 east of Spandel Lane
- Significant traffic volume decrease on Valley Drive East
- Traffic volume decrease on North Haynes Avenue
- Traffic volume decrease on Tatro Street and North 7th Street
- Improvement of V/C ratio on Horizon Parkway from 1.1 to 0.9
- Improvement of V/C ratio on Leighton Boulevard from 1.0 to 0.5





DEVELOPING AREAS

Future growth is expected to target areas east and south of the developed portion of the City of Miles City. As these areas develop, care should be exercised to ensure development of new streets provide appropriate access while preserving the function and safety of the existing street network, especially the major street network.

Direct lot access should be discouraged on arterial streets. Full movement access to arterial streets should be limited to four locations per mile to preserve capacity should those intersections become signalized in the future. Full movement accesses to major collector streets should be limited to eight per mile where possible. To accommodate land ownership and allow development of parcels adjacent to arterial and collector streets, the use of shared approaches (one approach serving more than one property) should be encouraged when direct lot access to arterial and collector streets is unavoidable.

RECOMMENDED IMPROVEMENTS

Based on the results of the Travel Demand Modeling as well as feedback from the Project Advisory Committee (PAC) and the public meetings, a list of short-term and long-term projects was developed to address surface transportation network needs and deficiencies. This list (summarized in Table 8-5) includes studies which may lead to future road improvement projects as well. The locations are presented graphically in Figure 8-16.

Project costs shown in Table 8-5 were estimated considering major project elements, including right-of-way acquisition (where necessary), and design and construction engineering. All costs are in 2016 dollars. Details of cost estimates are provided in Appendix C.

~~In addition to projects or studies to improve capacity and safety of streets and intersections, the public and PAC expressed concerns about intersection controls currently in place, on both the local and major street network. The City of Miles City frequently receives requests from the public for additional stop signs or requests to remove existing stop signs. Examination of individual intersection controls, especially on the local street network, are beyond the scope of this plan. Such requests should be addressed through application of state law and the Manual of Uniform Traffic Control Devices.~~

Table 8-5: List of Roadway Needs

Project Description	Rationale	Estimated Cost
Short-Term		
Dickinson Street extension	Connect to Haynes Ave	\$320,000
Broadus interchange improvement	Upgrade bridges; construct roundabouts	\$8.3 million
Haynes Avenue Corridor / Access Management Study	Address safety and operations	\$50,000
Main Street / Valley Drive E / Center Avenue intersection study	Address safety and operations	\$30,000
Valley Drive E / Leighton Boulevard intersection study	Address safety and operations	\$30,000
Main Street Signal Timing Study	Address operations along Main St	\$50,000
I-94 Leighton Boulevard interchange feasibility study	Additional connection to I-94, easier connection to proposed truck route change	\$75,000
Long-Term		
Improve protection at Spotted Eagle Road grade crossing	Add crossing protection	\$385,000
Secondary Southgate connection	Provide second access to Southgate subdivision	\$4.8 million
Signal Butte Rd / Love Lane Improvement	Address safety and operations	\$1.5 million
Dike Road Construction	Address future safety and operations	\$4.9 million
Grade-Separated Crossing at Baker Highway	Above railroad with Levee Road Construction	\$13.5 million
Cemetery Rd Improvement	Address future safety and operations	\$2.9 million

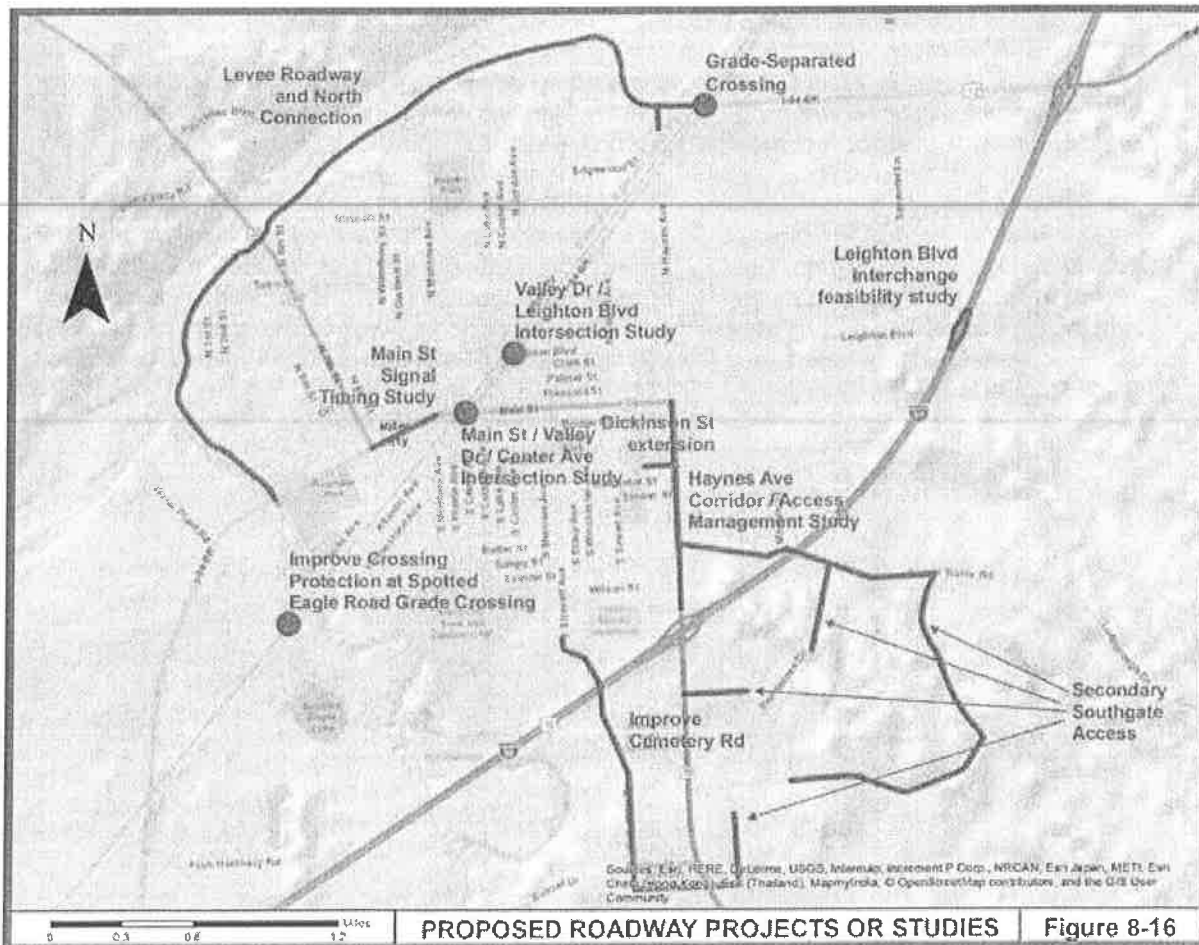


Figure 8-16

CHAPTER 9 | TRANSIT & RIDE SHARING



EXISTING CONDITIONS

Fixed route public transit service is not currently provided by the City or County. Miles City is only one of four cities in MDT's Glendive District that does not have a public transit system. The Custer County Council On Aging provides transportation assistance through a "Dial-a-Ride" program. This non-fixed route system requires advanced scheduling. According to the Montana Department of Health and Human Services Website, service is provided from Miles City to Billings (<http://dphhs.mt.gov/detd/transportation/providerlist>). Reservations are required, and the trip is scheduled with other riders, although the service is curb-to-curb or door-to-door.

Inter-city bus service is provided by Jefferson Lines, a private service provider based out of Minnesota. Miles City is designated as a "destination en route," as a part of the service route along the Billings to Fargo service line. The pick up or drop off location is the M&H Gas Station, located 1019 Main Street in Miles City. Passengers may begin their trip in Miles City through the purchase of a ticket in cash directly with the bus driver, online or by phone directly with Jefferson Lines. Bags are able to be checked for the route destination when boarding there. According to the latest Jefferson Lines schedule, the schedule shows Miles City departures at 10:35 PM for eastbound, and 11:00 PM for westbound destinations.

Intra-city transit service is provided by Badlands Taxi, a private service provider based in Miles City. The provider offers senior citizen discounts, delivery service and time call pick up. Their hours are Sunday through Wednesday from 7 am to 9 pm, and Thursday through Saturday from 7 am to 3 am. Community members noted, however, that the lack of an accessible vehicle by the provider is an issue, and that a wheelchair accessible vehicle would be desirable.

The Veterans Administration (Montana Health Care System) provides transport services for veterans seeking medical treatment through the Veterans Transportation Program (VTP). The Veterans Transportation Service (VTS) is designed to ensure that all qualifying veterans have access to care through convenient, safe, and reliable transportation. VTS provides qualifying veterans with free transportation services to and/or from participating VA medical centers (VAMCs) in a multi-passenger van. This service ensures that all qualifying Veterans who do not have access to transportation options of their own, due to financial, medical, or other reasons, are able to travel to VA medical facilities or authorized non-VA appointments to receive care.

Miles Community College offers one-day excursions to regional destinations as part of its Distance Education and Community Outreach programs. These programs are open to the public.

The Miles City Airport at Frank Wiley Field has a courtesy car for small-class airplane passengers. When commercial passenger service was present, passengers often relied on a private ride or utilized local hotel shuttles for service to their accommodations.

NEEDS

Community members have indicated that an intra-city fixed-route transit system is not a priority at this time. The on-demand services that are provided by private companies serve the community well.

CHAPTER 10 | SAFETY



The primary goal of considering safety needs and improvements in the planning process is to improve safety by reducing both the number of crashes, as well as their severity, on public roadways.

FEDERAL AND STATE PLANS

Federal regulations require all states to develop a Strategic Highway Safety Plan. Montana's plan is the *Montana Comprehensive Highway Safety Plan* which was updated in 2015. The *Montana Comprehensive Highway Safety Plan* sets specific and measureable goals for the reduction of fatal and serious injuries on Montana's roadways.

Vision Zero – No fatalities and no serious injuries occur on Montana public roadways, sets:

Sets quantifiable safety targets during 20-year period:

- Reduce fatalities and serious injuries by 50 percent in 20 years (to 852 in 2030)
- Reduce fatalities to 172 by 2020
- Reduce fatality rate to 1.28 fatalities / 100 million vehicle miles traveled (MVMT) by 2020
- Reduce serious injuries to 796 by 2020
- Reduce serious injury rate to 5.9 serious injuries / 100 MVMT by 2020

Accomplishing these goals usually cannot be achieved using only one safety mitigation strategy (e.g. enforcement or engineering). A combination of many strategies is necessary. The most common traffic safety improvement strategies are known as the 4 E's:

Education: Preventative education

Emergency Medical Services: EMS data is valuable to crash data analysis

Enforcement: Affecting behavior of drivers through the threat of incarceration or other consequences

Engineering: Design, construction, and maintenance of facilities

CRASH DATA SUMMARY

Crash data within the city of Miles City was provided by the Montana Department of Transportation (MDT) for the most recent five years available from January 2010 through December 2014. This information shows a total of 640 total crashes: 302 intersection crashes and 338 road segment crashes. All crashes are mapped in Figure 10-1.

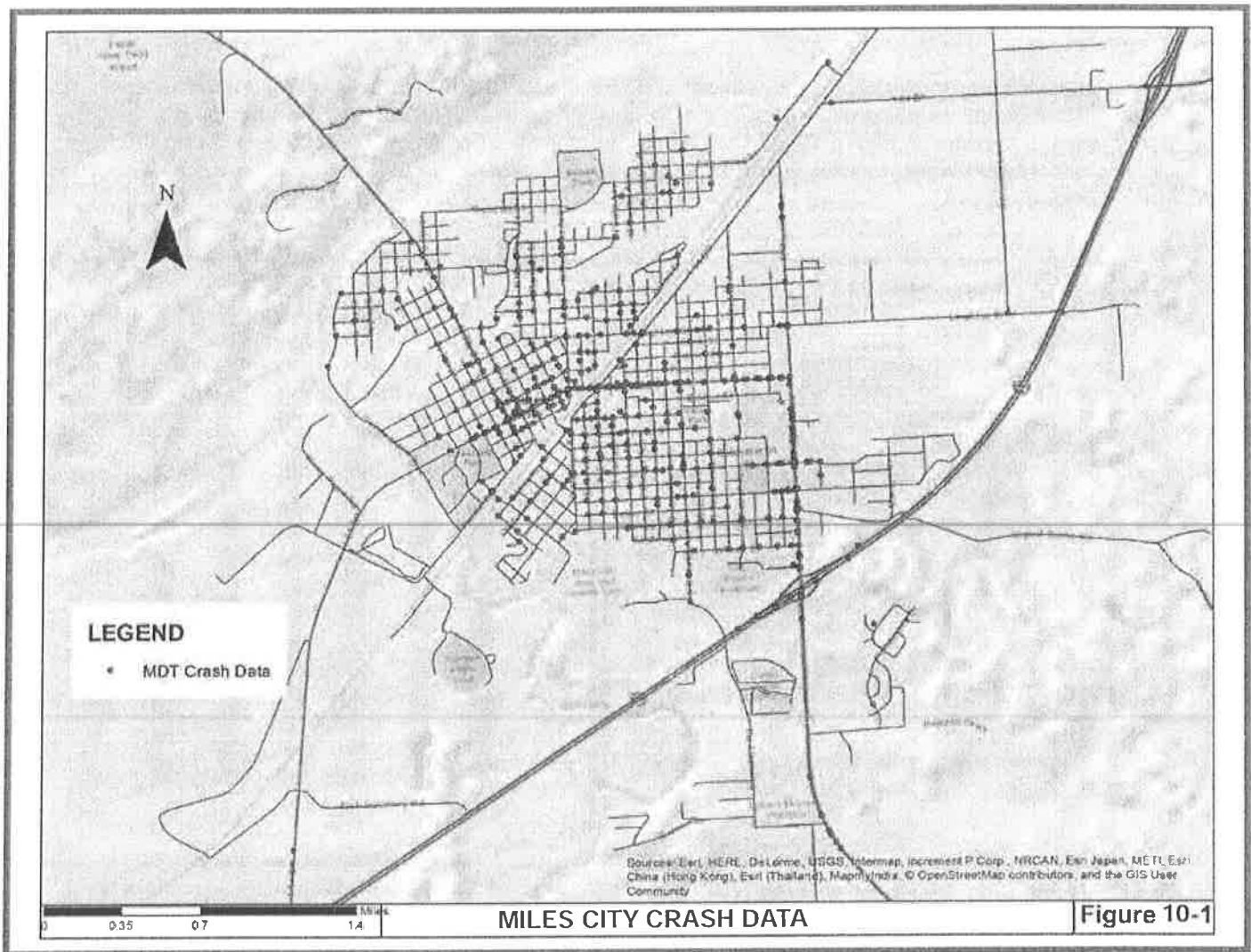


Table 10-1: Crash Breakdown by Lighting Condition

Lighting Condition	# of Crashes
Daylight	503
Dark - Lighted	90
Dark - Not Lighted	31
Dark - Unknown Lighting	1
Dusk	11
Dawn	4

The crash breakdown by lighting condition is provided in Table 10-1. This breakdown suggests the availability of light does not have a significant impact on safety within Miles City.

The crash breakdown by type of crash is provided in Figure 10-2. The majority of reported crashes were reported as being either rear-end or right-angle crashes. The crash breakdown by day of week is provided in Figure 10-3. This shows the majority of crashes have occurred during the standard work week, which is typical for an urban community.

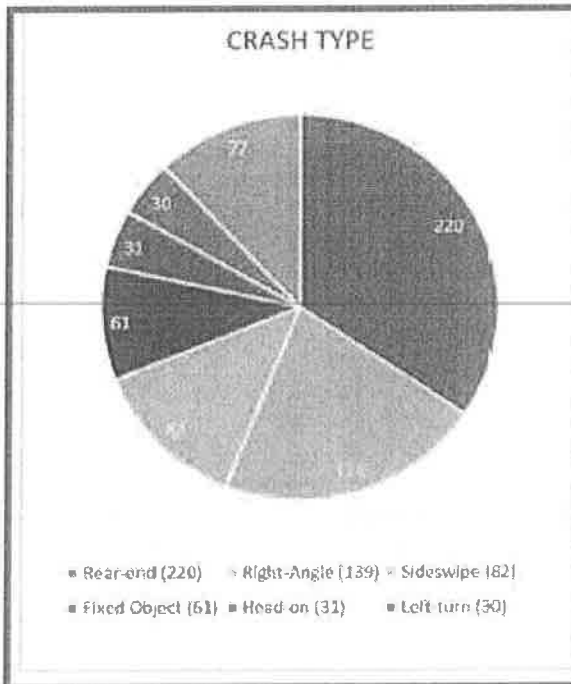


Figure 10-2: Crash Breakdown by Type

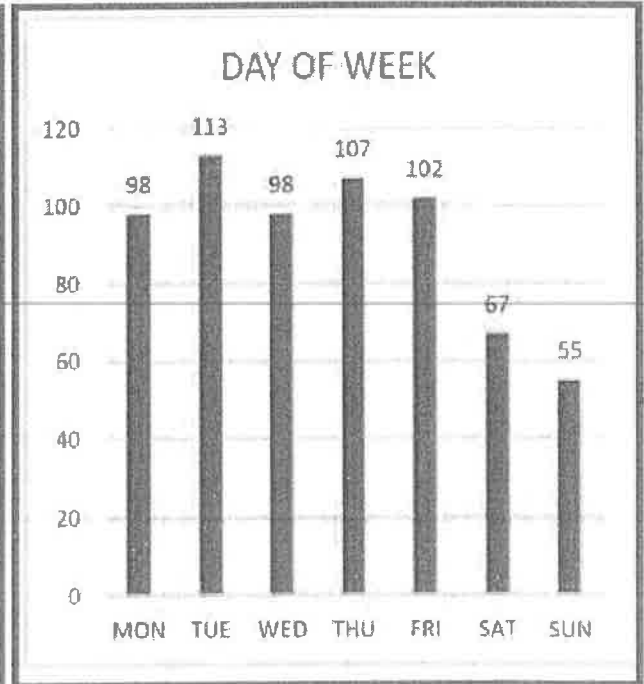


Figure 10-3: Crash Breakdown by Days of the Week

The breakdown of crash severity is provided in Figure 10-4. Most of the reported crashes were property-damage only (PDO) crashes (over 75 percent), with zero fatalities and only four serious-injury crashes.

The breakdown of crashes by road condition is provided in Figure 10-5. This graphic suggest road condition was a contributing factor for approximately one-third of the reported crashes, not uncommon for locations in Montana which see a significant amount of snow. The breakdown of crashes by weather condition is provided in Figure 10-6. Clear or cloudy was reported for approximately 90 percent of the crashes which suggests weather condition does not appear to be a significant contributing factor.

The breakdown by time of day is provided in Figure 10-7. This shows the largest number of crashes have occurred between 3:00 PM and 4:00 PM within the study area.

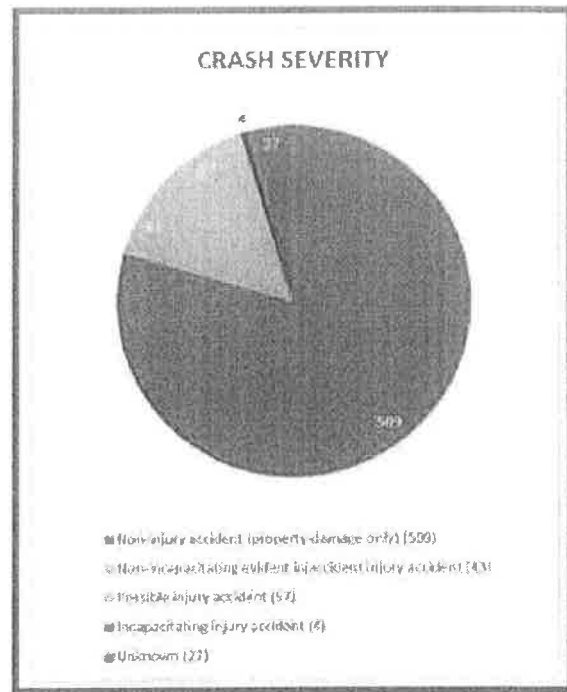


Figure 10-4: Crash Breakdown by Severity

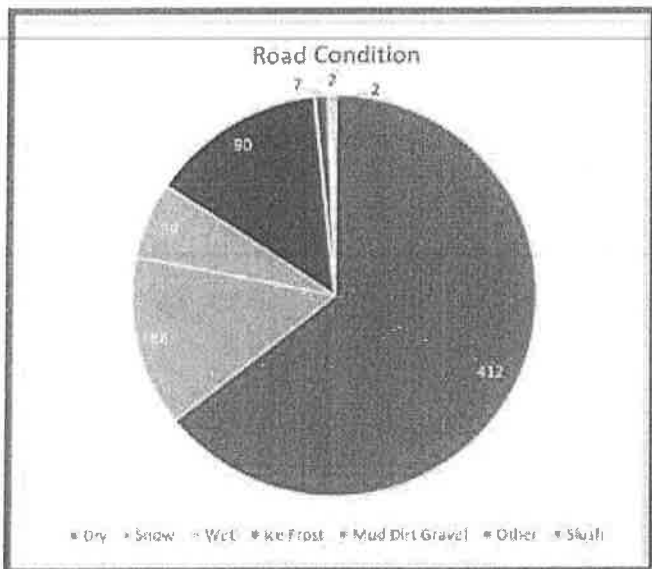


Figure 10-5: Crash Breakdown by Road Condition

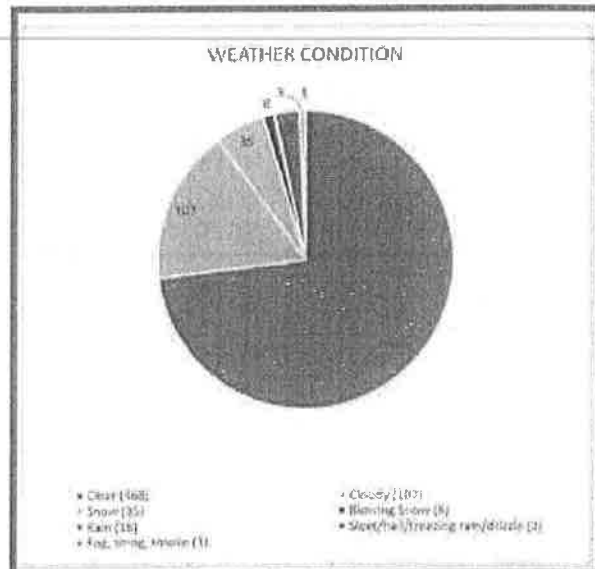


Figure 10-6: Crash Breakdown by Weather Condition

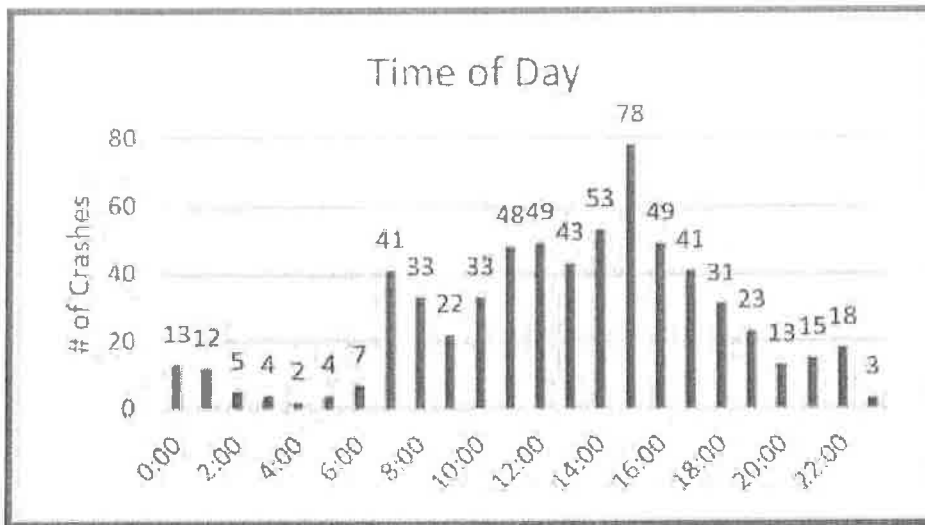
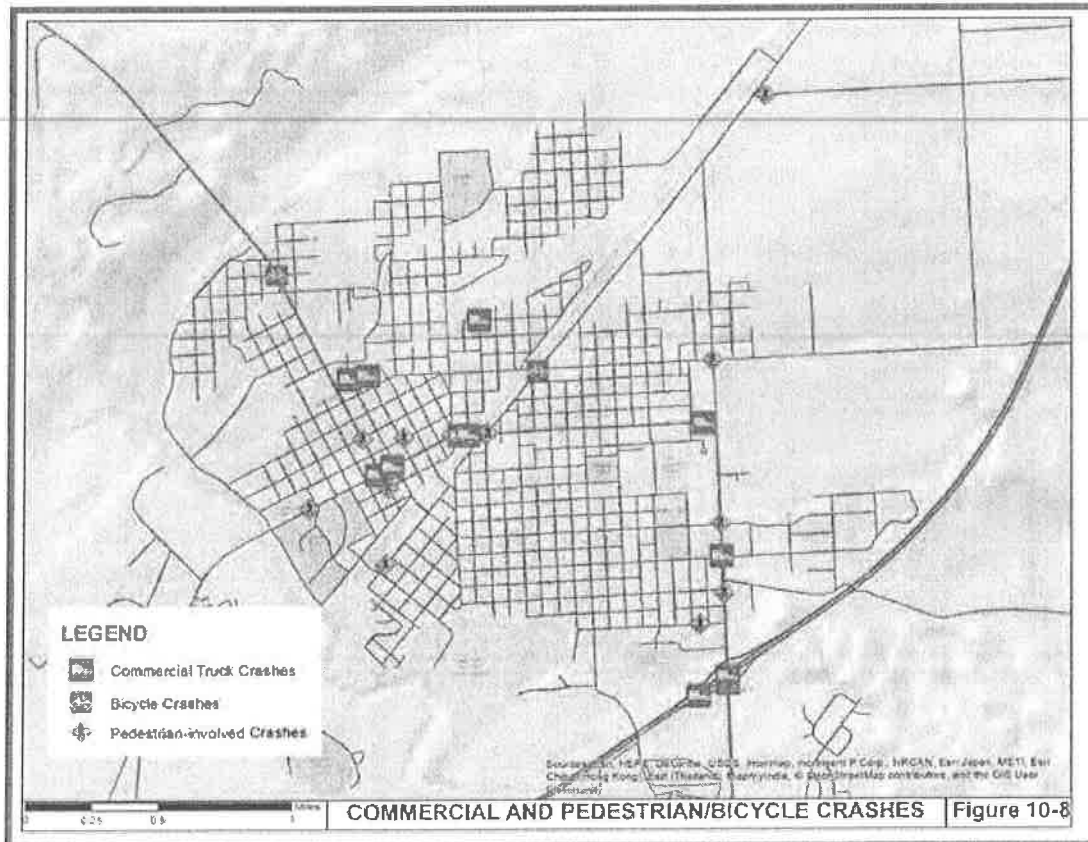


Figure 10-7: Crash Breakdown by Time of Day

Fifteen pedestrian crashes were reported during this period. A map showing the locations of pedestrian crashes is provided in Figure 10-8. Thirteen commercial truck-related (larger than pickup trucks) crashes were reported during this period. Figure 10-8 also provides the locations of commercial truck-related crashes. Neither figure appears to show a specific location or pattern where safety is a concern.



