



CITY OF MILES CITY

AGENDA

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

*September 27, 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 08/09/2022
2. SCHEDULE MEETINGS
3. REQUEST OF CITIZENS & PUBLIC COMMENT
4. APPOINTMENTS

Ward III Council Member
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. 1362 (Second Reading) – AN ORDINANCE AMENDING SECTION 2-54 AND 2-55 REGARDING THE CITY COUNCIL FLOOD CONTROL COMMITTEE.**
 - B. **ORDINANCE NO. 1363 (Second Reading) - AN ORDINANCE CHANGING THE ZONING OF THE EAST ½ OF LOTS 9 & 10 OF BLOCK 7 OF THE WOODLAND PARK ADDITION TO THE CITY OF MILES CITY FROM RESIDENTIAL A DISTRICT TO MOBILE HOME RESIDENTIAL DISTRICT, AND PROVIDING FOR A HEARING THEREON.**
 - C. CONSENT AGENDA (Items C-M)
 - C. **RESOLUTION NO. 4472 (Second Reading) - A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2022-2023 TO FUND GROUP HEALTH INSURANCE PREMIUM CONTRIBUTIONS BY THE CITY AND PROVIDING FOR HEARING THEREON**
 - D. **RESOLUTION NO. 4473 (Second Reading) - 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 2022-2023.

- E. **RESOLUTION NO. 4474 (*Second Reading*) - 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 2022-2023.**
- F. **RESOLUTION NO. 4475 (*Second Reading*) - 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 2022-2023.**
- G. **RESOLUTION NO. 4476 (*Second Reading*) - 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 2022-2023.**
- H. **RESOLUTION NO. 4477 (*Second Reading*) - 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 2022-2023.**
- I. **RESOLUTION NO. 4478 (*Second Reading*) - 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 2022-2023.**
- J. **RESOLUTION NO. 4479 (*Second Reading*) - 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 2022-2023.**

- K. RESOLUTION NO. 4480 (*Second Reading*) – 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 2022-2023.
 - L. RESOLUTION NO. 4481 (*Second Reading*) – 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 2022-2023.
 - M. RESOLUTION NO. 4482 (*Second Reading*) - 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 2022-2023
13. **UNFINISHED BUSINESS**
- A. ORDINANCE NO. 1362 (*Second Reading*) – AN ORDINANCE AMENDING SECTION 2-54 AND 2-55 REGARDING THE CITY COUNCIL FLOOD CONTROL COMMITTEE.
 - B. ORDINANCE NO. 1363 (*Second Reading*) - AN ORDINANCE CHANGING THE ZONING OF THE EAST ½ OF LOTS 9 & 10 OF BLOCK 7 OF THE WOODLAND PARK ADDITION TO THE CITY OF MILES CITY FROM RESIDENTIAL A DISTRICT TO MOBILE HOME RESIDENTIAL DISTRICT, AND PROVIDING FOR A HEARING THEREON.

CONSENT AGENDA (Items C-M)

- C. RESOLUTION NO. 4472 (*Second Reading*) - A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2022-2023 TO FUND GROUP HEALTH INSURANCE PREMIUM CONTRIBUTIONS BY THE CITY AND PROVIDING FOR HEARING THEREON
- D. RESOLUTION NO. 4473 (*Second Reading*) - 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 2022-2023.
- E. RESOLUTION NO. 4474 (*Second Reading*) - 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 2022-2023.

- F. **RESOLUTION NO. 4475 (*Second Reading*) - 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 2022-2023.**
- G. **RESOLUTION NO. 4476 (*Second Reading*) - 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 2022-2023.**
- H. **RESOLUTION NO. 4477 (*Second Reading*) - 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 2022-2023.**
- I. **RESOLUTION NO. 4478 (*Second Reading*) - 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 2022-2023.**
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- K. **RESOLUTION NO. 4480 (*Second Reading*) – 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 2022-2023.**

- L. **RESOLUTION NO. 4481 (*Second Reading*) – 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 2022-2023.**

- M. **RESOLUTION NO. 4482 (*Second Reading*) - 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 2022-2023**

- 14. **NEW BUSINESS**
- 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 August 9, 2022
6:00 p.m.**

CALL TO ORDER

The Regular Council meeting was held Tuesday, August 9, 2022, 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 Stacy Broell, Ken Gardner, Rick Huber, Chris Grenz, Kathy Wilcox, Roxanna Brush, and Dwayne Andrews.

Also present were City Attorney Dan Rice, Public Works Director Scott Gray, Public Utilities Director Tom Speelmon, Flood Plain Administrator/Auto Cad/Assistant PWPV Samantha Malenovsky, Fire Chief Branden Stevens, Dispatch Supervisor Lyne Anderson, 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: 7/12/2022

** *Councilperson Grenz moved to approve the minutes of the Regular Council Meeting of July 12th, 2022, subject to any changes, and seconded by Councilperson Gardner. The motion **passed** by unanimous consent, 7-0.*

City Council Minutes: 7/26/2022

** *Councilperson Brush moved to approve the minutes of the Regular Council Meeting of July 26th, 2022, subject to any changes, and seconded by Councilperson Grenz. The motion **passed** by unanimous consent, 7-0.*

Flood Control Committee Minutes: 8/2/2022

** *Councilperson Gardner moved to approve the minutes of the Regular Council Meeting of August 2nd, 2022, subject to any changes, and seconded by Councilperson Wilcox. The motion **passed** by unanimous consent, 7-0.*

SCHEDULE MEETINGS

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

Budget Continuation	8/11/2022	@ 2:00pm
Public Safety Committee	8/11/2022	@ 9:00am
Human Resources Committee	8/18/2022	@ 4:00pm

REQUEST OF CITIZENS & PUBLIC COMMENT

Custer County Fund for Animals, a 501(c)(3) organization, requested that the Animal Shelter budget be increased \$7,750 more to cover urgent needs for the Hope for Helpless Pets project. They stated that Officer Winkley and Chief Colombik have a recent agreement with them to cover extra expenses for pets when there is no room at the shelter. They also stated that Montana State Law requires spay or neuter prior to release of animals.

Councilperson Brush asked if there were an actual written agreement in place because she had not seen one, to which they responded that it was a verbal agreement.

Clerk Rowe voiced a citizen comment on behalf of Rene Dyba. She requested a stop signs be put in on the corner of Comstock and Earling because of the children crossing the street at that intersection. She asked that Council drive by that intersection to evaluate the need.

*** 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

Chief Stevens announced that there was a public meeting on July 27th at Miles Community College and it had a very poor turnout, approximately 15-20 people. He also noted that Tester's office is involved now and will be writing a support letter on their behalf. Lastly, he will be talking with the wind farm before the end of August.

Director Speelmon gave an update on the North Haynes sewer line and the specs for the generator at the waste water treatment plant.

