



CITY OF MILES CITY AGENDA

*Regular Council Meeting
City Council Chambers
and online at zoom.us*

*March 22, 2022
6:00 p.m.*

CALL TO ORDER PLEDGE OF ALLEGIANCE ROLL CALL

1. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES

- | | |
|--------------------------------------|------------|
| A. Regular City Council Meeting | 03/08/2022 |
| B. Public Safety Committee Meeting | 02/15/2022 |
| C. Human Resources Committee Meeting | 02/17/2022 |

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

-MCFR Ladder Truck

12. PUBLIC HEARINGS

13. UNFINISHED BUSINESS

14. NEW BUSINESS

A. VARIANCE REQUEST FOR 531 HUFFMAN TO PLACE AN ATTACHED GARAGE AT BASE FLOOD ELEVATION.

B. ORDINANCE NO. 1352 – *(First Reading)* AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE CITY OF MILES CITY, CUSTER COUNTY, MONTANA.

C. RESOLUTION NO. 4455 - A RESOLUTION APPROVING PLACEMENT OF STOP SIGNS AND CROSSWALK SIGNAGE ON LEIGHTON BOULEVARD

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 March 8, 2022
6:00 p.m.

CALL TO ORDER

The Regular Council meeting was held Tuesday, March 8, 2022, in the City Hall Conference Room at City Hall, 17 S. 8th Street, Miles City, Montana and online via zoom.us. Council President Kathy Wilcox called the meeting to order. Council Members present were, Dwayne Andrews, Chris Grenz, Rick Huber, Kathy Wilcox, Ken Garner, Roxanna Brush, and Stacy Broell. Council Member Brant Kassner was not present.

Also present were City Attorney Dan Rice, Police Chief Doug Colombik, Police Captain Dan Baker, Fire Chief Branden Stevens, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, 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: 2/22/2022

** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of February 22, 2022, subject to any changes, and seconded by Councilperson Huber.*

Councilperson Huber noted on page four that the second for adjournment listed Councilperson Lott and should have been Councilperson Brush.

Councilperson Grenz stated that he voted against adjournment and that it was not unanimously passed.

** *Andrews moved to amend minutes to reflect the two corrections, seconded by Councilperson Gardner and passed unanimously, 7-0.*

** *The main motion passed by unanimous consent, 7-0.*

SCHEDULE MEETINGS

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

Finance Committee Meeting	March 10, 2022	@6:00 pm
Human Resources Committee Meeting	March 15, 2022	@4:15 pm

REQUEST OF CITIZENS & PUBLIC COMMENT

None

APPOINTMENTS

None

PROCLAMATIONS

None

STAFF REPORTS

Chief Colombik handed out Police Department weekly Statistics. He added that he had made contact with DOT and that we would need their permission to purchase and place two digital speed signs on Leighton Boulevard.

CITY COUNCIL COMMENTS

None

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

- Public Safety recommends traffic control on Leighton Boulevard by continued police presence, biannual crosswalk painting, and speed monitoring signage.

Councilperson Andrews does not agree with this approach and believes there should be stop signs placed to slow traffic down. Councilmembers Huber, Grenz, and Gardner agree with the placement of stop signs.

Councilperson Brush stated that we can place signs but it could cost us our urban funding if traffic was rerouted to another street.

Director Speelmon said that Shane Mintz had told Scott that if it forces traffic to another route we could lose the funding, but an urban route traffic study would need to be done which could take 2-3 years.

Attorney Rice stated that it would need to go to Resolution.

Chairperson Wilcox asked Council if they were okay placing stop signs on Strevell making Leighton and Strevell a 4-way stop and adding pedestrian crossing signs and additional road painting on Leighton and Stacy, to which there were no objections.

BID OPENINGS

MCFR Ladder Truck

Chief Stevens stated that only one bid was received from Brindlee Mountain Fire Apparatus, out of Alabama, in the amount of \$300,000, which is under the maximum amount listed and it meets all of the specifications.

Councilperson Grenz asked about when they got their last fire apparatus truck and how often it is used and what the mileage is on the current truck. Chief Stevens responded that it is used often.

Councilperson Huber inquired as to whether the current fire truck could be retrofitted to have a water tank as a water tender truck. Chief Stevens said it is currently being looked into.

****** *Councilperson Huber moved to refer bid to Finance, seconded by Councilperson Andrews and passed unanimously, 7-0.*

BID AWARDS

None

PUBLIC HEARINGS

None

UNFINISHED BUSINESS

None

NEW BUSINESS

A. VARIANCE REQUEST AT 105 MISSISSIPPI TO CONSTRUCT AN ATTACHED GARAGE BELOW BASE FLOOD ELEVATION PLUS 2 FEET REQUIREMENT

****** *Councilperson Grenz moved to approve the variance request, seconded by Councilperson Broell.*

Councilperson Grenz noticed that there have been quite a few other variances that have been approved. He questioned whether others in his area are eligible to do similar to this. Administrator Malenovsky said it would depend on their elevation. If the slope of the driveway exceeds building code, then yes, they could apply and be approved for a variance. Anyone can apply for a variance, but it is ultimately up to Council.

Councilperson Brush verified that if a garage was not attached then it could be built without Council approval so long as there are vents. Administrator Malenovsky confirmed and added that there cannot be any livable quarters in the detached garage either.

****** *On roll call vote, the motion passed 6-1, with Councilperson Brush voting no.*

B. Approval of February claims

****** *Councilperson Grenz moved to approve February claims, subject to any changes, seconded by Councilperson Brush.*

Councilperson Grenz questioned the following claims (responses in parenthesis):

- Page 1 - Location of Wex Bank for Fuel (Near the Airport)
- Page 2 – Is Mastercard mostly used for fuel as it is very vague (all departments combined)
- Page 6 – Splash pad, thought it was all donated
- The meaning of the asterisk (the line item is overspent)
- Whose office is at the Executive Building (RSVP)
- Page 8 – City Service Inc, 5000 gallon truck - interest (Airport Fuel Truck)
- Page 8 – Allegiance Benefit Plan (Insurance)
- Page 8-9 – Public Outreach (Levee Project and Grant Funding)
- Claim number 135401 State Treasurer AFR filing fee (Annual Financial Report Filing Fee)
- Dawson College interdiction training (Police Drug interdiction training)
- Unit 25 (Istate Truck in Billings resolving emissions issue on semi-tractor)
- Page 10 – CJ Electric Parks Department for \$414.74
- Whitehall Alpine Distributing (Fuel and transmission conditioner used on all trucks)
- Farmers Elevator – (Cenex Harvest States, CHS)
- Fish Wildlife and Parks (Old fish and Game Building)
- RDO Equipment units 46 & 45 (John Deere Dealership in Billings, Loaders)
- Page 13 - Tire Rama Unit 37 tires (Motor Grader, streets and utilities)
- Macs Frontierland, Chevy oil leak, \$3,926.50 (Ambulance repair)
- LN Curtis and Sons (Fire Equipment)
- 3 Star Subscriptions (It is one subscription divided between three departments)
- Sign Solutions (Streets)
- Billing Document Specialists (mailing and water/sewer bills)
- Ferguson Waterworks (Waterline supplies)
- Metal Maniacs (Metal cut-off wheels for Shop)
- Unit 94 Department (Streets)
- Sherwin Williams Barricades (Very specific reflective paint)
- Page 15 - Notbohms, Unit 11, \$545.63 and \$545.62 (Split between two departments)
- Swank Movie Licensing, \$1,800 (Library)
- KLJ Engineering GIS (Geographical Information Systems for Dispatch)
- Page 16 – Dept of Environmental Quality (Sewer Discharge Permit Fee)
- Jerry's Refrigeration (Heater at Montana Lift Station)
- DPC Industries (Chlorine)

- Custer County Transit – (RSVP)
- DAV Driver meals (RSVP volunteer drivers)
- Equipment Management Solutions, Unit 13 (Water/Sewer repairs)
- Land Solutions (Contract Planner)
- Flathead Valley Community College (SAMHSA Grant reimburses those expenses)

Councilperson Wilcox stated that the Finance Committee reviews the claims in advance so they are available in administration.

