

CITY OF MILES CITY AGENDA

Regular Council Meeting
City Council Chambers

February 13, 2018 7:00 p.m.

CLOSED SESSION FROM 6:00 PM-7PM- DISCUSSION ON CITY'S LITIGATIONS

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES

A.	Special City Council Meeting	1/23/2018
В.	Regular City Council Meeting	1/23/2018
C.	Public Service Meeting	1/19/2018
D.	Finance Committee Meeting	1/22/2018
E.	Flood Control Committee Meeting	2/01/2018
F.	Public Safety Committee Meeting	2/01/2018
G.	Human Resource Meeting	2/01/2018

- 2. SCHEDULE MEETINGS
- 3. REQUEST OF CITIZENS & PUBLIC COMMENT
- 4. APPOINTMENTS
- 5. PROCLAMATIONS
- 6. STAFF REPORTS
- 7. CITY COUNCIL COMMENTS
- 8. MAYOR COMMENTS
- 9. <u>COMMITTEE RECOMMENDATIONS</u>

Have some sort of memorial for Dr. Hilleman at Riverside Park and City names Pumping Plant Park the "Maurice Hilleman Complex".

- 10. BID OPENINGS
- 11. BID AWARDS

12. PUBLIC HEARINGS

A. ORDINANCE NO. 1319- An Ordinance Amending Chapter 5 Section 2 of the Code of Ordinances of Miles City, Montana, With Regards to Adoption of Model Technical Codes and Administrative Regulations

B. ORDINANCE NO 1320- An Ordinance Repealing Section 12 of the Code of Ordinances of the City of Miles City and Enacting a New Section 12 of Said Code of Ordinances of the City of Miles City

13. UNFINISHED BUSINESS

- A. ORDINANCE NO. 1319- (Second Reading) An Ordinance Amending Chapter 5
 Section 2 of the Code of Ordinances of Miles City, Montana, With Regards to
 Adoption of Model Technical Codes and Administrative Regulations
- B. ORDINANCE NO 1320- (Second Reading) An Ordinance Repealing Section 12 of the Code of Ordinances of the City of Miles City and Enacting a New Section 12 of Said Code of Ordinances of the City of Miles City
- C. RESOLUTION NO. 4115- A Resolution Revising City of Miles City Personnel Policies Regarding Discipline and Discharge (Tabled)

14. NEW BUSINESS

- A. ORDINANCE NO. 1321- (First Reading) An Ordinance Amending Ordinance 1294, and Revising the Urban Renewal District Boundary to Include Full Parcels Split by Original Boundaries
- B. ORDINANCE NO. 1322- (First Reading) An Ordinance Revising Sections 23-28, 23-29, and 23-33 of the Code of Ordinances of the City of Miles City, Montana, so as Revise Provisions Regarding Curb Stop Maintenance, Meter Replacement Fees, and Service Line Materials
- C. RESOLUTION NO. 4126- A Resolution Granting a Revocable License to Bert Boughton and Byron Boughton And Bert Dee Boughton for an Encroachment Upon City of Miles City Property, for the Benefit of Tract 4A of the Industrial Sites, West of Miles City
- D. RESOLUTION NO. 4127- (First Reading) A Resolution Pursuant to §7-6-4006 of the Montana Code Annotated, Authorizing Amendment of Final Budget for FY 2017-2018 to Increase the Budgeted Amount in the General Fund for Various Unbudgeted Expenditures
- E. RESOLUTION NO. 4128- A Resolution Approving an Amendment of Municipal Street Lighting and Equipment Rental Agreement With Montana-Dakota Utilities Co.
- F. RESOLUTION NO. 4129- A Resolution Approving a Real Property Lease

Agreement Between the City of Miles City, and Nolley's Welding and Machine, Inc., For Certain Real Property Owned by Miles City, Montana

G. APPROVAL OF JANUARY CLAIMS

15. ADJOURNMENT

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

Minutes

SPECIAL COUNCIL MEETING January 23, 2018 5:30 p.m.

The Special Council meeting was held Tuesday, January 23, 2018, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Council Members present were Brant Kassner, Dwayne Andrews, John Uden, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith. Councilperson Ken Gardner arrived at 6:30pm.

Also present were Mayor John Hollowell Floodplain Administrator/AutoCAD/AssistantPWPV Samantha Malenovsky, and City Clerk/Minute Recorder Lorrie Pearce.

A. Variance Training-

NFIP Coordinator for DNRC, Traci Sears presented variance training to Council. The following was discussed:

1. Mapping

- A 100- Year flood has a 1% chance of occurring any given year
- Flood Insurance Rate Maps (FIRMs)- Identify areas of flood risk, used for various purposes and needs periodic updating
- Zone AE-100 year floodplain includes flood fringe and floodway
- Zone X is the 500 year floodplain
- Zone AE,A,AO,AH, etc. is the 100 year floodplain hazard area. They require flood insurance on buildings with a federally backed mortgage, floodplain regulations apply, floodplain permits are necessary. Referred to as 1% annual chance floodplain and regulated flood hazard area
- Floodway has the fastest flows and the deepest depths of flood water and kept clear from development so that flood waters may pass.

2. Regulations

- Protects property rights to ensure action of any property owner does not adversely impact the property rights of other
- Leads to reduced flood losses while promoting better stewardship and community mitigation efforts
- Prevention of harm is treated different legally than making the community a better place-tougher to challenge in court
- Requires a permit for development in a high risk flood zone
- Describes the permitting process in detail
- Describes community procedure for appeals, variances, and violations
- Local floodplain regulations include- Administrative and enforcement procedures, specific requirements, regulations, and standards to

- support the purpose. A tie into FEMA's flood maps and follows State and FEMA's minimum requirements
- The floodplain permitting process includes any development (manmade activity) in a high-risk flood zone. It needs to go through the permitting process, and all required local, state, and federal permits and must be approved before a floodplain application is considered complete
- Freeboard in Montana requires 2 feet of freeboard for new construction. Higher freeboard lowers flood risk and insurance premiums.
- An appeal is a request for a review of a rule interpretation made by the
 community; a variance is a grant of relief from the requirements of the
 rules that would result in an un-necessary hardship to the owner or
 applicant. Miles City Council primary function is to hear and rule
 upon applications for a variances and appeals from decisions of the
 local floodplain administer
- Proposed variance from FEMA regulations must show: Good and sufficient cause is shown, an exceptional hardship to the applicant exists, the variance provides the minimum necessary action to afford relief, the variance will not increase flood heights, cause additional threats to public safety, cause extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with local laws or ordinances. If variance is granted, the community must maintain a record of all variances
- Best advice to Council is to rarely grant these variance on a very limited basis
- Variances to community regulations that are above and beyond minimum FEMA regulations will typically have a lower threshold for approval than a variance from FEMA rules would
- Could significantly lower Community Rating System (CRS) activity points. Could potentially cause and increase in insurance premiums that get a reduction from CRS classification
- Notification should be given to property owners that may be affected by higher insurance premiums due to the issuance of a variance
- Variance Applications must be submitted and include:
 Completed floodplain permit application, variance application, supporting materials for applications and supporting materials that address criteria in section 12-59 of Miles City floodplain ordinance and articles 9 and 10. A public notice should be published in local paper and notice sent to adjacent property owners
- Criteria for Variances
 Is there good and sufficient cause (financial hardship is not a good and sufficient cause, failure to grant the variance would result in

exceptional hardship to the applicant. Residential and nonresidential buildings are not in the floodway except for alterations or substantial improvement to existing builds. Any enclosure including a crawl space must meet the requirements in Section 10.2.14, Wet flood proofing if the enclosure interior grade is at or below the BFE. Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with other existing local laws or ordinances. The proposed use is adequately flood proofed. The variance is the minimum necessary, considering the flood hazard, to afford relief, and a reasonable alternative location is not available. An encroachment does not cause an increase to the BFE that is beyond that allowed in these regulations. All other criteria for a floodplain permit besides the specific development standard request are met.

Exceptions

For either new construction of a structure outside of the Floodway only or for substantial improvements or an alteration of a structure, on a lot of one-half acres or less that is contiguous to and surrounded by lots with existing structures constructed below the BFE.

Historic Structures – variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program

• Board Decision:

Historic Structures – Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum relief necessary to preserve the historic character and design of the structure. The historic nature of the building must be designated as a preliminary or historic structure by U.S. Secretary of Interior or an approved state or local government historic preservation program Make findings, and approve, conditionally approve or deny a Floodplain permit and variance within 60 days of a complete application

If approved, attach conditions to the approval of Floodplain permit and Variance including a project completion date and inspections during and after construction Notify the applicant that the issuance of a Floodplain permit and Variance to construct a structure not meeting the minimum building requirements in these regulations may result in increased premium rates for flood insurance and that flood insurance premiums are determined by actuarial risk and will not be modified by the granting of a variance

Submit to the Floodplain Administrator a record of all actions involving a Floodplain permit and variance, including the findings and decision and send a copy of each variance granted to DRNC

ADJOURNMENT

The meeting was adjourned	d at 6:52p.m.
John Hollowell, Mayor	Lorrie Pearce, City Clerk

REGULAR COUNCIL MEETING January 23, 2018 7:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, January 23, 2018, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana. Mayor John Hollowell called the meeting to order. Council Members present were Brant Kassner, Dwayne Andrews, Ken Gardner, John Uden, Rick Huber, Jeff Erlenbusch, Kathy Wilcox and Susanne Galbraith.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Chief Doug Colombik, Fire Chief Branden Stevens, Grant Administrator /Historic Preservation Officer Connie Muggli, Floodplain Administrator/AutoCad/AssistantPWPV Samantha Malenovsky, and City Clerk/Minute Recorder Lorrie Pearce.

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 1/9/2018

** Councilperson Uden moved to approve the minutes of the Regular Council Meeting of January 09, 2018, and seconded by Councilperson Erlenbusch. The motion passed by unanimous consent, 8-0.

SCHEDULE MEETINGS

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

• Human Resource:

Thursday, February 2nd @ 5:15 p.m.

• Flood:

Thursday, February 2nd @ 5:15 p.m.

• Public Safety:

Thursday, February 2nd @ 6:30 p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

Councilperson Andrews to replace Councilperson Erlenbusch on Local 600/Labor Contract Negotiation Committee

** Councilperson Galbraith moved to approve Councilperson Andrews to replace Councilperson Erlenbusch on Local 600/Labor Contract Negotiation Committee, seconded by Councilperson Gardner and passed unanimously.

PROCLAMATIONS

None

STAFF REPORTS

Scott Gray- Commended the Public Works and Utilities for the good job on the snow removal. Stated that the skating rink is open, warming house is open from 7am to 11pm and the bull sale will be on Main Street February 2nd. Also the bucket truck was down and looking at replacing it.

Branden Stevens- Reported the following:

- Fire Department will be at full staff on February 3rd, drastically reducing the overtime
- Promotion for Officers next Monday
- EMS staff will be going through EMT refresher training in January
- Tender 23 still out of service
- Ambulance grant is going out to bid this Friday
- Department water tower has been fixed
- Putting in for a \$300,000 grant to purchase Self Contained Breathing Apparatus and Cascades
- Training center passed the environmental portion of the process
- Narcan training for the police will be soon
- Station roof is leaking and MMIA is looking into it

Doug Colombik- Reported the following:

• The narcotic dog raffle has produced \$2,900 and felt it was going to take quite a while to collect the amount needed for the dog, training and vehicle

Lyne Anderson- Reported the following:

- Tried to apply for a grant to help with the GIS purchase, but the City had an active grant so it was denied. The County has agreed to apply for the grant, and asked for a letter of support from the Mayor
- 911 goals are to purchase the software, coordinate the system and have City, County and 911 match

CITY COUNCIL COMMENTS

Jeff Erlenbusch- With the Tokyo and Hawaii scare, wondered if the Miles City Star could do an article as to where fallout shelters are in Miles City

John Uden- Thanked the fire department for coming to his house and supplying battery operated smoke alarms

Rick Huber- Thanked everyone for the good job on snow removal, thought everyone worked together well

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

A. ORDINANCE NO. 1318- An Ordinance Amending Chapter 15 of the Code of Ordinances of Miles City, Montana, With Regards to Weeds, and the Enforcement of Nuisances

Mayor Hollowell called for comments from proponents three times, then opponents three times and, hearing none, the hearing was closed.

UNFINISHED BUSINESS

- A. ORDINANCE NO. 1318: (Second Reading) An Ordinance Amending Chapter 15 of the Code of Ordinances of Miles City, Montana, With Regards to Weeds, and the Enforcement of Nuisances
- ** Councilperson Erlenbusch moved to approve the Ordinance, read by title only, seconded by Councilperson Gardner.

Councilperson Andrews stated the Finance Committee discussed the Ordinance and thought Administrative fees should be added to the ordinance. It was reported that if the ordinance went through all the phases that it could cost the City up to \$400.

- ** Councilperson Wilcox moved to add under (l) to include administrative cost and publication cost associated with the enforcement, seconded by Councilperson Uden, and on roll call vote, passed unanimously 8-0
 - ** The main motion passed 8-0 Ordinance No. 1318 was adopted
- B. Approval on City Paying for Black Mountain Software for TIFD taxes

** Councilperson Galbraith moved to approve the City pay for Black Mountain Software for TIFD taxes, and seconded by Councilperson Wilcox.

Mayor Hollowell explained the payment will be paid one third by the City, County and TIF District.

** On roll call vote, the motion passed by unanimous consent, 8-0.

NEW BUSINESS

A. Approval for the Outlaw Baseball Association to Renovate Stanley Field into a Baseball Field

Outlaw Baseball representative Chuck Notbohm presented the following phases needed to have the field playable by June 1, 2018:

- Phase 1- Ground work, grass and sprinkler system. A verbal confirmation had been received that the Montana Baseball League approving a grant for the mentioned items
- Phase 2- Dug Outs, Back Stop, Fencing and Crow's Nest Facility. The dug out, back stop and fencing had been confirmed by the donors and volunteers. The Crow's Nest Facility had not yet been designed.
- Phase 3- Lighting and Scoreboard will be installed once the funds are collected.

Attorney Rice explained the association would need to follow the Cities donation policy and needed to work with Director Gray on it.

Director Gray said that the association would bring in porta potties at the beginning and is looking into hooking up to the sewer system when funds are available. The horseshoe pits may have to for more parking and thought with the hiring of one full time parks employee they could handle the mowing of the park.

Administrator Malenovsky suggested that the association would need to submit a building application to the County.

- ** Councilperson Uden moved to approve permission for the Outlaw Baseball Association to renovate Stanley Field into a baseball field, and seconded by Councilperson Kassner. On roll call vote, the motion passed by unanimous consent, 8-0.
- B. Approval to Issue a Park Permit to the Outlaw Baseball Association for the Usage of Stanley Field
 - ** Councilperson Gardner moved to approve issuing the Outlaw

Baseball Association a park permit for the usage of Stanley Field, and seconded by Councilperson Galbraith.

Councilperson Galbraith asked if the permit would be exclusive to the Outlaw Baseball Association. Direct Gray explained that the agreement with the association would need to be amended and approved by Council.

** Councilperson Gardner amended his motion to approve the issuing of the park permit with commitment to the primary user of Stanley Field subject to Council approval, seconded by Councilperson Galbraith.

** On roll call vote, the amended motion passed by unanimous consent, 8-0.

- C. ORDINANCE NO. 1319- (First Reading) An Ordinance Amending Chapter 5 Section 2 of the Code of Ordinances of Miles City, Montana, With Regards to Adoption of Model Technical Codes and Administrative Regulations
- ** Councilperson Wilcox moved to approve the Ordinance, read by title only, and seconded by Councilperson Huber.

Attorney Rice explained that the Mayor can adopt certain issues by executive order, which do not get codified. He felt if all issues were approved by Ordinance then they would end up in the codes.

- ** On roll call vote, the motion passed 8-0.
- D. ORDINANCE NO 1320- (First Reading) An Ordinance Repealing Section 12 of the Code of Ordinances of the City of Miles City and Enacting a New Section 12 of Said Code of Ordinances of the City of Miles City
- ** Councilperson Erlenbusch moved to approve the Ordinance, read by title only, and seconded by Councilperson Wilcox.

Administrator Malenovsky explained the changes:

- Section 12-75 is a change to what Federal charges are for the variances
- Only the property owners can approve the application
- ** On roll call vote, the motion passed by unanimous consent, 8-0.
- E. Discussion and Approval to Pursue a Temporary Occupancy Permit

from BNSF to Ascertain Viability of the Depot for City Use

** Councilperson Kassner moved to approve to pursue a temporary occupancy permit from BNSF to ascertain viability of the depot for City use, seconded by Councilperson Huber.

Administrator Muggli explained the permit could cost \$2,700. It could cost less or be waived by BNSF. She felt the structural study should be the first thing done so the City knows if renovation could be completed and it needed to be done to be eligible for grants. She has an architect that would complete the inspection, but the City would need to pay for his travel expenses.

** On roll call vote, the motion passed 7-1, with Councilperson Uden voting no

- F. Approval to send to collections an amount of \$609.67 for delinquent payments to Bulk Water and Repair Leaking Curb Stop
 - ** Councilperson Galbraith moved to send to collections an amount of \$609.67 for delinquent payments on bulk water and repair leaking curb stop, seconded by Councilperson Huber.
 - ** After a short discussion, Councilperson Galbraith moved to amend the amount to \$239.87, seconded by Councilperson Huber.
 - **On roll call vote, the amended motion passed 8-0

ADJOURNMENT

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

The meeting was adjourned at 8:35p.m.

John Hollowell, Mayor	Lorrie Pearce, City Clerk

PUBLIC SERVICE COMMITTEE MEETING January 19, 2018

The Public Service Committee met Friday, January 19, 2018 at 12:00 pm in the City Hall Conference Room. 17 S. 8th Street, Miles City, Montana. Present were Committee Chair Dwayne Andrews and Committee Members Ken Gardner, Kathy Wilcox and John Uden.

Also present were: Public Works Director Scott Gray, Parks Foreman Brady Stone, Historic Presentation Program Administrator Connie Muggli and Minute Recorder Ally Capps.

1. Request of Citizens/Public Comment -None-

2. Elect Committee Chair

** Committee Chair Andrews made a motion to elect Committee Member Uden as 2018 Committee Chair, seconded by Committee Member Wilcox. On a roll-call vote, the Motion passed 3-0. Committee Member Uden abstained.

3. Stanley Field Discussion

Representing the Outlaws Baseball Club, Chad Notbohm, 1908 Sudlow Street, presented to the Committee proposed improvements for the restoration of Stanley Field. Communicating a \$50,000 grant will be available for; turf for the infield, grass for outfield and a sprinkler system. We also have other donators that are willing to match the grant. Do to time limitations; the field will be dirt or clay the first year. Contributions for Stanley Field will also be decorative cinder block dugouts along with supplies for a press box. A fencing company is willing to donate \$60,000 in vinyl-coated chain-link fencing. Committee Member Uden asked Citizen Notbohm if he had any plans at this time in updating the restrooms in Water Plant Park. Mr. Notbohm responded that at this time there were no plans for upgrading the restrooms. The Club will bring in port-a-potties when the field is in use. Committee Member Uden asked Director Gray if he felt he had the work force to take care of Stanley Park. Foreman Stone replied based on his figures and the care that Stanley Park has had in the past, six hours a week would be required in the summer for watering, fertilizing, mowing and pick-up of the park.

The Parks staff will be adding a full time employee in spring. Stanley Field does

require maintenance now for mowing and setting up watering for Pumping Plant Park. Mr. Notbohm asked if the Club could tap into the backside of the field to bring a water line to the outfield and then tap in the sprinkles. Director Gray explained that a waterline is available on right field. Foreman Stone also commented there is an existing 14" pipe that runs through the existing outfield to a fire hydrant. Director Gray asked Mr. Notbohm if they had figured parking into fields improvements. Pumping Plant does have limited open space and parking, adding 30-40 cars will require planning as it will cause extra congestion. In addition, we need to be aware of parking needs for the Water Works Art Museum. Mr. Notbohm thought with the fence going along the side of the field, would open a parking area.

Committee Member Wilcox asked if the Outlaws Baseball Club donates these improvements to the City who owns the improvements. Director Gray responded that a park user permit would be set up for Stanley Field. In these permits, there one section covers donations and states that all donations stay with the field. One option proposed could state, Stanley Field would be for the Outlaws Club since they have had generously donated and improved Stanley Field. Committee Member Andrews requested that the Outlaw Club put their proposal into writing and submit their request to Council, showing an outline for the grant and donations for Stanley Field.

** Committee Member Uden made a motion to approve their request and commend the Outlaw Baseball Club's commitment and effort for modernizing Stanley Field with a due pass recommendation on the Club's plan, seconded by Member Andrews with the wording" written plan" be added to the original motion. On a roll-call vote, the Motion passed unanimously 4-0.

3. Recognize Maurice Hilleman

Committee Member Andrews shared his thoughts in naming Pumping Plant Park and Stanley Field to the Maurice Hilleman Park. Committee Member Uden shared his views regarding his choice in renaming Riverside Park to Maurice R. Hilleman Memorial Park. The old water tower foundation would be a great place to honor and recognize Maurice Hilleman. Honoring Maurice Hilleman, would be educational as well as an historical tribute to a man who accomplished so much and saved millions of lives and was born and raised in Miles City. Administrator Muggli added due to Riverside Park being on the National Registry, its name is significate to Miles City and is on the National Registry as a significant contributing element of the Main Street Historic District. The Historic Preservation Board in the past year had looked at adding a Steam Ship Captain Statue or a bust of Dr. Maurice Hilleman onto the old water tank foundation in Riverside Park for a memorial. Director Gray asked Committee Member Uden about the memorial Merck and Company was interested in providing to Miles City, for the work Dr. Hilleman had accomplished. Committee Member Uden had talked to Merck and they were still interested in providing help to the memorial

but the verbal stipulation was naming the park, Hilleman Memorial Park. Administrator Muggli asked if Merck was going to send the City a written letter of commitment. Committee Member Uden would contact Merck for a written letter of commitment. The Preservation Commission was thinking of a granite pedestal with a bust of a Steam Boat Captain and adding a brass plague to tell the story of Fort Keogh and the forts significates to Miles City. Miles City formed near the river by being a landing dock for Fort Keogh. However, this could also be in addition for Dr. Hilleman and his tremendous impact he had on saving millions of lives of children starting in the 1960's just for his measles vaccine alone.

Committee Member Gardner mentioned he has had public comment asking that Riverside Parks name not be changed.

**Committee Member Uden motioned a resolution be prepared to change the name of Riverside Park to the Dr. Maurice R. Hilleman Memorial Park. There was not a second.

**Committee Member Wilcox moved to adjourn seconded by Committee

**Committee Member Andrews motioned that Riverside Park have some sort of memorial for Dr. Hilleman and that we name Stanley Field and Pumping Plant Park the Maurice Hilleman Complex, seconded by Committee Member Wilcox. On roll call vote, the motion passed 3-1 with Committee Member Uden opposed.

Ally Capps, Recorder

Member Uden, motion passed unanimously.	i by Committee

Dwayne Andrews, Chairperson

Finance Committee Meeting

January 22, 2018

The Finance Committee met Thursday, January 22, 2018 at 5:15 p.m. in the City Hall Conference room. Present were Committee Chairperson Susanne Galbraith and Committee Members Rick Huber, Dwayne Andrews and Kathy Wilcox.

Also present were: Planner II Dawn Colton, TIFD Representative Todd Gillette, County Commissioners Jason Strouf, Keven Krausz, Keith Holmlund and City Clerk/Recorder Lorrie Pearce.

Committee Chairperson Galbraith called the meeting to order.

1. Election of Chairperson

** Committee Member Wilcox moved for Susanne Galbraith as the chairperson, seconded by Committee Member Huber, and on roll call vote it passed 3-1 with Committee Member Galbraith voting no

2. Request of Citizens:

None

3. Discussion with County Commissioners and Recommendation on Payment for TIFD Software

Commissioner Strouf wondered why the payment for the TIFD software had been changed. There was a straw poll at a Council/Commissioner meeting and Council had agreed to pay for the software.

Committee Member Galbraith and Wilcox said that the straw poll was taken before Council had a chance to really look into the situation. Since then there has been communication with the TIFD District and Council has discussed it more in depth. In the discussion, it was decided that the TIF District did not have the money to pay for the software and it was not budgeted in the General Fund.

TIF Representative Gillette said that the District does not have the money to pay for the software and this year was the first time that it was paying for the personnel wages. He thought a download from the Department of Administration could have been used, which meant the County would have had to manually input the taxes.

Commissioner Strouf explained that the District had over 800 parcels and it would have taken two to two and a half employees to manually input the taxes. He did not think the County should have to pay for the additional cost. He added that the commercial valuation went down, and the grant money for the facades did not help with the value of the building that use it. Noncommercial valuation did increase, which hurts residents in the area. The school is looking into a levy

and if it is voted in the county will be paying for school taxes three times. The County and the schools are losing money with the TIF District. He thought the TIF District should pay for itself.

Councilperson Andrews explained that the County is responsible to collect taxes so to have the TIF District pay for it all is not right. He was willing to agree with a compromise and move on. Councilperson Wilcox agreed and said nobody wants to pay one hundred percent of the software and asked the County what they thought was fair.

Commissioner Krausz said the County would consider paying one third of the software cost and maintenance fee.

- ** Committee Member Wilcox moved to recommend to Council that the cost of the software and maintenance fee be split one third of the cost between City, County and the TIF District, seconded by Committee Member Huber. On roll call vote, it passed 4-0
- 4. Discussion and Recommendation on Ordinance No. 1318- An Ordinance Amending Chapter 15 of the Code of Ordinances of Miles City, Montana, With Regards to Weeds, and the Enforcement of Nuisances
 - ** Committee Member Galbraith moved to recommend to Council that the cost of the public nuisance is put into General Fund under its own line item to keep track of the cost associated with the property, seconded by Committee Member Huber.

Chairperson Galbraith asked if an assessment fee could be added. Clerk Pearce did not think it was in the Ordinance to specify that assessment fees be charged.

Clerk Pearce thought it would take about \$400.00 to process the nuisance if it went through all phases. \$200 for the lot book report, \$180 for publishing the public hearing, \$7.00 for certified mail and \$14 to file with County Clerk. A new line item would need to be added to Black Mountain software.

Committee Member Andrews agreed that there will be a lot of personnel time if the nuisance went all the way through the process and an administration fee should also be added. The cost associated with it could cost the City a lot of money.

Committee Member Andrews wondered if there was a way the City could go in and clean it up without liability concerns.

** Committee Member Andrews moved to add to the Ordinance the fees that would be assessed for the destruction of noxious weeds and the city has the ability to clean up the weeds before the Ordinance is implemented, seconded by Councilperson Huber.

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

** The main motion passed 4-0

- 5. Discussion and Recommendation on Purchasing additional software for City Silo for an amount of \$2,592 and an additional amount of \$900 a year
 - ** Committee Member Wilcox moved to recommend to Council to approve purchasing additional software for City Silo for an amount of \$2,592 with an additional amount of \$900 a year, seconded by Committee Member Galbraith.

Planner Colton explained the software would automatically route paperwork associated with the development review to several people that needed to review and sign off on it. She has been doing this manually and it takes a tremendous amount of time to follow up on everyone.

Chairperson Galbraith asked Planner Colton if she had the money in her budget. Colton said she thought she would have it in her budget, it depended on what charges she will accrue for professional services and appraisal on the Industrial Park. Chairperson Galbraith explained that the \$2,592 would be paid out of the planning department and the \$900 would be split between 20 funds.

