



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers
and on zoom.us*

*August 24, 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 | 08/10/2021 |
| B. Human Resources Committee Meeting | 07/07/2021 |

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

10. BID OPENINGS

11. BID AWARDS

12. PUBLIC HEARINGS

A. **ORDINANCE NO. 1350 – (Second Reading) AN ORDINANCE AMENDING SECTIONS 13-26 THROUGH 13-29 AND 13-46 THROUGH 13-49 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY PERTAINING TO LOCAL BOARD OF HEALTH AND COMMUNICABLE DISEASES.**

B. **PUBLIC HEARING ON FY 2021/2022 PRELIMINARY BUDGET
(OFFER OF AMENDMENTS TO FY 21/22 PRELIMINARY BUDGET)**

C. **PUBLIC HEARING ON FY 2021/2022 FINAL BUDGET**

13. UNFINISHED BUSINESS

A. **ORDINANCE NO. 1350 – (Second Reading) AN ORDINANCE AMENDING SECTIONS 13-26 THROUGH 13-29 AND 13-46 THROUGH 13-49 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY PERTAINING TO LOCAL BOARD OF HEALTH AND COMMUNICABLE DISEASES.**

14. CONSENT AGENDA

- A. RESOLUTION NO. 4427 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 165 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022
- B. RESOLUTION NO. 4428 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 167 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022
- C. RESOLUTION NO. 4429 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 171 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022
- D. RESOLUTION NO. 4430 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 172 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022
- E. RESOLUTION NO. 4431 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 195 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022
- F. RESOLUTION NO. 4432 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 202 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022
- G. RESOLUTION NO. 4433 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 173 TO DEFRAY THE COST OF LEASING, MAINTENANCE

AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022

- H. RESOLUTION NO. 4434 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 204 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 204 FOR THE FISCAL YEAR 2021-2022**
- I. RESOLUTION NO. 4435 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 205 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 205 FOR THE FISCAL YEAR 2021-2022**
- J. RESOLUTION NO. 4436 - A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 207 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 207 FOR THE FISCAL YEAR 2021-2022**

15. NEW BUSINESS

- A. OFFER OF AMENDMENTS TO FY 21/22 PRELIMINARY BUDGET**
- B. RESOLUTION NO. 4424 - A RESOLUTION APPROVING AND ADOPTING A FINAL BUDGET FOR THE CITY OF MILES CITY FOR FY 2021-2022; AUTHORIZING PROCEDURE FOR ADJUSTMENTS TO APPROPRIATIONS FOR CERTAIN FEE BASED BUDGETS; AUTHORIZING PROCEDURE FOR TRANSFERRING APPROPRIATIONS BETWEEN ITEMS WITHIN THE SAME FUND**
- C. RESOLUTION NO. 4425 - A RESOLUTION ELECTING TO OPERATE UNDER THE ALL-PURPOSE MILL LEVY AND FIXING THE TAX LEVY FOR THE GENERAL FUND, AMBULANCE FUND AND AIRPORT FUND TO BE LEVIED AND ASSESSED ON ALL THE TAXABLE PROPERTY IN THE CITY OF MILES CITY FOR FISCAL YEAR 2021-2022**
- D. RESOLUTION NO. 4426 - A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2021-2022 TO FUND GROUP HEALTH INSURANCE PREMIUM CONTRIBUTIONS BY THE CITY AND PROVIDING FOR HEARING THEREON**
- E. FLOODPLAIN VARIANCE REQUEST FOR 97 NEUHARDT**

16. 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 August 10, 2021
6:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, August 10, 2021, 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 Dwayne Andrews, Ken Gardner, Elizabeth Patten, Steven Palmeri, Kathy Wilcox and Stacy Broell. Council Members Brant Kassner and Rick Huber were not present.

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

PLEDGE OF ALLEGIANCE

Mayor Hollowell led the Council in the Pledge of Allegiance.

APPROVAL OF COUNCIL & COMMITTEE MINUTES

City Council Minutes: 7/27/2021

** *Councilperson Broell moved to approve the minutes of the Regular Council Meeting of July 27th, 2021, subject to any changes, and seconded by Councilperson Gardner. The motion passed by unanimous consent, 6-0.*

SCHEDULE MEETINGS

*The following meetings will be held in the City Hall Conference Room:
Human Resources Committee 8/12/2021 @ 4:15pm*

REQUEST OF CITIZENS & PUBLIC COMMENT

Shawna Juarez, 1417 N. Montana, Athletic Director at Miles Community College requested permission to hang banners on the fence at Bender Park during their season.

** *Councilperson Wilcox moved to approve the banners going up at Bender Park, seconded by Councilperson Broell and passed unanimously, 5-0.*

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Planner in Training Capps explained that she had come across a grant for the Wibaux Fountain that had a 1 to 1 match. It would not be available until March of 2023, but thought it would be a great idea to go forward with an application once all associated details are compiled. Interstate Engineering is currently working on a complete package.

Capps also stated that she found a “Good Jobs Challenge” EDA grant for the Fire Department which has up to twenty-five million dollars that are 100% funded. It opened July 22nd, 2021 and closes January 26th, 2022.

Director Gray stated that the Oasis is scheduled to shut down due to low river water. It could cause irreparable damage to the pump and it is not worth it.

CITY COUNCIL COMMENTS

Councilperson Wilcox inquired about the responsibility of maintenance to the plaque and surrounding shrubbery in Riverside Park. Director Speelmon explained that it is native grass and landscape and needs minimal maintenance.

Councilperson Palmeri asked about the status of the possible Parks District. Mayor Hollowell replied that the proposal is still in preparation.

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

- A. Human Resources Committee recommends approving the creation of a Fire Marshall Officer for the City of Miles City.

** *Councilperson Wilcox moved to refer to Human Resources Committee, seconded by Councilperson Patten and passed unanimously, 6-0.*

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

- A. **ORDINANCE NO. 1350 – (First Reading) AN ORDINANCE AMENDING SECTIONS 13-26 THROUGH 13-29 AND 13-46 THROUGH 13-49 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY PERTAINING TO LOCAL BOARD OF HEALTH AND COMMUNICABLE DISEASES.**

** *Councilperson Patten moved to approve the Ordinance, read by title only and seconded by Councilperson Gardner.*

Mayor Hollowell explained that it is updating the Code of Ordinances to reflect the current Health Board. He then referred it Public Safety to review.