Councilperson Huber questioned the following:

- Muggli Contracting on page 11, Butler and Jordan Street (Tree Removal)
- Michael Murphy meals (police officer meals)
- Unit 94 (Parks)

*** The main motion and **passed** unanimously, 7-0.*

ADJOURNMENT

*** Councilperson Grenz moved to adjourn the meeting, seconded by Councilperson Broell and passed unanimously, 7-0.*

The meeting was adjourned at 7:01p.m.

Kathy Wilcox, Council President

Mary Rowe, City Clerk

**Public Safety Committee Meeting
February 15, 2022**

The Public Safety Committee met Tuesday, February 1, 2022, at 6:00 pm via live attendance and Zoom Conferencing in the City Hall Conference Room, 17 S. 8th. Present were Committee Members Roxanna Brush, Chris Grenz, Kathy Wilcox, and Ken Gardner. Also present were: Police Chief Doug Colombik, Mayor John Hollowell, Police Captain Dan Baker, Fire Chief Branden Stevens, Council Member Rick Huber, Dispatch Supervisor Lyne Anderson and HR Officer/Recorder Linda Wilkins.

Chairperson Brush called the meeting to order.

1. Recommendation on Custer County Senior Citizens to utilize unused space on the main floor at the Police Department

Marilynn Arnoldt, 804 Marilyn St and Deb Schmeling, 2119 Butler spoke to the committee regarding the need for space for Senior Citizen activities and the search for that space. They had approached Mayor Hollowell about using space at the Police Department. Committee Member Grenz expressed concern about the use of the stairs to get into the building. Ms. Arnoldt stated that if the area could be used the Senior Citizens would be looking at obtaining donations and grants to upgrade the facility. Supervisor Anderson expressed her concerns regarding have a non-law enforcement entity in the building, due to security issues within the law enforcement field. Chief Colombik empathized with the current lack of a home for Senior Citizen activities, but explained the risks of placing a non-law enforcement organization in a law enforcement facility are too high. He would fear for the safety of the individuals using the facility. As 911 moves to being a regional facility, this space would be well suited for this expansion. Mayor Hollowell asked all to think of another building option for the Senior Citizens. The City will relook at this issue and will assist in the pursuit of a space for the Senior Citizens

***Committee Member Wilcox moved to table, seconded by Committee Member Gardner, on roll call vote the motion passed, 4-0.*

2. Update from Firehall Working Group

Fire Chief Stevens updated the committee:

- The Public Safety Committee had suggested a budget of \$5 million for the building and had requested that other configurations of the planned fire station be looked at for possible reconfiguration of the plans presented in the Preliminary Architectural Report (PAR).
- JGA Architects, the original architects for PAR, have rearranged the plan, for fire station use only, to an l-shape configuration. This will allow for continued use of the new part of the current station during construction. No additional land will need to be purchased, the current area of land will allow for the turning radius of all fire vehicles, except one; which will not present a problem when moving vehicles. This revised PAR will be presented to City Council for approval.
- The Working Group has meet, through teleconference, with staff from Senator Tester, Senator Daines and the Governor's office to find money to be allocated to the project. USDA has a grant that would provide for 35% of the cost of the building (\$1.75 mil), the other 65% (\$3.25 mil) would require a mill levy to allow for the borrowing of funds.
- The following studies are required to be provided with the grant application:
 - Environmental assessment – the group has contacted Brownfields Program for possible funding of this assessment.

- Financial Feasibility Study – this will require budget reports through 2023 and the would be performed by an independent CPA. Chief Stevens has sent an e-mail to the Mayor to see if the City Clerk’s office can assist with the financial information.

When this information has been prepared and presented to USDA, it is implied the funding is easily acquired.

- The proposal will be presented to City Council for approval, should approval be given and the resolution prepared it will be presented to the Custer County Clerk and Recorder for a mill levy to cover the \$3.25 million that will be covered through a loan.

The process of obtaining the appropriate documentation will take approximately 5 months.

3. Police department maintenance plan

Items that the committee would like to see addressed in Phase 2:

- Lighting
- Signage on the front of the building

Captain Baker reported that most items of the punch list have been addressed.

There is approximately \$80,000 left in contingent funds from Phase 1. Items to be addressed with the remainder of these funds:

- Mortar work on the brick, estimate for this work is \$25,000. The Mayor will consult with the building inspector and architect on this item as it is believed this should have been addressed as part of the first phase.
- The Mayor will also contact the building inspector on any other deficiencies that could be covered as part of Phase 1.

The committee would like to take a close look at the roof as a priority item for next years budget.

4. Adjournment

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

The meeting was adjourned at 7:20 p.m.

Chairperson Roxanna Brush

Recorder Linda Wilkins

Human Resources Committee
February 17, 2022

The **Human Resources Committee** met Tuesday, February 17, 2022 at 4:15 p.m. at City Hall in the Human Resources Office. Present were Committee Members Kathy Wilcox, Stacy Broell, Rick Huber and Dwayne Andrews. Also present were: AFSCME Representative Hannah Nash, Public Works Director Scott Gray, Flood Plain Administrator Samantha Malenovsky, AFSCME Local 283A Acting President Gail Krezelak, City Water Clerk Alex Butcher, 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. Discuss & recommend next steps:

- a. City Buildings/Shops Maintenance Staff - new position (7 buildings)
Chairperson Wilcox thought that this position should be considered considering the number of buildings owned by the City. There was discussion regarding the duties of this position. After this discussion it was decided to look at the scope of such a position and the cost.

***Committee Member Huber moved to postpone, seconded by Committee Member Broell. The motion passed, 3 aye, 1 nay.*

- b. CDL Class B Trainer – Current driver add a new certificate? New position?
The Federal Motor Carrier Safety Administration is requiring a certified trainer to train CDL drivers. Director Gray has contact the Miles Community College CDL program regarding these requirements. It may be possible for the City to work with other communities to work to meet the certified trainer requirements. More information needs to be obtained to move forward.

***Committee Member Broell moved to postpone, seconded by Committee Member Andrews. The motion passed, unanimously 4-0.*

- c. Civil Engineer – never advertised
Director Gray stated that we currently have profession engineers retained for existing projects, he suggested it would be best to wait until the existing projects were completed to discuss hiring an engineer.

