



CITY OF MILES CITY

AGENDA

Regular Council Meeting
City Council Chambers
And online @ zoom.us

February 23, 2021
6:00 p.m.

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES
 - A. Regular City Council Meeting 01/26/2021
 - B. Public Safety Committee Meeting 12/15/2020
 - C. Public Safety Committee Meeting 02/02/2021
2. SCHEDULE MEETINGS
3. REQUEST OF CITIZENS & PUBLIC COMMENT
4. APPOINTMENTS
5. PROCLAMATIONS
6. STAFF REPORTS
7. CITY COUNCIL COMMENTS
8. MAYOR COMMENTS
9. COMMITTEE RECOMMENDATIONS

Finance Committee recommend the following:

- A. Submitting Request for Qualifications (RFQ) for Architectural Services
- B. Pursuing an Intercap or United States Department of Agriculture (USDA) loan with monthly payments of \$3,100 or less
- C. Accepting bid from Muggli Contracting for rock crushing
- D. Writing-off Ambulance charges in the amount of \$10,706.51

10. BID OPENINGS
11. BID AWARDS
12. PUBLIC HEARINGS
13. UNFINISHED BUSINESS
14. NEW BUSINESS

- A. **ORDINANCE 1344 - (First Reading) An Ordinance Amending Section 12-75 of the City of Miles City Flood Code with Respect to Penalties for Violations**
- B. **RESOLUTION NO 4392 - A Resolution Requesting Distribution of Bridge and Road Safety and Accountability Program Funds**
- C. **RESOLUTION NO. 4393 - A Resolution Adopting a Revised Program for Public**

Information Pertaining to the Miles City Floodplain and Floodway.

D. Discussion on Interlocal Agreement with County.

15. ADJOURNMENT

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

Minutes

REGULAR COUNCIL MEETING January 26, 2021
6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, January 26, 2021, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana and online at zoom.us. Council President Austin Lott called the meeting to order. Council Members present were Brant Kassner, Dwayne Andrews, Ken Gardner, Elizabeth Patten, Rick Huber, Austin Lott, Kathy Wilcox and Stacey Broell.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Police Chief Doug Colombik, Fire Chief Branden Stevens, Planner in Training Ally Capps, Public Utilities Director Tom Speelmon and City Clerk/Minute Recorder Mary Rowe.

PLEDGE OF ALLEGIANCE

Council President Austin Lott led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 1/12/2021

** *Councilperson Kassner moved to approve the minutes of the Regular Council Meeting of January 12, 2021, subject to any changes, and seconded by Councilperson Huber. The motion **passed** by unanimous consent, 8-0.*

SCHEDULE MEETINGS

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

Human Resources Committee	02/02/2021	@ 4:15p.m.
Public Safety Committee	02/02/2021	@ 6:00p.m.

REQUEST OF CITIZENS & PUBLIC COMMENT

Jim Atchison, Southeastern Montana Development Corporation (SEMDC), presented a Comprehensive Economic Development Strategy (CEDS) which displayed a 2020 community survey recap for Miles City. SEMDC present trends in communities, justify budget decisions, help with Capital Improvement Projects (CIP) and assist with growth plans. They are constantly adjusting and prioritizing to meet the needs of Montana communities.

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Chief Stevens handed out Fire Department statistics highlighting call volume, staffing and equipment issues, and the critical condition of the fire department building.

Planner in Training Capps explained that the façade grant is being extended and presented the committee with the program application that she is intending to hand out to local businesses. She stated that there is \$8,000 in funding available.

CITY COUNCIL COMMENTS

Councilperson Huber stated that Animal Control Officer Mark Winkley gave him a tour of the animal shelter and went over future plans with him. They went on a two-hour ride along and pointed out that Mark is very professional and cares about his work with the City. He encouraged other Council members to do the same. Councilperson Huber then presented Council with a handout titled “Colstrip Rediscovered” which highlight four different counties in Montana, as a follow-up to Jim Atchison’s presentation.

Councilperson Wilcox spoke about a recent Public Safety meeting where Chief Stevens informed them of the major windstorm that occurred in Miles City and the damage that was done to the Fire Department during that time. She suggested that Council look into using the “Woolhouse” for the Police and Fire Department’s safety building, with a focus on a staff safe area.

Councilperson Gardner wanted to give recognition to the hospital and Chief Stevens for their professionalism.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

None

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A. RESOLUTION NO. 4387 - A RESOLUTION ESTABLISHING CITY

**OF MILES CITY PERSONNEL POLICIES REGARDING NON-
UNION STAFF COST OF LIVING INCREASES**

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

Councilperson Wilcox explained that this is a “clean-up” approach to staff wage increases and a way to plan ahead for the next fiscal year. The cost of living increase was not on track for non-union department heads and was only granted when the budget could tolerate it. This wage matrix would follow the state recommended amounts and will follow the proper process starting in March or April and go to Finance Committee in June during the draft budget. She also stated that the step increases would go out twenty years and be based on performance evaluations. It is believed that this wage matrix would assist with retention of good staff. It was also noted that the increases are not guaranteed and would only occur if budget allowed.

Union wages negotiations and step increase versus employee performance were briefly discussed.

****** *On roll call vote, the motion passed by unanimous consent, 8-0.
Resolution No. 4387 passed.*

**B. RESOLUTION NO. 4388 - A RESOLUTION AUTHORIZING THE
CITY OF MILES CITY TO ENTER INTO AN INTERLOCAL
AGREEMENT WITH CUSTER COUNTY FOR FISCAL YEARS 2020-
2021 AND 2021-2022.**

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

Councilperson Wilcox suggested that Animal Control fees in the Interlocal agreement need to be revisited. She also stated that Animal Control Officer Mark Winkley is looking into it.

Councilperson Huber stated that he would prefer the Interlocal Agreement expire annually. He asked Chief Stevens his thoughts on if \$130 was covering the cost of ambulance services, to which the Chief responded that he believes it to be low.

It was suggested by the majority of Council that the fees be discussed in a Public Safety Meeting.