Director Gray stated that the frog pool and the oasis will be shutting down in two weeks, but that the splash pad would remain open until after Labor Day. The streets crew are painting crosswalks and doing ADA curbing.

Supervisor Anderson presented a draft interlocal agreement between the Miles City and Glendive for dispatch services. She noted that the 911 Board had not yet approved the agreement, but she wanted to let Council know what was in the works. Mayor Hollowell explained that this would come to Council in a Resolution form once it is time for Council to take action on the agreement.

CITY COUNCIL COMMENTS

None

MAYOR COMMENTS

None

COMMITTEE RECOMMENDATIONS

Flood Control Committee- Recommendation to dissolve Flood Control Committee. Councilperson Gardner stated that the Floodplain Administrator along with the flood steering committee update/alert the Council to anything regarding flood anyways, so the Flood Control Committee is not needed. Administrator Malenovsky reiterated that the Yellowstone, Tongue, and Slough all involve the County too and she will personally keep Council posted on all updates.

** *Councilperson Gardner moved to send the recommendation to Ordinance, seconded by Councilperson Brush and passed unanimously, 7-0.*

BID OPENINGS

None

BID AWARDS

None

PUBLIC HEARINGS

- A. ORDINANCE NO. 1358 (*Second Reading*) – AN ORDINANCE AMENDING SECTION 12-53 OF THE CITY OF MILES CITY FLOOD CODE WITH RESPECT TO AGRICULTURAL STRUCTURES.**

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

- B. ORDINANCE NO. 1359 (*Second Reading*) - AN ORDINANCE AMENDING SECTION 22-124 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING U-TURNS IN SCHOOL ZONES.**

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

- C. ORDINANCE NO. 1360 (*Second Reading*) - AN ORDINANCE AMENDING SECTION 22-175 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING ANGLE PARKING.**

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

D. ORDINANCE NO. 1361 (*Second Reading*) - AN ORDINANCE ENACTING SECTION 22-152 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO PROHIBITING THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.

Mayor Hollowell called for comments from proponents three times, then opponents three times.

Opponent - Casey Dusatko, 21 Mastin Road, Kinsey, MT, stated that provision 1 doesn't apply to law enforcement, fire, or public government. He doesn't think it should be divided, citizens vs officials.

The hearing was closed.

UNFINISHED BUSINESS

A. ORDINANCE NO. 1358 (*Second Reading*) – AN ORDINANCE AMENDING SECTION 12-53 OF THE CITY OF MILES CITY FLOOD CODE WITH RESPECT TO AGRICULTURAL STRUCTURES.

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

Councilperson Grenz requested clarification regarding #4 dry flood proof and wet flood proof. Administrator Malenovsky explained that dry is designed by an architect and wet allows water to run through it. Grenz asked about water displacement, to which Mayor Hollowell explained the floodway needs to have an engineering report showing there is no rise in the base flood elevation, but in the flood fringe the engineering report is not needed, but it cannot drain onto neighboring property.

****** *On roll call vote, the motion passed by unanimous consent, 7-0.*

B. ORDINANCE NO. 1359 (*Second Reading*) - AN ORDINANCE AMENDING SECTION 22-124 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING U-TURNS IN SCHOOL ZONES.

****** *Councilperson Brush moved to approve the Ordinance, read by title only, seconded by Councilperson Gardner and passed unanimously, 7-0.*

C. ORDINANCE NO. 1360 (*Second Reading*) - AN ORDINANCE AMENDING SECTION 22-175 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY REGARDING ANGLE PARKING.

*** Councilperson Grenz moved to approve the Ordinance, read by title only, seconded by Councilperson Wilcox and passed unanimously, 7-0.*

D. ORDINANCE NO. 1361 (Second Reading) - AN ORDINANCE ENACTING SECTION 22-152 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY WITH RESPECT TO PROHIBITING THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE DRIVING.

*** Councilperson Wilcox moved to approve the Ordinance, read by title only, seconded by Councilperson Brush.*

Enforcement, exceptions, cost, and placement of signage were discussed. It was noted that the Ordinance had not gone through a Committee yet.

*** Councilperson Wilcox moved to postpone until next meeting, seconded by Councilperson Brush, and passed unanimously, 7-0.*

NEW BUSINESS

A. APPROVAL OF JULY CLAIMS

*** Councilperson Broell moved to approve July claims, seconded by Councilperson Brush, and passed unanimously, 7-0.*

B. RESOLUTION NO. 4468 – A RESOLUTION PURSUANT TO §7-6-4006 OF THE MONTANA CODE ANNOTATED, AUTHORIZING AMENDMENT OF FINAL BUDGET FOR FY 2021-2022 TO INCREASE THE BUDGETED AMOUNT IN VARIOUS FUNDS FOR VARIOUS UNBUDGETED REVENUES AND EXPENDITURES.

*** Councilperson Grenz moved to approve the Resolution, read by title only and seconded by Councilperson Andrews.*

Councilperson Grenz asked whether the permissive levy was overtaxed or undertaxed. Clerk Rowe explained that it was a previous accounting error and that the levy is a state set levy, so neither overtaxing nor undertaxing had occurred. He also asked where the additional revenue came from in the Library fund, which there were no library board members present to answer.

** On roll call vote, the motion passed by unanimous consent, 7-0.*

ADJOURNMENT

****** *Councilperson Broell moved to adjourn the meeting, seconded by Councilperson Gardner and passed unanimously.*

The meeting was adjourned at 7:34 p.m.

John Hollowell, Mayor

Mary Rowe, City Clerk

Mary Rowe

From: Gary Cridland <gcriland@midrivers.com> on behalf of Gary Cridland
Sent: Tuesday, August 09, 2022 3:34 PM
To: Mary Rowe
Subject: +Miles City Ward III Council Appointment

Hi Mary,

My name is Gary Cridland, a life time resident of Miles City. My residence is at 2804 Sudlow (Ward III). My wife Bernadette & I also own & operate the Miles City CridCo Water Treatment business at 809 Bridge St.

Please be informed of my Interest in appointment to fill remaining term of resigning council member for Ward III. It is my understanding that the term will expire & require election in end of 2023.

Also further open notification to any concerned, that existing Mayor John Hollowell is my son-in-law.

Thank you for your consideration, Gary Cridland C (406) 951-2651

Public Hearing

ORDINANCE NO. 1362

AN ORDINANCE AMENDING SECTION 2-54 AND 2-55 REGARDING THE CITY COUNCIL FLOOD CONTROL COMMITTEE.

WHEREAS, the City Council has determined that it no longer requires a separate flood control committee, and that review of floodplain and floodway related matters are properly conducted by the remaining standing committees;

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

Section 1. Section 22-124 is amended to read as follows:

Sec. 2-54. - Standing committees—Created and designated.