The total number of crashes by itself is typically not enough information to determine whether a particular location is considered unsafe. A location could have a large number of crashes but not necessarily be a safety hazard if a large number of vehicles traverse that location. The crash rate is dependent upon the number of crashes occurring at a specified location and the amount of traffic or “exposure” at that location. The crash rate is determined using the following formulas:

Crash rate / million entering vehicles (MEV) = # of crashes*1,000,000 / [365*N*(AADT1 + AADT2)] for intersections; or

Crash rate / million vehicle miles traveled (MVMT) = # of crashes*1,000,000 / [365*N*AADT*L] for road segments where:

AADT = average annual daily traffic in vehicles per day

N = number of years (5 years for this dataset)

L = length of road segment in miles

The top ten intersection crash rates are summarized in Table 10-2. Note that of the top ten, four intersections reported two total crashes over a five-year period. These intersections are on this list primarily due to low daily traffic volumes. All intersections with only one crash were determined ineligible for this list.

Table 10-2: Top 10 Intersection Crash Rates

E-W Street	N-S Street	Traffic Control	# of Crashes	Crash Rate MEV	Summary	Possible Explanation
Bridge St	11th St	None	2	0.77	No pattern found	No control / awkward geometry
Pleasant St	N 7th St	Signal	9	0.76	5 right-angle, 3 rear-end	Red-light running
Tomy St	S Moorehead Ave	Yield on Moorehead	2	0.75	No pattern found	None found
Roosevelt St	N Montana Ave	Stop control on Roosevelt	2	0.71	No pattern found	Stop sign on east side blocked by vegetation?
Leighton Blvd	Valley Dr E	Signal	9	0.68	4 rear-end, 3 right-angle	Small angle restricting sight distance in SW and NE corners
Stower St	S Montana Ave	3-way Stop	5	0.63	2 rear-end	5-legged intersection with 3-way stop
Stower St	S Haynes Ave	Signal	18	0.63	8 rear-end, 5 left-turn	High-volume
Leighton Blvd	N Haynes Ave	4-way Stop	7	0.63	3 rear-end	None found
Main St	N 7th St	Signal	11	0.63	3 rear-end, 3 right-angle	None found
Lincoln St	N Montana Ave	Stop control on Lincoln	2	0.63	No pattern found	None found

The top 10 highest road segment crash rates are provided in Table 10-3. Five of the top ten segments reported two crashes over the five-year period. Two segments are on Center Ave and two segments are on Strevell Ave.

As for the intersections, road segments with one reported crash were removed from this assessment. A graphic showing the locations of the top ten high crash rate intersections and road segments is provided in Figure 10-9.

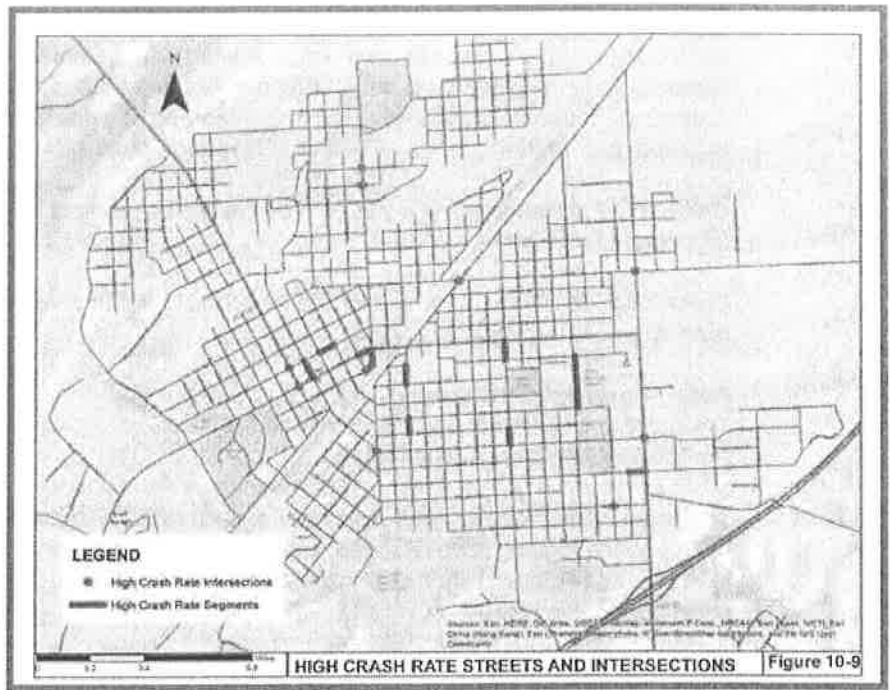


Table 10-3: Top 10 Road Segment Crash Rates

Roadway	# of Crashes	Crash Rate MVMT	Summary	Possible Explanation
S Center Ave b/w Dickinson St and Batchelor St	2	52.47	Both sideswipe opposite direction	Limited road width combined with poor road condition
S Center Ave b/w Bridge St and Fort St	3	32.43	No pattern found	Limited road width with on-street parking, residential driveways, next to high school
S Montana Ave b/w Main St and Bridge St	3	17.73	No pattern found	Off-street parking at Tire Factory next to road
Comstock Ave b/w Doeden St and S Haynes Ave	2	14.54	No pattern found	Recycling center with wide driveway
N 8th St b/w Pleasant St and Main St	3	13.06	No pattern found	None found
S Strevell Ave b/w Batchelor St and Stower St	3	12.47	No pattern found	Limited road width with on-street parking
Pleasant St b/w 9th St and 10th St	2	10.89	No pattern found	One pedestrian crash
Main St b/w 11th St and Montana Ave	5	7.43	3 rear-end	None found
S Strevell Ave b/w Main St and Bridge St	2	7.39	No pattern found	Limited road width with on-street parking
S Sewell Ave b/w Bridge St and Dickinson St	2	6.80	No pattern found	Miles Community College entrance

CRASH SEVERITY

The crash severity index is a measure of the relative severity of crashes (property-damage only or PDO, injury, and fatal/incapacitating injury) at specific locations (either a specific intersection or specific road segment). The index is defined by attributing a factor to crashes based on their severity. Generally, this factor is determined based on the ratio of the cost of a PDO crash to an injury crash or fatal / incapacitating injury crash. For this report, MDT factors were used (PDO = 1, injury = 3.0, fatal/incapacitating injury = 8.0). The index is totaled for the intersection/road segment and then divided by the total number of crashes to determine an average crash severity index per crash. It should be noted that for the entire study area no fatalities and only four incapacitating injuries were reported.

The crash severity index was calculated at the locations of the top ten intersection and road segment crash rates defined in Table 10-2 and Table 10-3. For these locations, only one road segment recorded a crash severity index greater than 1.0 (Pleasant Street between 9th Street and 10th Street recorded a severity index of 2.0). Seven intersections reported a crash severity index greater than 1.0 as listed below:

- Tompy Street and South Moorehead Avenue: 2.0
- Bridge Street and 11th Street: 2.0
- Stower Street and South Haynes Avenue: 1.59
- Leighton Boulevard and North Haynes Avenue: 1.57
- South Montana Avenue and Stower Street: 1.40
- Pleasant Street and 7th Street: 1.22
- Leighton Boulevard and Valley Drive East: 1.22

The Tompy Street and South Moorehead Avenue, and Bridge Street and South 11th Street intersections recorded the highest severity indices as they recorded a low number of crashes (two in these cases) with a high proportion of injury crashes (in these cases 50 percent or one injury crash out of two total crashes).

NEEDS AND DEFICIENCIES

Based on the included information, the proposed project list related to the improvement of safety on Miles City roadways is presented in Table 10-4.

Table 10-4: Safety-Related Projects List

Project Description	Rationale	Estimated Cost
Improve Protection at Spotted Eagle Road Grade Crossing	Add gates	\$385,000
Valley Dr / Leighton Blvd Intersection study	Study for safety and operations improvement	\$30,000
Main St / Valley Dr / Center Ave Intersection Study	Study for safety and operations improvement	\$30,000
Haynes Ave Corridor / Access Management Study	Address congestion, improve capacity and safety	\$50,000

CHAPTER 11 | SECURITY



Planning for security can reduce the negative impacts of man-made or natural disasters such as floods or attempts to sabotage the transportation system. This can also assist in the planning of large community events such as state fairs or the Bucking Horse Sale.

The Federal Emergency Management Agency (FEMA) Disaster Mitigation Act of 2000 sets legal requirements as a condition of receiving monetary grant assistance for mitigation of emergency events. The state plan for Montana is the Montana Emergency Response Framework (MERF, 2012). This plan identifies the state's responsibilities in an emergency and coordinates all emergency response plans in Montana.

Custer County and Miles City officials developed a local pre-disaster mitigation plan in 2005 which was updated in 2013 in conjunction with the state pre-disaster mitigation plan. The plan considers nine types of hazards: drought; earthquakes; flooding; hazardous materials and train derailment; wind, hail, and lightning; wildland fire, and winter storms. The plan described fifty-nine projects to accomplish six fundamental goals including:

1. Mitigate the potential loss of life, property, and infrastructure from flooding.
2. Minimize the economic impacts of drought.
3. Reduce the impacts of severe weather.
4. Reduce the probability of occurrence and/or impacts from a railroad or hazardous material incident.
5. Improve the county's capability to manage natural disaster incidents from beginning to end.
6. Improve planning and fire suppression and provide citizens with tools to live more safely in a wildland fire-prone ecosystem.

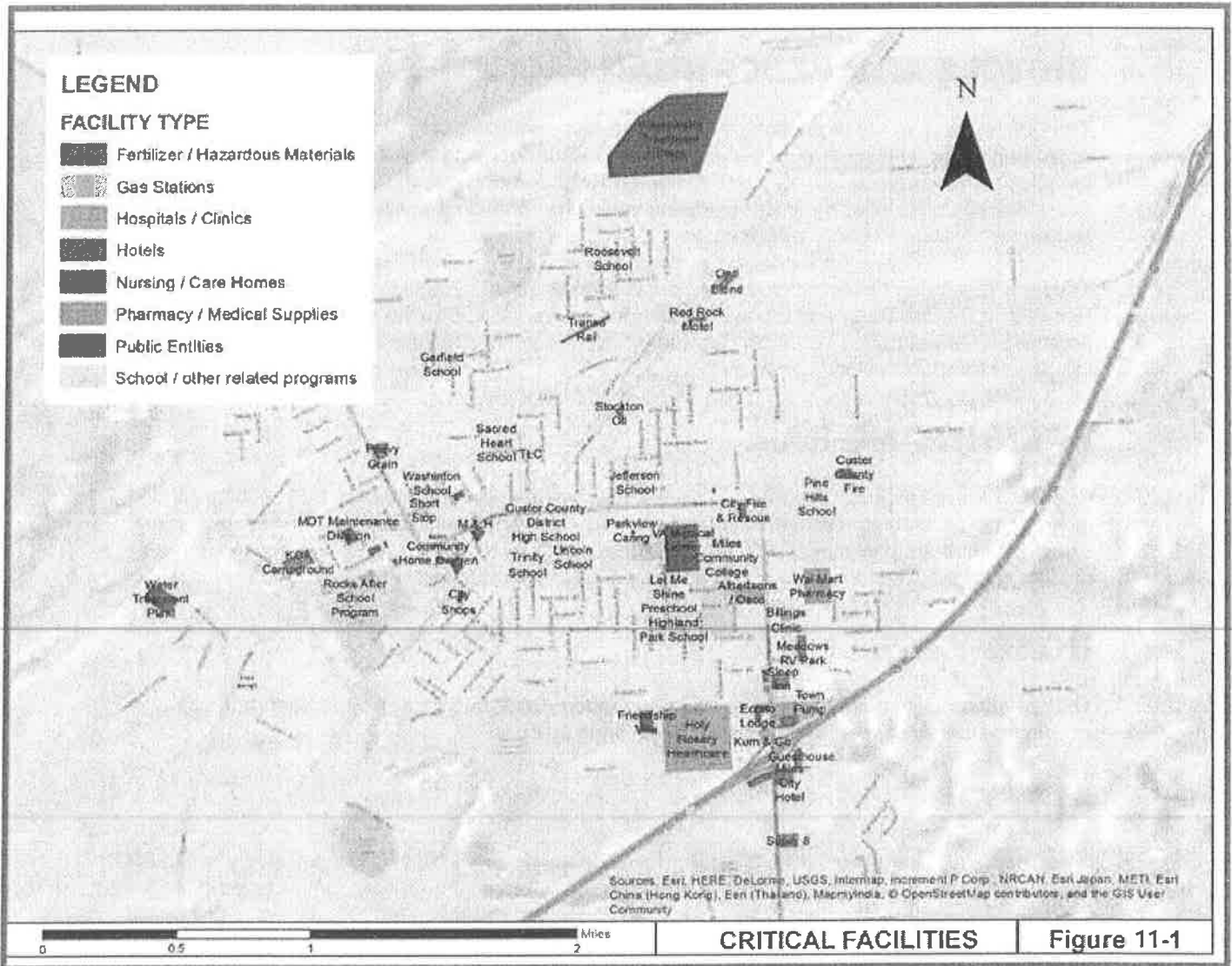
CRITICAL INFRASTRUCTURE

One significant part of an emergency management plan is the availability of surface facilities which can be used for emergency evacuations. Miles City has multiple facilities which can be used for this purpose, which include MT 59 (north and south), US 12, and I-94. The BNSF Railroad and Frank Wiley Airport can also be used in these circumstances.

One significant safety hazard for Miles City is the potential of flooding of the Yellowstone and Tongue Rivers. A major project proposed for the Miles City area is the upgrade of the existing levee to accommodate a 500-year flood event, making the community resilient to catastrophic flood events; thereby protecting life and property. Upgrade of the levee would provide security benefits by reducing the potential of flooding in this area.



The City of Miles City maintains a list of critical facilities which includes buildings such as hospitals, gas stations, hotels/motels, and schools, amongst others. A map showing all critical facilities within Miles City is provided in Figure 11-1.



CHAPTER 12 | RECOMMENDATIONS



AIRPORT FACILITIES

Improvements presented in the most recent Capital Improvements Plan (CIP) propose improvements which would improve operational aspects of the airport, support additional services, and potentially allow resumption of passenger service.

BICYCLE AND PEDESTRIAN FACILITIES

The general goal of these projects is to improve non-motorized connectivity. This could provide opportunities for walking that may improve health while reducing pollution and congestion. The priorities for the projects will vary depending on neighborhood interest and funding desire. The sidewalks complete missing links of existing walkways, providing connections to key population and public facilities (schools, parks, etc.).

The proposed trails connect several public parks such as Spotted Eagle Park, Riverside Park, Water Plant Park, Bender Park, and the two cemeteries south of the city (the Custer County Cemetery and the Eastern Montana Veteran's Cemetery). Non-motorized access would also be provided to the Southgate Subdivision.

FREIGHT AND RAIL

Changing the location of the truck route will improve efficiency for freight by reducing turning movements as well as reduce confusion due to the non-linear nature of the existing route. Construction of an Inter-modal Rail / Truck Transloading facility will increase the economic vitality of Miles City, allowing local trucking companies greater opportunities.

ROADWAYS

The streets projects in this section are recommended in order to improve operation and safety of streets and highways identified through the planning process.

SAFETY

Several studies are included in this plan to evaluate locations with observed safety concerns and provide recommendations for improving safety. Some of the more common types of safety improvements with proven benefits include road diets, flashing yellow left-turn arrows at signalized intersections, medians and pedestrian islands and pedestrian hybrid beacons at locations with significant pedestrian volumes.

OVERALL PROJECTS LIST

These projects were identified through Capital Improvement Plans (CIPs), public and inter-agency feedback, and recommended by the consultants through the transportation planning process. The entire list of committed and recommended projects encompassing all modes of transportation is provided in Table 12-1. Projects are presented by transportation mode (Air, Bicycle/Pedestrian, etc.), and by implementation time-frame (short-term, long-term, etc.).

Table 12-1: Recommended Long-Range Transportation Plan Project List

PROJECT DESCRIPTION	RATIONALE	ESTIMATED COST
AIRPORT FACILITIES		
SHORT-TERM		
Obtain instrument approach procedures for Runway 12-30	In order to provide lower approach minimums	N/A
Aeronautical survey for Runway 4-22	Threshold relocation and an e-alp update	\$140,000
MEDIUM-TERM		
Construction of apron access and partial parallel taxiways	Construction of taxiway system beginning at approximate midpoint of Taxiway B heading west perpendicular to Runway 12-30 intersecting with a partial parallel taxiway from Runway 22 to remove to eliminate 5-node intersection. Sections of taxiway B between partial parallel and hangar access taxiways will also be removed	\$560,000
Relocate helipad to southwest corner of existing apron	Remove conflicts with high-traffic area	\$71,000
Phase 2 (FBO) apron expansion	Apron expansion in northeast corner of existing apron area to serve as access for large FBO building	\$162,000
Routine pavement maintenance	Including crack routing/sealing and fog seal and application of pavement markings for all airport pavements	\$165,000
Relocate airport perimeter fence	For proposed expansion of Runway 4-22. Will be relocated to include runway protection zone and 600 feet from runway centerline to account for future clearance requirements	\$325,000
Relocate Runway 4-22 threshold and extend Runway 4	MT 59 currently traverses the runway protection zone of Runway 22. Relocating the runway will shift the RPZ and establish proper clearance of the area. To maintain runway length at 5,700 feet, Runway 4-22 will be extended to the SW to match distance of Runway 4 threshold relocation	\$2.2 million
Land Acquisition	Acquire two parcels of land within the runway protection zone for Runway 4-22	\$18,000
Relocate Sheffield Road	After the extension of Runway 4-22, Sheffield Road will be located within the RPZ	\$120,000
Routine pavement maintenance	Including crack routing/sealing and fog seal and application of pavement markings for all airport pavements	\$215,000
LONG-TERM		
Phase 3 apron extension (approximately 10,400 SY)	Additional expansion to the northwest for additional hangar lots as well as additional surface parking for aircraft	\$750,000
Parallel taxiway on Runway 12-30 (from Taxiway A to 12 end)	Complete full-length parallel taxiway for Runway 12-30 to eliminate back taxiing on Runway 4-22 and potentially lower the minimums for the approach procedures	\$4.5 million
Land Acquisition	Within the RPZ for Runway 12-30	\$80,000
Construct hangar taxi lanes for future hangar development to the west	A series of taxi lanes and taxiways will be constructed to allow access to the apron and the Runway 4-22 parallel taxiway	\$3,300
Relocate wind cone and segmented circle	Future hangar development to the west will require relocating the wind cone and segmenting circle. The project will move these west of Runway 12-30 approximately 1,200 feet northwest of the end of Runway 12	\$25,000
Environmental Assessment	For Extension of Runway 4-22	\$100,000
Extension of Runway 4-22	Extension is approximately 1,600 ft to a total length of 7,300 ft to allow for higher approach category aircraft.	\$2.9 million
Runway 12-30 rehabilitation	The last rehabilitation was completed in 2008. The project will also include runway lighting circuitry if necessary	\$4,000,000
Routine pavement maintenance	Including crack routing/sealing and fog seal and re-application of pavement markings for all airport pavements	\$215,000
Construct full-length parallel taxiway for Runway 4-22	To eliminate need to back-taxi on Runway 4-22 and aid in development of instrument approach procedures with lower visibility minimums	\$7.5 million

Table 12-1: Recommended Long-Range Transportation Plan Project List (Continued)

PROJECT DESCRIPTION	RATIONALE	ESTIMATED COST
BICYCLE / PEDESTRIAN		
SW1: Woodland Park	Establish connectivity along the south side of Edgewood St., west side of N. Merriam Ave. and north side of Robinson St.	\$87,000
SW2: Bender Park Perimeter	Establish a circuitous sidewalk around a major city park	\$196,000
SW3: Baker Addition	Provides east-west connectivity on Alice & Truscott Streets and the east side on Woodbury St.	\$161,000
SW4: Garfield Elementary Neighborhood	Infill of linear gaps along the south side of Lincoln St., both sides of Roosevelt St. and along the east side of N. 7th Street	\$118,000
SW5: Park Addition	Infill of a linear gap on the east side of N. Montana Ave., several spot gaps on Woodbury St., Phillips St., Gordon St. and Leighton Blvd.	\$167,000
SW6: Hunters Addition	Infill of a corridor gap along State Highway 59/N. 7th St., from Tatro St. to Washington St.	\$164,000
SW7: Milwaukee Park	Establishment of a sidewalk corridor on both sides of Tatro St., the north side of Lewis St. and spot gaps on N. 2nd St. and N. 3rd St.	\$190,000
SW8: Gordon Addition	Corridor gap on N. 5th St. from William St. to Washington St., sidewalk on the north side of Hubbel St., and connectivity to the SW7 neighborhood.	\$149,000
SW9: Riverside Park	Linear gap to establish sidewalk along the north side of Pleasant St. from N. 5th St. to Dike Rd. and misc. spot gap infills on N. 2nd St. & Orr St. Also includes linear gap along the north side of Pacific Ave. and Riverside Park connections from the existing walk, across the tracks to S. 4th St.	\$189,000
SW10: Original Townsite	Sidewalk along the south side of Yellowstone Ave. and misc. spot gap infill on S. 4th, 5th and 6th Streets	\$120,000
SW11: N. Snyder Addition	Linear gap on the north side of Tompy St. and Butler St. misc. spot gap infill on Center, Lake and Custer Avenues	\$155,000
SW12: Leighton Garlocks	Corridor gap on the south side of Brisbin St. from Strevelle Ave. to Prairie Ave.	\$153,000
SW13: Highland Park	Linear gap on the north side of Butler St., spot gaps on S. Merriam Ave., Cale Ave., Earling Ave. and Sewell Ave.	\$150,000
SW14: Pioneer Meadows	Linear gap on Tompy St. from S. Moorehead Ave. to S. Haynes Ave.	\$184,000
SW15: Steadmans Ace	Neighborhood gap bordered and within Dickinson St., S. Haynes Ave., Comstock St. and S. Sewell Ave.	\$314,000
SW16: Highland Park N.	Spot gap infill along Dickinson St., Earling Ave., Stower St., Brisbin St.	\$133,000
SW17: S. Snyder Addition	Corridor gap on both sides of Dickinson St. from Strevelle Ave. to S. Montana Ave., and spot gap infill on Jordan Ave. and Custer Ave.	\$137,000
SW18: Wibaux Park	Spot gap infill on Fort St., Pearl St., Bridge St., and linear gap on Bridge St. from Winchester Ave. to S. Legion Ave.	\$184,000
SW19: Clark East Side	Spot gap infill on Pleasant St., Palmer St. and Stacy Ave.	\$199,000
SW20: Eastside Addition	Corridor gap on Leighton Blvd. and spot gaps on Palmer St.	\$109,000
SW21: Residence Park	Corridor gap on Leighton Blvd., N. Strevelle Ave.	\$154,000
SW22: Frontage Road	Corridor gap on South Haynes Avenue	\$376,000
SW23: Southgate Meadows	Corridor gap on the north side of Horizon Parkway and west side of Ponderosa Drive	\$209,000
TRL24: Dike Road Trail	Approximately 4.0 miles of multi-use trail rebuilt along with the levy and maintenance road	\$2,400,000
TRL25: Cemetery Road Trail	Approximately 1.4 miles of multi-use trail from Balsam Drive to S. Haynes Ave.	\$850,000
TRL26: Fairground Loop Completion & Spotted Eagle Trail Connection	Approximately 0.3 miles of multi-use trail completing the existing loop and providing an off-street connection to Spotted Eagle	\$190,000
TRL27: Truscott Street Path	Approximately 0.4 miles of multi-use trail	\$217,000
TRL28: Wilderness Area Road Trail	Approximately 0.56 miles of multi-use trail connecting north downtown to the Tongue River	\$239,000
TRL29: Water Plant Road Trail	Approximately 0.5 miles of multi-use recreational trail.	\$339,124

Table 12-1: Recommended Long-Range Transportation Plan Project List (Continued)

PROJECT DESCRIPTION	RATIONALE	ESTIMATED COST
FREIGHT AND RAIL		
Re-align truck route	Existing truck route is not well marked and includes many turning movements making it challenging to navigate	\$1.3 million
Establish Intermodal Truck / Rail Transloading Facility	Economic development opportunity to improve the exchange of goods between freight and rail	\$20 – 30 million

PROJECT DESCRIPTION	RATIONALE	ESTIMATED COST
ROADWAYS		
SHORT-TERM		
Dickinson St extension	Connect to Haynes Ave	\$320,000
Broadus interchange improvement	Upgrade bridges; construct roundabouts	\$8.3 million
Haynes Ave Corridor / Access Management Study	Address safety and operations	\$50,000
Main St / Valley Dr / Center Ave intersection study	Address safety and operations	\$30,000
Valley Dr / Leighton Blvd intersection study	Address safety and operations	\$30,000
Main St Signal Timing Study	Address operations along Main St corridor	\$75,000
I-94 / Leighton Blvd interchange feasibility study	Additional connection to I-94, especially with proposed truck route change	\$75,000
LONG-TERM		
Spotted Eagle Grade Crossing Protection	Add crossing protection	\$385,000
Provide second access to Southgate subdivision	Provide secondary access for emergency services and to relieve congestion	\$4.8 million
Signal Butte Rd / Love Ln improvements	Address future safety and operations	\$1.5 million
Dike Road construction	Address future safety and operations	\$4.9 million
Grade-Separated Crossing at Baker Highway	Over Railroad and Valley Dr E in conjunction with Levee Road construction	\$13.5 million
Cemetery Rd improvements	Address future safety and operations	\$2.9 million

CHAPTER 13 | FINANCIAL PLAN



FEDERAL FUNDING SOURCES

Federal sources have legal requirements associated with them in order to be eligible. These usually apply only to state and federal highway projects and are administered by the MDT.

- National Highway Performance Program (NHPP): Provides funding for National Highway System (includes Interstate) roads and bridges. Allocated to Districts by the Montana Transportation Commission (MTC).
- Surface Transportation Block Grant Program (STBG): Federally apportioned to Montana and allocated by the MTC to various programs, including the Surface Transportation Program Primary Highways (STPP), Surface Transportation Program Secondary Highways (STPS), the Surface Transportation Program Urban Highways (STPU), and the Surface Transportation Bridge Program (STPB), as well as set-asides for programs including the set-aside program of Transportation Alternatives and Recreational Trails. The Federal share for this program is 86.58 percent and the State is responsible for the remaining 13.42 percent. The State share is funded through the Highway Authority State Special Revenue Account (HSSRA) if the project is on-system; the sponsor provides the match if the project is off-system.
- Highway Safety Improvement Program (HSIP): Allocated by MTC to safety improvements consistent Montana's Comprehensive Highway Safety Plan (CHSP). Projects must correct or improve a hazardous road location or feature, or address highway safety problem.
- Interstate Maintenance (IM): MTC approves and awards projects for improvements on the Interstate Highway System which are let through a competitive bidding process. The IM program finances highway and bridge projects to rehabilitate, restore, resurface and reconstruct the Interstate System. MDT districts are allocated IM funds by the MTC based on system performance. The federal share for this program is 91.24 percent and the State is responsible for the remaining 8.76 percent. The State share is funded through HSSRA.
- Urban Pavement Preservation Program (UPP): Sub-allocation of the STPG that provides funding to urban areas with qualifying pavement management systems, as determined jointly by MDT and FHWA. This sub-allocation is approved annually by the MTC and provides opportunities for pavement preservation work on urban routes (based on system needs and identified by the local pavement management systems.)
- Federal Lands Access Program (FLAP): Created by MAP-21 for use on public roads, bridges, trails, and transit systems which provide access to federal lands.
- Rural Development - Community Facilities (RD-CF): Funding branch of the US Department of Agriculture (USDA) including both loans and grants which can be used for street improvement projects.
- Motor Carrier Safety Assistance Program (MCSAP): Grant program providing financial aid to States to improve safety by reducing the number and severity of accidents involving commercial motor vehicles.
- Community Development Block Grant Program (CDBG): Program funded by US Department of Housing and Urban Development (HUD) used by local governments to provide housing for low-income households. These funds can be used for construction of transportation facilities.
- Federal Aviation Administration (FAA): Federal grant for airport projects which will fund ninety percent of the project.