- ** Committee Member Wilcox amended her motion to change the amount paid to City Silo for the software to \$3,740, seconded by Committee Member Galbraith.
 - ** The motion and amended motion passed 4-0
- 6. Send to collections for Bulk Water and Repair Leaking Curb Stop, an amount of \$609.67
 - ** Committee Member Huber moved to recommend to send to collections an amount of \$609.67, for bulk water and repair leaking curb stop, seconded by Committee Member Wilcox.

Clerk Pearce said that an individual had paid his invoice for an amount of \$369.78.

- ** Committee Member Huber amended his motion to change the amount to send to collection to \$239.89, seconded by Committee Member Wilcox.
 - ** The motion and amended motion passed 4-0

7. Adjournment

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

The	meeting	13/25	adiour	ned at	6.42	n m
1116	meemig	was	aurouri	licu ai	0.42	p.m.

Susanne Galbraith, Chairperson	Lorrie Pearce Recorder/City Clerk

Flood Control Committee February 1, 2018

The Flood Control Committee met Thursday, February 1, 2018, at 6:05 p.m. in the City Hall Conference Room. Present were Committee Chair Jeff Erlenbusch, Committee Members: Ken Gardner and Brant Kassner. Excused was: Committee Member Rick Huber

Also present were: Floodplain Administrator Samantha Malenovsky and Committee Recorder Linda Wilkins.

- 1. Request of Citizens/Public Comment:
 -None-
- 2. Committee Members Comments:

-None-

- 3. Elect Chairperson
 - **Committee Member Kassner nominated Committee Member Erlenbusch and seconded by Committee Member Gardner.

There were no further nominations.

**On roll call vote Committee Member Erlenbusch was elected chairperson, 2-1.

4. Discussion and Recommendation to Council: Ordinance 1320, AN ORDINANCE REPEALING SECTION 12 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY AND ENACTING A NEW SECTION 12 OF SAID CODE OF ORDINANCES OF THE CITY OF MILES CITY.

**Committee Member Kassner moved to discuss and recommend that Ordinance 1320 changes be moved on to City Council, seconded by Committee Member Gardner.

- Administrator Malenovsky commented that Deputy City Attorney Jeff Noble had discovered and error and this was addressed in the changes to the ordinance.
- Committee Member Gardner likes the way the ordinance is set up to report to City Council and the progressive fines for each offense.

5. Adjournment

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

^{**}The motion passed unanimously 3-0.

Jeff Erlenbusch, Chairperson	Linda Wilkins, Recorder
Respectfully Submitted,	
There being no further business, the Committee	e adjourned at 6:15 p.m.,

Public Safety Committee Meeting February 1, 2018

The Public Safety Committee met Thursday, February 1, 2018, at 6:30 pm in the City Hall Conference Room. Present were Committee Chairperson Ken Gardner and Committee Members John Uden, Brant Kassner and Jeff Erlenbusch.

Also present were: Deputy City Clerk/Recorder Linda Wilkins

Chairperson Gardner called the meeting to order.

1. Request of Citizens

None

2. Committee Member Comments

Committee Member Erlenbusch commented that he received a call from Bill Ellis asking about presenting to City Council on the subject of the City's responsibility in the event of a disaster. He said he will be talk with the Mayor to be placed on the Council agenda.

Chairperson Gardner stated he would also give Mr. Ellis a call.

3. Elect Committee Chairperson

**Committee Chairperson Gardner moved to nominate Committee Member Kassner as Chairperson and seconded by Committee Member Uden.

**On roll call vote Committee Member Kassner was elected Chairperson, 3-1.

4. Adjournment

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

The meeting was adjourned at 6:37 p.m.

Respectfully Submitted:			
Brant Kassner, Chairperson	.81	Linda Wilkins, Recorder	

Human Resources Committee February 1, 2018

The **Human Resources Committee** met Thursday, February 1, 2018, at 5:15 p.m. in the Conference Room at City Hall. Present were Committee Members Kathy Wilcox, Susanne Galbraith, and John Uden. Jeff Erlenbusch arrived after consideration of Item 3. Also present was Deputy City Clerk/HR Officer/Committee Recorder Linda Wilkins and Historic Preservation/TIFD Officer Connie Muggli.

Committee Chairperson Kathy Wilcox called the meeting to order.

- 1. Request of Citizens
 None
- 2. Committee Member Comments
 None
- 3. Elect Committee Chairperson
 - ** Committee Member Uden moved that Chairperson Kathy Wilcox continue as chairperson of the committee, seconded by Committee Member Galbraith. On roll call vote the motion passed 3-0.
- 4. Unfinished Business
 - A. Review and Recommendation: Position Description, Historic Preservation/TIF Director
 - **Committee Member Uden moved that the committee accept the current Historic Preservation Officer and Tax Increment position description with revisions, effective February 15, 2018.
 - Revisions during the meeting consisted of:
 - In the header change title to Historic Preservation Officer & Urban Renewal Agency Director, change Job Class to Administrative, change Department to Historic Preservation / Urban Renewal Agency, and make the Effective Date 2/15/2018.
 - Third bullet under <u>SUMMARY OF WORK</u> before the last work "district" add "Tax Increment Financing"
 - Under <u>MINIMUM REQUIREMENTS Education (knowledge)</u>
 remove "in Business Administration and/or Public Administration"
 - Under <u>DESIRABLE QUALIFICATIONS</u> Knowledge: add "Bachelor Degree in Business Administration and/or Public Administration" and under Skills: add "Use of Robert's Rules of Order"
 - **On roll call vote the motion passed, 4-0.
 - B. Review and Recommendation: Revised Grievance Personnel Policy
 - **Committee Member Erlenbusch moved that the Grievance Policy be recommended and moved on to City Council with revisions, seconded by Committee Member Galbraith.
 - Revisions made based on the Mayor's e-mail recommendations
 - Under <u>Grievance Procedure</u> A. the following sentence "Supervisor will document the reason for the grievance meeting and the outcome

of the discussion; submit documentation to the Human Resource Officer." Item D after ...final review and a comma and delete "Chairperson in his/her discretion," Item E insert after final "Human Resource Committee"; delete after Chairperson "of the Human Resource Committee" and after the second file replace the word "administrative" with "Committee"

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

5. New Business

A. Review and Recommendation: Resolution 4115; revised Discipline & Discharge Personnel Policy

**Committee Member Galbraith moved to accept and recommend to Council the Discipline & Discharge Personnel Policy as revised, seconded by Committee Member Erlenbusch. On roll call vote the motion passed, 4-0.

- B. Review and Recommendations for verifying the following resolutions and personnel policies are current prior to 2019 Budgeting:
 - Resolution 4071: Position descriptions
 - HR Personnel Policy: Performance Evaluations
 - Resolution 4072: Wage Increase Requests
 - Chairperson Wilcox stated she thought no revisions were needed on these items it was simply a reminder of things that may be required to review prior to budget season
 - HR Officer Wilkins informed the Committee performance evaluations forms have been sent out to directors. She has reminded the Fire and Police departments of the need to begin working on updating positions descriptions. Other City departments had been reviewed last year.
- C. Review and Recommendation: HR Policy 3.5.1 Education & Training
 - Proposed 2018 training schedule attached
 - Chairperson Wilcox commented that she and HR Officer had discussed the need for employee training and she developed a schedule of training.
 - Committee Member Uden commented that this was needed to protect the City from any type of litigation arising from employee issues.
 - Committee Member Galbraith thought this was an excellent way for the City to be proactive and not reactive.
 - HR Officer Wilkins stated that the first training will be taking place on February 8 on Communication and Dealing with Difficult People. A training presented through the EAP program costs for this training will be covered by MMIA. The training will take place in the City Hall conference room at 10:00 a.m.
 - Chairperson Wilcox stated that the harassment training on the schedule will be moved, but should be completed by April.
- 5. Next Meeting: Consider Thursday March 8, 2018 @ 5:15 p.m.

 Begin Review and Discussion: Resolution #3756 Employee Orientation and Checklist
 - After discussion the meeting will be moved to March 1, 2018 at 5:15 p.m.

	e Member Erlenbusch move The motion passed unanimo	d to adjourn, seconded by Committee Member usly 4-0.
The meeting was adjourned a	at 6:00 p.m.	
Respectfully submitted,		
Chairperson Kathy Wilcox		Recorder Linda Wilkins

4. Adjournment

PUBLIC HEARINGS & UNFINISHED BUSINESS

ORDINANCE NO. 1319

AN ORDINANCE AMENDING CHAPTER 5 SECTION 2 OF THE CODE OF ORDINANCES OF MILES CITY, MONTANA, WITH REGARDS TO ADOPTION OF MODEL TECHNICAL CODES AND ADMINISTRATIVE REGULATIONS.

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

Section 1. Section 5-2 shall be amended to read as follows:

Sec. 5-2. - Adoption of model technical codes and administrative regulations.

(a) The current editions of the building codes and all accompanying appendices, amendments and modifications adopted by the building codes bureau, Montana Department of Labor and Industry (or its successor), as set out in the Administrative Rules of Montana, as amended from time to time by the building codes bureau, shall be adopted the City Council by ordinance, as authorized by section 50-60-301(1)(b), M.C.A., except for any exceptions noted in this chapter or any regulations not applicable to local government jurisdictions. These codes are applicable to all buildings within the building code enforcement area of the city, including, but not limited to, residential buildings containing less than five dwelling units or their attached-to structures, any farm or ranch building, and any private garage or private storage structure used only for the owner's use as provided by section 50-6-102(1)(a) M.C.A.

The adopted building codes shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the city and its jurisdictional area, providing for issuance of permits and collection of fees and penalties.

- (b) One copy of each code shall be on file in the office of the city clerk.
- (c) Any codes or amendments adopted by the building codes bureau which apply to local government jurisdictions, including the adoption of the latest editions of the model technical codes or applicable Administrative Rules of Montana shall be placed on the next City Council agenda and presented to the City Council for approval following notification by the bureau of said amendments.

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

Said Ordinance read and p	ut on its passage this 23 rd day of January, 2018.
	John Hollowell, Mayor
ATTEST:	

Lorrie Pearce, City Clerk	
FINALLY PASSED AND ADOPT	TED this 13 th day of February, 2018.
ATTEST:	John Hollowell, Mayor
Lorrie Pearce, City Clerk	

ORDINANCE NO.1320

AN ORDINANCE REPEALING SECTION 12 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY AND ENACTING A NEW SECTION 12 OF SAID CODE OF ORDINANCES OF THE CITY OF MILES CITY.

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

Section 1. Chapter 12 shall be amended by replacing Sections 12-1 through 12-76 with the following sections 12-1 through 12-76:

ARTICLE 1. TITLE, PURPOSE, AUTHORITY AND GENERAL PROVISIONS

Sec. 12-1 FLOODPLAIN HAZARD MANAGEMENT REGULATIONS

These regulations are known and may be cited as the "Floodplain Hazard Management Regulations;" hereinafter referred to as "these regulations."

Sec. 12-2 STATUTORY AUTHORITY

- 1. Floodplain and Floodway Management is incorporated in Montana Code Annotated (MCA) Title 76, Chapter 5 and describes the authority, procedures and minimum standards for local regulations and is further described in Montana Administrative Rule (ARM) 36, Chapter 15.
- **2.** The authority to regulate development in specifically identified flood hazard areas has been accepted pursuant to 76-5-301, MCA.

Sec. 12-3 FINDINGS OF FACT

- 1. Flood hazard areas specifically adopted herein as Regulated Flood Hazard Areas have been delineated and designated by order or determination of the Department of Natural Resources and Conservation (DNRC) pursuant to MCA 76-5-201 et.seq.
- 2. These regulations have been reviewed by Montana Department of Natural Resources and Conservation and the Federal Emergency Management Agency. The Montana Department of Natural Resources and Conservation has found the regulations acceptable in meeting the Department minimum standards. The Federal Emergency Management Agency finds that these regulations are adequate and consistent with the comprehensive criteria for land management and use pursuant to the standards established in 44 CFR 60.3. (76-5-302, MCA, ARM 36.15.202, 44 CFR60.1(b), 42USC 4022)

Sec. 12-4 PURPOSE

The purpose of these regulations is to promote public health, safety and general welfare of the residents and minimize public and private losses due to flood conditions in Regulated Flood Hazard Areas. These Regulations are intended to:

- 1. Protect human life and health;
- 2. Minimize expenditure of public money for costly flood control projects;
- 3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4. Minimize prolonged business and public service interruptions;
- 5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- 6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood disruptions; and to
- 7. Ensure compliance with the minimum standards for the continued participation in the National Flood Insurance Program for the benefit of the residents.

Sec. 12-5 METHODS TO REDUCE LOSSES

In accordance with 76-5-102, MCA, these regulations are intended to reduce flood losses through the following methods:

- 1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flooding or that may cause excessive increases in flood heights or velocities;
- 2. Require that uses of land vulnerable to floods, including public facilities, be developed or constructed to at least minimum standards or to otherwise minimize flood damage;
- **3.** Regulate the alteration of natural floodplains, stream channels, and natural protective barriers which are needed to accommodate floodwaters;
- **4.** Regulate filling, grading, dredging and other development which may increase flood damage;
- 5. Prevent or regulate the construction of flood barriers which will impact other land, flood water depth or velocity of floodwaters;
- 6. Distinguish between the land use regulations applied to the floodway within the Regulated Flood Hazard Area and those applied to that portion of the Regulated Flood Hazard Area not contained in the floodway;

- 7. Apply more restrictive land use regulations within the floodway of the Regulated Flood Hazard Area; and
- **8.** Ensure that regulations and minimum standards balance the greatest public good with the least private injury.

Sec. 12-6 REGULATED AREA

These regulations apply only to the flood hazard areas specifically adopted herein as Regulated Flood Hazard Areas which are more fully and specifically described in Article 4. Requirements and approvals for alterations to the Regulated Flood Hazard Area are specified in Article 4. The Regulated Flood Hazard Area includes areas specifically identified, labeled and illustrated on maps such as Floodplain, Floodway, or Flood Fringe that have differing uses allowed and minimum building standards that apply. The Regulated Flood Hazard Area is the geographic area inundated by the Flood of 100-year Frequency illustrated and depicted in the referenced studies and maps.

The Regulated Flood Hazard Area supporting study and maps illustrating the regulatory area are based on studies and maps that have been specifically adopted pursuant to 76-5-201et.seq. The maps and accompanying study become the Regulated Flood Hazard Area only when formally adopted by DNRC and subsequently by the political subdivision by these regulations. The original source of studies and data may be from a Flood Insurance Study by FEMA, or other studies by Corps of Engineers, Soil Conservation, United States Geological Service or other federal or state agency.

Sec. 12-7 FLOODPLAIN ADMINISTRATOR

A Floodplain Administrator is hereby officially appointed by the Mayor and is an employee of the office of Public Works. The Floodplain Administrator's duty is to administer and implement the provisions of these regulations. The appointed Floodplain Administrator shall be the designated administrator of the regulations as set forth in any Federal, State, and local laws. The Floodplain Administrator must serve to meet and maintain the commitments pursuant to 44 CFR 59.22(a) to FEMA to remain eligible for National Flood Insurance for individuals and business within the political subdivision. ((44 CFR 59.22(b)(1)) (ARM 36.15.204(2)(h))

Sec. 12-8 COMPLIANCE

Development, New Construction, Alteration, Substantial Improvement, or Demolition may not commence without full compliance with the provisions of these regulations.

Sec. 12-9 ABROGATION AND GREATER RESPONSIBILITY

It is not intended by these regulations to repeal, abrogate, or impair any existing easements, covenants, deed restrictions, zoning or other regulations in effect. However, where these regulations impose greater restrictions, the provision of these regulations must prevail. (44 CFR 60.1(d))

Sec. 12-10 REGULATION INTERPRETATION

In the interpretation and application of these regulations, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes. (44 CFR 60.1)

Sec. 12-11 WARNING AND DISCLAIMER OF LIABILITY

These regulations do not imply that land outside the Regulated Flood Hazard Areas or uses permitted within such areas will be free from flooding or flood damages. These regulations shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on these regulations or any administrative decision lawfully made hereunder.

Sec. 12-12 SEVERABILITY

If any section, clause, sentence, or phrase of these regulations is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding will in no way affect the validity of the remaining portions of these regulations.

Sec. 12-13 DISCLOSURE PROVISION

All property owners or their agents in the Regulated Flood Hazard Areas shall notify potential buyers or their agents that such property, including any permitted uses transferred, is located within the Regulated Flood Hazard Area and is subject to regulation and any permitted uses that are transferred. Information regarding Regulated Flood Hazard Area and the repository for Floodplain maps is available in the Floodplain Administrator's office. (ARM 36.15.204(2)(g))

Sec. 12-14 AMENDMENT OF REGULATIONS

These regulations may be amended after notice and public hearing in regard to the amendments to these regulations. The amendments must be found adequate and acceptable by DNRC and FEMA to be effective and must be submitted for review at least 30 days prior to official adoption.

Sec. 12-15 PUBLIC RECORDS

Records, including permits and applications, elevation and flood proofing certificates, certificates of compliance, fee receipts, and other matters relating to these regulations must be maintained by the Floodplain Administrator and are public records and must be made available for inspection and for copies upon reasonable request. A reasonable copying cost for copying documents for members of the public may be charged and may require payments of the costs before providing the copies. (44 CFR 60.3(b)(5)(iii) & 44 CFR 59.22 (a)(9)(iii))

Sec. 12-16 SUBDIVISION REVIEW

Within the Regulated Flood Hazard Area, subdivisions including new or expansion of existing manufactured home parks, must be designed to meet the following criteria:

1. The Base Flood Elevations and boundary of the Regulated Flood Hazard area must be determined and considered during lot layout and building location design;

- 2. Locations for future structures and development must be reasonably safe from flooding; (44CFR 60.3(a)(4))
- 3. Adequate surface water drainage must be provided to reduce exposure to flood hazards; (44 CFR 60.3 (a)(4)(iii))
- 4. Public utilities and facilities such as sewer, gas, electrical, water systems, or any other public/private utility service must be located and constructed to minimize or eliminate flood damage; and (44 CFR 60.3(a)(4)(ii))
- 5. Floodplain permits must be obtained according to these regulations before development occurs that is within the Regulated Flood Hazard Area. (44 CFR 60.3(b))

Sec. 12-17 DISASTER RECOVERY

In the event of a natural or man-made disaster, the Floodplain Administrator should participate in the coordination of assistance and provide information to structure owners concerning Hazard Mitigation and Recovery measures with the Federal Emergency Management Agency, Montana Disaster Emergency Services, Montana Department of Natural Resources and Conservation, and other state, local and private emergency service organizations.

Upon completion of cursory street view structure condition survey within the Regulated Flood Hazard Area, the Floodplain Administrator shall notify owners that a permit may be necessary for an alteration or substantial improvement before repair or reconstruction commences on damaged structures because of damages caused by natural or man-made disasters such as floods, fires or winds.

Owners should be advised that structures that have suffered substantial damage and will undergo substantial improvements require a floodplain application and permit and must be upgraded to meet the minimum building standards herein during repair or reconstruction.((MCA 76-5-404(3)(b) (ARM 36.15.702) (44 CFR 60.3(c)(2 and 3))

ARTICLE 2. DEFINITIONS

Sec. 12-18 Definitions

Unless specifically defined below, words or phrases used in these regulations shall be interpreted as to give them the meaning they have in common usage and the most reasonable application. For the purpose of these regulations, the following definitions are adopted:

100-year Flood – One percent (1%) annual chance flood. See Base Flood Alteration – Any change or addition to an artificial obstruction that either increases its external dimensions or increases its potential flood hazard. (ARM 36.15.101(2))

Appurtenant Structure – A structure in which the use is incidental or accessory to the use of a principal structure. (44 CFR 59.1)

Artificial Obstruction – Any obstruction which is not natural and includes any development, dam, diversion, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, road, bridge, conduit, culvert, building, refuse, automobile body, fill or other analogous structure or matter in, along, across, or projecting into any Regulated Flood Hazard Area that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property. See also Development. (ARM 36.15.101(3) & MCA 76-5-103(1))

Base Flood (Flood of 100 Year Frequency) – A flood having a one percent (1%) chance of being equaled or exceeded in any given year (ARM 36.15.101(4) & (44 CFR 59.1)

Base Flood Elevation (BFE) – The elevation above sea level of the Base Flood in relation to the National Geodic Vertical Datum of 1929 or the North American Vertical Datum of 1988 or unless otherwise specified. (ARM 36.15.101(5))

Basement – Any area of a building, except a crawl space, as having its Lowest floor below ground level on all sides. (44 CFR 59.1) (NFIP Insurance Manual, Rev. May 2013)

Building – A walled and roofed structure, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. (44 CFR 59.1)

Carport – A carport whether attached or unattached to a building can have only one closed side, either a portion of the way up, or all the way up. A carport attached to a building has one closed side, by definition. A carport with more than one closed side will be considered a garage.

Channel – The geographical area within either the natural or artificial banks of a watercourse or drain way. (MCA 76-5-103(2))

Crawl Space – An enclosure that has its interior floor area no more than 5 feet below the top of the next highest floor. See Enclosure and Sub grade Crawlspace. (NFIP Insurance Manual, Rev. May 2013)

DNRC – Montana Department of Natural Resources and Conservation

Development –Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. See also Artificial Obstruction. (44 CFR59.1)

Elevated Building – A building that has no Basement and that has it lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings or columns. A building on a crawlspace is considered an elevated building. (NFIP Insurance Manual, Rev. May 2013)

Enclosure – That portion below the lowest elevated floor of an elevated building that is either partially or fully shut in by rigid walls including a crawlspace, sub grade crawlspace, stairwell, elevator or a garage below or attached.

Encroachment – Activities or construction within the Regulated Flood Hazard Area including fill, new construction, substantial improvements, and other development.

Encroachment Analysis – A hydrologic and hydraulic analysis performed by an engineer to assess the effects of the proposed artificial obstruction or nonconforming use on Base Flood Elevation, flood flows and flood velocities.

Establish – To construct, place, insert, or excavate. (MCA 76-5-103(7) (ARM 36.15.101(9))

Existing Artificial Obstruction or Nonconforming Use – An artificial obstruction or nonconforming use that was established before land use regulations were adopted pursuant to Section 76-5-301(1), MCA. (MCA 76-5-404(3))

FEMA – Federal Emergency Management Agency

Flood Fringe – The identified portion of the Floodplain of the Regulated Flood Hazard Area outside the limits of the Floodway. (ARM 36.15.101(10))

Flood of 100 Year Frequency (Base Flood) – A flood magnitude expected to recur on the average of once every 100-years or a flood magnitude that has a 1% chance of occurring in any given year. (MCA 76-5-103(9)) (44 CFR 59.1)

Floodplain – The area of the Regulated Flood Hazard Area including and adjoining the watercourse or drainway that would be covered by the floodwater of a Base Flood. The area is partitioned into a Flood Fringe and Floodway where specifically designated. See Regulated Flood Hazard Area.

Floodway – The identified portion of the Floodplain of the Regulated Flood Hazard Area that is the channel and the area adjoining the channel that is reasonably required to carry the discharge of the Base Flood without cumulatively increasing the water surface by more than one half foot. (MCA 76-5-103(11)) (MCA 76-5-103(5))

Floodplain Administrator – Community official or representative appointed to administer and implement the provisions of this ordinance. (Section 12-7)

Flood Proofing – Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, electrical, plumbing, HVAC systems, structures and their contents. The term includes wet flood proofing, dry flood proofing and elevation of structures. (44 CFR 59.1)

Historic Buildings/Structures -means any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior or
 - 2) Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC) – An official response from FEMA that amends or revises the FEMA Special Flood Hazard Area and FEMA Flood Insurance Study for flood insurance purposes and/or flood risk hazard. FEMA Letters of Map Change specific to an amendment or revision include:

Letter of Map Amendment (LOMA) – A letter of determination from FEMA issued in response to a request that a property or structure is not subject to the mandatory flood insurance requirement because it was inadvertently located in the effective FEMA Special Flood Hazard Area. The material submitted and response from FEMA may be considered by the Floodplain Administrator for determining if a property or structure is within the Regulated Flood Hazard area and subject to these regulations.

Letter of Map Revision Based on Fill (LOMR-F) – A letter of approval from FEMA removing the mandatory requirement for flood insurance on property based on placement of fill or an addition. Placement of fill or an addition must be preceded by a permit pursuant to these regulations. Placement of fill does not remove the development from the Regulated Flood Hazard Area or these regulations.

Letter of Map Revision (LOMR) – An official FEMA amendment to the currently effective FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map based on a physical change to the floodplain of the Special Flood Hazard Area. It is issued by FEMA and changes flood zones, delineations, and elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study and the Flood Insurance Rate Map. It must be preceded by an approved alteration of the designated floodplain from DNRC and subsequently an amendment to the Regulated Flood Hazard Area.

Conditional Letter of Map Revision (CLOMR) – A FEMA letter of approval for a proposed physical change that when completed would propose to change the flood zones, delineation or elevations on the FEMA Flood Insurance Rate Map or FEMA Flood Boundary Map and may amend the FEMA Flood Insurance Study through a subsequent LOMR. The CLOMR may be considered in an evaluation by DNRC and the Floodplain Administrator during consideration of a proposed alteration to the Regulated Flood Hazard Area.

Lowest Floor – Any floor of a building including a basement used for living purposes, storage, or recreation. This includes any floor that could be converted to such a use. ((ARM 36.15.101(14)) (44 CFR 59.1))

Manufactured Home Park or Subdivision – Includes the construction of facilities for servicing the manufactured home lots and at a minimum includes the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads. (44 CFR 59.1)

Manufactured or Mobile Home – A building that may be residential or non-residential, is transportable in one or more sections, built on a permanent chassis, and designed to be used with a permanent foundation when connected to the required utilities and includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. (ARM 36.15.101(15))

New Construction – Structures for which the commencement of clearing, grading, filling, or excavating to prepare a site for construction occurs on or after the effective date of these regulations and includes any subsequent improvements to such structures. (ARM 36.15.101(20)) (44 CFR 59.1)

New Manufactured Home Park Or Subdivision – A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed includes at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads and is completed on or after the effective date of floodplain management regulations adopted by a community. (44 CFR 59.1)

Non-Residential—Buildings including manufactured homes that are not residential including commercial, agricultural, industrial buildings and accessory buildings. See Residential.

Owner – Any person who has dominion over, control of, or title to an artificial obstruction. (MCA 76-5-103(13))

Person – Includes any individual, or group of individuals, corporation, partnership, association or any other entity, including State and local governments and agencies. (44 CFR 59.1)

Recreational Vehicle – A park trailer, travel trailer, or other similar vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a motorized vehicle; (d) has quick disconnect connections; (e) designed primarily for use as temporary living quarters that can only be on site for fewer than 180 days for recreation, camping, travel, or seasonal use, not for use as a permanent dwelling; and (f) has no permanently attached additions. (44 CFR 59.1)

Regulated Flood Hazard Area – A Floodplain whose limits have been designated pursuant to Part 2, Chapter 5 of Title 76, MCA, and is determined to be the area adjoining the watercourse that would be covered by the floodwater of a Base Flood. The Regulated Flood Hazard Area consists of the Floodway and Flood Fringe where specifically designated. This is referenced as

the Special Flood Hazard Area on the adopted FEMA FIRM. (MCA 76-5-103(4)), (MCA 76-5-103(10), (ARM 36-15-101(11))

Residential Building – A dwelling or building for living purposes or place of assembly or permanent use by human beings and including any mixed use of residential and non-residential use. All other buildings are **non-residential**.