****** *Councilperson Wilcox moved to postpone, seconded by Councilperson Kassner and passed unanimously, 8-0.*

ADJOURNMENT

****** *Councilperson Kassner moved to adjourn the meeting, seconded by Councilperson Wilcox and passed unanimously, 8-0.*

The meeting was adjourned at 6:51p.m.

Austin Lott, Council President

Mary Rowe, City Clerk

**Public Safety Committee Meeting
December 15, 2020**

The Public Safety Committee met Tuesday, December 15, 2020, at 6:00 pm via Zoom Conferencing in the Conference Room at City Hall, 17 S. 8th. Present were Committee Members Ken Gardner, Elizabeth Patten and Austin Lott. Excused was Committee Member Kathy Wilcox. Also present were: Police Chief Doug Colombik, Fire Captain Jake Richards, City Planner Ally Capps, Public Utilities, Fire Chief Branden Stevens, Firefighter Grant Lean, and HR Officer/Recorder Linda Wilkins.

Chairperson Lott called the meeting to order.

1. Request of Citizens

Fire Chief Stevens updated the Committee on the status of Fire Department facilities and equipment. Should the current call volume continue, a staff of 19 FTE's would be required to keep up. The department is continuing to look at wildland assessments. Tower 19 is a 1993 model is coming upon being 30 years old, a maintenance company will be coming to look at the tower in the near future. The fire station is having draining, electrical, and plumbing issues. A safety audit was recently conducted and a plan will be put together to address these issues.

2. Committee Member Comments

None

3. Review and Recommendation regarding short, mid and long-term goals for the Woolhouse Building.

Committee Chairperson Lott, Captain Dan Baker and Chief Colombik have met with Architect Brandon Janshen. Architect Janshen has provided preliminary drawings, which will be included as part of these minutes. The building purchase price is \$263,000. A base flood elevation study will be done. The building will require fire sprinklers, gutting, and remodel for offices and evidence storage; all remodel will be in accordance with ADA. The remodel costs are estimated at \$600,000. Total project cost would be \$1.1 million dollars, including furniture. Phase I of the project would include providing temporary housing for the police department in the rear of the building, while the building project is progressing. This area could provide office space of 2,200 square feet for a possible tenant in the future such as Montana Probation and Parole. Chairperson Lott would like the following items started: 1) Base Flood Elevation Report 2) Obtain a quote for hazardous material assessment in preparation for an abatement plan. Chairperson Lott stated that Bruce Ingraham said the assessment would be approximately \$5,000. Committee Member Patten suggested Planner Capps contact the Brownsfield Coalition for funding, they have been looking for a project in SE Montana. Phase II will start on the east end of the building. Phase III other options for the building, i.e. dispatch, fire department.

***Committee Member Lott moved to recommend to Council 1) overall budget of \$1.1 million, 2) approve a hazmat assessment contingent on either Brownsfield Coalition or Bruce Ingraham, 3) approval of a flood study, and 4) demolition and rapid remodel for short-term occupancy, if required. All contingent on purchase of the building, seconded by Committee Member Gardner. On roll call vote the motion passed unanimously, 3-0.*

4. Adjournment

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

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

Chairperson Austin Lott

Recorder Linda Wilkins

**Public Safety Committee Meeting
February 2, 2021**

The Public Safety Committee met Tuesday, February 2, 2021, at 6:00 pm via live attendance and Zoom Conferencing in the City Hall Conference Room, 17 S. 8th. Present were Committee Members Ken Gardner, Elizabeth Patten, Kathy Wilcox and Austin Lott. Also present were: Police Chief Doug Colombik, Police Captain Dan Baker, Mayor John Hollowell, Battalion Chief Sarah Lewin, Fire Captain Eddy Kanduch, Fire Captain Jake Richards, Fire Captain Taran Harbaugh, Fire Lt Casey Miller, Fire Chief Branden Stevens, Council Members Rick Huber and Stacy Broell, Dispatch Supervisor Lyne Anderson, Dispatchers Andrew Merial and Jean Mansheim, 911 Board Members Rex Phipps, Ray Hageman, and Kevin Krausz AC/CE Officer Mark Winkley, City Building Inspector Russell Murphy, SDI Architect Brandon Janson and HR Officer/Recorder Linda Wilkins.

Chairperson Patten called the meeting to order.

1. Request of Citizens for Public Comment

None.

2. Staff Comments

None.

3. Committee Member Comments.

None

4. Discussion of Dispatch Center.

Dispatcher Merial discussed with the Committee a need for more dispatch staff due to the increase volume of calls coming through the Southeastern Montana Dispatch Center. This increase in call volume is affecting the morale of the staff and is not allowing them to complete other duties. He is concerned that the dispatch center is unprepared for a large disaster. Dispatcher Mansheim also expressed concerns regarding staffing in the dispatch center, and believes COVID pandemic has affected the dispatch center adversely. Dispatch Supervisor Anderson stated she has needed to step out on numerous occasions to assist with dispatching duties. 911 Board Member Phipps stated he's always glad to have the dispatchers on the other end of any ambulance calls he responds to. 911 Board Member Krausz thought that possibly looking at the concept of making dispatch an enterprise fund could be something that possibly should be looked at, Kalispell has done something similar to this. All stakeholders would pay dispatch for services and dispatch would be governed by the stakeholders. Supervisor Anderson stated the current issue is looking at employing one more full-time dispatcher to help support our community. Board Member Krausz pointed out that HB 50 the "911 Bill" at the Montana legislature is an attempt to skim funding off of 911 funds, he encouraged all to contact their representative to voice their disapproval of this measure. The next 911 board meeting in March 17th. The Public Safety Committee will be returning to this issue for a solution.