At the first regular meeting of the city council after the first Monday in January of each year, the mayor, with the approval of a majority of the membership of the city council, shall appoint standing committees each consisting of four members of the city council, one from each ward, for the ensuing year as follows:

- (1) Committee on finance.
- (2) Committee on public safety.
- (3) Committee on public services.
- (4) Committee on human resources.
- ~~(5) Committee on flood control.~~

Sec. 2-55. - Same—Duties.

- (a) To the committee on finance shall be referred all policy matters related to the financial condition of the city including regular revenue and expenditures reviews; department budget preparation and reviews; auditing and passing upon all bills and claims presented against the city; and auditing of all books of accounts of all city officers. This committee shall also consider all policy matters related to apportionment, property rented or leased by the city and all zoning matters.
- (b) To the committee on public safety shall be referred all policy matters related to the fire and ambulance and police departments, including dispatch and animal/parking control, of the city; all safety matters concerning the inspection and regulation of buildings and occupancy of buildings; all matters related to the prevention and abatement of nuisances as well as all matters related to city court.
- (c) To the committee on public services shall be referred all policy matters related to streets and alleys of the city; water and sewer plant matters; mains and facilities, both public and private; and use of recreational facilities of the city including parks, playgrounds, libraries, public amusements and entertainment.

- (d) To the committee on human resources shall be referred all policy matters related to the recruitment, management and development of the human resources of the city including periodic review of the pay and classification systems for city employees. This committee will serve as a review board for employee grievances as directed by written city policy or as directed by the city council. To this committee union grievances concerning "phase II" shall be referred for recommendation to the whole council. The committee will serve as a review board for probationary performance evaluations as provided by written policy or as directed by the city council.
- (e) ~~To the committee on flood control shall be referred all policy matters related to flood control and floodplain management, including abatement and mitigation plans, disaster management plans pertaining to flood readiness and response, revisions to the flood insurance rate map (LOMRs), and policies pertaining to the National Flood Insurance Program such as the community rating system (CRS). To this committee the mayor shall refer all ordinances introduced dealing with matters relating to this section.~~

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

Said Ordinance read and put on its passage this 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

ORDINANCE NO. 1363

AN ORDINANCE CHANGING THE ZONING OF THE EAST ½ OF LOTS 9 & 10 OF BLOCK 7 OF THE WOODLAND PARK ADDITION TO THE CITY OF MILES CITY FROM RESIDENTIAL A DISTRICT TO MOBILE HOME RESIDENTIAL DISTRICT, AND PROVIDING FOR A HEARING THEREON.

WHEREAS, Matthew Sheldon, on behalf of Bink’s Enterprises LLC, has made application for the property described as the East ½ of Lots 9 & 10 of Block 7 of the Woodland Park Addition to the City of Miles City, Montana to be rezoned from the Residential A District (RA) to the Mobile Home Residential District (MH-A) zone;

AND WHEREAS, such property is situated within the city limits of the City of Miles City, Montana, and subject to the zoning jurisdiction of the City of Miles City;

AND WHEREAS, Section 24-96 of the Code of Ordinances of Miles City, Montana requires that such application be referred to the City Zoning Commission for public hearing and recommendation to the City Council prior to any action by the City Council upon such application;

AND WHEREAS, the Miles City Zoning Commission, on July 28, 2022, upon public hearing and deliberation, recommended to the City Council that such zone change be approved.

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

Section 1. Zoning for the following described real property located within the City of Miles City, Custer County, Montana, is hereby rezoned from the Residential A District (RA) to the Mobile Home Residential District (MH-A) zone, to wit:

The East ½ of Lots 9 & 10 of Block 7 of the Woodland Park Addition to the City of Miles City, located in Section 27 of Township 8 North, Range 47 East, PMM, City of Miles City, Custer County, Montana.

Section 2. The Final Report of the Zoning Commission of the City of Miles City, prepared as part of the review of this application, and attached hereto as Exhibit “A,” is hereby adopted as Findings of Fact to support the Council’s decision.

Section 3. Prior to final passage, a public hearing shall be held upon this proposed zone change before the City Council at 6:00 P.M. on the 27th day of September, 2022, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

Section 4. The City Clerk shall give notice of the date, time and place of such hearing by publication in the Miles City Star at least 15 days prior to the date of such hearing, as well as notice by certified mail at least 15 calendar days prior to such hearing to the applicant, landowner, and all adjoining property owners and owners of land within 150 feet of the subject property, containing all information required by, and in accordance with, MCA Sections 76-2-303 and 305, as well as Section 24-97 of the Code of Ordinances of Miles City, Montana.

Section 5. This ordinance shall be in full force and effect thirty (30) days after its final passage and approval.

Said Ordinance read and put on its passage this 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

Attachment 1: Applicant's petition



PETITION FOR ZONE CHANGE *Community Services & Planning*

City of Miles City 17 S. 8th Street, P.O Box 910 Miles City, MT 59301 406-234-3493

Date Received: 5-11-2022
(to be filled out by City)

Note: If more than one property/petitioner a list of signatures and legal descriptions may be attached to this application.

I, [Signature] is/are petitioning the City of Miles City to rezone
(Signature)
the following property:

LEGAL DESCRIPTION OF PROPERTY:

Street Address or General Location 1501 N Merriam Miles city MT 59301
Tract/s 009-010 in Section 27 Township 08 Range 47E

OR

Lot/Tract/s 009-010 of Woodland Park in Section 27 Township 08 Range 47E
(Subdivision Name)
Assessor Number/s or Geocode 14-1740-27-2-13-02-0000

PRIMARY CONTACT:

Applicant Name: Birk's Enterprises LLC If a business: Contact Name Matthew Sheldon
(Please print) (Please print)

Address: Po box 672
Miles City MT 59301

Phone: 406-852-3451 Cell Phone: 406-720-0444 Email: matthew_sheldon@rockhorns1.com

DESCRIPTIVE DATA:

Total area in acres: _____
Existing Zoning: Residential A (RA) Proposed Zoning: MH-A
Existing Use: Lot

Yes No Purpose of the zone change is for pending development/sale. If so please explain the nature of the proposal or state any other reason for requested change: Place mobile home on lot

Note: All information must be filled in for the application to be complete. Submission of an application is not a guarantee that a zone change will be approved.

Attachment 2: Applicant's responses to the Zone Change criteria

Questions related to the criteria for zone changes and zoning amendments:

How would the proposed zone change be in accordance with the growth policy?

Answer: It would allow for affordable housing and grow Miles City.

How would the proposed zone change secure safety from fire and other dangers?

Answer: An occupant will be able to tend daily to the lot.

How would the proposed zone change promote public health, safety, and general welfare?

Answer: It would allow for an increase in supply of affordable housing.

How would the proposed zone change facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?