Riprap – Stone, rocks, concrete blocks, or analogous materials that are placed along the bed or banks of a watercourse or drainway for the purpose of preventing or alleviating erosion. (ARM 36.15.101(18))

Scour Depth – The maximum depth of streambed scour caused by erosive forces of the Base Flood.

Special Flood Hazard Area – Land area which has been specifically identified by the Federal Emergency Management Agency as the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is useful for the purposes of identifying flood hazards by local subdivisions of government for regulatory purposes as well as use by the National Flood Insurance Program for establishing risk zones and flood insurance premium rates. The FEMA flood hazard area zone designation or flood risk potential is as illustrated on FEMA's Flood Hazard Boundary Map or Flood Insurance Rate Map.

Structure – Any Artificial Obstruction.

Sub Grade Crawlspace – A Crawlspace foundation enclosure that has its interior floor no more than 5 feet below the top of the next higher floor and no more than 2 feet below the lowest adjacent grade on all sides. A foundation exceeding either dimension is a Basement. (NFIP Insurance Manual, Rev. May 2013)

Substantial Damage – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would exceed 50 percent of the market value of the structure before the damage occurred. (44 CFR 59.1)

Substantial Improvement – Any repair, reconstruction or improvement of a structure where the cost equals or exceeds fifty percent (50) of the market value of the structure either before the improvement or repair is started or if the structure has been damaged, and is being restored, before the damage occurred;

- 1. Substantial improvement is considered to occur when the first construction of any wall, ceiling, floor or other structural part of the building commences;
- 2. The term does not include:
 - 1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
 - 2. Any alteration of a structure listed on the national register of historic places or state inventory of historic places. (ARM 36.15.101(21)) (44 CFR 59.1))

Suitable Fill – Fill material which is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))

Variance – Means a grant or relief from the development requirements of these regulations which would permit construction in a manner that would be otherwise prohibited by these regulations by an approval pursuant Article 12. (ARM 36.15.101(23))

Violation – A finding and order pursuant to the regulations against the owner or responsible party of the failure of a structure or other development to be fully compliant with these regulations. (44 CFR 59.1)

ARTICLE 3. FORMS AND FEES

Sec. 12-19 Forms

The following forms may be required by the Floodplain Administrator:

- 1. Floodplain Permit Application Form The "Joint Application for Proposed Work in Montana's Steams, Wetlands, Regulated Flood Hazard Areas, and Other Water Bodies", or other designated application form. A completed FEMA MT-1 form may be required to accompany the application when required by the Floodplain Administrator.
- 2. Floodplain Permit Compliance Report A report required to be submitted by the Applicant to the Floodplain Administrator once the permitted project in the Regulated Flood Hazard Area is completed or within the designated time stipulated on the Floodplain permit. A compliance report including an elevation and or flood proofing certificate may be required where specified for the purpose of documenting compliance with the requirements of the permit.
- 3. Floodplain Variance Application Form An application submitted by the Applicant to the Floodplain Administrator to initiate a proposed variance from the requirements of these regulations as described in Article 12.
- **4. Floodplain Appeal Notice Form** A form submitted by the Applicant or an aggrieved party to initiate the appeal process described in Article 13.
- **5. Floodplain Emergency Notification Form** A written notification form required pursuant to Article 11 of these regulations.
- **6. Official Complaint Form** A form that may be used by any person to notify the Floodplain Administrator of an activity taking place that appears to be noncompliant with the requirements of these regulations.

7. Other Forms or Supporting Documentation – Any other forms or supporting documentation that the Floodplain Administrator may deem appropriate to support and demonstrate program compliance.

Sec. 12-20 Fees

A reasonable application fee for processing of permit applications may be imposed by resolution. Fees may be adopted for costs of permit applications, notices, variances, inspections, certifications or other administrative actions required by these regulations. (ARM 36.15.204(3)(b))

ARTICLE 4. REGULATED FLOOD HAZARD AREA

Sec. 12-21 REGULATED FLOOD HAZARD AREAS

- 1. The Regulated Flood Hazard Areas are the 100-year floodplains illustrated and referenced in the following specific studies and reports described as follows:
 - 1. FEMA Flood Insurance Study (FIS) and Digital Flood Insurance Rate Maps (DFIRMs) for the City of Miles City, Montana adopted July 22, 2010.
- 2. The Regulated Flood Hazard Areas specifically described or illustrated in the above referenced studies and maps of the 100-year floodplain have been delineated, designated and established by order or determination by the DNRC pursuant to 76-5-201et.seq., MCA.
- 3. Use allowances, design and construction requirements specifically in Articles 5, 6, 9, and 10 in these regulations vary by the specific Floodplain areas including areas identified as Floodway and Flood Fringe within the Regulated Flood Hazard Area.

Sec. 12-22 INTERPRETATION OF REGULATED FLOOD HAZARD AREA BOUNDARIES

- **1.** The mapped boundaries of the Floodplain illustrated in the referenced studies and maps in this Section are a guide for determining whether property is within the Regulated Flood Hazard Area.
- 2. A determination of the outer limits and boundaries of the Regulated Flood Hazard Area or the Flood Fringe and Floodway within the Regulated Flood Hazard Area includes an evaluation of the maps as well as the particular study data referenced in this Section. Supporting study material for Base Flood Elevations takes precedence over any map illustrations if it exists.
- **3.** The Regulated Flood Hazard Area boundary is delineated by the Base Flood Elevation. The physical field regulatory boundary of the Regulated Flood Hazard Area is the actual intersection of the applicable study Base Flood Elevation with the existing adjacent terrain of the watercourse or drainway. (ARM 36.15.501(6))

- **4.** The Floodway boundary where identified within the Floodplain is as illustrated on the referenced maps and studies. Since the Floodway boundary is a study feature, the location of the boundary may be physically located by referencing the study data to a ground feature. The Floodplain Administrator's interpretation of the boundary and decision may be appealed as set forth in Article 13.
- **5.** The Floodplain Administrator may request additional information described below to determine whether or not the proposed development is within the Regulated Flood Hazard Area:
 - 1. Where Base Flood Elevations exist, the property owner may provide additional information which may include elevation information provided by an engineer or land surveyor in order to determine if the proposed development is subject to these regulations. (ARM 36.15.501(6))
 - 2. Where Base Flood Elevations do not exist, the property owner may provide additional information to be considered to determine the location of the regulatory boundary or alternatively provide a computed Base Flood Elevation provided by an engineer.
 - 3. The Floodplain Administrator's interpretation of the boundaries and decision may be appealed as set forth in Article 13.
- **6.** Any owner or lessee of property who believes his property has been inadvertently included in the Regulated Flood Hazard Area including the Floodway or Flood Fringe may submit scientific and/or technical information to the Floodplain Administrator for a determination if the property is appropriately located. Scientific or technical information submitted to FEMA by an owner to affect the insurance rating for insurance purposes may be considered by the Floodplain Administrator. A determination by the Floodplain Administrator is independent of any determination by FEMA for insurance purposes.

Sec. 12-23 ALTERATION OF REGULATED FLOOD HAZARD AREA

- 1. Revisions or updates to the specific maps and data that alter the established Floodplains or Floodway of the Regulated Flood Hazard Area requires DNRC approval pursuant to 75-5-203, MCA. An alteration of the Regulated Flood Hazard Area is a DNRC approved amendment to the DNRC order that originally delineated and designated the 100-year floodplain and is the basis of the Regulated Flood Hazard Area referenced in Section 12-21.2. A DNRC approved alteration consists of revisions or updates to the specific maps and data of the referenced studies in this Section and forms the basis for an amendment to the Regulated Flood Hazard Area in these regulations; (ARM 36.15.505)
- 2. Any change to the Regulated Flood Hazard Area as a result of a DNRC alteration is effective upon amendment to the Regulated Flood Hazard Area described in Section 12-21.1:

- 3. Substantial natural physical change or new technical or scientific flood data showing that the Base Flood Elevation has or may be changed or was erroneously established shall be brought to the attention of DNRC and FEMA; (ARM 36.15.505(1)(a)) (44 CFR 65.3)
- **4.** Any Floodplain permit application for a proposed development or artificial obstruction must be denied until a DNRC alteration pursuant to 76-5-203, MCA is approved if it causes an increase of 0.5 feet or more to the Base Flood Elevation of a Regulated Flood Hazard Area without a Floodway or an increase of more than 0.00 feet to the Base Flood Elevation of a Floodway.
- **5.** To propose an alteration a petition must be submitted to DNRC and must include the following information:
 - 1. Certification that no buildings are located in the areas which would be impacted by the increased Base Flood Elevation; (44 CFR 65.12(a)(5)
 - 2. Evidence of notice to all property and land owners of the proposed impacts to their properties explaining the proposed impact on their property; (44 CFR 65.12(a)(3))
 - 3. Information that demonstrates that alternatives are not feasible; (44 CFR 65.12(2))
 - 4. Information that demonstrates that development is for a public use or benefit; and
 - 5. Any other supporting information and data as needed for approvals. ((ARM 36.15.505) (44 CFR 60.3(c)(10)) (44 CFR 60.3(d)(3)) (44 CFR 65.7(3)) (44 CFR 65.12))
- **6.** The Floodplain Administrator may represent the permit authority for any necessary applications, approvals or endorsements such as the FEMA Community Acknowledgement Form to FEMA where affecting the FEMA Special Flood Hazard Area;
- 7. A determination by the Floodplain Administrator that land areas located within the Regulated Flood Hazard Area are above the Base Flood Elevation as proven by a certified elevation survey does not constitute or require an alteration or an amendment of the Regulated Flood Hazard Area and may be maintained as a public record that more explicitly defines the Regulated Flood Hazard Area boundary; and
- 8. Elevating with suitable fill as permitted does not alter the Regulated Flood Hazard Area or remove the elevated area from the Regulated Flood Hazard Area. (ARM 36.15.505(2))

9. A floodplain permit implementing the physical change cannot be approved until a CLOMR has been issued by FEMA.

ARTICLE 5. USES ALLOWED WITHOUT A PERMIT WITHIN THE REGULATED FLOOD HAZARD AREA

Sec. 12-24 GENERAL

Existing artificial obstructions or nonconforming uses established before land use regulations pursuant to Section 76-5-301, MCA were effective, are allowed without a permit. However, alteration or substantial improvement of an existing artificial obstruction or nonconforming use requires a floodplain permit. Maintenance of an existing artificial obstruction or nonconforming use does not require a floodplain permit if it does not cause an alteration or substantial improvement. (MCA 76-5-404(3)

Sec. 12-25 OPEN SPACE USES

The following open space uses shall be allowed without a permit in the Regulated Flood Hazard Area, provided that such uses are not prohibited by any other regulation or statute, do not require structures, and do not require fill, grading, excavation or storage of materials or equipment: ((ARM 36.15.601) (ARM 36.15.701)(1) (MCA 76-5-401) (MCA 76-5-404(3))

- 1. Agricultural uses, not including related structures, such as tilling, farming, irrigation, ranching, harvesting, grazing, etc; ((ARM 36.15.601(1)(a)) (MCA 76-5-401(1)))
- 2. Accessory uses, not including structures, such as loading and parking areas, or emergency landing strips associated with industrial or commercial facilities; ((ARM 36.15.601(1)(b)) (MCA 76-5-401(2),))
- 3. Forestry, including processing of forest products with portable equipment; ((ARM 36.15.601(1)(d)) (MCA 76-5-401(4)))
- 4. Recreational vehicle use provided that the vehicle is on the site for fewer than 180 consecutive days and the vehicle is fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system with wheels intact, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; (44 CFR 60.3(c)(14))
- **5.** Residential uses such as lawns, gardens, parking areas, and play areas; ((ARM 36.15.601(1)(e)) (MCA 76-5-401(5)))
- 6. Maintenance of the existing state of an existing open space uses including preventive maintenance activities such as bridge deck rehabilitation and roadway pavement preservation activities. Maintenance cannot increase the external size or increase the hazard potential of the existing open space use; (MCA 76-5-404(3)(b))
- 7. Public or private recreational uses not requiring structures such as picnic grounds, swimming areas, boat ramps, parks, campgrounds, golf courses, driving ranges, archery

ranges, wildlife management and natural areas, alternative livestock ranches (game farms), fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails; (ARM 36.15.601(a)(c)) (MCA 76-5-401,))

- 8. Fences that have a low impact to the flow of water such as barbed wire fences and wood rail fences, and not including permanent fences crossing channels. Fences that have the potential to stop or impede flow or debris such as a chain link or privacy fence requires a floodplain permit and meet the requirements of Section 12-45; (ARM 36.15.601(2)(b)) (MCA 76-5-401))
- 9. Addition of highway guard rail, signing and utility poles that have a low impact to the flow of water along an existing roadway.
- 10. Irrigation and livestock supply wells, provided that they are located at least 500 feet from domestic water supply wells and with the top of casing 18" above the Base Flood Elevation. ((ARM 36.15.601(2)(a)) (MCA 76-5-401) (ARM 36.21.647))

ARTICLE 6. PROHIBITED USES, ACTIVITIES AND STRUCTURES WITHIN THE REGULATED FLOOD HAZARD AREA

Sec. 12-26 FLOODWAY

The following artificial obstructions and nonconforming uses are prohibited in the Floodway of the Regulated Flood Hazard Area, except for those established before land use regulations have been adopted: (MCA 76-5-404(3))

- 1. A building for residential or non-residential purposes; (MCA 76-5-403(1), (ARM 36.15.605)(1a)), (ARM 36.15.605(2b), (ARM 36.15.605(2)(a)).
- 2. A structure, fill, or excavation that would cause water to be diverted from the Floodway, cause erosion, obstruct the natural flow of waters or reduce the carrying capacity of the Floodway. Notwithstanding these requirements, excavation or fill may be allowed when it is a component to a permitted use allowed in these regulations; (MCA 76-5-403(2)).
- 3. The construction or storage of an object (artificial obstruction) subject to flotation or movement during flood level periods; (MCA 76-5-403(3) and ARM 36.15.605(1)(c))
- 4. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-605(2c)) (44 CFR 60.3(a)(3)))
- 5. Storage of toxic, flammable, hazardous or explosive materials; and (ARM 36.15.605(2d))

6. Cemeteries, mausoleums, or any other burial grounds.

Sec. 12-27 FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA WITHOUT A FLOODWAY

The following artificial obstructions and nonconforming uses are prohibited in the Flood Fringe or Regulated Flood Hazard Area without a Floodway, except for those established before land use regulations have been adopted: (MCA 76-5-404(3))

- 1. Solid and hazardous waste disposal and individual and multiple family sewage disposal systems unless the systems meet the local health and sanitation regulations and when permitted pursuant to these regulations and are designed to minimize or eliminate infiltration of flood waters and avoid impairment or contamination; ((ARM 36-15-703(1)) (44 CFR 60.3(a)(3)))
- 2. Storage of toxic, flammable, hazardous or explosive materials; (ARM 36-15-703(2))
- **3.** The construction or storage of an artificial obstruction subject to flotation or movement during flood level periods;
- 4. Cemeteries, mausoleums, or any other burial grounds; and
- 5. Critical facilities, including buildings and associated structures that provide essential community care and emergency operation functions such as schools, hospitals, nursing home facilities, fire stations and police stations. (44CFR 60.22(a)(2))

ARTICLE 7. FLOODPLAIN PERMIT APPLICATION REQUIREMENTS

Sec. 12-28 GENERAL

- 1. A Floodplain permit is required for a person to establish, alter or substantially improve an artificial obstruction, nonconforming use or development within the Regulated Flood Hazard Area; ((44 CFR 60.1) (MCA 76-5-404) (ARM 36.15.204(2)(a)))
- 2. A Floodplain permit is required for artificial obstructions, developments and uses not specifically listed in Articles 9 and 10, except as allowed without a Floodplain permit in Article 5, or as prohibited as specified in Article 6, within the Regulated Flood Hazard Area:
- 3. Artificial obstructions and nonconforming uses in a Regulated Flood Hazard Area not exempt under Article 5 are public nuisances unless a Floodplain permit has been obtained; (MCA 76-5-404(1))
- 4. A Floodplain permit is required for an alteration of an existing artificial obstruction or nonconforming use that increases the external size or increases its potential flood hazard and not exempt under Article 5; ((MCA 76-5-404(3)(b)) (ARM 36.15.204(2)(a)))

- **5.** A Floodplain permit is required to reconstruct or repair an existing artificial obstruction that has experienced substantial damage and will undergo substantial improvement; and
- 6. Maintenance of an existing artificial obstruction or use that is a substantial improvement or an alteration requires a Floodplain permit. (MCA 76-5-404(3)(b))

Sec. 12-29 REQUIRED FLOODPLAIN PERMIT APPLICATION INFORMATION

- 1. A Floodplain permit application shall include, but is not limited to the following:
 - 1. A completed and signed Floodplain Permit Application, signed by all land owners of record, or their legally authorized representatives;
 - 2. The required review fee;
 - 3. Plans in duplicate drawn to scale showing the location, dimensions, and elevation of the proposed project including landscape alterations, existing and proposed structures, and the location of the foregoing in relation to the Regulated Flood Hazard Areas and if applicable the Floodway boundary; ((MCA 76-5-405) (ARM 36.15.216))
 - 4. A copy of other applicable permits or pending applications required by Federal or State law as submitted which may include but are not limited to a 310 permit, SPA 124 permit, Section 404 Permit, 318 Authorization, 401 Certification or a Navigable Rivers Land Use License or Easement for the proposed project; and the applicant must show that the Floodplain permit application is not in conflict with the relevant and applicable permits; and (44 CFR 60.3(a)(2))
 - 5. Additional information related to the specific use or activity that demonstrates the design criteria and construction standards are met or exceeded as specified in Articles 9 and 10. ((MCA 76-5-405) (ARM 36.15.216))
 - 6. In the event of a residential and/or mixed use building an Elevation Certificate will be required to finalize a permit. For a Commercial or Industrial structure a Floodproofing Certificate is required.
 - 7. A non-conversion agreement shall be signed and recorded at the Custer County Courthouse, Clerk and Recorder office, for any detached accessory structure over one-story prior to permit approval.
- 8. The Floodplain Administrator may request additional information if deemed necessary to the project such as a CLOMR, CLOMR-F, Elevation Certificate (while under construction), or any other pertinent documentation.

ARTICLE 8. FLOODPLAIN PERMIT APPLICATION EVALUATION

Sec. 12-30 FLOODPLAIN PERMIT APPLICATION REVIEW

- 1. The Floodplain Administrator shall review and evaluate the Floodplain permit application and shall approve, approve with conditions, or deny the application within (60 working days or a time specified) of receipt of a correct and complete application. (MCA 76-5-405(2))
- **2.** The Floodplain Administrator shall determine whether the Floodplain permit application contains the applicable elements required in these regulations and shall notify the applicant of the Floodplain Administrator's determination.
- **3.** If the Floodplain permit application is found to be missing the required elements and if the applicant corrects the identified deficiencies and resubmits the Floodplain application, the Floodplain Administrator shall notify the applicant whether the resubmitted Floodplain application contains all the elements required by these regulations, as applicable.
- **4.** This process shall be repeated until the applicant submits a completed Floodplain permit application containing all the elements required by these regulations, or the application is withdrawn.
- **5.** If after a reasonable effort the Floodplain Administrator determines that the Floodplain application remains incomplete, the Floodplain Administrator shall deny the Floodplain permit application and notify the applicant of missing elements. No further action shall be taken on the Floodplain permit application by the Floodplain Administrator until the Floodplain permit application is resubmitted.
- **6.** A determination that a Floodplain permit application is correct and complete for review does not ensure that the Floodplain permit application will be approved or conditionally approved and does not limit the ability of the Floodplain Administrator to request additional information during the review process.

Sec. 12-31 NOTICE REQUIREMENTS FOR FLOODPLAIN PERMIT APPLICATIONS:

- 1. Upon receipt of a complete application and receipt of payment for a Floodplain permit, the Floodplain Administrator shall prepare a notice containing the facts pertinent to the Floodplain permit application and shall:
 - 1. Publish the notice at least once in a newspaper of general circulation in the area; (ARM 36.15.204(2)(c))
 - 2. Serve notice by first-class mail upon adjacent property owners; (ARM 36.15.204(2)(c))

- 3. Serve notice to the State National Flood Insurance Program Coordinator located in DNRC by the most efficient method. Notice to other permitting agencies or other impacted property owners may be provided; and
- 4. Prior to any alteration or relocation of a watercourse in the Regulated Flood Hazard Area, additionally provide notice to FEMA and adjacent communities. (44 CFR 60.3 (b)(6))
- 2. The notice shall provide a reasonable period of time, not less than 15 days, for interested parties to submit comments on the proposed activity. (ARM 36.15.204(2)(c))

Sec. 12-32 FLOODPLAIN PERMIT CRITERIA

- 1. Floodplain permit applications shall be approved provided the proposed new construction, substantial improvement, or alteration of an artificial obstruction meets the requirements of the minimum standards and criteria in Articles 9 and 10 and other requirements of these regulations. ((MCA 76-5-406) (44 CFR 60.3))
- **2.** A Flood Plain permit application for a development that will cause an increase of more than 0.00 feet to the Base Flood Elevation of the Floodway or more than 0.50 feet to the Base Flood Elevation of the Regulated Flood Hazard Area without a Floodway shall not be approved until approval for an Alteration pursuant to Section 12-23 has been approved, the Regulated Flood Hazard Area is amended and a FEMA CLOMR where required is issued.
- 3. The Floodplain Administrator shall determine that all necessary permits have been received from those governmental agencies from which approval is required by Federal, State, and local law including section 404 of the Federal Water Pollution Control Act Amendment of 1972, and ESA if required. 36 U.S.C. 1334.(44 CFR 60.3(a)(2)

Sec. 12-33 DECISION

- 1. The Floodplain Administrator shall approve, conditionally approve, or deny the proposed Floodplain permit application. The Floodplain Administrator shall notify the applicant of his/her action and the reasons thereof within (120 working days or a time specified) of receipt of a correct and complete Floodplain permit application unless otherwise specified. A copy of the approved Floodplain permit must be provided to DNRC. ((MCA 76-5-405(2)) (ARM 36.15.204(2)(e))
- 2. The approval of a Floodplain permit application does not affect any other type of approval required by any other statute or ordinance of the state, local government, or any political subdivision or the United States, but is an added requirement. (MCA 76-5-108)

Sec. 12-34 FLOODPLAIN PERMIT CONDITIONS AND REQUIREMENTS

1. Upon approval or conditional approval of the Floodplain permit application, the Floodplain Administrator shall provide the applicant with a Floodplain permit with

applicable specific requirements and conditions including but not limited to the following:

- 1. The Floodplain permit will become valid when all other necessary permits required by Federal, State, and local law are in place; (44 CFR 60.3(a)(2)
- 2. Completion of the development pursuant to the Floodplain permit shall be completed within one year from the date of Floodplain permit issuance or a time limit commensurate with the project construction time line for completion of the project or development. The applicant may request an extension, a maximum of a year, or less depending on the nature of such request. The request must be made at least 30 days prior to the permitted completion deadline. The Floodplain Administrator may deny or reduce any proposed extension and must specify such reasoning within 30 day of the request. If the applicant cannot finish the proposed project within the extension period a violation shall be issued as stated in Section 12-69 and the applicant shall resubmit their application in writing and pay double for another permit;
- 3. The applicant shall notify subsequent property owners and their agents and potential buyers of the Floodplain development permit issued on the property and that such property is located within a Regulated Flood Hazard Area and shall record the notice with the Floodplain Administrator; (ARM 36.15.204(2)(g))
- 4. The applicant shall maintain the artificial obstruction or use to comply with the conditions and specifications of the permit;
- 5. The applicant shall allow the Floodplain Administrator to perform on-site inspections at select intervals during construction or completion;
- 6. The applicant shall provide periodic engineering oversight and/or interim reports during the construction period to be submitted to the Floodplain Administrator to confirm constructed elevations and other project elements;
- 7. The applicant shall submit a compliance report including certifications where required and applicable including flood proofing, elevation, surface drainage, proper enclosure openings, materials, and any other documents as requested to the Floodplain Administrator within 30 days of completion or other time as specified, or Corrective Action shall be taken as stated in Section 12-69;
- 8. The applicant shall submit an annual performance and maintenance report on bank stabilization or other projects utilizing maturing vegetative components to the Floodplain Administrator for a period of 5 years or a time specified in the permit; or
- 9. The applicant shall submit evidence of a submittal of a FEMA Letter of Map Revision (LOMR) to FEMA and applicable fees within 6 months of project completion and proceed with due diligence for acceptance of the document and necessary supporting materials by FEMA. (44 CFR 65.3)

ARTICLE 9. DEVELOPMENT REQUIREMENTS IN THE FLOODWAY

Sec. 12-35 USES REQUIRING PERMITS

Artificial obstructions including alterations and substantial improvements specifically listed in Sections 12-37 to 12-49 may be allowed by permit within the Floodway, provided the General Requirements in Section 12-36 and the applicable requirements in Sections 12-37 to 12-49 are met.

Sec. 12-36 GENERAL REQUIREMENTS

An application for a permit shall meet the following requirements:

- 1. All projects shall be designed and constructed to ensure that they do not adversely affect the flood hazard on other properties and are reasonably safe from flooding;
- 2. All projects shall assure that the carrying capacity of the Floodway is not reduced. All projects in the Floodway shall meet the following:
 - 1. Demonstrate that the project does not increase the Base Flood Elevation by conducting an encroachment analysis certified by an engineer. A minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodway, involve fill, grading, excavation or storage of materials or equipment but is also certified by an engineer to not exceed the allowable encroachment to the Base Flood Elevation; and
 - 2. The allowable encroachment to the Base Flood Elevation is 0.00 feet, and no significant increase to the velocity or flow of the stream or water course unless approval of an alteration of the Regulated Flood Hazard Area pursuant to Section 12-23 and an approved FEMA Conditional Letter of Map Revision occurs before permit issuance; and

((ARM 36.15.604) (ARM 36.15.505) (ARM 36.15.605(b)) (44 CFR 60.3(a)(3 and 4)) (44CFR 65.12(a))

- **3.** An application for a Floodplain permit must also demonstrate the following factors are considered and incorporated into the design of the use or artificial obstruction in the Floodway:
 - 1. The danger to life and property due to backwater or diverted flow caused by the obstruction or use; ((MCA 76-5-406(1)) (ARM 36.15.216(2)(a)))
 - 2. The danger that the obstruction or use may be swept downstream to the injury of others; ((MCA 76-5-406(2)) (ARM 36.15.216(2)(b)))
 - 3. The availability of alternative locations; ((MCA 76-5-406(3)) (ARM 36.15.216(2)(c))

- 4. Construct or alter the obstruction or use in such manner as to lessen the flooding danger; ((MCA 76-5-406(4)) (ARM 36.15.216(2)(d)))
- 5. The permanence of the obstruction or use and is reasonably safe from flooding; ((MCA 76-5-406(5) (ARM 36.15.216(2e)))
- 6. The anticipated development in the foreseeable future of the area which may be affected by the obstruction or use; ((MCA 76-5-406(6)) (ARM 36.15.216(2f)))
- 7. Relevant and related permits for the project have been obtained; (44 CFR 60.3(a)(2))
- 8. Such other factors as are in harmony with the purposes of these regulations, the Montana Floodplain and Floodway Management Act, and the accompanying Administrative Rules of Montana; and ((MCA 76-5-406(7)) (ARM 36.15.216(2)(g)))
- 9. The safety of access to property in times of flooding for ordinary and emergency services. (44CFR 60.22 (c)(7))

Sec. 12-37 MINING OF MATERIAL REQUIRING EXCAVATION FROM PITS OR POOLS provided, in addition to the requirements of Section 12-36, that:

- 1. A buffer strip of undisturbed land of sufficient width as determined by an engineer to prevent flood flows from channeling into the excavation is left between the edge of the channel and the edge of the excavation; (ARM 36.15.602(1)(a))
- 2. The excavation meets all applicable laws and regulations of other local and state agencies; and (ARM 36.15.602(1)(b))
- **3.** Excavated material may be processed on site but is stockpiled outside the Floodway.(ARM 36.15.602(1)(c))

Sec. 12-38 RAILROAD, HIGHWAY STREET STREAM CROSSINGS

including other transportation related crossings provided, in addition to the requirements of Section 12-36, that:

- **1.** Crossings are designed to offer minimal obstructions to the flood flow; (ARM 36.15.602(2))
- **2.** Where failure or interruption of public transportation facilities would result in danger to public health or safety and where practicable and in consideration of FHWA Federal-Aid Policy Guide 23CFR650A:
 - 1. Bridge lower chords shall have freeboard to at least two (2) feet above the Base Flood Elevation to help pass ice flows, the base flood discharge and any debris associated with the discharge; and

- 2. Culverts shall be designed to pass the Base Flood discharge and maintain at least two (2) feet freeboard on the crossing surface;
- **3.** Normal overflow channels, if possible are preserved to allow passage of sediments to prevent aggradations; and
- **4.** Mid stream supports for bridges, if necessary, have footings buried below the maximum scour depth.