5. Report from Building Inspector regarding the Miles City Fire and Rescue Building.

Inspector Murphy is in the process of conducting an inspection of the Miles City Fire and Rescue Building. He reported to the committee some of his current findings:

- Truss system is compromised and cannot be saved
- Air filtration units - efficiency problem
- Living quarters are not framed correctly according to today's standards

- Issues with the backup generator
- Temporary living quarters - wastewater pipes not installed at the proper grade
- Mold issues
- If the roof were repaired the entire building would have to be brought up to code

He will be competing his inspection in the next week. The Public Safety Committee will be returning to this issue.

6. Woolhouse Gallery Updates on Acquisition and Demo.

Architect Jansen updated the committee on the progress of the Woolhouse building. An RFQ will need to go out for a contractor, this RFQ must be published 2x's, the earliest this could be back is March 26. The fire sprinkler system will only have to cover the basement, the upper level meets exit requirements. A flood survey is in the works. To meet floodplain requirements, two windows in the basement would need to be filled. The hazmat study is back and results were negative. A new HVAC system will be installed. Montana Code Annotated provides for general manager construction management (GM/GC) for public construction contracts. This would provide for a quicker turnaround time for the remodeling project. A committee would need to be formed as the review team.

***Committee Member Lott moved to recommend to city council the GM/GC process and the Public Safety Committee, the Mayor, the Police Chief and Captain Baker as the review team, seconded by Committee Member Gardner and passed unanimously 3-0.*

***At this point in the meeting there was no longer a quorum of committee members. ***

7. Discussion of Ambulance staffing and transfers relative to Holy Rosary.

There was brief discussion regarding ambulance transfers. Transfers fiscally help the ambulance service recoup costs. During the past year, 1/2 of all transfers were turned down. Staffing has been an issue, there have been open positions, surgery, COVID, and the sheer volume of calls. This has created overtime for the department and staff are being taxed mentally and physically. This issue will be revisited.

8. Discussion of costs for Animal Impound Services.

Time ran out, this issue will be moved to a future Public Safety agenda

9. Adjournment

***Committee Member Gardner moved to adjourn the meeting, seconded by Committee Member Patten and passed unanimously, 2-0.*

The meeting was adjourned at 8:30 p.m.

Chairperson Elizabeth Patten

Recorder Linda Wilkins

New Business

ORDINANCE NO. 1344

AN ORDINANCE AMENDING SECTION 12-75 OF THE CITY OF MILES CITY FLOOD CODE WITH RESPECT TO PENALTIES FOR VIOLATIONS.

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

Section 1. Sections 12-75 is hereby amended as follows:

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 76-5-401 through 76-5-404 shall be guilty of a misdemeanor and shall upon conviction thereof be fined not more than \$100 or be imprisoned in the county jail for not more than 10 days or be both so fined and imprisoned. Each day's continuance of a violation shall be deemed a separate and distinct offense. (MCA 76-5-110)

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

Said Ordinance read and put on its passage this 23rd day of February, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 9th day of March, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4392

**A RESOLUTION REQUESTING DISTRIBUTION OF
BRIDGE AND ROAD SAFETY AND ACCOUNTABILITY PROGRAM FUNDS**

WHEREAS, the Bridge and Road Safety and Accountability Account created by HB 473 requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets that the city, town, county, or consolidated city-county government has the responsibility to maintain; and,

WHEREAS, a city, town, county, or consolidated city-county government that requests funds under the Bridge and Road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and,

WHEREAS, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1 and November 1 of the year the funds were allocated; and,

WHEREAS, a description of the projects to be funded are detailed in Appendix A and,

WHEREAS, the local match for the allocated funds are identified as Special Improvement District 204 detailed in Appendix B.

THEREFORE, NOW BE IT RESOLVED THAT:

1. City of Miles City requests distribution of its share of the allocated Bridge and Road Safety and Accountability funds to be used for the projects identified in Appendix A.
2. That the City Clerk of the City of Miles City is hereby empowered and authorized to execute such further documents as may be necessary to facilitate the distribution of said funds.

Adopted this 23rd day of February, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

Appendix A

The City of Miles City is in the process of completing Phase #3 of the Darling Addition Project. This project involves the reconstruction of city streets, intersections, water mains, sanitary sewers, and storm drain utilities. There will be new ADA curb corners installed, new sidewalks, curbing replaced, new fire hydrants, signage and crosswalk stripping and new trees planted. This project is located in the Darling Addition of Miles City in approximately 30 block area from Main St. and Stower St. and from S. Merriam St. and S. Custer St. This project will be broken down into 5 phases to allow the Public Works and Utilities to budget and complete this project without burdening the tax payers and spreading out the cost over these 5 phases. The project is addressing a failing storm sewer system so the system will adequately drain, improve sewer lines and upgrade the water lines. This will allow for better capable flow and have enough pressure from the hydrants to protect the property's in this area. After the completion of Phase #3, the city will shift gears towards saving for the N. 7th St. Project in 2023. The city will be continuing to engineer and design Phase #4 & #5, so we will continue after the 7th St. Project is completed.

The City of Miles City is in the early stages of design and engineering for the N. 7th St. Project. This project will be in conjunction with MDOT. The City of Miles City will start and finish our portion of the project in 2023 and MDOT will follow with their reconstruction project in 2024. The city will be replacing all of the water, sewer, and storm sewer trunk lines, lateral lines, valves and manholes in the intersections from ROW to ROW. This will start on Main St. and continue north on N. 7th St. to Wells St. just south of the 7th St. bridge. The City of Miles City will also be replacing approximately 300 ft. of storm sewer in 7th St., 12 blocks of water lines, 1.5 blocks of sewer and 3 storm sewer culverts.