***Committee Member Huber moved to postpone, seconded by Committee Member Broell. The motion passed, unanimously 4-0.*

4. Scott Gray: discuss rate increase need for summer seasonal help
Director Gray discussed it will be difficult to find seasonal help with the current wages being paid when other local businesses are paying \$14 or \$15/hour and the City's starting wages are \$10 or \$11/hour. Committee Member Broell thought the City should be charging more at the pool.

***Committee Member Andrews moved to refer to finance for raising the pool fee, seconded by Committee Member Wilcox. The motion passed, unanimously 4-0.*

5. Position Descriptions: review, revise, approve
 - a. Administrative Assistant – Police Department
The position description has been reviewed by Chief Colombik and needs no changes.

***Committee Member Broell moved to approve the position description, seconded by Committee Member Huber. On roll call vote, the motion passed, 4-0.*

b. Utility Billing Clerk Supervisor

The position description was discussed and the role of supervising another employee, along with the possibility of wage increase.

***Committee Member Wilcox moved to table, seconded by Committee Member Broell. The motion passed unanimously, 4-0.*

c. ***Committee Member Wilcox moved to table, seconded by Committee Member Huberl. The motion passed unanimously, 4-0..*

d.

6. Other

None

7. Next Meeting: March 15, 2022

The next committee meeting was scheduled for March 2, 2022 at 4:15 p.m.

8. Adjournment

***Committee Member Huber moved to adjourn, seconded by Committee Member Broell. The motion passed unanimously 4-0.*

The meeting was adjourned at 5:30 p.m.

Respectfully submitted,

Chairperson Kathy Wilcox

Recorder Linda Wilkins

Bids Received

BRINDLEE MOUNTAIN
FIRE APPARATUS, LLC

15410 HWY 231 UNION GROVE, AL 35175
WWW.FIRETRUCKMALL.COM

Sealed Bid

MCFR Ladder Truck

RECEIVED
Mar. 14 2022
11:30 *AK*

BRINDLEE MOUNTAIN

F I R E A P P A R A T U S , L L C

15410 Highway 231, Union Grove, AL 35175

Phone: 256-776-7786 / Fax: 256-498-0924

Bid Submission

March 2, 2022

To: City of Miles City, MT
17 S 8th St.
Miles City, MT 59301

From: Brindlee Mountain Fire Apparatus, LLC
15410 US Hwy 231 S
Union Grove, AL 35175

Fire Chief and City Leaders:

Thank you very much for the opportunity to submit a fire truck for the fire truck bid request that you recently published. We are pleased to offer the following truck for your consideration:

#14694 - 2006 E-One 95' Platform
VIN: 4EN3ABA8961002102

Offered at \$300,000.00 (Three Hundred Thousand Dollars and no cents).

This price includes the following:

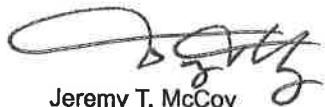
- current 3rd party aerial certification
- current annual pump service test

Please note that this truck is being bid pending prior sale. If this truck is selected please contact me as soon as possible so the truck can be placed on Hold for the City of Miles City, MT.

Please let me know if you would like more information on our Company or this fire truck. We are very excited about the possibility of working with you to deliver absolutely the best truck for your money!

Thank you again for the opportunity.

Sincerely,



Jeremy T. McCoy

Brindlee Mountain Fire Apparatus
15410 US Hwy 231
Union Grove, AL 35175
866.285.9305
256.361.6532
jeremy@firetruckmall.com



Miles City Fire Rescue

City of Miles City

www.milescityfirerescue.com



2800 Main Street
Miles City, MT 59301
874-8666

Telephone (406) 234-2235
Fax (406)

February 7, 2022

Invitation to Bid Used Tower Ladder - Quint

The City of Miles City will receive sealed bids not later than 5pm on March 8th, 2022 at their office located at 17 S. 8th St, Miles City, MT 59301. Bids will be opened on March 8th 2022 not later than 10pm. Bids must be sealed in an envelope marked "SEALED BID – MCFR Ladder truck" and may either be delivered or mailed to the address above.

A complete copy of bid specifications can be requested by contacting Branden Stevens at (406) 234-2235 or by emailing bstevens@milescity-mt.org.

The City of Miles City reserves the right to reject any bids and to waive irregularities that are in the best interest of the City.

Publish: February 11th and February 25th, 2022

MCFR Ladder truck/tower quint Bid Specifications

General Specs

- | | |
|---|---|
| 1. Year: Vehicle must be newer than 2005 | Comply: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 2. Manufacture: Must be of a national recognized fire apparatus manufacture | Comply: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 3. Chassis: Must be a custom chassis | Comply: _____ |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 4. Vehicle length: Vehicle length much be less than 48' feet long | Comply: _____ |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 5. Vehicle height: Vehicle much be less than 12' feet high | Comply: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 6. GVWR: Vehicle must be less than 78,000 gwvr | Comply: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 7. Mileage: Vehicle mileage must be less than 75,000 miles | Comply: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> |
| 8. Engine hours: Vehicle engine hours must be less than 7,500 hours | Comply: _____ |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |
| 9. Engine: Engine must be in good working condition | Comply: _____ |
| Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | |

10. Engine fuel type: Fuel type must be diesel

Yes No

Comply:

11. Vehicle transmission: Transmission must be automatic

Comply: Yes No

Pump/Tank

1. Pump: Pump must be at least a 1,500 gpm pump

Yes No

Comply:

2. Tank: Tank must be a polypropopylene type

Yes No

Comply:

3. Tank: Tank must hold at least 300 gallons

Yes No

Comply:

4. Crosslays: Must have at least three crosslays

Yes No

Comply:

5. Discharges: Must have a at least 3 (2 1/2) discharges

Yes No

Comply:

6. Suction: Must have one drivers side (6") suction

Comply: Yes No

7. Suction: Must have one officer side (6") suction

Comply: Yes No

8. Suction: Must have at least one rear suction (4")

Comply: Yes No

Electrical -Lighting

1. Electric Reel: Must have at least one electric cord reel

Comply: Yes No

2. Generator: Must have on board electric generator 8000 kw

Yes No

Comply:

3. Traffic Indicator: Must have traffic indicator light

Comply: Yes No

4. Emergency lighting: Vehicle must have emergency lighting

Yes No

Comply:

Ladder/Tower

1. Ladder: Elevated ladder must extend no less than 95' feet

Yes No

Comply:

2. Bucket: Must have work platform bucket attached to top of ladder

Comply: Yes No

3. Breathing air: Must have breathing air on ladder

Comply: Yes No

4. Waterway: Must have water way pipe to top of ladder

Comply: Yes No

5. Master Streams: Must have at least two elevated master streams at tip

Yes No

Comply:

Options

1. Backup camera: Must be equipped with a backup camera

Yes No

Comply:

2. Siren: Must have working siren

Comply: Yes No

3. Front bumper: Must have extended front bumper

Comply: Yes No

4. Apparatus must have a current pump test

Yes No

Comply:

5. Apparatus must have a current aerial inspection

Comply: Yes No

Instructions for Bidders

Bids will not be accepted after the date and time stated in the invitation to bid. Payment shall be made in accordance with these specifications and the bid proposal submitted by the bidder. Payment will be made upon acceptance of the vehicle and equipment specified in this document. Bids in excess of \$301,000 dollars will not be accepted. Bids received shall be evaluated by the purchaser. This evaluation will be based on, but not limited to, completeness of proposal, exceptions, price, repair of any discussed mechanical issues, delivery schedule and final inspection.