Answer: It would allow for an individual to occupy the area and utilize the aforementioned public utilities.

How would the proposed zone change ensure the reasonable provision of adequate light and air?

Answer: It would add additional lighting for the area due to use of a residence.

How would the proposed zone change effect motorized and non-motorized transportation systems?

Answer: It would not effect it.

How would the proposed zone change promote compatible urban growth?

Answer: It would allow for affordable housing.

How would the proposed zone change impact the character of the district, and its peculiar suitability for particular uses?

Answer: It would allow for diversity.

How would the proposed zone change work to conserve the value of buildings and encourage the most appropriate use of the land throughout the jurisdictional area?

Answer: It would allow for an increase of a residence in the area.

Describe whether the proposal might be considered illegal spot zoning. Factors to be considered include whether the proposed land use is significantly different from the prevailing use in the area; whether the area of the proposed zone change is relatively small not only in terms of acreage, but from the perspective of the number of separate landowners who would benefit from the proposed change; and whether the change would amount to special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or general public. In order for spot zoning to be considered illegal, all three of the factors must be present.

Answer: No it would not. Some of the surrounding areas have the same zoning that it being applied for.

Would the proposed zone change correct an inconsistency in the zoning?

Answer: No

Is the zone change intended to address changing conditions or further a specific public challenge such as the need for affordable housing, economic development, mixed use development or sustainable environmental features?

Answer: The need for affordable housing

Miles City Zoning Commission
P.O. Box 910
Miles City, MT 89301

August 5, 2022

Mayor Hollowell and City Council:

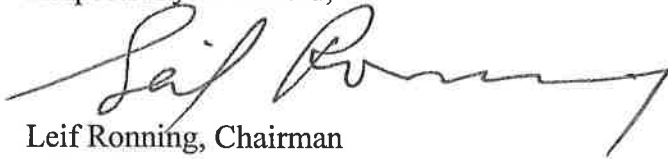
RE: 1501 N Merriam, Zone Change

The Miles City Zoning Commission conducted its public hearing on Thursday, July 28, 2022 to consider the zone change to a property described as East ½ of Lots 9 & 10, Block 7 of Woodland Park Addition, located in Section 27 of Township 8 North, Range 47 E, PMM, City of Miles City, Custer County, Montana Residential A to Mobile Home A.

After reviewing comments from the hearing, the Zoning Commission recommends approval of the Zone Change at 1501 N Merriam.

Please schedule this for review by the City Council at your earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Leif Ronning", written in a cursive style.

Leif Ronning, Chairman
Miles City Zoning Commission

Revised Final Report of Zoning Commission
Bink's Enterprises LLC's 1501 N. Merriam Zone Change Application
RA District to MH-A District
August 24, 2022

I. GENERAL INFORMATION

A. Public Hearings:

- 1. Zoning Commission Hearing:** Thursday, July 28, 2022 at 2:00 p.m. in the City Hall Conference Room
- 2. City Council Hearing:** Tuesday, ~~August 23~~ September 27, 2022 at 6:00 p.m. in the City Council Chambers

B. Project Proponents

- 1. Landowner:** Bink's Enterprises LLC
PO Box 672
Miles City, MT 59301
- 2. Applicant:** Matthew Sheldon, Bink's Enterprises LLC
PO Box 672
Miles City, MT 59301
- 3. Technical Assistance:** n/a

C. Property Description

The tract is legally described as the East ½ of Lots 9 & 10 of Block 7 of the Woodland Park Addition, located in Section 27 of Township 8 North, Range 47 East, PMM, City of Miles City, Custer County, Montana. The property is approximately 3,444 square feet in size.

The property is located at 1501 North Merriam Avenue in north Miles City. The property is zoned Residential A District (RA) by the Miles City Zoning Code, and the applicant/landowner proposes a zone change to designate the property in the Mobile Home Residential District (MH-A). The property is surrounded on three sides (north, west, and east) by other tracts also zoned RA District, with the requested MH-A District located to the south of the tract across McKenzie Street. Please see the Zoning Map, Figure 1 on Page 2.

The tract contains no improvements and is therefore undeveloped according to the Montana Cadastral program. The prevailing land use in the immediate vicinity is single-family residential and occasional mobile homes, with the exception of the Action for Eastern Montana (AEM) program's school (formerly Roosevelt School) to the northeast.

Figure 1: Zoning Map in the area, with blue being RA, and orange being MH-A:

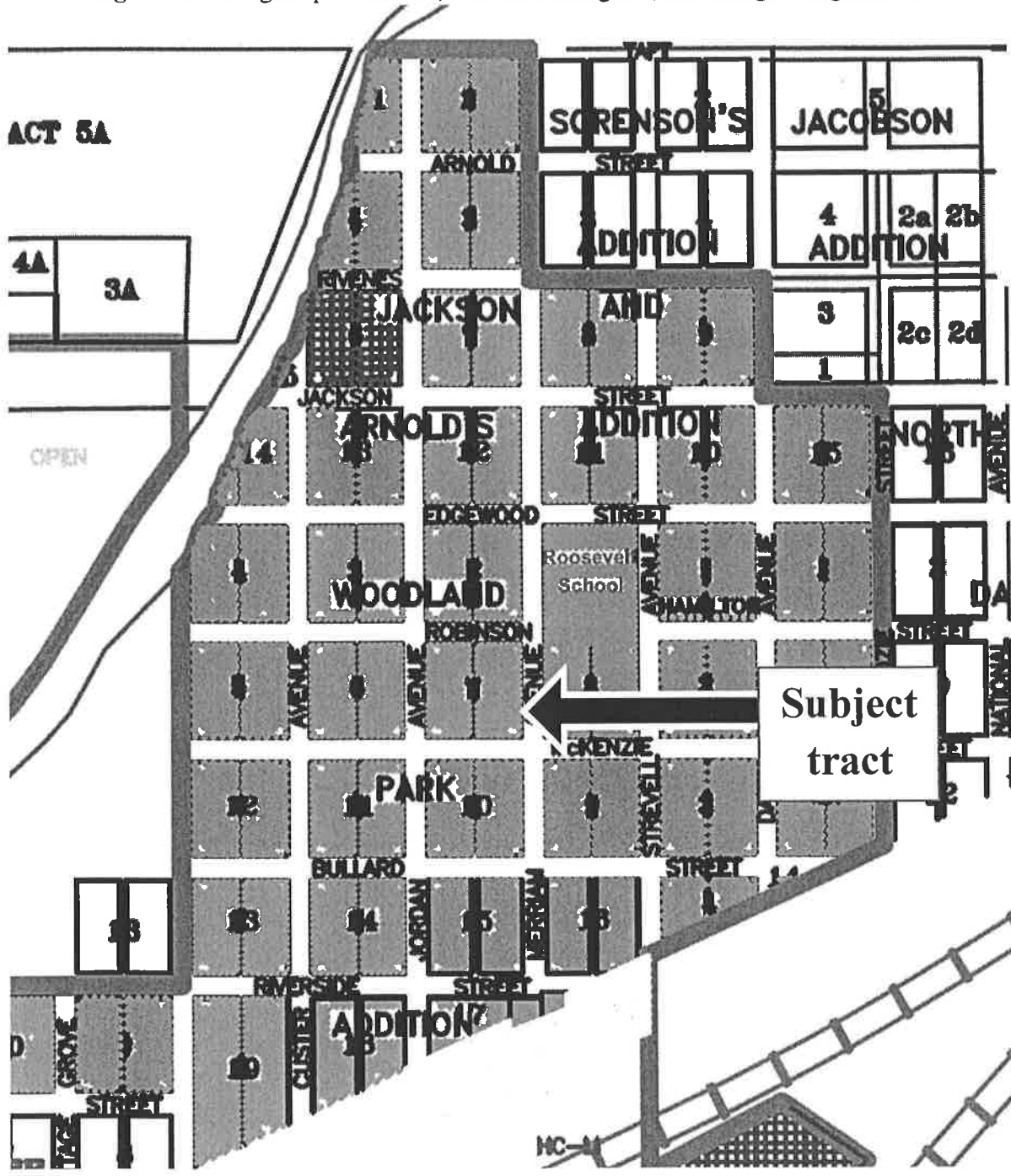


Figure 2: Map of property location/size



D. Project Description

The application indicates the intent is to place a mobile home on the lot. Mobile homes are not listed as a permitted or conditional use in the RA District, while mobile homes are permitted in the MH-A District, which is the stated reason for the zone change petition.

E. Reviewer's Site Visit and Photographs

The reviewer conducted a site visit on July 19, 2022 and took the following photos of the site and immediate vicinity:

Photo 1: The site, looking west from N. Merriam: Photo 2: The site, looking NW from N. Merriam:



Photo 3: Looking west down McKenzie Street:



(site is on the right side of photo)

Photo 4: Looking west down McKenzie Street:



(site is on the left side of photo)

Photo 5: Looking south across McKenzie Street from the site:



Photo 6: Looking north up N. Merriam Ave from east of the site:



F. Attachments

Attachment 1 is the applicant's petition for a zone change; Attachment 2 includes the applicant's responses to queries pertaining to the applicable zone change criteria.

II. PROJECT DETAILS AND APPLICABLE REGULATIONS

A. Zoning & Land Use

- 1. Current Zoning:** Residential A District (RA)
- 2. Proposed Zoning:** Mobile Home Residential District (MH-A)
- 3. Surrounding Zoning:** RA District to west, east, and north, and MH-A District to south.
- 4. Current Land Uses:** The property is currently vacant.
- 5. Proposed Land Uses:** The proposed use of the lot would be for a mobile home.
- 6. Comparison of District Specifications:** The following tables outline the permitted and conditional uses, and specifications for the existing RA district and proposed MH-A district:

RA District Permitted and Conditional Uses (from Table II.1)		MH-A District Permitted and Conditional Uses (from Table II.9)	
Permitted Uses	Conditional Uses	Permitted Uses	Conditional Uses
Single-family dwellings	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located	Mobile homes	Small scale retail and restaurants less than 5,000 square feet that serve the immediate needs of the neighborhood in which they are located
Multifamily dwellings not in excess of four units	Day care centers in excess of 12 children	Single-family dwellings	Day care centers in excess of 12 children
Schools	Bed and breakfasts	Multifamily dwellings not in excess of four units	Home occupations with up to two on site employees (in addition to a homeowner or renter)
Public parks, buildings, and playgrounds	Accessory dwelling units	Schools	Bed and Breakfast
Religious institutions		Public parks, buildings, and playgrounds	Accessory dwelling units
Home occupations with no more than one on site employee (in addition to a homeowner or renter)		Religious institutions	
Accessory uses		Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Home day cares up to 12 children		Accessory uses	
Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio		Home day cares up to 12 children	

antennae in compliance with section 24-70(c).			
Minor utility installations		Amateur radio antenna support structures, antenna support structures, alternative antenna support structures, antennae, and amateur radio antennae in compliance with section 24-70(c).	
		Minor utility installations	

RA District Specifications (from Table II.2)		MH-A District Specifications (from Table II.10)	
Regulations	Specifications	Regulations	Specifications
Minimum lot width	50 feet	Minimum lot width	40 feet
Minimum lot size	5,500 square feet	Minimum lot size	4,800 square feet
Minimum front yard setback	20 feet	Minimum front yard setback	20 feet
Minimum side yard setback	5 feet	Minimum side yard setback	5 feet
	Corner lots—10 feet for side yard adjacent to street		Corner lots—10 feet for side yard adjacent to street
Minimum rear yard setback	15 feet	Minimum rear yard setback	15 feet
Maximum lot coverage	45%	Maximum lot coverage	50%
Maximum building height	Primary building—35 feet	Maximum building height	Primary building—35 feet
	Accessory buildings—18 feet		Accessory buildings—18 feet
		Skirting	Within 60 days siting, a mobile home shall be skirted with material similar to its siding material or better.

As indicated by the above tables, the primary difference is the MH-A district allows for mobile homes as a permitted use, and the specification standards in MH-A are more flexible than RA in some ways, with a requirement for mobile homes to be skirted.

B. Zone changes and zoning amendments – Purpose and Process

Administration of zone changes is outlined in Sec. 24-96 of the Zoning Code. The following are the ‘purpose’ and ‘amendment process’ for review of a zone change. Other sections for applicable to the Zoning Commission review, with recommended findings based on the zone change criteria, are provided in the next section.

(a) *Purpose.* Any person may petition for the amendment of the zoning district map and/or these regulations. The amendment procedure shall be as provided here and in MCA 76-2-303. Amendments may also be initiated by the zoning commission or administrator, in which cases steps subsections (b)(1) through (b)(3) below, will not be required.

(b) *Amendment process.*

- (1) The applicant shall submit a properly completed application form, the required supporting materials, including a narrative evaluating the amendment request under the amendment criteria in (c) below, and the required application fee at city hall.
- (2) The administrator shall determine whether the application is complete and sufficient. When an application is determined incomplete or insufficient, the administrator shall provide written notice to the applicant indicating what information must be submitted for the review to proceed.
- (3) After the application is determined to be complete and sufficient, the administrator shall schedule a public hearing on the application for a zoning amendment on the agenda of the next zoning commission meeting for which the notice requirements can be met (section 24-97), and at which time allows for its proper consideration.
- (4) The administrator shall give notice of the public hearing in accordance with section 24-97.
- (5) The administrator shall prepare, or contract for the preparation of, a report that describes the proposed amendment and how it complies, or fails to comply, with the amendment criteria. The report shall include a recommendation for approval, approval with modifications or denial.