Appendix B

02/16/21
11:13:48

CITY OF MILES CITY
Expenditure Budget vs. Actual Query
For the Accounting Period: 1 / 21

Page: 1 of 1
Report ID: B170

2510 STR MAINT DIST #204
107 Paved St. Maint. Dist.#204

Account	Object	Committed Current Month	Committed YTD	Original Appropriation	Current Appropriation	Available Appropriation	% (58) Comm.
430000 Public Works-GASB68							
430234 CURB AND GUTTER							
	350 Professional Services	0.00	15,040.54	40,000.00	40,000.00	24,959.46	38 %
	Account Total:	0.00	15,040.54	40,000.00	40,000.00	24,959.46	38 %
430235 Storm Drain & Culvert Maintenance							
	220 Operating Expenses	0.00	972.38	35,000.00	35,000.00	34,027.62	3 %
	230 Repair and Maintenance Supplies	0.00	15,035.30	0.00	0.00	-15,035.30	*** %
	350 Professional Services	0.00	9,272.97	25,000.00	25,000.00	15,727.03	37 %
	Account Total:	0.00	25,280.65	60,000.00	60,000.00	34,719.35	42 %
430236 Darling Addition Project							
	220 Operating Expenses	0.00	490,010.03	500,000.00	500,000.00	9,989.97	98 %
	230 Repair and Maintenance Supplies	0.00	895,100.98	600,000.00	600,000.00	-295,100.98	149 %
	350 Professional Services	63.50	85,494.85	200,000.00	200,000.00	114,505.15	43 %
	Account Total:	63.50	1,470,605.86	1,300,000.00	1,300,000.00	-170,605.86	113 %
	Account Group Total:	63.50	1,510,927.05	1,400,000.00	1,400,000.00	-110,927.05	108 %
520000 OTHER FINANCING USES							
521000 Interfund Operating Transfers Out							
	820 Transfers to Other Funds	5,807.42	140,651.94	235,297.00	235,297.00	94,645.06	60 %
	Account Total:	5,807.42	140,651.94	235,297.00	235,297.00	94,645.06	60 %
	Account Group Total:	5,807.42	140,651.94	235,297.00	235,297.00	94,645.06	60 %
	Organization Total:	5,870.92	1,651,578.99	1,635,297.00	1,635,297.00	-16,281.99	101 %
	Fund Total:	5,870.92	1,651,578.99	1,635,297.00	1,635,297.00	-16,281.99	101 %
	Grand Total:	5,870.92	1,651,578.99	1,635,297.00	1,635,297.00	-16,281.99	101 %

RESOLUTION NO. 4393

A RESOLUTION ADOPTING A REVISED PROGRAM FOR PUBLIC INFORMATION PERTAINING TO THE MILES CITY FLOODPLAIN AND FLOODWAY.

WHEREAS, a substantial portion of the City of Miles City, Montana is located within the flood plain and flood way;

AND WHEREAS, a discount is applied to the flood insurance premium amounts which are paid by property owners with the City of Miles City based on the City's "Community Rating System" (CRS) score;

AND WHEREAS, the City of Miles City previously adopted a Program for Public Information (PPI) with Resolutions No. 3618 and 3635, which is in compliance with FEMA requirements can be used to improve the City's CRS score, and the City desires to update said PPI;

AND WHEREAS, the PPI Committee has prepared a revised PPI document for the consideration of the City Council, and the City Council finds the adoption of the revised PPI document and the implementation of the program to be in the best interests of the City of Miles City, Montana;

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

1. The revised City of Miles City Program for Public Information, attached hereto as Exhibit "A" and by this reference incorporated herein, is hereby approved and adopted, and the PPI Committee is hereby empowered to implement said program and to undertake the activities called for therein.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 23RD DAY OF FEBRUARY, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

City of Miles City, Montana

Program for Public Information (PPI)

Background

The City of Miles City has been developing educational and outreach projects with input and support from local volunteers and city staff, by the use of creative and innovative ideas and tools. With the floodplain situation that currently plagues the city an official outreach program was created to educate, prepare, and aid residents on flood and storm water protection.

The City of Miles City became part of the Community Rating System (CRS) on October 1, 1991 and has worked on educating the citizens of Miles City concerning flood and storm water protection. With the new Digital Flood Insurance Rate Maps (DFIRMs) that took effect in August of 2010, approximately 79% of the town was placed in the floodplain. This caused the City to look into a more innovative way to notify and empower the citizens with knowledge on floodplain management and insurance practices. The CRS proposed a new planning tool, the Program for Public Information (PPI), which will prove to be a vast benefit to the City.

The CRS is a part of the National Flood Insurance Program (NFIP). It provides reductions to flood insurance premiums in participating communities. The reductions are based on community floodplain management programs, outreach projects, and public information. To keep these flood insurance premium reductions, communities must continue to implement their programs and provide status reports to the NFIP each year.

When the PPI was formed Miles City was at a CRS Class 9, which gave residents and business up to a 5% discount on their premiums. Through multiple activities and hard work by the PPI Committee and Floodplain Administrator the City is currently at a Class 8, which now gives residents and business within Miles City a 10% discount. The City chose to develop a PPI to help achieve a lower-class rating and higher discounts to flood insurance premiums through coordinated outreach efforts by city personal, elected officials, and stakeholders within the community. The PPI was adopted by Council September 10, 2013 by Resolution 3635.

PPI Committee

The City had been visiting with stakeholder organizations to spread awareness about this educational program. This is a group created of busy professionals and leaders of the community; the time chosen to meet was noon in the City Hall conference room.

At a minimum there must be at least five stakeholders on the committee with an addition, of at least one councilperson, one insurance agent, one real estate agent, one lender, and a Certified Floodplain Manager (CFM). Stakeholders must make up the majority of the committee with at least 50% of the members being non-city employees or stakeholders from within the community.

Members will be recommended by committee members as soon as reasonable when a vacancy is created by a resignation. Applicants will be approved by all members of the PPI Committee.

Members shall be allowed to stay on the Committee until they choose to resign, the Committee may unanimously choose to remove a member due to conduct not pursuant to the Program for Public Information, or the Committee requests replacement of any member engaging in misconduct as defined in Appendix E (MCA 2-2-105).