Sec. 12-39 LIMITED FILLING FOR ROAD AND RAILROAD EMBANKMENTS including other transportation related embankments, not associated with stream crossings and bridges provided, in addition to the requirements of Section 12-36, that:

- 1. The fill is suitable fill;
- **2.** Reasonable alternate transportation routes outside the floodway are not available; and (ARM 36.15.602(3))
- **3.** The encroachment is located as far from the stream channel as possible. (ARM 36.15.602(3))

Sec. 12-40 BURIED OR SUSPENDED UTILITY TRANSMISSION LINES provided, in addition to the requirements of Section 12-36, that:

- 1. Suspended utility transmission lines are designed such that the lowest point of the suspended line is at least six (6) feet higher than the Base Flood Elevation; (ARM 36.15.602(4))
- 2. Towers and other appurtenant structures are designed and placed to withstand and offer minimal obstruction to flood flows; (ARM 36.15.602(4))
- 3. Alternatives such as alternative routes, directional drilling, and aerial crossings are considered when technically feasible; and
- **4.** Utility transmission lines carrying toxic or flammable materials are buried to a depth of at least twice the calculated maximum scour depth determined by an engineer for the Base Flood. (ARM 36.15.602(4))

Sec. 12-41 STORAGE OF MATERIALS AND EQUIPMENT provided, in addition to the requirements of Section 12-36, that:

1. The material or equipment is not subject to major damage by flooding and is properly anchored to prevent flotation or downstream movement; or (ARM 36.15.602(5)(a))

2. The material or equipment is readily removable within the limited time available after flood warning. Storage of flammable, toxic or explosive materials shall not be permitted.(ARM 36.15.602(5)(b))

Sec. 12-42 DOMESTIC WATER SUPPLY WELLS

provided, in addition to the requirements of Section 12-36, that:

- 1. They are driven or drilled wells located on ground higher than surrounding ground to assure positive drainage from the well; (ARM 36.15.602(6))
- 2. They require no other structures (e.g. a well house); (ARM 36.15.602(6))
- 3. Well casings are water tight to a distance of at least twenty five (25) feet below the ground surface and the well casing height is a minimum of two (2) feet above the Base Flood Elevation or capped with a watertight seal and vented two (2) feet above the Base Flood Elevation; ((ARM 36.15.602(6)))
- **4.** Water supply lines have a watertight seal where the lines enter the casing; (ARM 36.15.602(6))
- 5. All pumps and electrical lines and equipment are either of the submersible type or are adequately flood proofed; and (ARM 36.15.602(6))
- 6. Check valves are installed on main water lines at wells and at all building entry locations. ((44 CFR 60.3 (a)(5)) (ARM 36.15.602(6)))

Sec. 12-43 BURIED AND SEALED VAULTS FOR SEWAGE DISPOSAL IN CAMPGROUNDS AND RECREATIONAL AREAS

provided, in addition to the requirements of Section 12-36, demonstrate approval by Montana Department of Environmental Quality and local health and sanitation permits or approvals. ((44 CFR 60.3(a)(6)) (ARM 36.15.602(7)))

Sec. 12-44 PUBLIC AND PRIVATE CAMPGROUNDS

provided, in addition to the requirements of Section 12-36, that:

- 1. Access roads require only limited fill and do not obstruct or divert flood waters; (ARM 36.15.602(8))
- 2. The project meets the accessory structures requirements in this Section;
- 3. No dwellings or permanent mobile homes are allowed; (ARM 36.15.602(8))
- 4. Recreational vehicles and travel trailers are ready for highway use with wheels intact, with only quick disconnect type utilities and securing devices, and have no permanently attached additions; and (44 CFR 60.3(c)(14))

5. There is no large-scale clearing of riparian vegetation within 50 feet of the mean annual high water mark.

Sec. 12-45 STRUCTURES ACCESSORY OR APPURTENANT

to permitted uses such as boat docks, loading and parking areas, marinas, sheds, emergency airstrips, permanent fences crossing channels that may impede or stop flows or debris, picnic shelters and tables and lavatories, that are incidental to a principal structure or use, provided in addition to the requirements of Section 12-36, that:

- **1.** The structures are not intended for human habitation or supportive of human habitation; (ARM 36.15.602(9))
- 2. The structures will have low flood damage potential; (ARM 36.15.602(9))
- **3.** The structures will, insofar as possible, be located on ground higher than the surrounding ground and as far from the channel as possible; (ARM 36.15.602(9))
- **4.** The structures will be constructed and placed so as to offer a minimal obstruction to flood flows; (ARM 36.15.602(9))
- **5.** Only those wastewater disposal systems that are approved under health and sanitation regulations are allowed;
- **6.** Service facilities within these structures such as electrical, heating and plumbing are flood proofed according to the requirements in Article 10; (ARM 36.15.602(9))
- **7.** The structures are firmly anchored to prevent flotation; (ARM 36.15.602(9))
- **8.** The structures do not require fill and/or substantial excavation;
- 9. The structures or use cannot be changed or altered without permit approval; and
- **10.** There is no clearing of riparian vegetation within 50 feet of the mean annual high water mark.

Sec. 12-46 CONSTRUCTION OF OR MODIFICATIONS TO SURFACE WATER DIVERSIONS

provided, in addition to the requirements of Section 12-36, that the design is reviewed and approved by an engineer and includes:

- 1. Measures to minimize potential erosion from a Base Flood; and (ARM 36.15.603(3)(b))
- 2. Designs and plans that demonstrate any permanent structure in the stream is designed to safely withstand up to the Base Flood considering the forces associated with

hydrodynamic and hydrostatic pressures including flood depths, velocities, impact, ice buoyancy, and uplift forces associated with the Base Flood. ((ARM 36.15.603(3)(c) ((CFR 60.3(a)(3) (CFR 60.3(d)(3)))

Sec. 12-47 FLOOD CONTROL AND STREAM BANK STABILIZATION MEASURES

provided, in addition to the requirements of Section 12-36, that the design is reviewed and approved by an engineer and constructed to substantially resist or withstand the forces associated with hydrodynamic and hydrostatic pressures, including flood depths, velocities, impact, ice, buoyancy, and uplift associated with the Base Flood. The design must also show compliance with the following applicable criteria: ((CFR 60.3(a)(3) (CFR 60.3(d)(3)) (ARM 36.15.606))

1. LEVEE AND FLOODWALL construction or alteration:

- 1. Must be designed and constructed with suitable fill and be designed to safely convey a Base Flood; (ARM 36.15.606(1)(a))
- 2. Must be constructed at least 3 feet higher than the elevation of the Base Flood unless the levee or floodwall protects agricultural land only; (ARM 36.15.606(2)(a))
- 3. Must meet state and federal levee engineering and construction standards and be publically owned and maintained if it protects structures of more than one landowner; and (ARM 36.15.505(1)(c)(ii)and (iii))
- 4. For any increase in the elevation of the Base Flood, an alteration of the Regulated Flood Hazard Area requires approvals pursuant to Section 12-23.

2. STREAM BANK STABILIZATION, PIER AND ABUTMENT PROTECTION projects:

- 1. Must be designed and constructed using methods and materials that are the least environmentally damaging yet practicable, and should be designed to withstand a Base Flood once the project's vegetative components are mature within a period of up to 5 years or other time as required by the Floodplain Administrator. Once vegetation is mature and established it should not require substantial yearly maintenance after the initial period;
- 2. Materials for the project may be designed to erode over time but not fail catastrophically and impact others. Erosion, sedimentation, and transport of the materials may be designed to be at least similar in amount and rate of existing stable natural stream banks during the Base Flood;
- 3. Must not increase erosion upstream, downstream, across from or adjacent to the site in excess of the existing stable natural stream bank during the Base Flood; and (ARM 36.15.606(1)(b))

- 4. Materials for the project may include but are not limited to riprap, root wads, brush mattresses, willow wattles, natural woody debris or combinations of analogous materials.
- **3. CHANNELIZATION PROJECTS** where the excavation and/or construction of an channel is for the purpose of diverting the entire or a portion of the flow of a stream from its established course, the project must:
 - 1. Not increase the magnitude, velocity, or elevation of the Base Flood; and
 - 2. Meet the requirements of Section 12-47.2. (ARM 36.15.101(7)) (ARM 36.15.606(1)(c))

4. DAMS:

- 1. The design and construction shall be in accordance with the Montana Dam Safety Act and applicable safety standards; and
- 2. The project shall not increase flood hazards downstream either through operational procedures or improper hydrologic/hydraulic design. (ARM 36.15.606(1)(d)

Sec. 12-48 STREAM AND BANK RESTORATION

projects intended to reestablish the terrestrial and aquatic attributes of a natural stream and not for protection of a structure or development provided, in addition to the requirements of Section 12-36, that:

- 1. The project will not increase velocity or erosion upstream, downstream, across from or adjacent to the site; (ARM 36.15.606(1)(b))
- 2. Materials may include but are not limited to boulders, rock cobble, gravel, native stream bed materials, root wads, brush mattresses, willow wattles, natural woody debris or combinations of analogous materials and that reasonably replicates the bed and bank of the natural stream;
- **3.** Erosion, sedimentation, and transport of the materials are not more than the amount and rate of existing natural stream banks during the Base Flood; and
- **4.** The project may be designed to allow vegetative materials to mature within a period up to 5 years or other time as required by the Floodplain Administrator. Once vegetation is mature and established it should not require substantial yearly maintenance after the initial period.

Sec. 12-49 EXISTING RESIDENTIAL AND NON-RESIDENTIAL BUILDINGS IN THE FLOODWAY

any alteration or substantial improvement to an existing building must meet the requirements of Section 12-36 and the applicable requirements in Article 10 for residential or non-residential buildings. (MCA76-5-404(3)(b))

ARTICLE 10. DEVELOPMENT REQUIREMENTS IN THE FLOOD FRINGE OR REGULATED FLOOD HAZARD AREA WITH NO FLOODWAY

Sec. 12-50 USES REQUIRING PERMITS

All uses allowed by permit in the Floodway shall also be allowed by permit within the Flood Fringe or Regulated Flood Hazard Area with no Floodway. Such uses are subject to the requirements in Article 9, with the exception of the encroachment limit of Section 12-36.2. Instead, such uses are subject to the encroachment limits of this Section 12-51.9.

Except for prohibited artificial obstructions in Section 12-27, all other artificial obstructions including new construction, substantial improvements, alterations to residential, and nonresidential structures including manufactured homes, and related suitable fill or excavation shall be allowed by permit and are subject to the requirements in this Section and General Requirements of Section 12-36, with the exception of the encroachment limit of Section 12-36.2. (ARM 36.15.701(2))

Sec. 12-51 GENERAL REQUIREMENTS

An application for a Floodplain permit must demonstrate or meet the following applicable requirements:

- 1. <u>Base Flood Elevation</u> Where necessary to meet the appropriate elevation requirement in these regulations, the base Flood Elevation(s) must be determined by an engineer and utilized in the design and layout of the project demonstrating the design and construction criteria herein are met. For Regulated Flood Hazard Areas that do not have computed and published Base Flood Elevations in the adopted flood hazard study referenced in Article 4, a Base Flood Elevation must be determined or obtained from a reliable source, utilizing appropriate engineering methods and analyses;
- 2. <u>Flood Damage</u> Structures must be constructed by methods and practices that minimize flood damage and structures must be reasonably safe from flooding; ((44 CFR 60.3(a)) (44 CFR 60.3(a)(3)(iii)))
- 3. Surface Drainage Adequate surface drainage must be provided around structures;
- 4. <u>Materials</u> Structures must be constructed with materials resistant to flood damage; ((44 CFR 60.3(a)) (44 CFR 60.3(a)(3)(ii))
- 5. <u>Artificial Obstructions</u> Structures, excavation or fill must not be prohibited by any other statute, regulation, ordinance, or resolution; and must be compatible with subdivision, zoning and any other land use regulations, if any; (ARM 36.15.701(3)(a)) ((ARM 36.15.701(3)(b))

6. Anchoring

All construction and substantial improvements must be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;(44CFR 60.3(a)(3)

7. Certification

Certification by an engineer, architect, land surveyor, or other qualified person must accompany the application where required including for an encroachment analysis, adequacy of structural elevations, Base Flood Elevation determinations, flood-proofing, enclosure flood openings and design and construction to withstand the hydrodynamic forces and hydrostatic pressures of flood depths, velocities, impact, buoyancy, uplift forces associated with the Base Flood and surface drainage. A certification is not intended to constitute a warranty or guarantee of performance, expressed or implied; ((ARM 36.15.606(1) (ARM 36.15.702(2)(c)) (ARM 36.15.801(3)(b)) (44 CFR 60.3(c)(3 &4)) (44 CFR 60.3 (d)(3)))

8. Access

Structures must have safe access during times of flooding up to the Base Flood for ordinary and emergency services provided there are no reasonable alternate locations for structures;

9. Encroachment Analysis

- 1. All applications in the Regulated Flood Hazard Area without a Floodway must be supported by an encroachment analysis of the proposed use, a thorough hydrologic and hydraulic analysis except as provided in following paragraph 4, Section 12-51.9.4, prepared by an engineer to demonstrate the effect of the structure on flood flows, velocities and the Base Flood Elevation; ((ARM 36.15.604) (44 CFR 60.3(a)(3))
- 2. The maximum allowable encroachment is certified to be at or less than 0.5 feet increase to the Base Flood Elevation unless approval of an alteration of the Regulated Flood Hazard Area pursuant to Article 4 and an approved FEMA Conditional Letter of Map Revision occurs before permit issuance; ((ARM 36.15.604) (ARM 36.15.505) (44 CFR 60.3(c)(13)))
- 3. An encroachment analysis is not required for any development in the Flood Fringe where an accompanying Floodway has been designated within the Regulated Flood Hazard Area; and
- 4. Although all other development standards herein apply, a minimal or qualitative encroachment analysis may be accepted when the project or development does not require a structure, alteration of the Floodplain, involve fill, grading, excavation or storage of materials or equipment and also is certified by an engineer to not exceed the allowable encroachment.

10. Electrical Systems Flood Proofing

All electrical service materials, equipment and installation for uses in a Regulated Flood Hazard Area must be certified to meet the following requirements:

- 1. All incoming power service equipment including all metering equipment, control centers, transformers, distribution and lighting panels and all other stationary equipment must be located at least two feet above the Base Flood Elevation; (ARM 36.15.901(1)(a))
- 2. Portable and movable electrical equipment may be placed below the Base Flood Elevation, provided that the equipment can be disconnected by a single plug and socket assembly of the submersible type; (ARM 36.15.901(1)(b))
- 3. The main power service lines must have automatically operated electrical disconnect equipment or manually operated electrical disconnect equipment located at an accessible remote location outside the Regulated Flood Hazard Area or two feet above the Base Flood Elevation; and (ARM 36.15.901(1)(c))
- 4. All electrical wiring systems installed below the Base Flood Elevation must be suitable for continuous submergence and may not contain fibrous components. (ARM 36.15.901(1)(d))

11. Heating and Cooling Systems Flood Proofing

Heating and cooling systems for uses in a Regulated Flood Hazard Area must be certified to meet the following requirements:

- 1. Float operated automatic control valves must be installed so that fuel supply is automatically shut off when flood waters reach the floor level where the heating and cooling systems are located; (ARM36.15.902(1)(a))
- 2. Manually operated gate valves must be installed in gas supply lines. The gate valves must be operable from a location above the Base Flood Elevation; (ARM36.15.902(1)(b))
- 3. Electrical Systems flood proofing must be met; and (ARM36.15.902(1)(c))
- 4. Furnaces and cooling units must be installed at least two (2) feet above the Base Flood Elevation and the ductwork installed above the Base Flood Elevation.

12. Plumbing Systems Flood Proofing

Plumbing systems for uses in the Regulated Flood Hazard Area must be certified to meet the following requirements:

1. Sewer lines, except those to a buried and sealed vault, must have check valves installed to prevent sewage backup into permitted structures; and (ARM 36.15.903(1)(a))

2. All toilets, stools, sinks, urinals, vaults, and drains must be located so the lowest point of possible flood water entry is at least two (2) feet above the Base Flood Elevation. (ARM 36.15.903(1)(b))

13. Structural Fill Flood Proofing

Fill used to elevate structures, including but not limited to residential and non-residential buildings must be certified to meet the following requirements:

- 1. The filled area must be at or above the Base Flood Elevation and extend at least fifteen (15) feet beyond the structure in all directions;
- 2. Fill material must be suitable fill, that is stable, compacted, well graded, and pervious, not adversely affected by water and frost, devoid of trash or similar foreign matter, tree stumps or other organic material; and is fitting for the purpose of supporting the intended use and/or permanent structure. (ARM 36.15.101(22))
- 3. The fill must be compacted to minimize settlement and compacted to 95 percent of the maximum density. Compaction of earthen fill must be certified by an engineer;
- 4. No portion of the fill is allowed within the floodway;
- 5. The fill slope must not be steeper than 1 ½ horizontal to 1 vertical unless substantiating data justifying a steeper slope is provided and adequate erosion protection is provided for fill slopes exposed to floodwaters.

14. Wet Flood Proofing

Building designs with an enclosure below the lowest floor must be certified to meet the following:

- 1. Materials used for walls and floors are resistant to flooding to an elevation two (2) feet or more above the Base Flood Elevation; (ARM 36.15.702(2)(a))
- 2. The enclosure must be designed to equalize hydrostatic forces on walls by allowing for entry and exit of floodwaters. Opening designs must either be certified by an engineer or architect or meet or exceed the following:
 - 1. Automatically allow entry and exit of floodwaters through screens, louvers, valves, and other coverings or devices;
 - 2. Have two (2) or more openings with a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area below the Lowest Floor, except if the enclosure is partially subgrade, a minimum of 2 openings may be provided on a single wall; and

- 3. Have the bottom of all openings no higher than one (1) foot above the higher of the exterior or interior adjacent grade or floor immediately below the openings. (44 CFR 60.3(c)(5)) (NFIP Insurance Manual, Rev. May 2013)
- 4. The opening design cannot exceed a dimension ratio of 1 vertical unit for every 2 horizontal units.

15. Dry Flood Proofing

Building designs that do not allow internal flooding must be certified according to these regulations to meet the following:

- 1. Building use must be for non-residential use only and does not include mixed residential and non-residential use;
- 2. Be Flood Proofed to an elevation no lower than two (2) feet above the Base Flood Elevation;
- 3. Be constructed of impermeable membranes or materials for floors and walls and have water tight enclosures for all windows, doors and other openings; and
- 4. Be designed to withstand the hydrostatic pressures and hydrodynamic forces resulting from the Base Flood and the effects of buoyancy. ((ARM 36.15.702(2)(b)) (44 CFR 60.3(c)(3))

16. Elevation of the Lowest Floor

Elevating the lowest floor may be by either suitable fill, foundation wall enclosure, stem walls, pilings, posts, piers, columns or other acceptable means; ((MCA 76-5-402(2)(b)) (44 CFR 60.3(b)(8)) (44 CFR 60.3(c)(6)))

17. Crawl Spaces

Crawl space foundation enclosures including sub grade crawlspace enclosures below the lowest floor must meet the wet flood proofing requirements and be designed so that the crawl space floor is at or above the Base Flood Elevation. Crawl space foundations must have an inside dimension of not more than five (5) feet from the ground to the top of the living floor level and a sub grade crawlspace must also have the interior ground surface no more than two (2) feet below the exterior lowest adjacent ground surface on all sides. A sub grade foundation exceeding either dimension is a basement;

18. Manufactured Home Anchors

For new placement, substantial improvement or replacement of manufactured homes for residential or nonresidential use including additions, the chassis must be secure and must resist flotation, collapse or lateral movement by anchoring with anchoring components capable of carrying a force of 4,800 pounds and as follows:

1. For manufactured homes less than fifty (50) feet long, over-the-top ties to ground anchors are required at each of the four (4) corners of the home, with two additional ties per side at intermediate locations; or

For manufactured homes more than fifty (50) feet long, frame ties to ground anchors are required at each corner of the home with five (5) additional ties per side at intermediate points; and meet ((CFR 60.3(b)(8)) CFR 60.3(c)(6)))

19. Access

Access for emergency vehicles is provided. For manufactured homes, access for a manufactured home hauler is also provided.

Sec. 12-52 RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL

REQUIREMENTS New construction, alterations, and substantial improvements of residential dwellings, manufactured homes, including replacement of manufactured homes, must be constructed such that:

- 1. <u>Elevation of the Lowest Floor</u> The Lowest Floor of the building including an attached garage or basement must be two (2) feet or more above the Base Flood Elevation; (ARM 36.15.701(3))
- 2. <u>Enclosure</u> Enclosures of elevated buildings cannot be dry flood proofed. Use for an enclosure is limited to facilitating building component access. The enclosure including a crawlspace must be wet flood proofed and the enclosure floor must be at or above the Base Flood Elevation. An attached garage floor must be two (2) or more feet above the Base Flood Elevation; and
- 3. <u>Recreation Vehicles</u> Recreational vehicles on site for more than 180 days or not ready for highway use must meet the requirements for manufactured homes for residential use.

Sec. 12-53 NON-RESIDENTIAL BUILDING, EXCEPTIONS OR ADDITIONAL REQUIREMENTS

New construction, alterations, and substantial improvements of non-residential including agricultural, commercial and industrial buildings and residential and non-residential accessory buildings must be constructed such that:

- 1. <u>Elevation of the Lowest Floor</u> The Lowest Floor of the building must be elevated two (2) feet above the Base Flood Elevation or adequately dry flood proofed according to this Section. The Lowest Floor may be wet proofed provided the use is limited to only parking, loading and storage of equipment or materials not appreciably affected by floodwater; ((ARM 36.15.702(2) (44 CFR 60.3(c)(3)(ii) (44 CFR 60.3(c)(3) & (4)))
- **2.** <u>Enclosure</u> Enclosures below the Lowest Floor on elevated buildings must be wet flood proofed and the use must be limited to parking, access or storage or must be adequately dry flood proofed according to this Section;

- **3.** <u>Manufactured homes</u> Manufactured homes proposed for use as non-residential buildings cannot be dry flood proofed; and
- **4.** <u>Agricultural structures</u> Agricultural structures not intended to be insurable, used solely for agricultural purposes, having low flood damage potential, used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities including raising of livestock, and not intended for human habitation are exempt from the elevation requirement, dry or wet flood proofing, but shall:
 - 1. Be located on higher ground and as far from the channel as possible;
 - 2. Offer minimal obstruction to flood flows;
 - 3. Be adequately anchored to prevent flotation or collapse;
 - 4. Where electrical, heating and plumbing systems are installed, meet the flood proofing requirements in Sections 12-51.10, 12-51.11, and 12-51.12; and
 - 5. Meet the elevation or dry flood proofing requirements if the structure is an animal confinement facility.

((ARM 36.15.602(9) (ARM 36.15.701(3)(e)) (ARM 36.15.702(2))

ARTICLE 11. EMERGENCIES

Sec. 12-54 General

- 1. Emergency repair and replacement of severely damaged artificial obstructions and development in the Regulated Flood Hazard Area, including public transportation facilities, public water and sewer facilities, flood control works, and private projects are subject to the permitting requirements of these regulations.(ARM 36.15.217)
- 2. The provisions of these regulations are not intended to affect other actions that are necessary to safeguard life or structures during periods of emergency.

Sec. 12-55 Emergency Notification and Application Requirements

- 1. The property owner and or the person responsible for taking emergency action must notify the Floodplain Administrator prior to initiating any emergency action in a Regulated Flood Hazard Area normally requiring a Floodplain permit. An Emergency Notification Form must be submitted to the Floodplain Administrator within five (5) days of the action taken as a result of an emergency.
- 2. Unless otherwise specified by the Floodplain Administrator, within 30 days of initiating the emergency action, a person who has undertaken an emergency action must submit a Floodplain Permit Application that describes what action has taken place during the

emergency and describe any additional work that may be required to bring the project in compliance with these regulations.

3. A person who has undertaken an emergency action may be required to modify or remove the project in order to meet the permit requirements.

ARTICLE 12. VARIANCES

Sec. 12-56 GENERAL

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

Sec. 12-57 VARIANCE APPLICATION REQUIREMENTS:

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

Sec. 12-58 NOTICE REQUIREMENTS FOR FLOODPLAIN VARIANCE

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

- 1. Name of applicant and the landowner (if different);
- 2. Legal description of the site and its address or another general description by which the public can locate it;
- 3. Present land use at the site;
- 4. Proposed use:
- 5. That a public hearing is to be held before the City Council, and that the City Council will conduct a public hearing and accept public comment on the application;
- 6. The date, time and place of the hearing; and
- 7. Where applications are available for review.

Notice of the hearing shall be provided as follows:

- 1. By certified mail, at least 15 calendar days before the hearing, to the applicant, landowner, and all adjoin property owners (including purchasers of record under contract for deed) and owners of land within 150 feet of the subject property;
- 2. By newspaper publication, at least 15 calendar days before the hearing, one legal notice in the official newspaper;

3. To the State National Floodplain Insurance Program Coordinator located in DNRC by the most efficient method.

Sec. 12-59 EVALUATION OF VARIANCE APPLICATION

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

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

Sec. 12-60 DECISION

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

Sec. 12-61 JUDICIAL REVIEW

Any person or persons aggrieved by the Floodplain permit and variance decision may appeal such decision in a court of competent jurisdiction within 30 days of the decision of the City Council. Failure to appeal within said time period shall render the decision of the City Council final.

ARTICLE 13. ADMINISTRATIVE APPEALS

Sec. 12-62 GENERAL

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

Sec. 12-63 APPEALS REQUIREMENTS

The following provisions apply to administrative appeals:

- 1. An appeal shall include the basis of the appeal and supporting information including specific findings and conclusions of the Floodplain Administrator's decision being appealed;
- 2. An appeal may be submitted by an applicant and/or anyone who may be aggrieved by the Floodplain Administrator's decision or order;
- **3.** Appeals must be received within 30 days of the date of the Floodplain Administrator's decision or order of the Floodplain Administrator; and
- **4.** Additional information specific to the appeal request may be requested by the review panel.