Bid proposals taking total exception to these specifications will not be accepted.

Any exception to the provisions in these specifications must be marked in the body of this document and itemized on a separate attached page(s) titled EXCEPTIONS. Referenced by section number and paragraph, a detailed explanation of the exception shall be provided along with by the bidder's alternative proposal. Bids not following this format shall not be considered.

The contractor shall indemnify and save the Purchaser harmless from any and all claims, liability, losses, and causes of actions which may arise out of the fulfillment of this agreement. The bidder shall pay all claims and losses of any nature whatsoever in connection therewith, and shall defend all suits, in the name of the purchaser when applicable, and shall pay all costs and judgements which may ensue thereafter.

Failure to deliver any part of the order to the term required may be considered by the Purchaser as a breach of contract.

When submitting their bid proposal, bidders must return all pages of these specifications as part of the bid proposal as it will form the Contract between the Contractor and the Purchaser. Caution should be taken by the Bidder that all questions are answered in the spaces provided and that all information requested is provided.

It is the Bidder's responsibility to be familiar with all federal, state, and local laws, ordinances, codes, and regulations concerning the submission of this bid and the work it effects. Ignorance of said enactments shall not relieve the Bidder of responsibility to comply or complete the bid work.

In the event a clarification is requested on the contents of this specification, the question shall be addressed in writing to: Branden Stevens email bstevens@milescity-mt.org

When a Bidder requests clarification, a copy of the request and this Agency's reply will be forwarded to all Bidders.

By signing this document, the Bidder agrees that this Bid is made without any understanding, agreement or connection with any other person, firm or corporations making a bid for the same purpose, and that this bid is in all respects fair and without collusion or fraud.

Bid prices shall be complete and include all warranties and equipment specified. After bid allowances will not be made for incorrect or incomplete bids proposals. All prices, terms and conditions must be specified on the Bid Proposal Form. Bid prices shall be valid for at least (30) days from the date of the Bid Opening, or as otherwise specified on the Bid Proposal Form.

Bidders shall include with the Bid Proposal: Literature, photographs or similar documents which describe or depict the manufacture's type and model proposed; a set of specifications for the type and model proposed. Photographs shall consist of: four (4) exterior views, front, rear, curbside and street side and two (2) interior views front dash, and cab.

Faxed bid proposals are not acceptable and will not be accepted. All bids must be received in the form of a hard copy by the posted deadline. Two identical copies are to be sent.

All Bidders must have any and all current licenses required by state law to do business in the state in which this agency resides.

IT IS AGREED BY THE UNDERSIGNED BIDDER THAT THE SIGNING AND DELIVERY OF THIS BID REPRESENTS THE BIDDER'S ACCEPTANCE OF THE TERMS AND CONDITIONS OF THE FOREGOING SPECIFICATIONS AND PROVISIONS, AND IF AWARDED THE BID BY THIS AGENCY, WILL REPRESENT THE AGREEMENT BETWEEN THE PARTIES.

Sign in ink in the space provided below. UNSIGNED bids will be considered incomplete and will be subject to rejection. This agency has the right to accept or reject any and all bids submitted for any reason.



Contact Us

Office : 256.776.7786
Email : sales@firetruckmall.com
Website: www.firetruckmall.com

15410 US Highway 231,
Union Grove, AL 35175
Stock #: 14694
Price: Call For Custom Quote



2006 E-One Custom 95' Tower

- 2006 E-One Custom 95' Tower
- Cummins ISM 500 HP Diesel Engine
- 300 Gallon Polypropylene Tank
- Officer's Side Discharge: (1) 2 1/2" , (1) 3"
- Rear Suction: (1) 4"
- Electric Reel
- Backup Camera
- Mileage: 51,188
- Height: Truck Height: 11' 11"
- Extended Front Bumper
- E-One Chassis
- Allison 4000 EVP Automatic Transmission
- Driver's Side Discharges: (2) 2 1/2"
- Officer's Side Suction: (1) 6", (1) 2 1/2"
- Crosslays/Speedlays: Crosslays: (2) 1 1/2" , (1) 2 1/2"
- Breathing Air on ladder
- Federal Q Siren
- Additional equipment not included with purchase unless otherwise listed.
- GVWR: 73,500
- Seating for 4; 2 SCBA seats
- Hale QMAX150-23S 1500 GPM Side-Mount 1-Stage Pump
- Driver's Side Suction: (1) 6", (1) 2 1/2"
- Front Discharges: (1) 1 1/2"
- Onan CMHG 8000 Generator
- Air Conditioning
- Engine Hours: 5,122
- Length: 46' 3"
- Wheelbase: 272"



Brindlee Mountain Fire Apparatus is one of the world's largest used fire truck sales and service companies. Based just outside of Huntsville, Alabama, the company has forty-five full-time personnel occupying over 12,000 square feet. Our mechanics, all of whom are EVT certified, perform pump tests, general repairs, preventative maintenance, and body, collision, and paint work on over 500 used fire trucks every year. Visit us online at www.firetruckmall.com

New Business

City of Miles City
STAFF REPORT-Variance
Jacob & Nicole Smith-531 Huffman
Hearing date before council: March 22, 2022

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: Jacob & Nicole Smith
914 Atlantic Ave.
Miles City, MT 59301

B. Location:

The property is located at 531 Huffman Ln, Miles City, Montana and is legally described as in the Milestown Estates, Block 4, Lot 7.

C. Existing Land Use:

The current property is being used as residential and is zoned as Residential B on approximately 0.230 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 523 feet from the current Tongue River levee and located within the Flood fringe, Zone AE

Base Flood Elevation (BFE):	2365.5 feet
Lowest Elevation of surrounding area	approx. 2360.4 feet
Lowest Floor of the proposed structure	2365.5 feet on attached garage
	2367.5 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. 0.23 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 too 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.

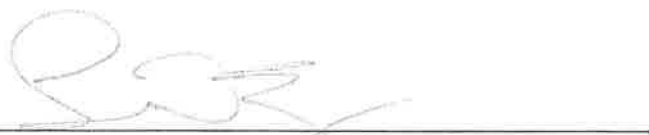
Applicant will follow all regulations. Even if not granted there will be no change on how the building will affect the BFE.

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

3-15-22
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: 2-16-22

Receipt: 23068

Section A: Owner Information

Applicant Name JACOB & NICOLE SMITH
Address 914 ATLANTIC AVE Phone 406-853-1929
City MILES CITY State MONTANA Zip 59301
Owner Name (if different from above)
Address Phone
City State Zip

Section B: Property Information

Legal Description and/or address of property 531 HUFFMAN LN
Addition MILESTOWN ESTATE Block 4 Lot(s) 7
Geocode (if available) 14-1640-04-1-04-05-0000
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 2365.5
The lowest adjacent grade of the property is 2360.90
The lowest floor of the proposed structure is 2367.5

Section C: Basis of Variance Request

Cite the minimum development standard of the Floodplain Hazard Management Regulations from which a variance is sought GARAGE @ BFE

Explain how proposed development would vary from the provision of the *Floodplain Hazard Management Regulations* SET GARAGE @ AT RFE

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))

NICOLE SMITH
Applicant's Name

2-16-22
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 ATTACHED

RECORD OF VARIANCE ACTIONS: TO BE COMPLETED BY FLOODPLAIN ADMINISTRATOR

Variance Request submitted on 2-17-22 Fee Paid \$ 300.00

Public Notice Given 3-7-22 Variance Hearing held on 3-22-22

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.