The PPI committee members include multiple stakeholders, one CFM from the City, the City Public Works Director, one City Councilperson, and one County Commissioner:

- Dannette Cremer - WA Mitchell Agency (Insurance)
- Katy Cain – Miles City Insurance (Insurance)
- Matt Korell – Farm Bureau Financial Services (Insurance)
- Marcy Parks – Stockman Insurance (Insurance)
- Krista Stubblefield - First Interstate Bank (Lender)
- Marni Pauley – Stockman Bank (Lender)
- Carol Hardesty-Hardesty Real Estate (Realtor)
- Dawn Leidholt – Hardesty Real Estate (Realtor)
- Echo Venn – Dave Smith Realty (Realtor)
- Robbin Makelky – Integrity Realty (Realtor)
- John Laney – Chamber of Commerce
- Ken Gardner – City Councilperson
- Jason Strouf – County Commissioner
- Scott Gray – Public Works
- Samantha Malenovsky – CFM, Floodplain Administrator

The first Committee meeting in was held in 2013 and lasted about one hour, during the meeting the members discussed what we plan to accomplish with the PPI and what avenues need to be addressed within the community. The members had some great suggestions regarding the fate of Miles City with insurance and the assessment study being the main focus. Overall the committee agreed that this is a community wide problem, not a floodplain/no floodplain problem. This has been discussed at every first of the year committee since the PPI was formed.

Since the first meeting, the committee agreed an aggressive campaign needs to happen and the following should be followed:

- Activities should be organized and recorded. Including meetings and all correspondence.
 - The Floodplain Administrator will secure all minutes and correspondence.

- Have stakeholders receive messages they receive from the public and take comments and advice from stakeholders on ways to improve the program. An annual meeting will be held to get input from members and non-members, and produce an end of the year report.
- Start to work with outside organizations on projects, to better improve the way information is handled and reported to the public.
- Any outreach projects done by committee members are productive and should be considered projects and be recorded.
- Use committee members, they reach the public on a daily basis. The more the members are informed and educated on flood issues the better the public will receive new information on flood issues.

This PPI document is being assembled by staff and the committee members are asked to review the plan and to e-mail their comments. After any discussion, revisions or changes the document will be submitted to the City Council for adoption.

Community Needs Assessment

Miles City is located in Eastern Montana, and is primarily made up of residential structures with the majority of businesses being located along the two main highways that run through downtown.

Miles City has 8,410 residents since the 2010 census report. Most structures are located on basements or crawlspaces, which makes them vulnerable to flood damage from ground water, shallow flooding and drainage problems.

Flood Hazards: Miles City is situated with the Tongue River on the West end then running into the Yellowstone River, which runs to the north. Miles City is a fairly flat area, storm drains become inundated with heavy rainfall causing streets to flood for a small amount of time.

Since Miles City is a community that is mainly floodplain, the committee decided to include the entire community in floodplain issues. A major flood could cause serious devastation to the City and residents.

Flood Insurance Data: Flood insurance is required as a condition of Federal aid, a mortgage, or loan that is federally insured for a building, located in a high hazard A Zone. There are currently 216 policies in the Special Flood Hazard Area (SFHA), 633 Standard/Preferred B, C & X Zone policies, totaling 849 Flood insurance policies in place as of January 2, 2021. Miles City has the most flood insurance policies in the State of Montana.

The DFIRMs that took effect in 2010 only outlines AE Zones, the above policies are based off of either A Zones, which were always A Zones, or Newly Mapped properties which were originally in Zone B or X and remapped in 2010 to become Zone AE. Currently Miles City only has Zone AE or Zone X.

A flood insurance general assessment will be done on Miles City, with the summary attached, Appendix B. This summary will be updated yearly with information provided to council for review. This information will also be available for public review when requested.

Social and Economic Needs: The City of Miles City has a variety of religions, education levels, and age ranges. Approximately 48% of the population is considered lower income. As of January 2021, Miles City has approximately 77.42% of its properties in the floodplain (including LOMR's) with 6.73% of those properties in the floodway.

The Committee is making sure to cover all these barriers and make sure that the right message, tools, and resources will be communicated to each target audience. The committee has noticed that messages will need to be repeated and distributed in different forms, coming from different sources.

Target Audiences (Refer to Appendix A for target audiences, messages, and desired outcomes)

Target Areas: The PPI Committee decided on two target areas that should be reached. Projects are to be directed to all properties (residential, commercial, industrial, and public) in these two main areas:

Target Audience #1: The entire City of Miles City: With approx. 78% of the town being in the floodplain, we have realized that this is a problem the whole community faces. Even if you live outside of the floodplain, the businesses would be closed and work would slow down to a halt since so many structures would be affected or surrounded by the floodwaters.

Target Audience #2: Structures that were in Zone B on the 1983 map and are now Zone AE in the 2010 map: In 1983 approx. 30% of the town was in an A Zone, after adopting the 2010 DFIRMs an extra 50% of the town was included. At the time, Miles City had no floodway and Zone B was not regulated by the City.

Other Target Audiences: Other groups were identified by the committee as groups of people who needed special messages on flood protection (these groups may change throughout the course of the PPI Committee and extra groups may be added):

Target Audience #3: Floodway residents: These residents are extremely restricted with the regulations and have the highest chances of dealing with high velocity, deep flood waters.

Target Audience #4: Builders: Building contractors need to know the construction rules, post-disaster repair rules, and possible mitigation grants that could help their customers protect their homes from flooding.

Target Audience #5: Real estate, lending and insurance companies: These companies are key to conveying information about flood hazards and flood insurance. The Committee wants to make sure that they understand and have all the tools they need.