Sec. 12-64 NOTICE AND HEARING

- 1. Notice of the pending appeal and hearing shall be provided pursuant to Section 12-31. The Floodplain Administrator may notify DNRC and FEMA of pending appeals.
- **2.** A public hearing on the appeal must be held within 60 days of the Notice unless set otherwise.

Sec. 12-65 DECISION

A judgment on an appeal shall be made within 30 days of the hearing unless set otherwise. The decision may affirm, modify, or overturn the Floodplain Administrator's decision. A decision on an appeal of a permit cannot grant or issue a variance. A decision may support, reverse or remand an order or determination of a boundary of the Regulated Flood Hazard Area by the Floodplain Administrator.

Sec. 12-66 JUDICIAL REVIEW

Any person or persons aggrieved by the decision on an administrative appeal may appeal such decision in a court of competent jurisdiction.

ARTICLE 14. ENFORCEMENT

Sec. 12-67 INVESTIGATION REQUEST

An investigation to determine compliance with these regulations for an artificial obstruction or nonconforming use within the Regulated Flood Hazard Area may be made either on the initiative of the Floodplain Administrator or on the written request of three titleholders of land which may be affected by the activity. The names and addresses of the persons requesting the investigation shall be released if requested. (MCA 76-5-105)(2)

Sec. 12-68 NOTICE TO ENTER AND INVESTIGATE LANDS OR WATERS

The Floodplain Administrator may make reasonable entry upon any lands and waters for the purpose of making an investigation, inspection or survey to verify compliance with these regulations. (MCA 76-5-105(1))

- 1. The Floodplain Administrator shall provide notice of entry by mail, electronic mail, phone call, or personal delivery to the owner, owner's agent, lessee, or lessee's agent whose lands will be entered.
- 2. If none of these persons can be found, the Floodplain Administrator shall affix a copy of the notice to one or more conspicuous places on the property.
- 3. If the owners do not respond, cannot be located or refuse entry to the Floodplain Administrator, the Floodplain Administrator may initiate a Search Warrant.

Sec. 12-69 NOTICE TO RESPOND AND ORDER TO TAKE CORRECTIVE ACTION

- 1. When the Floodplain Administrator determines that a violation may have occurred, the Floodplain Administrator may issue written notice to the owner or an agent of the owner, either personally or by certified mail. Such notice shall cite the regulatory offense and include an order to take corrective action within a reasonable time or to respond by requesting an administrative review by the Floodplain Administrator.
- 2. Known violation by the applicant such as not completing work within the one year time frame, not being complaint with the permit application, or these regulations will be seen as a violation.

Sec. 12-70 ADMINISTRATIVE REVIEW

The order to take corrective action is final, unless within five (5) working days or any granted extension, after the order is received, the owner submits a written request for an administrative review by the Floodplain Administrator. A request for an administrative review does not stay the order.

Sec. 12-71 APPEAL OF ADMINISTRATIVE DECISION

Within ten (10) working days or any granted extension of receipt of the Floodplain Administrator's decision concluding the administrative review, the property owner or owner's agent may appeal the decision pursuant to Article 13.

Sec. 12-72FAILURE TO COMPLY WITH ORDER TO TAKE CORRECTIVE ACTION

If the owner fails to comply with the order for corrective action, remedies may include administrative or legal actions, or penalties through court.

Sec. 12-73 OTHER REMEDIES

This section does not prevent efforts to obtain voluntary compliance through warning, conference, or any other appropriate means. Action under this part shall not bar enforcement of these regulations by injunction or other appropriate remedy.

ARTICLE 15. PENALTIES

Sec. 12-75 MISDEMEANOR

Violation of the provisions of these regulations or failure to comply with any of the requirements, including failure to obtain permit approval prior to development in the Regulated Flood Hazard Area except for an emergency, shall constitute a misdemeanor and may be treated as a public nuisance.

Any person who violates these regulations or fails to comply with any of its requirements shall, upon conviction thereof, shall be punishable by a fine for the first offense of not less than \$100.00 and not more than \$500.00 or by imprisonment for a term not to exceed six months, or both. The second offense shall be punishable by a fine of not less than \$300.00 and not more than \$500.00 or by imprisonment for a term not to exceed six months, or both. The third or subsequent offense shall be punishable by a fine of \$500.00 or by imprisonment for a term not to exceed six months, or both. Each day's continuance of a violation shall be deemed a separate and distinct offense. (MCA 76-5-110)

Sec. 12-76 DECLARATION TO THE FEDERAL FLOOD INSURANCE

ADMINISTRATOR Upon finding of a violation and failure of the owner to take corrective action as ordered, the Floodplain Administrator may submit notice and request a 1316 Violation Declaration to the Federal Insurance Administrator. The Federal Insurance Administrator has the authority to deny new and renewal flood insurance for a structure upon finding a valid violation declaration. (44 CFR 73.3)

The Floodplain Administrator shall provide the Federal Insurance Administrator the following:

- 1. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;
- 2. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
- **3.** A clear statement that the public body making the declaration has authority to do so and a citation to that authority;



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- 1. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;
- A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
- 3. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

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Any person or persons aggrieved by the Floodplain permit and variance decision may appeal such decision in a court of competent jurisdiction within 30 days of the decision of the City Council. Failure to appeal within said time period shall render the decision of the City Council

ARTICLE 13. ADMINISTRATIVE APPEALS

Sec. 12-62 GENERAL

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

Sec. 12-63 APPEALS REQUIREMENTS

The following provisions apply to administrative appeals:

- 1. An appeal shall include the basis of the appeal and supporting information including specific findings and conclusions of the Floodplain Administrator's decision being appealed;
- 2. An appeal may be submitted by an applicant and/or anyone who may be aggrieved by the Floodplain Administrator's decision or order;
- 3. Appeals must be received within 30 days of the date of the Floodplain Administrator's decision or order of the Floodplain Administrator; and
- 4. Additional information specific to the appeal request may be requested by the review panel.

Sec. 12-64 NOTICE AND HEARING

- 1. Notice of the pending appeal and hearing shall be provided pursuant to Section 12-31. The Floodplain Administrator may notify DNRC and FEMA of pending appeals.
- 2. A public hearing on the appeal must be held within 60 days of the Notice unless set otherwise.

Sec. 12-65 DECISION

A judgment on an appeal shall be made within 30 days of the hearing unless set otherwise. The decision may affirm, modify, or overturn the Floodplain Administrator's decision. A decision on an appeal of a permit cannot grant or issue a variance. A decision may support, reverse or remand an order or determination of a boundary of the Regulated Flood Hazard Area by the Floodplain Administrator.

Sec. 12-66 JUDICIAL REVIEW

Any person or persons aggrieved by the decision on an administrative appeal may appeal such decision in a court of competent jurisdiction.

To the State National Floodplain Insurance Program Coordinator located in DNRC by the most efficient method.

Sec. 12-59 EVALUATION OF VARIANCE APPLICATION

- 1. The Floodplain Administrator shall prepare a staff report to the City Council which sets forth the facts surrounding the Administrator's decision to deny the Floodplain permit, as well as an evaluation of the variance criteria set forth herein, and a recommendation as to whether or not a variance would be appropriate under the facts and circumstances. Said staff report shall be delivered by the Floodplain Administrator to the City Council, the Montana NFIP Coordinator, and FEMA. A Floodplain permit and Variance shall only be issued upon a determination by the City Council that the variance is the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and provided all of the following criteria are met:
 - 1. There is a good and sufficient cause. Financial hardship is not a good and sufficient cause; (44 CFR 60.6(a)(3))
 - 2. Failure to grant the variance would result in exceptional hardship to the applicant; (44 CFR 60.3(a)(3)) & ARM 36.15.218(b))
 - Residential and nonresidential buildings are not in the Floodway except for alterations or substantial improvement to existing buildings, Residential dwellings including basements and attached garages do not have the lowest floor elevation below the Base Flood Elevation;
 - 4. Any enclosure including a crawl space must meet the requirements of Section 12-51.14, Wet Flood Proofing if the enclosure interior grade is at or below the Base Flood Elevation;
 - 5. Granting of a variance will not result in increased flood heights to existing buildings, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances; (44 CFR 60.6 (a)(3) & (ARM 36.15.218(a))
 - 6. The proposed use is adequately flood proofed; (ARM 36.15.218(c))
 - 7. The variance is the minimum necessary, considering the flood hazard, to afford relief; (44 CFR 60.6(a)(4))
 - Reasonable alternative locations are not available; (MCA 76-5-406(3) & ARM 36.15.218(d))
 - 9. An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations; and (44 CFR 60.6(a)(1))

- 5. A Floodplain permit is required to reconstruct or repair an existing artificial obstruction that has experienced substantial damage and will undergo substantial improvement; and
- Maintenance of an existing artificial obstruction or use that is a substantial improvement or an alteration requires a Floodplain permit. (MCA 76-5-404(3)(b))

Sec. 12-29 REQUIRED FLOODPLAIN PERMIT APPLICATION INFORMATION 1. A Floodplain permit application shall include, but is not limited to the following:

- A completed and signed Floodplain Permit Application, signed by all land owners of record, or their legally authorized representatives;
- 2. The required review fee;
- 3. Plans in duplicate drawn to scale showing the location, dimensions, and elevation of the proposed project including landscape alterations, existing and proposed structures, and the location of the foregoing in relation to the Regulated Flood Hazard Areas and if applicable the Floodway boundary; ((MCA 76-5-405) (ARM 36.15.216))
- 4. A copy of other applicable permits or pending applications required by Federal or State law as submitted which may include but are not limited to a 310 permit, SPA 124 permit, Section 404 Permit, 318 Authorization, 401 Certification or a Navigable Rivers Land Use License or Easement for the proposed project; and the applicant must show that the Floodplain permit application is not in conflict with the relevant and applicable permits; and (44 CFR 60.3(a)(2))
- Additional information related to the specific use or activity that demonstrates the design criteria and construction standards are met or exceeded as specified in Articles 9 and 10. ((MCA 76-5-405) (ARM 36.15.216))
- In the event of a residential and/or mixed use building an Elevation Certificate will be required to finalize a permit. For a Commercial or Industrial structure a Floodproofing Certificate is required.
- 7. A non-conversion agreement shall be signed and recorded at the Custer County Courthouse, Clerk and Recorder office, for any detached accessory structure over one-story prior to permit approval.
- The Floodplain Administrator may request additional information if deemed necessary to the project such as a CLOMR, CLOMR-F, Elevation Certificate (while under construction), or any other pertinent documentation.

RESOLUTION NO. 4115

A RESOLUTION REVISING CITY OF MILES CITY PERSONNEL POLICIES REGARDING DISCIPLINE AND DISCHARGE

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, 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 policy: Section 6, Discipline and Discharge attached as Exhibit "A"
- 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 13th DAY OF FEBRUARY 2018.

	John Hollowell, Mayor
ATTEST:	
Lorrie Pearce, City Clerk	_



"EXHIBIT A" CITY OF MILES CITY PERSONNEL POLICY

Section 6:	Workplace Standards
Effective:	10/25/2016
Last Revised:	02/13/2018

Discipline & Discharge

Resolution #4115

> 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

Non-probationary employees shall be disciplined or discharged only for good cause, which is defined in accordance with state statute as reasonable job-related grounds based on a failure to satisfactorily perform job duties, disruption of the City's operation, or other legitimate business reason, and only after an investigation which provides credible evidence. Evidence of good cause may come from a single event, a series of related or unrelated events, and/or performance evaluations.

Objective

It is the objective of this policy to establish procedures for taking formal disciplinary action or discharge.

Definitions

- A. "Non-probationary employee" means an employee who has satisfactorily served his or her six month probationary period.
- B. "Employee" means any employee except temporary and short-term employees, independent contractors and elected officials.
- C. "Good Cause" means reasonable, job-related grounds for taking a disciplinary action based on failure to satisfactorily perform job duties, or disruption of City operations, or other legitimate business reason. Good cause includes, but is not limited to, poor performance, a violation of a statute, policy, ordinance, labor agreement, supervisory instructions, or rules/regulations.

Investigation

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 ordinances, rules and/or regulations, and/or policies, employee conduct/behavior/performance standards, or other conduct not in the best interests of the City of Miles City. The supervisor may informally investigate any allegation of improper conduct to the extent necessary and issue an oral reprimand. In the alternative the Supervisor may report to the Mayor that a full investigation into the matter is appropriate. If the Mayor determines that a full investigation is appropriate, an employee may be placed on administrative leave (with or without pay) in the discretion of the Mayor pending the investigation. The investigation shall be completed at the direction of the Mayor or a designee appointed by the Mayor as investigation will be completed and report issued within 30 days, unless the mayor determines a reasonable amount of additional time is

needed to complete the investigation and report and report to the Mayor.

Upon conclusion of the investigation, the investigator shall submit a detailed report to the Mayor who may request additional information if the Mayor deems necessary. The employee will be provided the final report of the investigation, and an interview between the Mayor and the employee will be scheduled. The employee being interviewed may request an attendee of the employee's choosing to 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."

Following the interview the Mayor will decide whether discipline is appropriate and, if so, at what level. The employee will be notified in writing of the Mayor's decision.

Discipline Actions

Discipline may be imposed in one of the following forms. This is not a progressive discipline policy.

A. Oral Reprimand

The supervisor and/or Mayor will meet with the employee to explain the issue(s) and problem(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 or Mayor will sign the summary, which attests that the meeting took place, that the employee understood the problem and any corrective action. The employee will be given the opportunity to provide a written response to the oral reprimand, which must be received by the supervior and/or the Mayor within 10 days. The Mayor or supervisor will make note on the summary should the employee refuse to sign. The summary along with the timely written response will be placed in the employee's personnel file.

B. Written Reprimand

The Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations moving forward or corrective action required and the consequences should the employee not conform or comply with the stated expectations or corrective action. The summary of the issue(s) and problem(s) discussed at the meeting and the expectations or corrective action required will be presented in a letter to the employee. The employee will be given the opportunity to provide a written response to the written reprimand, which must be received by the supervior and/or the Mayor within 10 days. The letter along with the timely written response will be placed in the employee's personnel file.

C. Suspension Without Pay

The Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations or corrective action moving forward and the consequences should the employee not conform or comply with the stated expectations or corrective action. The summary of the issue(s) and problem(s), the expectations or corrective action required and the dates and conditions of the suspension will be presented in a letter to the employee. The employee will be given the opportunity to provide a written response to the suspension without pay, which must be received by

the supervior and/or the Mayor within 10 days. The letter along with the timely written responsewill be placed in the employee's personnel file.

D. Demotion - Loss of Duty

The Mayor will meet with the employee to explain the issue(s) and problem(s), the expectations or corrective action moving forward and the consequences should the employee not conform or comply with the stated expectations or corrective action. The summary of the issue(s) and problem(s), the expectations or corrective action required and the specific conditions of the demotion will be presented in a letter to the employee. The employee will be given the opportunity to provide a written response to the demotion – loss of duty, which must be received by the supervior and/or the Mayor within 10 days. The letter along with timely written response will be placed in the employee's personnel file.

E. Termination

If the Mayor determines that the appropriate disciplinary action is termination of employment, Non-Probationary employees will receive a letter that documents the issue(s) and problem(s). The investigative report will be attached. The letter will detail the cause and reason for the discharge decision and date of discharge. The letter shall also include a copy of the Grievance Procedure Policy. The Mayor will meet with the employee and provide him/her with the letter of termination which shall be placed in the employees personnel file.

New Business

ORIDINANCE NO: 1321

AN ORDINANCE AMENDING ORDINANCE 1294, AND REVISING THE URBAN RENEWAL DISTRICT BOUNDARY TO INCLUDE FULL PARCELS SPLIT BY ORIGINAL BOUNDARIES.

WHEREAS, the City has adopted the Miles City Downtown Urban Renewal Plan (the "Plan") which governs the operation and administration of the urban renewal district (the "District") in all respects, including the provision and application of tax increments as provided in Sections 7-15-4282 through 7-15-4293 of the Act as provided therein and is in full force and effect as of May 12th, 2015; and

WHEREAS, the Plan defined the boundaries of the Urban Renewal District as depicted on Exhibit A of the Plan and legally described on the attached Exhibit B of the Plan, each of which was incorporated therein and made a part thereof, (the Original Boundaries), and

WHEREAS, the Montana Department of Revenue has directed the City of Miles City to amend and legally describe the Original Boundaries of said District to include the full parcel of those parcels which had been bisected by the Original Boundaries. Inclusion of the full parcels bisected by the Original Boundaries will permit the Department of Revenue to accurately determine and administer the increment revenue generated within the District, and

WHEREAS, said boundaries have been amended and are depicted in Exhibit A of this Ordinance, and legally described in Exhibit B of this Ordinance.

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

- 1. Findings. This Council hereby finds, determines and declares, based on the comments received at the public hearing and other studies and information available to this Council, that the Boundary Amendments depicted and described in the attached Exhibits "A" and "B", both exhibits being fully incorporated as set forth herein, accurately reflect all parcels within the Miles City Downtown Urban Renewal District, as certified by Department of Revenue to be included in the District.
- 2. Revised Boundaries. The amended boundary as set forth in Exhibits "A" and "B" are hereby adopted and approved in all respects.
- 3. Effective Date. This Ordinance shall become effective thirty (30) days after its final passage.

ATTEST:	John Hollowell, Mayor
Lorrie Pearce, City Clerk FINALLY PASSED AND ADOPTEI	2.41'- 27th 1 CF 1 2010
FINALLI I ASSED AND ADOFTED	uns 27 day of February, 2018.
ATTEST:	John Hollowell, Mayor
Lorrie Pearce, City Clerk	

Said Ordinance read and put on its passage this 13th day of February, 2018.

EXHIBIT A

MAP: MILES CITIY DOWNTOWN URBAN RENEWAL DISTRICT



EXHIBIT B:

Legal Description of Miles City Downtown Urban Renewal District

The area included in the Miles City Urban Renewal District is described as:

Beginning at the intersection of Tatro Street and 7th St, continuing east on Tatro Street along the northern border of the City's easement right of way setback to the municipal limits, paralleling the city limits south and east to the intersection of Ullman St and Gordon St, continuing east on Gordon Street along the northern border of the City's easement right of way setback to the intersection of Gordon St and Woodbury St, continuing South on Woodbury along the eastern border of the City's easement right of way setback to the southwest corner of Lot 9, Block 10, Park Addition;

Amended to include Parcel 14-1740-27-3-34-12-0000:

thence N.89°46'20"E., a distance of 109.03 feet; thence N.65°08'00"E., a distance of 42.87 feet; thence N.00°13'40"W., a distance of 62.13 feet; thence N.89°46'20"E., a distance of 132.0 feet; thence S.00°13'40"E., a distance of 1.58 feet; thence N.65°08'00"E., a distance of 162.13 feet; thence S.89°46'20"W., a distance of 67.37 feet; thence N.00°13'40"W., a distance of 40.00 feet; thence N.89°46'20"E., a distance of 132.00 feet; thence S.00°13'40"E., a distance of 10.36 feet; thence N.65°08'00"E., a distance of 17.60 feet; thence N.00°13'40"W., a distance of 83.02 feet; thence N.89°46'20"E., a distance of 132.00 feet; thence S.00°13'40"E, a distance of 22.47 feet; thence N.65°08'00"E., a distance of 88.01 feet; thence N.00°13'40"W., a distance of 65.91 feet; thence N.89°46'20"E., a distance of 132.00 feet; thence S.00°13'40"E., a distance of 5.36 feet; thence N.65°08'00"E., a distance of 17.60 feet; thence N.00°13'40"W., a distance of 78.02 feet; thence N.89°46'20"E., a distance of 132.00 feet; thence S.00°13'40"E., a distance of 17.48 feet; thence N.65°08'00"E., a distance of 43.95 feet; thence N.00°13'30"W., a distance of 54.80 feet; thence N.65°01'50"E., a distance of 37.44 feet; thence N.64°57'17"E., a distance of 282.84 feet; thence N.00°29'47"W., a distance of 426.32 feet; thence N.64°52'47"E., a distance of 874.73 feet; thence N.65°01'50"E., a distance of 259.82 feet; thence N.00°25'22"W., a distance of 10.99 feet; thence N.64°55'42"E., a distance of 687.67 feet; thence S.00°14'45"E., a distance of 292.20 feet; thence N.64°48'55"E., a distance of 408.36 feet; thence N.59°44'54"E., a distance of 79.80 feet; thence N.50°58'54"E., a distance of 123.86 feet; thence N.53°37'39"E., a distance of 78.92 feet; thence N.56°28'11"E., a distance of 112.72 feet; thence S.00°14'40"E. along the centerline extension of Strevell Ave., a distance of 395.17 feet; thence S.64°48'40"W., a distance of 176.77 feet; thence S.65°01'57"W., a distance of 2,728.55 feet; thence S.65°08'00"W., a distance of 43.95 feet; thence S.00°13'40"E., a distance of 32.50 feet; thence S.89°46'20"W., a distance of 71.21 feet; thence S.65°08'00"W., a distance of 84.48 feet; thence S.00°13'40"E., a distance of 84.78 feet; thence S.89°46'20"W., a distance of 132.00 feet; thence N.00°13'40"W., a distance of 23.51 feet; thence S.65°08'00"W., a distance of 215.00 feet; thence S.89°46'20"W., a distance of 16.57 feet; thence S.00°13'40"W., a distance of 7.60 feet; thence S.65°08'00"W., a distance of 17.60 feet; thence S.00°13'40"E., a distance of 65.06 feet; thence S.89°46'20"W., a distance of 132.00 feet; thence N.00°13'40"W., a distance of 4.52 feet; thence S.65°08'00"W., a distance of 88.01 feet; thence S.00°13'40"E., a

distance of 87.83 feet; thence S.89°46'20"W., a distance of 132.00 feet; thence N.00°13'40"W., a distance of 27.86 feet; thence S.65°08'00"W., a distance of 17.60 feet; thence S.00°13'40"E., a distance of 60.52 feet; thence S.89°46'20"W., a distance of 132.00 feet to the northwest corner of Lot 14, Block 10, Park Addition; thence south along the east side of Woodbury Street to the intersection of Woodbury and Leighton Blvd.

continuing west on Washington St along the southern border of the City's easement right of way setback to the intersection of Washington St and 10St, continuing south on 10th St along the eastern border of the City's easement right of way setback to the intersection of 10th and Pleasant St, continuing east along the northern border of the City's easement right of way setback to the intersection of

<u>Amended to include parcel 14-1740-34-2-31-06-2000</u>

Pleasant St and the City's easement right of way setback of N Center Ave, proceeding SE along the NE boundary of BN R/W LAND LEASE 40243641, continue SW on the boundary of BN R/W LAND LEASE 40243641 to the intersection of the City's easement north right of way setback on Main Street, continue directly east on Main to the intersection of

Main St and S Lake Ave, continuing south along the eastern border of the City's easement right of way setback to the intersection of S Lake Ave and Fort St, continuing west on Fort Street along the southern border of the City's easement right of way setback to the intersection of Fort St and S Montana Ave, continuing southwest on Montana Street along the southwestern border of the City's easement right of way setback to the intersection of S Montana Ave, Pearl Street and 10th St, continuing northwest on 10th along the southern border of the City's easement right of way setback to the intersection of 10thSt and S Montana Ave and Atlantic Ave, continuing southwest on Atlantic along the southeastern border of the City's easement right of way setback to the intersection of Atlantic and NueVu, continuing southeast on NueVu along the eastern border of the City's easement right of way setback to the intersection of NueVu and Yellowstone, continuing southwest on Yellowstone along the southern border of the City's easement right of way setback to the city limits and the Tongue River, following the municipal limits west, north, and east to

Amended to include parcel 14-1740-33-2-18-04-0000:

a point 688 feet South of the meander corner between S 32 & S33 on the north bank of the Tongue River slough; thence North, a distance of 688 feet to the said meander corner; thence N.00°07'W., a distance of 78 feet; thence N.39°49'E., along the south line of Tract 3, Env. 212A, a distance of 427 feet; thence N.46°56'E., a distance of 81 feet; thence N.49°51'E., along the south line of Tract 4, Env. 224B, a distance of 162 feet; thence N.53°09'E., along the south line of Tract 5, Env. 224B, a distance of 267 feet; thence S.00°26'E., a distance of 99 feet; thence N.55°41'E., a distance of 197 feet; thence N.41°30''E., a distance of 262 feet; thence N.89°51'E., a distance of 16 feet; thence

N.40°30'W., a distance of 266 feet; thence S.71°00'W., a distance of 193 feet; thence N.42°02'E., a distance of 524 feet to the northwest corner on Lot 6, Block 21, Gordon Addition; thence S.21°57'W., a distance of 94 feet; thence S.16°03'E., a distance of 99 feet; thence S.73°49'E., a distance of 103 feet; thence S.64°57'W., a distance of 10 feet to the northwest corner of Lot 1, Amended Plat, Env. 116A; thence S.11°17'E., a distance of 154 feet; thence S.04°45'E., a distance of 21 feet; thence S.11°08'''W., a distance of 46 feet; thence S.24°48'E., a distance of 113 feet to the southwest corner of Lot 2, Amended Plat, Env. 116A; thence N.64°57'E., a distance of 660 feet to the southwest corner of Lot 10, Block 15, Gordon's Addition,

continuing east on Hubbell St. along the northern border of the City's easement right of way setback to the intersection of Hubbell St and 6th St, continuing north on 6th a along the western border of the City's easement right of way setback to the intersection of 6th and William St, continuing east on William St along the northern border of the City's easement right of way setback to the intersection of William St and 7th St, continuing north on 7th St along the western border of the City's easement right of way setback north to the intersection of 7th St and Tatro Street.

ORDINANCE NO. 1322

AN ORDINANCE REVISING SECTIONS 23-28, 23-29, AND 23-33 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA, SO AS REVISE PROVISIONS REGARDING CURB STOP MAINTENANCE, METER REPLACEMENT FEES, AND SERVICE LINE MATERIALS.

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

Section 1. Section 23-28 shall be amended to read as follows:

Sec. 23-28. - General service regulations.

The following rules and regulations of the city water department, authorized by the city council and approved by the state public service commission, are a part of the contract with every person who takes water, and every person agrees, by applying for water, to be bound thereby.

- (1) Security deposits. The city contracts with the owner or tenant of property, or their respective authorized agent. The city may require a deposit in conformance to the rules and regulations of the state public service commission. Application for the use of water must be made at the office of the city clerk, on a printed form furnished for that purpose. Service will be furnished to any customer who fully and truly sets forth all of the purposes for which water may be required and who agrees to comply with all of the rules and regulations governing the service, provided the purposes set forth comply with all of the municipal rules, and that the system of mains and pipes extends to the point where service is desired.
- (2) Application for service. An application for the introduction of water service to any premises shall be signed by the owner of the premises and shall be made on a regular form furnished by the city for that purpose. When an application has been granted, the city shall tap the main. All expense of tapping and laying the service pipes from the main to the consumer's premises shall be borne by the consumer. The city will maintain the service line from the main to the curb stopcock, to include the curb stopcock. All expense of maintaining the service pipes from the curb stopcock to the consumer's premises shall be borne by the consumer. The service pipe shall be laid below street grade and on the consumer's premises, at a standard depth of not less than six feet to prevent freezing. A curb stopcock of an approved pattern with a cast iron curb box shall be installed by the consumer at a point designated by the city engineer's office.