Jacob & Nicole Smith
914 Atlantic Ave.
Miles City, MT 59301-4202

Triple T Outfitting LLC
611 S. Haynes Ave.
Miles City, MT 59301-4770

Dallas & Kimberly Cederberg
521 Huffman Ln.
Miles City, MT 59301-4119

Robert & Terry Hurd
530 Huffman Ln.
Miles City, MT 59301-4125

Chai & Marilyn Chapmon
541 Huffman Ln.
Miles City, MT 59301-4119

Section E: Affected Landowners



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 ORDONANCE 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 DRAINAGE 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 FEMA REGULATION

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 CREATED 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

BASES

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 BANK OF WATER

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

I hereby certify that the facts, statements, and information presented within this application form are true and correct to the best of my knowledge and belief. I hereby understand and certify that any misrepresentation or omissions of any information required in this application form may result in my application being delayed or not approved by the City of Miles City.

Nicole Smith

Signature of Applicant

2/16/22

Date

Signature(s) of Owner(s)
(Must be notarized)

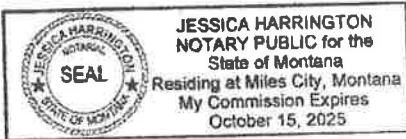
Signature(s) of Owner(s)
(Must be notarized)

***Agent must provide documentation that they are legally representing the property owner.**

STATE OF Montana) ss
COUNTY OF Custer

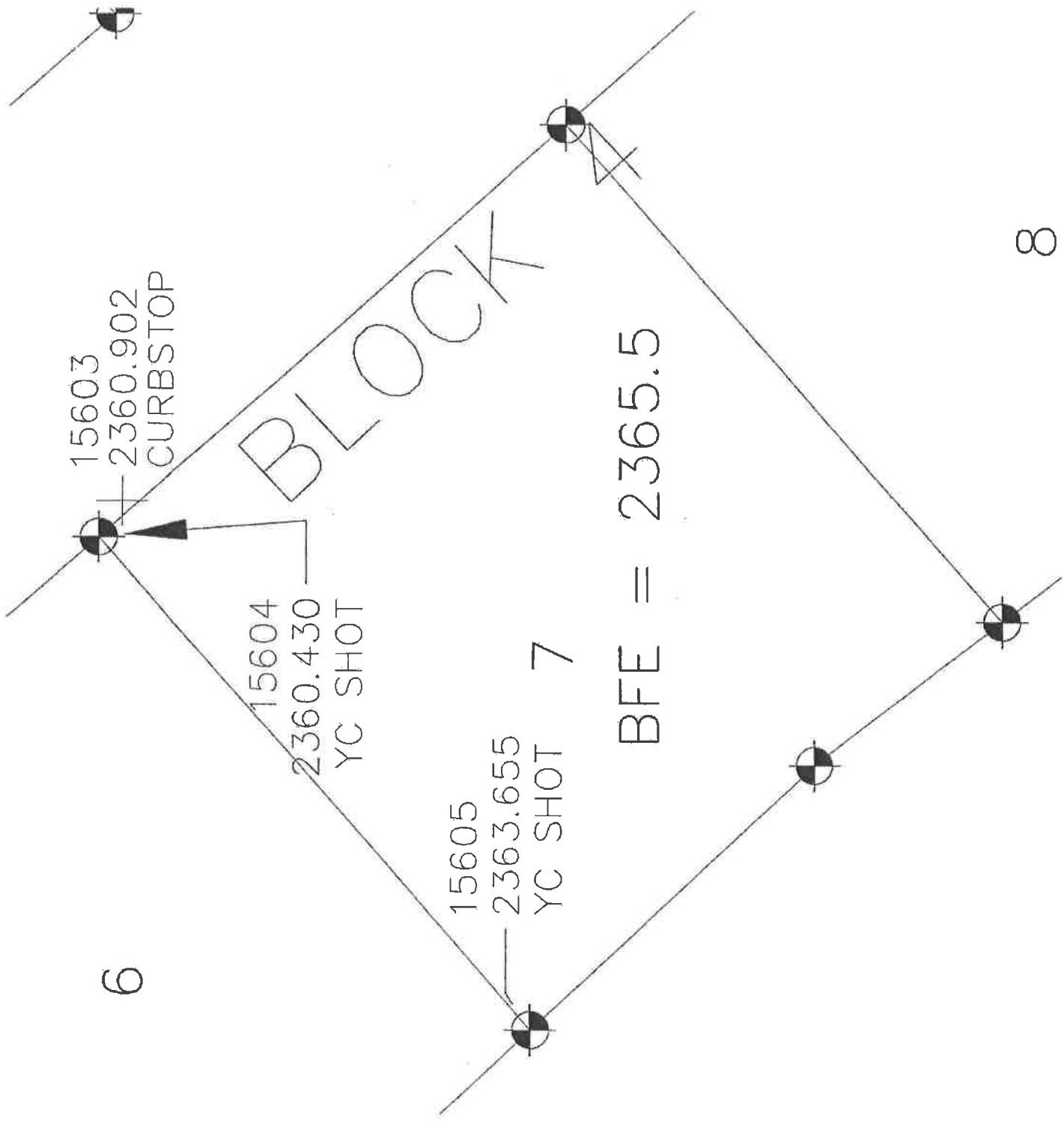
On this 16 day of February, 2022, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Nicole Smith, known to me to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set me hand and affixed my notarial Seal the day and year first above written.


(NOTORIAL SEAL)

Jessica Harrington

Notary's Printed Name: Jessica Harrington
Notary Public for the State of MT
Residing in Miles City
My Commission Expires: 10/15/25