Other Public Information Efforts

Miles City has recently been looking at additional public outreach programs to use to help get information out in regards to floodplain management. Currently a few key public information activities that are reaching the public for information:

- Flood Awareness, gives information that covers insurance, regulations, and general questions. Once a year
- Articles in newspaper informing citizens who to contact in regards to a floodplain permit. Once a year
- Hold meetings with local Civic groups. As needed.
- Various press releases regarding numerous floodplain topics. As Needed
- Website covering several floodplain topics. Updated as needed.
Website will contain the local ordinance, links to FloodSmart, USACE, AMFM, DNRC, and FEMA
- Radio announcement covering various floodplain topics.
- Letter to real estate, lenders and insurance agents that notifies them that the city provides a map determination service. Once a year
- Letter to critical facilities, as referred to in the Multi-Hazard Mitigation Plan, which are located within the floodplain. Once a year
- Real Estate agents should notify property buyers about floodplain determination and flood hazards. The majority of Real Estate agents will give property buyers a copy of Flood Hazards and how it may affect their purchase. These must be signed by property owners to show they have read and understand the hazard. (Appendix C)
- When a floodplain application is approved, the property owner will read and sign the Insurance Implications sheet which explains the flood insurance implication that maybe faced if regulations are not followed. (Appendix D)
- The Floodplain Administrator will provide flood protection advice and assistance to applicants and citizens on a one-on-one basis. This service will be publicized yearly at the annual flood awareness day. Conduct site visits for all floodplain applications submitted and work with the property owner to ensure that the correct regulations are being followed.
- The Floodplain Administer will do monthly visits to all active floodplain projects to confirm that construction is happening correctly and will note any inconsistency that are

notice and notify the property owner as soon as possible. The property owner may also request a site visit at any time.

Messages and Outcomes

The following Messages and Outcomes are set as priorities.

Table 1: Messages and Desired Outcomes		
Message	Outcome	Related CRS topics
1. Know your flood risk	More map inquiries	1. Know your flood hazard
2. You need flood Insurance	Increase in number of flood policies	2. Insure your property for your flood hazard
3. All construction projects must meet flood and water quality rules.	Reduce number of citations.	3. Build flood smart.
4. Know flood building requirements.	Reduce number of citations.	4. Educate contractors
5. Everyone can buy flood insurance	Increase number of flood policies in Zone X	5. Flood insurance available to everyone
6. Turn around, don't drown	Fewer people getting stuck at underpass, Educate on flood water and effects.	6. Protecting people from flooding.
7. Only rain goes down the drain	Educate people on water quality	7. Protect water quality
8. You can protect your house from flooding	Increased number of inquiries on mitigation actions.	8. Incorporate low cost flooding protection measures and mitigation.
9. Avoid contact with rivers after it rains or during ice season.	Educate people on ice jams and high water.	9. Educate public on water safety.
10. 'Talking Point' document for insurance agents, real estate agents, and lender.	Smoother transition of information between agencies	10.

Projects and Initiatives

Certain projects and initiatives were chosen by the PPI Committee to be implemented. These projects and initiatives will be reviewed yearly and can change as situations, and objectives of the committee change. The spreadsheet is located at the end of this document.

Flood Response Preparations

The PPI Committee recommends projects that will be implemented during and after a flood. Documentation will be drafted and made ready for reproduction and disseminations after a flood warning is issued. These will be reviewed and updated every year.

Follow Up

The City of Miles City will monitor the projects as they develop, along with organizations that have volunteered to help, and will report on the results. The City will record all input from the PPI Committee and suggestions from other employees, elected officials, stakeholders participating in the activities, and concerned citizens. This will be available to all committee members at every meeting for consideration.

The PPI committee will meet at a minimum of every six months to review each objective and the desired outcomes. The committee will recommend to the appropriate City offices and the stakeholders who implement projects, whether the projects should be changed or discontinued.

There must be an end of the year meeting that will review current objects and how they are working within the community. Once a year the PPI committee will review the spreadsheet and make comments. The committee will decide whether to change, add, or approve each individual activity. All outcomes and revisions will be submitted as part of the City's annual recertification package to the CRS.

After the annual report is completed by the PPI Committee the report and any other changes will be submitted to Council by way of email and/or place in their city hall box. The Floodplain Administrator shall annually update the Council concerning the PPI including the annual report and the general flood insurance assessment document.

Adoption

This document will become effective when it is adopted by the City Council, if it is revised it will need to go before City Council for amendment.

APPENDIX A

Target Audience	Message(s) (See table 1)	Outcome	Project(s)	Assignment	Schedule	Stakeholder		
Entire City of Miles City	1. Know your flood risk. 6. Turn around, don't drown	More map inquiries, Educate on flood water and effects.	Mailing sent to each resident	Floodplain Administrator (FPA)	Yearly			
			Social media outlets	Realtors, lenders, insurance agents (Agents)	Quarterly			
			<i>Miles City Star</i> articles	FPA	Yearly			
	2. You need flood insurance 5. Everyone can buy flood insurance.	Increase number of flood policies. Increase number of flood policies in Zone X.	Local Real Estate Agents post on all listing if property is located within the floodway/flood fringe	Realtors	Year-round as part of a regular service	Year-round as part of a regular service	Eastern Montana Realtors Board (EMRB)	
			Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.	Agents	Agents	Year-round as part of a regular service	EMRB, local banks, insurance agents	
			Social media outlets	Agents	Agents	Quarterly		
			FEMA brochures on flood insurance	Agents	Agents	Year-round as part of a regular service		
			Local insurance agents, lenders, realtors advise their clients of the effects of flood insurance	Agents	Agents	Year-round as part of a regular service		
			Hand out on message to local civic groups and meetings, Miles City website		FPA	FPA	Yearly	
			Social media outlets		Agents	Agents	Quarterly	
3. All construction projects must meet flood and waste quality rules. 4. Know flood building regulations 7. Only rain goes down the drain	Reduce number of citations Protect water quality	Permit handout		FPA	Year-round			
		<i>Miles City Star</i> articles		Public Works Department	Yearly			
			Storm sewer engraving	Public Works Department	Per project			

Entire City of Miles City	8. You can protect your house from flooding	Increased number of inquiries on mitigation actions	Presentation at annual outreach on protecting waterways	FPA	Yearly
				FPA	Year-round
	9. Avoid contact with rivers during ice events or high water	Educate people on ice jams and high water and effects.	Social media outlets	Agents	Quarterly
				Webmaster	Year-round
				FPA	Yearly
				Dispatch	During events.
				FPA	Yearly
				FPA	Yearly
				FPA	Yearly
				FPA	Yearly