- (6) The zoning commission shall conduct at least one public hearing on the proposed amendment. At the hearing, the zoning commission shall make a report regarding the proposed zone change and consider whether the proposed amendment meets the amendment criteria. The zoning commission shall review the particular facts and circumstances of the proposed amendment and develop findings and conclusions that support its recommendation that the city council approve, approve with modifications, or disapprove it accordingly.
- (7) The zoning commission's action on a proposed amendment may be tabled, but for no more than 35 days.
- (8) The administrator shall convey the zoning commission's recommendation and all public comments to the city council and, unless the application is withdrawn, place a hearing on the agenda of the next city council meeting for which the notice requirements can be met (Section 24-97), and at which time allows for its proper consideration. The city council shall not hold its public hearing or take action until it has received the report of the zoning commission.
- (9) The administrator shall give notice of the city council's public hearing in accordance with section 24-97.
- (10) The city council shall conduct a public hearing on the proposed amendment. At the hearing, the city council shall consider the recommendation of the zoning commission and all testimony received, then approve, reject, or modify and approve the amendment. Action on the proposed amendment may be tabled, but for no more than 35 days.
- (11) If approved or approved with modifications, the city council shall pass an ordinance effectuating the amendment to the zoning map or regulations, as applicable.
- (12) An amendment to the zoning may not become effective except upon favorable vote of two-thirds of the present and voting members of the city council if a protest against a change is signed by the owners of 25 percent or more of:
 - a. The area of the lots included in the proposed change; or
 - b. Those lots or units, as defined in MCA 70-23-102, 150 feet from a lot included in a proposed change. For purposes of this protest provision, each unit owner is entitled to have the percentage of the unit owner's undivided

interest in the common elements of the condominium, as expressed in the declaration, included in the calculation of the protest. If the property, as defined in MCA 70-23-102, spans more than one lot, the percentage of the unit owner's undivided interest in the common elements must be multiplied by the total number of lots upon which the property is located. The percentage of the unit owner's undivided interest must be certified as correct by the unit owner seeking to protest or by the presiding officer of the association of unit owners.

- (13) At the conclusion of the amendment process, the administrator shall notify the applicant of the city council decision within ten days.

C. Amendment Criteria and Recommended Findings

Sec. 21-96(c) of the Zoning Code provides the "Amendment criteria" for Zone changes and zoning amendments. The evaluation criteria are listed below, followed by the reviewer's and Zoning Commission's recommended findings in *italics*.

(c) Amendment criteria.

(1) Zoning amendments shall be made:

a. In accordance with the growth policy;

Finding 1-a:

The applicant's answer to this criterion is as follows: "It would allow for affordable housing and grow Miles City." The reviewer and Zoning Commission concur that the zone change to MH-A would provide more flexibility for affordable housing options by allowing a mobile home. The following are additional growth policy findings.

The 2015 Miles City Growth Policy discusses the use of the zoning codes to implement the growth policy, such as the following on page 14:

"A key tool for Miles City to accommodate these expected projections will be to guide future land uses through the Miles City zoning codes. The zoning text must be revised to provide clear guidelines so that the zoning map and regulations can be a more effective tool to implement this growth policy. The zoning map must be revised to reflect current conditions and expected future trends. The zoning map will be revised as proponents of future development proposals and land uses approach the city with zone change requests, and the city will work to revise the zoning map to guide the

planning area with land use designations in appropriate geographic, physical, and social settings.”

The growth policy includes the zoning map as of 2015. That is the only place that offers parcel-specific guidance for implementation of the growth policy in this location. It is expected that zone changes will occur relative to the zoning map in the growth policy, as stated above.

The primary implementation tools of the growth policy are the goals and objectives. The following are applicable goals and objectives:

- *Land Use Goal #1: Provide a Predictable Development Environment*
 - *Objective 1.1: Update land use regulations to provide greater clarity and flexibility.*

- *Land Use Goal #2: Promote Citizen Involvement in Land Use Issues*
 - *Objective 2.1: Engage citizens during public review of land use issues and make information available.*

- *Land Use Goal #3: Balance Property Rights with the Common Interests of the Community*
 - *Objective 3.1: Protect private property rights and respect property owners’ wishes to enjoy and gain economic return from their properties and investments while ensuring that other public and private interests are not unreasonably compromised or impacted by land uses and development projects.*

- *Housing Goal #1: Provide a Range of Housing Options for all Residents*
 - *Objective 1.1: Support the development of housing for all Miles City residents including affordable housing, senior housing, work-force housing, and low-income housing.*

Approval of the requested zone change would support the above-listed goals and objectives. As such, the zone change is in accordance with the 2015 Miles City Growth Policy.

b. To secure safety from fire and other dangers;

Finding I-b: *The applicant’s answer to this criterion is as follows: “An occupant will be able to tend daily to the lot.” The reviewer and Zoning*

Commission concur that with the zone change to MH-A and subsequent occupancy could improve maintenance of the property. However, overall, the change from RA to MH-A is not likely to provide additional safety from fire and other dangers. The zoning code and provision of city services already secure safety from fire and other dangers, and the zone change is unlikely to impact or change this.

c. To promote public health, safety, and general welfare; and

Finding 1-c: *The applicant's answer to this criterion is as follows: "It would allow for an increase in supply of affordable housing." The reviewer and Zoning Commission concur that with the zone change to MH-A could allow for an incremental increase in affordable housing, a possible and slight benefit to the public's general welfare. However, overall, the change from RA to MH-A is not likely to have any specific or measurable benefit or detriment to public health, safety, or general welfare.*

d. To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Finding 1-d: *The applicant's answer to this criterion is as follows: "It would allow for an individual to occupy the area and utilize the aforementioned public utilities." The reviewer and Zoning Commission concur that with the zone change to MH-A could expand opportunities for use of public facilities by allowing for another form of housing – a mobile home. However, these public services are already in place and available for occupancy of the site for residential use. For that reason, the zone change from RA to MH-A is not likely to have any specific or measurable change to the facilitation of the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.*

(2) In reviewing and making recommendations or decisions on zoning amendments, the administrator, zoning commission, and city council shall also consider:

a. Reasonable provision of adequate light and air;

Finding 2-a: *The applicant's answer to this criterion is as follows: "It would add additional lighting for the area due to use of a residence." The reviewer and Zoning Commission concur with that statement to a degree; however, the zone change from RA to MH-A is not likely to have any specific or measurable*

change to provision of adequate light and air because the existing RA and the proposed MH-A districts provide adequate light and air.

b. The effect on motorized and non-motorized transportation systems;