** On roll call vote, the motion passed by unanimous consent, 6-0.*

B. RESOLUTION NO. 4422 - A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO AWARD DOWNTOWN FAÇADE IMPROVEMENT GRANTS TO THE MONTANA THEATRE

** *Councilperson Palmeri moved to approve the Resolution, read by title only and seconded by Councilperson Patten. On roll call vote, the motion passed by unanimous consent, 6-0. **Resolution No. 4422 passed.***

C. RESOLUTION NO. 4423 - A RESOLUTION APPROVING A GUARANTEED MAXIMUM PRICE AMENDMENT BETWEEN THE CITY OF MILES CITY AND HARDY CONSTRUCTION FOR RENOVATION OF THE CITY POLICE DEPARTMENT BUILDING.

** *Councilperson Gardner moved to approve the Resolution, read by title only and seconded by Councilperson Palmeri.*

** *Councilperson Wilcox moved to amend the main motion to read the 10th of August instead of the 6th of August on the date of Resolution, seconded by Councilperson Palmeri and passed unanimously, 6-0.*

Councilperson Patten went over some details of the packet including the cost breakdown (in bold) on attachment B and a list of savings due to adjustments. Patten gave Council the list of savings thus far.

** *On roll call vote, the main motion passed by unanimous consent, 6-0. **Resolution No. 4423 passed.***

D. APPROVAL OF JULY CLAIMS

** *Councilperson Broell moved to approve July Claims, seconded by Councilperson Palmeri and passed unanimously, 6-0.*

ADJOURNMENT

****** *Councilperson Palmeri moved to adjourn the meeting, seconded by Councilperson Patten and passed unanimously.*

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

John Hollowell, Mayor

Mary Rowe, City Clerk

Human Resources Committee

July 7, 2021

The **Human Resources Committee** met Wednesday, July 7, 2021 at 4:15 p.m. in the City Hall Conference Room. Present were Committee Members Kathy Wilcox, Rick Huber, and Dwayne Andrews. Excused was Stacy Broell. Also present were: Councilperson Steve Palmeri, MCFR Captain Jake Richards, Fire Chief Branden Stevens, City Planner-in-Training Ally Capps, and Human Resources Officer/Recorder Linda Wilkins.

Chairperson Wilcox called the meeting to order.

1. Request of Citizens

None

2. Committee Member Comments

None

3. Review, Revise, Recommend Position Description:

a. Building Inspector/Fire Marshal

***Committee Member Andrews moved to approve the Building Inspector/Marshal position description as revised City Council, seconded by Committee Member Huber. On roll call, the motion passed unanimously 3-0.*

4. Discuss City Planner Career Ladder

Chairperson Wilcox discussed developing the position descriptions around developing opportunities to progress from Planner-in-Training to a Planner III, and would at any point on this ladder would the position be able to operate independently from a professional planning service. Planner Capps commented that there will probably always be a need for outside resources when help is needed. The needs of the City should be determined as to what level of independence is required internally, and the educational requirements to progress to each level, and how to measure the educational requirements. This will be discussed at future Human Resources Committee meetings.

5. Next Meeting: Not Determined

6. Adjournment

***Committee Member Andrews moved to adjourn, seconded by Committee Member Huber. The motion passed unanimously 3-0.*

The meeting was adjourned at 5:37 p.m.

Respectfully submitted,

Chairperson Kathy Wilcox

Recorder Linda Wilkins

Public Hearing
&
Unfinished Business

ORDINANCE NO. 1350

AN ORDINANCE AMENDING SECTIONS 13-26 THROUGH 13-29 AND 13-46 THROUGH 13-49 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY PERTAINING TO LOCAL BOARD OF HEALTH AND COMMUNICABLE DISEASES.

WHEREAS, the City of Miles City and the County of Custer have formed a City-County Board of Health as authorized by 50-2-106 MCA, pursuant to an interlocal agreement adopted by Resolution 3817; and

WHEREAS, the Code of Ordinances of the City of Miles City require revision to provisions related to the City Board of Health;

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

Section 1. Sections 13-26 through 13-29 of the Code of Ordinances of the City of Miles City are revised to read as follows:

“Sec. 13-26. – Creation; membership.

There shall be a City-County Board of Health consisting of the following members: the City of Miles City, and the County of Custer. Said City-County Board of Health shall be operated pursuant to an interlocal agreement entered into between the two members, as authorized by 50-2-106 MCA. A copy of said interlocal agreement shall be maintained by the City Clerk. The City representatives of said City-County Board of Health shall serve without compensation.

Sec. 13-27 through 13-29: (Reserved)

Sec. 13-46. – Physician’s report.

Any physician who, as the result of an examination of any person within the City of Miles City, has reason to believe such person has a communicable disease shall immediately

report the case to the city-county health officer. The report shall be in the form and contain the information prescribed by the state department of health and environmental sciences.

Sec. 13-47 – Quarantines.

The city-county health officer and the city-county board of health shall both have the power to establish and maintain quarantines of persons or places infected with a communicable disease within the City of Miles City, provided such quarantine is in compliance with state laws and regulations.

Sec. 13-48 through Sec. 13-49: (Reserved)

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

Said Ordinance read and put on its passage this 10th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

Preliminary Budget on file at City Clerk's office
17 South 8th St Miles City, MT 59301

Final Budget on file at City Clerk's office
17 South 8th St Miles City, MT 59301

Consent Agenda

RESOLUTION NO. 4427

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 165 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022

WHEREAS, the City Council for the City of Miles City, Montana did, on the 25th of February, 1968, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 165; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2021-2022 is estimated by the City Council at the sum of \$171,000 and,

WHEREAS, the property in said Special Improvement Lighting District No. 165 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2021-2022 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 165.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 165, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 165 amounting to 0.005162 per square foot;

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

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 14th day of September, 2021, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

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

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

PASSED BY THE CITY COUNCIL THIS 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 24th day of August, 2021, and has ever since been on file in said office subject to public inspection.

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

WHEREAS, a hearing on objections was conducted by the City Council on September 14th, 2021, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2021-2022 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4427 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2021-2022 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 14th day of September, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4428

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 167 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022

WHEREAS, the City Council for the City of Miles City, Montana did, on the 25th of February, 1968, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 167; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2021-2022 is estimated by the City Council at the sum of \$25,000 and,

WHEREAS, the property in said Special Improvement Lighting District No. 167 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2021-2022 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 167.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 167, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 167 amounting to .007064 per square foot;

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

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 14th day of September, 2021, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

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

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

PASSED BY THE CITY COUNCIL THIS 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 24th day of August, 2021, and has ever since been on file in said office subject to public inspection.

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

WHEREAS, a hearing on objections was conducted by the City Council on September 14th, 2021, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2021-2022 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4428 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2021-2022 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 14th day of September, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4429

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 171 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022

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

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2021-2022 is estimated by the City Council at the sum of \$8,500 and,

WHEREAS, the property in said Special Improvement Lighting District No. 171 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2021-2022 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 171.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 171, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 171 amounting to 0.011335 per square foot;

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

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 14th day of September, 2021, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

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

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

PASSED BY THE CITY COUNCIL THIS 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 24th day of August, 2021, and has ever since been on file in said office subject to public inspection.

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

WHEREAS, a hearing on objections was conducted by the City Council on September 14th, 2021, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2021-2022 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4429 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2021-2022 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 14th day of September, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4430

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 172 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022

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

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2021-2022 is estimated by the City Council at the sum of \$33,500 and,

WHEREAS, the property in said Special Improvement Lighting District No. 172 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2021-2022 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 172.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 172, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 172 amounting to 0.042378 per square foot;

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

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 14th day of September, 2021, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

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

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

PASSED BY THE CITY COUNCIL THIS 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 24th day of August, 2021, and has ever since been on file in said office subject to public inspection.

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

WHEREAS, a hearing on objections was conducted by the City Council on September 14th, 2021, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2021-2022 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4430 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2021-2022 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 14th day of September, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4431

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 195 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022

WHEREAS, the City Council for the City of Miles City, Montana, did, on the 28th day of March, 1978, create a special improvement district in said City, known and designated as Special Improvement Lighting District No. 195; and,

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2021-2022 is estimated by the City Council at the sum of \$7,500 and,

WHEREAS, the property in said Special Improvement Lighting District No. 195 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2021-2022 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 195.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 195, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 195 amounting to 0.009643 per square foot;

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

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 14th day of September, 2021, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

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

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

PASSED BY THE CITY COUNCIL THIS 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 24th day of August, 2021, and has ever since been on file in said office subject to public inspection.

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

WHEREAS, a hearing on objections was conducted by the City Council on September 14th, 2021, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2021-2022 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4431 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2021-2022 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 14th day of September, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4432

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 202 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022

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

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2021-2022 is estimated by the City Council at the sum of \$7,500 and,

WHEREAS, the property in said Special Improvement Lighting District No. 202 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2021-2022 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 202.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 202, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 202 amounting to 0.006191 per square foot;

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

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 14th day of September, 2021, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

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

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

PASSED BY THE CITY COUNCIL THIS 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 24th day of August, 2021, and has ever since been on file in said office subject to public inspection.

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

WHEREAS, a hearing on objections was conducted by the City Council on September 14th, 2021, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2021-2022 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4432 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2021-2022 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 14th day of September, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4433

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL PROPERTY IN SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 173 TO DEFRAY THE COST OF LEASING, MAINTENANCE AND ELECTRICAL CURRENT IN SAID SPECIAL IMPROVEMENT LIGHTING DISTRICT AND AUTHORIZING AND DIRECTING PAYMENT THEREFORE, FOR THE FISCAL YEAR 2021-2022

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

WHEREAS, the whole cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for the fiscal year of 2021-2022 is estimated by the City Council at the sum of \$3,650 and,

WHEREAS, the property in said Special Improvement Lighting District No. 173 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2021-2022 for LEASING, MAINTENANCE AND ELECTRICAL CURRENT for each lot or parcel of land within Special Improvement Lighting District No. 173.

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

Section 1: To defray one hundred percent (100%) of the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT in Special Improvement Lighting District No. 173, there shall be levied and assessed a tax upon all property in Special Improvement Lighting District No. 173 amounting to 0.006629 per square foot;

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

Section 3: The City Council of Miles City, Montana, will be in session at the City Council Chambers on the 14th day of September, 2021, at 6:00 P.M., at which time and place the said Council will hear objections to the final adoption of this resolution.

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

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

PASSED BY THE CITY COUNCIL THIS 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 24th day of August, 2021, and has ever since been on file in said office subject to public inspection.

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

WHEREAS, a hearing on objections was conducted by the City Council on September 14th, 2021, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2021-2022 appears to the satisfaction of the City Council as suitable and proper and, therefore, the cost shall be assessed against the property in said District.

THEREFORE, BE IT RESOLVED that the Resolution 4433 is hereby adopted, that the special assessment therein provided is hereby levied and assessed accordingly, and that the said assessments are now due and payable and will appear on the fiscal year 2021-2022 Tax Statement. A copy of this resolution, as adopted, certified by the City Clerk, must be delivered to the City Treasurer within 2 days after its passage.

FINALLY PASSED AND ADOPTED by the City Council this 14th day of September, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4434

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 204 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 204 FOR THE FISCAL YEAR 2021-2022

WHEREAS, on the 15th day of May, 1984, the City Council of the City of Miles City, Montana, passed Ordinance No. 933 and Resolution No. 2284 creating Maintenance District No. 204 includes, but is not limited to, sprinkling, chip sealing, seal coating, overlaying, treating, pothole repair, general cleaning, sweeping, flushing, snow removal, leaf and debris removal and the operation, maintenance and repair of traffic signal systems, the repair of traffic and street signs, the placement and maintenance of pavement markings, curb and gutter repair, and minor sidewalk repair that includes cracking, chipping, sinking, and the replacement of not more than 6 feet of sidewalk in any 100-foot portion of sidewalk, and

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

WHEREAS, pursuant to 7-12-4425, MCA the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 204 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2021-2022 is \$1,913,812

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

Section 1: That to defray the costs of maintaining Maintenance District No. 204 for the fiscal year 2021-2022 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 204: 0.059723 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$418.06

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

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 204, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 14th day of September, 2021, at 6:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL this 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 14th day of September, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4435

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 205 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 205 FOR THE FISCAL YEAR 2021-2022

WHEREAS, on the 15th day of May, 1984, the City Council of the City of Miles City, Montana, passed Ordinance No. 933 and Resolution No. 2285 creating Maintenance District No. 205 includes, but is not limited to, sprinkling, chip sealing, seal coating, overlaying, treating, pothole repair, general cleaning, sweeping, flushing, snow removal, leaf and debris removal and the operation, maintenance and repair of traffic signal systems, the repair of traffic and street signs, the placement and maintenance of pavement markings, curb and gutter repair, and minor sidewalk repair that includes cracking, chipping, sinking, and the replacement of not more than 6 feet of sidewalk in any 100-foot portion of sidewalk, and

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

WHEREAS, pursuant to 7-12-4425, MCA the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 205 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2021-2022 is \$445,354.

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

Section 1: That to defray the costs of maintaining Maintenance District No. 205 for the fiscal year 2021-2022 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 205: 0.031552 per sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$220.87.

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

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 205, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 14th day of September, 2021, at 6:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL this 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 14th day of September, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4436

A RESOLUTION LEVYING AND ASSESSING A TAX UPON ALL OF THE PROPERTY WITHIN MAINTENANCE DISTRICT NO. 207 TO DEFRAY THE COST OF MAINTAINING THE IMPROVEMENTS IN THE SAID MAINTENANCE DISTRICT NO. 207 FOR THE FISCAL YEAR 2021-2022

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

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

WHEREAS, pursuant to 7-12-4425, MCA the City Council of the City of Miles City, Montana, is mandated to pass and finally adopt a resolution assessing all of the property within Maintenance District No. 207 in an amount equal to not less than seventy-five percent (75%) of the entire cost of the said work and the estimated cost of maintenance in said district for fiscal year 2021-2022 is \$6,935.

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

Section 1: That to defray the costs of maintaining Maintenance District No. 207 for the fiscal year 2021-2022 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 207: 0.010300 per sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$72.10.

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

Section 3: That the City Clerk of the City of Miles City, Montana, shall sign a notice stating that this resolution levying a special assessment to defray the cost of Maintenance District No. 207, is on file in his or her office and is subject to inspection and said notice shall be published at in the Miles City Star as provided in 7-1-4127 MCA. The notice shall also state that the City Council of the City of Miles City, Montana, shall on 14th day of September, 2021, at 6:00 PM in the City Council Chambers at City Hall, Miles City, Montana, hear objections to the final adoption of this resolution. This Notice shall contain a statement setting out the method of assessment being proposed for adoption. The final date of publication of such Notice shall be at least 5 days prior to the date of such hearing.

PASSED BY THE CITY COUNCIL this 24th day of August, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 14th day of September, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

New Business

RESOLUTION NO. 4424

A RESOLUTION APPROVING AND ADOPTING A FINAL BUDGET FOR THE CITY OF MILES CITY FOR FY 2021-2022; AUTHORIZING PROCEDURE FOR ADJUSTMENTS TO APPROPRIATIONS FOR CERTAIN FEE BASED BUDGETS; AUTHORIZING PROCEDURE FOR TRANSFERRING APPROPRIATIONS BETWEEN ITEMS WITHIN THE SAME FUND

WHEREAS, there was presented to the City Council of the City of Miles City, Montana a preliminary budget for the City of Miles City fiscal year 2021-2022;

AND WHEREAS, a public hearing was duly noticed and held on August 24, 2021, upon such preliminary budget as required by §7-6-4024 MCA;

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

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

1. The budget attached hereto as Exhibit "A" (hereinafter "the Final FY 2021-2022 Budget,") and by this reference made a part hereof, is hereby approved and adopted.
2. The appropriations set forth in the Final FY 2021-2022 Budget are hereby authorized.
3. The spending for each fund in the FY 2021-2022 Budget is limited at the level of detail set forth in Exhibit "A" to this resolution, except that:
 - a. Pursuant to the authority of §7-6-4031 MCA, the City Council is hereby authorized throughout the budget period, by appropriate resolution, to transfer appropriations in the Final FY 2021-2022 Budget between items within the same fund; and
 - b. Pursuant to the authority of §7-6-4012 MCA, adjustments to appropriations for the following fee-based budgets may be authorized by the City Council during FY 2021-2022:
 - i. Fund No. 2394 Building Inspection
 - ii. Fund No. 2270 Health Fund
 - iii. Fund No. 5510 Ambulance Fund

- iv. Fund No. 5610 Airport Fund
- v. Fund No. 6040 Public Works Garage Fund

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

- 4. This Resolution is effective July 1, 2021.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 24TH DAY OF AUGUST, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4425

A RESOLUTION ELECTING TO OPERATE UNDER THE ALL-PURPOSE MILL LEVY AND FIXING THE TAX LEVY FOR THE GENERAL FUND, AMBULANCE FUND AND AIRPORT FUND TO BE LEVIED AND ASSESSED ON ALL THE TAXABLE PROPERTY IN THE CITY OF MILES CITY FOR FISCAL YEAR 2021-2022

WHEREAS the City Council of The City of Miles City, Montana, on August 24, 2021, by Resolution No. 4424 approved and adopted a final budget for the City of Miles City for fiscal year 2021-2022;

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

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

AND WHEREAS, the City Council is required by law to fix the tax levy required for the City of Miles City for FY 2021-2022;

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

1. The City of Miles City elects to operate under the all-purpose mill levy authorized by §7-6-4451 for Fiscal Year 2021-2022.
2. There is hereby levied and assessed for the Fiscal Year 2021-2022 on all taxable property within the City of Miles City, Montana, a tax for 197.02 mills in the following respective amounts and for the following purposes:
 - A. For the general municipal and administrative purposes 194.52 mills, the money to be collected therefrom to be placed in a fund known as the "General Fund" and to be used for said purposes.
 - B. For the purpose of providing ambulance service by the City of Miles City, 1.00 mills, the money to be collected therefrom to be placed in a fund known as the "Ambulance Fund" and to be used for said purposes.
 - C. For the purposes of operation of the City-County Airport, 1.50 mills, the money to be collected therefrom to be placed in a fund known as the "Airport Fund" and to be used for said purposes.

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

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT ITS REGULAR MEETING, DULY NOTICED, THIS 24TH DAY OF AUGUST, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4426

A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2021-2022 TO FUND GROUP HEALTH INSURANCE PREMIUM CONTRIBUTIONS BY THE CITY AND PROVIDING FOR HEARING THEREON

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

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

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

AND WHEREAS, the City of Miles City desires to levy such property tax for Fiscal Year 2021-2022;

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

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

That a property tax levy of 29.61 mills be imposed, pursuant to §2-9-212 MCA, for the purposes of funding the premium for group health insurance for Fiscal Year 2021-2022.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 24TH DAY OF AUGUST, 2021.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

City of Miles City
STAFF REPORT-Variance
Jared Kohl-97 Neuhardt
Hearing date before council: August 24, 2021

VARIANCE DESCRIPTION:

Applicant is seeking relief from Article 6, Section 12-52 Residential building, exception or additional requirements:

(1) Elevation of the lowest floor. The lowest floor of the building including an attached garage or basement must be two feet or more above the base flood elevation; (ARM 36.15.701 (3)).

BACKGROUND:

A. Owner/Applicant:

Current: Jared Kohl
41 Neuhardt
Miles City, MT 59301

B. Location:

The property is located at 97 Neuhardt, Miles City, Montana and is legally described as in the Milestown Estates, Block 4, Lot 3.

C. Existing Land Use:

The current property is being used as residential and is zoned as Residential B on approximately 0.278 acres.

D. Adjacent Land Uses:

Properties in the neighborhood are all single-family homes and surround by Residential B.

REVIEW AND FINDINGS OF FACT

Applicant is requesting the right to construct a new residence with attached garage. Proposed residence is approximately 600 feet from the current Tongue River levee and located within the Flood fringe, Zone AE

Base Flood Elevation (BFE):	2365.4 feet
Lowest Elevation of surrounding area	approx. 2359.2 feet
Lowest Floor of the proposed structure	2365.4 feet on attached garage 2367.4 for residence and mechanical

CONFORMANCE TO REQUIREMENTS

1. The hardship is the result of lot size shape, topography or other circumstance over which the applicant has no control.

Lot size is approx. 0.278 acres which gives adequate room for the construction of the building which is the subject of this application. Topography is not an issue for the applicant. The primary issue is that the slope of the driveway will exceed what is allowable under building regulations. Allowing to build to BFE will allow the driveway slope to be compliant with Code of Federal Regulations (CFR) and all building regulations.

2. The hardship is peculiar to the property.

There are multiple properties within this neighborhood that have been allowed a variance for the attached garage due to the slope of the driveway being non-compliant with building regulations.

3. The applicant did not create the hardship.

The applicant did not create the hardship. Milestown Estates was developed before the 2010 DFIRM maps took effect.

4. The hardship is not economic.

This is not an economic hardship. The building code will be in violation with the slope of the driveway extending beyond what is allowed. By placing the garage at BFE instead of BFE+2' the slope of the driveway will meet the maximum allowed within the building code regulations.

5. Granting the variance will not adversely affect the neighboring properties or the public.

No, it will not adversely affect the neighboring properties. Most of them have received a variance for this same issue.

6. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

No, it will not show special privilege since other homes built in this area have been allowed the same variance due to the potential building code violation.

REVIEW CRITERIA

1. There is a good and sufficient cause. Financial hardship is not a good and sufficient cause.

Yes, to stay compliant with building code regulations on the driveway and still be within CFR's on the garage. The residence and mechanical will all be compliant with local regulations.

2. Failure to grant the variance would result in exceptional hardship to the applicant.

The nature of the hardship in this instance is that the applicant would have to break building code or receive a variance from it. Allowing the slope be to great could cause extreme safety issues for property owner and safety personnel.

3. Residential and nonresidential buildings are not in the Floodway except for alterations or substantial improvement to existing building. Residential dwellings including basement and attached garages do not have the lowest floor elevation below the Base Flood Elevation.

Property is located completely within the flood fringe.

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.

The building will meet all requirements within this section.

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.

By granting this variance the property owner will be following what has already been set in place with previous variances. There will be no additional threat 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.

6. The proposed use is adequately flood proofed.

Applicant states that all laws expect for the one requested will be followed as per local Ordinance.

7. The variance is the minimum necessary, considering the flood hazard, to afford relief.

Variance is the minimum necessary to afford relief and still be compliant.

8. Reasonable alternative locations are not available.

There is limited area within the City to construct a residence. This is one of the few areas left that has land where construction of a residence is possible.

9. An encroachment does not cause an increase to the Base Flood Elevation that is beyond that allowed in these regulations.

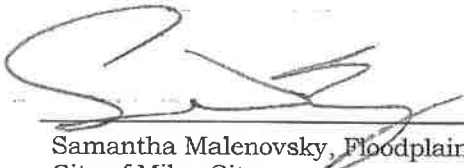
Applicant will follow all regulations. Even if not granted there will be no change on how the building will affect the BFE.

10. All other criteria for a Floodplain permit besides the specific development standard requested by variance are met.

Yes, all other criteria will be meet within the Floodplain permit and local Ordinance.

STAFF RECOMMENDATION:

Approve the variance based on the fact that evaluation of the variance application will meet all the variance criteria as per Section 12-59. Applicant will still need to ensure that crawlspace floor is at BFE and openings will be needed within the crawlspace and attached garage as per regulations. Applicant will also need to ensure that all mechanical will be located at BFE+2'.



Samantha Malenovsky, Floodplain Administrator
City of Miles City
17 S. 8th
PO Box 910
Miles City, MT 59301

8/19/21
Date

cc: Traci Sears
DNRC Water Operations Bureau
Floodplain Management Section
1539 Eleventh Ave.
Helena, MT 59601



CITY OF MILES CITY

FLOODPLAIN VARIANCE APPLICATION

A variance is a grant of relief given by City Council from the terms of the specific standards required in the City's *Floodplain Hazard Management Regulations*. The issuance of the variance is for floodplain management purposes only. In the event of a variance within the floodway this variance is also a grant of relief given by the City Council from the terms listed above and the *ICC Model code Section 104.10.1 Flood Hazard Zone*. Insurance premium rates are determined by the Federal government according to actuarial risk and are not modified by the granting of a variance. ANY VARIANCE GRANTED BY THE CITY COUNCIL MUST BE CONSISTENT WITH THE CITY'S FLOODPLAIN HAZARD MANAGEMENT REGULATIONS.

Per Resolution 4086, a non-refundable fee of \$300.00 must accompany this application.

Date of Application: 8-6-21

Receipt # 73480

Section A: Owner Information

Applicant Name JARED KOHL

Address 41 NEERHARDT ST Phone 406-852-3569

City MILES CITY State MT Zip 59301

Owner Name (if different from above) _____

Address _____ Phone _____

City _____ State _____ Zip _____

Section B: Property Information

Legal Description and/or address of property Miles Town Estates 504 T07 N, R47 E

Addition Milestown Estates Block 004 Lot(s) 003

Geocode (if available) 14-1640-04-1-04-01-000

Name of Stream/water body at location of activity Tongue River

The proposed development is in the ___ Floodway Flood Fringe ___ Floodplain with no elevation

The Base Flood Elevation (BFE) at the project site is 2365.4'

The lowest adjacent grade of the property is 2359.2

The lowest floor of the proposed structure is 2367.4

Section C: Basis of Variance Request

Cite the minimum development standard of the *Floodplain Hazard Management Regulations* from which a variance is sought Garage Floor at BFE + 2'

Explain how proposed development would vary from the provision of the *Floodplain Hazard Management Regulations*: set garage at BFE

Section D: Application for Variance

Complete a Joint Permit Application and the attached worksheet to address the submittal requirements of the City's *Floodplain Hazard Management Regulations*

Worksheet completed and attached

AN APPLICANT RECEIVING A VARIANCE TO BUILD A STRUCTURE NOT MEETING THE MINIMUM STANDARDS OF THE REGULATIONS, ESPECIALLY IF THE LOWEST FLOOR IS CONSTRUCTED BELOW THE BASE FLOOD LEVEL, MAY RESULT IN INCREASED PREMIUM RATES FOR FLOOD INSURANCE. CONSTRUCTION BELOW THE BASE FLOOD LEVEL INCREASES RISK TO LIFE AND PROPERTY (44 CFR 60.6(a) (5))

* JP/64
Applicant's Name

8/6/21
Date

ANY PERSON OR PERSONS AGGRIEVED BY THE DECISION MAY APPEAL SUCH DECISION IN THE COURTS OF COMPETENT JURISDICTION (MCA 76-5-209(1))

Section E: Affected Landowners

List the names and address of all property owners within and contiguous to and directly across the street from the parcel or parcels of property referenced by this application:

SEE ATTACHMENT

RECORD OF VARIANCE ACTIONS: TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR

Variance Request submitted on Aug 6, 21 Fee Paid \$ 300.00

Public Notice Given Aug. 9, 21 Variance Hearing held on Aug. 24, 21

The Council has made a determination that the variance **is** or **is not** the minimum allowance necessary, considering the flood hazard, to afford relief from these regulations and **meets** or **does not meet** the criteria in the regulations for approval.



In accordance with the criteria and guidelines of the City of Miles City, *Floodplain Hazard Management Regulations*, City Council hereby approves, denies the request for variance. Please refer to attached minutes from meeting.

CITY OF MILES CITY

APPLICATION WORKSHEET FOR VARIANCES TO THE FLOODPLAIN HAZARD MANAGEMENT REGULATIONS

PLEASE NOTE: Your statements and supporting data and information, including a completed Montana joint application or floodplain permit application, will be used to evaluate your variance request. If these questions are not answered, the variance may be denied due to insufficient information to support it. The following will be used as a guide to evaluate your petition. Additional information may be requested.

The City of Miles City's Floodplain Hazard Management Regulations provides the criteria that must be considered and met before a variance may be granted. The City Council must consider the following items when determining a variance request. State in detail the manner in which you believe each of these standards are met in this case:

1. Will the structure or proposed activity/use reside on 0.5 acre or less? YES NO
 If NO, what is the size of the lot or parcel? _____

(If the new construction or substantial improvements on a lot of one-half acres or less is contiguous to and surrounded by lots of existing structures constructed below the base flood level, a variance may be approved. However, as lot sizes increase beyond one-half acre, additional technical justification may be required.)

2. Are the surrounding properties pre-FIRM (built before 1983)? YES NO

3. Are the lowest floor of the pre-FIRM structures on the adjoining and contiguous lots below the base flood elevation? YES NO

4. Is the proposed work on a recognized historic structure? YES NO

If yes, will the improvements maintain the historic integrity of the structure and not preclude the structures continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

5. Is the proposed work the minimum necessary, considering the flood hazard, to afford relief?
yes, attempting to meet building codes as it pertains to driveway slope requirements.

6. Does the project show good and sufficient cause for the variance? Financial hardship is not a good and sufficient cause. Describe the exceptional hardship. yes, following Miles City's flood ordinance would necessitate a violation of building code.

7. Are basements and/or the lowest floor elevation of a residential structure below the Base Flood Elevation? NO

8. If crawlspaces or enclosures are proposed, they must meet the requirements of Article 10 of the Floodplain Hazard Management Ordinance. Explain why the minimum building standard cannot be met.