15603
2360.902
CURBSTOP

BLOCK

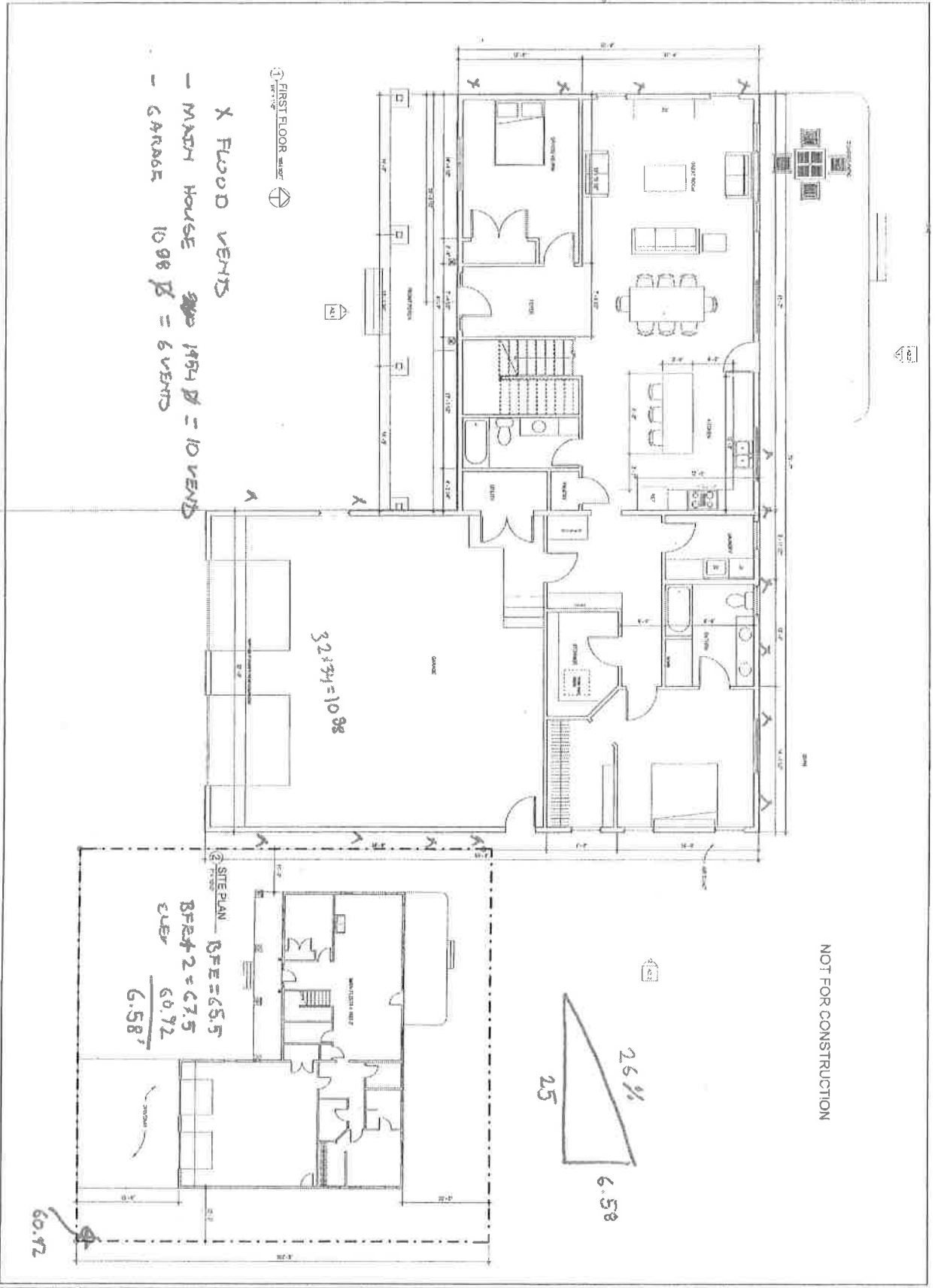
15604
2360.430
YC SHOT

15605
2363.655
YC SHOT 7

BFE = 2365.5

6

8



SMITH
 NEW RESIDENCE
 MILES CITY MONTANA
 MAIN LEVEL FLOOR PLAN

A1.1

DETAILS ARE NOT TO BE CONSIDERED AS PART OF THE CONTRACT. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.



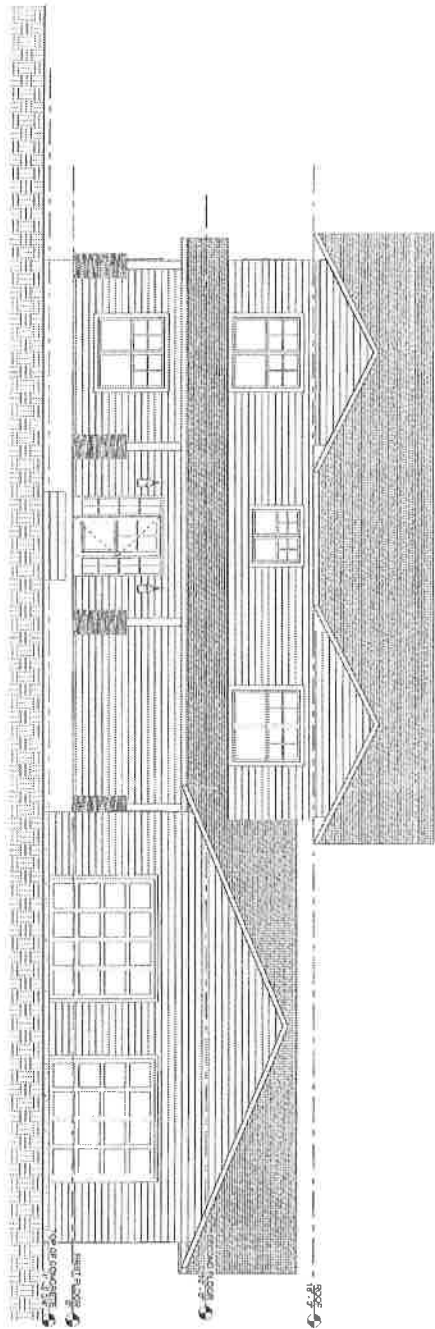
SECOND FLOOR

NOT FOR CONSTRUCTION

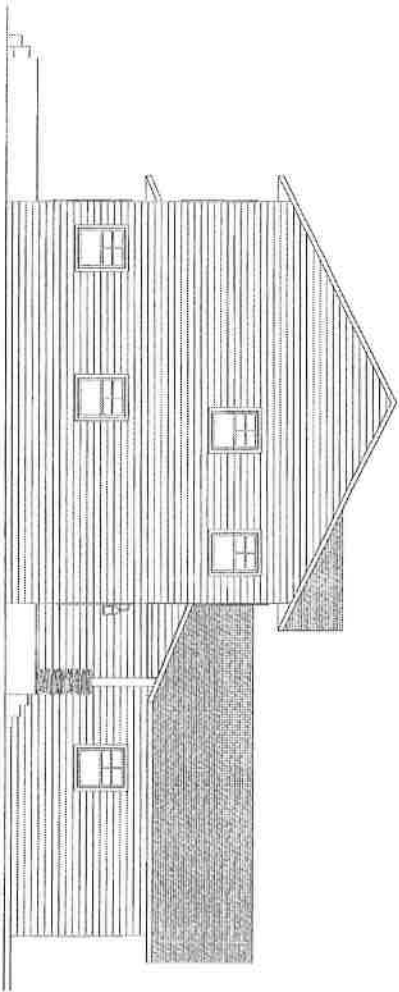
A1.2

SMITH
 NEW RESIDENCE
 MILES CITY MONTANA
 SECOND FLOOR

OWNER ASSUMES RESPONSIBILITY FOR ANY PART OF
 CONSTRUCTION COMPATIBLE WITH THE PLAN, OR
 CHANGE OF DESIGN, AND EXCEPT AS NOTED, THE
 ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN
 ONLY. IT IS THE OWNER'S RESPONSIBILITY TO
 CONTACT THE ARCHITECT IMMEDIATELY FOR ANY
 REVISIONS OR CORRECTIONS.