Target Audience	Message(s) (See table 1)	Outcome	Project(s)	Assignment	Schedule	Stakeholder
Structures that were in Zone B now Zone AE	1. Know your flood risk	More map inquiries	Mailing sent to each resident	FPA	Yearly	
	2. You need flood insurance 5. Everyone can buy flood insurance.	Increase in number of flood policies Increase policies in Zone X.	Miles City Star articles Local Real Estate Agents post on all listing if property is located within the floodway Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards. FEMA brochures on flood insurance Local insurance agents, lenders, realtors advise their clients of the effects of flood insurance	FPA Realtors Agents Agents	Yearly Year-round Year-round	Eastern Montana Realtors Board EMRB, local banks and insurance agents
	4. Know flood building requirements	Reduce number of citations	Hand out on message, Miles City website Permit handout	FPA, Webmaster FPA	Year-round Year-round	

Target Audience	Message(s) (See table 1)	Outcome	Project(s)	Assignment	Schedule	Stakeholder	
Floodway Residents	1. Know your flood risk. 6. Turn around, don't drown	More number of flood policies, Increase number of flood policies in Zone X.	Mailing sent to each resident	FPA	Year-round		
			Miles City Star articles	FPA	Year-round		
	2. You need flood insurance 5. Everyone can buy flood insurance.	Increase in number of flood policies Increase policies in Zone X.	Local Real Estate Agents post on all listing if property is located within the floodway	Realtors	Year-round		Eastern Montana Realtors Board
			Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.	Agents	Year-round		
			FEMA brochures on flood insurance	Agents	Year-round		EMRB, local banks and insurance agents
			Local insurance agents, lenders, realtors advise their clients of the effects of flood insurance	Agents	Year-round		
	3. All construction projects must meet flood and waste quality rules. 4. Know flood building requirements	Reduce number of citations	Hand out on message to local civic groups, Miles City website	Floodplain manager & public info officer	Year-round		
			Permit handout	Floodplain manager & public info officer	Year-round		
	8. You can protect your house from flooding	Increase number of inquiries on mitigation actions	Guidebook	Floodplain manager & public info officer	Year-round		
			Link to Floodsmart.org on website	Webmaster	Year-round		

Target Audience	Message(s) (See table 1)	Outcome	Project(s)	Assignment	Schedule	Stakeholder
Building Contractors	3. All construction projects must meet flood and waste quality rules. 4. Know flood building requirements	Reduce number of citations	Hand out on message, Miles City website	Floodplain manager & public info officer	Year-round as part of a regular service	
			Permit handout	Floodplain manager & public info officer		

Target Audience	Message(s) (See table 1)	Outcome	Project(s)	Assignment	Schedule	Stakeholder	
Real Estate, Lending, and Insurance Companies	2. You need flood insurance	Increase in number of flood policies	Local Real Estate Agents post on all listing if property is located within the floodway	Realtors	Year-round	Eastern Montana Realtors Board	
			Brochures available at Real Estate, Insurance, and Lenders offices for information regarding flood hazards.	Agents	Year-round	EMRB, local banks and insurance agents	
			Social media outlets	Agents	Quarterly		
			FEMA brochures on flood insurance	Agents	Year-round		
	5. Everyone can buy flood insurance.	Increase policies in Zone X.	Local insurance agents, lenders, realtors advise their clients of the effects of flood insurance	Agents	Year-round	EMRB, local banks and insurance agents	
			Document available for all Real estate agents, lender, and insurance agents	Agents	Reviewed yearly		
	10. 'Talking Point' document for insurance agents, real estate agents, and lenders	Smoother transition of information between agencies					

APPENDIX B

Total Properties in Miles City 4118

Properties in Flood Fringe *not floodway	2583
Properties in Floodway (excluding flood fringe)	
*excludes LOMR's	277
Properties out of floodplain	872
Total LOMR's	328
Whole properties	153
Structures	148
Portion of properties	22
LOMR-F-Structure	4
LOMR-F-Portion of property	1
Total Structures in SFHA including LOMA	3188
% Total Structures in Floodway	6.73%
Total Structures in SFHA including LOMA's (for regulation purposes)	77.42%

Old Floodplain 100-yr	1170
500-year	2216
% Total Structures in Old 100-yr	28.41%
% of Total Structures in Old 500-year	53.81%

Total Area in SFHA	1370	Acres
Total Area in Floodway	152.69	Acres
Total Area in Miles City	2144	Acres

% of total area in Floodway	7.12%
% of total area in SFHA	63.90%

Residential Homes in Flood Fringe	2001
Residential Homes in Floodway	196
Residential Homes out of SFHA	682

2-4 Family Homes in Flood Fringe	83
2-4 Family Homes in Floodway	0
2-4 Family Homes out of SFHA	23

Other Residential in Flood Fringe	65
Other Residential in Floodway	5
Other Residential out of SFHA	36

Mobile Home Park in Flood Fringe	91
Mobile Home Park in Floodway	0
Mobile Home Park out of SFHA	0

Non-Residential in Flood Fringe	225
Non-Residential in Floodway	9
Non-Residential out of SFHA	197

Accessory Structures in Flood Fringe	87
Accessory Structures in Floodway	16
Accessory Structures out of SFHA	27

Vacant Property	205
Vacant Property in Floodway	66
Vacant Property out of SFHA	106

% of Single Homes in SFHA	76.31%
% of 2-4 Family Homes in SFHA	78.3%
% of Other Residential in SFHA	66.04%
% Mobile Home Parks in SFHA	100.00%
% of Non-Residential in SFHA	54.29%
% of Accessory Structures in SFHA	79.23%

Occupancy	# of Bldgs. In SFHA	# of bldgs. in SFHA with coverage	% of Bldgs. Covered	Premium (\$)	Insurance in Force (\$)
Single Family	2197	803	36.55%	508,141	124,267,000
2-4 Family	83	25	30.12%	11,694	3,492,600
All other Residential	159	5	3.14%	4,003	766,500
Non-Residential	234	16	6.84%	26,677	2,527,400
Total	2673	849	37.16%	550,515	131,053,500

Zone		
A0-1-30 & AE		210
A0		6
B, C & X		
Standard		626
Preferred		7
Total		849

APPENDIX C

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(Put the name of the company on top)

Flood Hazard: Check Before You Buy

Most everyone knows that flooding occurs various ways such as: ice jams blocking river flow, large amounts of snow runoff, heavy rains that cause flash flooding, and drainage problems. It takes only one major flood event to cause a catastrophe. There are maps that show areas predicted to flood. To find out more about flood-prone area maps, check with the City of Miles City Engineering Office located at 17 S. 8th Street.