STATE FUNDING SOURCES

State funding for transportation projects in Montana is distributed by the MDT.

- **State Fuel Tax:** 27.75 cents per gallon on gasoline and diesel fuel used for transportation purposes. The funds are allocated based on population, street mileage, and land area for construction, reconstruction, rehabilitation, and maintenance of rural roads or city streets and alleys. These funds may also be used for the local match of federal funds for streets which are part of the primary, secondary or urban highway system.
- **Rail and Loan Funds; Montana Rail Freight Loan Program (MRFL):** Revolving loan fund administered by MDT for construction, reconstruction, and rehabilitation of railroads and related facilities. Loans are targeted to rehabilitation and improvement of railroads and their attendant facilities, including sidings, yards, buildings and intermodal facilities. Rehabilitation and improvement assistance projects require a 30 percent loan-to-value match. Facility construction assistance projects require a 50 percent match.
- **Treasure State Endowment Program (TSEP):** Provides grants for projects to address issues related to health and safety improvements. Bridges projects are eligible for this program.
- **INTERCAP Loan:** A low-interest state loan which can be utilized to finance any city-sponsored project.
- **Montana Coal Board:** Grant program for areas affected by an increase or reduction of coal production. Funds can be used to assist in construction and reconstruction of designated portions of highways that serve the areas affected by coal development.
- **Big Sky Economic Development Trust Fund Program:** Provides state funds to promote long-term stable economic growth. Financial assistance can be provided in the following two categories: economic job creation projects and planning projects.
- **Montana Aeronautics:** This grant program will fund up to 5 percent of an airport project, while the loan program will fund up to 10 percent of an airport project. Both sources can be used in combination for the same project.

LOCAL FUNDING SOURCES

These sources are generated and distributed by the local government agency.

- **Donations:** Private donations to local government or qualified non-profit organization.
- **Developer contributions:** Cash-in-lieu of park lands may fund trails or the local entity may opt to assess impact fees.
- **Special Improvement District (SID):** Property-based tax district that generates funds to construct public improvements.
- **Tax Increment Financing (TIF):** Allows a local government to generate revenues for a group of blighted properties targeted for improvement, known as a TIF district. As property values increase with improvements made within the district, the incremental increases in property tax revenue are placed in a fund used for public improvements within the district.
- **City Fuel Tax:** Maximum of two cents per gallon increased in one cent increments.

At this time, project priorities are not specifically assigned to the list of recommended projects. However, a projected time-line is assigned (short-term, long-term, etc.). Individual project priorities should be determined by the City of Miles City's Capital Improvement Plan. Potential funding sources for each proposed project in this plan are presented in the table in Appendix D.

APPENDIX A

Advisory Committee Membership | Meeting Participants | Meeting Summary

Name	Representing	Title
Carol Strizich	MT Dept of Transportation	Supervisor, Statewide & Urban Planning
Corrina Collins	MT Dept of Transportation	Planner, Statewide & Urban Planning
Dan Martin	MT Highway Patrol	Sargent
Dawn Colton	City of Miles City	Planner
Gary Warren	Miles City Fire & Rescue	Fire Chief
Jason Strouf	Custer County	Commissioner
Jeff Erlenbusch	City of Miles City	Council Person (as of Jan 2016)
Jeff Langkau	Frank Wiley Field	Airport Manager
Keith Bithell	MT Dept of Transportation - Glendive District 4	Transportation Engineer
Mark Reddick	Miles City Police	Captain
Roxanna Brush	City of Miles City	Councilperson
Troy Ask/Tina Schmidt	City of Miles City	City Shop Laborer

Name	Representing
Paul Lewis	Holy Rosary Healthcare
Mike Coryell	Miles City Economic Development
Jeff Erlenbusch	Ward 4, City Council-elect
Dwayne Andrews	City Council
Tara Andrews	MSU Extension, RSVP
Mike Stevenson	Stevenson Design
John Gordon	Unified School District
Ross Lawrence	Miles Community College
Sylvia Danforth	DEAP
Brandon Janshen	Kiwanis, Milestown Community Improvement
Keith Campbell	Miles City School District
Dawn Colton	City of Miles City
Mark Reddick	Miles City Police Department
Doug Nelson	Trucking
Molly Holmen	WST Energy
Ashley Roness	Miles City Star
Dolores P. Wilson	Citizen
Dave Jewell	Citizen
Ray Miller	
Jerry Forman	Miles Community College
Dale Bartz	Miles City Planning Board
Susan Hocker	Citizen
Burelt Krufzfeldt	Citizen
Jerry Seylatz	Citizen
Ken Holmlund	House District 38

Keith Hall	
Dwayne Rude	Home Owner
Paul Strsgel	Home Owner
Kevin Raasch	Bloedron Lumber
Nathan Jacobson	Home Owner
Jack Austin	Home Owner
Jerry Singleton	Cowtown Ag
Ed & Mavis Heinle	
David Breisch	
Mark Petersen	Fort Keogh
Lew Valheim	Miles City Economic Development
Peg Meteuleeg	
Jason Strouf	County Commissioner
Tina Schmidt	City of Miles City



KEY THEMES FROM FOCUS GROUPS

MEETING DATES:	DECEMBER 2, 2015 AND DECEMBER 3, 2015
PROJECT NAME:	MILES CITY LONG RANGE TRANSPORTATION PLAN
MEETING TYPE:	FOCUS GROUPS
MEETING PURPOSE:	TO COLLECT QUALITATIVE DATA RELATING TO THE AREAS OF FOCUS FOR THE MILES CITY LONG RANGE TRANSPORTATION PLAN

FOCUS AREA #1: BICYCLES AND PEDESTRIANS

Approximately 50 percent of the participants indicated that they own a bicycle, and about half of them utilize their bicycle as a regular mode of transportation. The bicycle mode is used for commuting to work, exercise and general recreation. Utilization of the bicycle for recreation most often involves dogs and family members (children). No participant mentioned any organized group riding.

Most people commence their bike ride from their place of residence. Destinations include civic centers (courthouse, post office), Cemetery Road, Fairgrounds, Haynes Avenue, the hospital, Layton Boulevard and the dump. Participants indicated that there is not a strong presence of students who ride their bikes to school.

The challenges to the bicycle mode of transportation falls into three categories: education, encouragement and infrastructure. Many participants indicated that there is a “tough riding environment” due to narrow shoulder widths and steep ditch profiles. This is particularly prevalent on Cemetery Road where limited sight distance around curves is an issue.

Participants felt that there was room for improvement to get more students to bike or walk to schools. They felt that a lack of a formal encouragement program, coupled with lacking infrastructure and high vehicle use precludes many parents from letting their kids utilize bicycle or pedestrian transportation choice. Ironically, Miles City has one of the best programs in the State with regards to bicycle education as an institutionalized program in the school. Participants felt that often the students were more informed on the rules of the road than drivers.

Participants were aware of bicyclists around town. Miles Community College has seen an increase in the number of college students who are utilizing bicycles. Those who utilize bicycles indicated an average distance coverage of about four to five miles. This is consistent with the average bicycling trip (4 miles) in the United States. The education and encouragement component within the schools was a source of community pride.

Approximately 80 percent of the participants walked for exercise, recreation or commute. Many who did not utilize a bicycle indicated their preference for walking when given a choice. Many utilize walking as a way for health and exercise, but many utilize this mode for commuting to work as well. Children and dogs were cited as companions when utilizing this activity, although people often walked alone.

Origins include homes and work. Destinations include the walking path at the hospital, Spotted Eagle, the Fairgrounds, Downtown, Main Street and within neighborhoods. A couple of participants shared their experiences walking along Haynes Avenue. Additional areas include the schools, Head Start and Eagles Manor.

Significant discussion centered on the sidewalk network. Many expressed frustration with the intermittent gaps that occur throughout neighborhoods. Busy street crossings are a challenge, even with signage and controls. Several participants discussed a lack of signage as an issue.

Opportunities include the use of crossing guards. Participants also commented positively on the progress for addressing accessible street corners. Much discussion centered on enforcement: the way the laws are interpreted, the use of law enforcement and development regulations. There appeared to be a lack of understanding on how regulations can solve their perceived issues.

Vulnerable populations included the mobility-impaired, elderly and students. Downtown was an area that was cited for a visible number of these people, although none of the participants identified themselves, individually, as a part of these groups.

FOCUS AREA #2: TRANSIT

Participants did identify with an affiliation to mobility-impaired organizations. Transit was cited as a need for people who are economically challenged, people over the age of 65 and people with disabilities. Miles City does not have a regular intra-city transit or bus system. Many of the residents rely on the private taxi service to fulfill this mode choice.

In general, the taxi service works well for Miles City. Riders like the non-scheduled, individualized service that a taxi provides. However, the taxi service falls short when it comes to accessible modes of transportation. The private service's fleet currently does not contain a wheelchair accessible van, and that was cited as a need in the community. Other limitations to the taxi service are the hours of service. Participants felt that for community safety, particularly for special events and weekends that the service should extend past bar closing.

Miles Community College has been offering day-trip bus excursions to places like Fort Peck and Billings. This has allowed the vulnerable populations the opportunity to experience more than the local community. The Veterans Administration does have a van that transports veterans to medical facilities in Miles City and beyond.

Miles City schools do not offer in-town school bus routes. At the high school level, outside communities have feeder buses to the high school in Miles City. There is also a special needs bus that runs for the mobility impaired. This is one of the few if only school districts that does not offer a regular school bus service. This results in much of the school-area congestion with passenger vehicles that was cited in the discussions.

FOCUS AREA #3: AIR SERVICE

Participants indicated that they utilized the commercial passenger air service from Miles City. Two participants currently travel weekly to destinations that used to be served from Miles City. The flight destination that was most desired was Denver, Colorado, followed by Helena, Montana. Participants indicated that a Miles City to Billings, Montana service was not worthwhile, as no time was saved between driving to Billings versus arriving two hours early at the Miles City Airport. One participant indicated that some Miles City air passengers are currently driving as far as Bozeman-Belgrade to capitalize on flight options and costs. No participants indicated that they are traveling to Glendive to utilize the regional air service there.

Passenger air service supported many industries. The hospital utilized the service for physicians, energy industries were utilizing flights for commuters and regular business. Social workers utilized the Helena service to interact with State Departments. Participants also relied on air service to Helena during the legislative sessions. They indicated that organizations had to be more strategic in their timing to travel to Helena without the air service as the travel time by vehicle limited their ability to effectively advocate at the legislature.

Participants indicated that Miles City is home to many local pilots. Most of the airplanes are single-engine aircraft.

The Miles City Airport is currently used for non-passenger service. It is recognized as a hub during fire season by federal land management agencies. The hospital utilizes the airport for both helicopter and fixed-winged medical aircraft. The fueling station is important. One participant indicated that several companies are having difficulty shipping hazardous materials as a part of regular business operations. It was suggested that due to the high number of energy companies, an evaluation of air freight service should be considered.

If commercial passenger air service resumed, participants indicated that the terminal would likely need renovations to meet TSA guidelines. Ground transportation to/from the airport was sometimes an issue, but local hospitality usually filled in with ride sharing.

FOCUS AREA #4: HIGHWAYS AND STREETS

Seventy-five percent of participants indicated that they own three or more vehicles. Participants were divided on their perception of how many of their trips are more or less than a mile. Considering that most of the urbanized area of Miles City is only two miles in diameter, it was not surprising to hear that many of the participants felt that their trips are less than a mile.

The most congested route cited were Haynes Avenue, Main Street and Strevelle Avenue. Streets that are utilized as cut-through streets include Tompy Street (with the most mentions); others mentioned were Legion Street, Stower Street, Wilson Street, Comstock Street, South Lake Street, Leighton Boulevard and North Jordan. In addition South Cale Avenue/ Winchester Avenue and Center Avenue were also mentioned as popular local roads, used for through traffic.

Many of the streets mentioned above have direct access to Haynes Avenue or lead near or past schools. Law enforcement indicates that while people may be utilizing these local roads as collectors, the abundance of uncontrolled intersections contributes to driver awareness and reduced speeds. Road widths on these streets with on-street parking results in many "mirror accidents" that law enforcement will document.

The intersection of Valley Drive East and Leighton Boulevard was mentioned as an area of concern. Several issues are affiliated with that intersection include signal timing, rail road crossings and vehicle stacking. This intersection is also missing a sidewalk.

The Main Street/Valley Drive East/South Center Avenue interchange is another area of concern. Confusing truck route signage has resulted in many trucks (almost 30 to 40 times this past summer) turning into the high school alley from North Cottage Avenue. Participants indicated that they have observed the confusion at all times of the day, not just during peak hours.

Those in the trucking industry indicated that 7th Street at Pleasant Street is a difficult area. The high number of patrons utilizing the post office with on-street parking creates conflicts with people walking in the travel lanes.

South Haynes Avenue and Wilson Street was also cited as a problem intersection due to the high number of trucks leaving the Town Pump gas station. The traffic flow on Haynes Avenue was perceived to not have enough vehicle gap time, making turning maneuvers difficult.

Street maintenance was recognized by the participants as an area that could always use improvement. In general, multiple people felt that the City was maximizing their use of resources for snow removal. Participants indicated that potholes and deteriorating street surfaces needed improvement faster than currently addressed. Multiple mentions were about the positive aspects of Main Street maintenance.

When asked about parking, participants had no concerns about the availability of parking in any area of town.

FOCUS AREA #5: FREIGHT

Several people mentioned the shortcomings of the current designated truck route. Confusing and inadequate signage is contributing to wrong turns. The Main Street underpass was also cited as a pinch point. While most semi drivers are aware of their height limitations, people driving or pulling recreational vehicles (RVs) are not. As a result, the bridge structure is hit, mostly by RV air conditioning units multiple times per year. Some participants indicated that navigation devices are not correctly indicating truck routes, leading to further confusion.

Participants indicated that almost all of them could identify the current truck route. Many indicated that the multiple turns and confusing signage limits the effectiveness of the route. Industries are now recommending to their drivers to avoid the through-town route completely, by utilizing the US Highway 12 Interchange to I-94 to the Highway 59 Interchange. The through town route has limited options for fuel supply, so the interstate route allows them to fuel up at Haynes Avenue before proceeding on to their destinations.

When asked about alternative truck routes, many indicated that Leighton Boulevard should be evaluated as a potential route.

Major origins and destinations for trucks include the Livestock Sale Yard, the truck stops/fueling stations off of Haynes Avenue, local gravel pits and industry businesses on the east side of town. The concentration of truck stops on Haynes Avenue has contributed to traffic congestion for all modes of transportation. Participants indicated that they would like to see the truck stops/fueling stations placed at the other interchanges as well.

Freight to rail exchange was discussed. Companies have indicated a need for freight to rail exchange. However several issues do not allow for an easy solution. Constraints to this include availability of land, zoning, floodplain designation and cost. According to industry sources, cost is the major prohibitive reason that any one company has not proceeded with a yard.

FOCUS AREA #6: RAIL

Within the past year, trains have been given the authority to travel at a higher rate of speed through Miles City. Participants indicated that they have noticed an increase in speed, to the fact that one individual has the timing down to "1 minute and 50 seconds for a train to go through." Participants were unsure if the trains were traveling at the top speed, but felt that the speed has increased. While most indicated that they had split feelings about increased speed, they acknowledged that crossings were cleared faster, but they also had uneasy feelings about a catastrophic event at the higher speeds.

Participants indicated a high percentage of youth utilizing track crossings, particularly at Spotted Eagle Recreation area and at Main Street or South 10th Street. Law enforcement is monitoring these crossings

regularly, especially when youth are present. People (including adults) are often crossing in the area by Reynold's Marker, with a "game trail" there. While "no trespassing" signs are present, they are often ignored.

Railroad crossings that need further safety evaluations include Leighton Boulevard and East Valley Drive; Spotted Eagle Road as it enters the recreation area also had multiple mentions.

FOCUS AREA #7: MISCELLANEOUS TOPICS

Participants felt strongly that growth in Miles City will occur to the south, along Highway 59 and to the east along Highway 12. West Main Street is also an area with some opportunity. They acknowledged that the floodplain issue will ultimately have an impact on new construction and affordability.

Participants felt that Miles City's long-term rate of growth will be steady, at or near a 2 percent average (as suggested). They recognized that growth will have its peaks and bottoms as the commodity markets in energy and agriculture change. Participants felt positive about the return of the younger generation, most with family ties to the community. In fact, one company chose to stay in Miles City due to its young workforce with local ties. It was noted that the health care field, which draws from a regional employment base is utilizing technology, allowing for tele-medicine opportunities. However, with an aging population, health care will continue to be a draw affecting employment, retail, housing and transportation within the community.

Miles City does an excellent job of providing retail opportunities that draws people from a vast region. In other meetings, citizens from Baker and Fairview, Montana have mentioned the importance of Miles City for services and shopping. Participants felt that because Miles City hosts many "events," that this creates a culture of inclusion and experience that people are seeking at all age groups.

The Southgate Subdivision was discussed due to the fact it has only one inlet/outlet. This particular neighborhood has a strong diversity of people, including economically challenged and active walkers and bicyclists. As a result, this places a larger portion of people on the road along Highway 59 and South Haynes Avenue. Without proper infrastructure to support these activities, there was great concern of the probability of an accident there. Participants also indicated a concern over access in the event of a fire, flood or other catastrophic event at the single point of entry.

APPENDIX B

FRANK WILEY FIELD (MILES CITY AIRPORT) CAPITAL IMPROVEMENT PLAN FY 2015-2034

The following is the Capital Improvement Plan for Frank Wiley Field (Miles City Airport) for the period of FY 2015 – FY 2034. A description and brief justification for each project is listed below:

Short-term (1-5 years)

2015 - Reconstruct Runway 4-22

This project will include the rehabilitation of Runway 4-22. The current runway is deteriorating in condition and is beginning to develop frost heave issues. Runway 4-22 will be reconstructed using a thicker layer of non-frost susceptible gravel and will include pavement underdrains.

2015 - Reconstruct northwest apron and Phase 1 apron expansion (approx. 2,500 S.Y.)

The northwest corner of the apron is in poor condition with failing pavement and is in need of reconstruction. The project will remove the existing pavement and base and construct a new pavement section in the area. The project will also include the construction of an expansion of the northwest corner of the apron to allow for increased apron capacity and is the first phase of development for new hangar access.

2015 - Replace Runway 12-30 visual markings with non-precision markings and pavement maintenance

In conjunction with the implementation of an instrument approach procedure, the markings for Runway 12-30 will be upgraded from visual to non-precision instrument. This will be done as with routine pavement maintenance including crack routing and sealing and the application of a fog seal.

2015 - Obtain instrument approach procedures for Runway 12-30

In order to provide lower approach minimums, Frank Wiley Field will seek to obtain instrument approach procedures for Runway 12-30.

2017 - Aeronautical survey for Runway 4-22 threshold relocation

A threshold relocation will require an aeronautical survey and an e-alp update. The aeronautical survey and reporting will be initiated in advance of the relocation to allow ample time for reporting and acceptance.

Mid-term (6-10 years)

Construction of apron access and partial parallel taxiways to eliminate 5-node intersection

The intersection of Runways 4-22 and 12-30 with Taxiway B create a 5 node intersection which creates a safety hazard. The construction of a taxiway system beginning at the approximate midpoint of Taxiway B heading west perpendicular to Runway 12-30 intersecting with a partial parallel taxiway from Runway 22 will remove the non-standard intersection. The sections of Taxiway B between the partial parallel and hangar access taxiways will also be removed to complete the removal of the 5-node intersection.

Relocate helipad

The location of the existing helipad conflicts with safe apron usage. It is currently located in a high-traffic area in the west-center of the existing apron. The helipad will be relocated to the southwest corner of the existing apron moving it away from existing operations.

Phase 2 (FBO) apron expansion (approx. 2,950 S.Y.)

The project will include the construction of an expansion of the northeast corner of the existing apron area. This expansion will serve as apron access for a large FBO building.

Relocate airport perimeter fence

The proposed future extension of Runway 4-22 will require relocation of the airport perimeter fence. The current fence will be relocated to include the runway protection zone and to a distance of 600 feet from runway centerline to account for future clearance requirements.

Relocate Runway 4-22 threshold and extend Runway 4

MT State Highway 59 currently traverses the runway protection zone of Runway 22. Relocating the runway threshold will shift the RPZ and establish proper clearance of the area. To maintain runway length at 5,700 feet, Runway 4-22 will be extended to the southwest to match the distance of the Runway 4 threshold relocation.

Routine pavement maintenance

Crack routing and sealing of all airport pavements to prolong the pavements serviceable life. Fog seal will be applied to oxidized pavement sections. Pavement markings will be re-applied to all areas with fog seal or deemed necessary due to deterioration from snow-removal activities.

Acquire Runway 4-22 Runway Protection Zones

In order to ensure land use is compatible with airport activities, two parcels of land that make up the runway protection zone for runway 4-22 will be acquired.

Relocate Sheffield Road

After the extension of Runway 4-22, Sheffield Road will be located within the runway protection zone (RPZ). Sheffield Road will be relocated outside of the current RPZ as well as the ultimate RPZ for planned future expansion.

Long-term (11+ years)**Phase 3 apron expansion (approx. 10,400 S.Y.)**

This project will expand the northwest corner of the existing apron. This expansion is needed to open up future hangar lots as well as produce additional surface parking for aircraft.

Partial parallel taxiway on Runway 12-30 (Taxiway A to 12 end)

The project will include the completion of the full-length parallel taxiway for Runway 12-30. The taxiway will eliminate the need for back taxiing on Runway 4-22 and will potentially lower the minimums for the approach procedures.

Acquire Runway 12-30 Runway Protection Zones

In order to ensure land use is compatible with airport activities, two parcels of land that make up the runway protection zone for runway 12-30 will be acquired.

Construct hangar taxilanes

Hangar development to the west of the apron will require access to the existing taxiway system. A series of taxilanes and taxiways will be constructed to allow access to the apron and the runway 4-22 parallel taxiway.

Relocate wind cone and segmented circle

Development of the hangar area to the west of the apron will require the relocation of the wind cone and segmented circle. The project will move the facility to the west of Runway 12-30 approximately 1,200 feet northwest of the 12 end.

Environmental Assessment for Runway 4-22 Extension

The environmental assessment will be prepared for the proposed extension of Runway 4-22 to allow for a determination well in advance of proposed construction.

Extend Runway 4-22 to 7,300 feet

Runway 4-22 will be extended to allow for higher approach category aircraft. The extension will lengthen the runway to the west approximately 1,600 feet.

Runway 12-30 rehabilitation

The last major rehabilitation project on Runway 4-22 was completed in 2008 and pavement conditions have reached critical. The project will also include a rehabilitation of the runway lighting circuit if necessary.

Routine pavement maintenance

Crack routing and sealing of all airport pavements to prolong the pavements serviceable life. Fog seal will be applied to oxidized pavement sections. Pavement markings will be re-applied to all areas with fog seal or deemed necessary due to deterioration from snow-removal activities.

Construct parallel taxiway for Runway 4-22

The project will include the construction of a full-length parallel taxiway for Runway 4-22. The parallel taxiway will eliminate the need to back-taxi on Runway 4-22 and will aid in development of instrument approach procedures with lower visibility minimums.

FY-2015 - REQUIRED								
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds		Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other				
Reconstruct RW 4-22	\$133,200.00	\$490,000.00	\$2,151,500.00	\$308,300.00	\$3,083,000.00	7/1/2015	6/30/2016	
Reconstruct Northwest Apron	\$61,320.00	\$0.00	\$262,500.00	\$35,980.00	\$359,800.00	7/1/2015	6/30/2016	
Pavement Maintenance RW-4-22	\$45,000.00	\$0.00	\$0.00	\$5,000.00	\$50,000.00	7/1/2015	6/30/2016	
Pavement Maintenance RW 12-30	\$820.00	\$107,000.00	\$0.00	\$11,980.00	\$119,800.00	7/1/2015	6/30/2016	
Northwest Apron Expansion	\$147,300.00	\$3,000.00	\$0.00	\$16,700.00	\$167,000.00	7/1/2015	6/30/2016	
TOTAL FY 2015	\$387,640.00	\$600,000.00	\$2,414,000.00	\$377,960.00	\$3,779,600.00			

FY-2016 - REQUIRED								
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds		Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other				
No Project	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
TOTAL FY 2016	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			

FY-2017 - REQUIRED								
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds		Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other				
Aeronautical Survey for RW 4-22 Threshold Relocation	\$0.00	\$135,000.00	\$0.00	\$15,000.00	\$150,000.00	7/1/2017	12/31/2018	
TOTAL FY 2017	\$0.00	\$135,000.00	\$0.00	\$15,000.00	\$150,000.00			

FY-2018 - REQUIRED							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
No Project	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
TOTAL FY 2018	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

FY-2019 - REQUIRED							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
No Project	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
TOTAL FY 2019	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

FY-2020 - REQUIRED							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
Reconfigure TWB / Runway Intersection	\$500,400.00	\$0.00	\$0.00	\$55,600.00	\$556,000.00	7/1/2020	12/31/2021
Pavement Maintenance Runways	\$0.00	\$76,500.00	\$0.00	\$8,500.00	\$85,000.00	7/1/2020	12/31/2021
Pavement Maintenance Taxiways	\$0.00	\$36,000.00	\$0.00	\$4,000.00	\$40,000.00	7/1/2020	12/31/2021
Pavement Maintenance Apron	\$0.00	\$36,000.00	\$0.00	\$4,000.00	\$40,000.00	7/1/2020	12/31/2021
FBO Apron Expansion	\$0.00	\$145,350.00	\$0.00	\$16,150.00	\$161,500.00	7/1/2017	12/31/2018
Relocate Helipad	\$0.00	\$63,720.00	\$0.00	\$7,080.00	\$70,800.00	7/1/2017	12/31/2018
TOTAL FY 2020	\$500,400.00	\$357,570.00	\$0.00	\$95,330.00	\$953,300.00		

FY-2021 - REQUIRED							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
Environmental Assessment for Land and Future Improvements	\$0.00	\$90,000.00	\$0.00	\$10,000.00	\$100,000.00		
TOTAL FY 2021	\$0.00	\$90,000.00	\$0.00	\$10,000.00	\$100,000.00		
TOTAL FY 2015-2021	\$888,040.00	\$1,092,570.00	\$2,414,000.00	\$488,290.00	\$4,882,900.00		

To the best of my knowledge and belief, all information shown on this Capital Improvement Plan is true and correct and has been duly authorized by the Sponsor.

Douglas Phair, Chairman (Date) Miles City Airport Commission

5-YEAR CAPITAL IMPROVEMENT PLAN FOR (Miles City Airport)

DATE: 1/15/2015

FY-2021 - REQUIRED											
Project Description: (by Funding Year in Priority Order)	FEDERAL FUNDS			LOCAL FUNDS		Total \$	Start Date	Completion Date			
	St. Aprmnt	NPE	Discretionary	Other							
Environmental Assessment for Land and Future Improvements	\$0.00	\$90,000.00	\$0.00	\$10,000.00	\$100,000.00						
TOTAL FY 2021	\$0.00	\$90,000.00	\$0.00	\$10,000.00	\$100,000.00						
TOTAL FY 2015-2021							\$888,040.00	\$1,092,570.00	\$2,414,000.00	\$488,290.00	\$4,882,900.00

To the best of my knowledge and belief, all information shown on this Capital Improvement Plan is true and correct and has been duly authorized by the Sponsor.