- (3) Stop and waste cocks. At some convenient point inside of the building and so located that it cannot freeze, a stop and waste cock of approved pattern shall be installed, so that the water can be readily shut off from the building and the water pipes drained in order to prevent freezing.
- (4) Wasting water. Waste of water is prohibited, and consumers shall maintain their fixtures and service pipes in good repair at their own expense, and all waterways shall be closed when not in use or during a fire alarm. Leaky pipes and fixtures shall be repaired at once without waiting for notice from the superintendent, and, if pipes or fixtures are not repaired after reasonable notice is given, the water shall be shut off by the city.
- (5) Service pipes. Service pipes shall be so arranged that the supply of each separate building, house or premises may be controlled by a separate curb stopcock, installed within or near the line of the street curb in conformance to established rules, or as directed by the superintendent of the department. This curb cock and box shall be maintained in good repair and kept easily accessible.
- (6) *Temporary discontinuance of service*. Should the consumer desire to discontinue the use or water temporarily, or should the premises become vacant, the superintendent, when notified to do so in writing, shall shut off the water at the curb, and allowance will be made on the bill for such time as the water is not in use.
- (7) Notice when service discontinued.
- a. Notice shall be given, whenever practicable, prior to shutting off water, but consumers are warned that due to unavoidable accidents or emergencies their water supply may be shut off at any time.
- b. All persons having boilers on their premises depending on connected pressure with the water mains are cautioned against collapse of their boilers. As soon as the water is turned off, the hot water faucet should be opened and left open until the water is again turned on. A check valve shall always be placed between the boiler and the main, or between the boiler and the meter, in order to prevent the draining of the boiler or damage to the meter. The premises should not be left with any faucets open and water turned off.
 - (8) Access to premises. The city's agents or other authorized persons shall have access at reasonable hours to any premises where water is used, for the purpose of making inspection or investigation of the water system.
 - Violation of rules; delinquent accounts. For violation of any of the rules set out in this section or for nonpayment of water rent, for either domestic, sprinkling or other purposes, the city has the right to turn off the water, in accordance with the rules and regulations of the state public service commission.

Sec. 23-29. - Meters and metered service.

- (a) *Ownership*. Meters are owned by the city and shall be furnished to consumers and set in place without charge, provided proper receptacles are provided for them and the service pipes are suitably arranged.
- (b) Consumers subject to minimum charge. A metered consumer shall be subject to the minimum charge for the class of service such consumer receives.
- (c) Protection from frost; meter box. Every metered consumer shall provide such meter with the necessary protection from frost or other damage. The meter shall be located so as to facilitate easy access for repairs and reading purposes. Where necessary for protection of a meter, a standard meter box shall be installed by the city. The cost of such box shall be paid by the consumer. After installation of a meter box, the city shall connect the meter and maintain the same in good condition. The city will repair or replace a frozen or damaged meter. The cost of repair or replacement of the meter shall be at the following rates and shall be borne by the consumer:
 - 1. Repair of brass meters.
 - a. 5/8 meter \$60.00
 - b. 3/4 meter \$80.00
 - c. 1" meter ... \$100.00
 - d. 1 ½" meter... \$450.00
 - e. 2" meter.....\$476.00
 - 2. Replacement of plastic meters.
 - a. 3/4 meter ... \$142.00
 - b. 1" meter\$220.00
 - c. 1 ½" meter...\$550.00
 - d. 2" meter\$850.00
- (d) Payment of expense of meter removal. When a meter is installed at the request of a consumer, its installation shall be permanent unless the consumer elects to have the meter removed and pays all expenses incident to its installation and removal, or discontinues service entirely. Service on a meter for a shorter period than six months shall be considered temporary, and the consumer shall be required to reimburse the city for the actual cost of the installation and removal of the meter.
- (e) Replacements. The city may replace any meter at such time as it may see fit and shall be the judge of the size and make of any meter installed. In case of a dispute as to the accuracy of a meter, the consumer, upon depositing the estimated cost of making a

test, may demand that the new meter be removed and tested as to accuracy in the presence of such consumer. In case the meter is found to be registering correctly or in favor of the consumer, the cost of such testing and replacing of the meter shall be borne by the consumer, whose bills shall be adjusted back for a period of 60 days. In case the meter is found to be recording incorrectly and against the consumer, the amount deposited by the consumer shall be refunded and a reasonable adjustment made for overcharges, for a period not exceeding 60 days previous to the demand of the consumer for a test to be made.

- (f) *Incorrect recording*. In case a meter is found stopped for any reason or it is found that it is not correctly recording the consumption of water, the city may average the amount due for the current month, using the last two months when it registered correctly as a basis of such average.
- (g) Tampering. Water consumers shall not be permitted to interfere in any way with the meter after it is set in place. In case the meter seal is broken or the working parts of the meter have been tampered with or the meter damaged, the city may render a bill for the current month, based on an average of the last two months, together with the full cost of such damage as has been done to the meter, and may refuse to furnish water until the account is paid in full.
- (h) Service to multiple premises. In no case shall the city furnish water from one meter to two or more houses, whether the same are owned by one person or not.

Section 3. Section 23-33 shall be amended to read as follows:

Sec. 23-33. - Installation and maintenance of service pipes.

- (a) *Permits for installation*. Permits for the installation and repair of service pipes shall be issued only to regularly licensed master plumbers, or such work shall be done under the supervision of the city engineer's office.
- (b) Materials for street service. The material for service on all streets, avenues and alleys in the city shall be nonferrous metals copper from the main to the curb stopcock. Copper or nonmetal material, no smaller than 1", may be used from the curb stopcock to the consumer's premises. A tracer wire suitable for locate purposes shall be installed in the same trench as, and on top of all nonmetal service pipe.
- (c) *Repairs*. All work on services installed or repaired shall be under the supervision of and subject to the inspection and approval of the city engineer's office, and shall be guaranteed by the person doing the plumbing installation for a period of one year. This also applies to the maintenance of ditches.

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

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

FINALLY PASSED AND ADOPTED this 27th day of February, 2018.

John Hollowell, Mayor

ATTEST:

Lorrie Pearce, City Clerk

Said Ordinance read and put on its passage this 13th day of February, 2018.

STAFF REPORT

Department: Public Utilities

<u>Contact:</u> Tom Speelmon 234-3493 <u>tspeelmon@milescity-mt.org</u>

Agenda Item #: 14 B.

Action: Ordinance Amendment

RECOMMENDATION

Approve Ordinance NO. 1322 Revising Sections 23-28, 23-29, and 23-33 of the Code of Ordinances of the City of Miles City.

BACKGROUND / ANALYSIS

Sec. 23-28 of the City Ordinances deals with service line regulations. Under application for service, the ordinance currently states that the consumer is responsible for the installation, repair and maintenance of the entire service line. Since the implementation of the curbstop fee the City has been repairing and maintaining the curbstops to ensure they function when needed. We have also been repairing the service line from the main tap to the curbstop. The ordinance amendment is to change the ordinance to reflect what we are actually doing and to define City/consumer responsibilities.

Sec. 23-29 of the City Ordinances deals with meters and meter service. The ordinance currently states that the consumer is responsible for safe guarding the meter from freezing and other damage. The City has been charging consumers with frozen meters a \$50.00 fee for repairing frozen meters. This amount appears to be the old cost of the repair kit for 5/8 brass meters and I could not find any documentation indicating how it was to be applied. The 5/8 brass meters are no longer made. We will continue to repair the ones we have until repair parts are no longer available or become too expensive. The new replacement meters for ¾ and 1" are plastic and not repairable. The new 1 ½" and 2" meters are ductile iron and not repairable. The recommended rates for the ordinance reflect our cost only.

Sec. 23-33 of the City Ordinances deals with installation and maintenance of service lines. Exhibit A of the City Ordinances states that the service line from the main to the curbstop will be no smaller than a 1" copper line. Contractors have been installing HDPE (poly) services lines from the curbstop to the residence. This is typically less expensive for the consumer and long runs can be completed with no splices. The issue is that if a tracer wire is not installed with the poly line it can be extremely difficult and expensive to locate the curbstop if it gets covered up.

FISCAL IMPACT

There should be no fiscal impact to amending Sec. 23-28 as we are just changing the ordinance to reflect what we are currently doing and defining the City's responsibility in that regard. Amending Sec. 23-29 and 23-33 will be a cost savings to the City as we will recoup the actual cost of repairing or replacing the damaged meters. Installing tracer wire will allow the curbstop to be located saving man hours pot holing or metal detecting looking for it.

Return To: City of Miles City, Montana P.O. Box 910 Miles City, MT 59301

RESOLUTION NO. 4126

A RESOLUTION GRANTING A REVOCABLE LICENSE TO BERT BOUGHTON AND BYRON BOUGHTON AND BERT DEE BOUGHTON FOR AN ENCROACHMENT UPON CITY OF MILES CITY PROPERTY, FOR THE BENEFIT OF TRACT 4A OF THE INDUSTRIAL SITES, WEST OF MILES CITY.

WHEREAS, BERT BOUGHTON and BRYON BOUGHTON and BERT DEE BOUGHTON have made application for an encroachment upon certain real property owned by the City of Miles City, which is depicted as a platted street but not fully developed, upon which a pole barn owned by the applicants is located, said pole barn being used in connection with other buildings located on applicants' adjacent property, described as:

Tract 4A of the Industrial Sites located west of the City of Miles City, Custer County, Montana as depicted in Certificate of Survey No. 91209, in Envelope 284-B, on file in the office of the Clerk and Recorder of Custer County, Montana.

AND WHEREAS, the City Council finds that the granting of a revocable license for such encroachment, pursuant to certain terms and conditions, is advisable.

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

It does hereby authorize and grant to BERT BOUGHTON and BYRON BOUGHTON and BERT DEE BOUGHTON a revocable license to maintain a certain pole barn which is approximately 54 feet by 32 feet in size, with said license granting the use of a parcel of land

approximately 75 feet by 35 feet, as set forth in the attached Exhibit "A", and subject to the following terms and conditions:

- 1. Licensee shall pay to the City of Miles City the sum of four hundred fifty and 00/100 dollars (\$450) per year, due and payable on the 1st day of July of each year. There shall be no proration for the first year's payment.
- 2. In the event the pole barn located upon this license is destroyed or removed, this license shall terminate, and licensee shall, at licensee's expense, restore the location to compacted, level grade within ninety (90) days.
- 3. This license shall terminate and licensee shall, at licensee's expense, restore the location to compacted, level grade, upon ninety (90) days advanced written notice to licensee by the City of Miles City.
- 4. Licensee agrees, by accepting the terms of the license granted herein, that licensee shall indemnify, defend and hold the City of Miles City harmless from any and all claims arising out of licensee's use or maintenance of the licensed area.
- 5. This license shall be recorded with the Clerk and Recorder for Custer County, Montana, and shall run with the above described real property, subject to the terms, conditions and right to terminate provided herein.

	PASSED AND ADOPTED BY A DULY CITY COUNCIL OF THE CITY OF MILES CITY
MONTANA, THIS DAY OF	
	John Hollowell, Mayor
ATTEST:	
	

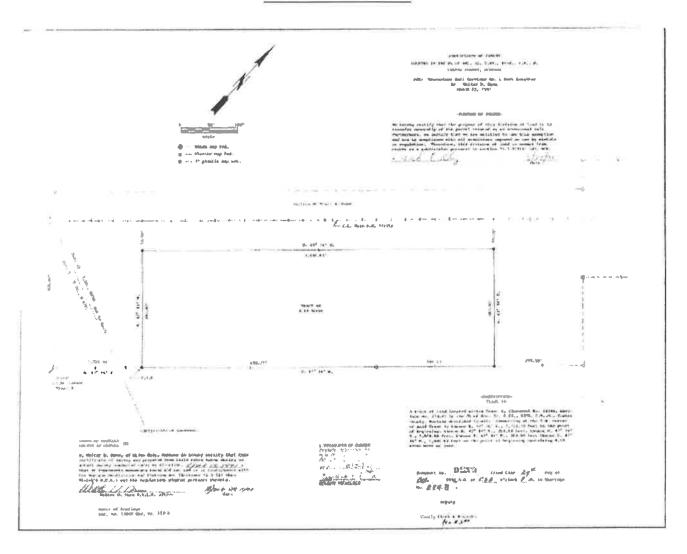
Lorrie Pearce, City Clerk

EXHIBIT A - LOCATION



^{*}Outline is approximation of license area

EXHIBIT B - PLAT



RESOLUTION NO. 4127

A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2017-2018 TO INCREASE THE BUDGETED AMOUNT IN THE GENERAL FUND FOR VARIOUS UNBUDGETED EXPENDITURES.

WHEREAS, the City of Miles City wishes to amend the budget for Fiscal Year 2017-2018 to provide increased funding in the amount of \$22,893.00 for certain unbudgeted general fund expenditures, as permitted by \$7-6-4006 MCA;

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

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 2017-2018 shall be increased in the following amount:

Fund No. 1000-001-410200-214 in the sum of \$1,300 (Mayor/Computer)

Fund No. 1000-013-460436-350 in the sum of \$10,000 (Parks/Connors Stadium)

Fund No. 1000-301-410600-300 in the sum of \$1,277 (November Elections)

Fund No. 1000-005-420140-350 in the sum of \$2,760 (Lab Testing)

Fund No. 1000-003-410500-360 in the sum of \$7,556 (TIFD/County software)

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed amendment to the Final Budget for Fiscal Year 2017-2018 on the 27th day of February, 2018, 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 13 $^{\rm T\,H}$ DAY OF FEBRUARY, 2018.

JOHN HOLLOWELL,	Marron
JOHN HOLLOWELL,	lviayor -

ATTEST:	
Lorrie Pearce, City Clerk	
CONSTITUTED QUORUM OF	Y PASSED AND ADOPTED BY A DULY THE CITY COUNCIL OF THE CITY OF IS 27 TH DAY OF FEBRUARY, 2018.
ATTEST:	JOHN HOLLOWELL, Mayor
Lorrie Pearce, City Clerk	

RESOLUTION NO. 4128

A RESOLUTION APPROVING AN AMENDMENT OF MUNICIPAL STREET LIGHTING AND EQUIPMENT RENTAL AGREEMENT WITH MONTANA-DAKOTA UTILITIES CO.

WHEREAS, the City of Miles City and Montana-Dakota Utilities Co. (MDU) entered into an agreement dated July 30, 1987, pertaining to street lighting and equipment rental;

AND WHEREAS, MDU desires to replace all street lights owned by MDU within the City with LED fixtures, and to adjust tariff rates for said lighting;

AND WHEREAS, the City has determined that the upgrade and other amendments to the original agreement are in the best interest of the City and its residents;

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

- 1. The "Amendment of Municipal Street Lighting and Equipment Rental Agreement," attached hereto as Exhibit "A", and made a part hereof, is hereby approved and adopted by this Council.
- 2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreement on behalf of the City of Miles City 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, AT A DULY CALLED MEETING THIS 13TH DAY OF FEBRUARY, 2018.

ATTEST:	John Hollowell, Mayor	
Lorrie Pearce, City Clerk		



A Division of MDU Resources Group, Inc.

400 North Fourth Street Bismarck, ND 58501 (701) 222-7900

January 26, 2018

City of Miles City PO Box 910 Miles City, MT 59301

Re: Amendment of Municipal Street Lighting and Equipment Rental Agreement

Montana-Dakota Utilities Co., a division of MDU Resources Group, Inc., a Delaware corporation ("Company") and the city of Miles City, Montana, a municipal corporation ("Municipality"), (collectively, the "Parties") are parties to that certain Municipal Street Lighting And Equipment Rental Agreement dated July 30, 1987 (the "Agreement").

Company desires to replace light fixtures in the various street lights owned by Company in the Municipality with LED fixtures (the "Replacement Project") and anticipates filing a proposed tariff with the Montana Public Service Commission ("PSC") to establish appropriate street light rental rates for street lights owned by Company in Montana (the "Tariff Rates"). Due to the Replacement Project and anticipated Tariff Rates the Parties desire to amend the Agreement as described in this letter agreement (the "Amendment").

In consideration of the above recitals and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties hereby agree as follows:

- 1. Capitalized terms used in this Amendment and not otherwise defined herein shall have the meanings assigned to such terms in the Agreement.
- 2. The Municipality agrees to pay Company the following monthly rental rate for each street lighting facility owned by Company in the Municipality:

a. LED + Overhead Conductor	\$5.40
b. LED + Underground Conductor	\$7.10
c. LED + Overhead Conductor + Street Light Pole	\$10.50
d. LED + Underground Conductor + Street Light Pole	\$12.20
e. Wood Lift Pole	\$7.00

3. This Amendment shall be effective upon Company's completion of the Replacement Project and Company shall notify Municipality upon the completion thereof.

4. Upon the PSC's approval of the Tariff Rates the Agreement, as modified by this Amendment, shall automatically terminate and the Parties' respective obligations regarding the various street lights owned by Company in the Municipality shall be governed exclusively by the Company's applicable tariffs then in effect and as may be amended by the Company and approved by the PSC from time to time thereafter.

Except as specifically modified by this Amendment, all other terms and conditions of the Agreement remain unchanged. To acknowledge your agreement to the foregoing, please sign in the space provided below and return a fully executed copy of this Amendment to the undersigned.

Respectfully,

Montana-Dakota Utilities Co. a division of MDU Resources Group, Inc.

Name: Paul Hopfauf

Title: District Manager

Acknowledged and agreed to this day of	, 2017.
City of Miles City	
Ву <u>:</u>	
Name:	

LED Street Light Project XXXXX, MT

Montana Dakota Utilities Co. xx.xx.xx (date)

Your Name

Your Title

Historical Overview

over the years including incandescent, mercury vapor, metal halide, sodium vapor, and now currently the inception of the company in 1924. Street Lighting has been provided with a variety of light types Street Lighting Service – Montana-Dakota has provided Street Lighting service to communities since <u>Light Emitting Diode(LED).</u>

by Montana-Dakota and those owned by the city, rental rates, and metered and unmetered service regarding the street lighting service provided. Including identifying the amount of streets light owned In the past a Street Lighting Agreement typically was entered into with the city spelling out the details

energy used. (If unmetered the energy usage is based on a 4000 hour yearly average usage) The Street Lighting Service is billed to the city in a combination of a Rental Rate for the hardware (including fixtures, conductor, poles, etc.) when owned by Montana-Dakota and the energy Rate for

historical fixture/pole vintages. different rental rates associated with the Street Lighting System. Some of those are modified annually Rental Rates – As the fixture types evolved over the years Montana-Dakota has accumulated several based on actual costs, however most of the rental rates are frozen and associated with various

Energy Rates – The currently effective energy rates are part of a tariff approved by the MT PSC.

Future of street Lighting at MDU

- LED street lighting adopted as standard in 2016
- New or replaced fixtures now LED
- Approximately 200 LED street lights and 85 LED yard/flood lights in service today
- Next step is to replace all existing fixtures with

Why LED street lights?

- Energy savings
- Street light maintenance savings
- Availability of existing lighting fixtures
- Higher lumen output
- Environmental benefits
- All LED Fixtures will be cut-off style
- Streamlining of rental rates

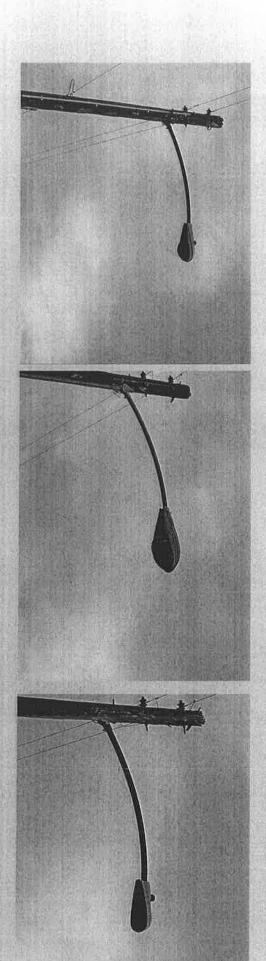
Street lighting conversion project

- Montana first state to convert; starting in 2018
- Approximately 5,590 streets light to convert
- Other Montana-Dakota states to follow
- Conversion will be to similar wattage
- City-owned street lights can also be converted
- Operations & project managers are point of contact

Typical equivalent replacement

400 Watt Mercury Vapor	250 Watt Mercury Vapor	175 Watt Mercury Vapor	400 Watt Sodium Vapor	250 Watt Sodium Vapor	150 Watt Sodium Vapor	100 Watt Sodium Vapor	Existing Fixture
LED 110	LED 90	LED 90	LED 160	LED 110	LED 90	LED 90	LED Replacement

Street lighting fixture examples

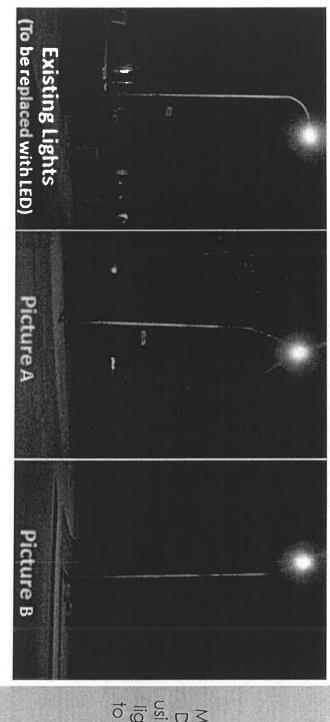


Sodium Vapor 250 W

Mercury Vapor 400 W

LED 160

LED light versus sodium vapor



Existing 2200 Kelvin HPS

3000 Kelvin

4000 Kelvin

Montana-Dakota is using 3000 K light similar to Picture A

Before/after HPS to LED



Rental agreement

- Montana-Dakota expects to file a request with MT under a tariffed rate. PSC to define the rental rates and contract terms
- Conversion project requires amendment to the existing agreement
- Update rental rates for LED lighting
- Provide for automatic termination of agreement once a rental tariff is approved by MT PSC
- Agreement for city/customer owned lighting will remain unchanged

Preliminary fixture rental rates

LED & overhead conductor

LED & underground conductor

LED & overhead conductor & pole

LED & underground conductor & pole

Wood lift pole only

\$5.40/month

\$7.10/month

\$10.50/month

\$12.20/month

\$7.00/month

Miles City conversion project

- Existing company owned street lights
- 1,496 total street lights
- 1,211 mercury vapor
- 260 sodium vapor
- 25 LED (will remain)
- Estimated new LED company owned street lights 1,496 total LED lights
- o 1,323 LED 90 Watt
- o 173 LED 110 Watt

Miles City conversion project

-68%	97,175	46,033	143,208	KWh
-9%	(\$20,964)	\$212,262	\$233,226	Annual Total
-9%	(\$1,746.97)	\$17,688.53	\$19,435.50	Monthly Total
-68%	(\$8,727.65)	\$4,134.43	\$12,862.08	**Energy
106%	\$6,980.68	\$13,554.10	\$6,573.42	*Rental
Monthly Difference (%)	Monthly Difference(\$)	New LED Monthly Charge	Current Monthly Charge	Charges

^{*} New LED rental charge as proposed but may change based on actual cost, final fixture count & approval of new tariff by MT PSC. ** Energy charge is based on currently approved tariff.

RESOLUTION NO. 4129

A RESOLUTION APPROVING A REAL PROPERTY LEASE AGREEMENT BETWEEN THE CITY OF MILES CITY, AND NOLLEY'S WELDING AND MACHINE, INC., FOR CERTAIN REAL PROPERTY OWNED BY MILES CITY, MONTANA

WHEREAS, the City of Miles City leases certain property to Nolley's Welding and Machine, Inc., a Montana corporation, hereinafter referred to as "Tenant," for certain real property located in Custer County, Montanan, to wit:

Legal Description: Lots 33 and 34, Tract "E" of the Industrial Site west of Miles City, Montana, containing approximately 71,742 square feet, more or less;

AND WHEREAS, Tenant owns substantial permanent improvements upon said leasehold, consisting of a shop and outbuildings, and desires to continue leasing said property at the current lease rates adopted by the City of Miles City, as authorized by Resolution 4100 regarding leaseholds upon which tenants own substantial permanent improvements;

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

The City Council hereby authorizes and approves the terms and condition of the Lease Agreement between the City of Miles City, and Nolley's Welding and Machine, Inc., attached hereto as Exhibit "A", and adopts the Staff Report prepared by City Planner Dawn Colton, attached hereto as Exhibit "B", both of which are made a part hereof by this reference; and hereby authorizes the Mayor of the City of Miles City to execute such lease and bind the City of Miles City thereto and to perform the terms and conditions of such lease.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY AN AFFIRMATIVE VOTE OF 2/3 OR THE MEMBERSHIP OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 13TH DAY OF FEBRUARY, 2018.

	8	
	John Hollowell, Mayor	
ATTEST:		
Lorrie Pearce, City Clerk		

CITY PROPERTY LEASE AGREEMENT

THIS AGREEMENT, made and entered into this day of
2018 by and between the CITY OF MILES CITY, MONTANA, a Montana municipal
corporation, of 17 S. Eighth Street, Miles City, Montana 59301, hereinafter referred to as the
"CITY" and NOLLEY'S WELDING AND MACHINE, INC., a Montana corporation, of 21
Water Plant Road, Miles City, Montana 59301 hereinafter referred to as "TENANT'.

RECITALS:

WHEREAS the CITY owns certain real property located in the City of Miles City, Custer County, Montana, more particularly described as follows:

Legal Description: Lots 33 and 34, Tract "E" of the Industrial Site west of Miles City, Montana, containing approximately 71,742 square feet, more or less, hereinafter "Leasehold".

AND WHEREAS it is the desire of TENANT to lease the above described Leasehold for a term of five (5) years, subject to the option to renew as hereinafter provided.

AND WHEREAS CITY is agreeable to providing such five (5) year term lease, together with the option to renew for additional five year terms, upon the Leasehold under the following terms and conditions;

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 and the covenants to be performed by TENANT, does hereby demise, lease, and let unto TENANT the real property located in the Miles City Industrial Site and more particularly described as follows:

Lots 33 and 34, Tract "E" of the Industrial Site west of Miles City, Montana, containing approximately 71,742 square feet, more or less, hereinafter "Leasehold". See Attachment A for location.

II. INITIAL TERM

The term of this Agreement shall be for a period of five (5) years, beginning on July 1, 2018 and expiring at midnight on June 30, 2023, hereinafter, "THE INITIAL LEASE TERM", subject to the option to renew this lease as provided for in Article IV of this lease.

III. RENTAL

The annual rental for the initial lease term described in Section II shall be in accordance with the rates established by the CITY, as follows:

Lots 33 and 34, Tract "E" of the Industrial Site west of Miles City, Montana, containing approximately 71,742 square feet, @ \$0.025 per sq. ft.) for a total rental of One Thousand Seven Hundred Ninety Three and 55/100 Dollars (\$1,793.55) for each year of the initial lease term. Payments in shall be due and payable in advance of July 1st of each year of the lease term, commencing July 1, 2018 through June 30, 2023.

IV. OPTION TO RENEW.

FOLLOWING the "INITIAL LEASE TERM", TENANT shall have the option to renew this lease a maximum of four (4) times, for renewal periods of five (5) years each. TENANT shall provide notice to the CITY of TENANT'S intent to renew not more than 90 days and not less than 30 days prior to the expiration of the initial or renewal term. Rental rates at each payment period shall be at the standard rates set by resolution adopted by City Council.