If you're looking at a property, it's a good idea to check out the possible flood hazard before you buy. Here's why:

- The force of moving water or waves can destroy a building.
- Slow-moving floodwaters can knock people off their feet or float a car.
- Even standing water can float a building, collapse basement walls, or buckle a concrete floor.
- Water-soaked contents, such as carpeting, clothing, upholstered furniture, and mattresses, may have to be thrown away after a flood.
- Some items, such as photographs and heirlooms, may never be restored to their original condition.
- Floodwaters are not clean: floods carry mud, farm chemicals, road oil, and other noxious substances that cause health hazards.
- Flooded buildings breed mold and other problems if they are not repaired quickly and properly.
- The impact of flood clean-up, making repairs and personal losses can cause great stress to you, your family, and your finances.

Floodplain Regulations: The City of Miles City regulates construction and development in the floodplain to ensure that buildings will be protected from flood damage. Filling and similar projects are prohibited in certain areas. Houses substantially damaged by fire, flood, or any other cause must be elevated to or above regulatory flood level when they are repaired. More information can be obtained from the City of Miles City Floodplain Administrator, Samantha Malenovsky at 234-3493.

Check for a Flood Hazard: Before you commit yourself to buying property, do the following:

- Ask the City of Miles City Floodplain Administrator Samantha Malenovsky (234-3493) if the property is in a floodplain; if it has ever been flooded; what the flood depth, velocity, and warning time are; if it is subject to any other hazards; and what building or zoning regulations are in effect.
- Ask the real estate agent if the property is in a floodplain, if it has ever been flooded, and if it is subject to any other hazards such as sewer backup or subsidence.

- Ask the seller and the neighbors if the property is in a floodplain, how long they have lived there, if the property has ever been flooded, and if it is subject to any other hazards.
- Check for any deed restriction that may be on the property. Homeowners are required to fill restrictions under certain circumstances.

Flood Protection: A building can be protected from most flood hazards, sometimes at a relatively low cost. New buildings and additions can be elevated above flood levels. Existing buildings can be protected from shallow floodwaters by regrading, berms, or floodwalls. There are other retrofitting techniques that can protect a building from surface or subsurface water.

Flood Insurance: Homeowners insurance usually does not include coverage for a flood. One of the best protection measures for a building (with a flood problem) is a flood insurance policy under the National Flood Insurance Program, which can be purchased through any licensed property insurance agent. If the building is located in a floodplain, flood insurance will be required by most federally backed mortgage lenders. Ask an insurance agent how much a flood insurance policy would cost.

Buyer's Printed Name

Buyer's Signature/Date

Buyer's Printed Name

Buyer's Signature/Date

Realtors Printed Name

Realtors Signature/Date

FLOOD INSURANCE DISCLOSURE AND ACKNOWLEDGEMENT

Property flooding can occur any time of the year from both surface water as well as groundwater (water rising up through the ground). Your hazard insurance policy usually will NOT cover property damage due to this type of flooding. If a property is determined to lie within a FEMA-designated 1% Flood Hazard Area and you're obtaining a loan, your lender will likely require you to purchase flood insurance in connection with your purchase of the property.

The National Flood Insurance Program (NFIP) provides for the availability of flood insurance but also establishes flood insurance policy premiums based on the risk of flooding in the area where properties are located. Due to recent amendments to federal law governing the NFIP those premiums are increasing, and in some cases will rise by a substantial amount over the premiums previously charged for flood insurance for the property. As a result, you should not rely on the premiums previously-paid for flood insurance on a property as an indication of the premiums that will apply after you complete your purchase.

While the risk of flooding can be higher in a FEMA-designated Flood Hazard Area, flooding can also occur on properties that are NOT located within these Flood Hazard Area. Whether or not a property lies within a FEMA-designated Flood Hazard Area, you are encouraged to contact one or more carries of flood insurance for a better understanding of flood insurance coverage, the premiums that are likely to be required to purchase such insurance and any available information about how those premiums may increase in the future.

For more information on flood insurance and the National Flood Insurance Program (NFIP) research:

www.floodsmart.gov

www.fema.gov/national-flood-insurance-program

www.realtor.org/topics/national-flood-insurance-program-nfip

Property Address:

Buyer's Printed Name

Buyer's Signature/Date

Buyer's Printed Name

Buyer's Signature/Date

APPENDIX D

INSURANCE IMPLICATIONS

Permit # _____

Name: _____

Address of Proposed Structure: _____

Legal Description: _____

The Federal Insurance Administration, by statute, must charge insurance rates commensurate with the risk to which a building is exposed. In some instances the additional cost of insuring these buildings, if they are not elevated or floodproofed in accordance with the NFIP requirements, would approach or even exceed the cost of meeting NFIP elevation or dry floodproofing requirements, and the structure would still be exposed to flood damages.

Some structures within the floodplain will require floodplain insurance, flood insurance will be required by most federally back mortgage lenders. Please talk with your insurance agent and/or lender to review any implications this may have.

It is the property owner's responsibility to ensure that the home is built compliant with all federal, state, and local requirements and will apply for flood insurance as needed.

In signing this statement, the issuance understands and agrees with the above terms.

Property Owner:

Please Sign Name

Date

APPENDIX E

2005 MCA Section 2-2-105 Ethical requirements for public officers and public employees.

- 1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.
- 2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.
- 3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to other, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.
- 4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall disclose the interest creating the conflict prior to participating in the official action.
- 5) A public officer or public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.