① EAST ELEVATION

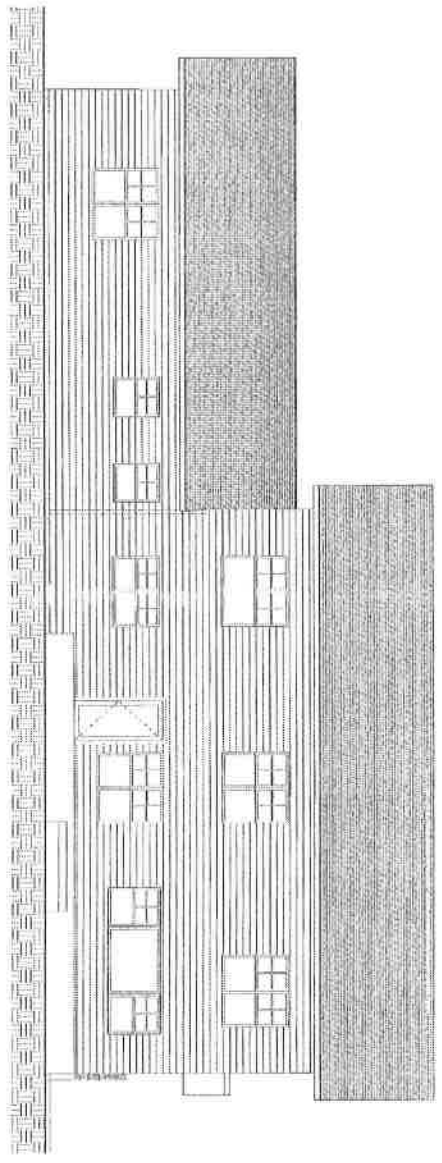


② SOUTH ELEVATION

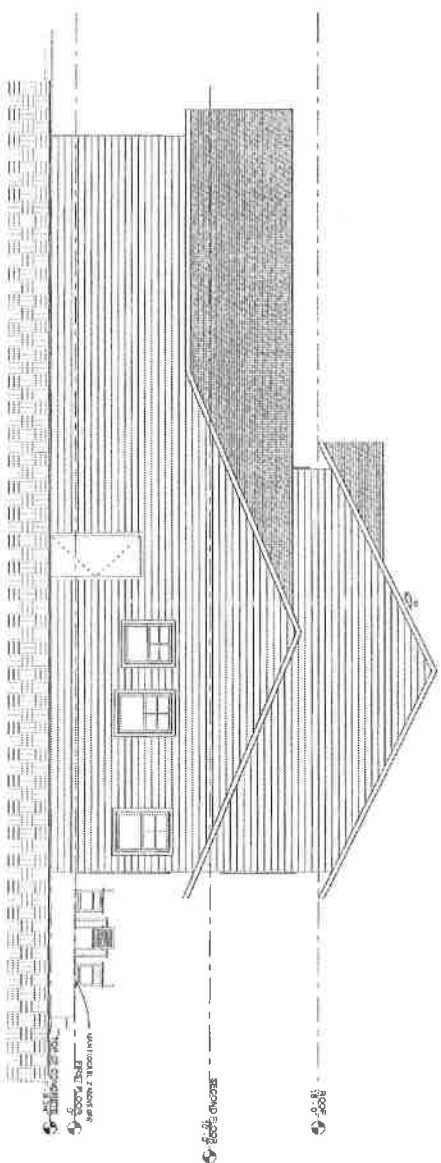
A2.1

SMITH
 NEW RESIDENCE
 MILES CITY MONTANA
 ELEVATIONS

NO WATER ALLOWED TO REMAIN IN ANY PART OF
 CONSTRUCTION UNTIL THE WORK IS COMPLETE. ALL
 WORK SHALL BE DONE IN ACCORDANCE WITH THE
 BUILDING CODES, ORDINANCES, REGULATIONS, ETC. SHALL BE REFERRED TO
 THESE. THEY ARE HEREBY TO BE USED IN THE BEST INTERESTS
 OF THE CLIENT AND THE ARCHITECT. THE ARCHITECT SHALL BE RESPONSIBLE FOR
 THE DESIGN AND CONSTRUCTION OF THE WORK.



1 WEST ELEVATION



2 NORTH ELEVATION

roof
 second floor
 window above first floor
 brick chimney

A2.2

SMITH
 NEW RESIDENCE
 MILES CITY MONTANA
 ELEVATION

DESIGNER ASSUMES NO RESPONSIBILITY FOR ANY FAILURE TO
 CONSTRUCTIVE CONTROL OF THE BUILDING OR THE RESULT OF
 BREACH OF CONTRACT. ALL DIMENSIONS ARE TO FACE UNLESS
 OTHERWISE INDICATED. DIMENSIONS, ETC. SHALL BE ADJUSTED TO
 MATCH THE AVAILABLE MATERIALS. YOU (THE USER) SHALL BE RESPONSIBLE FOR
 VERIFYING ALL DIMENSIONS, ETC. BEFORE CONSTRUCTION.



**PUBLIC WORKS & UTILITIES
DEPARTMENT**



CITY OF MILES CITY

17 So. 8th Street
P.O. Box 910
Miles City, Montana 59301

Telephone: (406) 234-3493
Fax: (406) 234-6392

NOTICE FOR PUBLIC COMMENT

REQUEST FOR FLOODPLAIN VARIANCE

The City of Miles City Council has received the following Floodplain Variance request:

A variance request has been made by Jacob & Nicole Smith in the 100-year floodplain. The site located at 531 Huffman and is legal described as S4, T07N, R47E, Milestown Estates, Block 4, Lot 7. The applicant is seeking a variance to build an attached garage with the floor set to the 100-year floodplain Base Flood Elevation.

This site is currently mapped as an AE flood hazard zone with base flood elevation given.

A more precise map and description of the proposal and variance is available for review at the City of Miles City, City Hall at 17 South Eighth Street, Miles City, Montana. Written or oral comments concerning the above request should be directed to the Floodplain Administrator at City of Miles City, PO Box 910, Miles City, MT 59301; or via phone: (406) 234-3493 or email: smalenovsky@milescity-mt.org.

Comments will be received through Tuesday, March 8, 2022. The hearing will be held Tuesday, March 22, 2022 at 6:00 p.m. in the City Hall Conference Room, 17 South 8th Street, Miles City, Montana, 59301.

Samantha Malenovsky, CFM
Floodplain Administrator
City of Miles City

Affidavit of Publication

STATE OF MONTANA }
County of Custer } ss.

NOTICE FOR PUBLIC COMMENT REQUEST FOR FLOOD-PLAIN VARIANCE

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Comments will be received through Tuesday, March 22, 2022. The hearing will be held Tuesday, March 22, 2022 at 6:00 p.m. in the City Hall Conference Room, 17 South 8th Street, Miles City, Montana, 59301.

s/Samantha Malenovsky,
CFM
Floodplain Administrator
City of Miles City
(Published: March 7th
2022)

MNAXLP

Mary Rose Bovee, being duly sworn on her oath, says that she has been the principal clerk of the printer of the MILES CITY STAR, a daily newspaper of general circulation, printed and published at Miles City, in said County and State. City of Miles City. Notice for Public Comment. Request for Floodplain Variance. 531 Huffman / Smith. A printed and true copy which, cut from the columns of said newspaper, is hereto attached, and made a part hereof, was printed and published in said newspaper, in the regular and entire issue of every number of the paper during the period and time of publication, on the following dates March 7, 2022.