Proposed for garage only

9. Describe your analysis or supporting information that the granting of this variance does not result in increased flood height to the existing insurable building, 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. This variance is needed in order

to follow building codes in regards to driveway grade

10. Describe how the structure is/or will be adequately flood proofed. We will

follow Fema regulations

11. Describe why reasonable alternative locations outside the Floodplain are not available or possible.

Lot was purchased with intent to build on.

12. Describe the data or information that there is no danger to life and property by erosion damage or water that may be backed up or diverted by the obstruction or use. No body of

water is obstructed.

13. Describe your supporting information that there will not be a danger of materials being swept onto other lands or the injury of others. We will follow Fema

regulations

14. Describe how the construction or alteration of the obstruction or use in such a manner is designed as to lessen the danger. We will follow Feme regulations

15. Describe the permanence of the obstruction or use. Permanent garage.

16. Describe the impacts of the obstruction or use affect the anticipated development in the foreseeable future of the surrounding area. It will not.

17. Describe if the failure to comply with the Floodplain regulations results in an exceptional hardship to the applicant. Failure would result in non-compliance with Building code.

18. Describe how the granting of a variance does not adversely affect existing properties or structures.

This variance has been granted before in this area.

19. Describe the estimated cost and damage of the proposed facility and its contents to flood damage and the effect of such damage on the owner. None, Following Fema

regulations

20. Describe the importance of the services to be provided by the facility to the community. _____

Community development, Increased tax basis

21. Describe the public services, including fire and rescue that may or may not be provided during various flood events. Not affected.

22. If this facility is located on the waterfront, describe the necessity for that location. _____

Not located on body of water

23. Describe the safety and access of emergency vehicles to the property during times of various flood events. Not affected.

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Revised: 6/5/15 (310 form 270). Form may be downloaded from: www.dnrc.mt.gov/licenses-and-permits/stream-permitting

AGENCY USE ONLY: Application # 060721 Date Received _____
 Date Accepted _____ / Initials _____ Date Forwarded to DFWP _____

This space is for all Department of Transportation and SPA 124 permits (government projects).

Project Name _____
 Control Number _____ Contract letting date _____
 MEPA/NEPA Compliance Yes No If yes, #14 of this application does not apply.

JOINT APPLICATION FOR PROPOSED WORK IN MONTANA'S STREAMS, WETLANDS, FLOODPLAINS, AND OTHER WATER BODIES

Use this form to apply for one or all local, state, or federal permits listed below. The applicant is the responsible party for the project and the point of contact unless otherwise designated. "Information for Applicant" includes agency contacts and instructions for completing this application. To avoid delays, submit all required information, including a project site map and drawings. Incomplete applications will result in the delay of the application process. Other laws may apply.

The applicant is responsible for obtaining all necessary permits and landowner permission before beginning work.

✓	PERMIT	AGENCY	FEE
	310 Permit	Local Conservation District	No fee
	SPA 124 Permit	Department of Fish, Wildlife and Parks	No fee
	Floodplain Permit	Local Floodplain Administrator	Varies by city/county (\$25 - \$500+)
	Section 404 Permit, Section 10 Permit	U. S. Army Corps of Engineers	Varies (\$0 - \$100)
	318 Authorization 401 Certification	Department of Environmental Quality	\$250 (318); \$400 - \$20,000 (401)
	Navigable Rivers Land Use License, Lease, or Easement	Department of Natural Resources and Conservation, Trust Lands Management Division	\$50, plus additional fee

A. APPLICANT INFORMATION

NAME OF APPLICANT (person responsible for project): JAREID KOHL
 Has the landowner consented to this project? Yes No
 Mailing Address: 41 NEUHARDT MILES CITY, MT 59301
 Physical Address: _____
 Day Phone: _____ Evening Phone: 852-3565 E-Mail: _____

NAME OF LANDOWNER (if different from applicant): _____
 Mailing Address: _____
 Physical Address: _____
 Day Phone: _____ Evening Phone: _____ E-Mail: _____

NAME OF CONTRACTOR/AGENT (if one is used): Tightline Design LLC
 Mailing Address: 208 S Fifth Street Miles City, MT 59301
 Physical Address: _____
 Day Phone: 852-3565 Evening Phone: _____ E-Mail: Tightline llc@gmail.com

B. PROJECT SITE INFORMATION

NAME OF STREAM or WATER BODY at project location _____ Nearest Town _____
 Address/Location: MilesTown Estates Block 004 Lot 003 Geocode (if available): 14-1640-04-1-04-01-0000
 _____ 1/4 _____ 1/4 _____ 1/4, Section _____, Township _____, Range _____ County Custer
 Latitude _____, Longitude _____ Block 004 Lot 003
 Address of proposed project: _____

The state owns the beds of certain state navigable waterways. Is this a state navigable waterway? Yes or No.
 If yes, send copy of this application to appropriate DNRC land office – see Information for Applicant.

41 neuhardt

ATTACH A PROJECT SITE MAP OR A SKETCH that includes: 1) the water body where the project will take place, roads, tributaries, landmarks; 2) a circled "X" representing the exact project location. IF NOT CLEARLY STATED ON THE MAP OR SKETCH, **PROVIDE WRITTEN DIRECTIONS TO THE SITE.**

C. PROJECT INFORMATION

1. **TYPE OF PROJECT** (check all that apply)

- | | | |
|-----------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Bridge/Culvert/Ford Construction | <input type="checkbox"/> Fish Habitat | <input type="checkbox"/> Mining |
| <input type="checkbox"/> Bridge/Culvert/Ford Removal | <input type="checkbox"/> Recreation (docks, marinas, etc.) | <input type="checkbox"/> Dredging |
| <input type="checkbox"/> Road Construction/Maintenance | <input checked="" type="checkbox"/> New Residential Structure | <input type="checkbox"/> Core Drill |
| <input type="checkbox"/> Bank Stabilization/Alteration | <input type="checkbox"/> Manufactured Home | <input type="checkbox"/> Placement of Fill |
| <input type="checkbox"/> Flood Protection | <input type="checkbox"/> Improvement to Existing Structure | <input type="checkbox"/> Diversion Dam |
| <input type="checkbox"/> Channel Alteration | <input type="checkbox"/> Commercial Structure | <input type="checkbox"/> Utilities |
| <input type="checkbox"/> Irrigation Structure | <input type="checkbox"/> Wetland Alteration | <input type="checkbox"/> Pond |
| <input type="checkbox"/> Water Well/Cistern | <input type="checkbox"/> Temporary Construction Access | <input type="checkbox"/> Debris Removal |
| <input type="checkbox"/> Excavation/Pit | <input type="checkbox"/> Other _____ | |