Finding 2-b: *The applicant's answer to this criterion is as follows: "It would not effect it." The reviewer and Zoning Commission concur that the zone change from RA to MH-A will not affect motorized or non-motorized transportation systems because the primary result of the zone change is that it would provide for another form of housing – a mobile home; and the city transportation system is already in place and ready to serve the lot and surrounding area, which includes either type of housing.*

c. The promotion of compatible urban growth;

Finding 2-c: *The applicant's answer to this criterion is as follows: "It would allow for affordable housing." The reviewer and Zoning Commission concur that the zone change from RA to MH-A will allow for another form of affordable housing – a mobile home; however, the question of whether the zone change would promote "compatible" urban growth is a question of whether a mobile home would be compatible with the surrounding area. The surrounding area is developed with primarily old, relatively small dwellings. There are mobile homes in the area, but not immediately surrounding this property. That said, it does not appear a mobile home would be out of place on this property; nor would a mobile home be incompatible with the surrounding area.*

d. The character of the district, and its peculiar suitability for particular uses;
and

Finding 2-d: *The applicant's answer to this criterion is as follows: "It would allow for diversity." The reviewer and Zoning Commission concur that the zone change from RA to MH-A will allow for more diversity, with the primary result being that the zone change would provide for a mobile home. The lot appears suitable for that use, and there would be no change to the character of the district.*

e. Conserving the value of buildings and encouraging the most appropriate use of the land throughout the jurisdictional area.

Finding 2-e: *The applicant's answer to this criterion is as follows: "It would allow for an increase of a residence in the area." The reviewer and Zoning Commission concur that the zone change from RA to MH-A will allow for a residence – specifically a mobile home relative to the currently allowed single-family dwelling. However, currently a residence would be allowed in RA; this zone change would allow a mobile home as a different type of residence, adding flexibility in the type of home. It appears unlikely the zone change would impact the value of any buildings, and a mobile home would be an appropriate use of this property.*

- f. Whether the proposal might be considered illegal spot zoning. Factors to be considered include whether the proposed land use is significantly different from the prevailing use in the area; whether the area of the proposed zone change is relatively small not only in terms of acreage, but from the perspective of the number of separate landowners who would benefit from the proposed change; and whether the change would amount to special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or general public. In order for spot zoning to be considered illegal, all three of the factors must be present.

Finding 2-f: *The applicant's answer to this criterion is as follows: "No it would not. Some of the surrounding areas have the same zoning that it being applied for." The reviewer and Zoning Commission concur with this response; however, it should be elaborated on given the above factors, as follows:*

- *Whether the proposed land use is significantly different from the prevailing use in the area:* *A mobile home is not significantly different from the prevailing uses in the area. The prevailing land use is residential, primarily older, smaller single-family dwellings with occasional mobile homes used as similar types of single-family dwellings. This factor is not present.*
- *Whether the area of the proposed zone change is relatively small not only in terms of acreage, but from the perspective of the number of separate landowners who would benefit from the proposed change:* *The area proposed for a zone change is small – approximately 3,444 square feet, and only one landowner would benefit from the proposed change. This factor is therefore present; however, it is important to consider that the zone change would expand an adjacent district to include the subject property.*

- Whether the change would amount to special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or general public: The zone change would, to some extent, amount to special legislation for one landowner; however, it does not appear there would be an “expense” to the surrounding landowners or general public. If it is determined there is some impact by allowing a mobile home, thus amounting to an “expense”, this factor would be present.

Because the first spot zoning factor is not present, and all three of the above factors must be present for it to be considered illegal spot zoning, this zone change would not be illegal spot zoning.

(3) Other criteria include whether the amendment:

- a. Corrects an inconsistency in the zoning; and

Finding 3-a: *The applicant’s answer to this criterion is as follows: “No”. The reviewer and Zoning Commission concur with this response – it is not intended to correct an inconsistency in the zoning.*

- b. Addresses changing conditions or furthers a specific public challenge such as the need for affordable housing, economic development, mixed use development or sustainable environmental features.

Finding 3-b: *The applicant’s answer to this criterion is as follows, in response to the question of whether the zone change is intended to address these challenges: “The need for affordable housing.” The reviewer and Zoning Commission concur that the applicant’s intent is to address the need for affordable housing.*

Reviewer’s and Zoning Commission’s conclusion on the above findings:

Based on the above findings, the proposed zone change from RA to MH-A complies with the applicable criteria, and is therefore appropriate.

III. ZONING COMMISSION RECOMMENDATION

The Zoning Commission adopted the preliminary report and reviewer-recommended findings as the Zoning Commission’s findings of fact and recommends the City Council approve the zone change from RA to MH-A for property described as the East ½ of Lots 9 & 10 of Block 7 of the Woodland Park Addition, located in Section 27 of Township 8 North, Range 47 East, PMM, City

of Miles City, Custer County, Montana. This report is the Zoning Commission’s final report to be transmitted to the City Council. Upon passage of the zone change by City Council, if approved without successful protest, the official Miles City zoning district map adopted under Sec. 24-11 of the zoning code will be amended by the City of Miles City.

**City of Miles City
Zoning Commission**

Meeting Minutes

July 28, 2022

2:00 P.M.

Call to Order: The Miles City Zoning Commission met for a regular meeting. Chairman Ronning called the meeting to order at 2:01 PM and requested a roll call. Board Members (BM) present were Leif Ronning, Amber Trenka, LeRoy Meidinger and Nancy Mitchell. Others present were Public Works Director Scott Gray, Joel Nelson from Land Solutions and Nicole Richardson served as recorder. Matthew Sheldon property owner was not present as well as no one from the public. A quorum was present.

Approval of Minutes: Non-applicable.

Citizen/Visitor Request: None present.

Unfinished Business: Nothing.

New Business: The Miles City Zoning Commission set the months for quarterly meetings. The meeting will be held in January, April, July and October with more meeting dates as needed. The next meeting date for the Zoning Commission will be Thursday, October 13, 2022 at 2:00 PM.

***BM Trenka moved that the Zoning Commission will have quarterly meeting dates in January, April, July and October, second by Meidinger. All in favor, motion passed.*

Petition for zone change at 1501 N Merriam from Residential A (RA) to Mobile Home A (MH-A). Chairman Ronning stated from driving in the neighborhood this would not be a spot zoning issue and he asked the board for any comments or discussion on the property variance. BM Mitchell stated that when driving by the property it looked small so she asked what size of trailer the applicant was planning on adding. On page 7 of the staff report the minimum lot size is 4800 square feet and the current lot size of 1501 N Merriam is 3444 square feet. She also noted the minimum setback for the front yard is 20 ft, side yard adjacent to the street is 10 ft and backyard setback of 15ft.

The board asked Scott Gray what size of trailer would be put in. Scott said the Zoning Commission should go ahead with the process of recommending the approval of the zone change to City Council. Scott explained that if the City Council approves the zone change the applicant would then have to go in front of the Board of Appeals for a variance on the setbacks for lot size.