V. RESPONSIBILITIES OF THE TENANT

TENANT does hereby acknowledge, covenant and agrees as follows:

A. Purpose.

TENANT desires to lease the premises described above for the following general purposes:

Lot 33: SUBLET PROPERTY TO COMMERCIAL ENTITIES AND/OR SMALL BUSINESS ENTERPRISES

Lot 34: OPERATION OF A WELDING AND STEEL FABRICATION AND SUPPLY COMPANY.

TENANT agrees to use the premises for the stated purpose and the stated purpose only, and covenants that it will not use or occupy said premises, or allow the same to be used or occupied, for any unlawful purpose or any purpose deemed extrahazardous due to 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 it has carefully examined and inspected the premises and improvements and it is fully familiar and acquainted therewith, and agrees to accept the same in their present conditions, and that it 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, 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 shall not create any condition which would be considered a public nuisance as defined in Chapter 15 of the Miles City Code of Ordinances. Tenant shall keep the premises in a clean and orderly condition and not allow accumulations of junked or inoperable automobiles, trucks, farm equipment, or scrap upon the premises.

E. Improvements to Remain.

Within sixty (60) days immediately following the expiration of this lease, the TENANT shall remove any improvements located on the leasehold and shall restore, at TENANT'S expense, the leasehold premises to level with the adjoining property and in a debris free condition. "Improvements" shall not include stormwater drainage facilities or other permanent improvements provided as City Services. If inclement weather during such sixty (60) day period delays such removal and restoration, CITY shall provide TENANT with a reasonable time, not to exceed an additional sixty (60) days in which to remove the improvements and restore the leasehold. If TENANT fails to remove such improvements within such sixty (60) day period, CITY, at its option, may (1) cause the removal of such improvements and restoration of the leasehold premises to be done and shall be entitled to recover all costs and expenses of such removal and restoration from TENANT or (2) may retain all such improvements as property of CITY without compensation to TENANT. Provided, however, that upon termination of the Lease, TENANT, within such same sixty (60) day period, shall have the right to sell the improvements upon the Leasehold to a successor tenant.

In the event that any financial institution holds a security interest upon any of the improvements hereon, then, in the event of termination of this lease, whether by expiration of term or uncured default, the financial institution holding such security agreement shall be allowed to remove any improvements upon which it holds a security interest within the times provided for the TENANT to remove improvements, as set forth in the first paragraph of this subsection.

F. Right to Inspect.

The CITY or the CITY'S authorized agents shall have the right to enter upon the premises after providing twenty-four (24) hours' written notice and during normal business hours, in order to inspect and determine whether TENANT complies with the terms of this Agreement.

G. Utilities.

TENANT agrees to pay for the use and maintenance of all utility services on the premises, including gas, electricity, telecommunications, water, sewer and solid waste disposal, if applicable.

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.

1. 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 tortious or negligent act on the part of TENANT, its agents, employees or customers, and TENANT hereby agrees to indemnify and hold harmless the CITY for any such loss or damage. The obligations hereunder shall survive the termination of this lease.

J. Insurance.

TENANT agrees to maintain with a good and reputable insurance company a policy of fire and extended coverage insurance covering the improvements on the premises involved herein to the maximum insurable value, and said policy of insurance shall have a loss-payable clause specifically naming and covering the interests of the CITY. TENANT further agrees to carry minimum liability insurance in the amount of ONE MILLION AND NO/ 100THS DOLLARS (\$1,000,000.00) each accident, and to carry Worker's Compensation Insurance as required by the laws of the State of Montana. TENANT shall provide evidence of such current and valid insurance upon approval of this lease by the City Council of Miles City and, thereafter, each year on or before July 1st or upon demand by the lease administrator of the CITY.

K. Environmental Warranty.

TENANT warrants and agrees to neither cause nor allow to be caused any release of hazardous substances from, into, or upon the premises, nor to cause or allow to be caused any contamination by hazardous waste or substances with respect to the premises, and that, when applicable, TENANT shall comply with all local, state and federal environmental laws and regulations.

TENANT agrees to indemnify, defend and hold harmless the CITY, its employees, agents, members, successors and assigns, from and against any and all damage, claim, liability, or loss, including reasonable attorneys and other fees, arising out of, or in any way connected to, any condition in, on or of the property, that is caused or allowed to be caused by TENANT, its agents, employees or customers. Such duty of indemnification shall include, but not to be limited to, damage, liability or loss pursuant to all local, state and federal environmental laws and regulations, strict liability and common law. The obligations hereunder shall survive the termination of this lease.

Should the occupancy involve activities that include hazardous materials, the City may require the TENANT to store those materials in a separate containment unit in accordance with local building and fire codes.

TENANT shall not be responsible under this Section for preexisting environmental hazards, if any.

L. Compliance with ADA.

TENANT agrees to comply with the Americans with Disabilities Act as the same may apply to TENANT.

M. Non-Discrimination.

TENANT hereby agrees that the premises not be used in any manner that would discriminate against any person or persons on the basis of sex, age, physical or mental handicap, race, creed, religion, color, or national origin.

VI. ASSIGNABILITY OF INTEREST

TENANT shall not assign this Lease, nor sublet the premises, nor any part thereof, without the prior written consent of the CITY, which consent shall not be unreasonably withheld. No permitted sublease shall release TENANT from its obligations under this Lease.

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 thirty (30) 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 re-let 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. If the default is in the performance of any of covenants or provision of this Lease, other than failure to timely pay the rental called for herein, and, by the nature of the default, it cannot reasonably be cured within a thirty (30) day period, so long as TENANT commences and diligently pursues a cure of such default promptly within the initial thirty (30) day cure period, then TENANT shall have a further reasonable time to complete such cure, not to exceed an additional sixty (60) days after the expiration of the initial thirty (30) day cure period. Payments not received by the City within thirty (30) calendar days of the annual due date shall be subject to a late fee at a rate of 10% per annum.

IX. MISCELLANEOUS PROVISIONS

It is further mutually understood and agreed as follows:

A. Notice.

Any notice hereunder shall be in writing and may be delivered personally or by registered or certified mail with postage prepaid. Postal notice shall be deemed complete when deposited in a United States Post Office addressed to the tenant with proper postage attached.

B. Oral Modification Prohibited.

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

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 its 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; provided, 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. Time of the Essence.

Time is of the essence of this Agreement and all obligations of this Agreement shall be performed on or before the dates set forth herein.

F. Incorporation of Recitals.

The Recitals set forth above are incorporated into the terms and conditions of this Agreement and made a part hereof by reference.

G. Executed Copy.

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

H. Interpretation.

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

I. Contingent Upon approval of City Council.

This Agreement shall not become effective until a resolution approving this lease has been adopted by the affirmative vote of two-thirds of the membership of the City Council of the City of Miles City, pursuant to §7-8-4201(2) MCA.

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

	CITY OF MILES CITY
224	By:
ATTEST:	
By:LORRIE PEARCE, City Clerk	
	TENANT: By:
	GREG KMETZ, PRESIDENT NOLLEY'S WELDING

ATTACHMENT "A"



City Council Staff Report Industrial Site Leases Renewal of Nolley's Welding Lease

Meeting Date: February 13, 2018

NOLLEY'S WELDING LEASE HISTORY:

Greg Kmetz of Nolley's Welding began leasing Lots 31 & 34 in 1981. The most recent lease agreement is for September 4, 2008 through June 30, 2018. Mr. Kmetz has substantial improvements on the property and wishes to continue to lease the property; however, the current agreement has no renewal provision after June 30, 2018. Current yearly lease rate is \$1,578.

POLICY

The expiration dates of the above-described lease brought to light some flaws in City policy for land leases. The policies did not anticipate long-term lease renewals; neither did they provide for automatic or negotiated renewals on leases that had substantial improvements constructed on the leased property. These leases simply expire. In this case, per State and Local regulations, the property must go out to bid to the public for those properties. Should the tenant not be the successful bidder, any improvements on the property may be removed, torn down, or given to the City. In order to be a successful bidder on the lease, the tenant who owns the improvements would in essence be bidding against other individuals as to the lease value of improvements which they themselves own. None of those options seemed appropriate or user-friendly for lessees with active businesses.

The City Council has recently approved Resolution #4100 that includes the following provision:

Section 4. Extension of Leases With Substantial Permanent Improvements.

The City has previously leased parcels of real property and allowed the tenants to construct substantial permanent improvements upon the same. Given the impracticality for a tenant to relocate such improvements upon lease expiration, the City may, in the City's sole discretion, agree to renew such leases in circumstances where the City has allowed the Tenant to construct substantial permanent improvements, without advertising the same for lease under the provisions of Section 1. Should the City Council determine that a renewal is appropriate; any extension granted by the City Council shall be at the current lease rates established by the City Council. "Substantial Permanent Improvements" shall be determined by the City Council and shall include buildings and other improvements of significant value, but shall not include fencing or corrals.

RENEWAL PROPOSAL

Mr. Kmetz is proposing to renew his leases on both lots per the new lease policy described above. Lot 34 is occupied by Nolley's Welding and Machine, Inc., owned and operated by Mr. Kmetz. He has subleased Lot 33 to an auto-wrecking yard for several years and is in the process of ending that sublease and cleaning up the lot.

PROCEDURE:

Prior to expiration of the lease on June 30, 2018, lessee and staff shall review the attached "Standard Form of Lease Agreement" and present to the Finance Committee and Council for approval. The parties may negotiate the lease terms. Council will decide to approve or deny the lease agreement. If approved, Mr. Kmetz may continue his business operations on Lot 34 and 33. Any future sublease proposal will require Council approval.

RECOMMENDATION:

Rev Date: 2/7/18 Page 1 of 2

City Council Staff Report Industrial Site Leases Renewal of Nolley's Welding Lease Meeting Date: February 13, 2018

After review of the of the applicable regulations, staff recommends that the City Council adopt this staff report as findings of fact and recommend approval of granting a new 5-year lease agreement with 5-year renewal increments for next twenty (20) years.

Dawn Colton

Rev Date: 2/7/18 Page 2 of 2

Claims

CITY OF MILES CITY
Claim Details
For the Accounting Period: 1/18

Page: 1 of 15 Report ID: AP100

Claim		Vendor #/Name/	Document \$/ Disc \$						Cash
Line #	Check	Invoice #/Inv Date/Description	Line \$	PO #	Fund	Org	Acct	Object P	roj Account
129620	79847S	3292 MONTANA AIR CARTAGE	74.24						
1	635869 1	2/05/17 Water Samples ~ Lab Testing	37.12	23700	5210	80	430540	352	101000
2	630642 1	2/06/17 Water Samples ~ Lab Testing	37.12	23700	5210	80	430540	352	101000
129693	79848S	999999 BERT ELWOOD	150.00						
1	10073949	59 01/19/18 Steel Toed Boots	41.66	24159	5210	22	430530	226	101000
2	10073949	59 01/19/18	41.66	24159	5210	80	430540	226	101000
3	10073949	59 01/19/18	49.99	24159	5310	33	430640	226	101000
4	10073949	59 01/19/18	16.69	24159	5310	32	430690	226	101000
129696	79816S	671 CUSTER COUNTY TREASURER	39.50						
1	CCT01031	8 01/02/18 2000 International Lic. Pla	31.60	23987	2510	107	430220	220	101000
2	CCT01031	8 01/02/18	7.90	23987	2520	108	430220	220	101000
129701	79818s	999999 COY SHEETS	611.00						
1	MEALS011	3 01/02/18 MLEA ~ Meals for Acadamy	611.00*	24257	1000	5	420140	370	101000
129702	79817s	331 MONTANA LAW ENFORCEMENT TESTING	50.00						
1	MLEA24260	0 01/02/18 MLEA ~ Consortium C. Sheets	50.00	24260	1000	5	420140	334	101000
129703	79849S	4181 Voice Products Service, LLC	17,160.00						
1	AR81865 (01/03/18 Annual Service 3/18-2/19	17,160.00*	23395	2850	105	420140	350	101000
129713	79844S	4161 Desert Mountain Corporation	4,179.29						
		01/11/18 Ice Slicer	3,343.43	23985	2510	107	430220	220	101000
2	17-57519	01/11/18	835.86	23985	2520	108	430220	220	101000
129714	79824S	4019 WEX Bank	8,628.20						
		01/30/18 FUEL	220.34*	23984			460433		101000
3	01/30/18		1,763.91	23984			430220		101000
4	01/30/18		440.98	23984			430220		101000
5	01/30/18		29.57	23984			430220		101000
6	01/30/18		73.64	24158	5210		430530	231	101000
7	01/30/18		49.09	24158	5210		430540	231	101000
8	01/30/18		98.18*	24158	5310		430640	231	101000
9	01/30/18		122.73	24158	5310		430690	231	101000
10	01/30/18		638.83	23899	1000		420460	231	101000
11	01/30/18		1,014.46	23899			420730	231	101000
12	01/30/18		2,453.77	24259	1000		420140	231	101000
13	01/30/18	FUEL	78.18	24259	1000	21	440600	231	101000
15	01/30/18	FUEL	610.56	24020	5210	23	430550	231	101000
16	01/30/18	FUEL	610.55	24020	5310	31	430630	231	101000
17	01/30/18	print	423.41	768	5610	07	430300	231	101000

CITY OF MILES CITY Claim Details

For the Accounting Period: 1/18

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Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Disc Line \$	\$ PO #	Fund	Ora	Acct	Object Proj	Cash
DITTE W	CHECK	invoice #/inv bace/bescription	TIME A	FO #	rund	org	ACCC	Object F10j	Accoun
129715	79850s	4076 EXPRESS LAUNDRY, LLC COMMER	CIAL 231.20						
1	15824,16	515 01/31/18 CITY HALL: RUGS	127.50	23995	1000	8	411230	220	101000
2	16236 01	/31/18 SHOP: RUGS/MOPS	20.50	23995			430220	220	101000
3	15971 01	/31/18 WWTP: MOPS/TOWELS	19.20	23697	5310		430640	360	101000
4		/31/18 WTP: MOPS/TOWELS	23.50	23697	5210		430530	360	101000
5	16455,16	14 01/31/18 PD: MATS	40.50	24273	1000	5	420140	360	101000
129716	79820S	373 MASTERCARD	20,925.04						
2	01/20/1	8 SUPPLIES	20.38*		1000	3	410500	220	101000
5	01/20/1	8	321.74		1000		420140	210	101000
6	01/20/1	8	809.25		1000		420140	214	101000
7	01/20/1	8	138.74*		1000		420140	220	101000
8	01/20/1		484.88		1000		420140	230	101000
9	01/20/18		167.78		1000		420140	311	101000
10	01/20/18		150.00		1000		420140	334	101000
11	01/20/18		198.74*		1000		420140	370	101000
12	01/20/18		21.00*		1000		420160	311	101000
13	01/20/18		198.88		1000		420160	370	101000
14	01/20/18		53.51		1000		410300	214	101000
15	01/20/18		637,46		1000		420460	210	101000
16	01/20/18		20.00		1000		420460	214	101000
17	01/20/18		46.61		1000		420460	220	101000
19	01/20/18		30.98		1000		420460	231	101000
21	01/20/18		63.25		1000		420460	345	101000
22	01/20/18		419.78		1000		420460	370	101000
23	01/20/18		41.95		1000		420460	400	101000
25	01/20/18		139.94*		1000		460433	210	101000
26	01/20/18		329.99		1000		460433	214	101000
27	01/20/18		44.07		1000		460433	220	101000
28	01/21/18		18.57		1000		460433	220	101000
29	01/20/18		531.93		1000		460433	230	101000
30	01/20/18		50.00		1000		460433	363	101000
31	01/20/18		14.00*		1000		460434	210	101000
32	01/20/18		2.86*		1000		460434	230	101000
33	01/20/18		51.56		1000		440600	220	101000
34	01/20/18		8.62		1000		440600	311	101000
35	01/20/18		12.88		1000		411020	210	101000
36	01/20/18		32.37		1000		411020	311	101000
37	01/20/18		144.00		1000		411020	334	101000
39	01/20/18		162.59		2220		460100	210	101000
40	01/20/18		29.37		2220		460100	224	101000
42	01/20/18		113.78		2220		460100	311	101000
43	01/20/18		10.00		2220		460100	382	101000
	,, -0						- 0 0 1 0 0	002	101000

CITY OF MILES CITY Claim Details For the Accounting Period: 1/18

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Claim	Chaak	Toucis	Vendor #/Name/	Document \$/	Disc \$	DO #	Post 3	0	Doot	Object De l'	Cash
Line #	Check	Invoice	#/Inv Date/Description	Line \$		PO #	Fund	Org	Acct	Object Proj	Accoun
45	01/20/1	9		190.00			2394	18	420531	334	101000
46	01/20/1	3		144.04*			2510	107	430220	210	101000
47	01/20/1	3		31.98			2510	107	430220	220	101000
48	01/20/1	3		24.86			2510	107	430220	231	101000
49	01/20/1	3		318.92			2510	107	430220	242	101000
51	01/20/18	3		1,000.51			2510	107	430220	363	101000
52	01/20/18	3		269.99			2510	107	430233	350	101000
53	01/20/18	3		36.01			2520	108	430220	210	101000
54	01/20/18	3		8.00			2520	108	430220	220	101000
57	01/20/18	3		6.22			2520	108	430220	231	101000
58	01/20/18	3		79.73			2520	108	430220	242	101000
59	01/20/18	}		250.12			2520	108	430220	363	101000
62	01/20/18	3		1.61			2985	15	450330	311	101004
63	01/20/18	}		168.00			2985	15	450340	220	101000
64	01/20/18	}		81.63			2985	15	450351	220	101008
65	01/20/18	t		19.00			5210	22	430530	220	101000
66	01/20/18	l		51.00			5210	22	430530	226	101000
67	01/20/18	1		23.95			5210	22	430530	230	101000
68	01/20/18			11.09			5210	22	430530	363	101000
69	01/20/18			37.90			5210	23	430550	210	101000
70	01/20/18			10.00			5210	23	430550	214	101000
71	01/20/18			95.04			5210	23	430550	220	101000
72	01/20/18			785.66			5210	23	430550	230	101000
73	01/20/18			612.00			5210	23	430550	235	102270
74	01/20/18			172.01*			5210	23	430550	241	101000
75	01/20/18			497.80			5210	23	430550	363	101000
79	01/20/18			440.32*			5210	80	430540	210	101000
80	01/20/18			611.17			5210	80	430540	222	101000
81	01/20/18			51.00			5210	80	430540	226	101000
82	01/20/18			485.95			5210	80	430540	230	101000
83	01/20/18			9.89			5210	80	430540	311	101000
84	01/20/18			397.00			5210	80	430540	352	101000
87	01/20/18			37.90*			5310	31	430630	210	101000
88	01/20/18			9.99			5310	31	430630	214	101000
89	01/20/18			95.04			5310	31	430630	220	101000
91	01/20/18			37.92*			5310	31	430630	230	101000
93	01/20/18			172.00*			5310	31	430630	241	101000
94	01/20/18			497.80			5310	31	430630	363	101000
96	01/20/18			41.93			5310	32	430690	220	101000
97	01/20/18			19.98			5310	32	430690	226	101000
98	01/20/18			206.49			5310	32	430690	230	101000
99	01/20/18			676.78			5310	33	430640	222	101000
.00	01/20/18			48.00			5310	33	430640	226	101000
	01/20/18			29.05			5310		430640	230	101000
	01/20/18			897.00			5310		430640	352	101000

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For the Accounting Period: 1/18

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Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Disc \$ Line \$	PO #	Fund	Org Acct	Object Proj	Cash Account
		·						
103	01/20/18		321.05			10 42073		101000
104	01/20/18		39.99		5510	10 42073		101000
105	01/20/18		352,59		5510	10 42073		101000
106	01/20/18		18.28		5510	10 42073		101000
107	01/20/18		24.60		5510	10 42073		101000
108	01/20/18		4.99		5510	10 42073		101000
109	01/20/18		76.90		5510	10 42073		101000
110	01/20/18		2,556.00		5510	10 42073		101000
111	01/20/18		75.98		5610	87 43030		101000
112	01/20/18		189.85		5610	87 43030		101000
113	01/20/18		130.78		5610	87 43030		101000
115	01/20/18		10.99*		5610	87 43030		101000
116	01/20/18		20 + 98		5610	87 43030		101000
117	01/02/18		721,99*		5610	87 43030		101000
118	01/20/18		114.45		5610	87 43030		101000
119	01/20/18		400.75		5610	87 43030		101000
120	01/20/18		3,97			910 43022		101000
121	01/20/18		199.99			910 43022		101000
123	01/20/18		14.99			910 43022		101000
124	01/20/18		372.24*		6040	910 43022	0 230	101000
129717	79851S	2914 TOURISM BUSINESS IMPROVEMENT	419.00					
1	TBID66087	01/30/18 Monthly Collections	419.00		7370	21250	0	101000
129718	79852S	1896 HAWKINS, INC	792.00					
1 -	4208533 0	1/04/18 Flran Catalyst FC-i ~	792.00	23698	5210	80 43054	0 230	101000
129719	79853s	1721 MID RIVERS TELEPHONE CORP	2,987.50					
1	01/30/18	TELEPHONE/INTERNET/CABLE/Judge	109.39	23911	1000	6 41030	0 345	101000
2	01/30/18	TELEPHONE/INTERNET/CABLE/Judge	118.20	23911	1000	6 41030	0 347	101000
3	01/30/18	TELEPHONE/INTERNET/CABLE/Libry	90.65	24667	2220	16 46010	0 345	101000
6	01/30/18	TELEPHONE/INTERNET/CABLE/ 911	339.84*	23398	2850	105 42014	0 345	101000
8	01/30/18	TELEPHONE/INTERNET/CABLE/child	21.55*		1000	5 42014	0 220	101000
9	01/30/18	TELEPHONE/INTERNET/CABLE/rsvp	116.18*	23729	2985	15 45034	0 345	101000
10	01/30/18	TELEPHONE/INTERNET/CABLE/Airpt	50.77	777	5610	87 43030	0 345	101000
11	01/30/18	TELEPHONE/INTERNET/CABLE/Airpt	72.95	777	5610	87 43030	0 319	101000
12	01/30/18	TELEPHONE/INTERNET/CABLE/Airpt	6.80	777	5610	87 43030	0 347	101000
14	01/30/18	TELEPHONE/INTERNET/CABLE/mayor	28.38		1000	1 41020	0 345	101000
15	01/30/18	TELEPHONE/INTERNET/CABLE/fin	48.07		1000	3 41050	0 345	101000
16	01/30/18	TELEPHONE/INTERNET/CABLE/fin	19.50		1000	3 41050	0 347	101000
17	01/30/18	TELEPHONE/INTERNET/CABLE/atny	2.42		1000	4 41110	0 345	101000
18	01/30/18	TELEPHONE/INTERNET/CABLE/pd	310.64		1000	5 42014	0 345	101000
19	01/30/18	TELEPHONE/INTERNET/CABLE/pd	65.66		1000	5 42014	0 347	101000
20	01/30/18	TELEPHONE/INTERNET/CABLE/disp	308.77		1000	5 42016	0 345	101000
21	0. 100 1.0	TELEPHONE/INTERNET/CABLE/fire	159.55		1000	7 42046	0 345	101000

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Claim		Vendor #/Name/	Document \$/	Disc \$						Casl
Line #	Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund	Org	Acct	Object F	roj Acco
22	01/30/1	8 TELEPHONE/INTERNET/CABLE/fire	135.67			1000	7	420460	347	10100
23	01/30/1	8 TELEPHONE/INTERNET/CABLE/tres	2.25			1000	9	410540	345	10100
24	01/30/1	8 TELEPHONE/INTERNET/CABLE/park	38.33			1000	13	460433	345	10100
25	01/30/1	8 TELEPHONE/INTERNET/CABLE/park	37.60			1000	13	460433	347	10100
26	01/30/1	B TELEPHONE/INTERNET/CABLE/ACtr	40.03			1000	21	440600	345	10100
27	01/30/1	B TELEPHONE/INTERNET/CABLE/plng	75,10			1000	36	411020	345	10100
28	01/30/18	TELEPHONE/INTERNET/CABLE/bldg	26.36			2394	18	420531	345	10100
29	01/30/18	B TELEPHONE/INTERNET/CABLE/md204	65.01			2510	107	430220	345	10100
30	01/30/18	B TELEPHONE/INTERNET/CABLE/md205	30.33			2520	108	430220	345	10100
31	01/30/18	TELEPHONE/INTERNET/CABLE/wplnt	73.78			5210	22	430530	345	10100
32	01/30/18	TELEPHONE/INTERNET/CABLE/wplnt	80.25			5210	22	430530	347	10100
33	01/30/18	TELEPHONE/INTERNET/CABLE/wtlns	34.42			5210	23	430550	345	10100
34	01/30/18	TELEPHONE/INTERNET/CABLE/wtlns	11,40			5210	23	430550	347	10100
35	01/30/18	TELEPHONE/INTERNET/CABLE/wtadm	44.67			5210	25	430510	345	10100
36	01/30/18	TELEPHONE/INTERNET/CABLE/wtadm	10,59			5210	25	430510	347	10100
37	01/30/18	TELEPHONE/INTERNET/CABLE/wwwadm	44.65			5310	29	430610	345	10100
38	01/30/18	TELEPHONE/INTERNET/CABLE/wwwadm	19.51			5310	29	430610	347	10100
39	01/30/18	TELEPHONE/INTERNET/CABLE/swlns	34.44			5310	31	430630	345	10100
40	01/30/18	TELEPHONE/INTERNET/CABLE/swlns	11.40			5310	31	430630	347	10100
41	01/30/18	TELEPHONE/INTERNET/CABLE/wwpln	32.52			5310	33	430640	345	10100
42	01/30/18	TELEPHONE/INTERNET/CABLE/wwpln	45.60			5310	33	430640	347	10100
43	01/30/18	TELEPHONE/INTERNET/CABLE/amb	106.96			5510	10	420730	345	10100
44	01/30/18	TELEPHONE/INTERNET/CABLE/amb	28.24			5510	10	420730	347	10100
45	01/30/18	TELEPHONE/INTERNET/CABLE/shop	35.59*			6040	910	430220	345	10100
46	01/30/18	TELEPHONE/INTERNET/CABLE/shop	53.48			6040	910	430220	347	10100
29720	79838S	1970 MONTANA DAKOTA UTILITIES	51,604.92							
1	01/26/18	GAS/ELECTRIC	322.92			1000	7	420460	341	10100
2	01/26/18	GAS/ELECTRIC	534.63			1000	7	420460	344	10100
3	01/26/18	GAS/ELECTRIC	476.87			1000	8	411230	341	10100
4	01/26/18	GAS/ELECTRIC	601.74			1000	8	411230	344	10100
5	01/26/18	GAS/ELECTRIC	1,070.31			1000	13	460433	341	10100
6	01/26/18	GAS/ELECTRIC	420.27			1000	13	460433	344	10100
7	01/26/18	GAS/ELECTRIC	85.02			1000	14	460445	341	10100
8	01/26/18	GAS/ELECTRIC	43.86			1000	21	440600	341	10100
9	01/26/18	GAS/ELECTRIC	62.95			1000	21	440600	344	10100
10	01/26/18	GAS/ELECTRIC	515.80			2220	16	460100	341	10100
11	01/26/18	GAS/ELECTRIC	501.06			2220	16	460100	344	10100
12	01/26/18	GAS/ELECTRIC	11,905.63			2400	46	430263	341	10100
13	01/26/18	GAS/ELECTRIC	5,620.80			2400	46	430263	533	10100
14	01/26/18	GAS/ELECTRIC	2,221.22			2420	48	430263	341	10100
15	01/26/18	GAS/ELECTRIC	741.10			2420	48	430263	533	10100
16	01/26/18	GAS/ELECTRIC	158.06			2430	49	430263	341	10100
17	01/26/18	GAS/ELECTRIC	1,505.05			2440	50	430263	341	10100