2. **PLAN OR DRAWING** of the proposed project **MUST** be attached. **This plan or drawing must include:**

- a plan view (looking at the project from above)
- dimensions of the project (height, width, depth in feet)
- location of storage or stockpile materials
- drainage facilities
- an arrow indicating north
- a cross section or profile view
- an elevation view
- dimensions and location of fill or excavation sites
- location of existing or proposed structures, such as buildings, utilities, roads, or bridges

3. **IS THIS APPLICATION FOR** an annual maintenance permit? Yes No
(If yes, an annual plan of operation must be attached to this application – see "Information for Applicant")

4. **PROPOSED CONSTRUCTION DATE.** Include a project timeline. Start date 8 / 28 / 21
Finish date 6 / 1 / 22 Is any portion of the work already completed? Yes No
(If yes, describe the completed work.)

5. **WHAT IS THE PURPOSE** of the proposed project?
New Home

6. **PROVIDE A BRIEF DESCRIPTION** of the proposed project. *New Residential Home with attached garage at BFE*

7. **WHAT IS THE CURRENT CONDITION** of the proposed project site? Describe the existing bank condition, bank slope, height, nearby structures, and wetlands.
Empty Lot

8. **PROJECT DIMENSIONS.** How many linear feet of bank will be impacted? How far will the proposed project encroach into and extend away from the water body?
No banks will be impacted.

9. **VEGETATION.** Describe the vegetation present on site. How much vegetation will be disturbed or covered with fill material during project installation? (Agencies require that only vegetation necessary to do the work be removed.) Describe the revegetation plan for all disturbed areas of the project site in detail.

Existing Dirt

10. **MATERIALS.** Describe the materials proposed to be used. Note: This may be modified during the permitting process. It is recommended you do not purchase material until all permits are issued.

Cubic yards/Linear feet	Size and Type	Source
Materials needed necessary to construct Home		Local lumber yard.

11. **EQUIPMENT.** List all equipment that will be used for construction of the project. How will the equipment be used on the bank and/or in the water? Note: Make sure equipment is clean and free of weeds, weed seeds, and excess grease before using it in the water waterway. To prevent the spread of aquatic invasive species, to the extent practical, remove mud and aquatic plants from heavy machinery and other equipment before moving between waters and work sites, especially in waters known to be infested with aquatic invasive species. Drain water from machinery and let dry before moving to another location.

No equipment will be used along or in bank/water.

12. **DESCRIBE PLANNED EFFORTS TO MINIMIZE PROJECT IMPACTS.** Consider the impacts of the proposed project, even if temporary. What efforts will be taken to:

- Minimize erosion, sedimentation, or turbidity?
No impact
Project is approx 600 feet from Tongue River
- Minimize stream channel alterations?
No impact
Project is approx 600 feet from Tongue River
- Minimize effects to stream flow or water quality caused by materials used or removal of ground cover?
No impact
Project is approx 600 feet from Tongue River
- Minimize effects on fish and aquatic habitat?
No impact
Project is approx 600 feet from Tongue River
- Minimize risks of flooding or erosion problems upstream and downstream?
No impact
Project is approx 600 feet from Tongue River
- Minimize vegetation disturbance, protect existing vegetation, and control weeds?
No impact - Project is approx 600 feet from Tongue River.

13. **WHAT ARE THE NATURAL RESOURCE BENEFITS** of the proposed project?

None

14. **LIST ALTERNATIVES** to the proposed project. Why was the proposed alternative selected?

None.

D. ADDITIONAL INFORMATION FOR SECTION 404, SECTION 10, AND FLOODPLAIN PERMITS ONLY.

If applying for a Section 404 or Section 10 permit, fill out questions 1-3. If applying for a floodplain permit, fill out questions 3-6. (Additional information is required for floodplain permits – See “Information for Applicant.”)

1. Will the project involve placement of dredged (excavated) and/or fill material below the ordinary high water mark, in a wetland, or other waters of the US? If yes, what is the surface area to be filled? How many cubic yards of fill material will be used? Note: Wetland delineations are required if wetlands are affected.
2. Description of avoidance, mitigation, and compensation (see Information for Applicant). Attach additional sheets if necessary.
3. List the names and address of landowners adjacent to the project site. This includes properties adjacent to and across from the project site. (Some floodplain communities require certified adjoining landowner lists).

SEE ATTACHMENT

4. List all applicable local, state, and federal permits and indicate whether they were issued, waived, denied, or pending. Note: All required local, state, and federal permits, or proof of waiver must be issued prior to the issuance of a floodplain permit. Building permit

5. Floodplain Map Number 3001700663D

6. Does this project comply with local planning or zoning regulations? Yes No

E. SIGNATURES/AUTHORIZATIONS -- Each agency must have original signatures signed in blue ink.

After completing the form, make the required number of copies and then sign each copy. Send the copies with original signatures and additional information required directly to each applicable agency.

The statements contained in this application are true and correct. The applicant possess' the authority to undertake the work described herein or is acting as the duly authorized agent of the landowner. The applicant understands that the granting of a permit does not include landowner permission to access land or construct a project. Inspections of the project site after notice by inspection authorities are hereby authorized.

APPLICANT (Person responsible for project):
Print Name: Jared Kohl

LANDOWNER:
Print Name: Jared Kohl

[Signature]
Signature of Applicant 8/6/21
Date

[Signature]
Signature of Landowner 8/6/21
Date

*CONTRACTOR/AGENT:
Print Name: KEVIN [Signature]

[Signature]
Signature of Contractor/Agent 8-6-21
Date

*Contact agency to determine if contractor signature is required.