Douglas Phair 1/15/15
 (Date)
 Douglas Phair, Chairman
 Miles City Airport Commission

FY-2022								
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds		Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other				
Relocate Airport Perimeter Fence	\$292,050.00	\$0.00	\$0.00	\$32,450.00	\$324,500.00			
Runway 4-22 Extension/ Threshold Relocation	\$1,470,180.00	\$479,220.00	\$0.00	\$216,600.00	\$2,166,000.00			
Acquire RW 4-22 RPZ	\$0.00	\$16,200.00	\$0.00	\$1,800.00	\$18,000.00			
Relocate Sheffield Road	\$0.00	\$104,580.00	\$0.00	\$11,620.00	\$116,200.00			
TOTAL FY 2022	\$1,762,230.00	\$600,000.00	\$0.00	\$262,470.00	\$2,624,700.00			

FY-2023								
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds		Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other				
No Project	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
TOTAL FY 2023	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			

FY-2024								
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds		Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other				
No Project	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
TOTAL FY 2024	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			

FY-2025							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
Pavement Maintenance Runways	\$0.00	\$94,500.00	\$0.00	\$10,500.00	\$105,000.00		
Pavement Maintenance Taxiways	\$0.00	\$49,500.00	\$0.00	\$5,500.00	\$55,000.00		
Pavement Maintenance Apron	\$0.00	\$49,500.00	\$0.00	\$5,500.00	\$55,000.00		
Parallel Taxiway for RW 12-30				\$450,000.00	\$4,500,000.00		
Acquire Land for RW 12-30 Runway Protection Zones (8.0 Acres)				\$8,000.00	\$80,000.00		
TOTAL FY 2025	\$1,762,230.00	\$600,000.00	\$0.00	\$262,470.00	\$2,624,700.00		

FY-2026							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
No Project	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
TOTAL FY 2026	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

FY-2027							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
No Project	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
TOTAL FY 2027	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

FY-2028							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
Runway 12-30 Rehabilitation (mill and overlay)				\$400,000.00	\$4,000,000.00		
TOTAL FY 2028	\$0.00	\$0.00	\$0.00	\$400,000.00	\$4,000,000.00		

FY-2029							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
No Project	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
TOTAL FY 2029	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		

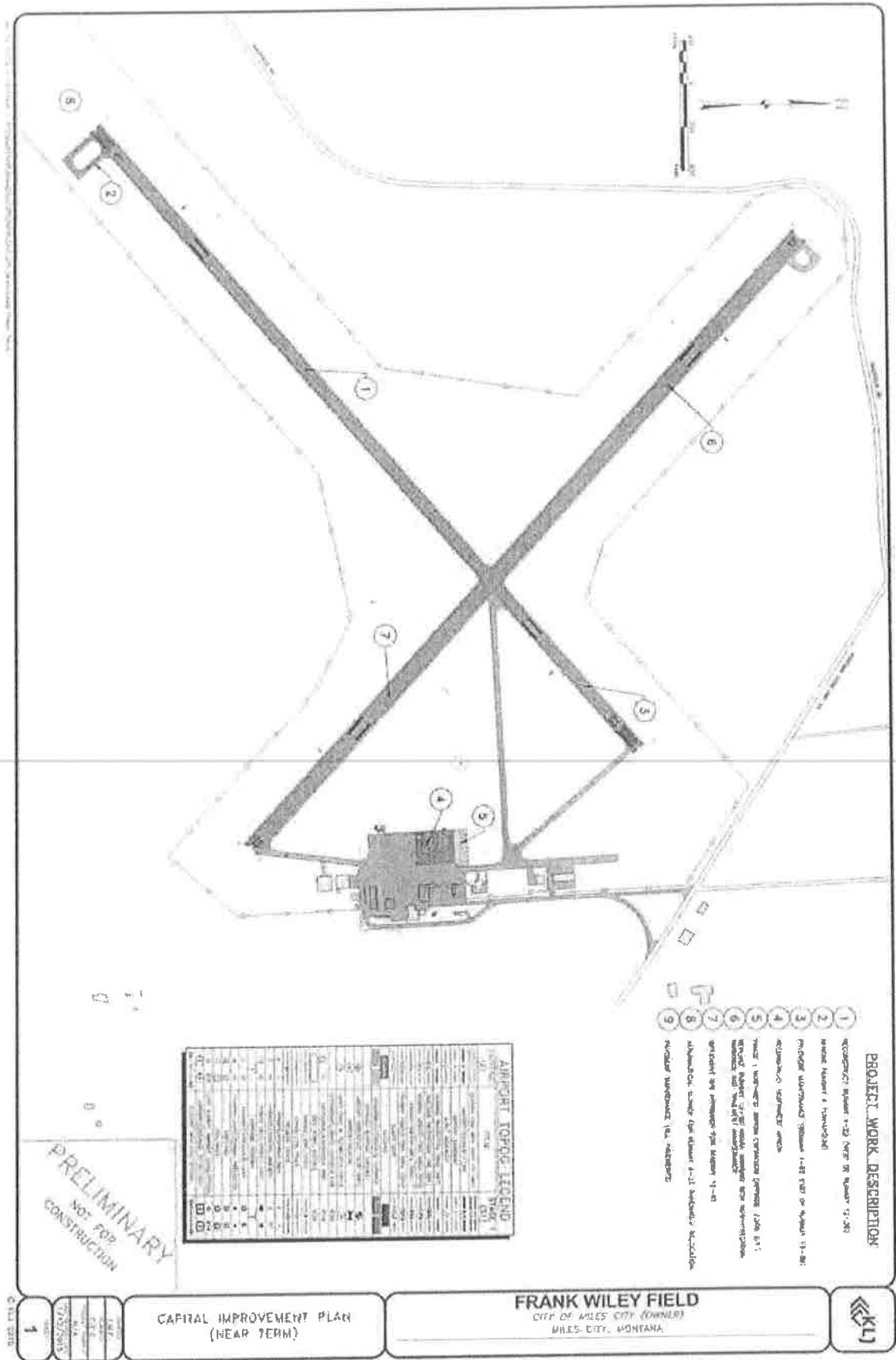
FY-2030							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
Pavement Maintenance Runways	\$0.00	\$94,500.00	\$0.00	\$8,500.00	\$105,000.00		
Pavement Maintenance Taxiways	\$0.00	\$49,500.00	\$0.00	\$5,500.00	\$55,000.00		
Pavement Maintenance Apron	\$0.00	\$49,500.00	\$0.00	\$5,500.00	\$55,000.00		
Construct Hangar Access Taxilanes				\$325,000.00	\$3,250,000.00		
Relocate Windcone and Segmented Circle				\$2,500.00	\$25,000.00		
TOTAL FY 2030	\$0.00	\$193,500.00	\$0.00	\$347,000.00	\$3,490,000.00		

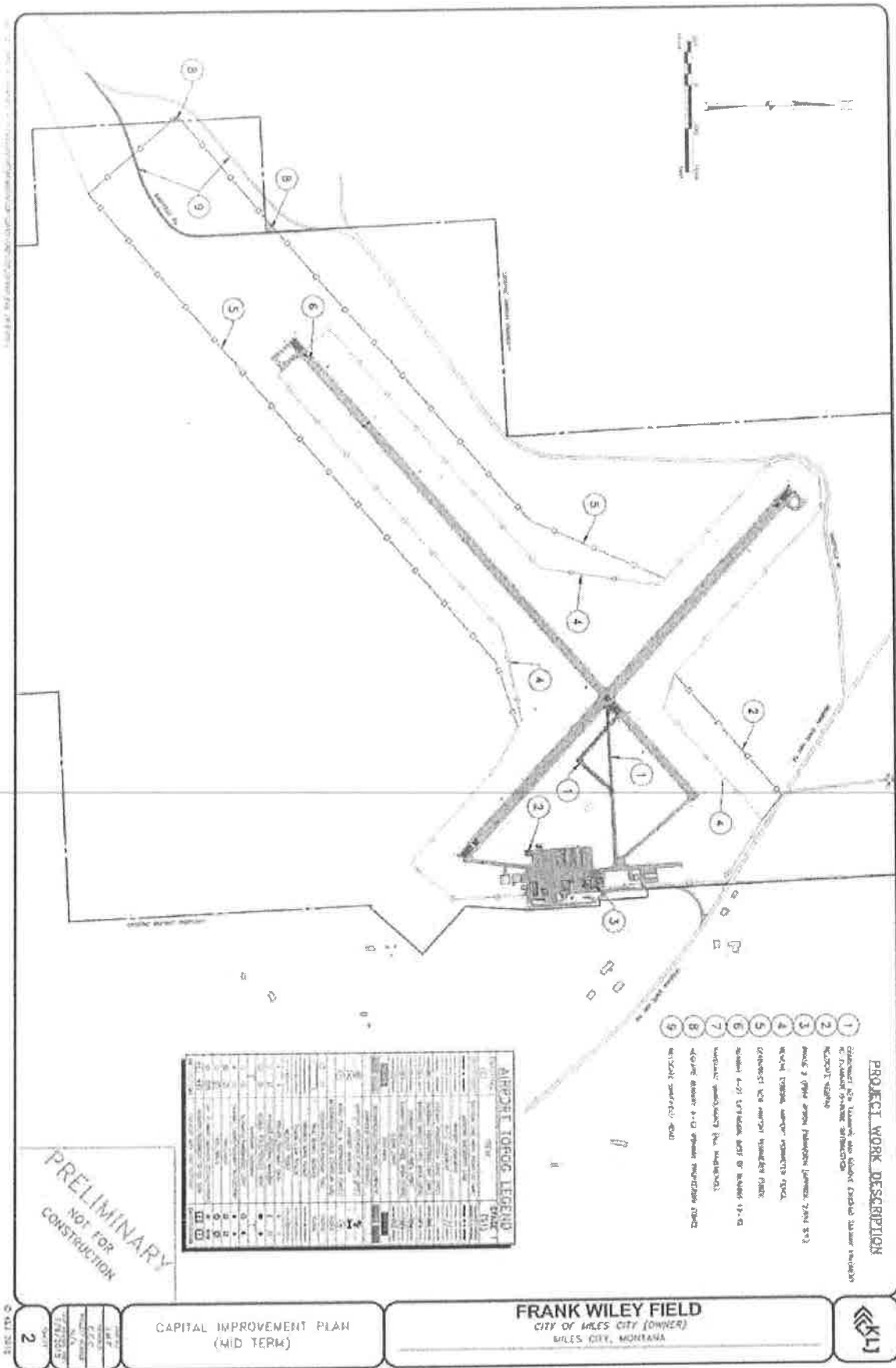
FY-2031							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
Environmental Assessment for RW 4-22 Extension to 7,300-feet				\$7,500.00	\$75,000.00		
Environmental Assessment for RW 4-22 Parallel Taxiway				\$7,500.00	\$75,000.00		
TOTAL FY 2031	\$0.00	\$0.00	\$0.00	\$15,000.00	\$150,000.00		

FY-2032							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
Parallel Taxiway for RW 4-22 (Earthwork and Drainage)				\$400,000.00	\$4,000,000.00		
TOTAL FY 2032	\$0.00	\$0.00	\$0.00	\$400,000.00	\$4,000,000.00		

FY-2033							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
Parallel Taxiway for RW 4-22 (Paving and Electrical)				\$350,000.00	\$3,500,000.00		
TOTAL FY 2033	\$0.00	\$0.00	\$0.00	\$350,000.00	\$3,500,000.00		

FY-2034							
Product Description (by Funding Year in Priority Order)	Federal Funds			Local Funds	Total	Start Date	Completion Date
	St. Aprmnt	NPE	Discretionary	Other			
Phase III Apron Expansion (10,400 SY)				\$75,000.00	\$750,000.00		
Runway 4-22 Extension to 7,300 LF				\$286,000.00	\$2,860,000.00		
Parallel Taxiway for RW 4-22 Extension				\$140,000.00	\$1,400,000.00		
TOTAL FY 2034	\$0.00	\$0.00	\$0.00	\$501,000.00	\$5,010,000.00		





APPENDIX C

CONCEPTUAL ESTIMATE OF PROJECT COSTS Miles City Long Range Transportation Plan

Re-Align Truck Route				Signing / striping to re-route truck route
ITEM	ESTIMATED QUANTITY	ESTIMATED UNIT COST	EXTENDED COST	NOTES
Asphalt (4")	4,500	\$20.00 /sq.yd.	\$90,000	Reconstruct 1,000 LF of Leighton Blvd. b/w Montana & Woodbury
Road Base (12")	4,500	\$10.00 /sq.yd.	\$45,000	Reconstruct 1,000 LF of Leighton Blvd. b/w Montana & Woodbury
Grading (Uncl.Ex)	1,500	\$10.00 /cu.yd.	\$15,000	Reconstruct 1,000 LF of Leighton Blvd. b/w Montana & Woodbury
Borrow		\$15.00 /cu.yd.	\$0	
Curb/Gutter	650	\$15.00 /lin.ft.	\$9,750	
Sidewalk	300	\$30.00 /sq.yd.	\$9,000	
Utilities		\$75,000.00 /mile	\$0	
Drainage (Storm Inlets/Pipes)		\$300,000.00 /mile	\$0	
Signing/Striping	2.00	\$90,000.00 /mile	\$180,000	
Lighting		\$400,000.00 /mile	\$0	
Const. Traffic Control	0.20	\$85,000.00 /mile	\$17,000	
Misc. Major Elements				
Drainage Structures		\$75,000.00 /each	\$0	
Canal Structures		\$150,000.00 /each	\$0	
Traffic Signals		\$300,000.00 /each	\$0	
		/each	\$0	
		/each	\$0	
SUB-TOTAL			\$365,750	
Engineering/Design/Const. Serv. (20%)			\$73,150	
R.O.W. (purchase)	22,000	\$2.00 /sq.ft.	\$44,000	South side of Leighton Blvd b/w Montana & Woodbury
Relocate Res.	2	\$300,000.00 /each	\$600,000	
Relocate Bus. or Comm. Estab.		\$400,000.00 /each	\$0	
SUB-TOTAL			\$1,082,900	
Contingency (20%)			\$216,580	
GRAND TOTAL			\$1,299,480	

CONCEPTUAL ESTIMATE OF PROJECT COSTS Miles City Long Range Transportation Plan

Broadus interchange				replace bridges and construct roundabouts
ITEM	ESTIMATED QUANTITY	ESTIMATED UNIT COST	EXTENDED COST	NOTES
Asphalt (4")		\$20.00 /sq.yd.	\$0	
Road Base (12")		\$10.00 /sq.yd.	\$0	
Grading (Uncl.Ex)		\$10.00 /cu.yd.	\$0	
Borrow		\$15.00 /cu.yd.	\$0	
Curb/Gutter		\$15.00 /lin.ft.	\$0	
Sidewalk		\$30.00 /sq.yd.	\$0	
Utilities		\$75,000.00 /mile	\$0	
Drainage (Storm Inlets/Pipes)		\$300,000.00 /mile	\$0	
Signing/Striping	0.20	\$90,000.00 /mile	\$18,000	
Lighting		\$400,000.00 /mile	\$0	
Const. Traffic Control	0.20	\$85,000.00 /mile	\$17,000	
Misc. Major Elements				
Drainage Structures		\$75,000.00 /each	\$0	
Bridge	18,000	\$150.00 /sq ft	\$2,700,000	40 ft width X (230' + 220') length
Traffic Signals		\$300,000.00 /each	\$0	
Roundabouts	2	\$1,500,000.00 /each	\$3,000,000	
		/each	\$0	
SUB-TOTAL			\$5,735,000	
Engineering/Design/Const. Serv. (20%)			\$1,147,000	
R.O.W. (purchase)	5,000	\$2.00 /sq.ft.	\$10,000	
Relocate Res.		\$300,000.00 /each	\$0	
Relocate Bus. or Comm. Estab.		\$400,000.00 /each	\$0	
SUB-TOTAL			\$6,892,000	
Contingency (20%)			\$1,378,400	
GRAND TOTAL			\$8,270,400	

CONCEPTUAL ESTIMATE OF PROJECT COSTS
Miles City Long Range Transportation Plan

Dickinson St extension - S Haynes Ave to S Moorehead Ave				Extend Dickinson St to S Haynes Ave
ITEM	ESTIMATED QUANTITY	ESTIMATED UNIT COST	EXTENDED COST	NOTES
Asphalt (4")	3,000	\$20.00 /sq.yd.	\$60,000	
Road Base (12")	3,000	\$10.00 /sq.yd.	\$30,000	
Grading (Uncl.Ex.)	750	\$10.00 /cu.yd.	\$7,500	
Borrow	750	\$15.00 /cu.yd.	\$11,250	
Curb/Gutter	1,300	\$15.00 /lin.ft.	\$19,500	
Sidewalk	300	\$30.00 /sq.yd.	\$9,000	
Utilities	0.15	\$75,000.00 /mile	\$11,250	
Drainage (Storm Inlets/Pipes)		\$300,000.00 /mile	\$0	
Signing/Striping	0.15	\$90,000.00 /mile	\$13,500	
Lighting		\$400,000.00 /mile	\$0	
Const. Traffic Control	0.15	\$85,000.00 /mile	\$12,750	
Misc. Major Elements				
Drainage Structures		\$75,000.00 /each	\$0	
Canal Structures		\$150,000.00 /each	\$0	
Traffic Signals		\$300,000.00 /each	\$0	
		/each	\$0	
		/each	\$0	
SUB-TOTAL			\$174,750	
Engineering/Design/Const. Serv. (20%)			\$34,950	
R.O.W. (purchase)	27,500	\$2.00 /sq.ft.	\$55,000	
Relocate Res.		\$300,000.00 /each	\$0	
Relocate Bus. or Comm. Estab.		\$400,000.00 /each	\$0	
SUB-TOTAL			\$264,700	
Contingency (20%)			\$52,940	
GRAND TOTAL			\$317,640	

CONCEPTUAL ESTIMATE OF PROJECT COSTS
Miles City Long Range Transportation Plan

Spotted Eagle Grade Crossing Protection				Install gates at railroad crossing
ITEM	ESTIMATED QUANTITY	ESTIMATED UNIT COST	EXTENDED COST	NOTES
Asphalt (4")		\$20.00 /sq.yd.	\$0	
Road Base (12")		\$10.00 /sq.yd.	\$0	
Grading (Uncl.Ex.)		\$10.00 /cu.yd.	\$0	
Borrow		\$15.00 /cu.yd.	\$0	
Curb/Gutter		\$15.00 /lin.ft.	\$0	
Sidewalk		\$30.00 /sq.yd.	\$0	
Utilities		\$75,000.00 /mile	\$0	
Drainage (Storm Inlets/Pipes)		\$300,000.00 /mile	\$0	
Signing/Striping	0.10	\$90,000.00 /mile	\$9,000	
Lighting		\$400,000.00 /mile	\$0	
Const. Traffic Control	0.10	\$85,000.00 /mile	\$8,500	
Misc. Major Elements				
Drainage Structures		\$75,000.00 /each	\$0	
Canal Structures		\$150,000.00 /each	\$0	
Traffic Signals		\$300,000.00 /each	\$0	
Railroad X-Ing Gates	1	\$250,000.00 /each	\$250,000	
		/each	\$0	
SUB-TOTAL			\$267,500	
Engineering/Design/Const. Serv. (20%)			\$53,500	
R.O.W. (purchase)		\$2.00 /sq.ft.	\$0	
Relocate Res.		\$300,000.00 /each	\$0	
Relocate Bus. or Comm. Estab.		\$400,000.00 /each	\$0	
SUB-TOTAL			\$321,000	
Contingency (20%)			\$64,200	
GRAND TOTAL			\$385,200	

CONCEPTUAL ESTIMATE OF PROJECT COSTS
Miles City Long Range Transportation Plan

Southgate Secondary Connection				provide second connection to the Southgate Subdivision
ITEM	ESTIMATED QUANTITY	ESTIMATED UNIT COST	EXTENDED COST	NOTES
Asphalt (4")	40,000	\$20.00 /sq.yd.	\$800,000	
Road Base (12")	40,000	\$10.00 /sq.yd.	\$400,000	
Grading (Uncl.Ex.)	20,000	\$10.00 /cu.yd.	\$200,000	
Borrow	20,000	\$15.00 /cu.yd.	\$300,000	Area for realignment requires considerable embankment
Curb/Gutter		\$15.00 /lin.ft.	\$0	Assme rural section w/o curb
Sidewalk		\$30.00 /sq.yd.	\$0	Assume rural section w/o sidewalk
Utilities	1.70	\$75,000.00 /mile	\$127,500	
Drainage (Storm Inlets/Pipes)	1.70	\$300,000.00 /mile	\$510,000	
Signing/Striping	1.70	\$90,000.00 /mile	\$153,000	
Lighting	0.20	\$400,000.00 /mile	\$80,000	
Const. Traffic Control	1.70	\$85,000.00 /mile	\$144,500	
Misc. Major Elements		\$120.00		
Drainage Structures		\$75,000.00 /each	\$0	
Canal Structures		\$150,000.00 /each	\$0	
Traffic Signals		\$300,000.00 /each	\$0	
SUB-TOTAL			\$2,715,000	
Engineering/Design/Const. Serv. (20%)			\$543,000	
R.O.W. (purchase)	360,000	\$2.00 /sq.ft.	\$720,000	
Relocate Res.		\$300,000.00 /each	\$0	
Relocate Bus. or Comm. Estab.		\$400,000.00 /each	\$0	
SUB-TOTAL			\$3,978,000	
Contingency (20%)			\$795,600	
GRAND TOTAL			\$4,773,600	

CONCEPTUAL ESTIMATE OF PROJECT COSTS
Miles City Long Range Transportation Plan

Signal Butte / Love Ln				improve Signal Butte Rd / Love Lane so it can be classified as a collector
ITEM	ESTIMATED QUANTITY	ESTIMATED UNIT COST	EXTENDED COST	NOTES
Asphalt (4")	16,000	\$20.00 /sq.yd.	\$320,000	
Road Base (12")	16,000	\$10.00 /sq.yd.	\$160,000	
Grading (Uncl.Ex.)	5,500	\$10.00 /cu.yd.	\$55,000	
Borrow	5,500	\$15.00 /cu.yd.	\$82,500	
Curb/Gutter		\$15.00 /lin.ft.	\$0	Assme rural section w/o curb
Sidewalk		\$30.00 /sq.yd.	\$0	Assume rural section w/o sidewalk
Utilities		\$75,000.00 /mile	\$0	
Drainage (Storm Inlets/Pipes)	0.70	\$300,000.00 /mile	\$210,000	
Signing/Striping	0.70	\$90,000.00 /mile	\$63,000	
Lighting	0.20	\$400,000.00 /mile	\$80,000	
Const. Traffic Control	0.70	\$85,000.00 /mile	\$59,500	
Misc. Major Elements				
Drainage Structures		\$75,000.00 /each	\$0	
Canal Structures		\$150,000.00 /each	\$0	
Traffic Signals		\$300,000.00 /each	\$0	
SUB-TOTAL			\$1,030,000	
Engineering/Design/Const. Serv. (20%)			\$206,000	
R.O.W. (purchase)		\$2.00 /sq.ft.	\$0	
Relocate Res.		\$300,000.00 /each	\$0	
Relocate Bus. or Comm. Estab.		\$400,000.00 /each	\$0	
SUB-TOTAL			\$1,236,000	
Contingency (20%)			\$247,200	
GRAND TOTAL			\$1,483,200	

CONCEPTUAL ESTIMATE OF PROJECT COSTS
Miles City Long Range Transportation Plan

Dike Rd construction				Construct roadway along proposed levee
ITEM	ESTIMATED QUANTITY	ESTIMATED UNIT COST	EXTENDED COST	NOTES
Asphalt (4")	50,500	\$20.00 /sq.yd.	\$1,010,000	
Road Base (12")	50,500	\$10.00 /sq.yd.	\$505,000	
Grading (Uncl.Ex.)	31,500	\$10.00 /cu.yd.	\$315,000	Assume 1 ft. depth over ROW for length of project.
Borrow	31,500	\$15.00 /cu.yd.	\$472,500	
Curb/Gutter		\$15.00 /lin.ft.	\$0	Assume rural section w/o curb
Utilities	0.50	\$75,000.00 /mile	\$37,500	Assume utility conflicts only where road exists
Drainage (Storm Inlets/Pipes)	1.50	\$300,000.00 /mile	\$450,000	Reduced cost for rural construction
Signing/Striping	2.15	\$90,000.00 /mile	\$193,500	
Lighting		\$400,000.00 /mile	\$0	Lighting only major intersections
Const. Traffic Control	0.10	\$85,000.00 /mile	\$8,500	Only required were route follows existing roads
Misc. Major Elements				
Drainage Structures	4	\$75,000.00 /each	\$300,000	Misc. small drainageway crossings.
Canal Structures		\$150,000.00 /each	\$0	
Traffic Signals		\$300,000.00 /each	\$0	
Environmental Mitigation	1	\$100,000.00 /each	\$100,000	
SUB-TOTAL			\$3,392,000	
Engineering/Design/Const. Serv. (20%)			\$678,400	
R.O.W. (purchase)		\$25,000.00 /Ac.	\$0	90 ft. ROW where new road is being constructed.
Relocate Res.		\$300,000.00 /each	\$0	
Relocate Bus. or Comm. Estab.		\$400,000.00 /each	\$0	
SUB-TOTAL			\$4,070,400	
Contingency (20%)			\$814,080	
GRAND TOTAL			\$4,884,480	

CONCEPTUAL ESTIMATE OF PROJECT COSTS
Miles City Long Range Transportation Plan

Baker Highway Grade-Separated X-ing				Crossing over/under Valley Dr E connecting Dike Rd and US-12
ITEM	ESTIMATED QUANTITY	ESTIMATED UNIT COST	EXTENDED COST	NOTES
Asphalt (4")	1,200	\$20.00 /sq.yd.	\$24,000	
Road Base (12")	1,200	\$10.00 /sq.yd.	\$12,000	
Grading (Uncl.Ex.)	1,000	\$10.00 /cu.yd.	\$10,000	
Borrow	1,000	\$15.00 /cu.yd.	\$15,000	
Utilities		\$75,000.00 /mile	\$0	
Drainage (Storm Inlets/Pipes)	0.30	\$400,000.00 /mile	\$120,000	
Signing/Striping	0.30	\$90,000.00 /mile	\$27,000	
Lighting		\$400,000.00 /mile	\$0	
Const. Traffic Control	0.30	\$85,000.00 /mile	\$25,500	Only required were route follows existing roads
Misc. Major Elements				
Drainage Structures		\$75,000.00 /each	\$0	Misc. small drainageway crossings.
Canal Structures		\$150,000.00 /each	\$0	
Traffic Signals		\$300,000.00 /each	\$0	
Overpass Bridges	60,000	\$150.00 /sq.ft.	\$9,000,000	Assume 1500 ft. span
Environmental Mitigation	1	\$200,000.00 /each	\$200,000	
SUB-TOTAL			\$9,433,500	
Engineering/Design/Const. Serv. (20%)			\$1,886,700	
R.O.W. (purchase)		\$25,000.00 /Ac.	\$0	90 ft. ROW for new road, 60 ft. for existing route.
Relocate Res.		\$300,000.00 /each	\$0	
Relocate Bus. or Comm. Estab.		\$400,000.00 /each	\$0	
SUB-TOTAL			\$11,320,200	
Contingency (20%)			\$2,264,040	
GRAND TOTAL			\$13,584,240	

CONCEPTUAL ESTIMATE OF PROJECT COSTS
Miles City Long Range Transportation Plan

Cemetery Road Improvements				Improve Cemetery Road to a collector to serve future traffic
ITEM	ESTIMATED QUANTITY	ESTIMATED UNIT COST	EXTENDED COST	NOTES
Asphalt (4")	38,750	\$20.00 /sq yd.	\$775,000	Assumes complete reconstruction of Cemetery Rd
Road Base (12")	38,750	\$10.00 /sq yd.	\$387,500	Assumes complete reconstruction of Cemetery Rd
Grading (Uncl.Ex)	25,900	\$10.00 /cu yd	\$259,000	Assume 2 ft depth over ROW for length of project
Borrow	5,000	\$15.00 /cu.yd.	\$75,000	
Curb/Gutter		\$15.00 /lin.ft.	\$0	Assume rural section w/o curb
Utilities	0.50	\$75,000.00 /mile	\$37,500	Assume utility conflicts only where road exists
Drainage (Storm inlets/Pipes)	0.50	\$300,000.00 /mile	\$150,000	Reduced cost for rural construction
Signing/Striping	1.70	\$90,000.00 /mile	\$153,000	
Lighting		\$400,000.00 /mile	\$0	Lighting only major intersections
Const. Traffic Control	1.70	\$85,000.00 /mile	\$144,500	Only required were route follows existing roads
Misc. Major Elements				
Drainage Structures		\$75,000.00 /each	\$0	
Canal Structures		\$150,000.00 /each	\$0	
Traffic Signals		\$300,000.00 /each	\$0	
SUB-TOTAL			\$1,981,500	
Engineering/Design/Const. Serv. (20%)			\$396,300	
R.O.W. (purchase)		\$25,000.00 /Ac.	\$0	90 ft. ROW for new road, 60 ft. for existing route
Relocate Res.		\$300,000.00 /each	\$0	
Relocate Bus. or Comm. Estab.		\$400,000.00 /each	\$0	
SUB-TOTAL			\$2,377,800	
Contingency (20%)			\$475,580	
GRAND TOTAL			\$2,853,380	

MILES CITY TRANSPORTATION CAPITAL IMPROVEMENTS PLAN

Project Description	Estimated Cost	Rationale	Comment	RD CF	INTE RCAP
ROADWAYS					
Dickinson Street extension	\$320,000	Provide additional connection to S Haynes Ave	Short Term	X	X
Broadus interchange improvement	\$8.3 million	Upgrade bridges; construct roundabouts	Short Term	X	X
Haynes Ave Corridor / Access Management Study	\$50,000	Address safety and operations	Short Term	X	X
Main St / Valley Dr / Center Ave Intersection Study	\$30,000	Address operations and safety	Short Term	X	X
Valley Dr / Leighton Blvd Intersection Study	\$30,000	Address operations and safety	Short Term	X	X
Main St Signal Timing Study	\$50,000	Address operations along Main St in downtown corridor	Short Term	X	X
I-94 Leighton Blvd interchange feasibility study	\$75,000	Additional connection to I-94, easier connection to proposed truck route change	Short Term	X	X
Improve Protection at Spotted Eagle Road Grade Crossing	\$385,000	Add crossing protection	Long Term	X	X
Dike Road	\$4,900,000	Address safety and operations	Long Term	X	X
Grade-Separated Crossing at Baker Highway	\$13,500,000	Provide connection from proposed Levee Rd to US 12	Long Term	X	X
Cemetery Rd improvements	\$2,900,000	Address future safety and operations	Long Term	X	X
Signal Butte Rd / Love Ln improvements	\$1,500,000	Address future safety and operations	Long Term	X	X
Secondary Southgate connection	\$4,800,000	Provide second access to Southgate Subdivision	Long Term	X	X
FREIGHT AND RAIL					
Re-Route Truck Route	\$1,300,000	Provide more direct truck route	Short Term	X	
Intermodal Rail/Truck Transloading Facility	\$20-30 million	Improve commerce, reduce truck traffic	Long Term	X	

APPENDIX D

Projects & Funding Sources

OUTSIDE FUNDING SOURCE ELIGIBILITY

TSEP Planning	TSEP Construction	CDBG	NHPP	STBG	HSIP	SID	TIF	MCSAP	Coal Board	Big Sky Trust	FAA Grant	MT Aeronautics Grant	MT Aeronautics Loan
									X				
X	X		X	X					X				
			X	X	X				X				
									X				
		X							X				
		X							X				
									X				
									X				
X	X		X	X	X				X				
						X			X				
						X			X				
						X			X				
								X	X	X			
						X	X		X	X			

MILES CITY TRANSPORTATION CAPITAL IMPROVEMENTS PLAN

Project Description	Estimated Cost	Rationale	Comment	RD CF	INTE RCAP
AIRPORT FACILITIES					
Obtain instrument approach procedures for Runway 12-30	??	In order to provide lower approach minimums			
Aeronautical survey for Runway 4-22	\$140,000	Threshold relocation and an e-alp update			
Construction of apron access and partial parallel taxiways	\$560,000	Construction of taxiway system beginning at approximate midpoint of Taxiway B heading west perpendicular to Runway 12-30 intersecting with a partial parallel taxiway from Runway 22 to eliminate 5-node intersection. Sections of taxiway B between partial parallel and hangar access taxiways will also			
Relocate helipad to southwest corner of existing apron	\$71,000	remove conflicts with high-traffic area			
Phase 2 (FBO) apron expansion	\$162,000	Apron expansion in northeast corner of existing apron area to serve as access for large FBO building			
Routine pavement maintenance	\$165,000	includes crack routing/sealing and fog seal and application of pavement markings for all airport pavements			
Relocate airport perimeter fence	\$325,000	For proposed expansion of Runway 4-22. Will be relocated to include runway protection zone and 600 feet from runway centerline to account for future clearance requirements			
Relocate Runway 4-22 threshold and extend Runway 4	\$2.2 million	MT 59 currently traverses the runway protection zone of Runway 22. Relocating the runway will shift the RPZ and establish proper clearance of the area. To maintain runway length at 5,700 ft, Runway 4-22 will be extended to the SW to match distance of Runway 4 threshold relocation.			
Land Acquisition	\$18,000	Acquire two parcels of land within the runway protection zone for Runway 4-22			
Relocate Sheffield Road	\$120,000	After the extension of Runway 4-22, Sheffield Road will be relocated within the RPZ			
Routine pavement maintenance	\$165,000	includes crack routing/sealing and fog seal and application of pavement markings for all airport pavements			
Phase 3 apron extension	\$750,000	Additional expansion to the northwest for additional hangar lots as well as additional surface parking for aircraft	approximately 10,400 SY		
Parallel taxiway on Runway 12-30 (from Taxiway A to 12 end)	\$4.5 million	Complete full-length parallel taxiway for Runway 12-30 to eliminate back taxiing on Runway 4-22 and potentially lower the minimums for the approach procedures			
Land Acquisition	\$80,000	Acquire land within the RPZ for Runway 12-30			
Construct hangar taxi lanes for future hangar development to west	\$3,300	A series of taxi lanes and taxiways will be constructed to allow access to the apron and the Runway 4-22 parallel taxiway			
Relocate wind cone and segmented circle	\$25,000	Future hangar development to the west will require relocating the wind cone and segmenting circle. The project will move these west of Runway 12-30.	Approximately 1,200 feet northwest of the end of		
Environmental Assessment	\$100,000	Extension of Runway 4-22			

MILES CITY TRANSPORTATION CAPITAL IMPROVEMENTS PLAN

Project Description	Estimated Cost	Rationale	Comment	RD CF	INTE RCAP
Extention of Runway 4-22	\$2.9 million	Extension is approximately 1,600 ft to a total length of 7,300 ft to allow for higher approach category			
Runway 12-30 rehab	\$4 million	The last rehabilitation was completed in 2008. The project will also include runway lighting circuitry if necessary.			
Routine pavement maintenance	\$215,000	includes crack routing/sealing and fog seal and application of pavement markings for all airport pavements			
Construct full-length parallel taxiway for Runway 4-22	\$7.5 million	to eliminate need to back-taxi on Runway 4-22 and aid development of instrument approach procedures with lower visibility minimums			

OUTSIDE FUNDING SOURCE ELIGIBILITY

TSEP Planning	TSEP Construction	CDBG	NHPP	STBG	HSIP	SID	TIF	MCSAP	Coal Board	Big Sky Trust	FAA Grant	MT Aeronautics Grant	MT Aeronautics Loan
											X	X	X
											X	X	X
											X	X	X
											X	X	X

MILES CITY TRANSPORTATION CAPITAL IMPROVEMENTS PLAN

Project Description	Estimated Cost	Rationale	Comment	RD CF	INTE RCAP
BICYCLE AND PEDESTRIAN					
Sidewalk 1: Woodland Park	\$87,000	Establish connectivity along the south side of Edgewood St., west side of North Marriam Ave., and north side of Robinson St.			X
Sidewalk 2: Bender Park Perimeter	\$196,000	Establish a circuitous sidewalk around a major city			X
Sidewalk 3: Baker Addition	\$161,000	Provides east-west connectivity on Alice and Truscott Streets and the east side on Woodbury St.			X
Sidewalk 4: Garfield Elementary Neighborhood	\$118,000	Infill of linear gaps along the south side of Lincoln St., both sides of Roosevelt St., and along the east side of N. 7th St.			X
Sidewalk 5: Park Addition	\$167,000	Infill of a linear gap on the east side of N. Montana Ave., several spot gaps on Woodbury St., Phillips St., Gordon St. and Leighton Blvd.			X
Sidewalk 6: Hunters Addition	\$164,000	Infill of a corridor gap along State Highway 59/N. 7th St. from Tatro St. to Washington St.			X
Sidewalk 7: Milwaukee Park	\$190,000	Establishment of a sidewalk corridor on both sides of Tatro St., the north side of Lewis St. and spot gaps on N. 2nd St. and N. 3rd St.			X
Sidewalk 8: Gordon Addition	\$149,000	Corridor gap on N. 5th St., from William St. to Washington St., sidewalk on the north side of Hubbel St., and connectivity to the Milwaukee Park neighborhood			X
Sidewalk 9: Riverside Park	\$189,000	Linear gap to establish sidewalk along the north side of Pleasant St., from N. 5th St. to Dike Rd. and misc. spot gap infills on N. 2nd St. & Orr Street. Also includes linear gap along the north side of Pacific Avenue and Riverside Park connections from the existing walk, across the track to S. 4th St.			X
Sidewalk 10: Original Townsite	\$120,000	Sidewalk along the south side of Yellowstone Avenue and misc. spot gap infill on S. 4th, 5th and 6th Streets			X
Sidewalk 11: N. Snyder Addition	\$155,000	Linear gap on the north side of Tompy St. and Butler St., misc. spot gap infill on Center, Lake and Custer			X
Sidewalk 12: Leighton Garlocks	\$153,000	Corridor gap on the south side of Brisbin St. from Strevelle Ave. to Prairie Ave.			X
Sidewalk 13: Highland Park	\$150,000	Linear gap on the north side of Butler St., spot gaps on S. Merriam Ave., Cale Ave., Earling Ave. and			X
Sidewalk 14: Pioneer Meadows	\$184,000	Linear gap on Tompy St. from Moorehead Ave. to S. Haynes Ave.			X
Sidewalk 15: Steadmans Ace	\$314,000	Neighborhood gap bordered and within Dickinson St., S. Haynes Ave., Comstock St. and S. Sewell Ave.			X
Sidewalk 16: Highland Park N.	\$133,000	Spot gap infill along Dickinson St., Earling Ave., Stower St., Brisbin St.			X
Sidewalk 17: S. Snyder Addition	\$137,000	Corridor gap on both sides of Dickinson St. from Strevelle Ave. to S. Montana Ave., and spot gap infill on Jordan Ave. and Custer Ave.			X
Sidewalk 18: Wibaux Park	\$184,000	Spot gap infill on Fort St., Pearl St., Bridge St. and linear gap on Bridge St. from Winchester Ave. to S. Legion Ave.			X
Sidewalk 19: Clark East Side	\$199,000	Spot gap infill on Pleasant St. Palmer St. and Stacy			X
Sidewalk 20: Eastside Addition	\$109,000	Corridor gap on Leighton Blvd. and spot gaps on Palmer St.			X
Sidewalk 21: Residence Park	\$154,000	Corridor gap on Leighton Blvd. N. Strevelle Ave.			X

OUTSIDE FUNDING SOURCE ELIGIBILITY

TSEP Planning	TSEP Construction	CDBG	NHPP	STBG	HSIP	SID	TIF	MCSAP	Coal Board	Big Sky Trust	FAA Grant	MT Aeronautics Grant	MT Aeronautics Loan
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
		X		X		X	X		X				
		X		X		X	X		X				
				X		X			X				
		X		X		X	X		X				
		X		X		X	X		X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X			X				

MILES CITY TRANSPORTATION CAPITAL IMPROVEMENTS PLAN

Project Description	Estimated Cost	Rationale	Comment	RD CF	INTE RCAP
Sidewalk 22: Frontage Road	\$376,000	Corridor gap on S. Haynes Ave.			X
Sidewalk 23: Southgate Meadows	\$209,500	Corridor gap on the north side of Horizon Parkway and west side of Ponderosa Dr.			X
Trail 24: Dike Road Trail	\$2,400,000	Approximately 4.0 miles of multi-use trail rebuilt along with the levy and maintenance road			X
Trail 25: Cemetery Road Trail	\$850,000	Approximately 1.4 miles of multi-use trail from Balsam Dr. to S. Haynes Ave.			X
Trail 26: Fairground loop completion & Spotted Eagle Trail connection	\$190,000	Approximately 0.3 miles of multi-use trail completing the existing loop & providing an off-street connection to Spotted Eagle			X
Trail 27: Truscott Street Trail	\$217,000	Approximately 0.4 miles of multi-use trail along Truscott St.			X
Trail 28: Wilderness Area Road Trail	\$239,000	Approximately 0.56 miles of multi-use trail connecting north downtown to the Tongue River			X
Trail 29: Water Plan Road Trail	\$339,124	Approximately 0.5 miles of multi-use trail			X

OUTSIDE FUNDING SOURCE ELIGIBILITY

TSEP Planning	TSEP Construction	CDBG	NHPP	STBG	HSIP	SID	TIF	MCSAP	Coal Board	Big Sky Trust	FAA Grant	MT Aeronautics Grant	MT Aeronautics Loan
				X		X			X				
				X		X			X				
		X		X		X	X		X				
				X		X			X				
				X		X			X				
				X		X			X				
				X		X	X		X				
				X		X			X				

RESOLUTION NO. 3994

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO CONTRACT WITH AGWA GRANT CONSULTING SERVICES, INC. FOR CONSULTING SERVICES RELATED TO FEMA GRANT WRITING FOR THE MILES CITY FIRE AND RESCUE DEPARTMENT.

WHEREAS, the City of Miles city desires to make application to the Federal Emergency Management Agency (FEMA) for two grants to assist in funding the Miles City Fire and Rescue Department;

AND WHEREAS the City of Miles City desires to enter into a consulting agreement with AGWA Grant Consulting Services, Inc. to research and complete two FEMA grant applications;

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

1. The Letter of Agreement between the City of Miles City, Montana and AGWA Grant Consulting Services, Inc., attached hereto as Exhibit "A", and made a part hereof, is hereby approved.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Consulting Agreement on behalf of the City of Miles City and bind the City of Miles City thereto; and
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Consulting Agreement 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 25th DAY OF OCTOBER, 2016.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

EXHIBIT A

AGWA Grant Consulting Services, Inc.

13801 Walsingham Rd., Ste A -410, Largo, FL 33774

Phone: 813-260-3035 Fax: 727-596-5192

EIN: 47-2375662

Website: <http://CertifiedGrantWriters.com>

E-mail: drporter@certifiedgrantwriters.com

LETTER OF AGREEMENT

This AGREEMENT dated as of the 25th day of October, 2016, is between

AGWA Grant Consulting Services, Inc., (“GCS”),

located at

13801 Walsingham Rd., Ste A -410

Largo, FL 33774

and

City of Miles City (“Client”)

located at

P. O. Box 910

Miles City, MT 59301

GCS and client desire to enter into a relationship whereby GCS will provide grant writing services to, and perform work for, Client on a one-time basis with a fixed project rate. The parties hereto agree as follows:

1.0 DEFINITIONS

1.1 “**Agreement**” means this Letter of Agreement.

1.2 “**GCS**” means the corporation specified above and, individually and collectively, the agents, employees, officers, principals, and consultants of such entity.

1.3 “**Client**” means the entity stated above and, individually and collectively, the agents, employees, officers, principals, subcontractors, and consultants of such entity.

1.4 “**Client Deliverables**” means all requested data and activities such as, but limited to:

- Registration with System for Award Management (SAM),
- Registration with grants.gov (or other submission portal),
- Organization’s EIN, DUNS, and NAICS numbers,
- Location(s) of project,
- Organization’s mission statement;

- Project detailed description and technical data to meet specifications required in the Notice;
- Project objectives and outcomes,
- Data required for the attachments,
- Providing the project budget including indirect base and indirect rate;
- Final Review of all documents,
- Affixing signature to submission documents, and
- Submitting applications by shipping or electronically, as required,
- All of the above in a timely manner.
- *Files and attachments must be sent as a Word.doc file

1.5 “Services” means researching and completing two applications for federal grant award (Assistance to Fire Fighters Grant {AFG} and Staffing for Adequate and Emergency Response {SAFER} grant) to fund Client’s program. Services include the following:

- Assistance in preparation of application narrative, budget, budget narrative, forms, certifications, assurances, and supporting attachments as required for a complete application as stated in the Notice of Funding Announcement published in the Federal Register.
- Draft documents based on client’s deliverables will be provided to client for review in a timely manner.
- At least 3 days prior to the published deadline, GCS will provide the final application electronically or by shipping service to Client so that the client may submit the application prior to the deadline.
- GCS will not, at any time, have control or custody of contributions.
- If the application is denied GCS will work on a follow-up proposal for the same purpose using the reviewers’ notes at no additional cost.

1.6 “Work Product” includes GCS’s entire right, title and interest in all documentation, data compilations, notes, notebooks, designs, drawings, models, writings, reports, sketches, specifications, memoranda, works of authorship and other data prepared and/or produced by GCS as a result of GCS’s work for Client, or delivered by GCS in the course of performing that work.

2.0 COMPENSATION

2.1 Compensation. For the Services performed by GCS, Client shall pay \$ 3,500.00 to *AGWA GCS* for services stated in 1.5. (AFG \$2,000 & SAFER \$1,500)

2.2 Payment. A Binding Fee of \$ 2,000.00 shall be *paid to AGWA GCS* upon signing of this contract. The balance of \$1,500 is due upon completion of both grant applications. Payment may be made by check and sent by regular mail to the address on this work agreement.

2.3 Responsibility. GCS shall be responsible for all costs and expenses incidental to the performance of the Services (including, without limitation, costs of labor, materials, supplies, and equipment), except as otherwise expressly agreed upon by the parties.

2.4 Termination of Services. Client retains the right to terminate services at any point. Client agrees to compensate GCS for work already performed by GCS on behalf of

Client at the rate of \$50.00 per hour not to exceed the agreed compensation stated in 2.1 above.

2.5 Non-responsive Client deliverables. If GCS cannot complete services due to non-responsive action by Client, such as not providing Client Deliverables, then GCS will issue a termination notice and Client agrees to compensate GCS for work already performed by GCS on behalf of Client at the rate of \$50.00 per hour not to exceed the agreed compensation stated in 2.1 above. If a refund is due to Client, GCS's check will be mailed within 10 business days after issuance of written termination notice.

2.6 Non-Exclusive Relationship. This Agreement is non-exclusive. GCS may perform work for others during the term of this Agreement, provided that such work does not interfere with GCS's performance of the Services under this Agreement.

3.0 SERVICES: SUPERVISION BY CLIENT

3.1 Method of Performing Services; Supervision

- (a) GCS shall provide the Services to Client in accordance with the terms and conditions of this Agreement. GCS shall generally determine the method, details and means of performing the Services. Client shall not have the right to control the exact manner or determine the precise method of performing the Services. Client may exercise a general right of supervision and control over the results of the Services performed by GCS to ensure satisfactory performance thereof. This power of supervision shall include the right to inspect, stop work, make suggestions or recommendations as to the details of the work, and request modifications to the Services.
- (b) GCS will at all times conduct the Services in a manner that will not adversely affect Client's business, operations, reputation and goodwill.

3.2 Scheduling and Reporting. GCS shall use his, her or its best efforts to accommodate Client's work schedule requests. If GCS is unable to perform the scheduled Services for causes beyond GCS's reasonable control, GCS shall perform such Services as soon as is reasonably practicable.

3.3 Ownership of Work Product. Without limiting any obligation or liability of the GCS under this Agreement each of the Parties hereto acknowledges, recognizes and agrees that, after the completion of GCS's work product, Client shall own all right, title and interest in all Intellectual Property in said work product.

4.0 WARRANTIES

4.1 Warranty. GCS warrants to Client that (i) GCS has all requisite right and authority to enter into this Agreement with Client and is duly authorized to do business in the state in which the Services are to be performed, (ii) all Services will be performed by GCS in accordance with this Agreement and all applicable laws, ordinances, codes, rules and regulations, and (iii) all Services will be performed by GCS in a good, skillful, competent and professional manner, in accordance with the best practices of the non-profit services industry.

4.2 Corrections. If any of the Services do not comply with the foregoing warranties, GCS shall correct the deficiency at his, her or its sole cost and expense within seven (7) days after Client's written request therefore.

5.0 INDEMNIFICATION

5.1 Indemnify. To the fullest extent permitted by law, GCS shall indemnify, defend and hold harmless Client and its officers, directors, employees, agents and affiliates from and against any and all claims, demands, actions, suits, proceedings, losses, damages, penalties, obligations, liabilities, costs and expenses (including, without limitations, reasonable attorneys' fees and disbursements) arising directly or indirectly, in whole or in part, from the performance of , or the failure to perform, the Services by GCS, the negligence or willful misconduct of GCS or the breach by GCS of his, her or its obligations under this Agreement, except to the extent arising from the sole negligence or willful misconduct of the Client. The foregoing indemnity shall apply to the acts and omissions of GCS's agents, employees, officers, and principals. Client shall have the right to offset against any compensation otherwise due GCS hereunder the amount of any claims, losses, damages, penalties, liabilities, costs or expenses to which Client is entitled to indemnification by GCS under this Section 5.1

6.0 MERGER AND INTEGRATION

6.1 Integration. This Agreement and the exhibits attached hereto contain the entire agreement of the parties with respect to the subject matter of this Agreement, and supersede all prior negotiations, agreements and understandings with respect thereto. This Agreement may only be amended or modified by a written document duly executed by all parties.

7.0 TERM: TERMINATION

7.1 Term. This Agreement is terminable upon completion of services, non-responsive action by Client, or circumstances beyond anyone's control, with a written notice of termination to the other party. Non-responsive action is defined as lack of Client response to GCS for the lesser of 30 days or by 10 days prior to a grant deadline. The termination of the Agreement and/or Services shall be effective upon GCS's and Client's receipt of such written notice unless otherwise expressly provided therein. Upon receipt of such notice, GCS shall immediately cease performing all Services and advise Client in writing of the extent to which the Services have been completed by GCS through the date of termination.

Provided that GCS is not in default under this Agreement, GCS shall be compensated for the Services performed by GCS through the date of termination in accordance with Section 2.4 above.

7.2 Waiver of Non-Compliance. No delay or failure on the part of a party in requiring strict performance of, or enforcing any rights under, this Agreement shall operate as a waiver of the same.

8.0 DISPUTE RESOLUTION

8.1 Dispute Resolution. It is intended that this contract be valid and enforceable under the laws of the state of Montana and that the laws of this state shall govern the contract's interpretation.

CLIENT

City of Miles City

Signature

John Hollowell

Print Name

Mayor

Title

Date: _____

GRANT CONSULTANT

AGWA Grant Consulting Services

John Porter

Signature

John Porter

Print Name

Certified Grant Writer®

Title

Date: 10/25/2016

RESOLUTION NO. 3995

A RESOLUTION ESTABLISHING WAGES AND SALARIES FOR CITY EMPLOYEES FOR FISCAL YEAR 2016-2017

WHEREAS, § 7-4-4201 MCA requires the City Council to determine by resolution or ordinance the compensation of city employees,

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

That the following wages and salaries paid to city employees for the fiscal year 2016-2017 shall be as follows:

POSITION	AMOUNT	FREQUENCY
Elected and Appointed		
City Council:	\$250.00	per month
City Court Judge:	\$1,833.99	per month
Mayor:	\$1,833.99	per month
Treasurer:	\$1,833.99	per month
City Attorney:	\$150.00	per hour
Deputy City Attorney:	\$3,000.00	per month
Historic Preservation Officer:	\$2,820.68	per month
Administrative/Finance		
City Clerk:	\$3,506.53	per month
Deputy City Clerk/Human Resource Officer:	\$3,274.34	per month
Accounting/Payroll Clerk:	\$2,887.73	per month
General Office Clerk:	\$13.41	per hour
Public Services		
Director of Public Utilities:	\$5,972.32	per month
Director of Public Works:	\$5,487.50	per month
Planner II:	\$3,388.03	per month
Flood Administrator/Engineering Tech:	\$3,296.07	per month
Water/Wastewater Plant Supervisor:	\$4,540.34	per month
Fire Department		
Chief:	\$5,491.42	per month
Probationary Part-paid Firefighters	\$9.00	per hour

Part-paid fire fighters who have achieved the Basic Fire Fighter Certification will be paid a base wage of \$9.00 per hour, during their six-month probationary period. Upon

successful completion of their probationary period, the base rate is increased to \$10.00 per hour. Beginning with the initial hiring, part-paid fire fighters are entitled to the following increases to their base pay: \$2.00 per hour for E.M.T., \$1.00 per hour for Fire Fighter I certification (upon completion), \$1.50 per hour for Fire Fighter II certification (and after 2 years of service), \$2.00 per hour for Fire Fighter III certification (and after 3 years of service.) The probationary designation means less than six months of service.

Police Department/Dispatch

Chief:	\$5,643.53	per month
Captain:	\$5,030.47	per month
Captain:	\$5,022.97	per month
Lieutenant/Detective:	\$4,409.60	per month
Communications Dispatch Supervisor/E911 Coordinator:	\$3,502.68	per month
General Office Clerk:	\$13.41	per hour

Swimming Pool

Pool Manager:	\$2,509.90	per month
Lifeguards (1 st year):	\$10.00	per hour
Lifeguards (2 nd year):	\$10.31	per hour
Lifeguards (3 rd year):	\$10.65	per hour
Lifeguards (4 th year):	\$10.60	per hour

Lifeguards receive an additional \$.50 per hour when acting as Head Lifeguard.

Library

Director:	\$3,705.86	per month
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Airport

Airport Manager:	\$4,166.67	per month
Equipment Operator/Maintenance/Customer Service:	\$17.05	per hour
Fueler:	\$17.05	per hour

All hourly wages shall be adjusted to comply with changes to Montana State minimum wage law and regulations.

LONGEVITY/STIPENDS

Longevity pay is calculated at the rate of \$.05 per hour (or \$7.50 per month for salaried employees) for each year of service after the employee's applicable date for new longevity. Nonunion employees retain their present level received as longevity as of June 30, 1993. For each additional year of service after this date, salaried employees shall receive an additional amount of \$7.50 per month and hourly employees shall receive an additional \$.05 per hour. The fire chief, if a certified fire fighter, shall receive as longevity 1% of their base pay per month for each year of service, in accordance with state law.

Elected officials, lifeguards, and part-paid fire fighters do not receive longevity pay.

Any employee who achieves an E.M.T. certification shall be paid an additional \$50 per month.

EMPLOYEE HEALTH INSURANCE

A maximum of \$689.70 shall be paid by the employer for medical insurance. (See union contracts for specifics on health insurance for employees who are members of collective bargaining units.)

COLLECTIVE BARGAINING UNITS

AFSCME 283A: City Shop, Treatment Facilities, Library and Clerical. Wages and Benefits for members of this union shall be paid in accordance with their bargaining agreement dated July 1, 2010, through June 30, 2012, and specifically in accordance with Addendum A of that contract dated July 1, 2010, through June 30, 2012, as extended by the Letter of Agreement approved by Resolution No. 3510. Seasonal members of this union will be paid as approved by Resolution No. 3909. Administrative Assistant/Building Code will be paid as approved by Resolution No. 3984.

AFSCME 283B: Police Officers, Dispatchers, Animal Control and Clerical. Wages and Benefits for members of this union shall be paid in accordance with their bargaining agreement dated July 1, 2010, through June 30, 2012, and specifically in accordance with Addendum A of that contract dated July 1, 2010, through June 30, 2012, as extended by the Letter of Agreement approved by Resolution No. 3510. Animal Control/Code Enforcement Officer will be paid as approved by Resolution No. 3906.

~~INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 600:~~

Firefighters/Ambulance Personnel. Wages and Benefits for members of this union shall be paid in accordance with their bargaining agreement dated July 1, 2012, through June 30, 2015-2018.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 25th DAY OF OCTOBER, 2016.

John L. Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

RESOLUTION NO. 3996

A RESOLUTION AUTHORIZING THE ASSIGNMENT OF A CERTAIN LEASE AGREEMENT BETWEEN THE CITY OF MILES CITY AND BRENDA BAUGATZ TO TERRY BROWN FOR THE LEASE OF MOBILE HOME SPACE IN BENDER PARK.

WHEREAS, the CITY currently leases certain property within Bender Park to Brenda Baugatz for use as a mobile home space pursuant to a lease agreement dated November 1, 2001 (the "Lease Agreement"), as approved by Resolution No. 2924;

AND WHEREAS, Brenda Baugatz intends to sell said mobile home to Terry Brown, and Breanda Baugatz and Terry Brown desire that the CITY approve assignment of said Lease Agreement;

AND WHEREAS, an "Assignment of Lease Agreement" between the parties has been prepared and presented to the City Council for approval.

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

That the "Assignment of Lease Agreement" attached hereto as Exhibit "A," and made a part hereof, is hereby approved by the City Council of the City of Miles City.

PASSED AND ADOPTED BY A 2/3 VOTE of the City Council this 25th day of October, 2016.

By: _____
John Hollowell, Mayor

Attest:

Lorrie Pearce, City Clerk

ASSIGNMENT OF LEASE AGREEMENT

This ASSIGNMENT, made and entered into this 25th day of October, 2016, by and between the City of Miles City, Montana, a Montana municipal corporation, of 17 S. 8th Street, Miles City, Montana 59301, hereinafter "CITY," Brenda Baugatz, of 1500 N. Montana, Miles City, Montana, hereinafter "ASSIGNOR," and Terry Brown, of 1500 N. Montana, Miles City, Montana, hereinafter "ASSIGNEE,"

WHEREAS, the CITY currently leases certain property within Bender Park to ASSIGNOR for use as a mobile home space pursuant to a lease agreement dated November 1, 2001 (the "Lease Agreement"), as approved by Resolution No. 2924;

AND WHEREAS, ASSIGNOR intends to sell said mobile home to ASSIGNEE, and ASSIGNOR desires to assign her interest in said Lease Agreement with CITY to ASSIGNEE, which requires approval of CITY;

AND WHEREAS, ASSIGNEE has agreed to comply with all conditions of said Lease Agreement, and such additional conditions required by CITY as are set forth in this Assignment;

NOW, THEREFORE, the parties hereto mutually covenant and agree as follows:

ASSIGNMENT

The ASSIGNOR hereby assigns, and the CITY hereby approves, the Lease Agreement between CITY and Brenda Baugatz dated November 1, 2001, as approved by Resolution No. 2924, to ASSIGNEE, contingent upon ASSIGNEE purchasing the mobile home which is situated upon the leasehold from ASSIGNOR. ASSIGNEE agrees to be bound by all conditions of said Lease Agreement, to include the requirement that ASSIGNEE report any unusual or illegal activities which she observes within the Bender Park area.

ADDITIONAL CONDITIONS

ASSIGNEE agrees to pay monthly rent in the amount of \$_____, payable in advance, on the 1st day of each month, as well as a security deposit in the amount of \$_____.

The leasehold area for this lease is depicted in the attached Exhibit "A." The maintenance area for this lease is depicted in the attached Exhibit "B."

Two dogs shall be allowed on the leased premises.

All other provisions of the Lease Agreement shall remain unchanged.

Exhibit "A"

IN WITNESS WHEREOF, the parties hereto have executed this ASSIGNMENT OF LEASE AGREEMENT the date and year first hereinabove written.

CITY OF MILES CITY:

By: _____
John Hollowell, Mayor

Attest:

Lorrie Pearce, City Clerk

ASSIGNOR:

Brenda Baugatz

ASSIGNEE:

Terry Brown

LEASE AGREEMENT

THIS AGREEMENT, made and entered into this 1st day of November, 2001, by and between the **CITY OF MILES CITY, MONTANA**, a Montana municipal corporation, of 17 South Eighth Street, Miles City, Montana 59301, hereinafter referred to as the "CITY", and **BRENDA BAUGATZ**, of 1500 North Montana Avenue, Miles City, Montana 59301, hereinafter referred to as "TENANT".

WHEREAS, the CITY owns certain real property known as "Bender Park"; and

WHEREAS, the CITY desires to lease trailer space at Bender Park to an appropriate TENANT so that the TENANT can provide certain services to the CITY; and

WHEREAS, TENANT desires to lease said trailer space and to perform such services as are specified below.

NOW, THEREFORE, the parties hereto mutually covenant and agree as follows:

I. AGREEMENT.

The CITY, for and in consideration of the rents to be paid, the responsibilities to be assumed, and the covenants to be performed by TENANT, does hereby demise, lease, and let unto TENANT the trailer space located in Custer County, Montana and more particularly described as Bender Park.

II. TERM.

The term of this Agreement shall be for a period of one (1) year, beginning on November 1, 2001, and expiring on October 31, 2002, subject to the option to renew as hereinafter provided.

III. RENTAL.

Rental for the Lease shall be the sum of ONE HUNDRED DOLLARS (\$100.00) per month, which amount TENANT shall pay to the CITY on or before the 1st day of each month.

IV. SECURITY DEPOSIT.

The TENANT shall deposit the sum of \$100.00 dollars as a security deposit. All or a portion of such deposit may be retained by CITY and a refund of any portion of such deposit is conditioned as follows:

- (a) TENANT shall fully perform all obligations hereunder;
- (b) TENANT shall pay amounts due hereunder, including all rents and utilities;
- (c) TENANT shall occupy said premises for one (1) year or longer from date hereof;

- (d) TENANT shall clean and restore said premises and return the same to CITY in its initial condition except for reasonable wear and tear, upon the termination of this tenancy;
- (e) TENANT shall have remedied or repaired any damages to the premises caused by them; and
- (f) TENANT shall have paid for all utilities expenses incurred;

Any refund from security deposit, as by itemized statement shown to be due to TENANT, shall be returned to TENANT within fifteen (15) days after termination of this tenancy, and vacation of the premises.

V. RESPONSIBILITIES OF THE TENANT.

TENANT does hereby acknowledge, covenant and agrees as follows:

A. Purpose

TENANT and CITY desires to lease the premises described above for the following purpose: To provide TENANT with living space and to increase the security in the Bender Park area.

TENANT covenants that they will not use or occupy said premises, or allow the same to be used or occupied, for any unlawful purpose or any purpose deemed extra hazardous on account of fire or otherwise.

B. Compliance with Laws

TENANT shall comply with, conform to, and obey all present and future laws, ordinances, rules and regulations of all governmental authorities or agencies, respecting the use and occupation of the premises.

C. Independent Investigation

TENANT acknowledges that he has carefully examined and inspected the premises and improvements and he is fully familiar and acquainted therewith, and agrees to accept the same in their present conditions, and that he is not leasing the premises because of any warranty, representation, information or promises made by the CITY or anyone acting for or on behalf of the CITY, which are not specifically set forth in this Agreement.

D. Maintenance

TENANT agrees to keep the premises and improvements thereon in good repair and upkeep and to preserve same in at least as good condition as they were at the date of this Agreement, reasonable wear and tear alone excepted, and further agrees neither to permit nor cause any waste on the property, or with respect to any improvements thereon. TENANT specifically agrees to the following:

1. TENANT shall provide and maintain at their own expense a trailer suitable for residing in.
2. TENANT shall maintain the yard area. TENANT shall provide at their own expense any equipment necessary for maintenance.
3. TENANT shall provide and maintain at their own expense vapor lights sufficient to illuminate the area.
4. TENANT shall keep a lookout on the Bender Park area and report any unusual or illegal activities to the appropriate law enforcement authority.
5. TENANT shall not sell their trailer without first notifying the CITY.

E. Improvements

Improvements now located on the described real property shall not be removed or significantly altered. Upon expiration of this Lease, the TENANT may remove any improvements which it placed upon the premises within thirty (30) days of the expiration date (during which period TENANT shall pay a prorated monthly rental); provided, however, that the premises shall be restored as nearly as possible to its original condition at the TENANT'S expense.

F. Right to Inspect

The CITY or the CITY'S authorized agents shall have the right to enter upon the premises during reasonable hours, in order to inspect and determine whether TENANT is in compliance with the terms of this Agreement. This authorization does not give the CITY the authority to enter the residence at TENANT other than as already provided by law.

G. Utilities.

TENANT agrees to pay for the use and maintenance of utility services on the premises, including gas, electricity, water and sanitation, if applicable, save and except the water necessary to maintain the yard area.

H. Taxes and Assessments.

TENANT shall pay any and all taxes and assessments which may by lawfully levied against TENANT'S occupancy or use of the premises or any improvements thereon as a result of TENANT'S occupancy.

I. Indemnification.

TENANT shall indemnify and hold the CITY harmless for any loss, damage, claim and/or liability occasioned by, growing out of, or arising or resulting from any default hereunder, or any tortuous or negligent act on the part of TENANT, his/her agents, employees or customers, and TENANT hereby agrees to indemnify and hold harmless the CITY for any such loss or damage.

VII. DEFAULT.

If TENANT shall at any time be in default in the payment of rent due hereunder, or in the performance of any of the covenants or provisions of this Lease, and TENANT shall fail to remedy such default within twenty (20) days after receipt of written notice thereof from the CITY, then it shall be lawful for the CITY to enter upon the premises, and again repossesses and enjoy the same as if the Lease had not been entered into, and thereupon this Lease and everything herein contained on the part of the CITY to be done and performed shall cease and terminate, without prejudice, however, to the right of the CITY to recover from TENANT all rent due up to the time of such entry. In the case of such default and entry by the CITY, the ownership of any and all improvements on the premises shall vest in the CITY (if the same shall not have already vested), and the CITY may relet the premises for the remainder of TENANT'S term for the highest rent obtainable and may recover from TENANT any deficiency between the amount so obtained and the rent due hereunder from TENANT.

VIII. MISCELLANEOUS PROVISIONS.

If is further mutually understood and agreed as follows:

A. Oral Modification Prohibited.

No modification or alteration of this Agreement shall be valid unless evidenced by a writing signed by the parties hereto.

B. Renewal.

At the expiration of the initial term of this Agreement, this Agreement shall be automatically renewed for successive one (1) month period upon the same terms and conditions herein unless the CITY or TENANT gives to the other party written notice of cancellation of said Agreement. Said notice shall be given at least thirty (30) days prior to the termination date of this Agreement or any subsequent renewal termination date.

C. Attorneys Fees and Costs.

Should either party incur any costs or expenses, including reasonable attorney fees, in enforcing this Agreement or any provision hereunder, or protecting it's rights and interest hereunder, the other or unsuccessful party shall reimburse the prevailing party upon demand.

D. Binding Effects.

This Agreement shall be binding upon and inure to the benefit of the heirs, legal representatives, successors and assigns of the parties hereto; provide, however, that no assignment by, from, through or under TENANT in violation of the provisions hereof shall vest in the assignee(s) any right, title, or interest whatsoever.

E. Executed Copy.

Each of the parties hereby acknowledges receiving an executed copy of this Agreement.

F. Interpretation.

This Agreement shall be governed and construed in all respects according to the laws of the State of Montana.

IN WITNESS WHEREOF, the parties hereto have executed the Agreement the date and year first hereinabove written.

CITY OF MILES CITY:

By: Mike McLaughlin
ITS MAYOR

ATTEST:

Patricia D. Huss
Patricia D. Huss, City Clerk

TENANT:

Brenda Sue Baugatz
Brenda Baugatz

RESOLUTION NO. 3997

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

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

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

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

1. The Contract for City Printing, attached hereto, between the City of Miles City and Boss Printing Company is hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Contract on behalf of the City of Miles City and bind the City of Miles City thereto; and
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Contract and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 25th DAY OF OCTOBER, 2016.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

CONTRACT FOR CITY PRINTING

THIS CONTRACT is made and entered into this 25th day of October, 2016 by and between the City of Miles City, Montana, a Montana Municipal Corporation, of P. O. Box 910, Miles City, Montana 59301 hereinafter called "City," and Boss Printing Company, a Montana corporation, of P.O. Box 1056, Miles City, Montana 59301, hereinafter called "Printer."

WHEREAS, the City Council of the City of Miles City, Montana, did heretofore advertise for bids pursuant to Montana Code Annotated 7-5-4108, and Printer was the lowest responsible bidder, said bid dated October 11, 2016, being attached hereto as Exhibit "A" and by this reference made a part hereof.

NOW, THEREFORE, the parties agree as follows:

The term of this contract shall be for one (1) year, effective October 25, 2016 until October 25, 2016.

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

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

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

"CITY"

The City of Miles City, Montana

By: _____
John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

"PRINTER"

Boss Printing Company

By: _____
Tige Vester, CEO

Exhibit A

Cost Comparison for Printing
 October 11, 2016
 PRESENTED BY BOSS PRINTING

Item		
5 day Biochemical Oxygen Demand I	500 ea.=	No Quote Required
5 day Biochemical Oxygen Demand II	500 ea.=	No Quote Required
Suspended Solids	250 ea.=	No Quote Required
Bacteriological Lab Worksheet	250 ea.=	No Quote Required
Daily Data & Calculation Sheet	500 ea. = \$62.50	
City Court Payment Envelope 5 1/2 Bar White Envelope	500 ea. = \$77.25	
City Court Payment Envelope #10 Regular White Wove Envelope	500 ea. = \$57.05	
City Of Miles City Envelope #10 Regular White Wove Envelope	500 ea. = \$55.25	
City Of Miles City Envelope #10 Regular White Wove Envelope - Window	500 ea. = \$58.40	
City Claim Voucher Recap Blue Bond, Black Ink Single Sided Pads Of 100	500 ea. = \$34.40	
City Of Miles City Letterhead White 241b. Smooth	500 ea. = \$59.25	
City Of Miles City Letterhead White 241b. 25% Cotton	500 ea. = \$63.50	
Leave Authorization Form CB Blue, CF Yellow 8 1/2 X 3 1/2 Single Sided, Glued In Sets of 2	100 ea. = \$12.95	
City Purchase Order CB Blue, CF yellow 8 1/2 X 11 Single Sided Glued In Sets Of 2	500 ea. = \$86.50	

Stolen Gun Entry 8x5 White Index Black Ink Single Sided	100 ea. = \$24.25
Wanted Person File - Entry 8X5 White Index Double Sided	300 ea. = \$23.95
Stolen Gun Entry 8x5 White Index Black Ink Double Sided	100 ea. = \$25.50
Stolen Or Felony Vehicle	100 ea.= \$24.25
Stolen Securities Entry	100 ea.= \$24.25
Stolen Article Entry	100 ea. = \$24.45
Stolen Boat Entry	100 ea.= \$25.50
NCIC Missing Person File Single Sided	100 ea. = \$24.25
Order Of Protection Entry 8X5 White Index, Double Sided	200 ea. = \$18.50
NCIC Missing Person File Double Sided	100 ea. = \$28.80
Wanted Person File - Entry	300 ea. = \$23.95
Police Receipt For Property 2 Part Carbonless, Single Sided Glued in Sets of 2	500 sets = \$73.80
Request For Forensics Exam 2 Part Carbonless, Double Sided Glued in Sets of 2	500 sets= \$87.75
Vehicle Impoundment Record 2 Part Carbonless, Single Sided Glued in Sets of 2	100 sets= \$41.50
Partner & Family Member Assault Notice 3 Part Carbonless, Single Sided Glued in Sets of 3	400 sets= \$91.15
Police Dept. Letterhead White 241b. Smooth	300 ea.= \$72.10
Police Dept. Letterhead White 241b. 25% Coton	300 ea.= \$76.10

Police Dept. Receipt Books 4 Per Sheet, 2 Part Perforated, Numbered, Wirebound	15 bks = \$410.25	This sample was 2 part & comes in bks. of 50. Quoted 15 bks. of 50.
Accident Exchange Sheet 8 1/2 X 11 3 Part, 150 Per Pad	1000 ea.= \$212.75	
Criminal Investigation Covers 8.75X12.5 Blue 110# Index Colored	100 ea. = \$70.25	
Back Covers To Above	25 ea. = \$12.80	
Shutdown Notice Door Tags	500 ea.= \$75.10	
Curb Stop Notice Door Tags	500 ea. = \$48.04	
Work Order 3 Part Carbonless, Single Sided 8x5, Numbered (8 1/2 x 5 w/ Stub) White, Yellow & Pink	5 books= \$101.30	
NCIC Initial Entry Report 8 1/2 x 11, 20lb. White Bond, 2 Sided	500 ea. = \$40.00	
Water Dept. Service Connection 8 1/2 x 7 1/2, 20lb. White Bond, Black Ink 2 Sided, 3 Hole Drilled	1000 ea.= \$70.00	
Water Dept. Cash Receipt 2 1/2 x 3 5/8, 110 lb. White Index Black Ink, 1Sided	3000 ea. = \$75.40	
Meter Reading Slip 3x5, 80lb. White Text, Black Ink 1Sided	1500 ea. = \$52.50	
Return To Chief Of Police Envelope #10 Regular White Wove	500 ea.= \$57.05	
City Of Miles City License 5 3/4 x 9, CB White CFB Pink CF Yellow, Black Ink, Perf'd, 50 Sets/Book, Wraparound	3 bks. = \$69.50	
Alcohol Variance Permit 6x9 1/2, CB White CFB Pink CF Yellow, Black Ink Numbered, Perf'd, 50 Sets/Bk., Wraparound	3 bks. = \$69.50	

<p>City Purchase Order & Claim 8 1/2 x 11, CB Green CF White, Black Ink Numbered, Perf'd Books Of 50 Sets</p>	<p>30 bks. = \$338.85</p>
<p>Final Disconnect Notice (Hanger) 11x 4 1/8, Pulsar Pink Cover, Black Ink 2 Sided, Drill/Slit</p>	<p>3000 ea.= \$248.10</p>
<p>Contract For Services (3 Up) 8 1/2x 11, 2 Part, Black Ink, 3 Numbers/Set Perf. 3 Times, Drill 3 Times, 50 Sets/Book, Wraparound</p>	<p>20 bks. = \$345.10</p>
<p>General Receipt 8x10 1/2, CB White CFB Pink CF Yellow, Black Ink, 3 Numbers/Set, Perf. 3 Times, Drill 3 Times 50 Sets/Book, Wraparound</p>	<p>40 bks. = \$690.20</p>
<p>City Cut Out Order (4 Up) 8x12, 2 Part, Black Ink, Number 4 Times/Set, Perf. 4 Times, Drill 3 Times, Books Of 50 Sets, Wraparound</p>	<p>5 bks. = \$155.50</p>
<p>Work Order 6 x 4 1/4, 2 Part, Black Ink, Number Perf'd, 50 Sets/Book, Wraparound</p>	<p>10 bks. = \$121.80</p>
<p>Notice To Appear & Complaint 9x5, CB White CFB Pink CFB Gold CFB Yellow Black Ink, 2 Sided, Numbered, 25 Sets/Book Part 4 Different Than Parts 1-3, Perf. 2 Times (Stub Right & Left) Stapled Left Wraparound</p>	<p>20 bks. = \$355.75</p>

RESOLUTION NO. 3998

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2016-2017 TO INCREASE BUDGETED AMOUNTS IN THE BUILDING FUND 2394, PLANNING FUND 1000, STREETS 204 FUND 2510, STREETS 205 FUND 2520, STREETS 207 FUND 2420, WATER FUND 5210 AND SEWER FUND 5310.

WHEREAS, the City of Miles City wishes to amend the budget for Fiscal Year 2016-2017 to account for budgeting in the Building, Planning, Streets 204, Streets 205, Streets 207, Water and Sewer funds, for certain projects being undertaken by the City;

AND WHEREAS, such amendment of the final budget will result in an overall increase in appropriation authority within funds 2394, 1000, 2510, 2520, 2540, 5210 and 5310,

AND WHEREAS the provisions of §7-6-4006 MCA require public hearing upon any budget amendment resulting in an overall increase in appropriation authority, NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Miles City, Montana as follows:

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

Building Fund

2394-018-420531-111	\$12,812- Salaries and Wages
2394-018-420531-142	\$460- Workers' Compensation
2394-018-420531-144	\$1093- FICA
2394-018-420531-145	\$1195- PERS

Community Service/Planning

1000-036-411020-111	\$488- Salaries and Wages
1000-036-411020-142	\$7- Workers' Compensation
1000-036-411020-144	\$37- FICA
1000-036-411020-145	\$41- PERS

Streets 204 Fund

2510-107-430220-111	\$950- Salaries and Wages
2510-107-430220-141	\$11- Unemployment Insurance
2510-107-430220-142	\$450- Workers' Compensation
2510-107-430220-144	\$600- FICA
2510-107-430220-145	\$657- PERS

Streets 205 Fund

2520-108-430220-111	\$922- Salaries and Wages
2520-108-430220-141	\$3- Unemployment Insurance

2520-108-430220-142	\$144- Workers' Compensation
2520-108-430220-144	\$230- FICA
2520-108-430220-145	\$252- PERS

Streets 207 Fund	
2540-109-430220-111	\$54- Salaries and Wages
2540-109-430220-145	\$5- PERS

Water Fund	
5210-023-430550-111	\$976- Salaries and Wages
5210-023-430550-142	\$12- Workers' Comp
5210-023-430550-144	\$74- FICA
5210-023-430550-145	\$81- PERS

Sewer Fund	
5310-031-430630-111	\$ 923- Salaries and Wages
5310-031-430630-142	\$10- Workers' Comp
5310-031-430630-144	\$70- FICA
5310-031-430630-145	\$77- PERS

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2016-2017 on the 9th day of November, 2016, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 25TH DAY OF OCTOBER, 2016.

JOHN HOLLOWELL, Mayor

ATTEST:

Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 9TH DAY OF NOVEMBER, 2016.

JOHN HOLLOWELL, Mayor

ATTEST:

Lorrie Pearce, City Clerk

RESOLUTION NO. 4001

A RESOLUTION AMENDING RESOLUTION 3964 AND 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 THE FISCAL YEAR 2016-2017

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. 2285 creating Maintenance District No. 205 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 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. 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 2016-2017 is \$350,000; and

WHEREAS, this Resolution is necessary to correct the amount assessed for fiscal year 2016-2017 in Resolution 3964.

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. 205 for the fiscal year 2016-2017 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 205: 0.028793 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$201.55.

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. 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 9th day of November, 2016, 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 25th day of October, 2016.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED THIS 9th day of November, 2016.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

RESOLUTION NO. 3999

A RESOLUTION REVISING CITY OF MILES CITY PERSONNEL POLICIES REGARDING RECRUITMENT AND SELECTION, OVERTIME AND COMPENSATORY TIME NON-BARGAINING UNIT, BASIC EMPLOYEE CLASSIFICATION, SICK LEAVE, MILITARY LEAVE, MATERNITY AND PATERNAL LEAVE, FAMILY MEDICAL LEAVE (FMLA), DISCIPLINE, GRIEVANCE POLICY, HARASSMENT PREVENTION AND REPORTING, AND TRAVEL.

WHEREAS, the City of Miles City has established certain personnel policies for employees of the City of Miles City, which are set forth in the City of Miles City Personnel Manual;

AND WHEREAS, certain policies require updating in order to be compliant with the requirements of the City's employment practices coverage with the Montana Municipal Interlocal Authority;

AND WHEREAS, the City Council finds that certain revisions to such policies should be adopted;

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

1. That the following revised policies, attached hereto as Exhibit "A," are hereby approved and shall replace existing policies in the City's personnel policy manual: Recruitment And Selection, Overtime And Compensatory Time Non-Bargaining Unit, Basic Employee Classification, Sick Leave, Military Leave, Maternity And Paternal Leave, Family Medical Leave (FMLA), Discipline, Grievance Policy, Harassment Prevention And Reporting, And Travel.
2. Such changes to the policy shall become effective immediately upon the passage 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, THIS 25th DAY OF OCTOBER, 2016.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk



CITY OF MILES CITY PERSONNEL POLICY

Section 2A:	Recruitment and Selection
Effective:	9/23/2014
Last Revised:	

Recruitment and Selection

Resolution

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

PURPOSE

This policy provides guidance for the recruitment and selection of applicants for the City of Miles City vacant positions.

POLICY

It is the policy of the City of Miles City to recruit and select persons for appointment and employment, and to train, advance, promote, and transfer such persons on the basis of individual capability, potential, or contribution to the programs and goals of the City.

Each Department Director, supervisor and employee of the City of Miles City is responsible for conducting employment activities in support of and in compliance with this policy.

The City of Miles City respects, supports, and observes the laws, directives and regulations of the State and Federal Government that prohibit discrimination.

This Recruitment and Selection policy is related to but not limited to; recruitment, selection and testing. This policy does not preclude discrimination based on bona fide occupational qualifications or other recognized exceptions under the law.

PROCEDURE

Personnel Requisition Form:

A "Personnel Requisition Form" will be filled out by the Department Director of the vacant/open position and forwarded to the Mayor for approval. The Department Director will then forward the form to the Human Resources Office to initiate recruitment procedures.

Recruitment and advertising may begin immediately when the Mayor has been notified in writing that a position is being left vacant/open.

Recruitment for an opening with the City of Miles City will progress through the sequence of checking for qualified laid-off workers (Job Registry), internal recruitment followed by external/public recruitment.

- ❖ **All advertisements must be reviewed and approved by the Mayor or the Mayor's designee prior to placement.**

Summary of Recruitment and Selection Policy:

1. Open positions start with the **Job Registry** for employees who have been laid off. Qualified, laid off employees receive the highest level of preference for filling openings, but do not have exclusive hiring rights.
2. Next, **Internal Recruitment** for current City of Miles City employees. The City of Miles City reserves the right to open all job searches outside the organization. Qualified internal applicants will be considered, but being an internal applicant is not exclusive criteria for selection.
3. Finally, **Open Recruitment Process**.

Step One – “Job Registry” Recruitment: (3 Working Days Maximum)

- A. Employees who have been laid-off through no fault of their own by the City of Miles City are eligible for inclusion on a recall list known as a Job Registry for a period of one (1) year. This registry along with other pertinent employee files will be maintained by the Human Resources Office and referred to as a first step when an opening occurs with the City of Miles City. Laid off employees who are contained on this Job Registry and identified by the Mayor as possessing the minimum qualifications are informed about the opening, and requested to apply if interested. Notification will be done by registered mail to the laid off employee's last known mailing address. Registry applicants must apply for these vacancies within three (3) working days of this notification. In accordance with Section 39-71-317, MCA When an injured worker is capable of returning to work within 2 years from the date of injury and has received a medical release to return to work, the worker must be given a preference over other applicants for a comparable position that becomes vacant if the position is consistent with the worker's physical condition and vocational abilities.
- B. The Human Resources Office will compare all openings to the Job Registry list for identification of potential applicants, and submit the list of potential applicants to the Mayor or the Mayor's designee. Qualified laid off employees of the City of Miles City will receive the highest level of preference in filling openings when possible. However, inclusion of a laid off employee(s) on the Registry list must not be interpreted as exclusive hiring rights.
- C. Registry members will be considered prior to Internal Recruitment. In circumstances

when a tie between two substantially equally qualified applicants exists on the Registry list, the applicant with longer *continuously active* City service will be selected.

- D. An employee's participation on the re-call list ends when:
 - An employee refuses a reinstatement offer;
 - An employee withdraws in writing from participation; or
 - One year has elapsed since the employee's effective date of lay off.
- E. Recruitment activities through recall list methods are not considered solicitation for applications from the general public; therefore, preference on basis of veteran status, disability, or Indian race is not applicable.
- F. Human Resource Office shall notify all applicants determined qualified if a Job Registry applicant is selected; or, if the applicant(s) are not selected and that the City of Miles City intends on recruiting internally.
- G. Once the Deputy City Clerk/Human Resources Officer has determined that no qualified Registry applicants exist and notifications have been made or mailed, the process moves to Step 2.

Step Two – Internal Recruitment: (5 Working Days)

- A. Under the Internal method of recruitment all interested current staff are notified and those responding are considered for existing openings. Qualified Internal applicants will be considered in accordance with this policy, however, an "Internal Applicant" status must not be interpreted as the exclusive criteria for selection.
- B. An updated list of all current job openings will be posted internally. This list will indicate the date of opening, the position title, and a contact name for further inquiry. All internal applicants inquiring about open positions will be given an opportunity to apply; however, the City of Miles City reserves the right to hire applicants from outside when it determines, in its sole discretion, by and through the Mayor or the Mayor's designee that this approach is necessary or desirable.
- C. Interested employees must submit their application in the form of a memorandum to the Human Resources Office through their immediate supervisor. This memorandum should be prepared once the employee has reviewed the Job Description associated with the opening, and determined that he/she meets the minimum requirement of the position. Further applications will not be accepted beyond the designated closing date of the position.
- D. The Deputy City Clerk/Human Resources Officer will notify all internal applicants if selected or, if they are not selected and that the City of Miles City intends to recruit externally. Once the Mayor has determined that is in the best interest of the City to recruit externally, and notifications have been made or mailed, the process moves to Step 3.
- E. Recruitment activities through internal methods are not considered solicitation for applications from the general public; therefore, preference on basis of veteran status, disability, or Indian race is not applicable.
- F. In the event an internal applicant meets minimum qualifications for the position, but the City of Miles City determines that it is in the best interest of the City to recruit externally, qualified internal applications will be carried over to Step 3.
- G. In the event the City of Miles City determines that it will consider internal applications

without posting externally, the internal applicants will move through the hiring process established herein, beginning at the paragraph titled "Application Screening" below. If at any time the internal applicants are removed from the selection process, or if the City of Miles City determines during the selection process that external recruitment would be in the City's best interest, the process will revert to Step 3.

Step Three – General Public Recruitment: (10 Working Days)

- A. The Human Resources Office will post a vacancy externally to the general public if no qualified Registry applicant has been identified, and if no internal applicants have been selected. Vacancies posted to the general public will generally remain open for two (2) weeks when possible, but may be closed sooner, or extended at the discretion of the Mayor, in consultation with the Deputy City Clerk/Human Resources Officer.
- B. All City of Miles City vacancies subject to external procedures will be made known to the job seeking public. The Mayor may elect to utilize any of the following recruitment sources, Job Service listing, newspaper, the Internet, Community Colleges, or other appropriate sources. The Mayor, in consultation with the Deputy City Clerk/Human Resources Officer may also limit its recruitment to specific geographical areas, but will consider all applications received prior to closing date, irrespective of the applicant's place of residence.
- C. All employment advertisements must be reviewed and approved by the Mayor prior to placement. Copies of all final ads will be retained for recordkeeping and compliance purposes. Recruitment sources will include both internal and external origins, as described above.

Application Screening:

- A. The Mayor and the immediate supervisor for the position being hired will screen applications for basic qualifications, and the Deputy City Clerk/Human Resource Officer will notify applicants directly if they do not process these qualifications. All applicants must complete a City of Miles City employment application form.
- B. Applications of applicants will be forwarded to the Mayor for consideration. The Mayor, and/or his designee in consultation with the immediate supervisor for the position being hired, will select the top applicants for interview based upon a review of qualifications and/or supplemental application questions.
- C. All applications and/or resumes will be retained by the City of Miles City for two years, or as mandated by Federal and State laws.
- D. Applicants will be informed that if selected, they will be required to provide the City with specific documents establishing their identity and employment eligibility, in accordance with Immigration Reform and Control Act of 1986.

Application Screening Process:

- A. The purpose of the selection process is to identify potential employees who are best

qualified to meet the specific work requirements and successfully perform the job duties of the open position. In that light, selection procedures will be based on a specific job analysis.

- B. All applicants remaining in competition at each level of the selection process shall be treated consistently with respect to:
 - Contents of the procedure applied;
 - Persons involved in administering the process; and,
 - The maximum amount of time allotted when time procedures are utilized.
- C. However, consistent treatment should not imply identical treatment.
- D. Individuals involved with evaluating applicants' qualifications must be familiar with the position to be filled, and must use job related questions, suggested responses, and rating scales to evaluate applicants. This technique must permit accurate comparison of the applicant against the job requirements, as well as the applicant pool.
- E. Certain entities within the City government may be mandated to require specific qualifications, or use particular measuring guidelines (e.g. POST test) not necessarily pertinent to other departments.
- F. Any unsuccessful applicant claiming employment preference will be provided a written notice of the hiring decision.
- G. Provisions must be made for an annual review and update of this Recruitment & Selection Policy by the Human Resources Committee.

Personal Interview of Selected Applicants:

- A. The Mayor shall appoint a Hiring Committee, consisting of 3 or 4 members, one of which must be the immediate supervisor for the position being hired. The Deputy City Clerk/Human Resources Officer shall be an advisor to the Hiring Committee, and shall attend all meetings of, and interviews conducted by the Hiring Committee. The Hiring Committee, along with the Mayor, in the event the Mayor wishes to be present, shall conduct interviews of selected applicants. All questions asked in a personal interview must be job related and designed to help the interviewer identify the best qualified applicant for the position. The primary objective of the personal interview is to achieve the best match between the applicant's qualifications and the job requirements. Interviews are a reliable method of determining more about the capabilities of minimally qualified applicants. Although interviews are important, the other selection criteria, such as those listed under "Selection Devices" shall be considered. Follow-up questions, as long as they are job related, may be asked of the applicant. These follow-up questions may be based upon an answer to a previously asked question or based upon the application material that the applicant submitted. All follow-up questions and notes from the interviews must be captured for retention in the recruitment file. Further information on conducting interviews may be found in the "Employment Interview Guide" and the "Do's and Don'ts of Interview Questions".
- B. The Deputy City Clerk/Human Resources Officer is responsible for contacting applicants for interviews. If applicants are contacted by phone, they need to be informed of the date, time, and location of the interview. If the applicant cannot be contacted by phone, a letter should be sent and the aforementioned information shall be provided. Applicants who do

not show up at the appointed time or applicants who withdraw from the interview process may be removed from the applicant pool.

- C. Internal applicants, for City vacancies, will be granted paid time to attend the interview. Once the interview is completed, the employee is expected to return to their work assignment and complete their respective shift.
- D. The Mayor and/or the Hiring Committee will utilize a “structured interview” method consisting of a certain number of pre-set, job related (as determined by the job analysis) questions addressed to every applicant. The responses of the applicants are then measured against a pre-determined set of guidelines, and ranked accordingly.
- E. The Mayor, with the advice of the Hiring Committee, shall select a person or persons who will be offered employment, and shall rank those who are acceptable for employment to determine the order in which employment shall be offered, subject to successful reference and background check.
- F. For a “Department Director” vacancy the Mayor may appoint, but will need the consent of the majority of the Council for finalization of the employment offer. (7-3-213, MCA)

Selection Devices:

The City recognizes many selection devices as long as they:

- Are job related
- Do not create an undue barrier to employment or advancement for protected classes
- Are in compliance with existing policies, bargaining contracts, and relevant State and Federal laws.

Selection devices must be defensible and must allow for the selection of the best applicant for the vacant/open position. Selection criteria must be applied equally to all applicants. Possible selection devices include any combination of the following items.

- Structured questions and suggested answers
- Behavioral questions and suggested answers
- Applicable job-related performance tests
- Relevant education and experience
- Supplemental questions
- Written interview questions.

Background Check:

- A. The City of Miles City conducts all reference and background checks through an outside vendor. A “Request for Investigation” will be completed by the Human Resources Office for the department hiring.
- B. All interviewed applicants will be required to consent to and sign an “Authorization to Release” form and “Acknowledgement” form. All interviewed applicants will receive a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act”.

Employment Confirmation:

- A. Once the final selection is made the successful applicant must be provided with an official Confirmation Letter from the Mayor's office.
- B. The Confirmation letter will address the following topics:
- Title of job offered
 - Director's name and hiring department
 - Starting salary & benefits
 - Classification, i.e.; Exempt – Non Exempt status
 - Start date with initial work schedule and where to report to work
 - Probationary period information
 - Request for documentation regarding identity and employment eligibility
 - Any other terms and conditions of employment
 - Request for applicants' signature on confirmation letter
 - A deadline for return of said letter to the City.
- C. The Mayor may establish a salary using the "2012 Wage and Benefits Analysis" as a guideline, so long as the salary is within the amount budgeted for said position. If the Mayor feels that an increase in salary is necessary, such amount must be approved by the City Council. The Mayor may also, in his/her discretion, offer a lesser amount in salary. Any exceptions to the "2012 Wage and Benefit Analysis" shall be documented by the Mayor and kept in the hiring/payroll/personnel files.
- D. The Confirmation Letter must accentuate the point that the City of Miles City does not recognize any other offers or promises made to the applicant, and that no City employee other than the Mayor is authorized to modify the conditions of the offer or enter into any agreement with the applicant. The Confirmation Letter must indicate that the appointment is subject to the consent of the City Council, when applicable.

Unsuccessful Applicant Notification Letters:

Both internal and external unsuccessful applicants will be notified in writing by the Deputy City Clerk/Human Resource Officer. Additionally, internal applicants and interviewed applicants will receive a phone call from the Deputy City Clerk/Human Resource Officer prior to the written notification.

Document Retention:

The following materials shall be included among the documents to be saved, by Human Resources Office, for each selection and retained for a period of two years:

- Job description
- Vacancy announcement(s)
- A copy of advertisements and a list of all recruitment sources
- All applications, supplements, questionnaires and other application material
- A copy of all selection procedures and any criteria used to evaluate performance
- Names and titles of any persons who participated in the design or administration of the selection procedures

- Correspondence with applicants
- A copy of the hire letter.

Confidentiality and Access to Materials:

All applications and selection materials shall be confidential, unless otherwise stated on the vacancy announcement, and may not be released to any person not involved in administering the hiring process. Materials may be released upon the receipt of a properly executed administrative or judicial order. Human Resources may discuss, upon request from an applicant, the selection process and scores (if applicable) related to that individual. Information about other applicants is confidential and may not be released.

Prospective Full/Part Time Dispatcher Applicants:

The Recruitment and Selection Policy will be followed with exception to the following: The 911 Coordinator will conduct all criminal and driving background checks through CJIN/NCIC State system. All applicants will be required, consent to and sign an "Authorization to Release-Dispatch" form and "Acknowledgement" form upon completion of a City of Miles City application. All applicants will receive a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act". The 911 Coordinator will then conduct a preliminary interview of all qualifying applicants. Successful applicants will be forwarded to the Mayor for Applicant Screening.

Prospective Full Time Firefighters/EMTs Applicants:

The City is a member of the Montana Firefighters Testing Consortium (MFTC). Firefighter applications for employment will only be accepted from persons who have successfully completed MFTC testing and are currently on the MFTC eligibility list. Each time a vacancy occurs, all such persons on this list will be notified in writing and invited to submit an application.

Applicants shall be required to complete a City of Miles City employment application. Applicants shall also be required to consent to and sign an "Authorization to Release" form and an "Acknowledgement" form. All applicants will receive a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act". The selection process will consist of the Fire Chief with his/her Hiring Committee reviewing applications, verifying scores and abilities as determined by previous screening test(s) administered by the MFTC. The Fire Chief will conduct background checks that may include verification of: previous employment, listed credentials, previous training, education and work experience. All of these verifications are part of the preliminary screening of the applicant, and pending the successful outcome of this screening process, the Fire Chief and the Hiring Committee will conduct an oral interview with the applicant.

This policy does not preclude lateral transfers of qualified applicants from other Fire Departments.

Prospective Full Time Police Officer Applicants:

The City is a member of the Montana Law Enforcement Testing Consortium (MLETC). Police Officer applications for employment will only be accepted from persons who have successfully completed MLETC

testing and are currently on the MLETC eligibility list. Each time a vacancy occurs, all such persons on this list will be notified in writing and invited to submit an application.

Applicants shall be required to complete a City of Miles City employment application. Applicants shall also be required to consent to and sign an "Authorization to Release-Police" form and an "Acknowledgement" form. All applicants will receive a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act." The selection process will consist of the Police Chief with his/her Hiring Committee reviewing applications, verifying scores and abilities as determined by previous screening test(s) administered by the MLETC. The Police Chief will conduct background checks that may include verification of: previous employment, listed credentials, previous training, education, and work experience. All of these verifications are part of the preliminary screening of the applicant, and pending the successful outcome of this screening process, the Police and the Hiring Committee will then conduct an oral interview with the applicant. Upon successful completion of this process, the Police Chief and Hiring Committee will then recommend the applicant to be interviewed by the Miles City Police Commission for final approval.

This policy does not preclude lateral transfers of qualified applicants from other Police Departments.

CLOSING

Negotiated labor contracts that conflict with this policy will take precedence to the applicable extent.



**CITY OF MILES CITY
PERSONNEL POLICY**

Section 6:

Workplace
Standards

Effective:

Last Revised:

**OVERTIME AND COMPENSATORY TIME NON-BARGAINING
UNIT**

Resolution #

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

It is the policy of the City of Miles City to comply with the Fair Labor Standards Act (FLSA) relative to overtime and compensatory time practices. While some collective bargaining agreements provide additional "premium" pay formulas, all nonexempt employees are subject to overtime and compensatory time under the provisions of the Federal act. Unless otherwise noted by the position description, the workweek is defined as 12:00 A.M. Sunday through 11:59 P.M. on Saturday.

I. NONEXEMPT POSITIONS NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT

Nonexempt positions which are subject to overtime and compensatory time but are not covered by a collective bargaining agreement are subject to compensatory time credits as described in the following policy.

COMPENSATORY TIME POLICY FOR NONEXEMPT POSITIONS

1. All need for hours worked in excess of the normal work day for the positions will be anticipated by the employee to the extent possible and approved by the immediate supervisor prior to the occurrence or immediately after the incurrence if it is-unanticipated, on a time and attendance form approved by the City.
2. Hours worked in excess of the normal workday will be accounted for and reported to the nearest increment of one-quarter hour (15 minutes).
3. If it is anticipated that an employee will work in excess of forty hours in any work week as a result of working unscheduled or extended hours during the week, the supervisor may allow the employee to take time off during the same week to prevent the employee from exceeding 40 hours of work during said week.
4. An employee who works more than 40 hours in a work week shall be compensated at the

rate of 1.5 times their hourly rate for "overtime" hours. In lieu of receiving pay for overtime hours, the *employee* may choose to receive credit in the form of compensatory time for overtime hours worked as set forth herein.

5. Not more than 120 hours of work over 40 in standard workweeks may be credited by the City to compensatory time. Compensatory time is credited at time and one-half the hours worked over 40 in standard workweeks, and are available to use as time off with pay by the employee. The employee may use accumulated compensatory time credits with sufficient prior notice except in the case of an emergency. All requests shall be on the standard leave request form, and shall be submitted to the employee's immediate supervisor. The City reserves the right to refuse use of compensatory time when, in the opinion of the City, such use would disrupt City operations. The employee has the right to accumulate 120 hours of compensatory time, the City may from time to time cash out any or all of an employee's accumulated compensatory time credits. Should the employee have credits remaining upon termination, he/she shall be paid in cash for all such time at his/her regular rate of pay at the time of termination.

II. EXEMPT POSITIONS

Exempt employees are those who, according to the Fair Labor Standards Act (FLSA) are not covered under the provisions pertaining to minimum wage or overtime pay. The FLSA provides for certain exemptions for employees employed in a bona fide executive, administrative or professional capacity. In order to be an exempt employee, certain tests relating to duties, responsibilities and salary must be met (see the Human Resource Officer for details).

COMPENSATORY TIME POLICY FOR EXEMPT POSITIONS

While these employees do not qualify for overtime or compensatory time under FLSA, the City believes that some compensatory time is appropriate in order to recognize hours worked substantially beyond those of nonexempt employees. Following are the guidelines for accrual of Compensatory Time for Exempt Positions:

1. Time required for attendance at a City Council Meeting to address an agenda item or at the Mayor and/or President of the Council request will be considered part of the normal work duties for exempt positions and will not count towards compensatory time.
2. Time for emergency call-outs outside of normal workday will not be counted towards compensatory time unless the situation requires leaving one's domicile to assess the situation or to directly supervise workers in the emergency.
3. All need for hours worked in excess of the normal work day for the positions will be anticipated by the employee to the extent possible and a discussion about the need will occur with the supervisor and approved by the immediate supervisor prior to the occurrence or immediately after the incurrence if it is unanticipated.
4. Any compensatory time will also be accounted for on a time and attendance form approved by the City. A narrative entry by the employee, regarding pertinent information about the reason for the compensatory time will be included.
5. Hours worked in excess of the normal workweek will be accounted for and reported to the nearest increment of one-quarter hour (15 minutes) and on a straight-time basis, i.e., not time and one-half.

6. For each hour of compensatory time, the employee may with the prior permission of his or her supervisor take one hour off during the employee's regular work schedule.
7. An employee's running total of accumulated compensatory time may not exceed 120 hours at any one time unless the Mayor authorizes a higher cap after discussions with the individual employee.
8. The employee may use accumulated compensatory time with sufficient prior notice except in the case of an emergency. All requests shall be on the standard leave request form, and shall be submitted to the employee's immediate supervisor. The City reserves the right to refuse use of compensatory time when, in the opinion of the City, such use would disrupt City operations. The employee has the right to preserve compensatory time, except that the City may from time to time cash out any or all of an employee's accumulated compensatory time. The rate for such cash outs shall be determined by dividing the employee's annual salary by 2,080.
9. At the time an employee separates from City employment, any remaining accumulated compensatory time shall be cashed out under the formula established in item 8, above.



CITY OF MILES CITY PERSONNEL POLICY

Section 3:	Employment Information
Effective:	10/14/2014
Last Revised:	

Basic Employee Classification

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

The basic employment classifications of City employment are:

1. **Probationary Employee:** A newly hired employee during the initial period of employment. All newly hired City employees are on a probationary status which, unless provided otherwise in union agreements or other documents, extends for six (6) months, or in certain cases, one (1) year from their date of hire. Probationary periods may be extended under special circumstances.
2. **Permanent Full-Time Employee (regular):** An employee who has successfully completed the initial probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which totals no less than 2080 hours per year.
3. **Permanent Part-Time Employee (regular):** An employee who has successfully completed the initial probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of 20 hours or more, but less than 40 hours per week.
4. **Temporary Full-Time Employee:** An employee whose work assignment is limited in duration to twelve months or less and works a shift schedule which on an annual basis would total no less than 2080 hours.
5. **Temporary Part-Time Employee:** An employee whose work assignment is limited in duration to six months or less and works a shift schedule which, on an annual basis would total less than 2080 hours.
6. **Seasonal Employee:** An otherwise permanent employee designated by the City as seasonal, who performs duties interrupted by the seasons, and who may be recalled without the loss of rights or benefits accrued during the preceding season.

7. **Short-term Employee:** An employee whose work assignment is limited in duration to ninety (90) days or less, without regard to the number of hours worked, who is not eligible for permanent status, and who may not be hired into another position by the City without competitive selection process.
8. **Transitional Employee:** A City employee who has been temporarily reassigned to duties other than his normal duties under the City's Reasonable Accommodation and Early Return to Work policies.
9. **Part-Paid Employee:** An otherwise permanent employee designated by the City as Part-Paid, who performs duties on an on-call basis for an indefinite duration.



CITY OF MILES CITY PERSONNEL POLICY

Section 5:	Leave Administration
Effective:	3/24/2015
Last Revised:	

Sick Leave

Resolution

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

PURPOSE

The City of Miles City believes that sick leave is earned based upon months of service, and is an important benefit to City employees.

POLICY

It is the policy of the City of Miles City to administer and grant sick leave in accordance with Title 2, Chapter 18, Part 618 of the Montana Code Annotated.

- A. Eligible Employees:** Employees who have by statute met the ninety (90) day qualifying period and are considered:

1. Regular Full-Time Employees;
2. Regular Part-Time Employees (hours earned pro-rata);
3. Temporary Full-Time Employees;
4. Temporary Part-Time Employees (hours earned pro-rata);
5. Seasonal Employees (hours earned pro-rata).

- Short term employees do not earn leave or time toward the rate earned.

- A. Sick Leave Credits:** The earned number of sick leave hours an employee is eligible to use upon completion of the qualifying period.

PROCEDURE

- A. Conditions of Use of Sick Leave:**

- Illness;
- Injury;
- Medical disability;
- Maternity-related disability: including prenatal care, birth, miscarriage or other medical care for either employee, child or spouse;
- Parental Leave;
- Quarantine resulting from exposure to contagious disease;
- Medical, dental or eye examination or treatment;
- Necessary care or attendance to an immediate family member (or, at the Department Director's discretion, another relative) for the above reasons until other attendance can reasonably be obtained; and
- Death or funeral attendance for an immediate family member or, at the Department Director's discretion, another person.

B. Calculation of Sick Leave Credits:

Sick leave credits shall be earned at a yearly rate calculated in accordance with the following schedule, in which one (1) year equals 2,080 hours of work.

C. Rules Applied to Sick Leave:

- Employees begin earning leave credits the first day of employment.
- Full-time employees earn sick leave at a rate of eight (8) hours per month.
- Part time employees earn sick leave on a pro-rated basis, depending on how many hours are worked.
- Sick leave credits earned are credited at the end of each pay period.
- No sick time leave with pay shall be granted in advance of credits earned.
- An employee may not accrue sick leave credits while in a leave-without-pay status.
- An employee must continuously be employed for the qualifying period of three (3) months to be eligible to take or receive cash compensation for sick leave upon termination.
 - Cash compensation pay-out for unused sick leave is equal to one-fourth the accumulated sick leave credits.
- An employee is only required to serve the qualifying period once.
 - However, in the event of a break in service, an employee must again complete the qualifying period to be eligible to use sick leave.
- Seasonal employment: accrued sick leave credits may be carried over to the next season, or paid out as a lump-sum when the season is over, provided the employee has served the qualifying time.
- There is no restriction as to the number of hours of sick leave credits that may be accumulated, nor to the number of accrued sick leave credits that may be used for a bona fide employee illness or disability.
- Sick leave taken over a holiday may not be charged to an employee's sick leave for that day.

D. Sick Leave Requests:

An employee shall notify his or her Supervisor and/or Department Director of the need to use sick leave as soon as possible prior to the commencement of his or her shift, or as soon as possible thereafter in the case of an emergency.

Employees will submit all sick leave requests on a "Leave Time Authorization" form to their Department Directors as soon as they return.

E. Sick Leave in Excess of Three (3) Continuous Working Days:

- A written medical certification from a qualified physician or healthcare provider which states that the employee is unable to work as a result of a sickness, injury or qualifying medical condition may be requested by the employee's Department Director for any sick leave in excess of three (3) continuous working days.
 - Sick leave records will be forwarded to the Human Resource/Payroll Office to be filed in the employee's confidential medical file.
- At the City of Miles City request and expense, an employee may be subject to an examination by a physician following a sick leave or other absence occasioned by illness or injury to ensure that the employee can complete the necessary functions of the position.

F. Transferred Employees:

If an employee is transferred between departments, the employee will not be entitled to a lump sum payout for accrued sick leave credits. The department receiving the transferred employee shall assume the liability for the accrued sick credits earned.

G. Sick Leave Substituted for Annual Leave:

At the Department Director's discretion, an employee who experiences an appropriate use of sick leave as defined in the policy while taking approved vacation leave may be allowed to substitute accrued sick leave credits for vacation leave credits.

A. Leave of Absence:

If an employee who has not worked the required qualifying period for use of sick leave and takes an approved continuous leave of absence without pay exceeding fifteen (15) working days, the amount of time for the leave of absence will not count toward completion of the qualifying period.

A leave of absence exceeding fifteen (15) days is not a break in service and the employee will not lose any accrued sick leave credits or lose credit for time earned toward the qualifying period.

An approved continuous leave of absence without pay of fifteen working days or less will

be counted as time earned toward the 3 (three) month qualifying period.

B. Abuse of Sick Leave:

The Department Director has the responsibility to monitor the use of sick leave in his or her department.

- Misrepresentation of the actual reason for charging an absence to sick leave, or chronic, persistent or patterned use of sick leave, constitutes abuse of the sick leave benefit. Abuse is subject to progressive discipline, up to termination and forfeiture of the lump sum payment.
- Absences improperly charged to sick leave may, at the City's discretion, be charged to available compensatory time or leave without pay. Annual leave may be used at the mutual agreement of the employee and the City.

CLOSING

A. Lump Sum Payment Upon Separation:

Upon separation from the City, an employee who has worked the qualifying period will receive a lump sum payment equal to one-fourth of the pay attributed to unused sick leave. The payment will be computed at the employee's rate of compensation at the time of termination.



CITY OF MILES CITY PERSONNEL POLICY

Section 5:

Leave
Administration

Effective:

3/24/15

Last Revised:

Military Leave

Resolution

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

The City of Miles City shall comply with all provisions outlined in the Uniformed Services Employment and Reemployment Rights Act, (USERRA, 38 USC Sec. 4031 et seq) as well as all relevant state laws (to include MCA 10-1-1009) covering members of the Montana Army and Air National Guard.

An employee who is a member of the Montana National Guard or any United States military force or Reserve Corps and who has been an employee for a period of six months shall be given leave of absence with pay for a period of time not to exceed 120 hours in a calendar year.

Unused leave may roll to the next calendar year, not to exceed 240 hours total for the calendar year. Any excess leave, beyond 240 hours, will be forfeited. Military Leave can be for attending regular encampments, training cruises, and similar training programs of the military forces of the United States.

Employees employed less than six months are entitled to unpaid leave for the purposes listed above. Employees using Military Leave must report it as such on their timesheets and have prior approval for leave. This leave will not be charged against the employee's annual leave.



CITY OF MILES CITY PERSONNEL POLICY

Section 5:

Leave
Administration

Effective:

3/24/2015

Last Revised:

Maternity and Parental Leave

Resolution

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

POLICY

It is the policy of the City of Miles City to grant unpaid leave of absence for maternity and parental leave:

- Maternity leave is an unpaid leave of absence available to female employees for temporary disability because of pregnancy and delivery.
- Parental leave is an unpaid leave of absence not to exceed fifteen (15) working days available to birth fathers or permanent employees who are adopting a child.

Eligible employees taking maternity or parental leave concurrently with Family and Medical Leave Act (FMLA) leave must follow the FMLA Leave Policy (*Family and Medical Leave Policy*) requirements. The FMLA Leave Policy takes precedence over this policy.

PROCEDURE

A. Requesting Leave:

1. Employees requesting maternity or parental leave should give at least give a 30-day advance oral or written notice of the need to take leave, or as soon as practical when advance notice is not possible.
 - The leave request should include the anticipated length of absence and the employee's intended use of accrued paid leave while on maternity or parental leave.

B. Maternity Leave Use:

1. A reasonable leave is determined case-by-case and is based up on the employee's ability to perform her job. In the case of normal pregnancy and delivery, Department Directors must grant a minimum of six (6) calendar weeks after the birth of a child as a reasonable period for recovery.