Joel Nelson stated to the Zoning Commission that if the City Council approves the zone change the applicant will not start at the BOA with the minimum lot size they will have to demonstrate compliance with the standard of Mobile Home District. It currently is a nonconforming lot as

Residential A and it would remain a nonconforming lot in Mobile Home A. If the applicant cannot get a mobile home on the lot that is when they would need to go for a variance.

BM Mitchell raised the question as to why the owner of the property is Bink's Enterprises, LLC. The concern with it being an LLC owning the property is if there will be a business there. Joel explained he just put the property in the LLC and to his knowledge will not be running a business out of there. BM Mitchell also mentioned the property being in the flood zone. Scott Gray said the applicant has already been in communication with Floodplain Administrator Sam Malenovsky.

Joel Nelson gave a summary of the staff report. He went through the criteria and made recommended findings. Based on the finding required to be addressed the zone change does comply. The staff recommendation would be to adopt this preliminary report and findings as the Zoning Commissions findings and recommend the City Council approve the property going from Residential A to Mobile Home A. The next step will be Joel writing up the Zoning Commissions final report based off the preliminary report that its in compliance. Once City Council approves this the City will update the zoning map to include this property as Mobile Home A.

The City received no comments from neighbors.


Chairman Ronning called for recommendation.

***BM Meidinger moved that the Zoning Commission adopts the preliminary report as the Zoning Commissions findings of fact and recommend to the City Council to approve the zone change, second by BM Ronning. All in favor, motion passed.*

Zone Change will go before City Council on August 23, 2022.

Commission Member Comment: Nothing.

Adjournment: With no further business, on motion the meeting was adjourned at 2:25 PM.



Leif Ronning, Chairman
Zoning Commission



CITY OF MILES CITY

17 S. 8th, P.O. Box 910
Miles City, MT 59301

Telephone: (406) 234-3462

**Miles City City Council
17 S 8th Street
Miles City, MT 59301**

PUBLIC NOTICE

The Miles City City Council will conduct a public hearing to accept comments on a zone change request. The hearing will be held **Tuesday, September 27, 2022 at 6:00 p.m.** in the City Council Chambers at City Hall, 17 South 8th Street, Miles City, Montana, 59301. At the hearing, the City Council will review the proposed zone change and Zoning Commission recommendation to approve the zone change.

For more information, contact the Planning Department at (406) 234-3493 or the application may be reviewed at the Planning Department at City Hall, 17 South 8th Street, Miles City.

Applicant: Matthew Sheldon of Bink's Enterprises LLC

Owner: Bink's Enterprises LLC

Application Type: Petition for a zone change from existing Residential A District (RA) to Mobile Home Residential District (MH-A)

Request: The applicant/owner proposes to expand the adjacent Mobile Home Residential District (MH-A) to the south of the subject property to include the property in MH-A. The existing Residential A District (RA) does not allow for mobile homes as a permitted use. The intent of the zone change from RA to MH-A is to allow for a mobile home on the subject property.

Land Uses: The property is currently vacant, and the proposed use is a mobile home for residential use.

Location and Legal Description: The property is located at 1501 N. Merriam Avenue, at the NW corner of N. Merriam Avenue and McKenzie Street. The property may be described as the East ½ of Lots 9 & 10, Block 7 of Woodland Park Addition, located in Section 27 of Township 8 North, Range 47 East, PMM, City of Miles City, Custer County, Montana.

Please contact the Planning Department at City Hall for further information on the hearing, including Zoom meeting information to participate remotely.

Consent Agenda

RESOLUTION NO. 4472

A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2022-2023 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 2022-2023;

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 24.40 mills be imposed, pursuant to §2-9-212 MCA, for the purposes of funding the premium for group health insurance for Fiscal Year 2022-2023.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed levy on the 27th day of September, 2022, at 6:00 p.m. in the City Hall Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana. The City Clerk shall cause notice of such hearing to be published in the Miles City Star, in accordance with §7-1-4127 MCA, at least 2 times with at least 6 days separating each publication.

SAID RESOLUTION READ AND PUT UPON ITS FINAL PASSAGE THIS 13TH DAY OF SEPTEMBER, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 27TH DAY OF SEPTEMBER, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4473

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 2022-2023.

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 2022-2023 is estimated by the City Council at the sum of \$154,440 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 2022-2023 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 0.005161 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 27th day of September, 2022, 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 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 13th day of September, 2022, 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 27th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 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 4473 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 2022-2023 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 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4474

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 2022-2023.

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 2022-2023 is estimated by the City Council at the sum of \$18,870 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 2022-2023 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 0.007592 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 27th day of September, 2022 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 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 13th day of September, 2022, 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 27th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 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 4474 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 2022-2023 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 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4475

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 2022-2023.

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 2022-2023 is estimated by the City Council at the sum of \$9,780 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 2022-2023 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 0.012337 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 27th day of September, 2022, 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 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 13th day of September, 2022, 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 27th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 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 4475 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 2022-2023 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 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4476

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 2022-2023.

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 2022-2023 is estimated by the City Council at the sum of \$23,857 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 2022-2023 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 0.031294 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 27th day of September, 2022, 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 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 13th day of September, 2022, 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 27th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 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 4476 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 2022-2023 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 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4477

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 2022-2023.

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 2022-2023 is estimated by the City Council at the sum of \$7,177 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 2022-2023 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 0.009768 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 27th day of September, 2022, 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 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 13th day of September, 2022, 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 27th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 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 4477 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 2022-2023 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 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4478

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 2022-2023.

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 2022-2023 is estimated by the City Council at the sum of \$6,189 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 2022-2023 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 0.007236 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 27th day of September, 2022, 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 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 13th day of September, 2022, 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 27th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 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 4478 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 2022-2023 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 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4479

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 2022-2023.

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 2022-2023 is estimated by the City Council at the sum of \$1,216 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 2022-2023 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 0.002533 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 27th day of September, 2022, 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 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 13th day of September, 2022, 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 27th, 2022, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2022-2023 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 4479 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 2022-2023 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 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4480

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 2022-2023.

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 2022-2023 is \$194,343.

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 2022-2023 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 205: 0.023322 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$163.25.

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 27th day of September, 2022, 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 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4481

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 2022-2023.

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 2022-2023 is \$5,784.

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 2022-2023 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 207: 0.011376 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$79.63.

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 27th day of September, 2022, 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 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4482

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 2022-2023

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 2022-2023 is \$1,620,125.

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 2022-2023 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 204: 0.029839 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$208.87

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. 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 27th day of September, 2022, 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 13th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 27th day of September, 2022.

John Hollowell, Mayor

ATTEST:

Mary Rowe, City Clerk