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Claim		Vendor #/Name/	Document \$/ Dis						Cash
Line #	Check	Invoice #/Inv Date/Description	Line \$	PO #	Fund	Org	Acct	Object Proj	Account
19	01/26/18	GAS/ELECTRIC	304.12		2470	72	430263	533	101000
20	01/26/18	GAS/ELECTRIC	123.37		2480	47	430263	341	101000
21	01/26/18	GAS/ELECTRIC	88.71		2510	107	430220	341	101000
23	01/26/18	GAS/ELECTRIC	0.00		2520	108	430220	341	101000
24	01/26/18	GAS/ELECTRIC	0.00		2520	108	430220	344	101000
25	01/26/18	GAS/ELECTRIC	4,921.84		5210	22	430530	341	101000
26	01/26/18	GAS/ELECTRIC	2,313.58		5210	22	430530	344	101000
27	01/26/18	GAS/ELECTRIC	53.04		5210	23	430550	341	101000
28	01/26/18		146.78		5210	23	430550	344	101000
30	01/26/18	GAS/ELECTRIC	53.04		5310	31	430630	341	101000
31	01/26/18	GAS/ELECTRIC	146.78		5310	31	430630	344	101000
32	01/26/18	GAS/ELECTRIC	1,404.36		5310	32	430690	341	101000
33	01/26/18	GAS/ELECTRIC	123.00		5310	32	430690	344	101000
34	01/26/18	GAS/ELECTRIC	11,227.31		5310	33	430640	341	101000
35	01/26/18	GAS/ELECTRIC	125.58		5510	10	420730	341	101000
36	01/26/18	GAS/ELECTRIC	207.92		5510	10	420730	344	101000
37	01/26/18	GAS/ELECTRIC	939.22		5610	87	430300	341	101000
38	01/26/18	GAS/ELECTRIC	1,151.77		5610	87	430300	344	101000
39	01/26/18	GAS/ELECTRIC	601.64		6040	910	430220	341	101000
40	01/26/18	GAS/ELECTRIC	544.72		6040	910	430220	344	101000
129721	79854S	2529 RAILROAD MANAGEMENT CO III, LLC	614.93	94.5					
		/29/17 7.85" Water Pipeline #301482	614.93	24028	5210	23	430550	532	101000
129722	79855S	1535 LUCAS & TONN PC	100.00						
1	LTPC02201	7 01/23/18 Westlaw ~ Professional Ser	100.00*	022017	1000	4	411100	350	101000
129723	79856S	316 DATA IMAGING SYSTEMS, INC	1,457.00						
1 3	31395 01/3	30/18 Managed Services	306.74*		1000	3	410500	360	101000
2	31395 01/3	30/18 Managed Services	160.27*		2394	18	420531	360	101000
4 :	31395 01/3	30/18 Managed Services	143.97		5210	25	430510	360	101000
5 3	31395 01/3	30/18 Managed Services	143.97		5310	29	430610	360	101000
6 3	31395 01/3	30/18 Managed Services	76.68		1000	1	410200	360	101000
7 3	31395 01/3	80/18 Managed Services	76.68		1000	36	411020	360	101000
8 3	31395 01/3	80/18 Managed Services	151.83*		5210	23	430550	360	101000
9 3	31395 01/3	30/18 Managed Services	151.83		5310	31	430630	360	101000
10 3	31395 01/3	80/18 Managed Services	108.89		2510	107	430220	360	101000
11 3	31395 01/3	30/18 Managed Services	58.28		2520	108	430220	360	101000
12 3	31395 01/3	30/18 Managed Services	77.86		1000	q	410540	360	101000

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Claim		Vendor #/Name/	Document \$/	Disc \$						Cash
Line #	Check	Invoice #/Inv Date/Description	Line \$		PO #	Fund	Org	Acct	Object Proj	Account
129724	79857s	870 EAST MAIN ANIMAL CLINIC	623.63							
1	EMAC1220	017 12/04/17 December ~ Shelter Fees	127.13*		24264	1000	21	440600	350	101000
2	EMAC0131	.20 01/31/17 January ~ Shelter Fees	496.50*		240264	1000	21	440600	350	101000
129725		999999 BUCKY JOHNSON	88.58							
1		00 01/08/18 CDL Licence Renewal	25.25		24027			430550	350	101000
2		0 01/08/18	25.25		24027	5310	31	430630	350	101000
3		12 01/04/18 Cell Phone Reimbursement	19.04		24027	5210	23	430550	345	101000
4	16599253	12 01/05/18	19.04		24027	5310	31	430630	345	101000
129726	79819S	1921 Montana Municipal Interlocal	4,303.20							
1	MMIA0120	18 01/05/18 January ~ Retiree Health	1 4,303.20			1000		362022		101000
129727	79821S	2830 STAR PRINTING & SUPPLY	661.87							
1	258604 1	2/08/17 RSVP ~	246.69		23725	2985	15	450330	220	101004
2	258676 1	2/05/17 City Court ~ Supplies	55.35		23909	1000	6	410300	214	101000
3	258778 1	2/22/17 Library ~ Printing Contract	13.60		24663	2220	16	460100	210	101000
4	259223 1	2/20/17 Ambulance Paper & Contract	28.49		24302	5510	10	420730	210	101000
5	259223 1	2/20/17 FD ~ Paper & Contrat	73.23		24302	1000	7	420460	210	101000
6	259220 1	2/20/17 Jeff's Office Copier & Paper	28.56		18199	1000	4	411100	220	101000
. 7	259220 13	2/20/17 Jeff's Office	31.00*		18199	1000	4	411100	214	101000
8	258837 13	2/26/17 Ambulance	22.26		24311	5510	10	420730	210	101000
9	258837 12	2/26/17 FD~	59.23		23411	1000	7	420460	210	101000
10	258227 13	1/20/17	74.49		23887	1000	7	420460	210	101000
11	258227 11	1/20/17	28.97		23887	5510	10	420730	210	101000
29728	79822S	394 BOSS INC	1,299.11							
1	18410-0 1	11/06/17 Finance ~ Folders and Ribbon	108.29*		23288	1000	3	410500	220	101000
2	181032-0	11/06/17	108.29*		23288	5210	25	430510	220	101000
3	181418-0	11/06/17	108.29*		23288	5310	29	430610	220	101000
5	182113-0	12/20/17 City Court ~	91.90		23907	1000	6	410300	214	101000
6	184018-0	12/15/17 Water Dept ~ Copier Repair	396.72		23288	5210	25	430510	230	101000
7	184018-0	12/15/17	396.72		23288	5310	29	430610	230	101000
8	183620-0	12/14/17 RSVP ~ Supplies	88.90		23722	2985	15	450330	210	101004
29729	79823S	2831 MILES CITY STAR PUBLISHING	641.36							
1	194192 12	/15/17 Ordinance 1317	44.00*		23769	1000	3	410500	220	101000
2	194192 12	/15/17	44.00*		23769	5210	25	430510	220	101000
3	194192 12	/15/17	44.00*		23769	5310	29	430610	220	101000
4	192861 11	/13/17 Flood ~ 1005 Palmer	84.00		22976	1000	201	431200	331	101000
5	193673 12	/01/17 Flood ~ 717 Wells	84.00		22976	1000	201	431200	331	101000
6	193971 12	/08/17 Legal Water Notice	136.18*		23769	5210	25	430510	220	101000
7 :	193971 12	/08/17	136.18*		23769	5310		430610	220	101000
8 :	100071 10	/01/17 Resolution 4117	23,00*		23769	1000	2	410500	220	101000

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Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Disc \$	DO "	Page 4	0	Object De :	Cash
Line #	Check Invoice #/Inv Date/Description	Tiue \$	PO #	Fund	Org Acct	Object Proj	Account
9	193671 12/01/17	23.00*	23769	5210	25 430510	220	101000
10	193671 12/01/17	23.00*	23769	5310	29 430610	220	101000
129730	79859S 1737 MC AREA SOLID WASTE DISTRICT	573.95					
1	09/15/17 QUARTERLY CHARGES	71.12		6040	910 430220	346	101000
2	09/15/17 QUARTERLY CHARGES	71.12		5210	22 430530	346	101000
3	09/15/17 QUARTERLY CHARGES	47.41		1000	7 420460	346	101000
4	09/15/17 QUARTERLY CHARGES	47.41		5510	10 420730	346	101000
5	09/15/17 QUARTERLY CHARGES	47.41		1000	8 411230	346	101000
6	09/15/17 QUARTERLY CHARGES	237.06		1000	13 460433	346	101000
7	09/15/17 QUARTERLY CHARGES	47.42*		5310	33 430640	346	101000
8	6424A 12/14/17 Animal Control ~ Disposal	5.00	24266	1000	21 440600	220	101000
129731	79826S 4047 SAFEGUARD BUSINESS SYSTEMS	109.61					
1	032533698 11/22/17 W2's & 1099's for 2017	36.54*	23774	1000	3 410500	220	101000
2	032533698 11/22/17	36.54*	23774	5210	25 430510	220	101000
3	032533698 11/22/17	36.53*	23774	5310	29 430610	220	101000
129732	79827S 1936 L.G.S.B. ~ STATE TREASURER	2,500.00					
1	MDA2017 01/10/18 Annual Audit Fee	833.34*	23291	1000	3 410500	220	101000
2	MDA2017 01/10/18	833.33*	23291	5210	25 430510	220	101000
3	MDA2017 01/10/18	833.33*	23291	5310	29 430610	220	101000
129733	79828S 2322 OLNESS & ASSOCIATES PC CPA'S	19,330.00					
1	100547 01/05/18 FY Audit	18,700.00	23290	1000	3 410500	350	101000
2	100548 01/11/18 2017 AFR	630.00	23290	1000	3 410500	350	101000
L29734	79829S 999999 FREDRICK LEE	51.54					
1	011199644- 01/03/18 Training Material Reimburs	51.54*	24261	1000	5 420140	220	101000
129736	79831S 523 CITY SERVICE, INC.	1,850.00					
2	W067941 01/03/18 Truck Payment Principle	1,833.69	769	5610	87 490500	650	101000
3	W067941 10/04/17 Truck Payment Interest	16.31	769	5610	87 490500	651	101000
29737	79860S 395 VA MONTANA HEALTHCARE SYSTEM	2,505.00					
1	436K807ZN1 01/01/18 Jan - June 2018 Lease	2,505.00	23726	2985	15 450340	530	101000
29738	79832S 1780 MILES CITY MOTOR SUPPLY	442.23					
1	660716 12/15/17 Airport ~ Misc auto supplies	442.23	772	5610	87 430300	363	101000

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Claim Line #	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object	Proj	Cash Account
120730	79833S 4108 Mid America Research Chemical	590.70								
1	0625450-IN 12/29/17 Siliconized Release Agent	472.56		24061	2510	107	430220	363		101000
2	0625450-IN 12/29/18	118.14		24061			430220	363		101000
129740	79861S 291 ECOLAB PEST ELIMINATION DIVISIO	DN 107.12	9							
1	4110159 01/09/18 FD ~ Pest Control	77.12		24307	1000	7	420460	220		101000
2	4110159 01/09/18	30.00		24307	5510	10	420730	222		101000
129741	79862S 2847 STEADMANS ACE HARDWARE	60.59								
1	296028 12/04/17 E-8 Med/Cab Parts	54.61		24309	1000		420460	230		101000
2	3013353 01/15/19 FD ~ Pipe Insulation	5.98		24319	1000	7	420460	230		101000
	79863S 1986 JACKS BODY SHOP	132.00								
1	6542 12/26/17 PD Tow Suzuki Quad A2L4412	132.00*		24263	1000	5	420140	220		101000
129743	79864S 636 CRIDCO, LLC	104.00								
1	60474 09/30/17 Airport ~ 3 Months Water	104.00		771	5610	87	430300	220		101000
129744	79865S 999999 ALERT MAGAZINE, LLC	145.00								
1	6640 12/27/17 Drug Prevention Ad	145.00		24262	1000	5	420140	330		101000
129745	79866S 4042 BLOEDORN LUMBER-MILES CITY	3.60								
1	3984984 01/10/18 Fire Department	3.10		23900	1000		420460			101000
2	02/05/17	0.50		24318	1000	7	420460	230		101000
	79867S 4062 SCL HEALTH ~ Supplies	820.24								
	IN-4103 09/30/17 Ambulance ~ September Supplie			24304	5510		420730			101000
2	IN-4879 12/31/17 Ambulance ~ December Supplies	461.53		24300	5510	10	420730	222		101000
129747	79868S 1407 KADRMAS LEE & JACKSON INC	1,489.74								
1	10094481 12/19/17 GIS Data Maintianance	1,489.74*		23394	2850	105	420140	350		101000
129748	79834S 1638 ENVIRO-CLEAN INTERMOUNTAIN LLC	1,012.90								
1	17-6071 $12/05/17$ Unit #30 ~ PUD Continuation o	506.45		24062	5210	23	430550	363		101000
2	17-6071 12/05/17 PO # 21695	506.45		24062	5310	31	430630	363		101000
.29749	79869S 295 AMERI PRIDE	69.44								
1	2901026924 12/05/17 November ~ Mops and Mats	24.99		24301	1000		420460	350		101000
	2901026914 12/05/17	9.73		24301	5510		420730	350		101000
	2901039711 01/02/18 December ~ Mops and Mats	24.99		24301	1000		420460	350		101000
4	2901039711 01/02/18	9.73		24301	5510	10	420730	350		101000

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Claim	Vendor #/Name/	Document \$/	Disc \$						Cash
Line #	Check Invoice #/Inv Date/Description	Line \$		PO #	Fund	Org	Acct	Object E	Proj Accou
129750	79870S 317 BILLINGS CLINIC	2,388.00							
1	4933174 12/12/17 New Employee Physicals	910.08		24305	1000	7	420460	350	10100
2	4933174 12/12/17	353.92		24305	5510	10	420730	350	10100
3	6877418 01/10/18 New Employee Physicals	785.52		24306	1000	7	420460	350	10100
4	6877418 01/10/18	338.48		24306	5510	10	420730	350	10100
129751	79835S 4008 PITNEY BOWES	274.17							
1	3305306141 01/17/18 Pitney Bowes Monthly Bill	91.39*		PB0118	1000	3	410500	220	10100
2	3305306141 01/17/18	91.39*		PB0118	5210	25	430510	220	10100
3	3305306141 01/17/18	91.39*		PB0118	5310	29	430610	220	10100
129752	79871S 4001 CRITELLI COURIERS, INC.	412.50							
1	22813 12/31/17 Library ~ December Crate Deliv	260.00		24664	2880	39	460100	311	10102
2	10908 01/31/10 Library- January Crate Deliv	152.50		24666	2880	39	460100	311	10102
129753	79872S 872 EASTERN MONTANA IND	325.00							
1	470665 12/31/17 Library ~ Cleaning Contract	325.00		24662	2220	16	460100	360	10100
129754	79873S 268 MILES CITY SANITATION INC.	60.00							
1	81100038 01/01/18 Airport ~ Jan 2 Bins	60.00		773	5610	87	430300	220	10100
129755	79836S 4180 IntelliCorp Records, Inc.	210.90							
	nt Activation Fee -								
1	927543 12/31/17 HR ~ Background Checks	8.34			1000		410500	334	10100
	927543 12/31/17	8.34*			5210		430510	334	10100
	927543 12/31/17	8.34*			5310		430610	334	10100
	927543 12/31/17	8.34			1000		420460	334	10100
	927543 12/31/17	8,34*					420730	334	10100
	927543 12/31/17	8.34			2220		460100	334	10100
	927543 12/31/17	8.34 8.34			1000		410300	334 334	10100
	927543 12/31/17 927543 12/31/17	8.34			1000		411020 420140	334	10100
	927543 12/31/17	8.34			5210		430550	334	10100
	927543 12/31/17	8.34*			5310		430630	334	10100
	927543 12/31/17	8.34					430030	334	10100
	927543 12/31/17	8.34					430220	334	10100
	927543 12/31/17	8.34*			1000		420160	334	10100
	927543 12/31/17	8.34					420531	334	10100
	927543 12/31/17	64.88			1000		420460	334	10100
	20.010 10,01/1/	04.00			1000	,	.20100	551	10100

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Claim	Vendor #/Name/ Check Invoice #/Inv Date/Description	Document \$/	Disc \$	PO #	Fund Org Acct	Object Proj	Cash Account
Title #	Check invoice #/inv bate/bescription	TITLE Y					
129756	79874S 2240 NOLLEYS WELDING & MACHINE INC	185.00					
1	30184 01/17/18 Airport ~ Modify Plow Cutting	185.00		775	5610 87 430300	363	101000
129757	79837S 572 VERIZON WIRELESS	263.76					
1	9799405031 01/07/17 Police ~ ICAC Cell Phone	263.76*		24268	1000 5 420140	220	101000
	79875S 1330 SCL Health - Sisters of Charity						
1	500212056 12/06/17 DUI ~ Blood Draw	241.70		129758	1000 5 420140		101000
2	500212056 12/09/17 DUI ~ Blood Draw	241.70		129758	1000 5 420140	350	101000
129759	-99975C 4010 FELT, MARTIN, FRAZIER & WELDON,	175.00					
1	003 12/31/17 Grievance Policy	175.00		23292	1000 3 411101	350	101000
129760	79876S 4013 SOLESTONE REIMB SERVICES	2,212.93					
1	9323 01/15/18 December ~ Ambulance Billing	2,212.93		24313	5510 10 420730	350	101000
129761	79877S 790 DPC INDUSTRIES	389.38					
1	727000004- 01/09/18 Chlorine 150# Cyl	50.00		23699	5210 80 430540	222	101000
2	727000004- 01/09/18	339.38		23699	5310 33 430640	222	101000
129762	79842S 771 DEPT OF REVENUE	458.83					
1	CRG-2 18 01/24/18 Payment #15 Withholding Tax	458.83		24030	5310 33 430640	940	102279
129763	79840S 999999 CLAY BOTT	115.00					
Advanc	ce for traveling to Kalispell for FTO Training						
1	01/26/18 FTO Training	115.00*		24270	1000 5 420140	370	101000
129764	79841S 2450 POSTMASTER (UTILITIES)	1,109.15					
1	Water/Sewer Postage	554.57			5210 25 430510	311	101000
2		554.58			5310 29 430610	311	101000
129765	79878S 4139 Billings Precast	700.00					
1	54170 12/19/17 700	700.00		23992	2510 107 430235	230	101000
129766	79879S 2865 DEPT OF ENVIRONMENTAL QUALITY	38.53					
DEQ 20	17 annual gravel production report						
1	2017Pit Gravel Pit report-Annual	15.41			2510 107 430220		101000
2		3.86			2520 108 430220	220	101000
3		9.63			5210 23 430550	220	101000
4		9.63			5310 31 430630	220	101000

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Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Line \$	Disc \$	PO #	Fund	Org	Acct	Object Proj	Cash Account
		4112 FARMERS BROTHERS COFFEE	129.16							
	y coffee 67180965	01/24/18 2 Cases of Coffee for Januar	r 129.16		776	5610	97	430300	220	101000
-	0.200308	or, in it capes of coffee for bandar	125.10		770	3010	0 /	100000	220	101000
		4171 Ferguson Waterworks #1701	276.00							
	Reader U	-								
1	0675538 (01/11/18 Meter Reader Upgrade	276.00		24032	5210	23	430550	940	101000
129769	79882S	2322 OLNESS & ASSOCIATES PC CPA'S	500.00							
1	100558 0	/19/18 2017 Audit	500.00		23293	1000	3	410500	350	101000
129770	79883S	2579 ROBERT PECCIA & ASSO	3,409.08							
1	19 01/18/	18 WWTP Phase Ii Bid & Constructi	3,409.08			5310	33	430640	940	102279
129771	79884S	286 STANLEY CHIROPRACTIC OFFICE	80.00							
1 (CDL-TS 12	/18/17 TS CDL physical	80.00		23994	1000	13	460433	350	101000
129772	798855	2846 STEVENSON DESIGN	2,000.00							
		1/17 Denton Field Access Stairs	2,000.00		23991	1000	13	460433	350	101000
129773	79845S	4015 WILLIAMS BROTHERS CONSTRUCTION	V 45,423.82							
		18 WWTP Phase II Upgrade	45,423.82		24029	5310	33	430640	940	102279
29774	798865 9	99999 BETTY VAIL	647.59							
		1/31/18 Flight to NSCA board mtg	647.59		23730	2985	15	450340	370	101000
.29775	700075	2560 REGAN PLUMBING & HEATING	103.13							
		01/23/18 Trouble shoot shop furnance			778	5610	87	430300	230	101000
1		99999 IAN DEMONEY	49.74							
1	W/S rei	und for deposit	49.74			5210		214010		101000
29777	79889S 9	99999 BRIAN AMBROSINI	49.74							
1	W/S ref	and for deposits	49.74			5210		214010		101000
29778	79890s 9	99999 RUSSELL VANDYKE	27.35							
1	W/S refu	and for deposit	27.35			5210		214010		101000
29779	79891S 99	99999 CARSON BENNETT	58.65							
1	W/S refu	and for deposits	58.65			5210		214010		101000

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Claim Vendor #/Nar Line # Check Invoice #/Inv Date/Desc		ment \$/ ne \$	Disc \$	PO #	Fund Or	g Acct	Object Proj	Cash Account
129780 79892S 999999 TANYA MAILLOUX		28.28						
1 W/S refund from deposit		28.28			5210	214010		101000
129781 79893S 999999 KAYLA PERRY		89.18						
1 W/S refund from deposit		89.18			5210	214010		101000
129782 798945 999999 VERNA HENDERSON		109.47						
1 W/S refund from deposit		109.47			5210	214010		101000
129783 79895S 700 CUSTER COUNTY WAT	TER & SEWER	15,174.73						
1 W/S Collection for January	1	5,174.73			7980	211020		101000
129784 79896S 1286 DENNIS HIRSCH		1,654.35						
1 Bld012018 01/31/18 January bldg	permits	1,654.35		23997	2394 1	8 420531	350	101000
129785 79897S 4045 LAND SOLUTIONS, I	NC.	752.00						
1 1312018 01/31/18 Planning and Zo	ning consultin	752.00		22292	1000 3	6 411020	350	101000
129787 79846S 1921 Montana Municipal	Interlocal	4,364.76						
1 MMIA0218 02/01/18 Kelm ~ January	,	61.56			1000	362022		101000
2 MMIA0218 02/01/18 February ~ Ret	irees	4,303.20			1000	362022		101000
129789 79898S 999999 OVIVO USA LLC		83,500.00						
1 R8469779 01/24/18 Membrane Equip	Phase II #2 5	1,036.00		24033	5310 3	3 430640	940	102279
2 R8469779 01/24/18 Digester Airbr	ridge Pase II 3	2,464.00		24033	5310 3	3 430640	940	102279
29790 79899S 2910 TONGUE RIVER ELEC	TRIC	452.85						
1 TREC12618 01/26/18 Southgate Lig	hting	401.84			2450 5	1 430263	341	101000
2 DTREC12618 01/26/18 Microwave Li	ght Tower	51.01		23397	2850 10	5 420140	341	101000
.29791 79900S 408 BRENNTAG PACIFIC,	INC.	629.40						
1 BPI802795 01/16/18 Sodium Hypoch	lorite	629.40		24161	5310 3	3 430640	222	101000
29792 79901S 721 DALES CLEANING SE	RVICE	600.00						
1 23996 01/29/18 City Hall ~ Janua	ry Cleaning	600.00		23996	1000	8 411230	360	101000
29793 79902S 4022 MARILYNN FORMAN		350.00						
1 MF01312018 01/31/18 PD Cleaning	~ January	350.00		24275	1000	5 420140	350	101000

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Claim	(a)	T	Vendor #/Name/	Document \$/	Disc \$							Cash
Line #	Check	Invoice	#/Inv Date/Description	Line \$		PO #	Fund	Org /	Acct	Object	Proj	Account
129795	79903s	2510 QU	AD K SUPPLY	107.25								
1	50343 01	/26/18 F	ire Dept ~ Cleaning Supplies	77.22		24316	1000	7	420460	220		101000
2	50343 01	/26/18		30.03		24316	5510	10	420730	220		101000
129796	79904S	99 9 999 JE	FF LANGKAU	66.36								
1	89414099	01/31/18	Airport ~ Supplies	66.36		779	5610	87	430300	220		101000
129797	79905S	2537 RD	O EQUIPMENT CO	2,381.00								
1	P30477 0	1/31/18	Streets~ Cutting Edges	952.40		24063	2510	107	430220	363		101000
2	P30477 0	1/31/18		238.10		24063	2520	108	130220	363		101000
3	P30477 0	1/31/18		595.25		24063	5210	23	430550	363		101000
4	P30477 0	1/31/18		595.25		24063	5310	31	130630	363		101000
129798	79906s	1120 GL	ADER ELECTRIC CO	1,045.47								
1	83860 12	/27/17 Le	d Strips (Light Replacement	412.97		23989	6040	910	130220	220		101000
2	83831 01	/09/18 XM	as Bucket Truck	115.00		23989	2510	107	130220	350		101000
3	83923 01	/05/18		517.50		23989	2510	107	130220	350		101000
129799	79907s	999999 RA	YMOND EMELINE	150.00								
1	24884 01,	/26/18 St	eel Toed Boots	41.66		24160	5210	22	130530	226		101000
2	24884 01,	/26/18		41.66		24160	5210	80	130540	226		101000
3	24884 01,	/26/18		16.67		24160	5310	33 -	130640	226		101000
4	24884 01,	/26/18		50.01		24160	5310	32	130690	226		101000
129800	79908s 9	99999 SE	TH LOCKIE	54.59								
1	15370467	02/02/18	Reimb. CDL License	54.59		23999	1000	13	160433	220		101000
129801	79909S	4053 ESF	RI, INC.	800.00								
1	93412061	01/30/18	ESRI Maint Contract ~ Planni	400.00		22291	1000	36	11020	360		101000
2	93412061	01/30/18	ESRI Maint. Contract PWorks	400.00		22291	1000	201	131200	350		101000
129802	79910s	4124 Tar	get Solutions Learning	2,799.71								
1	21907 01/	23/18 FD	~ Fire Online Training	2,799.71		24315	1000	7	120460	380		101000
129803	79911S	4039 SCC	TT GRAY	63.00								
1	ATRF23990	01/04/18	Rural Water Conference	50.40		23990	2510	107	30220	370		101000
2	ATRF23990	01/04/18		12.60		23990	2520	108	130220	370		101000
129804	799125	4046 BIL	L RONNING	60.50								
1	166485525	3 12/16/1	7 January ~ Cell Phone	40.40		23998	2510	107	130220	345		101000
2	166485525	3 12/16/1	7	12.10		23998	2520	108 4	130220	345		101000

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Claim Line # Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document \$/ Di	sc \$	PO #	Fund	Org	Acct	Object Proj	Cash Account
	999999 MIKE WADE 06/18 Reimbersment for Floor Buffer	50.00 50.00		24166	5210	22	430530	214	101000
	# of Claims 95 T	otal: 327,377.94							
	Total Electronic Cla	ims 175.00	Total Non-Ele	ctronic	Claims		327202.	. 94	