2. Leave may be longer if the employee is unable to perform her job prior to delivery or if there are complications like illness or surgical delivery. If the Department Director and the employee cannot agree on a reasonable period for maternity leave, the Mayor, in consultation with the Human Resource Officer, should rely on the judgment of the employee's medical provider.
3. An employee shall not be required to obtain medical certification of a temporary disability for the initial six (6) calendar weeks of leave following the birth of a child. However, the Mayor, in consultation of the Human Resource Officer, may require the employee to provide medical certification to extend the maternity leave beyond the minimum six (6) calendar week period. The certification should state that the employee is unable to perform her employment duties and give the estimated duration of the extended leave.
4. The employee is responsible for providing timely, complete, and sufficient medical certification. The employee must provide the certification within fifteen (15) calendar days after the Department Director's request, unless it is not practicable to do so despite an employee's diligent, good-faith effort.
5. Department Directors should not ask employees probing questions regarding their medical conditions that may elicit genetic information about an employee or an employee's family members.

C. Parental Leave Use:

1. Parental leave is available to birth fathers, and non-birthing mothers who are in the same sex marriage, immediately following a child's birth, or to permanent employees who are adopting a child.
2. The employee's Department Director must approve a reasonable leave of absence, not to exceed fifteen (15) working days, for parental leave immediately following the birth of a child or placement of a child with the employee for adoption.
3. The employee's Department Director, in consultation with the Human Resource Officer, may approve less than fifteen (15) working days, if he or she determines the length of leave requested is unreasonable. The Department Director, in consultation with the Human Resource Officer, must provide the employee with a written response explaining why the request is unreasonable. The written notice must also include the length of leave considered reasonable and approved.

D. Accrued Paid Leave Use:

1. Both maternity and parental leaves are unpaid. However, employees may use accrued paid leave concurrently with maternity or parental leave. Employees must request the use of additional leave consistent with City policy applicable to the type of leave requested.
2. The City limits the use of sick leave to fifteen (15) days for birth fathers and adoptive parents, unless the absence qualifies for the use of sick leave for another reason and the City has

chosen to treat non-birthing mothers in a same sex marriage the same as birth fathers for purposes of this policy.

E. Concurrent FMLA Leave:

1. Eligible employees may take up to twelve (12) weeks of FMLA leave for the birth or adoption of a child. Maternity and parental leave run concurrently with FMLA leave. Maternity and parental leave should count towards an eligible employee's FMLA leave entitlement. Employees may not use maternity or parental leave to extend the length of FMLA-leave entitlements.
2. When eligible employees take maternity or parental leave concurrently with FMLA leave, the FMLA policy requirements take precedence over this policy. Department Directors and the employee must follow all medical certification procedures and timelines required by the FMLA Leave Policy and Federal regulations.

F. Reinstatement:

1. Employees returning to work at the end of a reasonable leave of absence for a maternity or parental leave must be reinstated to their original job or to an equivalent position with equivalent pay and accumulated longevity, retirement, and leave benefits.

CLOSING

Prohibited Acts:

1. As provided in 49-2-310, MCA, it is unlawful to:
 - a. Terminate employment because of pregnancy;
 - b. Refuse to grant the employee a reasonable leave of absence for the pregnancy;
 - c. Deny the employee who is disabled as result of pregnancy any compensation to which the employee is entitled as a result of the accumulation of disability or leave benefits accrued, provided that the employer requires the disability to be verified by medical certification indicating the employee is not able to perform employment duties; or
 - d. Require an employee to take a mandatory maternity leave for an unreasonable length of time.

Nothing in this policy prohibits an employee from voluntarily returning to work sooner than six (6) calendar weeks after the birth of child.



CITY OF MILES CITY PERSONNEL POLICY

Section 5:	Leave Administration
Effective:	3/24/2015
Last Revised:	

FAMILY MEDICAL LEAVE (FMLA)

Resolution

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

PURPOSE

The City of Miles City believes that Family Medical Leave is an important benefit to City employees. This policy provides the framework under which the Family and Medical Leave Act (FMLA) will be administered by the City of Miles City. This policy also provides employees information about FMLA entitlements and outlines any obligations employers and employees may have during such leaves.

Eligibility

An eligible employee can take up to 12 weeks of leave per year if he/she has worked for at least 1,250 hours within the previous 12 months and have been employed for 12 months. These months need not be consecutive. For an employee to be eligible for FMLA the employer must employ 50 or more employees within 75 miles of the worksite.

Types of Leave Covered

Family or Medical Leave can be taken for the following reasons:

- ◆ The birth of a child and in order to care for that child;
- ◆ The placement of a child for adoption or foster care and to care for the newly placed child;
- ◆ To care for a spouse, child or parent with a serious health condition (described below);
- ◆ The serious health condition (described below) of the employee;
- ◆ Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty;
- ◆ Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill servicemember or veteran.

Employees are required by law to provide at least a 30-day notification of intent to use Family or Medical Leave whenever possible. Employees will be required to use their paid annual leave or sick leave for any part of the 12-week period. The remaining portion of the leave will be unpaid leave.

It is the practice of the City of Miles City to designate an eligible employee who is out for more than three days, due to a work place injury or illness under FMLA. Worker's Compensation and FMLA will run concurrently when necessary and when the employee is eligible.

Amount of Leave

Employees will only be provided a total of 12 weeks in a rolling 12-month period looking back from the first day of the leave request. (For example: If an employee took 12 weeks leave beginning July 1, 1996 and requested to take 12 weeks leave beginning May 1, 1997, the request would be denied because the employee used 12 weeks looking back from May 1, 1996 through April 30, 1997.)

Employees can take up to 26 weeks for FMLA circumstance related to military caregiver leave during a single 12 month period. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available. This leave will also be based on a look back period.

If both spouses work for the City of Miles City and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not parent-in-law) with a serious health condition, the spouses may only take a total of 12 weeks of leave.

Certification of Medical Condition

Upon request of your supervisor, Human Resource Officer, and/or the Mayor, employees must provide certification explaining the serious health condition or the family member's condition. It should detail:

- ◆ the date on which the condition began
- ◆ the probable duration of the condition
- ◆ appropriate medical facts regarding the condition
- ◆ a statement that the employee is needed to care for a spouse, parent or child
- ◆ a statement that the employee's own health condition makes it impossible for him or her to work

If the City of Miles City is not satisfied with the certification, it may require a second opinion at our expense. In the event of conflicting opinions, a third provider will be retained, also at our expense, to render a binding decision.

Employee Status and Benefits During Leave

While an employee is on leave, the City of Miles City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the company may require the employee to reimburse the city/town the amount it paid for the employee's health insurance premium during the leave period.

The employee is required to continue to pay their share, if any, of premiums for health benefits. If in a paid status, these will continue to be taken from paychecks, if in a leave without pay status, the employee will be required to submit the payment to the Human Resource Officer in person or by mail. The payment must be received by the 5th day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The employer will provide notice prior to the loss of coverage.

Employee Status After Leave

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider before returning to work. Generally an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefit and other employment terms.

Under certain conditions, employees who are designated as "key" may be denied job restoration rights. These employees must be in the highest paid 10% of the work force and their absence must mean a substantial economic loss to the company. If a person designated as "key" still takes family leave, the City of Miles City will pay the health care premiums, but no guarantees are made about returning them to the positions they left.

An employee who fails to return to work on his or her regularly scheduled work day after the pre-approved leave without pay period will be considered to have voluntarily resigned unless the leave period is extended, in advance, by the Mayor. Providing false or misleading information or reasons to justify a FMLA absence may result in discipline, up to and including termination. FMLA provisions indicate that at the City of Miles City discretion, health care premiums may be recovered from employees who do not return to work.



CITY OF MILES CITY PERSONNEL POLICY

Section 6:	Workplace Standards
Effective:	
Last Revised:	

Discipline

Resolution

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

The City of Miles City, at its discretion, may investigate and take disciplinary action upon learning of a suspected violation of federal, state or local laws, Miles City rules and/or regulations, employee conduct/behavior/performance standards, Miles City policies, or other conduct not in the best interests of the City of Miles City. The supervisor, the Mayor, or the Mayor’s designee may informally investigate any allegation of improper conduct to the extent necessary to determine whether a full investigation into the matter is appropriate. In the event the Mayor determines that a full investigation is appropriate.. Employees may be placed on administrative leave (with or without pay) pending investigation, in the discretion of the Mayor. The investigation shall be completed at the direction of the Mayor by the supervisor or a designee appointed by the Mayor as investigator, and the final step of the investigation shall include an interview with the employee.

Upon completion of the investigation, the employee will be notified in writing and in general terms as to the details of the alleged violation or misconduct, and an interview with the employee will be scheduled. The employee being interviewed may request an attendee of their choosing be present at the interview; however such attendee will be permitted to observe only and will not be permitted to participate in the interview. At the beginning of the interview, the employee will be given the following warning: “You are being asked to provide information as part of an internal and/or administrative investigation. This is a voluntary interview and you do not have to answer questions if your answers would tend to implicate you in a crime. No disciplinary action will be taken against you solely for refusing to answer questions. However, the evidentiary value of your silence may be considered in administrative proceedings as part of the facts surrounding your case. Any statement you do choose to provide may be used as evidence in criminal and/or administrative proceedings.”

Upon conclusion of the investigation, the investigator shall submit a detailed report to the Mayor, and the Mayor will review the report, request additional information if deemed necessary, and decide whether discipline is appropriate, and if so, at what level. All affected parties will be advised, at an appropriate level, of the investigation results.

Discipline, as determined by the City of Miles City, may be imposed in one of the following forms. This is not a progressive discipline policy.

Oral Reprimand

The supervisor and/or Mayor or Human Resource Officer will meet with the employee to explain the issue(s), the expectations moving forward and the consequences should the employee not conform or comply with the

stated expectations. This conversation will be summarized in writing. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

Written Reprimand

The supervisor, the Mayor and/or the Human Resource Officer will meet with the employee to explain the issue(s), the expectations moving forward and the consequences should the employee not conform or comply with the stated expectations. The summary of the issue(s) and the corrective action required will be presented in a letter to the employee. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

Suspension (with or without pay)

The supervisor, the Mayor and/or the Human Resource Officer will meet with the employee to explain the issue(s), the expectations moving forward and the consequences should the employee not conform or comply with the stated expectations. The summary of the issue(s), the corrective action required and the dates and conditions of the suspension will be presented in a letter to the employee. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

Demotion - Loss of Duty

The supervisor, the Mayor and/or the Human Resource Officer will meet with the employee to explain the issue(s), the expectations moving forward and the consequences should the employee not conform or comply with the stated expectations. The summary of the issue(s), the corrective action required and the specific conditions of the demotion will be presented in a letter to the employee. The employee and the supervisor will sign the summary which attests that the meeting took place, that the employee understood the problem and the corrective action required. The summary will be placed in the employee's personnel file.

Termination

If the City of Miles City determines that the appropriate disciplinary action is termination, Regular, Non-Probationary employees will receive a letter that documents the problem and summarizes the results of the investigation. The letter will detail the cause and date of discharge. The letter shall also include a copy of the Grievance Procedure Policies. The supervisor, the Mayor and/or the Human Resource Officer will meet with the employee and provide him/her with the letter. All terminations must be approved by the Mayor.



CITY OF MILES CITY PERSONNEL POLICY

Section 6:	Workplace Standards
Effective:	
Last Revised:	

GRIEVANCE POLICY

Resolution

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

It is the policy of the city of Miles City that employees who have attained permanent status may file a grievance provided in these rules, unless the employee is covered by a grievance procedure provided under a collective bargaining agreement or a statutory grievance procedure.

Objective

It is the objective of this policy to provide minimum standards for the procedure to be used to adjust grievances filed by eligible employees not covered by a collective bargaining agreement.

- A. Incidents of harassment must be reported using the procedure in the harassment prevention policy.
- B. Incidents that are alleged to be in violation of the Americans with Disabilities Act (ADA) of 1990 must be reported using an ADA complaint resolution procedure. Otherwise, the employee shall proceed under this policy.
- C. Nothing in this policy precludes an employee who is alleging unlawful discrimination from concurrently exercising any statutorily-protected right to timely file a complaint with a civil rights enforcement agency.

Definitions

- A. "Employee" means:
 1. any city employee except those covered by a collective bargaining agreement
 2. or an employee who has not completed a probationary period or a probationary period is extended and the employee has to attain permanent status;
 3. when an employee is hired as a temporary employee or short-term worker or an employee is temporarily hired into a permanent position for less than 12 months and is not eligible to attain permanent status; and
 4. when persons are contracted as independent contractors or perform their duties.
- B. "Grievance" means a complaint or dispute by and employee regarding the application or interpretation of written laws, rules, personnel policies or procedures, which adversely affects the employee.
- C. "Grievant" means an employee who has filed a formal grievance.

Employee Grievance

A. An eligible employee may file a grievance based on the application or interpretation of laws, written rules, personnel policies and procedures which adversely affects the employee, unless specifically prohibited from doing so by statute or rule.

B. An employee other than the grievant may, at the city's discretion, be given working time off to participate in an investigation or hearing. This time may be paid working time, if the employee's participation is at the agency's request. Other employees may request to use appropriate paid leave, leave of absence without pay or accrued compensatory time to attend a hearing. Use of leave or compensatory time shall be requested and approved consistent with city policies relating to the type of leave requested.

Grievance Procedure

A. Step I is the informal resolution. Both the employee and supervisor are encouraged to resolve the grievance informally whenever possible.

B. Step II is the formal grievance.

1. A formal grievance shall be filed in writing within 15 calendar days from the occurrence of the grievable event. The formal grievance shall be filed with the mayor.

2. A formal grievance shall state specifically the law, written rule, policy, and/or procedure violated; when the action occurred, and the remedy desired by the grievant. It shall be signed and dated by the grievant.

3. The Mayor shall respond in writing to a formal grievance within 15 calendar days from the date it is filed.

4. The grievance is resolved at step II if the grievant accepts the mayor's response, or if the grievant fails to advance the grievance to Step III within 15 calendar days of the receipt of the Mayor's response.

C. Step III is the review by the city's Human Resource Committee.

1. If a grievant wishes to advance the grievance to Step III, the grievant shall notify the Mayor in writing. The grievant shall notify the Mayor within 15 calendar days of receipt of management's response at step II.

2. If the subject of the grievance is suspension without pay for more than 10 working days, disciplinary demotion, or discharge, the mayor shall order a hearing of the City Council. All other grievances shall advance to final review by the Human Resource Committee.

3. The Chairperson of the Human Resource Committee shall review the grievance and shall issue the final administrative decision on the grievance either:

- within 20 calendar days of the grievant's request for final review;
- within 15 calendar days of receipt of a hearings summary, if applicable; or,
- the Human Resource Committee chairperson shall notify the grievant and mayor concerning any additional actions ordered which will delay the decision.

D. At the discretion of the Human Resource Committee Chairperson, the final review may include review of the written grievance, review of mayor's response, and review of the time record of any investigation or hearing, or the Chair of the Human Resource Committee may authorize an additional investigation, may conduct a discussion with the grievant or may order a hearing.

E. The Human Resource Committee's final decision shall be issued in writing. This is the final step of this grievance procedure.

Hearing

- A. A hearing shall be conducted by the City Council at Step III, if the grievance is filed as the result of a suspension without pay for more than 10 working days, a disciplinary demotion, or a discharge. Within 10 working days of advancement of the grievance to Step III, the mayor informs the grievant of the hearing date in front of the City Council.
- B. At the hearing both parties shall have:
1. the right to introduce evidence;
 2. the right to cross examine;
 3. the right to be represented; and,
 4. the right to a recommendation for resolution based on the recorded evidence and matters officially noticed.
- C. The City shall pay all costs of:
1. physical arrangements for a hearing; and,
 2. Mayor's witnesses and evidence.
- D. The grievant shall pay fees and expenses of:
1. the grievant's representative; and,
 2. the grievant's witnesses and evidence, unless the witness also is a Mayor's witness.
- F. A recording shall be made of the hearing. The party requesting the transcript shall bear the cost. If both parties request a transcript, they will share the cost.
- G. The City Council will issue a final decision within 15 calendar days of the hearing.

Failure to Act

- A. If the employee fails to respond within the time frames established for a step, the grievance is considered resolved in favor of the last response given by mayor. The employee may not refile the grievance.
- B. If mayor fails to respond within the time frames established for a step, the grievant may proceed to the next appropriate step of the procedure.

Waivers

Any step of the procedure and timeframes in the procedure may be waived upon written agreement of both parties.

Grievance Resolved

A grievance is resolved when:

- A. the grievant requests in writing that the grievance be withdrawn or signs a waiver that a resolution has been achieved;
- B. the grievant leaves city employment, unless discharged;
- C. the grievant dies, unless the grievance involves pay or fringe benefits;
- D. the grievant fails to advance the grievance in the required time frames;
- E. the final steps of the grievance procedures are completed.

Closing

This policy shall be followed unless it conflicts with negotiated labor contracts or specific statutes, which shall take precedence to the extent applicable.



CITY OF MILES CITY PERSONNEL POLICY

Section 6:

Workplace
Standards

Effective:

Last Revised:

Harassment Prevention and Reporting

RESOLUTION

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

It is the policy of the City of Miles City that harassment, based on a protected class will not be tolerated. Each individual has a right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, employees are expected to act in a professional, cooperative and respectful manner to all contacts.

It is the policy of the City of Miles City to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, national origin, creed, sex, marital status, veteran/military status, genetic history, political belief, age or disability both in or outside the workplace, on or off shift, in person or via electronic communication such as email, social media, etc.

Any employee who perceives a conversation or event as harassment, whether the employee is involved or merely observing, should explain to the offender in a calm, but firm manner that the action is perceived as inappropriate and the employee wishes the behavior to stop. Should the behavior continue, the employee should report the activity to their supervisor, the Mayor OR the Human Resource Officer.

The City of Miles City encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City to promptly and thoroughly investigate such reports with due regard to confidentiality. The results of the investigation will be communicated to the complainant and the offender. Discipline will follow guidance found in the Discipline Policy.

A follow up review will be completed if harassment allegations have been made to ensure the harassment has discontinued and all parties involved are not subjected to retaliatory behaviors.

Definitions of Harassment

Sexual Harassment: According to the EEOC and Montana Human Rights Bureau, sexual harassment may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical advances of a sexual nature. For example:

- Occasions when such conduct, either explicitly or implicitly, is a term or condition of employment
- Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individuals
- Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Examples may include unwanted sexual advances or requests for sexual favors; sexual jokes or innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; gestures; suggestive objects of pictures or other physical, verbal or visual conduct of a sexual nature.

Other Harassment: Harassing behavior based on any other protected characteristic. For example: verbal, written or physical conduct that denigrates or shows hostility or aversion toward another because of his/her race, color, religion, national origin, creed, sex, marital status, genetic history, sexual orientation, political belief, age or disability

Retaliation

No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

- a) Filing or responding to a bona fide complaint of discrimination or harassment;
- b) Appearing as a witness in the investigation of a complaint; or
- c) Serving as an investigator.

Please report any retaliation to your supervisor, the Mayor or Human Resource Officer. Any report of retaliatory conduct will be objectively, timely and thoroughly investigated in accordance with the City's investigation procedure. Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to disciplinary actions, up to and including termination.



CITY OF MILES CITY PERSONNEL POLICY

Section 6:	Workplace Standards
Effective:	3/24/2015
Last Revised:	

TRAVEL

Resolution

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

Introduction

Traveling is a necessary operation of city government. However, city departments should always remember that travel expense could be a major budget consideration if it is not properly managed. Departments must always be aware of the need for efficiency and economy in travel. The responsibility for adhering to the laws and providing effective managerial control rests with each employee. Unless covered by a separate section of statute, all elected officials, appointed members of boards, commissions, or councils, department directors and all other city employees are subject to this policy. To the extent practical, the City policy mirrors the travel policy in place for employees of the State of Montana.

Travel Guidelines

When considering travel the following guidelines apply:

- A. The Mayor must approve all out-of-state travel in advance.
- B. The employee's immediate supervisor must approve all other travel.
- C. Each department shall hold to the absolute minimum the number of personnel attending a function requiring travel.
- D. Lodging expenses are to be kept as low as possible and every effort will be made to obtain government rates.
- E. Transportation costs will be kept as low as possible and time away from regular work will be minimized as much as possible.
- F. The least expensive class service available for all commercial air travel will be used.
- G. Employees traveling by car will adhere to all applicable traffic laws.
- H. The Department Director or the Mayor will approve all travel plans, in advance.
- I. If an employee travels each day from home to work, that is not considered a travel status for the purposes of this policy.

Commercial Airline

- A. Travel by commercial airline is allowed if the cost of such travel is less than by ground transportation and/or if it is a situation where the time away from the worksite for the employee needs to be kept to a minimum.
- B. Department Directors or the Mayor will approve all commercial air travel.

Use of City-Owned or City-Leased Vehicles

- A. Employees subject to emergency call out because they work in a 24-hour, seven day per

- week Department will be allowed to take city-owned vehicles home.
- B. City owned vehicles may be available for out-of-town travel and city credit cards may be used for fuel purchases.
- C. The employee who is in charge of the city-owned vehicle is responsible for insuring that proper maintenance is completed on the vehicle.

Use of Personal Vehicles

- A. Employees will receive a mileage reimbursement for use of a personal vehicle for
- B. City business when:
 - 1. No city owned vehicle is available for travel; and,
 - 2. The use of a personal vehicle is considered to be in the best interests of the City.
- C. Exceptions
 - 1. An employee may option to use his or her own vehicle when a city-owned vehicle is available but in that case will receive one-half the current approved state mileage rate, as reimbursement.
 - 2. Department employees who are subject to emergency call out and work in a 24-hour, 7 day per week Department, may option to use their own vehicle for city work. In this case the employee will receive a monthly stipend based upon an average number of work miles driven per month. That average will be reviewed yearly and will be based upon a log kept for a specified period of time as mutually agreed to by the Mayor and employee. The stipend will be based upon the approved state mileage rate and will not include mileage between the work place and home.
- D. Employees who choose to use a personal vehicle for city business and there are reimbursed mileage, the employee must comply with liability protection provisions of Section 61-6-3, MCA, and must be aware of personal vehicle usage liability.
- E. City mileage rates will be adjusted when the State of Montana changes their mileage rates.

Private Rental Agency Vehicle Contract

These costs are not allowed by the city unless it is a road emergency, and then reimbursed only following contact and approval by department director.

Meal Allowances

- A. To be eligible for a meal allowance while traveling on City business, the employee must be in a travel status for more than 3 continuous hours and be at least 15 miles from the work site or home, whichever is closer.
- B. May not request reimbursement for meals included in the cost of a conference registration that is paid by the City or for meals provided by the City or another governmental entity.
- C. Meal Allowance Time ranges. In order to claim a meal allowance, the employee must be in a travel status for more than three continuous hours within one of the following time ranges:

Time Range	Meal Allowed
12:01 a.m. to 10:00 a.m.	Morning Meal
10:01 to 3:00 p.m.	MIDDAY MEAL
3:01 to Midnight	Evening Meal

- D. Reimbursement will be at state meal rates as published.

Reimbursement for Receipted Lodging

- A. The City adopts the state reimbursement for actual out-of-pocket lodging expenses, including room tax, up to the maximum amounts set by this policy, for in-state and out-of-state travel

and changes those rates when the state amends their rates.

- B. The following costs are allowed for reimbursement. In order to claim lodging reimbursement, original receipts must be attached from a licensed lodging facility to city Travel expense voucher. Other receipts, such as credit card receipts, are not acceptable.
- C. If an employee is traveling with their non-city-employee spouse, the lodging rate claimed must reflect only the rate for one person. The single-occupant rate should be noted and marked as such on the receipt.

In-state Travel - Receipted Lodging

- A. The maximum lodging reimbursement rate for in-state travel is not to exceed standard state lodging rate as published, unless lodging is in of the high cost areas. Current rates are to be obtained at the following website:
<https://sfsd.mt.gov/SAB/EmployeeTravel>
- B. Exceptions, when lodging is secured at the convention or training site, the prevailing room rate for that site, will be paid by the city.

Out-of-State Travel -- Receipted Lodging

The maximum lodging reimbursement rate for out-of-state travel is not to exceed the standard in-state lodging rate as obtained under the "In-state Travel – Receipted Lodging" section above unless the city is in a high cost area. The out of State high cost areas are available on the federal GSA website. If the city is not listed on this table but the county is, the lodging rate listed applies in the entire county. If neither the city nor the county in which the city is located are listed, then the standard rate should be used for that area. To find the GSA website go to: <https://sfsd.mt.gov/SAB/EmployeeTravel> Click on the "Federal Lodging Rate Guidelines" and select the state you will be visiting.

Reimbursement for Non-Receipted Lodging

It is the policy of the City of Miles City that it will not reimburse an employee in a non-receipted facility.

Exceptions

In some instances, lodging is provided at no charge. In these instances, you can claim lodging expenses of \$12.00 per night. Examples include:

- A. Lodging is provided on campus for industry or government seminars;
- B. Lodging is included in the registration fee.
- C. Employee stays with family or friends.

Use of City Credit Cards in Travel

City credit cards will be used for fuel, meals and lodging purchases.

Travel Advances

- A. Travel advances are available by completing the Travel Advance Request and detailing the travel plans and costs.
- B. Total costs must be at least \$50.00
- C. The Travel advance form must be in to the City Clerk's office at least ten days before it is needed.

Travel Voucher Process After Travel

- A. A Travel Expense voucher will be completed and signed by the employee after travel ends.
- B. The voucher will be reviewed and approved by the Department Director or delegated authority.
- C. No more than two vouchers will be processed per month.
- D. Reimbursements due the city will accompany the voucher.



CITY OF MILES CITY PERSONNEL POLICY

Section 6:

Workplace
Standards

Effective:

Last Revised:

BREASTFEEDING IN THE WORKPLACE

Resolution

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

Women returning from maternity leave who wish to continue breastfeeding or separate expression of milk for their child(ren) will be provided a private space (other than a toilet stall) with suitable lighting and electricity if necessary for pumping apparatus. The selection of the space will be made on a case-by-case basis in consultation with the employee. Standard break times will be primarily utilized with additional unpaid break time provided as mutually agreed upon. Additionally, the city of Miles City will make every effort to provide suitable facilities for milk storage during the employee's daily work period. All requirements listed in MCA 39-2-215, 39-2-216, 39-2-217 will be complied with.



**CITY OF MILES CITY
PERSONNEL POLICY**

Section 5:

Leave
Administration

Effective:

Last Revised:

PUBLIC OFFICE LEAVE

Resolution #

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

Employees elected or appointed to a public office shall be granted an unpaid leave of absence, not to exceed 180 days per year while performing the public service. Employees will be restored to their positions, with the same seniority, status, compensation, hours, locality, and benefits as existed prior to their leaves of absence for public service. Employees must return to work within 10 days following the completion of the service unless they are unable to return due to an illness that has been certified by a medical doctor. The City of Miles City will comply with all relevant restrictions and guidelines provided within the Hatch Act, (5 U.S.C. 7321 through 7326, as amended).

RESOLUTION NO. 4002

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2016-2017 TO DECREASE THE BUDGETED AMOUNT IN FUND # 2520-108-430233-350.

WHEREAS, the City of Miles City wishes to amend the budget for Fiscal Year 2016-2017 to decrease the amount budgeted in SID 205 Professional Services;

AND WHEREAS, such amendment of the final budget will result in an overall decrease in appropriation authority within such fund,

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

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

The appropriations for the Final Budget for Fiscal Year 2016-2017 for SID 205 Fund 2520-108-430233-350 shall be decreased in the amount of \$259,294 (professional services).

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2016-2017 on the 9th day of November, 2016, at 7:00 p.m. in the City Council Chambers at City Hall, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4128 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 25th DAY OF OCTOBER, 2016.

JOHN HOLLOWELL, Mayor

ATTEST:

Lorrie Pearce, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY

CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES
CITY, MONTANA, THIS 9th DAY OF NOVEMBER, 2016.

JOHN HOLLOWELL, Mayor

ATTEST:

Lorrie Pearce, City Clerk