Signed Mary Rose Bovee

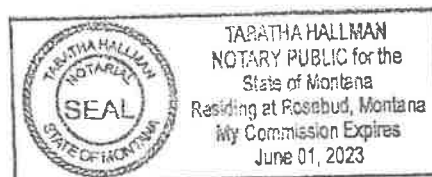
Subscribed and sworn to before me this 7th

Day of March,

2022

Tabatha Hallman

Tabatha Hallman, Notary Public for the State of Montana, residing at Rosebud. My Commission Expires June 1, 2023.



ORDINANCE NO. 1352

AN ORDINANCE GRANTING TO MONTANA-DAKOTA UTILITIES CO., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE AND RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE, WITHIN AND UPON, IN AND UNDER THE STREETS, ALLEYS AND PUBLIC GROUNDS OF THE

CITY OF MILES CITY, CUSTER COUNTY, MONTANA

A NATURAL GAS DISTRIBUTION SYSTEM FOR TRANSMITTING AND DISTRIBUTING NATURAL OR MANUFACTURED GAS, OR A MIXTURE OF BOTH, FOR PUBLIC AND PRIVATE USE.

BE IT ORDAINED BY

THE CITY COUNCIL, CITY OF MILES CITY, CUSTER COUNTY, MONTANA:

SECTION I. For convenience, herein, said municipal corporation is designated and referred to as "Municipality" and Montana-Dakota Utilities Co. is designated and referred to as "Grantee." Any reference to either includes their respective successors and assigns.

SECTION II. There is hereby granted to Montana-Dakota Utilities Co., a corporation, Grantee, its successors and assigns, subject to the limitations herein stated, the right and franchise to occupy now and use the streets, alleys and public grounds of the Municipality as now, or hereafter constituted, for the purpose of constructing, maintaining, and operating, within, upon, in and under the same, a natural gas distribution system for transmitting and distributing natural or manufactured gas, or a mixture of both, for public and private use.

SECTION III. Grantee shall maintain an efficient distribution system for furnishing natural or manufactured gas, or a mixture of both, for public and private use at such reasonable rates as may be approved by the Public Service Commission of the State of Montana and under such orders, rules or regulations as may be issued by a federal or state agency having jurisdiction thereof.

SECTION IV. This franchise shall not be exclusive and shall not be construed to prevent the Municipality from granting to any other party the right to use the streets, alleys, and public grounds of the Municipality for like purposes.

SECTION V. The Municipality reserves any right it may have, under its police power, or otherwise, to control or regulate the use of said streets, alleys, and public grounds by Grantee.

SECTION VI. Unless otherwise provided in any permit or regulation of the Municipality under separate ordinance, Grantee may trim trees and shrubs in and over the streets, alleys and public grounds to the extent Grantee determines is necessary to avoid interference with the construction, operation, maintenance and repair of the natural gas distribution facilities, provided Grantee shall hold the Municipality harmless from any liability arising therefrom.

SECTION VII. Grantee shall indemnify and save and hold the Municipality harmless from any loss or damage due to the construction, installation, and maintenance of its distribution system,

and its use of the streets, alleys, and public grounds of the Municipality. The Municipality shall not be indemnified or held harmless for losses, claims, or causes of action caused through its own negligence or that of its agents, employees, or contractors.

SECTION VIII. Grantee shall have the right to assign this franchise to any party, or corporation, but all obligations of Grantee hereunder shall be binding upon its successors and assigns.

SECTION IX. Within thirty (30) days after Grantee is notified of passage and final approval of this Ordinance, Grantee shall file with the clerk or auditor of the Municipality its written acceptance of this franchise.

SECTION X. This franchise shall continue and remain in full force and effect for a period of twenty-five (25) years from the date upon which this ordinance shall become effective as provided by law.

SECTION XI. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 22nd day of March, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 12th day of April, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

ACCEPTANCE OF FRANCHISE

Montana-Dakota Utilities Co., a corporation, hereby accepts the terms and conditions of that certain Ordinance No. 1352 enacted by the governing body of the City of Miles City, Custer County, Montana, the same being an ordinance granting to Montana-Dakota Utilities Co., its successors and assigns, a franchise to construct, maintain and operate, within and upon, in and under the streets, alleys and public grounds of said City of Miles City, Custer County, Montana, a natural gas distribution system for transmitting and distributing natural or manufactured gas, or a mixture of both, for public and private use, and defining the extent and conditions of such rights and privileges, which ordinance was duly and finally passed, adopted and approved by the governing body of the City of Miles City on the 12th day of April, 2022.

Dated this _____ day of _____, 2022.

Montana-Dakota Utilities Co.

By _____
Eric P. Martuscelli
Vice President – Field Operations

ATTEST:

Secretary

I, the undersigned, being the City Clerk of the City of Miles City, State of Montana, do hereby certify that I received the within Acceptance of Franchise on this _____ day of _____, 2022, and on said date duly filed the same in my office.

Mary Rowe, City Clerk

RECORD OF FRANCHISE PROCEEDINGS
CERTIFIED TO BY CITY CLERK

STATE OF MONTANA)
) SS
COUNTY OF CUSTER)

I, the undersigned, City Clerk of the City of Miles City, Custer County, Montana;

DO HEREBY CERTIFY, that I compared the attached copies of proceedings and documents pertaining to the natural gas franchise granted to Montana-Dakota Utilities Co. by said municipality as evidenced by Ordinance No. 1352 passed by the governing body of said municipality on the 12th day of April, 2022, with the originals of which said documents purport to be true and complete transcripts, and that each of the attached copies is a true and exact copy of such original instruments, viz:

1. Application of Montana-Dakota Utilities Co. for a natural gas franchise.
2. Affidavit of publication of the notice of public hearing for Ordinance No. 1352.
3. The meeting minutes of the City Council for the dates of March 22nd and April 12th, 2022, confirming first and second reading and passage of said Ordinance, along with the record of discussion and protests as to the same.
4. Acceptance of franchise, including this official's certification of filing the same.

I HEREBY FURTHER CERTIFY that all of the originals of the above-mentioned documents are on file in my office and that insofar as I have knowledge or am informed all of the legal requirements of the by-laws of the governing body of said City of Miles City and the statutes of the State of Montana governing the enactment of such ordinance granting such a franchise have been fully and properly complied with.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said City of Miles City, this _____ day of _____, 2022.

Mary Rowe, City Clerk
City of Miles City, Custer County, MT

RESOLUTION NO. 4455

A RESOLUTION APPROVING PLACEMENT OF STOP SIGNS AND CROSSWALK SIGNAGE ON LEIGHTON BOULEVARD.

WHEREAS, the City of Miles City has received a number of citizen concerns regarding dangerous vehicle traffic on Leighton Boulevard, specifically speeding and reckless driving;

AND WHEREAS, the City finds that placement of stop signs to create a 4-way stop intersection at Leighton Boulevard and North Strevell Avenue, along with painting of crosswalks and signage at said intersection, as well as at the intersection of Leighton Boulevard and North Stacy Avenue, is advisable;

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

1. The Public Works Director is directed to erect signage to create a 4-way stop intersection at North Strevell Avenue and Leighton Boulevard, as well as to repaint and maintain the existing cross walk and signage at said intersection for the crossing of Leighton Boulevard. The Public Works Director is further directed to repaint and maintain the cross walk and erect signage for crossing at Leighton Boulevard at the intersection with North Stacy Avenue.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 22ND DAY OF MARCH, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk