



CITY OF MILES CITY

Regular Council Meeting Agenda

August 25, 2026 at 6:00 PM

City Council Chambers and online at zoom.us

Zoom ID: 4062343462 | Passcode: 59301

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

1. REQUEST OF CITIZENS AND PUBLIC COMMENT

[A.](#) HEADWATERS PRESENTATION ON THE CITY'S FINANCIAL SNAPSHOT

2. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES

[A.](#) Regular City Council Meeting Minutes 0609 2026

[B.](#) Regular City Council Meeting Minutes 0616 2026

[C.](#) Human Resources Committee Meeting Minutes 0611 2026

3. SCHEDULE MEETINGS

4. STAFF REPORTS & OTHER COMMITTEE MINUTES

[A.](#) MCPD STAFF REPORT FOR AUGUST 2026 (review only)

[B.](#) Zoning Board Minutes (review only)

5. CITY COUNCIL COMMENTS

6. MAYOR COMMENTS

7. PUBLIC HEARINGS

[A.](#) PUBLIC HEARING ON PRELIMINARY BUDGET HAS BEEN MOVED TO SEPTEMBER 1, 2026.

8. UNFINISHED BUSINESS

[A.](#) PURCHASE OF A SKIDSTEER/MOWER

9. NEW BUSINESS

- A. APPROVE PARK USER GROUP PERMIT FOR THE MILES CITY YOUTH FOOTBALL AT BENDER PARK
- B. APPROVE THE MILES CITY YOUTH FOOTBALL USER GROUP APPLICATION FOR BENDER PARK
- C. ORDINANCE NO 1408 (a) - *(first reading)* AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TEXT OF THE CITY ZONING CODE TO ADDRESS SHIPPING CONTAINERS AND TEMPORARY BUILDINGS SIMILAR TO SHIPPING CONTAINERS IN THE VARIOUS DISTRICTS AND PROVIDING FOR A HEARING THEREON.

ORDINANCE NO 1408 (b) - *(first reading)* AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TEXT OF THE CITY ZONING CODE TO ADDRESS SHIPPING CONTAINERS AND TEMPORARY BUILDINGS SIMILAR TO SHIPPING CONTAINERS IN THE VARIOUS DISTRICTS, ADDING REQUIREMENTS FOR ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS TO REQUIRE A PRIMARY BUILDING TO ALLOW AN ACCESSORY BUILDING, AND PROVIDING FOR A HEARING THEREON.
- D. ORDINANCE NO 1409 - *(first reading)* AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TEXT OF THE CITY ZONING CODE TO COMPLY WITH AND REFLECT STATE LAW, LEGISLATIVE CHANGES SINCE 2017, AND THE MILES CITY GROWTH POLICY 2025; AND PROVIDING FOR A HEARING THEREON.
- E. RESOLUTION NO. 4703 - A RESOLUTION APPROVING CHANGE ORDER #16 WITH JACKSON CONTRACTOR GROUP, INC. FOR RETURN OF OWNER SAVINGS IN THE AMOUNT OF \$87,073.32
- F. RESOLUTION NO. 4705 - *(First Reading)* A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2026-2027 TO FUND GROUP HEALTH INSURANCE PREMIUM CONTRIBUTIONS BY THE CITY AND PROVIDING FOR HEARING THEREON
- G. RESOLUTION NO. 4706 - *(first reading)* A RESOLUTION LEVYNG 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 2026-2027.
- H. RESOLUTION NO. 4707 - *(first reading)* A RESOLUTION LEVYNG 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 2026-2027.
- I. RESOLUTION NO. 4708 - *(first reading)* A RESOLUTION LEVYNG 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 2026-2027.
- J. RESOLUTION NO. 4709 - *(first reading)* A RESOLUTION LEVYNG 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 2026-2027.
- K. RESOLUTION NO. 4710 - *(first reading)* A RESOLUTION LEVYNG 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 2026-2027.

- L. RESOLUTION NO. 4711 *-(first 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 2026-2027.
- M. RESOLUTION NO. 4712 *-(first 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 2026-2027.
- N. RESOLUTION NO. 4713 *-(first 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 2026-2027.
- O. RESOLUTION NO. 4714 - A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO A MONTANA DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATIONN CONTRACT FOR AIRPORT INFRASTRUCTURE GRANT #3-30-0055-028-2026 AND AIRPORT IMPROVEMENT PROGRAM GRANT #3-30-0055-027-2026 RELATING TO THE PURCHASE OF SNOW REMOVAL EQUIPMENT.

10. 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



Miles City by the Numbers

Employees: **92 Full Time**

Median Household Income: **\$60,732**

Population: **8,412**

Top 3 Sectors: **Government, Retail Trade, Health Care**

Operational Review

Recent Accomplishments

- ✓ Funding and Construction of New Fire Station
- ✓ Commissioning of a Citywide Capital Improvements Program and Master Plan
- ✓ Library Improvement and Modernization Project
- ✓ FloodWise Assistance with Headwaters Economics

Upcoming Opportunities

- ☐ Prioritize Financial Transparency
- ☐ Set Priorities with a Strategic Plan
- ☐ Update Utility Rates and Explore New Revenue Sources
- ☐ Improve Cost Recovery for Ambulance Services
- ☐ Establish Funding Strategies for Major Projects

Priority Projects

- ☐ Tongue River Levee (\$63.0M)
- ☐ Drinking Water Intake (\$7.0M)
- ☐ Tongue River Force Main Improvements (\$1.1M)
- ☐ Wastewater Plant Upgrades (\$800K)
- ☐ Replacement Fire Engine (\$700K) & Ambulance (\$500K)
- ☐ Downtown Sewer Improvements (\$650k)



Financial Review

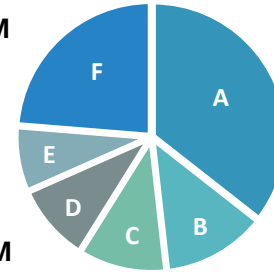
Revenue: **\$25.3M**

Expenditures: **\$28.9M**

Deficit: **-\$3.6M**

Top Revenue Sources

A. Federal and State Funding: **\$9.0M**
B. Property Taxes: **\$3.2M**
C. Water Utility Revenue: **\$2.7M**
D. Sewer Utility Revenue: **\$2.4M**
E. Ambulance Charges: **\$2.0M**
F. All Other Revenue Sources: **\$6.0M**
Includes Interdepartmental Transfers, Special Improvement Districts, Fees and Fines, etc.



Top Three Expenditures

- \$10.4M** Capital & Infrastructure Needs (36% of Budget)
- \$7.2M** Wages (25% of Budget)
- \$1.3M** Debt Principal Interest Costs (5% of Budget)

Long-Term Debt

Fire Station

\$310k Annual Payment
\$6.4M Total Debt
2044 Last Payment

❗ Debt Capacity*

Revenues fall well below the 110% target needed to safely cover debt.

Water & Sewer

\$800k Annual Payment
\$9.4M Total Debt
2038 Last Payment

Water Fund: **88%** **-22%**

Sewer Fund: **57%** **-53%**

110% Target

Annual Service Costs per Household

General Fund

Property Tax per \$100K

Miles City: \$309
Lewistown: \$298
Sidney: \$215
Glendive: \$325

Water Charges

Avg. Monthly Rates

Miles City: \$24
Lewistown: \$33
Sidney: \$42
Glendive: \$53

Sewer Charges

Avg. Monthly Rates

Miles City: \$33
Lewistown: \$31
Sidney: \$49
Glendive: \$58

Recommendations

Needs

Steps to Take

1. Start Here: Establish a Strong Foundation

**Focus City Efforts
Around Shared Priorities**
\$25,000 – \$40,000

The City is managing multiple projects and initiatives with limited staff time and resources, making it difficult to prioritize and make consistent progress.

Develop a Strategic Plan with clear community goals to establish a roadmap for the future. Ensure that the city's CIP aligns with strategic priorities and identify near-term vs long-term actions.

**Build Community Trust
& Transparency**
\$25,000 - \$60,000

Residents may not fully understand the services the City provides or the value of their tax contributions, making it harder to build support for future decisions.

Develop a Community Engagement Plan, prioritizing regular communication about services, projects, and costs. **Communicate the value of typical and forgotten services.** Use simple visuals to explain budgets, fees, and investments.

2. Next Steps: Build Financial Stability

**Align Rates & Fees with
the Cost of Service**
\$30,000 - \$40,000

The City's aging infrastructure and rising costs are increasing financial pressure on the budget. The City has not updated rates and fees to keep up with inflation or to prepare for significant upgrades*.

Conduct a utility rate study to assess which rates and fees need to be updated, by how much, and over what timeframe. Adjust rates gradually and **create a plan to add financial capacity** for future capital investments, including water and wastewater projects.

**Improve Financial
Stability of Ambulance**
\$30,000 - \$40,000

The City's ambulance service charge does not fully cover operating and capital costs, creating more pressure on the general fund.

Conduct a cost-of-service study to evaluate fee structures and billing practices, accounting for operating costs and emergency vehicle depreciation. Assess opportunities for partnerships or cost-sharing to make the service more affordable.

**Identify & Develop New
Revenue Sources**
Varied cost

The City has notable funding needs when it comes to its infrastructure, including parks, levees, and stormwater. Existing revenue are likely not sufficient to meet growing service and infrastructure needs.

Conduct a feasibility study to assess options (e.g. new taxes, special districts, charges, etc.), legal considerations, and affordability. **Identify revenue sources aligned with community priorities.** Phase in new mechanisms over time.

3. Plan & Implement: Deliver Major Projects

**Example: Establish a
Funding Strategy for the
Tongue River Levee**

The City's levee system requires a significant investment (\$60+M) with no dedicated long-term funding source currently in place.

The City is working with the Army Corps of Engineers to fund this project, but it will likely require a large local contribution. **Evaluate the creation of a levee or special district** to fund the project's local cost share.



CITY OF MILES CITY

Regular Council Meeting Minutes

June 09, 2026 at 6:00 PM

City Council Chambers and online at zoom.us

Zoom ID: 4062343462 | Passcode: 59301

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT

Councilmember Dan Scott
Councilmember Ed Pulecio
Councilmember Rick Huber
Councilmember Jeni Losey
Councilmember Cody Steiner
Councilmember Kevin Thomason
Councilmember Brooke Bartholomew
Mayor Chris Grenz

ABSENT

Councilmember Don Simpson

ALSO PRESENT:

City Attorney Dan Rice, Building Inspector Gabe Martinsen, Public Utilities Director Tom Speelmon, Public Works Director Sam Malenovsky, Dispatch Director Lyne Anderson, Police Chief Doug Colombik, Interim Fire Chief Ed Kanduch, Clerk/Minute Recorder Tamara Ellsworth.

1. REQUEST OF CITIZENS AND PUBLIC COMMENT

A. JAMES LARSON PRESENTING REQUEST TO INSTALL SIGN AT CONNORS FIELD REPRESENTING SACRED HEART

Jim Larson gave details on the size and placement of the signage he is requesting to install at Connors Stadium Field. Council inquired about the materials and if a professional company will be installing such sign. The council was all in favor of placement and installation of the Sacred Heart signage.

Genie Eades thanked the Public Works Director Malenovsky for getting the alley way fixed on her block.

Jim Atchison with the SEMDC presented a handout to the Council to share their annual economic develop strategy, the SaddleHorn apartments were ranked 4th out of 15 applicants, planned construction in August. He announced a new member into the SEMDC Sarah Kissman and the next board meeting will be held on 7/9/2026.

Gary Taylor commented on the upcoming July 4th festivities and requested that there be a restriction of fireworks being set off at the Riverside Park by citizens, it is the 250 Birthday for Veterans and last couple of years fireworks had injured a few of the veterans and would like to

keep their event safe for everyone. City Attorney informed that there is a Resolution going on the next council meeting to restrict where they can be lit off at.

2. APPROVAL OF COUNCIL MINUTES/COMMITTEE MINUTES

A. Regular City Council Meeting May 25 2026

Motion made by Councilmember Losey, Seconded by Councilmember Thomason.
Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

3. SCHEDULE MEETINGS

283 A/B Union Labor negotiations at the City Hall conference room on July 15-17 from 8:00-16:00

Local 600 Union Labor negotiation at the City Hall conference room on July 20-22 from 8:00-16:00

Human Resources meeting Thursday June 11th at 18:00

4. STAFF REPORTS & OTHER COMMITTEE MINUTES

Interim Fire Chief announced the Coal Board award of \$150,000.00 with a match of \$100,00.00, thanked Jim Atchison, Julie Emmons, Corey Chegius, John Laney, Mayor Grenz and the council. Councilmember Pulecio confirmed the match on both grants the Coal Board and the Tourism and that the Coal board funds would be going towards a mini-pumper, the Tourism Grant towards a new Fire Truck. Councilmember Scott inquired if the Fire Dept has a vehicle picked out and when council would be able to look at the vehicles they are interested in, Interim Fire Chief stated that they have been actively looking at some and the council could look at them via zoom if they would like. Corey Chegius stated good work to Ed for getting those grants and wanted to remind the Council that there is a deadline for these grants to be approved and accepted.

Discussion amongst Council with concerns about having the correct and enough funds with these large amount purchases.

Public Works Director Malenovsky announced that the City only has 2 lifeguards, no changes to the pool schedule, leak fixed itself.

Dispatch Director Anderson disclosed the 9-1-1 Board are in discussion with their budget.

A. TIFD/URA BOARD UPDATED APPLICATION PROCESS

Brandon Jahnshen updated Council that there is a new application process for TIFD/URA Board, Deputy Clerk Ellsworth also let Council and TIFD/URA that she created a banner on the Miles City Home Page that will show indefinitely for citizens when trying to apply it will take them straight to the application process. Brandon Jahnshen stated the need for the Miles City email as well, Deputy Clerk answered she will get that done right away.

B. BUILDING DEPARTMENT REPORT MAY 2026

5. CITY COUNCIL COMMENTS

Councilmember Steiner asked the Building Inspector as to why he does not have the City of Miles City decals on it. Building Inspector Martinsen stated his reasons for why and the added costs and when coming up to properties that are to be inspected. Councilmember Steiner wanted to know about the shipping containers ordinance, also about the industrial site leases wanted to know that if we own the property are we then able to sell it.

Councilmember Losey stated that the shipping containers will going on the next work session meeting for discussion.

Councilmember Scott wanted to know that status on the Depot. He had a conversation with a representative from Skateboard Ramps, looked at their website and thought the council might want to take a look as well there are some great ideas for the City to implement into our parks. He had received a concerned call from a constituent that there has been an incident of racism from a child to another child and to the adults as well at a park. Councilmember Losey replied that Councilmember Scott should give Tyler Kings a call to see where to go to handle this situation.

Councilmember Pulecio has some concerns about the property lease that has come about a transfer? He wanted to know what is the process to transfer leases to another lease holder. City Attorney Rice re-iterated that all leases have to come before the Council for approval before any property can be transferred over to anyone, gave all the bidding process information as well.

6. MAYOR COMMENTS

7. BID AWARDS

A. MILES CITY WATER TREATMENT PLANT RE-ROOF

Motion made by Councilmember Bartholomew to award Water Treatment Plant Re-roof to Empire Roofing, Seconded by Councilmember Losey.

Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

Public Utilities Director Speelmon explained the bidding documents and that SDI/Brandon Jahnshen recommended Empire Roofing.

8. PUBLIC HEARINGS

A. ORDINANCE NO. 1404 - AN ORDINANCE AMENDING SECTIONS OF 6-26 THROUGH 6-55, OF THE CODE OF ORDINANCES OF MILES CITY, MONTANA, RELATED TO BUSINESS LICENSES.

Mayor called for opponents three time, proponents three times...

Vicki Leesburg is opposed and for this Ordinance, she shared some concerns with the Council on the opposing side. She does not feel that it is fair to enact a \$25 per vendor in a larger business. Vintage and Rustics already has those vendors pay a rental fee, feels this is an aggressive tax, businesses on Main Street bring in tourism, if this vendor fee is imposed half of her vendors will just pack up and leave and sell online.

After hearing this the council decided to take another look at the ordinance to make some amendments that remove the verbiage of vendor licenses within a business.

9. UNFINISHED BUSINESS

A. RESOLUTION NO. 4686 - A RESOLUTION ADOPTING A REVISED PURCHASING POLICY FOR THE CITY OF MILES CITY, MONTANA.

Motion made by Councilmember Bartholomew to postpone and move to the work session council meeting, Seconded by Councilmember Scott.

Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

B. RESOLUTION NO. 4689 - A RESOLUTION APPROVING THE PLACEMENT OF A CITY OF MILES CITY PUBLIC SAFETY MILL LEVY ON THE NOVEMBER 2026 GENERAL ELECTION BALLOT

Motion made by Councilmember Huber to discuss resolution, Seconded by Councilmember Scott.

Council Chair Bartholomew advised council that the dollar amounts have not filled out.

Police Chief Colombik handed out of the actual amounts.

Councilperson Huber asked about the 200K to 260K to which Chief Colombik replied that with more accurate numbers the amount increased and gave the details on all of the separate costs. Also inquired about the Animal Control getting a larger vehicle, Animal Control officer Winkley explained as to why he likes the smaller vehicle and doesn't want the added costs of a larger one.

Councilperson Pulecio wanted to know if this levy is for one year only and confirmed if the levy was going towards the vehicles and equipment.

Motion made by councilmember Scott to postpone and move to the next work session council meeting, Seconded by councilmember Pulecio, unanimously passed.

C. APPROVE ORDINANCE NO. 1404 - (*second reading*) AN ORDINANCE AMENDING SECTIONS 6-26 THROUGH 6-55, OF THE CODE OF ORDINANCES OF MILES CITY, MONTANA, RELATED TO BUSINESS LICENSES.

Motion made by Councilmember Bartholomew to amend by removing the vendors within a business fee language and postpone, move to the work session council meeting, Seconded by Councilmember Huber.

Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

City Attorney reiterated to the Council to make sure the fees collected must be reasonable and proof that they are going towards the cost of what it takes for a business to be in place. These fees cannot be used to generate revenue if so this could be an unlawful tax.

10. NEW BUSINESS

A. DISCUSS UNBUDGETED AMOUNT FOR JERSEY BARRIERS TO BE PLACED IN TONGUE RIVER FOR MC OASIS

Council Chairperson Bartholomew gave the cost of permits, possible liability with property floodplain issues, and announced recreational use of water from the river is at the bottom of the list.

Public Works Director Malenovsky explained that the permits are not permanent and can always back out of the permit, the Fish and Wildlife will not do anything until they receive payment.

- B. APPROVE TIFD AWARD FOR THE MILES CITY SADDLERY, MARC AND VICKI LEESBURG IN THE AMOUNT OF \$13648.43 OR UP TO 70% OF THE ESTIMATED PROJECT COST FOR RECONSTRUCITON OF THE PARKING LOT

Motion made by Councilmember Huber, Seconded by Councilmember Thomason.
Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

- C. APPROVE THE PARK USER PERMIT FOR THE MILES CITY LITTLE GUY FOOTBALL ASSOCIATION

Motion made by Councilmember Scott, Seconded by Councilmember Huber.
Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

- D. APPROVE RESOLUTION NO. 4690 - A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE TOWN OF TERRY FOR STRUCTURE FIRE RESPONSE

Motion made by Councilmember Thomason, Seconded by Councilmember Huber.
Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

Councilperson Huber confirmed how the agreement works as far as costs and is there will be overtime paid out when this aide is happening.

Interim Fire Chief Kanduch let council know that this is a mutual aid the department will absorb the initial costs then after 48hrs they will have to pay the costs as far as the overtime when the call comes in for aid the Fire/ambulance Dept will look at where they are at for time paid before agreeing to aid.

Dispatch Director Anderson explained to Council that this is just paperwork to help complete their audit.

- E. APPROVE RESOLUTION NO. 4691 - A RESOLUTION APPROVING A MONTANA DEPARTMENT OF COMMERCE EMERGENCY TOURISM ASSISTANCE GRANT IN THE AMOUNT OF \$50,000.00 TOWARD A PURCHASE OF FIRE ENGINE AND ACCESSORIES.

Motion made by Councilmember Thomason to open for discussion, Seconded by Councilmember Scott.

Motion made by Councilmember Bartholomew to postpone Resolution No 4691 to the Council Work Session meeting, Seconded by Councilmember Pulecio.

Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

Per discussion amongst the Council it has been decided that the finances need to be looked over and more information in regards to the grant match amounts need to be clarified before moving forward with the decision at this time.

- F. APPROVE RESOLUTION NO. 4692 - A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO AN AGREEMENT WITH THE MONTANA DEPARTMENT OF TRANSPORTATION FOR STREET SWEEPING FOR FISCAL YEAR 2026-2027

Motion made by Councilmember Thomason, Seconded by Councilmember Losey.
Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber,

Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

Chairperson Bartholomew asked Public Works Director if this is a yearly agreement and have the costs changed. Public Works Director Malenovsky informed Council that this is a yearly agreement and that they provide the City items, equipment at cost price and do not charge extra.

G. APPROVE MAY 2026 CLAIMS

Motion made by Councilmember Losey, Seconded by Councilmember Bartholomew.
Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

11. 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

Motion made by Councilmember Scott, Seconded by Councilmember Losey.
Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

Meeting adjourned at 8:42 p.m



CITY OF MILES CITY

City of Miles City Work Session Minutes

June 16, 2026 at 6:00 PM

City Council Chambers and online at zoom.us

Zoom ID: 4062343462 | Passcode: 59301

CALL TO ORDER

Mayor Grenz called this meeting to order at 6:00 p.m

PLEDGE OF ALLEGIANCE

Mayor Grenz recited the Pledge of Allegiance

ROLL CALL

PRESENT

Councilmember Dan Scott
Councilmember Ed Pulecio
Councilmember Rick Huber
Councilmember Jeni Losey
Councilmember Cody Steiner
Councilmember Kevin Thomason
Councilmember Brooke Bartholomew
Mayor Chris Grenz

ABSENT

Councilmember Don Simpson

ALSO PRESENT: City Attorney Dan Rice, City Planner Joel Nelson via zoom, Police Chief Doug Colombik, Interim Fire Chief Eddy Kanduch, Animal Control officer Mark Winkley and Minute/Clerk recorder Tamara Ellsworth

1. NEW BUSINESS

A. DISCUSS AND REVIEW THE 2 PROPOSALS FROM TCP (TIMECLOCK PLUS)

Courtney Smith with TCP provided 2 video proposals for time clocks, overview with Council on both proposals about software solutions, implementations. Explained it is a 5 year contract, hardware has a shelf-life of up to 12 years, will need to be updated. She answered many questions in regards to miss time-in and time-outs, fingerprinting can be more than one finger, mobile app available.

After discussing the two separate proposals the Council all were in agreement to go with the 2nd time clock proposals that had more options of clocking in and asked the Clerk to get this on the next agenda for approval.

B. DISCUSS BUDGET

Due to no information on budget currently to review no discussion at this time.

C. RULES OF DECORUM

Councilmember Losey read aloud the Rules of Decorum and gave description.

D. DISCUSSION ON PORTABLE STORAGE CONTAINER ORDINANCE.

Councilmembers discussed a need for an ordinance for shipping containers in residential zones. Council agreed that the consensus is that there should be no shipping containers at all. Ideas and thoughts were shared and the City Planner will be presenting this issue to the zoning committee.

E. DISCUSS CHAPTER 24 - ZONING, ARTICLE IV. - ADMINISTRATION AND ENFORCEMENT, SEC. 24-63. - ACCESSORY BUILDINGS. ADDING (A) "ALL ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS ARE PROHIBITED UNTIL THE PRIMARY/MAIN BUILDING IS CONSTRUCTED; CONCURRENT CONSTRUCTION OF ACCESSORY AND PRIMARY BUILDINGS IS ALLOWED".

F. DISCUSS THE PUBLIC NUISANCE VIOLATIONS PROCEDURE

G. APPROVE RESOLUTION NO. 4694 - A RESOLUTION RESTRICTING THE USE OF FIREWORKS AT RIVERSIDE PARK DURING THE 2026 INDEPENDENCE DAY HOLIDAY WEEKEND

Motion made by Councilmember Thomason, Seconded by Councilmember Steiner.
Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

H. APPROVE RESOLUTION NO. 4693 - A RESOLUTION APPROVING A GENERAL PROCESSING MERCHANT AGREEMENT WITH AHT SERVICES, LLC, FOR AIRPORT CREDIT CARD TRANSACTION SERVICES

Motion made by Councilmember Huber, Seconded by Councilmember Pulecio.
Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber, Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember Bartholomew

I. DISCUSS PLANNING SERVICES WITH GREAT WEST

Courtney with Great West Engineers gave the council an overview of what planning services she could provide and her rate per/hour. At this time her rate is \$158/hour and the planning and projects is a base by base process. She did mention to Council that zoning and floodplain applications are very time consuming and could get costly.

City Planner Nelson via zoom confirmed what his rate/hour is at \$96.00 and reiterated to the Council that he is the only one in his firm doing this work versus Great West Engineering that has up to 5 people on staff.

J. DISCUSSION ON BUNDY LEASE AND THE BID PROCESS

Councilmember Pulecio received a call that someone other than Dwayne Bundy has moved their horses and put up an electric fence. He asked what the proper procedure is for this as he stated that when a lease changes hands it is done so before the Council in a bid process.

Mayor Grenz shed some light that Levi Gordon had interest in this lease and Dwayne Bundy signed an Assignment of Lease over to Levi Gordon, he was not aware that when this was signed it still needed to go through the process of bidding on the lease property or that there is others interested in this site lease property.

City Attorney Rice explained the Industrial Site lease process and that there will need to be a bidding process as well before any property can just be signed over.

Councilmember Losey asked if the Council should send a courtesy letter to the person(s) that has moved horses onto this property to leave.

Mayor Grenz said he would talk to Levi Gordon.

2. UNFINISHED BUSINESS (OLD ITEMS NOT COMPLETED)

- A. RESOLUTION NO. 4686 - A RESOLUTION ADOPTING A REVISED PURCHASING POLICY FOR THE CITY OF MILES CITY, MONTANA.

Motion made by Councilmember Thomason to postpone to next work session meeting,
Seconded by Councilmember Scott.

Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber,
Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember
Bartholomew

- B. RESOLUTION NO. 4689 - A RESOLUTION APPROVING THE PLACEMENT OF A CITY OF MILES CITY PUBLIC SAFETY MILL LEVY ON THE NOVEMBER 2026 GENERAL ELECTION BALLOT

Motion made by Councilmember Huber, Seconded by Councilmember Thomason.

Motion made by Councilmember Huber, Seconded by Councilmember Losey.

Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber,
Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember
Bartholomew

- C. RESOLUTION NO. 4691 - A RESOLUTION APPROVING A MONTANA DEPARTMENT OF COMMERCE EMERGENCY TOURISM ASSISTANCE GRANT IN THE AMOUNT OF \$50,000.00 TOWARD A PURCHASE OF FIRE ENGINE AND ACCESSORIES.

Motion made by Councilmember Scott, Seconded by Councilmember Thomason.

Motion made by Councilmember Huber to postpone to next meeting, Seconded by
Councilmember Steiner.

Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber,
Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember
Bartholomew

- D. ORDINANCE NO. 1404 - (*second reading*) AN ORDINANCE AMENDING SECTIONS 6-26 THROUGH 6-55, OF THE CODE OF ORDINANCES OF MILES CITY, MONTANA, RELATED TO BUSINESS LICENSES.

Motion made by Councilmember Pulecio to approve the Ordinance with the following
amendments made by removing the vendor fees and take out the vendor list as well,
Seconded by Councilmember Scott.

Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber,
Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember
Bartholomew

3. 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

Motion made by Councilmember Thomason, Seconded by Councilmember Pulecio.
Voting Yea: Councilmember Scott, Councilmember Pulecio, Councilmember Huber,
Councilmember Losey, Councilmember Steiner, Councilmember Thomason, Councilmember
Bartholomew

Meeting adjourned at 9:36 p.m



CITY OF MILES CITY

Human Resources Committee Meeting Minutes

June 11, 2026 at 6:00 PM

City Council Chambers and online at zoom.us

Zoom ID: 4062343462 | Passcode: 59301

CALL TO ORDER

1. REQUEST OF CITIZENS AND PUBLIC COMMENT

2. EnterTextHere

3. NEW BUSINESS

A. DISCUSS & APPROVE THE TREASURER'S POSITION TO BE A PART-TIME POSITION AND THE WAGE

Committee member Bartholomew stated the need to re-access the position as part-time due to the cash reconciliation is all caught up and it does not seem that this needs to be a full-time position.

Deb Bickel commented that when she held the Treasurer position it was an elected and part-time and also agrees with committee member that there is no need for it to be full-time.

Deputy Clerk Ellsworth advised keeping the Treasurer as full-time and changing the title of the position to a Treasurer/Clerk as the clerk's office as of right now is understaffed and overworked and have the need for extra help and this would allow for that to happen.

Discussion amongst the Committee was about the wage per hour, revising the job description to take out duties that would not fall under part-time Treasurer and to get this on next Human Resources committee meeting for approval of the revisions.

4. 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 Committee 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

Motion made by Committee Member Huber, Seconded by Committee Member Pulecio.
Voting Yea: Committee Member Huber, Committee Member Pulecio, Committee Member Bartholomew

Meeting adjourned at 7:13 p.m



MILES CITY POLICE DEPARTMENT
Doug Colombik, Chief of Police

Section 4, Item A.

419 N. 7th Street
Miles City, MT 59301
Phone: (406) 232-3411
Fax: (406) 234-4270

To: City Council

From: Chief Colombik

Ref: August 2026 Council Report

Officer Michael Nord graduated from the Montana Law Enforcement Academy Basic Session #190 on July 21st. He is officially POST certified as he has over one year on with the department.

Captain Sloan and I are working on public information outreach for the equipment mill levy that council approved for the police department. We plan on hosting two public presentations on October 14th and October 28th. In addition, we will post information on social media and the Miles City Star.

The following is our updated felony list. Since the July report, we have taken on another 14 felony cases. This brings up the total as of 8/9/26 to 96 felony case investigations. For the year, the MCPD has responded to 4,020 total calls for service.

1. Assault 1/1/26
2. SIWOC 1/1/26
3. CPDD 1/4/26
4. Child abuse 1/6/26
5. Child porn 1/19/26
6. Child abuse 1/20/26
7. TOP violation 1/23/26
8. Child porn 1/24/26
9. Death investigation 1/28/26
10. Fraud 2/4/26
11. Child abuse 2/9/26
12. Child abuse 2/10/26
13. Child abuse 2/11/26

MILES CITY POLICE DEPARTMENT
Doug Colombik, Chief of Police

14. Assault with a weapon 2/11/26
15. Child porn 2/13/26
16. Child abuse 2/18/26
17. Burglary 2/20/26
18. Assault with a weapon 2/23/26
19. Fraud 2/26/26
20. Burglary 2/26/26
21. SIWOC 3/3/26
22. Child abuse 3/5/26
23. Embezzlement/Fraud 3/7/26
24. Theft 3/9/26
25. Child porn 3/10/26
26. Child abuse 3/10/26
27. CPDD 3/16/26
28. Embezzlement 3/18/26
29. Elder abuse 3/19/26
30. CPDD 3/20/26
31. Burglary 3/25/26
32. Theft 3/25/26
33. Criminal mischief 3/25/26
34. SIWOC 3/26/26
35. Fraud/exploitation of a vulnerable adult 3/27/26 victim #1
36. Fraud/exploitation of a vulnerable adult 3/27/26 victim #2
37. Fraud/exploitation of a vulnerable adult 3/27/26 victim #3
38. Fraud/exploitation of a vulnerable adult 3/27/26 victim #4
39. Fraud/exploitation of a vulnerable adult 3/27/26 victim #5
40. Fraud/exploitation of a vulnerable adult 3/27/26 victim #6
41. Fraud/exploitation of a vulnerable adult 3/27/26 victim #7
42. Fraud/exploitation of a vulnerable adult 3/27/26 victim #8
43. Fraud/exploitation of a vulnerable adult 3/27/26 victim #9
44. Fraud/exploitation of a vulnerable adult 3/27/26 victim #10
45. Assault with a weapon 3/27/26
46. Fraud/exploitation of a vulnerable adult 3/27/26 victim #11
47. Fraud/exploitation of a vulnerable adult 3/27/26 victim #12

MILES CITY POLICE DEPARTMENT
Doug Colombik, Chief of Police

- 48. Fraud/exploitation of a vulnerable adult 3/27/26 victim #13
- 49. Fraud/exploitation of a vulnerable adult 3/27/26 victim #14
- 50. Fraud/exploitation of a vulnerable adult 3/27/26 victim #15

*** all above victims have different financial loss amounts and varying dates of loss ***

- 51. Child porn 4/9/26
- 52. SIWOC 4/17/26
- 53. PFMA strangulation 4/10/26
- 54. SIWOC 4/17/26
- 55. MV Theft, aggravated fleeing and elude 4/25/26
- 56. Protective order violation 4/30/26
- 57. Child pornography 4/30/26
- 58. Burglary 5/5/26
- 59. DUI drugs 5/7/26
- 60. Swatting incident/report of kidnapping and shooting 5/11/26
- 61. SIWOC 5/15/26
- 62. Person with a weapon 5/19/26
- 63. Theft (F) 5/20/26
- 64. Theft (F) scam 5/22/26
- 65. Child pornography 5/24/26
- 66. Child pornography 5/24/26
- 67. CPDD, PFMA 5/26/26
- 68. Child abuse 5/29/26
- 69. Burglary 5/29/26
- 70. DUI (F) 4th offense 5/31/26
- 71. Sexual assault on a minor x 2, 5/31/26
- 72. SIWOC 6/2/26
- 73. Fraud 6/5/26
- 74. Child pornography 6/10/26
- 75. Sex assault/minor victim 6/12/26
- 76. Sex assault/minor victim 6/13/26
- 77. Sexual abuse of children 6/17/26
- 78. Child pornography 6/30/26
- 79. Domestic (F) 7/4/26
- 80. Child abuse 7/6/26
- 81. SIWOC 7/7/26

MILES CITY POLICE DEPARTMENT

Doug Colombik, Chief of Police

82. Assault with a weapon 7/11/26

83. Hit and run to MV 7/11/26

84. SIWC 7/18/26

85. Fire/death investigation 7/20/26

86. Theft (F) 7/22/26

87. Kidnapping 7/24/26

88. DUI 4th offense 7/27/26

89. Fraud/Exploitation of a vulnerable adult victim #16 7/30/26

90. Fraud/Exploitation of a vulnerable adult victim #17 7/30/26

91. Fraud/Exploitation of a vulnerable adult victim #18 7/30/36

92. Sexual assault/child x 2 7/30/26

93. CPDD 8/5/26

94. PFMA/Strangulation 8/7/26

95. Person with a weapon/criminal endangerment 8/8/26

96. Burglary 8/9/26

Doug Colombik

Chief of Police

Miles City Police Department

(406) 874-8632 Office

(406) 232-3411 Dispatch

CITY OF MILES CITY

Zoning Commission

PO Box 910
Miles City, MT 59301

Public Hearing & Meeting Minutes

August 13, 2026
5:30 pm

The Miles City Zoning Commission met at 5:30 pm in the City Hall Conference Room. Chairperson (CP) Leif Ronning called the meeting to order at 5:30 pm and requested a roll call. Zoning Members (ZMs) present were Leif Ronning, Melynda Hould, Amber Rainey, and Steve Palmeri. Also present were Planner Joel Nelson (via Zoom) and Public Works Director (PWD) Samantha Malenovsky as she served as recorder. A quorum was present. Mayor Grenz, Councilperson Rick Huber, Councilperson Brooke Bartholomew and Councilperson Jeni Losey (via Zoom) were also present. Refer to attached sign-in sheet for visitors/citizens.

Approval of Minutes: CP Ronning called for approval of the minutes from the July 23, 2026 meeting.

*** ZM Palmeri moved to approve the minutes from the July 23rd meeting, as written, second by ZM Hould. Motion approved 4-0.*

Citizen/Visitor Request: Brooke Bartholomew, 1503 N. Jordan expressed gratitude to the zoning committee for all the hard work they do.

Unfinished Business:

Public Hearing 1, continued from July 23: Draft ordinance amending various sections of the test of the city zoning code to address shipping containers and temporary buildings similar to shipping containers.

-Please see draft ordinance and preliminary report to Zoning Commission.

-Zoning Commission recommendations to City Council to follow hearing.

Planner Nelson made changes to the ordinance as recommended by Commission from July 23rd meeting.

Mayor Grenz, 506 Mississippi, stated that he heard from people that they were not in favor of shipping containers in residential zones. Rick Huber, 2015 Sudlow, stated that continuants in his Ward were also not in favor of shipping containers.

ZM Hould inquired from citizens about the storage containers and heard that they would like to see siding on the storage containers so they blend in with other residential buildings.

There was further discussion between the members and public about how shipping containers would look next to residential homes and how people don't want to look at these outside their windows. There were also ideas on how to hide these containers within yards, where they could be placed on the property and how the exterior should look.

The zoning commission also discussed accessory buildings on lots with ideas on how they should be placed, amount of the lot they can encompass and if they should be allowed as a primary building. Some of the ideas would be difficult to enforce and the commission didn't feel they had

the time to properly review the information in the preliminary report to decide. The Commission decided to add “and free from dents” to Section 24-73(a)(2) and to make Section 24-73(b)(2) match Section 24-73(a)(2)

***ZM Palmeri made a motion to recommend moving the portion of the preliminary report and ordinance that pertains to shipping containers only, with discussed changes, and table the accessory building portion of the report and ordinance, seconded by CP Ronning. Motion approved 4-0.*

Public Hearing 2, continued from July 23: *Draft ordinance amending various sections of the text of the city zoning code to address 2017-2025 legislation and miscellaneous staff-proposed zoning updates.*

-Please see draft ordinance and preliminary report to Zoning Commission.

-Zoning Commission recommendations to City Council to follow hearing.

Planner Nelson explained that he reviewed the previous meetings comments and looked further into the issue with the amount of parking spots that are required for Restaurants. He stated that what is presently in the draft ordinance matches current modern recommendations. He also discussed some other items that are being restructured due to staff changes or legislative updates. No other changes were done from last meeting.

***ZM Rainey moved to recommend to council the presented preliminary report and draft ordinance, seconded by ZM Palmeri.*

Note: near the end of the meeting when motions were made and passed, City Hall’s Wi-Fi went down and disconnected Zoom attendees from the meeting. Planner Nelson and Councilperson Losey remained connected to each other on Zoom, and PWD Malenovsky called Planner Nelson and the meeting continued with Planner Nelson and Councilperson Losey on the phone. With the technical malfunction, the Zoom recording was lost and unable to be used for preparation of these minutes.

New Business: *(none)*

Any Other Comments/Discussion: Next meeting is scheduled for September 16 at 5:30pm to continue discussion on accessory buildings on lots.

Adjournment: With no further business, on motion, the meeting adjourned at 6:50 pm.

Leif Ronning
Zoning Commission Chair

Samantha Malenovsky
Recorder/Public Works Director



CITY OF MILES CITY

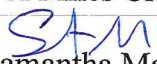
PUBLIC WORKS

17 S. 8th, P.O. Box 910
Miles City, MT 59301-0910

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

MEMORANDUM

TO: Mayor & Council
City of Miles City

FROM:  Samantha Malenovsky
Public Works Director

DATE: 07/01/2026

RE: Purchase of skid steer/ mower

Public Works in conjunction with Public Utilities would like to purchase a T740 Bobcat Compact Track Loader. This skid steer will be used primarily for mowing along the slough and other city owned property (outside of parks). Equipment will also be used for a variety of other jobs within Public Works and Public Utilities.

Attached are three quotes. The quote from Bobcat for the T740 is the second highest quote and this is the one that is preferred. The preference is because it is larger in size with a wider base, providing greater safety and stability while mowing the slopes of the slough. Additionally, our operators are already familiar with the Bobcat controls and keeping things the same reduces the possibility of accidents/incidents caused by switching back and forth from one machine to another. It is compatible with our current Bobcat brand skid steer attachments. The attachments we currently have will attach to the John Deere machine but would require us to purchase adapters to make the electronic controls compatible with the John Deere wiring. The hydraulic oils recommended by the different manufacturers is also different between the two machines. Sharing attachments would result in mixing the hydraulic oils which the manufacturers do not recommend as the John Deere hydraulic oils are not compatible with Bobcat hydraulic systems.

Attachment(s)



Quotation Number: **TP1853394**
 Quote Sent Date: **Jun 04, 2026**
 Expiration Date: **Jun 30, 2026**
 Prepared By: **Tyler Page**
 Phone: +14063513504
 Email: tyler@bobcatofmiles-city.com

Customer
City of Miles City
 PO BOX 910
 MILES CITY, MT, 59301-0910
 Phone: +1 406 234 1649

Contact
SAM MALENOWSKY
 Email: smalenovsky@miles-mt.org

Dealer
Bobcat of Miles City LLC, Miles City, MT
 2324 S. HAYNES AVENUE
 MILES CITY, MT, 59301

Item Name	Item Number	Quantity	Unit Price	Price Each	Total
T740 T4 V2 Bobcat Compact Track M0273 Loader		1	92,882.00	92,882.00	92,882.00
Serial number: B6K113510					
Standard Equipment:					
74 HP Turbo Tier 4 Diesel Engine					
Air Intake Heater (Automatically Activated)					
Auxiliary Hydraulics: Variable Flow					
Backup Alarm					
Bob-Tach					
Bobcat Interlock Control System (BICS)					
Controls: Selectable Joysticks (SJC)					
Cylinder Cushioning - Lift, Tilt					
Engine/Hydraulic Systems Shutdown					
Glow Plugs (Automatically Activated)					
Horn					
Instrumentation: Engine Temp and Fuel Gauges, Hourmeter, RPM and					
Warning Indicators					
Lift Arm Support					
Lift Path: Vertical					
Lights, Front & Rear					
Operator Cab					
Includes: Adjustable Suspension Seat, Top & Rear Windows, Seat Bar,					
Seat Belt					
Roll Over Protective Structure (ROPS) meets SAE-J1040 & ISO 3471					
Falling Object Protective Structure (FOPS) meets SAE-J1043 & ISO					
3449, Level I; (Level II is available through Bobcat Parts)					
Parking Brake: Spring Applied, Pressure Released (SAPR)					
Tracks: Rubber, 17.7" Wide C-Pattern					
Solid Mounted Carriage with 5 Rollers					
Warranty: 2 years, or 2000 hours whichever occurs first					
Deluxe Package	M0273-P11-C14	1	11,873.00	11,873.00	11,873.00
<i>Included:</i> Deluxe Package: Enclosed HVAC Cab,					
Adjustable Heated Cloth Air Ride Seat, Power Bob-					
Tach, Keyless Ignition, Deluxe Display, Standard Lights,					
7-Pin Attachment Control, Single Direction Bucket					
Positioning, Two-Speed Travel, Telematics - 2yr					
Standard Telematics Subscription, Radio with Bluetooth,					
Ride Control, Reversing Fan,					
High Flow	M0273-R03-C03	1	2,896.00	2,896.00	2,896.00
86" Severe Duty Bucket	7326128	1	3,121.00	3,121.00	3,121.00
Bolt-On Cutting Edge, 86"	7296449	1	448.59	448.59	448.59
60 Month/2000 Hour Full Extended Warranty	9986213	1	3,100.00	3,100.00	3,100.00
Total for T740 T4 V2 Bobcat Compact Track Loader					114,320.59
Quote Subtotal					114,320.59
BOBCAT OF MC DISCOUNT					-36,959.53
Sales Total before Taxes					77,361.06

Taxes	0.00
Quote Total - USD	77,361.06

Customer Acceptance:	
Quotation Number: TP1853394	Purchase Order: _____
Authorized Signature:	
Print: _____	Sign: _____
Date: _____	Email: _____ Tax Exempt: Y ☐ / N ☐



JOHN DEERE

Investment Proposal (Quote)

Section 8, Item A.

RDO Equipment Co.
5221 Midland Road
Billings MT, 59101

Phone: (406) 259-5536 - Fax: (406) 256-2269

Proposal for:
CITY OF MILES CITY
PO BOX 910
MILES CITY, MT, 593010910
CUSTER

Investment Proposal Date: 5/22/2026
Pricing Valid Until: 6/5/2026
Deal Number: 2028854
Customer Account#: 3493007
Sales Professional: Chase Sukut
Phone: 1 (406) 373-7569
Fax:
Email: csukut@rdoequipment.com

Equipment Information

Quantity	Serial Number Stock Number	Hours (approx.)	Status / Year / Make / Model Additional Items	Cash Price
1	1T0325GMJTJ482562 Z235384	1	New 2026 JOHN DEERE 325G	\$103,065.85
			Customer Discount 30% Off Deere List \$105,219.5 Sourcewell Contract #011723-JDC	(\$31,565.85)
			Warranty -John Deere MFG. Base-24 Months, 2000 Hours,Deductible: 0, Exp Date: 5/21/2028	
1	854882/BKT Z261073	0	Attachment - New 2026 JOHN DEERE CE78	\$2,000.00
Equipment Subtotal:				\$73,500.00

Purchase Order Totals

Balance:	\$73,500.00
Total Taxable Amount:	\$0.00
MT STATE TAX:	\$0.00
Sales Tax Total:	\$0.00
Sub Total:	\$73,500.00
Cash with Order:	\$0.00
Balance Due:	\$73,500.00

Equipment Options

Qty	Serial Number	Year / Make / Model	Description
1	1T0325GMJTJ482562	2026 JOHN DEERE 325G	0770 CAB/HEAT/AC, POWER QT, HI FLOW, SL & RC, 2SPD, LE 0953 ISO-H SWITCHABLE CONTROLS AND EH JOYSTICK PERFORM 1301 ENGINE - TURBOCHARGED - FT4 1501 ENGLISH OPERATOR'S MANUAL AND DECALS 170K JDLINK 2645 ZIG-ZAG BAR TREAD PATTERN - 15.8 IN. (400MM) TRAC 4003 3-INCH SEAT BELT WITH SHOULDER HARNESS 6006 AIR SUSPENSION SEAT (CLOTH WITH HEAT) 8042 REAR VIEW CAMERA 8050 COLD START PACKAGE 8060 ENGINE AIR PRECLEANER 8305 COUNTERWEIGHT, (DOUBLE SET) 8380 FOOTREST WITH FLOORMAT
1	854882/BKT	2026 JOHN DEERE CE78	None



Quotation Number: **TP1853432**
 Quote Sent Date: **Jun 04, 2026**
 Expiration Date: **Jun 30, 2026**
 Prepared By: **Tyler Page**
 Phone: +14063513504
 Email: tyler@bobcatofmiles-city.com

Customer
City of Miles City
 PO BOX 910
 MILES CITY, MT, 59301-0910
 Phone: +1 406 234 1649

Contact
SAM MALENOWSKY
 Email: smalenovsky@miles-mt.org

Dealer
Bobcat of Miles City LLC, Miles City, MT
 2324 S. HAYNES AVENUE
 MILES CITY, MT, 59301

Item Name	Item Number	Quantity	Unit Price	Price Each	Total
T770 T4 Bobcat Compact Track Loader	M0285	1	95,036.00	95,036.00	95,036.00

Serial number: AT6354321

Standard Equipment:

92 HP Turbo Tier 4 Diesel Engine
 Air Intake Heater (Automatically Activated)
 Auxiliary Hydraulics: Variable Flow
 Backup Alarm
 Bob-Tach
 Bobcat Interlock Control System (BICS)
 Controls: Hand and Foot (Manual)
 Cylinder Cushioning - Lift, Tilt
 Engine/Hydraulic Systems Shutdown
 Glow Plugs (Automatically Activated)

Horn

Instrumentation: Engine Temp and Fuel Gauges, Hourmeter, RPM and Warning Indicators

Lift Arm Support

Lift Path: Vertical

Lights, Front & Rear

Operator Cab

Includes: Adjustable Suspension Seat, Top & Rear Windows, Seat Bar, Seat Belt

Roll Over Protective Structure (ROPS) meets SAE-J1040 & ISO 3471

Falling Object Protective Structure (FOPS) meets SAE-J1043 & ISO 3449, Level I; (Level II is available through Bobcat Parts)

Parking Brake: Spring Applied, Pressure Released (SAPR)

Solid Mounted Carriage with 5 Rollers

Tracks: Rubber, 17.7" Wide C-Pattern

Warranty: 2 years, or 2000 hours whichever occurs first

Deluxe Package	M0285-P11-C14	1	11,873.00	11,873.00	11,873.00
<i>Included:</i> Deluxe Package: Enclosed HVAC Cab, Adjustable Heated Cloth Air Ride Seat, Power Bob-Tach, Keyless Ignition, Deluxe Display, Standard Lights, 7-Pin Attachment Control, Single Direction Bucket Positioning, Two-Speed Travel, Telematics - Machine IQ, 2yr Standard Telematics Subscription, Radio with Bluetooth, Ride Control, Reversing Fan,					
High Flow Hydraulics	M0285-R03-C03	1	2,895.00	2,895.00	2,895.00
Roller Suspension Undercarriage	M0285-R21-C13	1	1,918.00	1,918.00	1,918.00
Selectable Joystick Controls (SJC)	M0285-R01-C04	1	1,016.00	1,016.00	1,016.00
86" Severe Duty Bucket	7326128	1	3,121.00	3,121.00	3,121.00
60 Month/2000 Hour Full Extended Warranty	9986213	1	3,200.00	3,200.00	3,200.00

Total for T770 T4 Bobcat Compact Track Loader 119,059.00

Quote Subtotal 119,059.00

BOBCAT OF MC DISCOUNT -38,547.96

Sales Total before Taxes	80,511.04
Taxes	0.00
Quote Total - USD	80,511.04

Customer Acceptance:	
Quotation Number: TP1853432	Purchase Order: _____
Authorized Signature:	
Print: _____	Sign: _____
Date: _____	Email: _____ Tax Exempt: Y ☐ / N ☐



User Group Request Application

Long Term events such as Sporting events. Upon approval from council permit is valid for two years.

- Reservation request must be made at least 1 month prior to the reservation date.
- Please allow for up to one month for council approval of permit.

Event Type (Please provide details on the back of this form): <i>Football</i>	
Park/Field Requested: <i>Bender Park</i>	
Date(s) Requested (provide schedule): <i>Sept 1st to Oct 31st.</i> What timeframe are you requesting for practices and games (start and end dates):	
Name of Organization: <i>Miles City Youth Football</i>	
Primary Contact Person: <i>Traus Meidinger</i>	
Phone Number: <i>406-720-3693</i>	
Email Address: <i>meidingt@gmail.com</i>	
Mailing Address: <i>P.O. Box 442 MC, 59301</i>	
Secondary Contract Person: <i>Erik Peterson</i>	
Phone Number: <i>406-951-1369</i>	
Email Address: <i>pine.hills.cattle@gmail.com</i>	
Mailing Address: <i>P.O. Box 442 MC 59301</i>	

Upon approval, the following checked items must be provided:

Fees

Processing Fee	\$25.00
Park Use Fee (determined from Parks Policy Manual)	\$250/yr.
Damage Deposit (Refundable) • If there will be canopies/tents at your event or if you are using a rental company, an additional deposit maybe needed. • A walk through is required before and at the end of any season.	\$250
Alcohol Waiver • Refer to Parks Policy Manual	—
Liability Insurance (information provided in the Parks Policy Manual) • Naming the City of Miles City, Its Officers, and Agents as additionally Insured • Meets all information in Ordinance # 1393 and in the Parks Policy Manual	Need to provide proof
Insurance Endorsement Statement • Naming the City of Miles City, Its Officers, and Agents as additionally Insured.	Needed
Has read and will meet all requirements within Parks Policy Manual	<u>Yes</u> No
Signed agreement detailing the event	Yes No

Joe Meyer 7/23/26

Insurance must be in place and the group shall provide proof of insurance satisfactory to the City of Miles City prior to the commencement of the use covered by this agreement or the use will not commence as scheduled.

Insurance Endorsement Statement

An Endorsement Statement is required for all applicable policies additionally insuring the City of Miles City, its officers, and agents and the Group against loss and liability for damages including, but not limited to, personal injury, death, or property damage arising out of, or in connection with the use of the facility. In addition, the policy or policies shall contain a provision that no cancellation thereof shall be effective by the insurer without forty five (45) days written notice to the City of Miles City and the insured Reservation group.

City of Miles City Address to be used on Insurance Documentation

City of Miles City
174 S. 8th Street
PO Box 910
Miles City, MT 59301

Email: smalenovsky@miles-city-mt.org For questions, please call the Public Works Department at 406-874-8617.

**VERIFICATION OF INSURANCE
FOR THE AMATEUR ATHLETIC UNION OF THE U.S., INC. AND ITS MEMBER CLUBS**

GENERAL INFORMATION		This document verifies insurance coverage for the Amateur Athletic Union of the United States, Inc. Member clubs have coverage as shown below from the date of enrollment and acceptance in the AAU. Expiration date is August 31st annually.			COVERAGE DATES: 9/1/2025 - 8/31/2026	
This verification is issued as a matter of information only and confers no rights. This verification does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This verification of insurance does not constitute a contract between the issuing insurer (s), authorized representative or producer.						
PRODUCER Foy Insurance a division World Insurance 64 Portsmouth Ave Exeter NH 03833		INSURED Amateur Athletic Union of the U.S., Inc. Walt Disney World Resort P.O. Box 1000022409 Lake Buena Vista, FL 32830-1000 (407) 934-7200		MEMBER CLUB INSURED CLUB CODE: UFCGSQBRN MCYF 1505 Butler St Miles City, MT, 59301 8/19/2025 05:17:22 PM		
INSURER(S) AFFORDING COVERAGE						
Company A United State Fire Insurance Company NAIC # 21113 Company B Everest National Insurance Company NAIC # 10120 Company C HDI Global Specialty SE NAIC# AA-1340041				*For box below, INSR LTR refers to Company A, B or C.		
COVERAGES - This is to certify that the policy(ies) of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy(ies) described herein is subject to all the terms, exclusions, and conditions of such policy(ies), limits shown may have been reduced by paid claims.						
INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	COVERAGE EFF. DATE (MM/DD/YY)	COVERAGE EXP. DATE (MM/DD/YY)	COVERAGES	LIMITS
A	Participant Accident	US1182736	9/01/2025 12:01 AM.	9/1/2026 12:01 AM.	Accident Medical Accidental Death and Dismemberment	100,000 20,000
B	Excess Liability	GCN0012707-251	9/01/2025 12:01 AM.	9/1/2026 12:01 AM.	Each Occurrence Policy Aggregate	1,000,000 1,000,000
C	Excess Liability	25QS1244	9/01/2025 12:01 AM.	9/1/2026 12:01 AM.	Each Occurrence Policy Aggregate	4,000,000 4,000,000
B	General Liability	GCN0012693-251	9/01/2025 12:01 AM.	9/1/2026 12:01 AM.	Each Occurrence Limit General Aggregate Limit Participant Legal Liability Personal and Advertising Injury Limit Products-Completed Operations Aggregate Fire Damage to premises Rented to Policy Aggregate Cap Medical Expenses Limit (Any One Person) Sexual Abuse Liability Sexual Abuse Aggregate	1,000,000 3,000,000 1,000,000 1,000,000 3,000,000 1,000,000 20,000,000 5,000 1,000,000 2,000,000
ADDITIONAL INFORMATION / RESTRICTIONS / SPECIAL ITEMS For said club to have coverage, all membership requirements in the AAU must be met. For said club to have Extended Coverage (AB) program, all membership requirements in the AAU AB program must be met.						
CANCELLATION - Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. But, failure to mail such notices shall impose no obligation for liability of any kind upon the insurer, its agents or representatives. REVOCATION OF MEMBERSHIP - will result in cancellation of coverage.						

Authorized Representative

Verification No. UFCGSQBRN

InsSpecimenCrtClub.rpt

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User Group Request Application

Long Term events such as Sporting events. Upon approval from council permit is valid for two years.

- Reservation request must be made at least 1 month prior to the reservation date.
- Please allow for up to one month for council approval of permit.

Event Type (Please provide details on the back of this form): <u>Football</u>	
Park/Field Requested: <u>Bender Park</u>	
Date(s) Requested (provide schedule): <u>Sept 1st to Oct 31st</u> What timeframe are you requesting for practices and games (start and end dates):	
Name of Organization: <u>Miles City Youth Football</u>	
Primary Contact Person: <u>Traas Meidinger</u>	
Phone Number: <u>406-720-3693</u>	
Email Address: <u>meidingt@gmail.com</u>	
Mailing Address: <u>P.O. Box 442 MC, 59301</u>	
Secondary Contract Person: <u>Erik Peterson</u>	
Phone Number: <u>406-951-1369</u>	
Email Address: <u>pinehills cattle@gmail.com</u>	
Mailing Address: <u>P.O. Box 442 MC 59301</u>	

Upon approval, the following checked items must be provided:

Fees

Processing Fee	\$25.00
Park Use Fee (determined from Parks Policy Manual)	\$ <u>250/yr.</u>
Damage Deposit (Refundable) • If there will be canopies/tents at your event or if you are using a rental company, an additional deposit maybe needed. • A walk through is required before and at the end of any season.	\$ <u>250</u>
Alcohol Waiver • Refer to Parks Policy Manual	<u>—</u>
Liability Insurance (information provided in the Parks Policy Manual) • Naming the City of Miles City, Its Officers, and Agents as additionally Insured • Meets all information in Ordinance # 1393 and in the Parks Policy Manual	Need to provide proof
Insurance Endorsement Statement • Naming the City of Miles City, Its Officers, and Agents as additionally Insured.	Needed
Has read and will meet all requirements within Parks Policy Manual	<u>Yes</u> No
Signed agreement detailing the event	Yes No

Jess W. Ayer 7/23/26

Insurance must be in place and the group shall provide proof of insurance satisfactory to the City of Miles City prior to the commencement of the use covered by this agreement or the use will not commence as scheduled.

Insurance Endorsement Statement

An Endorsement Statement is required for all applicable policies additionally insuring the City of Miles City, its officers, and agents and the Group against loss and liability for damages including, but not limited to, personal injury, death, or property damage arising out of, or in connection with the use of the facility. In addition, the policy or policies shall contain a provision that no cancellation thereof shall be effective by the insurer without forty five (45) days written notice to the City of Miles City and the insured Reservation group.

City of Miles City Address to be used on Insurance Documentation

City of Miles City
174 S. 8th Street
PO Box 910
Miles City, MT 59301

Email: smalenovsky@milescity-mt.org For questions, please call the Public Works Department at 406-874-8617.

**VERIFICATION OF INSURANCE
FOR THE AMATEUR ATHLETIC UNION OF THE U.S., INC. AND ITS MEMBER CLUBS**

GENERAL INFORMATION This document verifies insurance coverage for the Amateur Athletic Union of the United States, Inc. Member clubs have coverage as shown below from the date of enrollment and acceptance in the AAU. Expiration date is August 31st annually.		COVERAGE DATES: 9/1/2025 - 8/31/2026				
This verification is issued as a matter of information only and confers no rights. This verification does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This verification of insurance does not constitute a contract between the issuing insurer (s), authorized representative or producer.						
PRODUCER Foy Insurance a division World Insurance 64 Portsmouth Ave Exeter NH 03833	INSURED Amateur Athletic Union of the U.S., Inc. Walt Disney World Resort P.O. Box 1000022409 Lake Buena Vista, FL 32830-1000 (407) 934-7200	MEMBER CLUB INSURED CLUB CODE: UFCGSQBRN MCYF 1505 Butler St Miles City, MT, 59301 8/19/2025 05:17:22 PM				
INSURER(S) AFFORDING COVERAGE						
Company A United State Fire Insurance Company NAIC # 21113 Company B Everest National Insurance Company NAIC # 10120 Company C HDI Global Specialty SE NAIC# AA-1340041		*For box below, INSR LTR refers to Company A, B or C.				
COVERAGES - This is to certify that the policy(ies) of insurance listed below have been issued to the insured named above for the policy period indicated. Notwithstanding any requirement, term, or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policy(ies) described herein is subject to all the terms, exclusions, and conditions of such policy(ies), limits shown may have been reduced by paid claims.						
INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	COVERAGE EFF. DATE (MM/DD/YY)	COVERAGE EXP. DATE (MM/DD/YY)	COVERAGES	LIMITS
A	Participant Accident	US1182736	9/01/2025 12:01 AM.	9/1/2026 12:01 AM.	Accident Medical Accidental Death and Dismemberment	100,000 20,000
B	Excess Liability	GCN0012707-251	9/01/2025 12:01 AM.	9/1/2026 12:01 AM.	Each Occurrence Policy Aggregate	1,000,000 1,000,000
C	Excess Liability	25QS1244	9/01/2025 12:01 AM.	9/1/2026 12:01 AM.	Each Occurrence Policy Aggregate	4,000,000 4,000,000
B	General Liability	GCN0012693-251	9/01/2025 12:01 AM.	9/1/2026 12:01 AM.	Each Occurrence Limit General Aggregate Limit Participant Legal Liability Personal and Advertising Injury Limit Products-Completed Operations Aggregate Fire Damage to premises Rented to Policy Aggregate Cap Medical Expenses Limit (Any One Person) Sexual Abuse Liability Sexual Abuse Aggregate	1,000,000 3,000,000 1,000,000 1,000,000 3,000,000 1,000,000 20,000,000 5,000 1,000,000 2,000,000
ADDITIONAL INFORMATION / RESTRICTIONS / SPECIAL ITEMS For said club to have coverage, all membership requirements in the AAU must be met. For said club to have Extended Coverage (AB) program, all membership requirements in the AAU AB program must be met.						
CANCELLATION - Should any of the above described policies be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions. But, failure to mail such notices shall impose no obligation for liability of any kind upon the insurer, its agents or representatives. REVOCATION OF MEMBERSHIP - will result in cancellation of coverage.						



Authorized Representative

Verification No. UFCGSQBRN

InsSpecimenCertClub.rpt

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ORDINANCE NO. 1408(a)

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TEXT OF THE CITY ZONING CODE TO ADDRESS SHIPPING CONTAINERS AND TEMPORARY BUILDINGS SIMILAR TO SHIPPING CONTAINERS IN THE VARIOUS DISTRICTS AND PROVIDING FOR A HEARING THEREON.

WHEREAS, there have been multiple cases of shipping containers being placed within the residential zoning districts of the City of Miles City that are contrary to the purposes and intents of the residential districts and zoning code overall, and the zoning code does not specifically address this recent trend;

AND WHEREAS, to properly address the use of shipping containers and temporary buildings similar to shipping containers such that the negative effects are addressed while reasonably and appropriately accommodating shipping containers, similar buildings, and their various beneficial uses, requires text amendments that apply on a City-wide basis;

AND WHEREAS, City of Miles City staff have proposed various text amendments to the City zoning code to address these uses and administration of the code to accommodate shipping containers and similar buildings, add certain permit requirements, and miscellaneous amendments to carry out the intent of the proposed provisions;

AND WHEREAS, Section 24-96 of the Code of Ordinances of Miles City, Montana requires that such zoning amendments 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 amendments;

AND WHEREAS, the Miles City Zoning Commission, on the 13th day of August, 2026, upon public hearing and deliberation, recommended to the City Council that such amendments be approved.

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

Section 1.

The following term and definition are added to Sec. 24-201. – Definitions, between the terms/definitions of “Setback” and “Sign permit”:

Shipping container: A steel intermodal freight container, cargo container, Conex container, PODS container, or similar structure originally designed and manufactured for the transportation of goods

by ship, rail, or truck. The term also includes any purpose-built storage container similar to or resembling the above, manufactured for storage rather than ocean shipping and not certified for international maritime transport, which are commonly used for construction sites, storage, and commercial uses. The term does not include refuse containers, mobile offices, recreational vehicles, and other similar items originally constructed for purposes other than the above.

The following sections are amended as follows; no other existing language is changed other than depicted below: (additions are underlined, and deletions are ~~stricken~~):

Under the “Permitted Uses” listed in the following tables of Permitted and Conditional Uses in the various residential districts, “Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63” is amended to state: “Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)”:

- Sec. 24-15. - Residential A district (RA), subsection (b), Table II.1: RA District Permitted and Conditional Uses;
- Sec. 24-16. - Residential B district (RB), subsection (b), Table II.3: RB District Permitted and Conditional Uses;
- Sec. 24-17. - Residential C district (RC), subsection (b), Table II.5: RC District Permitted and Conditional Uses;
- Sec. 24-18. - Semi-rural district (SR), subsection (b), Table II.7: SR District Permitted and Conditional Uses; and
- Sec. 24-19. - Mobile home residential district (MH-A), subsection (b), Table II.9: MH-A District Permitted and Conditional Uses.

Under the “Permitted Uses” listed in Table II.11: MH-RV District Permitted and Conditional Uses, the following use is added: “Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)”:

Sec. 24-63. - Accessory buildings, is amended as follows (additions are underlined, and deletions are ~~stricken~~):

(Also see accessory dwelling units, section 24-65 and shipping containers, section 24-73)

Accessory buildings are allowed in all zoning districts subject to permitting requirements except as exempted under section 24-81 and the following standards:

- (a) No accessory building shall be located within five feet of any principal residential building, or have a height over 24’ as measured from the highest peak of the building.

- (b) On residential lots, accessory buildings may be located in rear yards, but not in the required rear yard setback. See Figure III.A, setbacks and yards.
- (c) No accessory building shall be located in any required side or front yard in residential districts, with the following exceptions: Storm shelters, fallout shelters and similar shelters to protect human life during periods of danger may be constructed in the required front or side yard, but no part of the building may protrude above the average grade of the lot. In addition, such buildings with impervious surfaces shall be calculated against the permitted lot coverage.
- (d) In non-residential districts, with the exception of the CBD, accessory structures may be located in any yard, but not required yards.
- (e) For those uses listed as a conditional use, the addition of accessory buildings that expand a conditional use beyond what may have been reviewed under a conditional use permit process require review as a conditional use.
- (f) For nonconforming uses, the addition of accessory buildings that expand the nonconformity shall not be permitted without approval of a variance. For purposes of this requirement, nonconformity is increased if any portion of a required yard would be diminished by the proposed activity.
- (g) For regulations on shipping containers as defined by Sec. 24-201, similar buildings/structures, and temporary buildings that fall under the definition of shipping containers, see Sec. 24-73.

A new Sec. 24-73 is added as follows (additions for this change are underlined, and deletions are stricken):

Sec. 24-73. – Shipping containers:

- (a) Shipping containers in residential districts (RA, RB, RC, SR, MH-A, and MH-RV):
 - (1) Except as expressly authorized by this section, shipping containers shall not be permitted as a principal use, accessory use, accessory building, storage structure, or temporary structure in the residential districts.
 - (2) Shipping containers used as components of a permanent permitted building(s) and subject to and in compliance with applicable building codes may be allowed if the

shipping container(s) is in clean condition, free of graffiti, rust, and dents, and painted a uniform color free from typical shipping container badging and signage.

(3) Temporary portable shipping containers may be permitted as a temporary storage use only upon issuance of a temporary use permit pursuant to Section 24-80(e) and subject to all of the following requirements:

- a. The container(s) shall be used solely for the temporary storage of household goods in connection with the following activities:
 - i. Moving into or out of a dwelling;
 - ii. Repair or restoration of a dwelling following fire, flood, storm damage, or similar casualty loss; or
 - iii. Repairs or remodeling, or new construction projects being performed under a valid permit when a permit is required by City code.
- b. No more than one container shall be located on a lot at any time.
- c. The container shall not exceed forty (40) feet in length.
- d. The storage container shall remain on the lot no longer than thirty (30) consecutive days, except as provided under (e) below. One extension not exceeding thirty (30) additional days may be approved by the administrator upon written request with information demonstrating good cause.
- e. A container may be used as temporary construction storage (equipment, tools, or construction materials) for longer than thirty (30) consecutive days on an active construction site authorized by a valid permit through the period of permitted activities. Such containers shall be removed within fourteen (14) days following final inspection, issuance of a certificate of occupancy, or cessation of construction activity, whichever occurs first.
- f. The container shall not be placed within any public street, alley, sidewalk, public easement, fire lane, required parking area, or required clear vision triangle.
- g. The container shall be placed upon a properly graded and drained surface.

- h. The container shall meet all requirements for accessory buildings, including setbacks, lot coverage, and building heights.
- i. The container shall not be connected to water, sewer, electrical, gas, or communication utilities.
- j. The container shall not be used for habitation, sleeping purposes, business activity, or retail sales.
- k. The container shall not be used for commercial storage except as otherwise provided for in this section during construction activities.
- l. The container shall not be used for the storage of hazardous, flammable, explosive, or otherwise regulated materials.
- m. The container shall be maintained in a clean condition and free of graffiti and rust.
- n. The container shall be removed prior to expiration of the approved time period.
- o. No temporary use permit shall be issued for a lot more than once within any twelve-month period for the same lot, except in the case of documented casualty loss or emergency restoration.

(b) Shipping containers in commercial and industrial districts (CBD, GC, HWC, HCLI, HI, and MC):

- (1) Except as expressly authorized by this section, shipping containers shall not be permitted as a permanent principal use, accessory use, accessory building, storage structure, or temporary structure in the commercial and industrial districts.
- (2) Shipping containers used as components of a permanent permitted building(s) and subject to and in compliance with applicable building codes may be allowed if the shipping container(s) is in clean condition, free of graffiti, rust, and dents, and painted a uniform color free from typical shipping container badging and signage.
- (3) Temporary portable shipping containers may be permitted as a temporary storage use only upon issuance of a temporary use permit pursuant to Section 24-80(e) and subject to all of the following requirements:

- a. The container(s) shall not exceed forty (40) feet in length.
- b. Multiple containers shall not be stacked.
- c. A container(s) may be used as temporary construction storage (equipment, tools, or construction materials) on an active construction site authorized by a valid permit through the period of permitted activities. Such containers shall be removed within fourteen (14) days following final inspection, issuance of a certificate of occupancy, or cessation of construction activity, whichever occurs first.
- d. The container(s) shall not be placed within any public street, alley, sidewalk, public easement, fire lane, required parking area, or required clear vision triangle.
- e. The container(s) shall be placed upon a properly graded and drained surface.
- f. The container(s) shall meet all other requirements for buildings, including setbacks, lot coverage, and building heights.
- g. The container shall not be used for sleeping purposes.

(c) Shipping containers in Open Space (OS) District:

- (1) Shipping containers in the OS District are allowed as accessory buildings associated with the permitted uses in the district; and
- (2) Shipping containers in the OS District are allowed only on City-owned property as part of municipal activities or with written permission by the City.

~~Sees. 24-73~~Secs. 24-74—24-79. - Reserved.

Sec. 24-80. – Permits required, is amended as follows (additions are underlined, and deletions are ~~stricken~~):

Sec. 24-80. - Permits required.

A permit shall be required for any clearing, grading, excavation, construction, reconstruction, non-minor change of occupancy or use, land development, re-development or building activity, except as specifically exempted by these regulations or per section 24-81 below. These regulations

include the following four kinds of permits, the procedures for administration of which are found in section 24-85 below:

- (a) A building permit, where compliance with zoning is assessed, shall be required for any new building activity listed as "permitted" in the various districts adopted by these regulations (see sections 24-15 through 24-39).
- (b) A conditional use permit shall be required for any land use or building activity listed as a "conditional use" in the various zoning districts (see sections 24-15 through 24-39).
- (c) A fence permit is required for installation of any new fence or modifications or substantial repairs to an existing fence.
- (d) A certificate of occupancy is required when a new building is completed.
- (e) A temporary use permit is required for placement and/or use of shipping containers and similar structures, buildings, or objects in any zoning district within the City limits, except as follows:
 - (1) The use is a recurring seasonal use that was previously established as demonstrated to the administrator, the temporary/seasonal use was in place for at least the prior two consecutive years, the use and object conformed to City codes, and the building for the use is to be in the same location as, and of the same use as previously established; and
 - (2) The building complies with all other requirements of these regulations.

Building permit applications are submitted with applications for the above permits when building codes apply to the development. Building permits are then processed by the Miles City building inspector in conjunction with zoning review by the administrator and, when applicable, the board of adjustment or city council. Sign permits are authorized under separate ordinance—see Appendix H of the International Building Code for sign regulations in Miles City.

Section 2. The Final Report of the Zoning Commission of the City of Miles City, prepared as part of the review of these amendments, 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 zoning amendments before the City Council at 6:00 P.M. on the 8th day of September, 2026, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

Section 4. The City Clerk and/or zoning Administrator shall give notice of the date, time and place of such hearing in accordance with Sections 76-2-303 and 7-1-4127(7)(b), MCA, as well as Section 24-97 of the Code of Ordinances of Miles City, Montana. Said notice shall include publication twice in the Miles City Star, with the first notice published at least 15 business days prior to the date of such hearing.

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

Said Ordinance first read and put on its passage this 25th day of August, 2026.

C. A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 8th day of September, 2026.

C. A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

ORDINANCE NO. 1408(b)

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TEXT OF THE CITY ZONING CODE TO ADDRESS SHIPPING CONTAINERS AND TEMPORARY BUILDINGS SIMILAR TO SHIPPING CONTAINERS IN THE VARIOUS DISTRICTS, ADDING REQUIREMENTS FOR ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS TO REQUIRE A PRIMARY BUILDING TO ALLOW AN ACCESSORY BUILDING, AND PROVIDING FOR A HEARING THEREON.

WHEREAS, there have been multiple cases of shipping containers being placed within the residential zoning districts of the City of Miles City that are contrary to the purposes and intents of the residential districts and zoning code overall, and the zoning code does not specifically address this recent trend;

AND WHEREAS, to properly address the use of shipping containers and temporary buildings similar to shipping containers such that the negative effects are addressed while reasonably and appropriately accommodating shipping containers, similar buildings, and their various beneficial uses, requires text amendments that apply on a City-wide basis;

AND WHEREAS, City of Miles City staff have proposed various text amendments to the City zoning code to address these uses and administration of the code to accommodate shipping containers and similar buildings, add certain permit requirements, and miscellaneous amendments to carry out the intent of the proposed provisions;

AND WHEREAS, there have been multiple cases of accessory buildings, such as large shops, being placed on otherwise vacant lots within the residential zoning districts of the City of Miles City, which have no primary building for the buildings to be accessory to and have then become used for non-residential purposes that are contrary to the purposes and intents of the residential districts and zoning code overall, and the zoning code does not specifically address this trend;

AND WHEREAS, City of Miles City staff have proposed text amendments to the City zoning code to prohibit accessory buildings on lots in residential districts until the primary/main building is constructed or under construction concurrently with the primary building;

AND WHEREAS, Section 24-96 of the Code of Ordinances of Miles City, Montana requires that such zoning amendments 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 amendments;

AND WHEREAS, the Miles City Zoning Commission, on the 13th day of August, 2026, upon public hearing and deliberation, recommended to the City Council that the amendments adding requirements for accessory buildings in residential districts to require a primary building to allow an accessory building not be approved, but that the alternate version of the ordinance without that language restricting accessory buildings be approved; however, the City Council has determined that based on the above recitals, it is in the City's best interest to adopt this ordinance.

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

Section 1.

The following term and definition are added to Sec. 24-201. – Definitions, between the terms/definitions of “Setback” and “Sign permit”:

Shipping container: A steel intermodal freight container, cargo container, Conex container, PODS container, or similar structure originally designed and manufactured for the transportation of goods by ship, rail, or truck. The term also includes any purpose-built storage container similar to or resembling the above, manufactured for storage rather than ocean shipping and not certified for international maritime transport, which are commonly used for construction sites, storage, and commercial uses. The term does not include refuse containers, mobile offices, recreational vehicles, and other similar items originally constructed for purposes other than the above.

The following sections are amended as follows; no other existing language is changed other than depicted below: (additions are underlined, and deletions are ~~stricken~~):

Under the “Permitted Uses” listed in the following tables of Permitted and Conditional Uses in the various residential districts, “Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63” is amended to state: “Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)”:

- Sec. 24-15. - Residential A district (RA), subsection (b), Table II.1: RA District Permitted and Conditional Uses;
- Sec. 24-16. - Residential B district (RB), subsection (b), Table II.3: RB District Permitted and Conditional Uses;
- Sec. 24-17. - Residential C district (RC), subsection (b), Table II.5: RC District Permitted and Conditional Uses;
- Sec. 24-18. - Semi-rural district (SR), subsection (b), Table II.7: SR District Permitted and Conditional Uses; and

- Sec. 24-19. - Mobile home residential district (MH-A), subsection (b), Table II.9: MH-A District Permitted and Conditional Uses.

Under the “Permitted Uses” listed in Table II.11: MH-RV District Permitted and Conditional Uses, the following use is added: “Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)”:

Sec. 24-63. - Accessory buildings, is amended as follows (additions are underlined, and deletions are ~~stricken~~):

(Also see accessory dwelling units, section 24-65 and shipping containers, section 24-73)

Accessory buildings are allowed in all zoning districts subject to permitting requirements except as exempted under section 24-81 and the following standards:

- (a) All accessory buildings in residential districts are prohibited until the primary/main building is constructed; concurrent construction of accessory and primary buildings is allowed.
- ~~(a)-(b)~~ (b) No accessory building shall be located within five feet of any principal residential building, or have a height over 24’ as measured from the highest peak of the building.
- ~~(b)-(c)~~ (c) On residential lots, accessory buildings may be located in rear yards, but not in the required rear yard setback. See Figure III.A, setbacks and yards.
- ~~(c)-(d)~~ (d) No accessory building shall be located in any required side or front yard in residential districts, with the following exceptions: Storm shelters, fallout shelters and similar shelters to protect human life during periods of danger may be constructed in the required front or side yard, but no part of the building may protrude above the average grade of the lot. In addition, such buildings with impervious surfaces shall be calculated against the permitted lot coverage.
- ~~(d)-(e)~~ (e) In non-residential districts, with the exception of the CBD, accessory structures may be located in any yard, but not required yards.
- ~~(e)-(f)~~ (f) For those uses listed as a conditional use, the addition of accessory buildings that expand a conditional use beyond what may have been reviewed under a conditional use permit process require review as a conditional use.

~~(f)~~-(g) For nonconforming uses, the addition of accessory buildings that expand the nonconformity shall not be permitted without approval of a variance. For purposes of this requirement, nonconformity is increased if any portion of a required yard would be diminished by the proposed activity.

(h) For regulations on shipping containers as defined by Sec. 24-201, similar buildings/structures, and temporary buildings that fall under the definition of shipping containers, see Sec. 24-73.

A new Sec. 24-73 is added as follows (additions for this change are underlined, and deletions are stricken):

Sec. 24-73. – Shipping containers:

(a) Shipping containers in residential districts (RA, RB, RC, SR, MH-A, and MH-RV):

(1) Except as expressly authorized by this section, shipping containers shall not be permitted as a principal use, accessory use, accessory building, storage structure, or temporary structure in the residential districts.

(2) Shipping containers used as components of a permanent permitted building(s) and subject to and in compliance with applicable building codes may be allowed if the shipping container(s) is in clean condition, free of graffiti, rust, and dents, and painted a uniform color free from typical shipping container badging and signage.

(3) Temporary portable shipping containers may be permitted as a temporary storage use only upon issuance of a temporary use permit pursuant to Section 24-80(e) and subject to all of the following requirements:

a. The container(s) shall be used solely for the temporary storage of household goods in connection with the following activities:

- i. Moving into or out of a dwelling;
- ii. Repair or restoration of a dwelling following fire, flood, storm damage, or similar casualty loss; or
- iii. Repairs or remodeling, or new construction projects being performed under a valid permit when a permit is required by City code.

- b. No more than one container shall be located on a lot at any time.
- c. The container shall not exceed forty (40) feet in length.
- d. The storage container shall remain on the lot no longer than thirty (30) consecutive days, except as provided under (e) below. One extension not exceeding thirty (30) additional days may be approved by the administrator upon written request with information demonstrating good cause.
- e. A container may be used as temporary construction storage (equipment, tools, or construction materials) for longer than thirty (30) consecutive days on an active construction site authorized by a valid permit through the period of permitted activities. Such containers shall be removed within fourteen (14) days following final inspection, issuance of a certificate of occupancy, or cessation of construction activity, whichever occurs first.
- f. The container shall not be placed within any public street, alley, sidewalk, public easement, fire lane, required parking area, or required clear vision triangle.
- g. The container shall be placed upon a properly graded and drained surface.
- h. The container shall meet all requirements for accessory buildings, including setbacks, lot coverage, and building heights.
- i. The container shall not be connected to water, sewer, electrical, gas, or communication utilities.
- j. The container shall not be used for habitation, sleeping purposes, business activity, or retail sales.
- k. The container shall not be used for commercial storage except as otherwise provided for in this section during construction activities.
- l. The container shall not be used for the storage of hazardous, flammable, explosive, or otherwise regulated materials.
- m. The container shall be maintained in a clean condition and free of graffiti and rust.

- n. The container shall be removed prior to expiration of the approved time period.
- o. No temporary use permit shall be issued for a lot more than once within any twelve-month period for the same lot, except in the case of documented casualty loss or emergency restoration.

(b) Shipping containers in commercial and industrial districts (CBD, GC, HWC, HCLI, HI, and MC):

- (1) Except as expressly authorized by this section, shipping containers shall not be permitted as a permanent principal use, accessory use, accessory building, storage structure, or temporary structure in the commercial and industrial districts.
- (2) Shipping containers used as components of a permanent permitted building(s) and subject to and in compliance with applicable building codes may be allowed if the shipping container(s) is in clean condition, free of graffiti, rust, and dents, and painted a uniform color free from typical shipping container badging and signage.
- (3) Temporary portable shipping containers may be permitted as a temporary storage use only upon issuance of a temporary use permit pursuant to Section 24-80(e) and subject to all of the following requirements:
 - a. The container(s) shall not exceed forty (40) feet in length.
 - b. Multiple containers shall not be stacked.
 - c. A container(s) may be used as temporary construction storage (equipment, tools, or construction materials) on an active construction site authorized by a valid permit through the period of permitted activities. Such containers shall be removed within fourteen (14) days following final inspection, issuance of a certificate of occupancy, or cessation of construction activity, whichever occurs first.
 - d. The container(s) shall not be placed within any public street, alley, sidewalk, public easement, fire lane, required parking area, or required clear vision triangle.
 - e. The container(s) shall be placed upon a properly graded and drained surface.

f. The container(s) shall meet all other requirements for buildings, including setbacks, lot coverage, and building heights.

g. The container shall not be used for sleeping purposes.

(c) Shipping containers in Open Space (OS) District:

(1) Shipping containers in the OS District are allowed as accessory buildings associated with the permitted uses in the district; and

(2) Shipping containers in the OS District are allowed only on City-owned property as part of municipal activities or with written permission by the City.

~~Secs. 24-73~~Secs. 24-74—24-79. - Reserved.

Sec. 24-80. – Permits required, is amended as follows (additions are underlined, and deletions are ~~stricken~~):

Sec. 24-80. - Permits required.

A permit shall be required for any clearing, grading, excavation, construction, reconstruction, non-minor change of occupancy or use, land development, re-development or building activity, except as specifically exempted by these regulations or per section 24-81 below. These regulations include the following four kinds of permits, the procedures for administration of which are found in section 24-85 below:

- (a) A building permit, where compliance with zoning is assessed, shall be required for any new building activity listed as "permitted" in the various districts adopted by these regulations (see sections 24-15 through 24-39).
- (b) A conditional use permit shall be required for any land use or building activity listed as a "conditional use" in the various zoning districts (see sections 24-15 through 24-39).
- (c) A fence permit is required for installation of any new fence or modifications or substantial repairs to an existing fence.
- (d) A certificate of occupancy is required when a new building is completed.

(e) A temporary use permit is required for placement and/or use of shipping containers and similar structures, buildings, or objects in any zoning district within the City limits, except as follows:

- (1) The use is a recurring seasonal use that was previously established as demonstrated to the administrator, the temporary/seasonal use was in place for at least the prior two consecutive years, the use and object conformed to City codes, and the building for the use is to be in the same location as, and of the same use as previously established; and
- (2) The building complies with all other requirements of these regulations.

Building permit applications are submitted with applications for the above permits when building codes apply to the development. Building permits are then processed by the Miles City building inspector in conjunction with zoning review by the administrator and, when applicable, the board of adjustment or city council. Sign permits are authorized under separate ordinance—see Appendix H of the International Building Code for sign regulations in Miles City.

Section 2. The Final Report of the Zoning Commission of the City of Miles City, prepared as part of the review of these amendments, 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 zoning amendments before the City Council at 6:00 P.M. on the 8th day of September, 2026, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

Section 4. The City Clerk and/or zoning Administrator shall give notice of the date, time and place of such hearing in accordance with Sections 76-2-303 and 7-1-4127(7)(b), MCA, as well as Section 24-97 of the Code of Ordinances of Miles City, Montana. Said notice shall include publication twice in the Miles City Star, with the first notice published at least 15 business days prior to the date of such hearing.

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

Said Ordinance first read and put on its passage this 25th day of August, 2026.

C. A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this 8th day of September, 2026.

C. A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

**FINAL REPORT
OF THE MILES CITY ZONING COMMISSION
ON DRAFT TEXT AMENDMENTS TO ZONING CODE:
STORAGE/SHIPPING CONTAINERS
AUGUST 13, 2026**

A) Introduction:

This report is submitted to the City Council along with draft ordinances for text amendments to the City zoning code (**Ordinance No. 1408(a) and Ordinance No. 1408(b)**). The proposed text amendments were initiated by the Zoning Administrator and Contract City Planner to address storage/shipping containers in the various zoning districts. The Zoning Commission held a public hearing on the draft updates on July 23rd and continued the hearing to August 13th.

The proposed ordinance reviewed by the Zoning Commission on August 13th would have also added requirements for accessory buildings in residential districts, including adding language prohibiting accessory buildings on lots until the primary/main building is constructed or under construction concurrently with the primary building. However, the Zoning Commission recommended an ordinance be presented to the City Council to address the shipping container matters, but tabled the accessory building portions until the September 16 Zoning Commission meeting. As such, this report and findings have been modified to reflect the Zoning Commission's recommendations, and **Ordinance No. 1408(a)** reflects those recommendations.

Ordinance No. 1408(b) is also being presented to the City Council for potential consideration by staff. This version of the ordinance includes the language prohibiting accessory buildings on lots until the primary/main building is constructed or under construction concurrently with the primary building, and includes other minor modifications made by the Zoning Commission to the recommended shipping container ordinance. The City Council technically has the option to adopt either ordinance or make modifications. **At the first reading, both ordinances should be passed so that they can both move forward for the public hearing, second reading, and potential adoption.**

The Zoning Commission is scheduled to meet again on September 16th to consider and hold a public hearing on alternatives to the requirements for accessory buildings in residential districts. That does not preclude the City Council from adopting Ordinance No. 1408(a) or Ordinance No. 1408(b).

B) Municipal Zoning Procedure:

According to 76-2-307, MCA, the City Council appoints the Zoning Commission to recommend the boundaries of the zoning districts and appropriate zoning regulations. The Zoning Commission shall make a preliminary report and hold public hearings on the zoning districts and regulations before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Zoning Commission. The purpose of the July 23rd public hearing and continued August 13th public hearing was to meet the requirements of 76-2-307, MCA for the Zoning Commission to hold its public hearing and make a final report on the draft zoning regulations.

At the August public hearing, the Zoning Commission reviewed the draft updates and a preliminary report. The Commission recommended adoption of what is being presented to the City Council as Ordinance No. 1408(a).

Per 76-2-303(2), MCA, a regulation, restriction, or boundary may not become effective until after a public hearing in relation to the regulation, restriction, or boundary at which parties in interest and citizens have an opportunity to be heard has been held. Per the zoning code, at least 15 days' notice of the time and place of the hearing must be published in an official paper or a paper of general circulation in the municipality. Per state law, notices must be published twice, with the first notice published at least 15 business days before the hearing or action to be taken. The notices of the first Zoning Commission public hearing were published in the Miles City Star on June 27 and July 3, and of the continued public hearing on August 1. Additionally, the City Council's September 8 public hearing is being noticed in the Miles City Star on August 15 and 22 in accordance with state law and the zoning code.

C) Report/Findings:

This is the final report of the Zoning Commission as required by 76-2-307, MCA as it pertains to the shipping container ordinance presented as Ordinance No. 1408(a). Section D) of this report gives an overview of the draft zoning updates. Section E) provides the purpose and process for zone changes and zoning amendments. Section F) of the report outlines applicable zoning statutes and preliminary findings regarding the draft regulations' compliance with the zoning code's criteria for zone changes and zoning amendments. Section G) provides the reviewer recommendations to the Zoning Commission.

D) Overview of Draft Regulations:

The draft ordinances are intended to revise various sections of Chapter 24 of the current City Codes ("Zoning"). The updates in the draft ordinances are relatively self-explanatory. The following is a general overview of the text amendments being proposed:

- In residential districts, the use tables add reference to a new Sec. 24-73 for shipping containers;
- In Ordinance No. 1408(b) only, the following language is added to Sec. 24-63: "*All accessory buildings in residential districts are prohibited until the primary/main building is constructed; concurrent construction of accessory and primary buildings is allowed.*" This language is consistent with the following accessory use in the use tables in residential districts: "*Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63*". The intent is to require that accessory buildings such as garages and shops be accessory to a primary building, such as a residential dwelling. This was previously proposed by staff and the Zoning Commission, but removed by the City Council when Ordinance No. 1387 was adopted. The issue has continued to be problematic, so was proposed again by staff, but not recommended by the Zoning Commission with Ordinance No. 1408(a).
- Sec. 24-63 adds references to the definition of shipping containers, similar structures, temporary buildings, and the new Sec. 24-73 – Shipping containers.
- A new Sec. 24-73 – Shipping containers is added. Subsection (a) includes regulations specific to shipping containers in residential districts; subsection (b) includes regulations specific to

shipping containers in commercial and industrial districts; and subsection (c) includes regulations specific to shipping containers in the Open Space (OS) District, which applies primarily to City-owned parks and similar properties.

- Proposed Sec. 24-73(a)(2) and Sec. 24-73(b)(2) have been modified relative to previous versions of the ordinance to change the requirement that shipping containers used as components of a permanent permitted building(s) and subject to and in compliance with applicable building codes may be allowed if the shipping container(s) is in clean condition, free of graffiti, rust, and dents, and painted a uniform color free from typical shipping container badging and signage. This replaces the language regarding the shipping container(s) being not visible outside of the building due to siding, roofing, and other structural coverings that will result in no visibility of the shipping container(s).
- In Sec. 24-80 (Permits required), a new “temporary use permit” is added, requiring a permit for placement and/or use of shipping containers and similar structures, buildings, or objects in any zoning district, with exceptions.

E) Zone changes and zoning amendments – Purpose and Process:

Administration of zone changes and zoning amendments is outlined in Sec. 24-96 of the Zoning Code. The following are the ‘purpose’ and ‘amendment process’ for review of zoning amendments. Other sections for applicable to the 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.

F) 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*, with the Zoning Commission’s recommended modifications ~~stricken~~ to reflect the Zoning Commission’s recommendation to not adopt the amendments adding requirements for accessory buildings in residential districts to require a primary building to allow an accessory building, per proposed Ordinance No. 1408(a). If the City Council chooses to adopt Ordinance No. 1408(b) instead, the findings could be adopted with the stricken language restored.

(c) Amendment criteria.

(1) Zoning amendments shall be made:

- a. In accordance with the growth policy;

Finding 1-a:

The reviewer has evaluated the 2025 Miles City Growth Policy for applicable City policies relevant to the proposed text amendments, and the following are recommended findings regarding whether the amendments would be in accordance with the 2025 Growth Policy:

- *Land Use Objective LU.1.a: “Update land use regulations to provide greater clarity and flexibility.” This objective is to promote Land Use Goal LU.1: “Provide a predictable development environment”. The proposed amendments are intended to more specifically address shipping containers and similar buildings ~~as well as buildings in residential districts of questionable uses, being buildings in residential districts that have no primary use and no primary building to be accessory to.~~ The uses addressed by the updates have been problematic for City staff, have been the subjects of complaints by citizens, and the zoning regulations are not entirely clear in general to these uses. While the regulations for such uses will become less flexible, the regulations will become clearer for all involved, and more predictable for citizens as well as project proponents, thereby promoting Land Use Objective LU.1.a and Land Use Goal LU.1.*
- *Land Use Objective LU.3.b: “Focus on public outreach and participation in land use matters related to zoning code updates.” This objective is to promote Land Use Goal LU.3: “Balance property rights with the common interests of*

the community.”. The Zoning Commission will have held two meetings on the issues, and the Council has discussed the matters, with public comment accepted throughout. Notice has been given of the proposed amendments to promote public outreach and participation in the zoning code updates, which have been initiated largely as a result of public comments and complaints by citizens regarding minimally-regulated shipping containers—and ~~shop buildings in residential districts of unknown or questionable uses~~. The Zoning Commission and Council will accept and consider public comments through the review process. The Council has discussed the issues repeatedly and the regulations have been drafted with consideration of these discussions and public concerns. The proposed regulations have been drafted with the intent to balance property rights with the common interests of the community. By the Zoning Commission and Council encouraging and considering public participation in the update process, the updates will accord to Land Use Objective LU.3.b and Land Use Goal LU.3.

- *Land Use Objective LU.4.b: “Develop and implement zoning that guides future development but also protects existing development from unwanted impacts.” The proposed regulations have been drafted with the intent to protect existing residential neighborhoods from unwanted impacts that have been identified through citizen complaints regarding shipping containers—and ~~buildings of questionable uses~~. Extending the regulations to also apply to shipping containers in a modified manner in non-residential districts will further quell impacts from otherwise minimally regulated uses of shipping containers in those areas.*
- *Land Use Objective LU.7.c: “City Zoning Code will comply with state statute and best practices.” This objective is to promote Land Use Goal LU.7: “Ensure that the City zoning code is properly administered and enforced, and provides for safe, efficient development that is in the best interests of the City.”. The zoning updates will promote this goal and objective by adding regulations for shipping containers—and ~~accessory buildings~~ that are clearer, are in the best interests of the City by addressing problematic uses, and by following best practices to provide uniform zoning regulations that also avoid gray areas that drive complaints and citizen concerns.*
- *Action 16: “Update the zoning regulations to clarify procedures, meet the community's land use and development needs, and provide flexibility while protecting existing residents.” This action is to promote Land Use Objective LU.1.a/Goal LU.1, Economic Goal E.1 (Foster sustained economic growth in Miles City), and others. The proposed updates have been drafted to clarify zoning requirements for shipping containers—and ~~accessory buildings~~, which have driven citizen complaints. The zoning regulations will remain flexible*

while protecting residents of residential districts from uses that have become problematic and unpredictable. The proposed updates are consistent with and carry out Action 16 and will promote the associated goal and objective.

- *Section 7, Land Use (page 62) states the following: “The Zoning Ordinance should be regularly reviewed by staff and the City’s zoning commission and amended as necessary.” Updating the zoning regulations to address current trends and the community’s needs follows the policy to regularly review and update the zoning code.*
- *Section 7, Land Use (page 65) states the following: “A key tool for Miles City to be resilient to 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 to approach the city with zone change requests, and the city will work on revising the zoning map to guide the planning area with land use designations in appropriate geographic, physical, and social settings.” Updating the zoning regulations to reflect current conditions, expected future trends and the community’s needs follows the above-stated policy.*

Approval of the proposed text amendments would support the above-listed goals, objectives, actions, and stated policies, and not be contrary to the Growth Policy. As such, the text amendments are in accordance with the 2025 Miles City Growth Policy.

- b. To secure safety from fire and other dangers;

Finding 1-b: *The amendments being proposed are intended to provide for improved clarity and address recent trends that have driven citizen complaints. The amendments are not expected to have a noticeable effect on safety from fire or other dangers.*

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

Finding 1-c: *The amendments being proposed are intended to provide for improved clarity and address recent trends that have driven citizen complaints. Specifically addressing citizen concerns and staff issues with administration of shipping containers throughout the City ~~and accessory buildings on otherwise vacant lots in residential areas~~ will help the zoning code function better overall and in a manner that addresses recent land use trends that negatively impact the general welfare of the public. The amendments are expected to have a positive effect on general welfare by improving City administration of the zoning code. The amendments are not expected to have a noticeable effect on public health or safety.*

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

Finding 1-d: *The amendments being proposed are intended to address recent problematic trends and improve clarity and are not likely to have any specific or measurable change to the facilitation of the adequate provision of water, sewerage, schools, parks and other public requirements. The language more clearly requiring shipping containers to be located outside the public rights-of-ways may improve the City transportation system.*

- (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 amendments being proposed are intended to better address recent problematic trends, improve clarity in the zoning code regarding shipping containers ~~and buildings of questionable uses in residential areas~~, and may improve the facilitation of the adequate provision of light and air by limiting and restricting the number, locations, and uses of shipping containers ~~and buildings of questionable uses in residential neighborhoods~~.*

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

Finding 2-b: *The amendments being proposed are intended to address recent problematic trends and improve clarity. The language more clearly requiring shipping containers to be located outside the public rights-of-ways and off sidewalks may better protect the City transportation system. ~~Limiting potential non-residential uses initially proposed as forms of accessory buildings without primary uses for them to be accessory to would limit potential impacts on City streets and sidewalks in residential zones.~~*

- c. The promotion of compatible urban growth;

Finding 2-c: *The updates would limit the proliferation of shipping containers throughout the City ~~and buildings of questionable uses in residential districts~~, which are not entirely compatible with the purposes of the City zoning code or consistent with the general welfare of the community. The proposed amendments address uses that tend to be incompatible with residential neighborhoods. Furthermore, the updates are intended to address recent problematic trends and improve clarity of the zoning regulations, which in turn will further promote compatible urban growth.*

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

Finding 2-d: *The limitations on shipping containers and similar buildings ~~and provisions to better address accessory buildings in residential districts such as garages and shops to require them to be accessory to a primary building~~ will limit*

the proliferation of shipping containers overall ~~and non-residential uses in the residential districts~~. The amendments will maintain character of the districts and better ensure suitability of uses.

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

Finding 2-e: *~~Requiring accessory buildings such as garages and shops to be accessory to a primary building will limit the proliferation of non-residential uses in the residential districts, which will conserve the value of buildings and encourage appropriate residential uses by not allowing buildings of questionable or non-residential uses. The limitations on shipping containers and similar buildings will conserve the value of buildings and encourage appropriate uses of residential in residential areas. The other amendments being proposed are intended to provide for improved administration and clarity of the zoning regulations which in turn should have a positive effect on the value of buildings and encourage the most appropriate use of the land throughout the jurisdictional area.~~*

- 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 proposed amendments are text amendments only, and not a zone change that could be determined illegal spot zoning. The amendments ~~for accessory buildings are intended to apply on a City-wide basis in residential districts, and the regulations for shipping containers and similar buildings would apply City-wide, but with different regulations for the residential vs non-residential districts. Because these regulations would apply on a City-wide basis but are dependent upon the residential or non-residential districts, and do not benefit one or a few property owners, none of the spot zoning factors are present.~~*

(3) Other criteria include whether the amendment:

- a. Corrects an inconsistency in the zoning; and

Finding 3-a: *The text amendments are intended to correct several inconsistencies in the zoning, such as the current regulations not requiring “accessory” buildings and uses to be accessory to a primary building. The updates would also clarify the*

applicability of zoning regulations to temporary buildings, and eliminate current grey areas.

- 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 amendments are intended to provide for improved administration and clarity of the zoning regulations on a City-wide basis to addresses recent staff and community challenges, specifically shipping containers that do not fit with residential neighborhoods and should be addressed City-wide, and accessory buildings of questionable uses that are not accessory to a primary building. The uses being addressed by the amendments are entirely intended to address changing conditions and specific public challenges.*

Zoning Commission's conclusion on the above findings:

Based on the above findings, the proposed text amendments comply with the applicable criteria, and are therefore appropriate.

G) Zoning Commission Recommendation:

The Zoning Commission recommends the City Council adopt this report and findings and further recommend the City Council approve the text amendments of the proposed ordinance. Upon passage of the ordinance by City Council, the official Miles City zoning code will be amended with an effective date thirty (30) days after its final passage and approval.

ORDINANCE NO. 1409

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE TEXT OF THE CITY ZONING CODE TO COMPLY WITH AND REFLECT STATE LAW, LEGISLATIVE CHANGES SINCE 2017, AND THE MILES CITY GROWTH POLICY 2025; AND PROVIDING FOR A HEARING THEREON.

WHEREAS, the Montana Legislature has passed a significant number of changes to state law and the municipal zoning statutes that require amendments to the City zoning code for the City of Miles City;

AND WHEREAS, City staff have identified administrative changes to include in the zoning code updates;

AND WHEREAS, City of Miles City staff have proposed various text amendments to the City zoning code to better reflect state law, legislative changes since 2017, and the Miles City Growth Policy 2025, and miscellaneous amendments to carry out the intent of the proposed provisions and improve City administration of the zoning code;

AND WHEREAS, Section 24-96 of the Code of Ordinances of Miles City, Montana requires that such zoning amendments 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 amendments;

AND WHEREAS, the Miles City Zoning Commission, on the 13th day of August, upon public hearing and deliberation, recommended to the City Council that such amendments be approved.

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

Section 1. The following provisions are amended as follows; no other existing language is changed other than depicted below:

Notes:

- A. Additions are underlined, and deletions are ~~stricken~~.
- B. Plain text of unaltered language and bold section titles are included for context and for navigating the proposed amendments.
- C. **Highlighting** is included for navigating the proposed amendments.
- D. Amendments proposed by Ordinance No. 1408(a) (the ‘shipping container’ ordinance as recommended by the Zoning Commission), which is in process at the same time of this

proposed ordinance, are also denoted below. Additions from that ordinance (as of 8-20-2026) within the sections to be changed by this ordinance **only** are double underlined, and deletions are ~~double stricken~~.

Sec. 24-4. Purposes of chapter.

The purposes of these regulations are to:

- (a) Promote the public health, safety, ~~morals~~ and general welfare of the community (MCA ~~76-2-304~~ 76-2-301 and 76-2-304(1)(b)(ii));

Sec. 24-14. Zoning upon annexation.

All territory which may hereafter be annexed into the City of Miles City shall be zoned at the time of annexation, through long-term zoning or interim zoning. ~~Prior to such annexation and zoning, the administrator shall have made a zoning recommendation to the zoning commission, and the zoning commission shall have made its investigation and shall make a recommendation and report to the city council on the question of zoning.~~ City council public hearings on the question of zoning, long-term or interim, shall be held in conjunction with the necessary annexation procedures to the extent possible.

Sec. 24-15. Residential ~~a~~A district (RA).

- (a) *Intent*. It is the intent of the RA district to provide for residential neighborhoods of single family dwellings, duplex housing, and multifamily dwellings up to four units, and complimentary uses.
- (b) *Allowed uses*. The permitted and conditional uses allowed in the RA district are shown in Table II.1. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.1: RA District Permitted and 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
<u>Accessory dwelling units – one per lot developed with a primary single-family dwelling</u>	<u>Day care centers in excess of 12<u>15</u> children</u>
<u>Two-family dwellings (also known as “duplex housing” or “duplexes”)</u>	Bed and breakfasts
Multifamily dwellings not in excess of four units	<u>Accessory dwelling units</u>
Schools	
Public parks, buildings, and playgrounds	

Religious institutions	
Home occupations with no more than one on site employee (in addition to a homeowner or renter)	
Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)	
Home day cares up to 15 children	
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	

(c) *District regulations.* Specifications for the RA district are shown in Table II.2.

Table II.2: RA District Specifications

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	The average size of the lots within the addition in which the lot is located
Minimum front yard setback	20 feet
Minimum side yard setback	5 feet
	Corner lots—10 feet for side yard adjacent to street
Minimum rear yard setback	10 feet for backyards not abutting an alleyway
	7.5 feet for lots abutting an alleyway with garage doors perpendicular to alley 10 feet for lots abutting an alleyway with garage doors parallel to alley.
Maximum lot coverage	45%
Maximum building height	Primary buildings and accessory dwelling units—35 feet

	Other Accessory buildings—24 feet
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Sec. 24-16. Residential B district (RB).

- (a) *Intent.* It is the intent of the RB district to provide for residential neighborhoods of single family dwellings, duplex housing, and multifamily dwellings up to eight units, and complimentary uses.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the RB district are shown in Table II.3. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.3: RB District Permitted and 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
Accessory dwelling units – one per lot developed with a primary single-family dwelling	Day care centers in excess of 1215 children
Two-family dwellings (also known as “duplex housing” or “duplexes”)	Bed and breakfasts
Multifamily dwellings not in excess of eight units	Home occupations with up to two on site employees (in addition to the homeowner or renter)
Schools	Accessory dwelling units
Public parks, buildings, and playgrounds	Bed and breakfast
Religious institutions	
Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Home day cares up to 1215 children	
Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)	
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	

(c) *District regulations.* Specifications for the RB district are shown in Table II.4.

Table II.4: RB District Specifications

Regulations	Specifications
Minimum lot width	50 feet
	Multifamily dwellings in excess of four units—75 feet
Minimum lot size	5,500 square feet Single family homes up to multifamily dwellings not in excess of four units—the average size of the lots within the addition in which the lot is located
	Multifamily dwellings in excess of four units—8,000 square feet
Minimum front yard setback	20 feet
Minimum side yard setback	5 feet
	Corner lots—10 feet for side yard adjacent to street
	Multifamily dwellings in excess of four units—10 feet
Minimum rear yard setback	15 feet Single family homes up to multifamily dwellings not in excess of four units—10 feet for backyards not abutting an alleyway
	7.5 feet for lots abutting an alleyway with garage doors perpendicular to alley
	10 feet for lots abutting an alleyway with garage doors parallel to alley.
	Multifamily dwellings in excess of four units—20 feet
Maximum lot coverage	60%
Maximum building height	Primary buildings and accessory dwelling units—40 feet
	Other Accessory buildings—24 feet

Sec. 24-17. Residential C district (RC).

- (a) *Intent.* It is the intent of the RC district to provide for multifamily residential uses, three or more units per building; particularly those in excess of eight unit, and complimentary uses.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the RC district are shown in Table II.5. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.5: RC District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
Multifamily 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
Public parks, buildings, and playgrounds	Home occupations with up to two on site employees (in addition to a homeowner or renter)
Religious Institutions	Bed and breakfasts
Home day cares up to 15 children	Day care centers in excess of 15 children
Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)	
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	

- (c) *District regulations.* Specifications for the RC district are shown in Table II.6.

Table II.6: RC District Specifications

Regulations	Specifications
Minimum lot width	50 feet

	Multifamily dwellings four <u>three to eight units—75 feet</u>
	Multifamily dwellings in excess of eight units—100 feet
Minimum lot size	5,500 square feet <u>Multifamily dwellings of three units—the average size of the lots within the addition in which the lot is located</u>
	Multifamily dwellings four to eight units—8,000 square feet
	Multifamily dwellings in excess of eight units—10,000 square feet
Minimum front yard setback	20 feet
	Multifamily dwellings in excess of eight units—25 feet
Minimum side yard setback	5 feet
	Multifamily dwellings in excess of eight units—10 feet
Minimum rear yard setback	15 feet <u>Multifamily dwellings not in excess of eight units:</u>
	<u>10 feet for backyards not abutting an alleyway</u>
	<u>7.5 feet for lots abutting an alleyway with garage doors perpendicular to alley</u>
	<u>10 feet for lots abutting an alleyway with garage doors parallel to alley.</u>
	Multifamily dwellings in excess of eight units—20 feet
Maximum lot coverage	70%
Maximum building height	60 feet

Sec. 24-18. Semi-rural district (SR).

- (a) *Intent.* It is the intent of the SR district to provide for low density residential uses where small scale agricultural ~~practices~~ growing of crops may occur.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the SR district are shown in Table II.7. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.7: SR District Permitted and 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
<u>Accessory dwelling units – one per lot developed with a primary single-family dwelling</u>	Home occupations with up to four on site employees (in addition to a homeowner or renter)
<u>Two-family dwellings (also known as “duplex housing” or “duplexes”)</u>	<u>Bed and breakfasts</u>
Mobile homes	Wireless communication facilities
Public parks	<u>Day care centers in excess of 15 children</u>
Religious institutions	
Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Home day cares and day care centers	
<u>Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)</u>	
Animal rescue shelters (up to 8 animals)	
Growing of crops	
<u>Home day cares up to 15 children</u>	
<u>Stables</u>	
<u>Grazing</u>	
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	

(c) *District regulations.* Specifications for the SR district are shown in Table II.8.

Table II.8: SR District Specifications

Regulations	Specifications
Minimum lot width	100 feet
Minimum lot size	20,000 square feet
Minimum front yard setback	20 feet
Minimum side yard setback	10 feet
Minimum rear yard setback	20 feet
Maximum lot coverage	45%
Maximum building height	Primary buildings and accessory dwelling units—35 feet
	Other Accessory buildings—24 feet

Sec. 24-19. Mobile home residential district (MH-A).

- (a) *Intent.* It is the intent of the MH-A district to provide for residential neighborhoods of mobile homes, single family dwellings, duplex housing, and multifamily dwellings up to four units, and complimentary uses.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the MH-A district are shown in Table II.9. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.9: MH-A District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
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
Single-family dwellings	Day care centers in excess of 1215 children
Accessory dwelling units – one per lot developed with a primary single-family dwelling	Home occupations with up to two on site employees (in addition to a homeowner or renter)
Two-family dwellings (also known as “duplex housing” or “duplexes”)	Bed and Breakfasts
Multifamily dwellings not in excess of four units	Accessory dwelling units
Schools	
Public parks, buildings, and playgrounds	
Religious institutions	

Home occupations with no more than 1 on site employee (in addition to a homeowner or renter)	
Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)	
Home day cares up to 42 15 children	
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	
One recreational vehicle per lot as a principal use in accordance with Sec. 24-62(c)	

(c) *District regulations.* Specifications for the MH-A district are shown in Table II.10.

Table II.10: MH-A District Specifications

Regulations	Specifications
Minimum lot width	40 feet
Minimum lot size	4,800 square feet The average size of the lots within the addition in which the lot is located
Minimum front yard setback	20 feet
Minimum side yard setback	5 feet Corner lots—10 feet for side yard adjacent to street
Minimum rear yard setback	15 feet 10 feet for backyards not abutting an alleyway 7.5 feet for lots abutting an alleyway with garage doors perpendicular to alley 10 feet for lots abutting an alleyway with garage doors parallel to alley.

Maximum lot coverage	50%
Maximum building height	Primary buildings and accessory dwelling units—35 feet
	Other Accessory buildings—24 feet
Skirting	Within 60 days siting, a mobile home shall be skirted with material similar to its siding material or better.

Sec. 24-20. Mobile Home—RV Park district (MH-RV).

- (a) *Intent.* It is the intent of the MH-RV district to provide for a mobile home parks to be developed for residential use and recreational vehicle parks for transient recreational use. Such developments shall comply with the Montana Subdivision and Platting Act and Miles City subdivision regulations.

Sec. 24-22. General commercial district (GC).

- (c) *District regulations.* Specifications for the GC district are shown in Table II.16.

Table II.16: GC District Specifications

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	15 feet
Minimum side yard setback	0 feet
	Corner lots—10 feet for side yard adjacent to street
	Uses abutting residential districts—5 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts—15 feet
Maximum lot coverage	80%
Maximum building height	Primary building—40 feet
	Accessory buildings—24 feet

Sec. 24-23. Highway commercial district (HWC).

- (a) *Intent.* It is the intent of the HWC district to provide for commercial oriented uses around highways and arterials that rely on convenient automobile access. Examples of highway oriented businesses include overnight accommodations, casinos, gas stations, eating and drinking establishments, hardware stores, grocery stores, vehicle and equipment sales, and retail.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the HWC district are shown in Table II.17. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.17: HWC District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
Highway oriented commercial uses up to 30,000 square feet	Highway oriented commercial uses in excess of 30,000 square feet
<u>Multifamily dwellings and mixed-use developments that include multiple-unit dwellings containing five or more dwelling units in a building on a parcel or lot that has a will-serve letter from both municipal water and sewer systems</u>	Wholesale
Accessory uses associated with primary use	Wireless communication facilities
<u>Accessory uses and buildings that are accessory to the permitted use of the primary building on the same lot, subject to Sec. 24-63 and Sec. 24-73 (for shipping containers)</u>	Day care centers
Schools	Medical marijuana providers
Public parks, buildings, and playgrounds	
Religious institutions	
Animal rescue shelters	
Recreational vehicle parks	
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	

(c) *District regulations.* Specifications for the HWC district are shown in Table II.18.

Table II.18: HWC District Specifications

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	20 feet
Minimum side yard setback	0 feet
	Corner lots—10 feet for side yard adjacent to street
	Uses abutting residential districts—5 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts—15 feet
Maximum lot coverage	80%
Maximum building height	45-60 feet

Sec. 24-24. Heavy commercial/light industrial district (HCLI).

(c) *District regulations.* Specifications for the HCLI district are shown in Table II.20.

Table II.20: HCLI District Specifications

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	20 feet

Minimum side yard setback	0 feet
	Corner lots—10 feet for side yard adjacent to street
	Uses abutting residential districts—50 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts—50 feet
Maximum lot coverage	80%
Maximum building height	45-60 feet

Sec. 24-25. Heavy industrial district (HI).

(c) *District regulations.* Specifications for the HI district are shown in Table II.22.

Table II.22: HI District Specifications

Regulations	Specifications
Minimum lot width	50 feet
Minimum lot size	None
Minimum front yard setback	20 feet
Minimum side yard setback	0 feet
	Corner lots—10 feet for side yard adjacent to street
	Uses abutting residential districts—100 feet
Minimum rear yard setback	0 feet
	Uses abutting residential districts—100 feet
Maximum lot coverage	80%
Maximum building height	45-60 feet

Sec. 24-26. Open space district (OS).

- (a) *Intent.* It is the intent of the OS district to provide land without physical structures and buildings except where accessory to the provision of open space and recreational opportunities.
- (b) *Allowed uses.* The permitted and conditional uses allowed in the OS district are shown in Table II.23. All uses not explicitly listed as permitted or conditional uses are prohibited.

Table II.23: OS District Permitted and Conditional Uses

Permitted Uses	Conditional Uses
Public parks	None
Accessory buildings and signs	
Non-motorized trails and trails for small-scale electric vehicles	
Sports facilities	
Easements for public utilities	
Cemeteries	
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	

Sec. 24-49. Landscaping requirements.

- (b) *Scope.*
- (1) *Applicability.* All new land uses, redevelopment projects, and expanded land uses listed below require installation and maintenance of landscaped areas on the lot in compliance with this section, except as provided in subsection (2) below.
- All commercial and industrial uses, including offices.
 - Day care centers in excess of 12-15 children.

Sec. 24-50. Off-street parking and loading.

Unless otherwise indicated in these regulations, all new developments shall provide off-street parking and loading areas in compliance with the following standards for off-street parking and loading areas. Driveways must adhere to Americans with Disabilities Act standards as applicable. The required number of disabled parking spaces with the required dimensions shall be provided pursuant to federal law.

- (a) *Purpose.* These standards are intended to prevent traffic congestion by requiring provision of adequate off-street parking and loading areas.
- (b) *Off-street parking required.* Except as follows and as indicated in (f), (g), (h), and (i) below, all uses and buildings shall provide at least the minimum number of off-street parking spaces required by Table III.2.

No minimum number of off-street parking spaces are required for:

- (1) existing buildings, including vacant buildings, undergoing a change of use;
- (2) accessory dwelling units as defined by Sec. 24-65 and Sec. 24-201 of these regulations;
- (2) child-care facilities licensed or registered by the department of public health and human services;
- (3) deed-restricted affordable housing; or
- (4) assisted living facilities.

Projects may be required to provide accessible parking spaces as required by the Americans With Disabilities Act (ADA) of 1990, 42 U.S.C. 12101, et seq. The administrator is not required to enforce the ADA requirements.

Off street parking for different uses in the same building shall be calculated separately. Parking areas shall have properly graded and drained surfaces. Each standard off-street parking space shall be located outside any public right-of-way, be designed at least nine feet by 20 feet in size with vertical clearance of seven feet, for parking of typical passenger vehicles with room to get out on either side of the vehicle, with adequate maneuvering space and accessible to public streets or alleys.

Nothing in this section restricts a property owner, developer, or builder from providing more parking spaces than the minimum number of parking spaces required by these regulations.

- (c) *Off-street parking requirements for uses not listed.* The classification of uses and the off-street parking requirements for uses not listed in Table III.2 shall be determined by the administrator based on:
- (1) The most similar land use listed in Table III.2; and
 - (2) Published sources of parking information such as those produced by the Institute of Transportation Engineers, the American Planning Association or the International Building Code.
- (d) *Location of off-street parking.* Required off-street parking spaces shall be within 600 feet of a main entrance of the use or building served, except for spaces serving a dwelling, which shall be within 200 feet of the main entrance of the dwelling unit served.
- (e) *Control of parking.* Off-street parking shall generally be provided on the same lot or parcel, and under the same ownership as the use it serves, but two or more uses may share parking where:

- (1) The total number of spaces provided meets the minimum standards for the number of spaces required for all buildings or uses served, and
- (2) A contract providing for shared parking for a period of at least 20 years is executed before approval of a permit and recorded before issuance of a certificate of occupancy.

In such cases, the required off-street parking may be located on the lot or parcel serving one of the uses.

- (f) *Exception: Commercial parking requirements in the central business district.* In the CBD commercial enterprises are granted a 100 percent reduction in off-street parking spaces required in Table III.2. This exceptions does not apply to residential uses in the CBD, which shall meet the full parking space requirements in Table III.2.
- (g) *Exception: Commercial parking requirements in the general commercial district.* In the GC district commercial enterprises are granted a 40 percent reduction in off-street parking spaces required in Table III.2. Additionally, the administrator may grant commercial enterprises up to a 60 percent reduction in off-street parking spaces required in Table III.2, provided the applicant demonstrates sufficient on-street and/or shared parking is available to meet the demand of the particular use. These exceptions do not apply to residential uses in the GC district, which shall meet the full parking space requirements in Table III.2.
- (h) *Exception: Commercial parking requirements in residential districts.* In all residential districts, commercial enterprises, permitted through the issuance of a conditional use permit, are granted a 20 percent reduction in off-street parking spaces required in Table III.2. Additionally, the administrator may grant commercial enterprises up to a 40 percent reduction in off-street parking spaces required in Table III.2, provided the applicant demonstrates sufficient on-street and/or shared parking is available to meet the demand of the particular use. These exceptions do not apply to residential uses, day care centers, or bed and breakfasts in residential districts, which shall meet the full parking space requirements in Table III.2.
- (i) *Exception: Reduction in shared off-street parking spaces.* The administrator may authorize the joint use of parking facilities under the following circumstances:
 - (1) When at least 50 percent of the parking spaces required by this section are for primarily "night-time" uses such as theatres, bowling alleys, bars and related uses, and the parking spaces to serve those uses are provided by "day-time" uses such as banks, offices, furniture stores, manufacturing, large-scale retail, wholesale and related uses;
 - (2) When at least 50 percent of the parking spaces required by this section for primarily "day-time" uses may be supplied primarily by "night-time" uses;
 - (3) When at least 60 percent of the parking spaces required by this section for a religious institution, an auditorium incidental to a school, or a similar use, may be supplied by the off-street parking facilities provided by uses primarily of a "day-time" or complimentary nature;

- (4) The joint parking facility shall be located within 600 of a main entrance of the use or building served, except for spaces serving a dwelling, which shall be within 200 feet of the main entrance of the dwelling unit served;
 - (5) The applicant for the joint use parking facility shall show there is no substantial conflict in the principal operating hours of the buildings or uses for which joint use of the off-street parking facilities is proposed;
 - (6) A contract providing for shared parking for a period of at least 20 years is executed before approval of a permit and recorded before issuance of a certificate of occupancy.
- (j) *Passenger loading areas.* Schools, community residential facilities, places for public assembly and similar uses located on arterial roads shall provide at least one safe, properly signed off-street passenger loading area.
 - (k) *Freight loading areas.* Commercial and industrial buildings and uses shall provide one safe, properly signed off-street freight loading area for each 10,000 square feet of gross floor and/or outdoor storage area, except in the CBD, where reliance on on-street or alley loading areas may be permitted. Off-street freight loading areas shall be on the same lot or parcel and under the same ownership as the building or use they serve, be designed to accommodate the largest vehicle that may reasonably be anticipated, and have the following minimum dimensions:
 - (1) Vertical clearance: 14 feet;
 - (2) Width: 12 feet; and
 - (3) Depth or length: 35 feet. No vehicle parked in an off-street freight loading area shall extend into a public right-of-way.
 - (l) *Driveways.* Properly graded and drained driveways shall be provided for safe access to off-street parking and loading areas, including the off-street parking for single family dwellings.
 - (1) No parking or loading area shall create a situation in which vehicles are required to back onto a public street. Parking areas for single family dwellings with access to minor and collector streets are exempt from this requirement.
 - (2) Continuous curb cuts shall be prohibited. All access to public streets shall be via driveways that comply with these standards.
 - (3) Driveways accessing an arterial shall be at least 200 feet from any other point of access (other driveways or intersections).
 - (4) Driveways to roads intersecting an arterial shall be located at least 150 feet from the arterial or, where that distance cannot be attained, at the property line most distant from the arterial.
 - (5) Driveway clear vision triangles shall be provided on both sides of driveways pursuant to section 24-48. See section 24-48 and figure III.C.

- (m) *Circulation in off-street parking areas.* The pattern of circulation within parking areas shall be designed to provide safe and efficient access to individual parking spaces, protect pedestrians moving through the parking area, and facilitate safe access to public streets.

(1) Minimum aisle widths shall be:

- a. 90° parking: 24 feet for two-way circulation;
- b. 60° angle parking: 18 feet for one-way circulation; 22 feet for two-way circulation; and
- c. 45° angle parking: 15 feet for one-way circulation; 20 feet for two-way circulation.

TABLE III.2: OFF-STREET PARKING REQUIREMENTS BASED ON USES

Use	Required Parking
Single-family dwellings	2-1 per DU* 1,200 sf or larger 0.5 per DU under 1,200 sf**
Two-family dwellings	1 per DU 1,200 sf or larger 0.5 per DU under 1,200 sf**
Multi-family dwellings	1.5-1 per DU 1,200 sf or larger 0.5 per DU under 1,200 sf**
Dwelling units exclusively for seniors age 65+ and individuals with a disability	1 per 3 DU
Bed and breakfasts	2-1 for the residents and 1 per guest room
Community residential facilities	1 per employee on maximum shift and 1 per 5 residents and 1 per vehicle operated by the facility
Retirement homes	1 per employee on maximum shift and 1 per 3 DU
Convalescent homes, nursing homes, rest homes	1 per employee on maximum shift and 1 per 6 beds
Day care centers	1 per employee on maximum shift and 1 pick up/drop off space and 1 per 10 children
Home day care	Same as residential requirements
Full service restaurants, taverns, and bars	1 per 100 sf*** of floor area for the first 3,000 sf with 6 spaces minimum and 1 for each additional 300 sf of floor area

Drive through restaurants	1 per 150 sf of floor area, minimum of 6 spaces
Libraries/Museums/Art galleries	1 per 500 sf of floor area
Schools—Elementary and junior high school	1 per employee
Schools—High school	1 per employee and 1 per 5 students
Schools—Trade school and community college	1 per employee and 1 per 3 students
Fraternal/Civic organizations/Clubs/Lodges	1 per 250 sf of floor area and 1 per 4 employees
Religious institutions/theaters/auditoriums/places of assembly	1 per 4 seats
Hospitals	1 per employee and 1 per 4 beds
Medical and dental clinics	1 per employee and 1 per 250 sf of floor area
Professional offices not providing on-site customer service	1 per employee
Banks, financial institutions and professional offices providing on-site customer service	1 per 500 sf of floor area, minimum of 5 spaces
Bowling alley	2 per lane
Fitness, recreational sports, gym	3 per 1,000 sf of floor area
Go cart, driving range, shooting range, and similar use requiring large, uninhabited areas	1 per each unit of activity (each go cart, tee box, firing position, etc.)
Utilities	One per employee on maximum shift and 2 additional spaces
Manufacturing, production, and fabrication, processing, assembly	One per employee on maximum shift and 3 additional spaces
Auto wrecking yard	11 for sites up to 10 acres and 1 for each additional acre up to 25 acres
Recycling center	1 per employee on maximum shift
Grocery and general merchandise stores	4 per 1,000 sf of floor area
Animal shelter and boarding	1 per 1,000 sf of floor area
Laundromat	1 per 4 machines
Storage facilities	1 space per employee on maximum shift and 1 space for every 50 storage units.

Vehicle sales	1 per employee on maximum shift and 1 per 1,000 sf of floor area
Furniture, appliance and other large item retail	1 per 1,000 sf of floor area
Automotive services	1 per employee on maximum shift and 2 for each service bay
Convenience store	3 per 1,000 sf of floor area
Gasoline sales	1 per 400 sf of floor area
Salons, barber shops, and spas	6 per 1,000 sf of floor area
Beverage retail stores	3 per 1,000 sf of floor area
Equipment sales and rental	1 per employee on maximum shift and 1 per 1,000 sf of floor area
Hardware stores	4 per 1,000 sf of floor area
Warehousing, wholesale, and freight terminals	1 per 2,000 sf of floor area
Car wash	1 per cleaning bay
Retail stores or services businesses not otherwise named.	One per 500 sf of floor area.

*DU = Dwelling unit

**** No more than one-half parking space will be required for each residential unit under 1,200 square feet; one residential dwelling unit under 1,200 square feet as a stand-alone use requires zero (0) off-street parking spaces, while 10 such dwelling units would require 5 off-street parking spaces, and 5 such dwelling units would require 2 off-street parking spaces.**

*****sq sf = square feet**

Secs. 24-51—24-59 24-58. Reserved.

[Sec. 24-59 below is language relocated from Sec. 24-72]

Sec. 24-59. Administration of zoning in cases of multiple lots.

- (a) When a property proposed for use or development is or may be comprised of more than one lot or tract of record, the owner(s) may be required to aggregate lots or otherwise modify the tracts of record and/or boundaries to achieve zoning compliance.
- (b) The city may administer the zoning code in a manner that provides for multiple lots or tracts of record to be considered one tract of record for zoning purposes if (1) the lots are taxed as a single property, (2) the proposed development would preclude the transfer of the individual lots/tracts separately, or (3) through agreement with the Zoning Administrator

that the lots/tracts will not be transferred separately to result in non-conformance with the zoning code.

Sec. 24-63. Accessory buildings.

(Also see accessory dwelling units, section 24-65 and shipping containers, section 24-73)

Accessory buildings are allowed in all zoning districts subject to permitting requirements except as exempted under section 24-81 and the following standards:

- (a) No accessory building shall be located within five feet of any principal residential building, or have a height over 24' as measured from the highest peak of the building. This height limitation does not apply to accessory dwelling units, which are subject to the same height limitations as those for primary buildings.
- (b) On residential lots, accessory buildings may be located in rear yards, but not in the required rear yard setback. See Figure III.A, setbacks and yards.
- (c) No accessory building shall be located in any required side or front yard in residential districts, with the following exceptions: Storm shelters, fallout shelters and similar shelters to protect human life during periods of danger may be constructed in the required front or side yard, but no part of the building may protrude above the average grade of the lot. In addition, such buildings with impervious surfaces shall be calculated against the permitted lot coverage.
- (d) In non-residential districts, with the exception of the CBD, accessory structures may be located in any yard, but not required yards.
- (e) For those uses listed as a conditional use, the addition of accessory buildings that expand a conditional use beyond what may have been reviewed under a conditional use permit process require review as a conditional use.
- (f) For nonconforming uses, the addition of accessory buildings that expand the nonconformity shall not be permitted without approval of a variance. For purposes of this requirement, nonconformity is increased if any portion of a required yard would be diminished by the proposed activity.
- (g) For regulations on shipping containers as defined by Sec. 24-201, similar buildings/structures, and temporary buildings that fall under the definition of shipping containers, see Sec. 24-73.

Sec. 24-65. Accessory dwelling units.

- (a) *Purpose.* The purposes of these performance standards is to allow efficient use of the existing housing stock and infrastructure, provide housing options that respond to changing household sizes and needs, provide a means for residents—particularly seniors, single parents and empty nesters—to remain in their homes and neighborhoods, obtain extra income, security, companionship and assistance, and to provide a broader range of affordable housing options. provisions are to comply with MCA 76-2-345, promote housing availability, and provide for security in certain industrial areas.

(b) *Applicability.* The following are considered accessory dwelling units or uses:

- (1) A single dwelling unit occupied by the owner, a manager, or a guard is a customary accessory use on commercial and industrial properties in the HCLI and HI districts.
- (2) An accessory apartment (an attached, single, functionally separate dwelling unit) is a customary accessory use in all buildings that are primary single family dwellings.
- (3) A detached accessory dwelling unit (a single, fully functional dwelling unit physically separated from the primary dwelling on a lot), including an apartment above a garage, is a customary accessory residential use in the RA, RB, RC, and SR, and MH-A districts.
- (4) One attached or detached accessory dwelling unit is a customary accessory use on a lot or parcel in any zoning district that contains a primary single-family dwelling.

(c) *Specification standards.*

- (1) Only one accessory dwelling is permitted per lot;
- (2) Except for an accessory dwelling provided for a manager or guard on a commercial or industrial property in the HCLI or HI districts, accessory dwelling units are only allowed on lots developed with single family residences.
- (3) An accessory dwelling shall not contain more than two bedrooms (rooms used primarily for sleeping purposes); For a building to qualify as an accessory dwelling unit to a single-family dwelling unit under the provisions of this section, whether detached from or attached to the single-family dwelling, it may not be more than 75% of the gross floor area of the single-family dwelling or 1,000 square feet, whichever is less; for purposes of this requirement, "gross floor area" means the interior habitable area of a single-family dwelling or an accessory dwelling unit;
- (4) In the residential districts, the lot must meet the minimum size requirement of the district; Other dwelling units that do not comply with the size limitations stated above shall be deemed single-family dwelling units or other defined use(s) as outlined by these regulations;
- (5) The ground floor area of the accessory unit shall not exceed 50 percent of the ground floor area of the principal dwelling or structure;
- (6) An accessory dwelling shall not exceed the district's maximum height limitation for accessory primary buildings;
- (7) The accessory dwelling shall have a roof pitch, siding, trim and window proportions similar to that of the principal dwelling or structure to the extent feasible, as determined by the administrator;
- (8) (6) The accessory dwelling shall comply with all other standards for principal dwellings or structures such as setbacks, lot coverage and height;
- (9) The accessory dwelling unit shall not require a separate access approach to the adjacent public street, with the exceptions that the alley may serve the accessory dwelling and existing driveway approaches may serve the accessory dwelling unit;

~~(10) At least one off-street parking space must be provided for an accessory dwelling unit; and~~

~~(11)-(7) Approval from the Montana Department of Environmental Quality may be required prior to issuance of a permit; and~~

~~(8) The city may not assess impact fees on the construction of an accessory dwelling unit.~~

- (d) *Renting an accessory dwelling unit.* Renting of either a primary or accessory dwelling is allowed.
- (e) *Tiny homes.* All tiny homes must comply with regulations set forth in state and local building regulations. See International Residential Code Appendix Q. No more than two tiny homes per RA zoned lot shall be allowed, with one being accessory dwelling unit. To qualify as a tiny home square footage must be between 320 and 600 square feet. State of Montana RVIA-certified built structures shall be deemed compliant.

Sec. 24-67. Multiple-family dwellings, two-family dwellings, townhouses and townhomes.

Multiple-family dwellings, ~~two-family dwellings (duplexes), townhouses and townhomes~~ are subject to all applicable regulations of the Miles City Codes except as modified or supplemented by these standards. These standards apply to multiple-family and two-family dwelling structures, including apartments, condominiums and retirement homes that contain more than two living units. ~~They also apply to townhouse structures, and when a single parcel contains either multiple two-family dwellings or a combination of multifamily dwellings and two-family dwellings.~~

- (a) *Pedestrian access.* Such developments must provide a system of walkways connecting each dwelling to the following when applicable: adjacent public sidewalks, on-site parking lots or parking structures, other on-site multiple-family dwelling buildings, garages, disposal and recycling containers, mail boxes, recreation areas and storage areas.
- (b) *Parking and vehicle access.*
 - (1) Off-street parking shall be provided in compliance with section 24-50.
 - (2) No more than 30 percent of the parking area may be located between the principal building and the front street.
 - ~~(3) Parking may not be located within any required side setback area.~~
 - ~~(4)~~ Access and access routes meeting the requirements of the Miles City Fire Department may be required to ensure residents have adequate means of escape in the event of an emergency and that the fire department has sufficient access.
- (c) *Design features.* The developer shall provide at least ~~three~~ two of the following (at the developer's discretion):
 - (1) Modulated building wall planes on the front façade through the use of projections, recesses and offset planes with a minimum depth of two feet;
 - (2) Balconies or bay windows on the front building facade;
 - (3) Varied rooflines;
 - (4) Visual diversity on all building façades by varying materials, texture, or color; and

- (5) Windows or glazed area equal to at least 15 percent of the combined total of all the building façades.
- (d) *Utilities*. Each unit shall be provided with separate utility connections and meters.
- (e) ~~*Townhouses and townhomes unit access*. Each unit of townhouse/townhome developments shall be provided with at least two separate and private outdoor access doors.~~
- (f) ~~*Landscaping*. For multifamily dwellings in excess of eight units, Landscaping landscaping shall be installed in accordance with section 24-49.~~

Sec. 24-71. Medical marijuana.

The following requirements apply to medical marijuana providers.

- (a) Medical marijuana providers shall not display, in an open or visible manner to the general public, any medical marijuana plant, marijuana infused product, or any depictions, caricatures, or other artistic renditions of a marijuana plant, leaf, bud or parts in a manner visible from the exterior of the establishment, structure or building in which the provider does business.
- (b) Medical marijuana providers shall not be located within 1,000 feet of a public or private school, park, playground or a religious institution. This measurement shall be a horizontal distance from the tract of record containing the school, park, playground, or religious institution to the tract of record containing the proposed medical marijuana provider.

Sec. 24-72. Administration of zoning in cases of multiple lots.

- (a) ~~When a property proposed for use or development is or may be comprised of more than one lot or tract of record, the owner(s) may be required to aggregate lots or otherwise modify the tracts of record and/or boundaries to achieve zoning compliance.~~
- (b) ~~The city may administer the zoning code in a manner that provides for multiple lots or tracts of record to be considered one tract of record for zoning purposes if (1) the lots are taxed as a single property, (2) the proposed development would preclude the transfer of the individual lots/tracts separately, or (3) through agreement with the Zoning Administrator that the lots/tracts will not be transferred separately to result in non-conformance with the zoning code.~~

(Ord. No. 1387, § 1, 1-14-25)

[section relocated to 24-59]

Secs. 24-73-24-72 —24-79. Reserved.

Sec. 24-86. Interpretation of use.

It is the intent of this section to group similar or compatible land uses into specific zoning districts, either as permitted or conditional uses. Evaluation of uses shall be as follows:

- (a) The administrator shall determine if a use not listed is materially similar to a permitted or conditional use listed in the applicable district. Interpretations may be appealed to

the board of adjustment per section 24-93. In interpreting a use and in determining whether a use violates these regulations, any ambiguity or uncertainty in the zoning regulations as to whether the use is in violation must be interpreted in favor of the use in question.

Sec. 24-88. Application of zoning regulations to state and local government agencies. (MCA 76-2-402)

For purposes of this section, an "agency" means a board, bureau, commission, department, district, an authority, or other entity of state or local government, including but not limited to the City of Miles City, its city council, and city departments.

- (a) If an agency proposes to develop or use public land contrary to these zoning regulations, the agency shall first notify the ~~board of adjustment~~ city council of its intent to develop land contrary to these zoning regulations.
- (b) Whenever an agency proposes to use land contrary to these zoning regulations, a public hearing shall be held by the ~~board of adjustment~~ city council, and the agency shall attend the hearing.
- (c) The administrator shall give notice of the public hearing in accordance with section 24-97.
- (d) The board of adjustment shall hold a public hearing within 30 days of the date the agency gives notice to the ~~board of adjustment~~ city council of its intent to develop or use land contrary to these zoning regulations.
- (e) The ~~board of adjustment~~ city council shall have no power to deny the proposed use but shall ~~act only to~~ allow a public forum for comment on the proposed use.

Sec. 24-89. Nonconforming uses.

Except as may be allowed by variance, the following apply to lawful nonconforming uses and structures existing at the time of the adoption of this chapter and/or effectiveness of a provision of these regulations:

- (a) The nonconforming use of a building or premises may be continued, but the degree of nonconformity shall not be expanded.
- (b) There shall be no limit on the maintenance and repairs of nonconforming uses or buildings, provided all such activities comply with applicable fire and building codes.
- (c) No building which has been damaged by fire or other catastrophic event to the extent of more than 50 percent of its assessed value exclusive of foundations shall be repaired or rebuilt except in conformity with these regulations.
- (d) Any nonconforming use abandoned for more than 12 months shall be terminated. Abandonment shall not be measured by the owner's intent, but solely by the fact that use ceases for a period of 12 or more months.
- (e) Temporary nonconforming uses or structures shall not be made permanent without full compliance with these regulations. For example, a building of a temporary character or low-grade construction in a location that does not comply with a setback requirement

may not be enhanced with permanent construction features that would make it a permanent structure.

- (f) Natural expansion clause: Nonconforming uses are not defined or limited by the number of employees, business revenue, transaction volume, or similar measures of operational intensity. Rather, changes in those measures that reflect the natural growth or ordinary expansion of a lawful nonconforming use are intended to be permitted, provided the character of the use itself does not change.
- (e) Any ambiguity or uncertainty in these regulations as to whether a nonconforming use is allowed or whether the use was allowed when it was commenced must be interpreted in favor of the use in question.

Sec. 24-96. Zone changes and zoning amendments.

(b) Amendment process.

- (11) If approved or approved with modifications, the city council shall pass an ordinance or resolution effectuating the amendment to the zoning map or regulations, as applicable.
 - a. Per MCA 76-2-303(2)(b), if a zone map boundary only is proposed to be amended, supplemented, changed, modified, or repealed, the city council shall adopt the boundary change by resolution. The adoption of the zoning district map boundary/zone change by resolution is effective immediately.
 - b. Zoning ordinances, except interim zoning ordinances, passed by the council shall not become effective until 30 days after its final passage and adoption, or such later effective date as may be set forth in the ordinance. Interim zoning ordinances may become effective immediately.
- (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.

Sec. 24-97. Public hearing notices.

- (a) All required public hearing notices shall provide the following information:
- (1) Name of the applicant and the landowner (if different);
 - (2) Legal description of the site and its address or another general description by which the public can locate it;
 - (3) Present land use at the site, if the application is site-specific;
 - (4) The proposed use, if known;
 - (5) That a public hearing is to be held to accept public comment and what board or body will conduct a public hearing;
 - (6) The date, time and place of the hearing; ~~and~~
 - (7) A brief statement of the action to be taken; and
 - (8) Where applications are available for review, or who to contact for the same. The address and telephone number of the person who may be contacted for further information on the action to be taken.
- (b) Notice of the hearing shall be provided as follows:
- (1) By ~~certified~~ first class mail, at least 15 calendar days before the hearing, to the applicant, landowner, and all adjoining property owners and owners of land within 150 feet of the subject property. For zone changes and zoning amendments, which have had the zoning commission's public hearing noticed by ~~certified~~ mail, the mail notice of the city council's public hearing may be done by first class mail seven calendar days before the hearing instead of ~~certified~~ mail and 15 calendar days before;
 - (2) By newspaper publication, at least calendar 15 days before the hearing, one legal notice in the official newspaper notice must be published twice, with the first notice published at least 15 business days before the hearing;
 - (3) When a zoning amendment is not specific to a subject property and is an amendment to the text or a zoning amendment or update to the map and/or regulations initiated by the City of Miles City staff, zoning commission, or other city official, the mailing notice requirement of (1) above does not apply;
 - (4) All notices shall comply with (a) above.

Sec. 24-98. Violations/enforcement.

- (a) *Violations.* Any person, partnership, association, company, corporation or individual who violates, disobeys, omits, neglects or refuses to comply with the provisions of these regulations shall be deemed guilty of a misdemeanor offense, and upon conviction thereof, shall be punished as prescribed below. Each day a violation of these regulations remains after notice to the offending party, as described below, shall constitute a separate misdemeanor offense. A person violates these regulations whenever he or she:
- (1) Proceeds with an activity for which a permit is required by these regulations without having obtained a permit;

- (2) Makes any misrepresentation in any application for a permit required by these regulations;
- (3) Fails to fulfill any condition imposed on the approval of a permit;
- (4) Fails to maintain any improvement required for compliance with these regulations or any permit granted under these regulations;
- (5) Engages in the development of land in any way not consistent with the requirements of these regulations;
- (6) Obscures, obstructs, removes or destroys any notice required to be posted or otherwise given under the terms of these regulations;
- (7) Fails to comply with any lawful order issued under the authority of these regulations; or
- (8) Disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of these regulations.

In interpreting a use and in determining whether a use violates these regulations, any ambiguity or uncertainty in the zoning regulations as to whether the use is in violation must be interpreted in favor of the use in question.

Sec. 24-201. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning. The word "building" includes the word "structure," and the word "lot" includes the words "plot," "parcel" and "tract;" the word "signature" includes the word "mark" when the person cannot write. The word "shall" is mandatory; the word "may" is permissive.

Accessory building: A subordinate building or portion of the main building which is located on the lot occupied by the main building, and the use of which is clearly incidental to the use of the main building.

Accessory dwelling unit: For purposes of accessory dwelling units in residential districts or on other lots developed with a single-family dwelling, an accessory dwelling unit is a self-contained living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building code, fire code, and public health and safety regulations adopted pursuant to MCA Title 50, chapter 2. For purposes of accessory dwelling units in the HCLI and HI districts, an accessory dwelling unit is a self-contained living unit on the same parcel as a permitted, primary use, and that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable building code, fire code, and public health and safety regulations adopted pursuant to MCA Title 50, chapter 2. All accessory dwelling units are a form of accessory building.

Accessory use: A use occurring on the same lot either in the same building or in a separate accessory structure which is clearly incidental to the primary allowed use.

Duplex housing: A parcel or lot with two dwelling units that are designed for residential occupancy by not more than two family units living independently from each other.

Dwelling, multifamily: A residential building designed for and occupied exclusively by more than two families. Multiple-unit dwelling" means a building designed for five or more dwelling units in which the dwelling units share a common separation like a ceiling or wall and in which access cannot be gained between units through an internal doorway, excluding common hallways. For purposes of the provisions of MCA 76-2-304(4)(a) as effective October 1, 2026, and the provisions for multifamily dwellings and mixed-use developments in the HWC District, "Multiple-unit dwelling" is a form of multifamily dwelling that means a building designed for five or more dwelling units in which the dwelling units share a common separation like a ceiling or wall and in which access cannot be gained between units through an internal doorway, excluding common hallways.

Dwelling, single-family: A-For purposes of these regulations, a single-family dwelling is a detached residential living unit, other than a mobile home, designed for and occupied by one family, which may include manufactured housing. For purposes of determining whether a dwelling is a single-family dwelling, the term further means a building with one or more rooms designed for residential living purposes by one household that is detached from any other dwelling unit.

Dwelling, two-family: A residential building designed for and occupied exclusively by two families, also known as a duplex. This term is distinct from a single-family dwelling with an apartment that is used as an accessory dwelling unit. *See also "Duplex housing".*

Family unit: ~~One or more persons occupying the premises and living as a single housekeeping unit.~~ A single person living or residing in a dwelling or place of residence; or two or more persons living together or residing in the same dwelling or place of residence.

Living unit: A residential unit providing complete, independent living facilities for one family unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Manufactured housing: A building that serves as a single-family dwelling, built off site in a factory on or after January 1, 1990, that is placed on a permanent foundation, is at least 1,000 square feet in size, has a pitched roof and siding and roofing materials that are customarily used on site-built homes, and, that is in compliance with the applicable prevailing standards of the United States Department of Housing and Urban Development at the time of its production. A manufactured home does not include a mobile home or house trailer, as defined in MCA 15-1-101 and below. [MCA 76-2-302(4)]

Mixed-use development: A development consisting of residential and nonresidential uses, such as residential and commercial. For purposes of the provisions of MCA 76-2-304(4)(a) as effective October 1, 2026, and the provisions for multifamily dwellings and mixed-use developments in the HWC District, a mixed-use development is a development consisting of residential and nonresidential uses in which the nonresidential uses are less than 50% of the total square footage of the development and are limited to the first floor of buildings that are two or more stories.

Mobile home: A form of housing known as "trailers", "housetrainers", or "trailer coaches" exceeding eight feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, housetrailer, or trailer coach up to eight feet in width or 45 feet in length used as a principal residence (MCA 15-1-101(mp)). Mobile homes are distinct from manufactured housing and single family dwellings.

Mobile home park: A tract of land designed and developed to accommodate two or more mobile homes, each occupying a portion of the site on a purchase, lease or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for long-term residential occupancy. Such parks are regulated by the Montana Subdivision and Platting Act.

Shipping container: A steel intermodal freight container, cargo container, Conex container, PODS container, or similar structure originally designed and manufactured for the transportation of goods by ship, rail, or truck. The term also includes any purpose-built storage container similar to or resembling the above, manufactured for storage rather than ocean shipping and not certified for international maritime transport, which are commonly used for construction sites, storage, and commercial uses. The term does not include refuse containers, mobile offices, recreational vehicles, and other similar items originally constructed for purposes other than the above.

Subdivision: A division of land so divided, which creates one or more parcels containing less than 20 acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased or otherwise conveyed, and shall include any resubdivision, and shall further include any condominium or area, regardless of its size, which provides or will provide multiple space for recreational camping vehicles or mobile homes. A subdivision shall comprise only those parcels less than 20 acres which have been segregated from the original tract, and the plat thereof shall show all such parcels, whether contiguous or not; provided, however, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the act. A division of land or land so divided that it creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to the parcels may be sold or otherwise transferred and includes any resubdivision and a condominium.

Section 2. The Final Report of the Zoning Commission of the City of Miles City, prepared as part of the review of these amendments, 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 zoning amendments before the City Council at 6:00 P.M. on the 8th day of September, 2026, in the Council Chambers at City Hall, 17 S. Eighth Street, Miles City, Montana.

Section 4. The City Clerk and/or zoning Administrator shall give notice of the date, time and place of such hearing in accordance with Sections 76-2-303 and 7-1-4127(7)(b), MCA, as well as Section 24-97 of the Code of Ordinances of Miles City, Montana. Said notice shall include publication twice in the Miles City Star, with the first notice published at least 15 business days prior to the date of such hearing.

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

Said Ordinance first read and put on its passage this 25th day of August, 2026.

C. A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED this this 8th day of September, 2026.

C. A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

**FINAL REPORT
OF THE MILES CITY ZONING COMMISSION
ON DRAFT TEXT AMENDMENTS TO ZONING CODE:
LEGISLATIVE UPDATES AND OTHER
MISCELLANEOUS UPDATES
AUGUST 13, 2026**

A) Introduction:

This report is submitted to the City of Miles City Zoning Commission along with a draft ordinance (**Ordinance No. 1409**) for text amendments to the City zoning code. The proposed text amendments were initiated by the Zoning Administrator and Contract City Planner to modify minimum lot sizes and rear yard setbacks in some residential districts for consistency, and make other changes to better reflect state law, legislative changes since 2017, and the Miles City Growth Policy 2025. The existing zoning code is currently out of compliance with several sections of state law due to legislative updates since the last comprehensive zoning regulations updates were adopted in 2016.

The Zoning Commission held a public hearing on the draft updates on July 23rd and continued the hearing to August 13th, when the Zoning Commission recommended approval of the text amendments to City Council and adopted the findings in this report.

B) Municipal Zoning Procedure:

According to 76-2-307, MCA, the City Council appoints the Zoning Commission to recommend the boundaries of the zoning districts and appropriate zoning regulations. The Zoning Commission shall make a preliminary report and hold public hearings on the zoning districts and regulations before submitting its final report, and the City Council shall not hold its public hearings or take action until it has received the final report of the Zoning Commission. The purpose of the July 23rd public hearing and continued August 13th public hearing was to meet the requirements of 76-2-307, MCA for the Zoning Commission to hold its public hearing and make a final report on the draft zoning regulations.

At the August public hearing, the Zoning Commission reviewed the draft updates and a preliminary report. The Zoning Commission made no changes to the reviewer-recommended findings or draft ordinance; however, the ordinance has been modified administratively for the City Council review (dates, ordinance number, etc.) and to reflect the Zoning Commission recommendations on the other ordinance currently in progress (the ‘shipping containers ordinance’). A public hearing of the City Council will be scheduled for the Council to review the draft ordinance and final report of the Zoning Commission.

Per 76-2-303(2), MCA, a regulation, restriction, or boundary may not become effective until after a public hearing in relation to the regulation, restriction, or boundary at which parties in interest and citizens have an opportunity to be heard has been held. Per the zoning code, at least 15 days' notice of the time and place of the hearing must be published in an official paper or a paper of general circulation in the municipality. Per state law, notices must be published twice, with the first notice published at least 15 business days before the hearing or action to be taken. The notices of the first

Zoning Commission public hearing were published in the Miles City Star on June 27 and July 3, and of the continued public hearing on August 1. Additionally, the City Council's September 8 public hearing is being noticed in the Miles City Star on August 15 and 22 in accordance with state law and the zoning code.

C) Report/Findings:

This is the final report of the Zoning Commission as required by 76-2-307, MCA. Section D) of this report gives an overview of the draft zoning updates. Section E) provides the purpose and process for zone changes and zoning amendments. Section F) of the report outlines applicable zoning statutes and preliminary findings regarding the draft regulations' compliance with the zoning code's criteria for zone changes and zoning amendments. Section G) provides the reviewer recommendations to the Zoning Commission.

D) Overview of Draft Regulations:

The draft ordinance is intended to revise various sections of Chapter 24 of the current City Codes ("Zoning"). The updates in the draft ordinance are relatively self-explanatory. The following is a general overview of the text amendments being proposed:

- There are minor edits and changes in language and citations throughout the updates.
- Sec. 24-14, "Zoning upon annexation" is amended to reflect the option for the City to adopt interim zoning during annexations, which is allowed by state law as an urgency measure that can simplify the complicated annexation and zoning procedures relative to adopting long-term zoning upon annexation. The City has several annexations on the horizon, and clarifying these options is best practice.
- The intents of the residential districts are updated to reflect other proposed amendments.
- The use tables in most residential districts are updated to reflect legislative changes, primarily those for accessory dwellings, two-family dwellings (duplex housing), and number of children in day care centers vs day cares reflect current state laws.
- The minimum lot sizes and rear yard setbacks in the specification tables in the Residential B (RB), Residential C (RC), and Mobile Home Residential (MH-A) districts are modified to become more consistent with the RA District specifications.
- Maximum building heights for accessory buildings in the residential districts within the tables of specification standards are modified to be consistent with the requirement of state law to allow accessory dwelling units to have the same standards as those for primary dwellings.
- "Stables" and "Grazing" are to be removed from the permitted uses in the SR District to reflect the restrictions on the animal regulations in Chapter 4 of City code.
- The stated intent of Sec. 24-20. Mobile Home—RV Park district (MH-RV) eliminates reference to the Montana Subdivision and Platting act and subdivision regulations because typical mobile home and RV parks are no longer subject to subdivision review, and are now subject to the buildings for lease or rent requirements of MCA Title 76, Chapter 8, Part 1, and exempt from review by the zoning code.
- The maximum building heights in the GC District are modified to eliminate specific height limits for accessory buildings and just apply the current 40' height limit, because it is often the case for commercial uses in the district to have more than one building, and imposing a maximum building height for different buildings is inconsequential and only adds confusion.

- In Sec. 24-23, Highway commercial district (HWC), the use table adds “Multifamily dwellings and mixed-use developments...” to address recent legislative changes. See 76-2-304(4), MCA.
- The maximum building heights in the HWC District, HCLI District, and HI District would increase from 45 feet to 60 feet to address recent legislative changes. See 76-2-304(4), MCA (*to be Effective October 1, 2026*).
- In Sec. 24-26, Open space district (OS), the permitted use “Non-motorized trails” would add “and trails for small-scale electric vehicles”.
- Sec. 24-4, Landscaping requirements, would modify “Day care centers in excess of 12 children” 15 children to reflect legislative changes.
- Sec. 24-50, Off-street parking and loading would modify off-street parking requirements to reflect parking reform legislation since 2027. See 76-2-304(4), MCA (*Both the existing statutes and those to become Effective October 1, 2026 require changes*). Note: the reviewer has investigated the parking requirements for restaurants, taverns, and bars, and found that the standards are relatively modern for a zoning code that requires minimum parking requirements for these uses. The standards would primarily apply to the HWC District where on-street parking is largely unavailable. The CBD provides for a 100% reduction in the number of parking spaces, meaning downtown restaurants, taverns, and bars can rely on street parking, and the GC District provides for a 40% reduction in the number of parking spaces, which reduces parking requirements for the uses in other areas. Therefore, the reviewer has found no specific rationale to change parking requirements for new restaurants, taverns, and bars, and is not recommending changes to the requirements.
- Sec. 24-59 (Administration of zoning in cases of multiple lots) is language that would be relocated from Sec. 24-72 because it would better fall under “Standards applicable to all districts when required” than “Standards for specific land uses”.
- Sec. 24-63, Accessory buildings removes special building height limitations for accessory dwellings to comply with 76-2-345, MCA, which sets multiple limitations and requirements for accessory dwelling units in municipal zoning codes.
- Sec. 24-65, Accessory dwelling units would be modified extensively to comply with 76-2-345, MCA, which sets multiple limitations and requirements for accessory dwelling units in municipal zoning codes.
- Sec. 24-67, Multiple-family dwellings, two-family dwellings, townhouses and townhomes would be modified to eliminate reference and applicability to two-family dwellings, townhouses and townhomes. See 76-2-304(4), MCA (*Both the existing statutes and those to become Effective October 1, 2026 require changes*). The reviewer is also recommending subsection (c), Design features to reduce the number of specific design features a developer must provide for multi-family dwellings from three to two, simply to make the City’s regulations that often apply to affordable housing projects less restrictive, consistent with the Montana Legislature’s clear intents.
- In Sec. 24-71, Medical marijuana, language is proposed to clarify that the required 1,000 feet distances between medical marijuana providers and public or private schools, parks, playgrounds and religious institutions is to be a horizontal distance from the tract of record containing the school, park, playground, or religious institution to the tract of record containing the proposed medical marijuana provider.

- Language is proposed to be added to Sec. 24-86, Interpretation of use, to state that in interpreting a use and in determining whether a use violates the regulations, any ambiguity or uncertainty in the zoning regulations as to whether the use is in violation must be interpreted in favor of the use in question. This is to reflect 2025 legislative updates to 76-2-308, MCA.
- Sec. 24-88, Application of zoning regulations to state and local government agencies is proposed to be revised to reflect 2025 legislative updates to 76-2-402, MCA.
- Sec. 24-89, Nonconforming uses is proposed to be revised to reflect 2025 legislative updates to 76-2-316, MCA. In addition, a “Natural expansion clause” is proposed to be added to allow nonconforming uses typical natural expansions, such as business growth. The pre-2016 zoning code had a similar provision that was eliminated, and the proposed language clarifies the clause.
- Sec. 24-96, Zone changes and zoning amendments is proposed to be revised to reflect 2025 legislative updates to 76-2-303, MCA to provide for zoning map amendments to be adopted by resolution and become effective immediately. The same bill repealed the protest provisions of 76-2-305, MCA, which is reflected by the proposed elimination of the language currently in subsection (12).
- Sec. 24-97, Public hearing notices is proposed to be revised to reflect 2025 legislation that changed notice requirements.
- Sec. 24-98, Violations/enforcement is proposed to be revised to reflect 2025 legislation to address ambiguity in uses.
- Sec. 24-201, Definitions includes several amendments to reflect the other proposed amendments and legislative changes to state law.

E) Zone changes and zoning amendments – Purpose and Process:

Administration of zone changes and zoning amendments is outlined in Sec. 24-96 of the Zoning Code. The following are the ‘purpose’ and ‘amendment process’ for review of zoning amendments. Other sections applicable to the 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.

F) 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:

First, it should be understood that the majority of proposed text amendments are intended to address legislative changes that have occurred since the last comprehensive zoning code updates in 2016. Several changes to applicable state laws have resulted from 2021 – 2025 legislation, many of which require the zoning code to be updated. Other minor changes are proposed by staff to simplify administration and to reflect challenges encountered during administration.

The reviewer has evaluated the 2025 Miles City Growth Policy for applicable City policies relevant to the proposed text amendments, and the following are recommended findings regarding whether the amendments would be in accordance with the 2025 Growth Policy:

- *Land Use Objective LU.1.a: “Update land use regulations to provide greater clarity and flexibility.” This objective is to promote Land Use Goal LU.1: “Provide a predictable development environment”. The proposed amendments are intended to comply with state law and improve City administration of the zoning code. It is intended that the regulations will become clearer for all involved, and more predictable for citizens and project proponents, thereby promoting Land Use Objective LU.1.a and Land Use Goal LU.1.*

- *Land Use Objective LU.3.b: “Focus on public outreach and participation in land use matters related to zoning code updates.” This objective is to promote Land Use Goal LU.3: “Balance property rights with the common interests of the community.”. The Zoning Commission will have held two meetings on the proposed updates, with public comment accepted through the process. The Zoning Commission and Council will accept and consider public comments through the review process. The proposed regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. By the Zoning Commission and Council encouraging and considering public participation in the update process, the updates will accord to Land Use Objective LU.3.b and Land Use Goal LU.3.*
- *Land Use Objective LU.4.b: “Develop and implement zoning that guides future development but also protects existing development from unwanted impacts.” The proposed regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. Any impacts introduced by the proposed text amendments would likely result from the needs for the regulations to comply with state law and legislative changes that limit certain restrictions a City can impose through zoning.*
- *Land Use Objective LU.7.c: “City Zoning Code will comply with state statute and best practices.” This objective is to promote Land Use Goal LU.7: “Ensure that the City zoning code is properly administered and enforced, and provides for safe, efficient development that is in the best interests of the City.”. The zoning updates will promote this goal and objective by bringing the regulations into compliance with state statute and best practices – meeting the objective is precisely the intent behind the text amendments.*
- *Economic Objective E.1.e: “Identify barriers in the zoning regulations, and other City codes, and amend them as necessary.” This objective is to promote Economic Goal E.1: “Foster sustained economic growth in Miles City.” The proposed regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. Some of the updates will remove barriers that a City cannot impose per state law. The intent of the updates is not based on removing barriers, but by bringing the regulations into compliance with state laws and fit better with the City’s administration of the zoning regulations will eliminate challenges staff often faces during administration.*
- *Housing Objective H.4.a: “Update zoning regulations to allow for appropriate density and housing diversity in residential, commercial, and mixed-use districts.” This objective is to promote Housing Goal H.4: “Encourage a mix of housing types.” The zoning updates will promote this goal and objective by bringing the regulations into compliance with state statute and modifications*

in recent years intended by the Legislature to allow for higher density, mixed uses, and a broader range of housing types. Examples include the statutory limitations a City can place on accessory dwelling units and where duplexes and multi-family housing may be placed.

- *Action 16: “Update the zoning regulations to clarify procedures, meet the community's land use and development needs, and provide flexibility while protecting existing residents.” This action is to promote Land Use Objective LU.1.a/Goal LU.1, Economic Goal E.1 (Foster sustained economic growth in Miles City), and others. The zoning updates will carry out Action 16 and promote the associated goals and objectives by bringing the regulations into compliance with state statutes and best practices.*
- *Section 7, Land Use (page 62) states the following: “The Zoning Ordinance should be regularly reviewed by staff and the City’s zoning commission and amended as necessary.” Updating the zoning regulations to bring the regulations into compliance with state statutes and better fit with the City’s administration follows the policy to regularly review and update the zoning code.*
- *Section 7, Land Use (page 65) states the following: “A key tool for Miles City to be resilient to 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 to approach the city with zone change requests, and the city will work on revising the zoning map to guide the planning area with land use designations in appropriate geographic, physical, and social settings.” Updating the zoning regulations to bring the regulations into compliance with state statutes and better fit with the City’s administration follows the above-stated policy.*

Approval of the proposed text amendments would support the above-listed goals, objectives, actions, and stated policies, and not be contrary to the Growth Policy. As such, the text amendments are in accordance with the 2025 Miles City Growth Policy.

- b. To secure safety from fire and other dangers;

Finding 1-b: *The proposed amendments to the zoning regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. The amendments are not expected to have a noticeable effect on safety from fire or other dangers. Any impacts related to safety from fire or other dangers introduced by the proposed text amendments would likely result from the need for*

the regulations to comply with state law and legislative changes that limit certain restrictions a city can impose through zoning.

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

Finding 1-c: *The proposed amendments to the zoning regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. The amendments are expected to have a positive effect on public health, safety, and general welfare by improving City administration of the zoning code. Any impacts related to public health, safety, and general welfare introduced by the proposed text amendments would likely result from the need for the regulations to comply with state law and legislative changes that limit certain restrictions a City can impose through zoning.*

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

Finding 1-d: *The proposed amendments to the zoning regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. The amendments are not expected to have a noticeable effect on the adequate provision of transportation, water, sewerage, schools, parks and other public requirements. Any impacts related to the adequate provision of transportation, water, sewerage, schools, parks and other public requirements introduced by the proposed text amendments would likely result from the need for the regulations to comply with state law and legislative changes that limit certain restrictions a city can impose through zoning.*

(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 proposed amendments to the zoning regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. The amendments are not expected to have a noticeable effect on the provision of adequate light and air. Any impacts related to the provision of light and air introduced by the proposed text amendments would likely result from the need for the regulations to comply with state law and legislative changes that limit certain restrictions a city can impose through zoning, such as the increased building heights in what state law refers to as heavy commercial and industrial zones.*

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

Finding 2-b: *The proposed amendments to the zoning regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. The amendments are not expected to have a noticeable effect on*

motorized and non-motorized transportation systems. Any impacts related to the motorized and non-motorized transportation systems introduced by the proposed text amendments would likely result from the need for the regulations to comply with state law and legislative changes that limit certain restrictions a city can impose through zoning, such as the limitations on the number of off-street parking spaces a city can require for certain land uses and changes of uses of existing buildings.

c. The promotion of compatible urban growth;

Finding 2-c: *The proposed amendments to the zoning regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. The amendments are not expected to have a noticeable effect on compatible urban growth, but are expected to improve administration.*

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

Finding 2-d: *The proposed amendments to the zoning regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. The amendments are not expected to have a noticeable effect on the characters of the districts or their suitability for uses. Any real changes to the characters of the districts introduced by the proposed text amendments would likely result from the need for the regulations to comply with state law and legislative changes that limit certain restrictions a city can impose through zoning.*

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

Finding 2-e: *The proposed amendments to the zoning regulations have been drafted primarily to comply with state law and improve City administration of the zoning code. The amendments are not expected to have a noticeable effect on the value of buildings, but any impacts on property values that are introduced by the proposed text amendments would likely result from the need for the regulations to comply with state law and legislative changes that limit certain restrictions a city can impose through zoning. The zoning code will continue to encourage the most appropriate use of the land throughout the jurisdictional area.*

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 proposed amendments are text amendments only, and not a zone change that could be determined illegal spot zoning. The amendments generally apply on a City-wide basis and are not directed at changing anything on any particular property or group of properties. The proposed amendments have been drafted primarily to comply with state law and improve City administration of the zoning code. Because these regulations would apply on a City-wide basis, and do not benefit one or a few property owners, none of the spot zoning factors are present.*

(3) Other criteria include whether the amendment:

a. Corrects an inconsistency in the zoning; and

Finding 3-a: *The proposed amendments have been drafted primarily to comply with state law and improve City administration of the zoning code. Therefore, to some extent, the amendments correct inconsistencies between the regulations and state laws. The updates would also clarify certain ambiguities of the zoning regulations and eliminate current grey areas.*

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 proposed amendments have been drafted primarily to comply with state law and improve City administration of the zoning code. Many of the legislative changes being addressed are associated with the legislative intent to improve housing conditions, and encourage economic development and mixed use development. Therefore, the amendments address changing conditions (primarily changes to state law) and specific public challenges (e.g. staff challenges with administration and removing ambiguities).*

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

Based on the above findings, the proposed text amendments comply with the applicable criteria, and are therefore appropriate.

G) Zoning Commission Recommendation:

The Zoning Commission recommends the City Council adopt this report and findings and further recommend the City Council approve the text amendments of the proposed ordinance. Upon passage of the ordinance by City Council, the official Miles City zoning code will be amended with an effective date thirty (30) days after its final passage and approval.

RESOLUTION NO. 4703

A RESOLUTION APPROVING CHANGE ORDER #16 WITH JACKSON CONTRACTOR GROUP, INC. FOR RETURN OF OWNER SAVINGS IN THE AMOUNT OF \$87,073.32

WHEREAS, the City of Miles City has engaged Jackson Contractor Group, Inc., to construct the new MCFR Fire Hall building;

AND WHEREAS, Jackson has presented the City with Change Order 16, for return of owner savings in the amount of \$87,073.32;

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

1. The following Change Orders are hereby approved: Change Order #016, described in detail and attached hereto as Exhibit “A,” is hereby approved and adopted by this Council.
2. The Mayor shall have the authority to execute the same, and to bind the City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A REGULAR MEETING THIS 25TH DAY OF AUGUST, 2026.

C.A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk



Miles City Office
PO Box 1298
Miles City, Montana 59301
Phone: (406) 234-5565
Fax: (406) 234-5566

Project: 02202405 - Miles City Fire & Ambulance
2800 Main Street
Miles City, Montana 59301
Phone: 509-993-4010

Prime Contract Change Order #016: Return of Owner Savings

TO:	City of Miles City PO Box 910 Miles City, Montana 59301	FROM:	Jackson Contractor Group, Inc. PO Box 967 Missoula Montana 59806
DATE CREATED:	7/ 10 /2026	CREATED BY:	Charlie Lohof (Jackson Contractor Group, Inc.)
CONTRACT STATUS:	Pending - In Review	REVISION:	0
DESIGNATED REVIEWER:	Charlie Lohof (Jackson Contractor Group, Inc.)	REVIEWED BY:	
DUE DATE:		REVIEW DATE:	
INVOICED DATE:		PAID DATE:	
SCHEDULE IMPACT:		EXECUTED:	No
CONTRACT FOR:	02202405-00:Miles City Fire and Rescue	TOTAL AMOUNT:	(\$87,073.32)
DESCRIPTION:	Return of Owner Savings		
ATTACHMENTS:			

This proposal is based on the usual cost elements such as labor, material, and normal mark ups, and does not include any amount for changes in the sequence or work delays, disruption, rescheduling, extended overhead, acceleration and or impacts, and the right is expressly reserved to make claim for any and all of these related items of cost prior to any final settlement of the contract.

POTENTIAL CHANGE ORDERS IN THIS CHANGE ORDER:

PCO #	Title	Schedule Impact	Amount
031	Cost Plus Savings		(87,073.32)
TOTAL:			(\$87,073.32)

CHANGE ORDER LINE ITEMS:

PCO # 031 : Cost Plus Savings

#	SubJob	Cost Code	Description	Type	Amount
1	N/A	01-5000 - PRINTER/PAPER	Office Equipment	Equipment	(\$1,000.00)
2	N/A	01-5213 - OFFICE TRAILER RENT	Office Trailer Rent	Equipment	(\$780.00)
3	N/A	01-7216 - PROJECT STAFF FUEL	Project Staff Fuel	Material	(\$820.00)
4	N/A	01-7233 - JCG FORKLIFT	Forklift Rent	Equipment	(\$3,000.00)
5	N/A	01-7233 - JCG FORKLIFT	Forklift Fuel	Material	(\$2,000.00)
6	N/A	01-2116 - CONTINGENCY	Unused Contingency	Unallocated	(\$73,812.00)
7	N/A	01-2100 - ESCALATION	Unused escalation contingency	Unallocated	(\$693.91)
Subtotal:					(\$82,105.91)
	GL Insurance: 0.00% Applies to All Line Items				0.00
	Builders Risk Insurance: 0.00% Applies to All Line Items				0.00
	Procure: 0.00% Applies to All Line Items				0.00
	P&P Bond: 0.00% Applies to All Line Items				0.00
	Fee: 5.00% Applies to All Line Items				(4,105.30)
	MGRT: 1.00% Applies to All Line Items				(862.11)
Grand Total:					(\$87,073.32)



The original (Contract Sum)	\$ 4,753,879.00
Net change by previously authorized Change Orders	\$ 62,075.79
The contract sum prior to this Change Order was	\$ 4,815,954.79
The contract sum would be changed by this Change Order in the amount of	(\$87,073.32)
The new contract sum including this Change Order will be	\$ 4,728,881.47
The contract time will not be changed by this Change Order	

Terry Sukut (JGA Architects)
3395 Gabel Road, Suite 100
Billings Montana 59102

City of Miles City
PO Box 910
Miles City Montana 59301

Jackson Contractor Group, Inc.
PO Box 967
Missoula Montana 59806

SIGNATURE DATE

SIGNATURE DATE

SIGNATURE DATE

RESOLUTION NO. 4705

A RESOLUTION PURSUANT TO §2-9-212 OF THE MONTANA CODE ANNOTATED, AUTHORIZING A PERMISSIVE MEDICAL LEVY FOR FY 2026-2027 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 2026-2027;

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 28.43 mills be imposed, pursuant to §2-9-212 MCA, for the purposes of funding the premium for group health insurance for Fiscal Year 2026-2027.

BE IT FURTHER RESOLVED that a public hearing shall be held on the above proposed levy on the 8th day of September, 2026, 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 25TH DAY OF AUGUST, 2026.

Chris A. Grenz, 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 8TH DAY OF SEPTEMBER, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4706

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 2026-2027.

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 2026-2027 is estimated by the City Council at the sum of \$166,000 and,

WHEREAS, the property in said Special Improvement Lighting District No. 165 is to be assessed one hundred percent (100%) of the cost during the fiscal year 2026-2027 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 0.004923 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 8th day of September, 2026, 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 25th day of August, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 25th day of August, 2026, 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 8th, 2026, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2026-2027 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 4706 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 2026-2027 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 8th day of September, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4707

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 2026-2027.

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 2026-2027 is estimated by the City Council at the sum of \$21,500 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 2026-2027 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 0.008809 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 8th day of September, 2026, 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 25th day of August, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 25th day of August, 2026, 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 August 25th, 2026, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2026-2027 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 4707 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 2026-2027 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 8th day of September, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4708

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 2026-2027

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 2026-2027 is estimated by the City Council at the sum of \$4,750 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 2026-2027 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 0.000094 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 8th day of September, 2026, 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 25th day of August, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 25th day of August, 2026, 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 8th, 2026, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2026-2027 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 4708 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 2026-2027 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 8th day of September, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4709

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 2026-2027.

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 2026-2027 is estimated by the City Council at the sum of \$8,000 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 2026-2027 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 0.012352 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 8th day of September, 2026, 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 25th day of August, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 25th day of August, 2026, 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 8th 2026, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2026-2027 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 4709 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 2026-2027 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 8th day of September, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4710

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 2026-2027.

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 2026-2027 is estimated by the City Council at the sum of \$7,000 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 2026-2027 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 0.010217 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 8th day of September, 2026, 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 25th day of August, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

WHEREAS, the above-entitled Resolution was filed in the Office of the City Clerk on the 25th day of August, 2026, 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 8th 2026, pursuant to published notice;

WHEREAS, the cost of LEASING, MAINTENANCE AND ELECTRICAL CURRENT for fiscal year 2026-2027 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 4710 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 2026-2027 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 8th day of September, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4711

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 2026-2027.

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 2026-2027 is \$2,057,928.

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 2026-2027 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 204: 0.032511 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$227.57

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 25th day of August, 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 25th day of August, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 8th day of September, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO.4712

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 2026-2027

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 2026-2027 is \$271,874.

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 2026-2027 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 205: 0.011118 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$77.82

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 25th day of August 2026, 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 25th day of August, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 25th day of September, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

RESOLUTION NO. 4713

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 2026-2027.

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 2026-2027 is \$10,502.

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 2026-2027 there is hereby levied and assessed a tax upon all property in said district as follows:

MAINTENANCE DISTRICT NO. 207: 0.017463 per
sq. ft. assessment

FOR EXAMPLE: A typical lot within the district of approximately 7,000 square feet shall have an annual assessment of \$122.24.

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 25th day of August, 2026, 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 25th day of August, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk

FINALLY PASSED AND ADOPTED THIS 8th day of September, 2026.

Chris A Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk



U.S. Department
of Transportation
Federal Aviation
Administration

Airports Division
Northwest
Mountain Region
Montana

Helena Airports District Office:
FAA Bldg, 2800 Skyway Dr, Ste E
Helena, MT 59602-1230

August 10, 2026

The Honorable Chris Grenz, Mayor
City of Miles City
17 South 8th Street
PO Box 910
Miles City, MT 59301

Dear Mayor Grenz,

The Grant Offer for Infrastructure Investment and Jobs Act (IIJA) Project No. 3-30-0055-028-2026 at Frank Wiley Field Airport is attached for execution. This letter outlines the steps you must take to properly enter into this agreement and provides other useful information. Please read the conditions, special conditions, and assurances that comprise the Grant Offer carefully.

You may not make any modification to the text, terms or conditions of the Grant Offer.

Steps You Must Take to Enter Into Agreement.

To properly enter into this agreement, you must do the following:

1. The governing body must give authority to execute the grant to the individual(s) signing the grant, i.e., the person signing the document must be the sponsor's authorized representative(s) (hereinafter "authorized representative").
2. The authorized representative must execute the grant by adding their electronic signature to the appropriate certificate at the end of the agreement.
3. Once the authorized representative has electronically signed the grant, the sponsor's attorney(s) will automatically receive an email notification.
4. On the **same day or after** the authorized representative has signed the grant, the sponsor's attorney(s) will add their electronic signature to the appropriate certificate at the end of the agreement.
5. If there are co-sponsors, the authorized representative(s) and sponsor's attorney(s) must follow the above procedures to fully execute the grant and finalize the process. Signatures must be obtained and finalized no later than **September 02, 2026**.
6. The fully executed grant will then be automatically sent to all parties as an email attachment.

Payment. Subject to the requirements in 2 CFR § 200.305 (federal payment), each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this system.

Project Timing. The terms and conditions of this agreement require you to complete the project without undue delay and no later than the Period of Performance end date four (4) years from the grant execution date). We will be monitoring your progress to ensure proper stewardship of these federal funds. We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress. Your grant may be placed in “inactive” status if you do not make draws on a regular basis, which will affect your ability to receive future Grant Offers. Costs incurred after the Period of Performance ends are generally not allowable and will be rejected unless authorized by the FAA in advance.

Reporting. Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- For all grants, you must submit by December 31st of each year this grant is open:
 1. A signed/dated SF-270 (Request for Advance or Reimbursement for non-construction projects) or SF-271 or equivalent (Outlay Report and Request for Reimbursement for Construction Programs), and
 2. An SF-425 (Federal Financial Report).
- For non-construction projects, you must submit FAA Form 5100-140, Performance Report within 30 days of the end of the federal fiscal year.
- For construction projects, you must submit FAA Form 5370-1, Construction Progress and Inspection Report, within 30 days of the end of each federal fiscal quarter.

Audit Requirements. As a condition of receiving federal assistance under this award, you must comply with audit requirements as established under 2 CFR Part 200. Subpart F requires non-federal entities that expend \$1,000,000 or more in federal awards to conduct a single or program specific audit for that year. Note that this includes federal expenditures made under other federal-assistance programs. Please take appropriate and necessary action to ensure your organization will comply with applicable audit requirements and standards.

Closeout. Once the project(s) is completed and all costs are determined, we ask that you work with your FAA contact indicated below to close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

FAA Contact Information. Tracy Stoner, (406) 441-5404, Tracy.m.stoner@faa.gov is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,

Tracy M. Stoner

Tracy M. Stoner (08/10/2026 10:26:21 MDT)



U.S. Department
of Transportation
Federal Aviation
Administration

FEDERAL AVIATION ADMINISTRATION

FY 2026

AIRPORT INFRASTRUCTURE GRANT (AIG) GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date August 10, 2026

Airport/Planning Area Frank Wiley Field Airport

Airport Grant Number 3-30-0055-028-2026 (DOT-FA26NM-XXXX)

Unique Entity Identifier MMVTYSGAXDQ1

TO: City of Miles City
(herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the sponsor has submitted to the FAA a Project Application dated June 10, 2026, for a grant of federal funds for a project at or associated with the Frank Wiley Field Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Frank Wiley Field Airport (herein called the "Project") consisting of the following:

Acquire Snow Removal Equipment (approximately 27% of 4WD carrier vehicle, dump box, and plow)
which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out Title 49, United States Code (USC), Chapters 471 and 475; 49 USC §§ 40101 et seq. and 48103; Consolidated Appropriations Act, 2024 (Public Law Number (P.L.) 118-42); Consolidated Appropriations Act, 2025 (P.L. 119-4); Consolidated Appropriations Act, 2026 (P.L. 119-75); FAA Reauthorization Act of 2024 (P.L. 118-63); Infrastructure Investment and Jobs Act of 2021 (IIJA) (P.L. 117-58) (as applicable); and the representations contained in the Project Application; and in consideration of: (a) the sponsor's adoption and ratification of the most recently published Grant Assurances; (b) the sponsor's acceptance of this offer; and (c) the benefits to accrue to the United States and the public from the accomplishment of the project, and compliance with the Grant Assurance and conditions as herein provided;

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay (95) % of the allowable costs incurred accomplishing the Project as the United States' share of the Project.

Assistance Listings Number(s): 20.117.

This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$102,000.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 USC § 47108(b):

\$0 for planning

\$102,000 for airport development or noise program implementation; and,

\$0 for land acquisition.

2. **Grant Performance.** This agreement is subject to the following federal award requirements:

a. **Period of Performance:**

- i. **Start Date:** The date the recipient formally accepts this agreement and the date signed by the last signatory to the agreement.
- ii. **End Date:** Four (4) years to the calendar day from the date of acceptance.
- iii. **Extension of the Period of Performance (PoP):** The recipient may request a one-time extension of up to one year after the PoP end date by submitting a request to the FAA. The request must include, at a minimum, supporting justification for the request and the amount of additional time requested. The request must be submitted at least 10 calendar days before the PoP end date. This one-time extension may not be exercised for the sole purpose of using unobligated balances.

The PoP end date, or any extension as approved by FAA, shall not affect, relieve, or reduce recipient obligations and assurances that extend beyond the closeout of this agreement.

b. **Budget Period:**

- i. For a single year grant offer, the budget period follows the same start and end date as the PoP provided in paragraph 2(a), and any extension of the PoP end date.

- ii. For a multi-year grant offer, per the authority provided in 49 USC § 47108 and § 47114, the budget period is from the initial PoP start date through the end of the final fiscal year identified on a multi-year grant offer (See Multi-Year Grant Special Condition, if applicable).
- c. Appropriation Period of Availability and Expenditure:
 - i. The FAA must obligate appropriated funds within the period of availability identified in the appropriation.
 - ii. In accordance with 31 USC § 1552, by September 30th of the fifth fiscal year after the period of availability, FAA must liquidate and close expired appropriations, and any remaining balance (whether obligated or unobligated) must be canceled and thereafter shall not be available for obligation or expenditure for any purpose.
 - iii. IIJA and Supplemental AIP funding are subject to this condition.
- d. Close Out:

Recipients shall begin the closeout process upon physical completion of the project(s) identified in this agreement. Closeout shall proceed expeditiously and without delay, even if the PoP end date has not been reached. In accordance with 2 Code of Federal Regulations (CFR) 200, unless the FAA authorizes a written extension, the recipient must submit all grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the PoP end date. If the recipient does not submit all required closeout documentation within this period, the FAA will proceed to close out the grant within one year of the PoP end date with the information available at the end of 120 days.

e. Termination:

The FAA may terminate this agreement and all of its obligations under this agreement if any of the following occur:

- i. The recipient fails to comply with the terms and conditions of this agreement;
- ii. The recipient fails to obtain or provide any recipient grant contribution as required by the agreement;
- iii. There is a material failure to comply with the Project Schedule even if it is beyond the reasonable control of the recipient;
- iv. Any project changes that the FAA determines are inconsistent with the FAA's basis for selecting the project to receive a grant;
- v. Continued grant payment inactivity, generally defined as no drawdowns over a 12-month period;
- vi. The recipient requests that the FAA terminate the agreement under this section; or
- vii. The FAA determines that termination of this agreement is in the public interest.

In terminating this agreement under this section, the FAA may elect to consider only the interests of the FAA.

3. **Ineligible or Unallowable Costs.** In accordance with 49 USC § 47110, the sponsor is prohibited from including any costs in the grant funded portions of the project that the FAA has determined to be ineligible or unallowable, including costs incurred to carry out airport development implementing

policies and initiatives repealed by Executive Order 14148, provided such costs are not otherwise permitted by statute.

4. **Indirect Costs - Sponsor.** The sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application, as accepted by the FAA, to allowable costs for sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 USC § 47109, the regulations, policies, and procedures of the Secretary of Transportation ("Secretary"), and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs, and settlement will be made for any upward or downward adjustments to the federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The sponsor must carry out and complete the project without undue delay, and in accordance with this agreement, 49 USC Chapters 471 and 475, IJA (P.L. 117-58) (as appropriate), and the regulations, policies, and procedures of the Secretary. Per 2 CFR § 200.308, the sponsor agrees to report and request prior FAA approval for any disengagement from performing the project that exceeds three months, or a 25 percent reduction in time devoted to the project. The report must include a reason for the project stoppage. The sponsor also agrees to comply with the grant assurances, which are part of this agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project(s) unless this offer has been accepted by the sponsor on or before **September 02, 2026**, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds and Mandatory Disclosure.**
 - a. The sponsor must take all steps, including litigation, if necessary, to recover federal funds spent fraudulently, wastefully, or in violation of federal antitrust statutes, or misused in any other manner for any project upon which federal funds have been expended. For the purposes of this grant agreement, the term "federal funds" means funds however used or dispersed by the sponsor, that were originally paid pursuant to this or any other federal grant agreement. The sponsor must obtain the approval of the Secretary as to any determination of the amount of the federal share of such funds. The sponsor must return the recovered federal share, including funds recovered by settlement, order, or judgment, to the Secretary. Upon request, the sponsor must furnish to the Secretary all documents and records pertaining to the determination of the amount of the federal share, or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the sponsor, in court or otherwise, involving the recovery of such federal share require advance approval by the Secretary.
 - b. The sponsor, a recipient, and a subrecipient under this federal grant must promptly comply with the mandatory disclosure requirements as established under 2 CFR § 200.113, including reporting requirements related to recipient integrity and performance in accordance with Appendix XII to 2 CFR Part 200.

10. United States Not Liable for Damage or Injury. The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this agreement.

11. System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).

- a. Requirement for System for Award Management (SAM): Unless the sponsor is exempted from this requirement under 2 CFR § 25.110, the sponsor must maintain the currency of its information in the SAM until the sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
- b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit, or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/content/entity-registration>.

12. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the sponsor must make each payment request under this agreement electronically via the Delphi Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. Informal Letter Amendment of Projects. If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the sponsor by \$25,000 or five percent, whichever is greater, the FAA can issue a letter amendment to the sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun, provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of Condition No. 1, Maximum Obligation.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous, and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

14. Environmental Standards. The sponsor is required to comply with all applicable environmental standards, as further defined in the Grant Assurances, for all projects in this grant. If the sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.

15. Financial Reporting and Payment Requirements. The sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

16. Buy American. Unless otherwise approved in advance by the FAA, in accordance with 49 USC § 50101, the sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any project for which funds are provided under this grant. The sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this grant.

- 17. Build America, Buy America.** The sponsor must comply with the requirements under the Build America, Buy America Act (P.L. 117-58).
- 18. Maximum Obligation Increase.** In accordance with 49 USC § 47108(b)(2), as amended, the maximum obligation of the United States, as stated in Condition No. 1, Maximum Obligation, of this grant:
- a. May not be increased for a planning project;
 - b. May be increased by not more than 15 percent for development projects, if funds are available;
 - c. May be increased by not more than the greater of the following for a land project, if funds are available:
 - i. 15 percent; or
 - ii. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

If the sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in 49 USC § 47109, or IIJA (P.L. 17-58), or other superseding legislation if applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the federal share as applicable through an informal letter of amendment.

19. Audits for Sponsors.

PUBLIC SPONSORS. The sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the sponsor shall provide one copy of the completed audit to the FAA. Sponsors that expend less than \$1,000,000 in federal awards and are exempt from federal audit requirements must make records available for review or audit by the appropriate federal agency officials, state, and Government Accountability Office. The FAA and other appropriate federal agencies may request additional information to meet all federal audit requirements.

20. Suspension or Debarment. When entering into a "covered transaction" as defined by 2 CFR § 180.200, the sponsor must:

- a. Verify the non-federal entity is eligible to participate in this federal program by:
 - i. Checking the System for Award Management (SAM.gov) exclusions to determine if the non-federal entity is excluded or disqualified; or
 - ii. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
 - iii. Adding a clause or condition to covered transactions attesting the individual or firm are not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions with their contractors and sub-contractors.

- c. Immediately disclose in writing to the FAA whenever (1) the sponsor learns they have entered into a covered transaction with an ineligible entity or (2) the public sponsor suspends or debars a contractor, person, or entity.

21. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the sponsor is encouraged to:
 - i. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal Government, including work relating to a grant or subgrant.
 - ii. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- f. The sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this grant.

22. Trafficking in Persons.

- a. *Posting of contact information.*
 - i. The sponsor must post the contact information of the national human trafficking hotline (including options to reach out to the hotline such as through phone, text, or TTY) in all public airport restrooms.
- b. *Provisions applicable to a sponsor that is a private entity.*
 - i. Under this grant, the sponsor, its employees, subrecipients under this grant, and subrecipient's employees must not engage in:
 - a) Severe forms of trafficking in persons;
 - b) The procurement of a commercial sex act during the period of time that the grant or cooperative agreement is in effect;
 - c) The use of forced labor in the performance of this grant; or any subaward; or
 - d) Acts that directly support or advance trafficking in persons, including the following acts:
 - 1. Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;
 - 2. Failing to provide return transportation of pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless:

- a. Exempted from the requirement to provide or pay for such return transportation by the federal department or agency providing or entering into the grant; or
 - b. The employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or witness in a human trafficking enforcement action;
- 3. Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;
- 4. Charging recruited employees a placement or recruitment fee; or
- 5. Providing or arranging housing that fails to meet the host country's housing and safety standards.
- ii. The FAA may unilaterally terminate this grant or take any remedial actions authorized by 22 USC § 7104b(c), without penalty, if any private entity under this grant:
 - a) is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant; or
 - b) has an employee that is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant through conduct that is either:
 - 1. Associated with the performance under this grant; or
 - 2. Imputed to the recipient or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.
- c. *Provisions applicable to a sponsor other than a private entity.*
 - i. The FAA may unilaterally terminate this award or take any remedial actions authorized by 22 USC § 7104b(c), without penalty, if subrecipient is a private entity under this grant:
 - a) is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant or
 - b) has an employee that is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant through conduct that is either:
 - 1. Associated with the performance under this grant; or
 - 2. Imputed to the sponsor or subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.
- d. *Provisions applicable to any sponsor or subrecipient.*
 - i. The sponsor or subrecipient must inform the FAA and the DOT Inspector General immediately of any information you receive from any source alleging a violation of a prohibition in paragraph 2.a. (PoP) of this grant.

- ii. The FAA's right to unilaterally terminate this grant as described in paragraphs 2.b. (Budget Period) or 3.a. (Close Out and Termination) of this grant, implements the requirements of 22 USC Chapter 78, and is in addition to all other remedies for noncompliance that are available to the FAA under this grant.
 - iii. The sponsor must include the requirements of paragraph 2.a. (PoP) of this grant award term in any subaward it makes to a private entity.
 - iv. If applicable, the sponsor must also comply with the compliance plan and certification requirements in 2 CFR § 175.105(b).
- e. *Definitions. For purposes of this grant award, term:*
- i. "Employee" means either:
 - a) An individual employed by the sponsor or a subrecipient who is engaged in the performance of the project or program under this grant; or
 - b) Another person engaged in the performance of the project or program under this grant and not compensated by the sponsor or a subrecipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing requirements.
 - ii. "Private Entity" means:
 - a) Any entity, including for-profit organizations, nonprofit organizations, institutions of higher education, and hospitals. The term does not include foreign public entities, Indian Tribes, local governments, or states as defined in 2 CFR § 200.1.
 - b) The terms "severe forms of trafficking in persons," "commercial sex act," "sex trafficking," "abuse or threatened abuse of law or legal process," "coercion," "debt bondage," and "involuntary servitude" have the meanings given at section 103 of the Victims of Trafficking and Violence Protection Act of 2000, as amended (22 USC § 7102).

23. Exhibit "A" Property Map. The Exhibit "A" Property Map dated March 2015, is incorporated herein by reference, or is submitted with the project application and made part of this Grant Agreement.

24. Employee Protection from Reprisal. In accordance with 2 CFR § 200.217 and 41 USC § 4701, an employee of a grantee, subgrantee contractor, recipient, or subrecipient must not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in 41 USC § 4712(a)(2) information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant. The grantee, subgrantee, contractor, recipient, or subrecipient must inform their employees in writing of employee whistleblower rights and protections under 41 USC § 4712. See statutory requirements for whistleblower protections at 10 USC § 4701, 41 USC § 4712, 41 USC § 4304, and 10 USC § 4310.

25. Prohibited Telecommunications and Video Surveillance Services and Equipment. The sponsor agrees to comply with mandatory standards and policies relating to use and procurement of certain telecommunications and video surveillance services or equipment in compliance with the National Defense Authorization Act [P.L. 115-232 § 889] and 2 CFR § 200.216.

26. Critical Infrastructure Security and Resilience. The sponsor acknowledges that it has considered and addressed physical and cybersecurity and resilience in its project planning, design, and oversight, as determined by the DOT and the Department of Homeland Security (DHS). For airports that do not

have specific DOT or DHS cybersecurity requirements, the FAA encourages the voluntary adoption of the cybersecurity requirements from the Transportation Security Administration and Federal Security Director identified for security risk Category X airports.

27. Title VI of the Civil Rights Act. As a condition of a grant award, the sponsor shall demonstrate that it complies with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d et seq.) and implementing regulations (49 CFR Part 21), the Airport and Airway Improvement Act of 1982 (49 USC § 47123), the Age Discrimination Act of 1975 (42 USC § 6101 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 et seq.), the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq.), U.S. Department of Transportation and Federal Aviation Administration (FAA) Assurances, and other relevant civil rights statutes, regulations, or authorities, including any amendments or updates thereto. This may include, as applicable, providing a current Title VI Program Plan to the FAA for approval, in the format and according to the timeline required by the FAA, and other information about the communities that will be benefited and impacted by the project. The sponsor shall affirmatively ensure that when carrying out any project supported by this grant that it complies with all federal nondiscrimination and civil rights laws based on race, color, national origin, sex, creed, age, disability, and genetic information, in consideration for federal financial assistance. The Department's and FAA's Office of Civil Rights may provide resources and technical assistance to recipients to ensure full and sustainable compliance with federal civil rights requirements. Failure to comply with civil rights requirements will be considered a violation of the agreement or contract and be subject to any enforcement action as authorized by law.

28. Applicable Federal Anti-Discrimination Laws. The sponsor agrees:

- a. That its compliance in all respects with all applicable federal anti-discrimination laws is material to the government's payment decisions for purposes of 31 USC § 3729(b)(4) and
- b. To certify that it does not operate any programs promoting Diversity, Equity, and Inclusion (DEI) that violate any applicable federal anti-discrimination laws.

29. National Airspace System Requirements.

- a. The sponsor shall cooperate with FAA activities installing, maintaining, replacing, improving, or operating equipment and facilities in or supporting the National Airspace System, including waiving permitting requirements and other restrictions affecting those activities to the maximum extent possible, and assisting the FAA in securing waivers of permitting or other restrictions from other authorities. The sponsor shall not take actions that frustrate or prevent the FAA from installing, maintaining, replacing, improving, or operating equipment and facilities in or supporting the National Airspace System.
- b. If FAA determines that the sponsor has violated subsection a., the FAA may impose a remedy, including:
 - i. Additional conditions on the award;
 - ii. Consistent with 49 USC Chapter 471, any remedy permitted under 2 CFR §§ 200.339–200.340, including withholding of payments; disallowance of previously reimbursed costs, requiring refunds from the recipient to the DOT; suspension or termination of the award; or suspension and debarment under 2 CFR part 180; or
 - iii. Any other remedy legally available.
- c. In imposing a remedy under this condition, the FAA may elect to consider the interests of only the FAA.

- d. The sponsor acknowledges that amounts that the FAA requires the sponsor to refund to the FAA due to a remedy under this condition constitute a debt to the Federal Government that the FAA may collect under 2 CFR 200.346 and the Federal Claims Collection Standards (31 CFR Parts 900–904).
30. **Signage Costs for Construction Projects.** The sponsor agrees that it will require the prime contractor of a federally-assisted airport improvement project to post signs consistent with a DOT/FAA-prescribed format, as may be requested by the DOT/FAA, and further agrees to remove any signs posted in response to requests received prior to February 1, 2025.

SPECIAL CONDITIONS

- 31. Solid Waste Recycling Plan.** The sponsor certifies that it has a solid waste recycling plan as part of an existing Airport Master Plan, as prescribed by 49 USC § 47106(a)(6).
- 32. Equipment Acquisition.** The sponsor understands and agrees that any equipment acquired through this grant is considered a facility as that term is used in the Grant Assurances. Further, the equipment must be only operated by the sponsor. The sponsor agrees that it will maintain the equipment and use it exclusively at the airport for airport purposes.
- 33. Plans and Specifications Approval Based Upon Certification.** The FAA and the sponsor agree that the FAA's approval of the sponsor's Plans and Specification is based primarily upon the sponsor's certification to carry out the project in accordance with policies, standards, and specifications approved by the FAA. The sponsor understands that:
- a. The sponsor's certification does not relieve the sponsor of the requirement to obtain prior FAA approval for modifications to published FAA airport development grant standards or to notify the FAA of any limitations to competition within the project;
 - b. The FAA's acceptance of a sponsor's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements; and
 - c. If the FAA determines that the sponsor has not complied with their certification statements, the FAA will review the associated project costs to determine whether such costs are allowable under this grant and associated grants.
- 34. Buy American Executive Orders.** The sponsor agrees to abide by applicable Executive Orders in effect at the time this Grant Agreement is executed, including Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers.
- 35. Usable Unit of Development.** The FAA and the sponsor agree this grant only funds a portion of the overall project. The FAA makes no commitment of funding beyond what is provided herein. In accepting this award, the sponsor understands and agrees that the work described in this Grant Agreement must be incorporated into a safe, useful, and usable unit of development completed within a reasonable timeframe [49 USC § 47106(a)(4)]. This safe, useful, usable unit of development must be completed regardless of whether the sponsor receives any additional federal funding.

The sponsor's acceptance of this offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the sponsor, as hereinafter provided, and this offer and acceptance shall comprise a Grant Agreement, constituting the contractual obligations and rights of the United States and the sponsor with respect to the accomplishment of the project and compliance with the Grant Assurances, terms, and conditions as provided herein. Such Grant Agreement shall become effective upon the sponsor's acceptance of this offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.¹

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**

Tracy M. Stoner

Tracy M. Stoner (08/10/2026 10:26:21 MDT)

(Signature)

Tracy M. Stoner

(Typed Name)

Assistant Manager (A)

(Title of FAA Official)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

Part II - Acceptance

The sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing offer, and does hereby accept this offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.²

Dated _____

City of Miles City

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By: _____

(Typed Name of Sponsor's Authorized Official)

Title: _____

(Title of Sponsor's Authorized Official)

² Knowingly and willfully providing false information to the Federal Government is a violation of 18 USC § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Montana. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; and Title 49, United States Code (USC), Chapters 471 and 475; 49 USC §§ 40101 et seq., and 48103; Consolidated Appropriations Act, 2024 (P.L. 118-42); Consolidated Appropriations Act, 2025 (P.L. 119-4); Consolidated Appropriations Act, 2026 (P.L. 119-75); FAA Reauthorization Act of 2024 (P.L. 118-63); and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.³

Dated at _____

By: _____

(Signature of Sponsor's Attorney)

³ Knowingly and willfully providing false information to the Federal Government is a violation of 18 USC § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, USC, subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this Grant Offer by the sponsor, these assurances are incorporated in and become part of this Grant Agreement.

B. Duration and Applicability.

1. Airport Development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this Grant Agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a Grant Offer of federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph (1) also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this Grant Agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 23, 25, 30, 32, 33, 34, 37, and 40 in Section C apply to planning projects. The terms, conditions, and assurances of this Grant Agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

It will comply with all applicable federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of federal funds for this grant. Performance under this agreement shall be governed by and in compliance with the following requirements, as applicable, to the type of organization of the Sponsor and any applicable sub-recipients. The applicable provisions to this agreement include, but are not limited to, the following:

FEDERAL LEGISLATION

- a. 49 USC subtitle VII, as amended.
- b. Davis-Bacon Act, as amended — 40 USC §§ 3141-3144, 3146, and 3147, et seq.¹
- c. Federal Fair Labor Standards Act — 29 USC § 201, et seq.
- d. Hatch Act — 5 USC § 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC § 4601, et seq.^{1, 2}
- f. National Historic Preservation Act of 1966 — Section 106 — 54 USC § 306108.¹
- g. Archeological and Historic Preservation Act of 1974 — 54 USC § 312501, et seq.¹
- h. Native Americans Grave Repatriation Act — 25 USC § 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended — 42 USC § 7401, et seq.
- j. Coastal Zone Management Act, P.L. 92-583, as amended — 16 USC § 1451, et seq.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) - 42 USC § 4012a.¹
- l. 49 USC § 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 — 29 USC § 794.
- n. Title VI of the Civil Rights Act of 1964 (42 USC § 2000d et seq.) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 USC § 12101 et seq.) (prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 — 42 USC § 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968, as amended — 42 USC § 4151, et seq.¹
- s. Powerplant and Industrial Fuel Use Act of 1978 — Section 403 — 42 USC § 8373.¹
- t. Contract Work Hours and Safety Standards Act — 40 USC § 3701, et seq.¹
- u. Copeland Anti-kickback Act — 18 USC § 874.¹

- v. National Environmental Policy Act of 1969 – 42 USC § 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 USC § 1271, et seq.
- x. Single Audit Act of 1984 – 31 USC § 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 – 41 USC §§ 8101 through 8105.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (P.L. 109-282, as amended by section 6202 of P.L. 110-252).
- aa. Civil Rights Restoration Act of 1987, P.L. 100-259.
- bb. Infrastructure Investment and Jobs Act, P.L. 117-58, Title VIII.
- cc. Build America, Buy America Act, P.L. 117-58, Title IX.
- dd. Endangered Species Act – 16 USC 1531, et seq.
- ee. Title IX of the Education Amendments of 1972, as amended – 20 USC 1681–1683 and 1685–1687.
- ff. Drug Abuse Office and Treatment Act of 1972, as amended – 21 USC 1101, et seq.
- gg. Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, as amended – 42 USC § 4541, et seq.
- hh. Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, as amended – 42 USC § 4541, et seq.
- ii. Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions – 31 USC § 1352.

EXECUTIVE ORDERS

- a. Executive Order 11990 – Protection of Wetlands
- b. Executive Order 11988 – Floodplain Management
- c. Executive Order 12372 – Intergovernmental Review of Federal Programs
- d. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- e. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America's Workers
- f. Executive Order 14149 – Restoring Freedom of Speech and Ending Federal Censorship
- g. Executive Order 14151 – Ending Radical and Wasteful Government DEI Programs and Preferencing
- h. Executive Order 14154 – Unleashing American Energy
- i. Executive Order 14168 – Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government
- j. Executive Order 14173 – Ending Illegal Discrimination and Restoring Merit-Based Opportunity

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 and 1201 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.^{3, 4, 5}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures.
- e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport Noise Compatibility Planning.
- g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.¹
- j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.¹
- k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).¹
- m. 49 CFR Part 20 – New Restrictions on Lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- t. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).

- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- x. 49 CFR Part 41 – Seismic Safety.

FOOTNOTES TO ASSURANCE (C)(1)

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 2 CFR Part 200 contains requirements for state and local governments receiving federal assistance. Any requirement levied upon state and local governments by this regulation shall apply where applicable to private sponsors receiving federal assistance under Title 49, United States Code.
- ⁴ Cost principles established in 2 CFR Part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁵ Audit requirements established in 2 CFR Part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this Grant Agreement.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this Grant Agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal Government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to 49 USC § 47107(a)(16) and (x), it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which federal funds have been expended, for the duration of the terms, conditions, and assurances in this Grant Agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this Grant Agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this Grant Agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors

of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the state in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance-Management.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under 49 USC § 44706, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this Grant Agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor under 40 USC §§ 3141-3144, 3146, and 3147, Public Building, Property, and Works), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this Grant Agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in 49 USC § 47112. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this Grant Agreement, and, upon approval of the Secretary, shall be incorporated into this Grant Agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this Grant Agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in

accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:
 1. Operating the airport's aeronautical facilities whenever required;
 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 3. Promptly notifying pilots of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions

interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to ensure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to:
 - 1. Furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2. Charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers

which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the federal share of an airport development, airport planning or noise compatibility project for

which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at 49 USC § 47102), if the FAA determines the airport sponsor meets the requirements set forth in Section 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of 49 USC § 47107.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the

public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this Grant Agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that:

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein as the Secretary considers necessary or desirable for construction, operation, and maintenance at federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. The airport owner or operator will maintain a current airport layout plan of the airport showing:
 - 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 - 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 - 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 - 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary.
- b. Subject to subsection 49 USC § 47107(x), the Secretary will review and approve or disapprove the plan and any revision or modification of the plan before the plan, revision, or modification takes effect.
- c. The owner or operator will not make or allow any alteration in the airport or any of its facilities unless the alteration—
 - 1. is outside the scope of the Secretary's review and approval authority as set forth in subsection (x); or
 - 2. complies with the portions of the plan approved by the Secretary.
- d. When the airport owner or operator makes a change or alteration in the airport or the facilities which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary:
 - 1. eliminate such adverse effect in a manner approved by the Secretary; or
 - 2. bear all costs of relocating such property or its replacement to a site acceptable to the Secretary and of restoring the property or its replacement to the level of safety, utility, efficiency, and cost of operation that existed before the alteration was made, except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d to 2000d-4); creed and sex per 49 USC § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility, and program as found and defined in 49 CFR §§ 21.23(b) and 21.23(e), the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.
- b. Applicability
 1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
 2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
 3. Real Property. Where the sponsor receives a grant or other federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
 2. So long as the sponsor retains ownership or possession of the property.
- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this Grant Agreement and in all proposals for agreements, including airport concessions, regardless of funding source:
- "The **(City of Miles City)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, all businesses will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex , age, or disability in consideration for an award."
- e. Required Contract Provisions.
1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in federally-assisted programs of the Department of Transportation (DOT), and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in federally-assisted programs of the DOT acts and regulations.
 2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.

3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex, age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 1. Reinvestment in an approved noise compatibility project;
 2. Reinvestment in an approved project that is eligible for grant funding under 49 USC § 47117(e);
 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 USC §§ 47114, 47115, or 47117;
 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.

If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United

States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:

1. Reinvestment in an approved noise compatibility project;
 2. Reinvestment in an approved project that is eligible for grant funding under 49 USC § 47117(e);
 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 USC §§ 47114, 47115, or 47117;
 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a), (b), or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

If any phase of such project has received federal funds under Chapter 471 subchapter 1 of Title 49 USC, it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U.S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars (https://www.faa.gov/airports/aip/aip_pfc_checklist) for AIP projects as of June 10, 2026.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under state law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C of 49 CFR Part 24 and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises (DBE)/Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program.

The sponsor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC §§ 3801-3809, 3812).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in 49 USC § 47102) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that:
 - 1. Describes the requests;

2. Provides an explanation as to why the requests could not be accommodated; and
 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

40. Access to Leaded Aviation Gasoline

- a. If 100-octane low lead aviation gasoline (100LL) was made available at an airport, at any time during calendar year 2022, an airport owner or operator may not restrict or prohibit the sale of, or self-fueling with, 100-octane low lead aviation gasoline.
- b. This requirement remains until the earlier of December 31, 2030, or the date on which the airport or any retail fuel seller at the airport makes available an unleaded aviation gasoline that has been authorized for use by the FAA as a replacement for 100-octane low lead aviation gasoline for use in nearly all piston-engine aircraft and engine models; and meets either an industry consensus standard or other standard that facilitates the safe use, production, and distribution of such unleaded aviation gasoline, as determined appropriate by the FAA.
- c. An airport owner or operator understands and agrees, that any violation of this grant assurance is subject to civil penalties as provided for in 49 USC § 46301(a)(8).



U.S. Department
of Transportation
Federal Aviation
Administration

Airports Division
Northwest
Mountain Region
Montana

Helena Airports District Office:
FAA Bldg, 2800 Skyway Dr, Ste E
Helena, MT 59602-1230

August 10, 2026

The Honorable Chris Grenz, Mayor
City of Miles City
17 South 8th Street
PO Box 910
Miles City, MT 59301

Dear Mayor Grenz,

The Grant Offer for Airport Improvement Program (AIP) Project No. 3-30-0055-027-2026 at Frank Wiley Field Airport is attached for execution. This letter outlines the steps you must take to properly enter into this agreement and provides other useful information. Please read the conditions, special conditions, and assurances that comprise the Grant Offer carefully.

You may not make any modification to the text, terms or conditions of the Grant Offer.

Steps You Must Take to Enter Into Agreement.

To properly enter into this agreement, you must do the following:

1. The governing body must give authority to execute the grant to the individual(s) signing the grant, i.e., the person signing the document must be the sponsor's authorized representative(s) (hereinafter "authorized representative").
2. The authorized representative must execute the grant by adding their electronic signature to the appropriate certificate at the end of the agreement.
3. Once the authorized representative has electronically signed the grant, the sponsor's attorney(s) will automatically receive an email notification.
4. On the **same day or after** the authorized representative has signed the grant, the sponsor's attorney(s) will add their electronic signature to the appropriate certificate at the end of the agreement.
5. If there are co-sponsors, the authorized representative(s) and sponsor's attorney(s) must follow the above procedures to fully execute the grant and finalize the process. Signatures must be obtained and finalized no later than **September 02, 2026**.
6. The fully executed grant will then be automatically sent to all parties as an email attachment.

Payment. Subject to the requirements in 2 CFR § 200.305 (federal payment), each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this system.

Project Timing. The terms and conditions of this agreement require you to complete the project without undue delay and no later than the Period of Performance end date four (4) years from the grant execution date). We will be monitoring your progress to ensure proper stewardship of these federal funds. We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress. Your grant may be placed in “inactive” status if you do not make draws on a regular basis, which will affect your ability to receive future Grant Offers. Costs incurred after the Period of Performance ends are generally not allowable and will be rejected unless authorized by the FAA in advance.

Reporting. Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- For all grants, you must submit by December 31st of each year this grant is open:
 1. A signed/dated SF-270 (Request for Advance or Reimbursement for non-construction projects) or SF-271 or equivalent (Outlay Report and Request for Reimbursement for Construction Programs), and
 2. An SF-425 (Federal Financial Report).
- For non-construction projects, you must submit FAA Form 5100-140, Performance Report within 30 days of the end of the federal fiscal year.
- For construction projects, you must submit FAA Form 5370-1, Construction Progress and Inspection Report, within 30 days of the end of each federal fiscal quarter.

Audit Requirements. As a condition of receiving federal assistance under this award, you must comply with audit requirements as established under 2 CFR Part 200. Subpart F requires non-federal entities that expend \$1,000,000 or more in federal awards to conduct a single or program specific audit for that year. Note that this includes federal expenditures made under other federal-assistance programs. Please take appropriate and necessary action to ensure your organization will comply with applicable audit requirements and standards.

Closeout. Once the project(s) is completed and all costs are determined, we ask that you work with your FAA contact indicated below to close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

FAA Contact Information. Tracy Stoner, (406) 441-5404, Tracy.m.stoner@faa.gov is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein.

We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,


Tracy M. Stoner (08/10/2026 10:25:35 MDT)



U.S. Department
of Transportation
Federal Aviation
Administration

FEDERAL AVIATION ADMINISTRATION

FY 2026

AIRPORT IMPROVEMENT PROGRAM (AIP) GRANT AGREEMENT

Part I - Offer

Federal Award Offer Date August 10, 2026

Airport/Planning Area Frank Wiley Field Airport

Airport Grant Number 3-30-0055-027-2026 (DOT-FA26NM-2065)

Unique Entity Identifier MMVTYSGAXDQ1

TO: City of Miles City
(herein called the "Sponsor") (For Co-Sponsors, list all Co-Sponsor names. The word "Sponsor" in this Grant Agreement also applies to a Co-Sponsor.)

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the sponsor has submitted to the FAA a Project Application dated December 09, 2025, for a grant of federal funds for a project at or associated with the Frank Wiley Field Airport, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Frank Wiley Field Airport (herein called the "Project") consisting of the following:

Acquire Snow Removal Equipment (approximately 73% of 4WD carrier vehicle, dump truck, and plow)
which is more fully described in the Project Application.

NOW THEREFORE, Pursuant to and for the purpose of carrying out Title 49, United States Code (USC), Chapters 471 and 475; 49 USC §§ 40101 et seq. and 48103; Consolidated Appropriations Act, 2024 (Public Law Number (P.L.) 118-42); Consolidated Appropriations Act, 2025 (P.L. 119-4); Consolidated Appropriations Act, 2026 (P.L. 119-75); FAA Reauthorization Act of 2024 (P.L. 118-63); Infrastructure Investment and Jobs Act of 2021 (IIJA) (P.L. 117-58) (as applicable); and the representations contained in the Project Application; and in consideration of: (a) the sponsor's adoption and ratification of the most recently published Grant Assurances; (b) the sponsor's acceptance of this offer; and (c) the benefits to accrue to the United States and the public from the accomplishment of the project, and compliance with the Grant Assurance and conditions as herein provided;

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay (95) % of the allowable costs incurred accomplishing the Project as the United States' share of the Project.

Assistance Listings Number(s): 20.116.

This Offer is made on and SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$282,150.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 USC § 47108(b):

\$0 for planning

\$282,150 for airport development or noise program implementation; and,

\$0 for land acquisition.

2. **Grant Performance.** This agreement is subject to the following federal award requirements:

a. **Period of Performance:**

- i. **Start Date:** The date the recipient formally accepts this agreement and the date signed by the last signatory to the agreement.
- ii. **End Date:** Four (4) years to the calendar day from the date of acceptance.
- iii. **Extension of the Period of Performance (PoP):** The recipient may request a one-time extension of up to one year after the PoP end date by submitting a request to the FAA. The request must include, at a minimum, supporting justification for the request and the amount of additional time requested. The request must be submitted at least 10 calendar days before the PoP end date. This one-time extension may not be exercised for the sole purpose of using unobligated balances.

The PoP end date, or any extension as approved by FAA, shall not affect, relieve, or reduce recipient obligations and assurances that extend beyond the closeout of this agreement.

b. **Budget Period:**

- i. For a single year grant offer, the budget period follows the same start and end date as the PoP provided in paragraph 2(a), and any extension of the PoP end date.

- ii. For a multi-year grant offer, per the authority provided in 49 USC § 47108 and § 47114, the budget period is from the initial PoP start date through the end of the final fiscal year identified on a multi-year grant offer (See Multi-Year Grant Special Condition, if applicable).
- c. Appropriation Period of Availability and Expenditure:
 - i. The FAA must obligate appropriated funds within the period of availability identified in the appropriation.
 - ii. In accordance with 31 USC § 1552, by September 30th of the fifth fiscal year after the period of availability, FAA must liquidate and close expired appropriations, and any remaining balance (whether obligated or unobligated) must be canceled and thereafter shall not be available for obligation or expenditure for any purpose.
 - iii. IJA and Supplemental AIP funding are subject to this condition.
- d. Close Out:

Recipients shall begin the closeout process upon physical completion of the project(s) identified in this agreement. Closeout shall proceed expeditiously and without delay, even if the PoP end date has not been reached. In accordance with 2 Code of Federal Regulations (CFR) 200, unless the FAA authorizes a written extension, the recipient must submit all grant closeout documentation and liquidate (pay-off) all obligations incurred under this award no later than 120 calendar days after the PoP end date. If the recipient does not submit all required closeout documentation within this period, the FAA will proceed to close out the grant within one year of the PoP end date with the information available at the end of 120 days.

- e. Termination:

The FAA may terminate this agreement and all of its obligations under this agreement if any of the following occur:

- i. The recipient fails to comply with the terms and conditions of this agreement;
- ii. The recipient fails to obtain or provide any recipient grant contribution as required by the agreement;
- iii. There is a material failure to comply with the Project Schedule even if it is beyond the reasonable control of the recipient;
- iv. Any project changes that the FAA determines are inconsistent with the FAA's basis for selecting the project to receive a grant;
- v. Continued grant payment inactivity, generally defined as no drawdowns over a 12-month period;
- vi. The recipient requests that the FAA terminate the agreement under this section; or
- vii. The FAA determines that termination of this agreement is in the public interest.

In terminating this agreement under this section, the FAA may elect to consider only the interests of the FAA.

- 3. **Ineligible or Unallowable Costs.** In accordance with 49 USC § 47110, the sponsor is prohibited from including any costs in the grant funded portions of the project that the FAA has determined to be ineligible or unallowable, including costs incurred to carry out airport development implementing

policies and initiatives repealed by Executive Order 14148, provided such costs are not otherwise permitted by statute.

4. **Indirect Costs - Sponsor.** The sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application, as accepted by the FAA, to allowable costs for sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with 49 USC § 47109, the regulations, policies, and procedures of the Secretary of Transportation ("Secretary"), and any superseding legislation. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs, and settlement will be made for any upward or downward adjustments to the federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The sponsor must carry out and complete the project without undue delay, and in accordance with this agreement, 49 USC Chapters 471 and 475, IIJA (P.L. 117-58) (as appropriate), and the regulations, policies, and procedures of the Secretary. Per 2 CFR § 200.308, the sponsor agrees to report and request prior FAA approval for any disengagement from performing the project that exceeds three months, or a 25 percent reduction in time devoted to the project. The report must include a reason for the project stoppage. The sponsor also agrees to comply with the grant assurances, which are part of this agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project(s) unless this offer has been accepted by the sponsor on or before **September 02, 2026**, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds and Mandatory Disclosure.**
 - a. The sponsor must take all steps, including litigation, if necessary, to recover federal funds spent fraudulently, wastefully, or in violation of federal antitrust statutes, or misused in any other manner for any project upon which federal funds have been expended. For the purposes of this grant agreement, the term "federal funds" means funds however used or dispersed by the sponsor, that were originally paid pursuant to this or any other federal grant agreement. The sponsor must obtain the approval of the Secretary as to any determination of the amount of the federal share of such funds. The sponsor must return the recovered federal share, including funds recovered by settlement, order, or judgment, to the Secretary. Upon request, the sponsor must furnish to the Secretary all documents and records pertaining to the determination of the amount of the federal share, or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the sponsor, in court or otherwise, involving the recovery of such federal share require advance approval by the Secretary.
 - b. The sponsor, a recipient, and a subrecipient under this federal grant must promptly comply with the mandatory disclosure requirements as established under 2 CFR § 200.113, including reporting requirements related to recipient integrity and performance in accordance with Appendix XII to 2 CFR Part 200.

10. United States Not Liable for Damage or Injury. The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this agreement.

11. System for Award Management (SAM) Registration and Unique Entity Identifier (UEI).

- a. Requirement for System for Award Management (SAM): Unless the sponsor is exempted from this requirement under 2 CFR § 25.110, the sponsor must maintain the currency of its information in the SAM until the sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
- b. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit, or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/content/entity-registration>.

12. Electronic Grant Payment(s). Unless otherwise directed by the FAA, the sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

13. Informal Letter Amendment of Projects. If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the sponsor by \$25,000 or five percent, whichever is greater, the FAA can issue a letter amendment to the sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun, provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of Condition No. 1, Maximum Obligation.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous, and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

14. Environmental Standards. The sponsor is required to comply with all applicable environmental standards, as further defined in the Grant Assurances, for all projects in this grant. If the sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this Grant Agreement.

15. Financial Reporting and Payment Requirements. The sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

16. Buy American. Unless otherwise approved in advance by the FAA, in accordance with 49 USC § 50101, the sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any project for which funds are provided under this grant. The sponsor will include a provision implementing Buy American in every contract and subcontract awarded under this grant.

- 17. Build America, Buy America.** The sponsor must comply with the requirements under the Build America, Buy America Act (P.L. 117-58).
- 18. Maximum Obligation Increase.** In accordance with 49 USC § 47108(b)(2), as amended, the maximum obligation of the United States, as stated in Condition No. 1, Maximum Obligation, of this grant:
- a. May not be increased for a planning project;
 - b. May be increased by not more than 15 percent for development projects, if funds are available;
 - c. May be increased by not more than the greater of the following for a land project, if funds are available:
 - i. 15 percent; or
 - ii. 25 percent of the total increase in allowable project costs attributable to acquiring an interest in the land.

If the sponsor requests an increase, any eligible increase in funding will be subject to the United States Government share as provided in 49 USC § 47109, or IIJA (P.L. 117-58), or other superseding legislation if applicable, for the fiscal year appropriation with which the increase is funded. The FAA is not responsible for the same federal share provided herein for any amount increased over the initial grant amount. The FAA may adjust the federal share as applicable through an informal letter of amendment.

19. Audits for Sponsors.

PUBLIC SPONSORS. The sponsor must provide for a Single Audit or program-specific audit in accordance with 2 CFR Part 200. The sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Upon request of the FAA, the sponsor shall provide one copy of the completed audit to the FAA. Sponsors that expend less than \$1,000,000 in federal awards and are exempt from federal audit requirements must make records available for review or audit by the appropriate federal agency officials, state, and Government Accountability Office. The FAA and other appropriate federal agencies may request additional information to meet all federal audit requirements.

20. Suspension or Debarment. When entering into a "covered transaction" as defined by 2 CFR § 180.200, the sponsor must:

- a. Verify the non-federal entity is eligible to participate in this federal program by:
 - i. Checking the System for Award Management (SAM.gov) exclusions to determine if the non-federal entity is excluded or disqualified; or
 - ii. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
 - iii. Adding a clause or condition to covered transactions attesting the individual or firm are not excluded or disqualified from participating.
- b. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions with their contractors and sub-contractors.

- c. Immediately disclose in writing to the FAA whenever (1) the sponsor learns they have entered into a covered transaction with an ineligible entity or (2) the public sponsor suspends or debars a contractor, person, or entity.

21. Ban on Texting While Driving.

- a. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the sponsor is encouraged to:
 - i. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal Government, including work relating to a grant or subgrant.
 - ii. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- f. The sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts, and subcontracts funded with this grant.

22. Trafficking in Persons.

- a. *Posting of contact information.*
 - i. The sponsor must post the contact information of the national human trafficking hotline (including options to reach out to the hotline such as through phone, text, or TTY) in all public airport restrooms.
- b. *Provisions applicable to a sponsor that is a private entity.*
 - i. Under this grant, the sponsor, its employees, subrecipients under this grant, and subrecipient's employees must not engage in:
 - a) Severe forms of trafficking in persons;
 - b) The procurement of a commercial sex act during the period of time that the grant or cooperative agreement is in effect;
 - c) The use of forced labor in the performance of this grant; or any subaward; or
 - d) Acts that directly support or advance trafficking in persons, including the following acts:
 - 1. Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents;
 - 2. Failing to provide return transportation of pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless:

- a. Exempted from the requirement to provide or pay for such return transportation by the federal department or agency providing or entering into the grant; or
 - b. The employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or witness in a human trafficking enforcement action;
- 3. Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment;
- 4. Charging recruited employees a placement or recruitment fee; or
- 5. Providing or arranging housing that fails to meet the host country's housing and safety standards.
- ii. The FAA may unilaterally terminate this grant or take any remedial actions authorized by 22 USC § 7104b(c), without penalty, if any private entity under this grant:
 - a) is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant; or
 - b) has an employee that is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant through conduct that is either:
 - 1. Associated with the performance under this grant; or
 - 2. Imputed to the recipient or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.
- c. *Provisions applicable to a sponsor other than a private entity.*
 - i. The FAA may unilaterally terminate this award or take any remedial actions authorized by 22 USC § 7104b(c), without penalty, if subrecipient is a private entity under this grant:
 - a) is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant or
 - b) has an employee that is determined to have violated a prohibition in paragraph 2.a. (PoP) of this grant through conduct that is either:
 - 1. Associated with the performance under this grant; or
 - 2. Imputed to the sponsor or subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, "OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR Part 1200.
- d. *Provisions applicable to any sponsor or subrecipient.*
 - i. The sponsor or subrecipient must inform the FAA and the DOT Inspector General immediately of any information you receive from any source alleging a violation of a prohibition in paragraph 2.a. (PoP) of this grant.

- ii. The FAA's right to unilaterally terminate this grant as described in paragraphs 2.b. (Budget Period) or 3.a. (Close Out and Termination) of this grant, implements the requirements of 22 USC Chapter 78, and is in addition to all other remedies for noncompliance that are available to the FAA under this grant.
 - iii. The sponsor must include the requirements of paragraph 2.a. (PoP) of this grant award term in any subaward it makes to a private entity.
 - iv. If applicable, the sponsor must also comply with the compliance plan and certification requirements in 2 CFR § 175.105(b).
- e. *Definitions. For purposes of this grant award, term:*
- i. "Employee" means either:
 - a) An individual employed by the sponsor or a subrecipient who is engaged in the performance of the project or program under this grant; or
 - b) Another person engaged in the performance of the project or program under this grant and not compensated by the sponsor or a subrecipient including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing requirements.
 - ii. "Private Entity" means:
 - a) Any entity, including for-profit organizations, nonprofit organizations, institutions of higher education, and hospitals. The term does not include foreign public entities, Indian Tribes, local governments, or states as defined in 2 CFR § 200.1.
 - b) The terms "severe forms of trafficking in persons," "commercial sex act," "sex trafficking," "abuse or threatened abuse of law or legal process," "coercion," "debt bondage," and "involuntary servitude" have the meanings given at section 103 of the Victims of Trafficking and Violence Protection Act of 2000, as amended (22 USC § 7102).
23. **Exhibit "A" Property Map.** The Exhibit "A" Property Map dated March 2015, is incorporated herein by reference, or is submitted with the project application and made part of this Grant Agreement.
24. **Employee Protection from Reprisal.** In accordance with 2 CFR § 200.217 and 41 USC § 4701, an employee of a grantee, subgrantee contractor, recipient, or subrecipient must not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in 41 USC § 4712(a)(2) information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant. The grantee, subgrantee, contractor, recipient, or subrecipient must inform their employees in writing of employee whistleblower rights and protections under 41 USC § 4712. See statutory requirements for whistleblower protections at 10 USC § 4701, 41 USC § 4712, 41 USC § 4304, and 10 USC § 4310.
25. **Prohibited Telecommunications and Video Surveillance Services and Equipment.** The sponsor agrees to comply with mandatory standards and policies relating to use and procurement of certain telecommunications and video surveillance services or equipment in compliance with the National Defense Authorization Act [P.L. 115-232 § 889] and 2 CFR § 200.216.
26. **Critical Infrastructure Security and Resilience.** The sponsor acknowledges that it has considered and addressed physical and cybersecurity and resilience in its project planning, design, and oversight, as determined by the DOT and the Department of Homeland Security (DHS). For airports that do not

have specific DOT or DHS cybersecurity requirements, the FAA encourages the voluntary adoption of the cybersecurity requirements from the Transportation Security Administration and Federal Security Director identified for security risk Category X airports.

27. Title VI of the Civil Rights Act. As a condition of a grant award, the sponsor shall demonstrate that it complies with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d et seq.) and implementing regulations (49 CFR Part 21), the Airport and Airway Improvement Act of 1982 (49 USC § 47123), the Age Discrimination Act of 1975 (42 USC § 6101 et seq.), Section 504 of the Rehabilitation Act of 1973 (29 USC § 794 et seq.), the Americans with Disabilities Act of 1990 (42 USC § 12101, et seq.), U.S. Department of Transportation and Federal Aviation Administration (FAA) Assurances, and other relevant civil rights statutes, regulations, or authorities, including any amendments or updates thereto. This may include, as applicable, providing a current Title VI Program Plan to the FAA for approval, in the format and according to the timeline required by the FAA, and other information about the communities that will be benefited and impacted by the project. The sponsor shall affirmatively ensure that when carrying out any project supported by this grant that it complies with all federal nondiscrimination and civil rights laws based on race, color, national origin, sex, creed, age, disability, and genetic information, in consideration for federal financial assistance. The Department's and FAA's Office of Civil Rights may provide resources and technical assistance to recipients to ensure full and sustainable compliance with federal civil rights requirements. Failure to comply with civil rights requirements will be considered a violation of the agreement or contract and be subject to any enforcement action as authorized by law.

28. Applicable Federal Anti-Discrimination Laws. The sponsor agrees:

- a. That its compliance in all respects with all applicable federal anti-discrimination laws is material to the government's payment decisions for purposes of 31 USC § 3729(b)(4) and
- b. To certify that it does not operate any programs promoting Diversity, Equity, and Inclusion (DEI) that violate any applicable federal anti-discrimination laws.

29. National Airspace System Requirements.

- a. The sponsor shall cooperate with FAA activities installing, maintaining, replacing, improving, or operating equipment and facilities in or supporting the National Airspace System, including waiving permitting requirements and other restrictions affecting those activities to the maximum extent possible, and assisting the FAA in securing waivers of permitting or other restrictions from other authorities. The sponsor shall not take actions that frustrate or prevent the FAA from installing, maintaining, replacing, improving, or operating equipment and facilities in or supporting the National Airspace System.
- b. If FAA determines that the sponsor has violated subsection a., the FAA may impose a remedy, including:
 - i. Additional conditions on the award;
 - ii. Consistent with 49 USC Chapter 471, any remedy permitted under 2 CFR §§ 200.339–200.340, including withholding of payments; disallowance of previously reimbursed costs, requiring refunds from the recipient to the DOT; suspension or termination of the award; or suspension and debarment under 2 CFR part 180; or
 - iii. Any other remedy legally available.
- c. In imposing a remedy under this condition, the FAA may elect to consider the interests of only the FAA.

- d. The sponsor acknowledges that amounts that the FAA requires the sponsor to refund to the FAA due to a remedy under this condition constitute a debt to the Federal Government that the FAA may collect under 2 CFR 200.346 and the Federal Claims Collection Standards (31 CFR Parts 900–904).

30. **Signage Costs for Construction Projects.** The sponsor agrees that it will require the prime contractor of a federally-assisted airport improvement project to post signs consistent with a DOT/FAA-prescribed format, as may be requested by the DOT/FAA, and further agrees to remove any signs posted in response to requests received prior to February 1, 2025.

SPECIAL CONDITIONS

31. **Solid Waste Recycling Plan.** The sponsor certifies that it has a solid waste recycling plan as part of an existing Airport Master Plan, as prescribed by 49 USC § 47106(a)(6).
32. **Equipment Acquisition.** The sponsor understands and agrees that any equipment acquired through this grant is considered a facility as that term is used in the Grant Assurances. Further, the equipment must be only operated by the sponsor. The sponsor agrees that it will maintain the equipment and use it exclusively at the airport for airport purposes.
33. **Plans and Specifications Approval Based Upon Certification.** The FAA and the sponsor agree that the FAA's approval of the sponsor's Plans and Specification is based primarily upon the sponsor's certification to carry out the project in accordance with policies, standards, and specifications approved by the FAA. The sponsor understands that:
- a. The sponsor's certification does not relieve the sponsor of the requirement to obtain prior FAA approval for modifications to published FAA airport development grant standards or to notify the FAA of any limitations to competition within the project;
 - b. The FAA's acceptance of a sponsor's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements; and
 - c. If the FAA determines that the sponsor has not complied with their certification statements, the FAA will review the associated project costs to determine whether such costs are allowable under this grant and associated grants.
34. **Buy American Executive Orders.** The sponsor agrees to abide by applicable Executive Orders in effect at the time this Grant Agreement is executed, including Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers.
35. **Usable Unit of Development.** The FAA and the sponsor agree this grant only funds a portion of the overall project. The FAA makes no commitment of funding beyond what is provided herein. In accepting this award, the sponsor understands and agrees that the work described in this Grant Agreement must be incorporated into a safe, useful, and usable unit of development completed within a reasonable timeframe [49 USC § 47106(a)(4)]. This safe, useful, usable unit of development must be completed regardless of whether the sponsor receives any additional federal funding.

The sponsor's acceptance of this offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the sponsor, as hereinafter provided, and this offer and acceptance shall comprise a Grant Agreement, constituting the contractual obligations and rights of the United States and the sponsor with respect to the accomplishment of the project and compliance with the Grant Assurances, terms, and conditions as provided herein. Such Grant Agreement shall become effective upon the sponsor's acceptance of this offer.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.¹

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**


Tracy M. Stoner (08/10/2026 10:25:35 MDT)
(Signature)

Tracy M. Stoner

(Typed Name)

Assistant Manager (A)

(Title of FAA Official)

¹ Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

Part II - Acceptance

The sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing offer, and does hereby accept this offer and by such acceptance agrees to comply with all of the Grant Assurances, terms, and conditions in this offer and in the Project Application.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.²

Dated _____

City of Miles City

(Name of Sponsor)

(Signature of Sponsor's Authorized Official)

By: _____

(Typed Name of Sponsor's Authorized Official)

Title: _____

(Title of Sponsor's Authorized Official)

² Knowingly and willfully providing false information to the Federal Government is a violation of 18 USC § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Montana. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative, who has been duly authorized to execute this Grant Agreement, which is in all respects due and proper and in accordance with the laws of the said State; and Title 49, United States Code (USC), Chapters 471 and 475; 49 USC §§ 40101 et seq., and 48103; Consolidated Appropriations Act, 2024 (P.L. 118-42); Consolidated Appropriations Act, 2025 (P.L. 119-4); Consolidated Appropriations Act, 2026 (P.L. 119-75); FAA Reauthorization Act of 2024 (P.L. 118-63); and the representations contained in the Project Application. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Please read the following information: By signing this document, you are agreeing that you have reviewed the following consumer disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

I declare under penalty of perjury that the foregoing is true and correct.³

Dated at _____

By: _____

(Signature of Sponsor's Attorney)

³ Knowingly and willfully providing false information to the Federal Government is a violation of 18 USC § 1001 (False Statements) and could subject you to fines, imprisonment, or both.

ASSURANCES

AIRPORT SPONSORS

A. General.

1. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, USC, subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
3. Upon acceptance of this Grant Offer by the sponsor, these assurances are incorporated in and become part of this Grant Agreement.

B. Duration and Applicability.

1. Airport Development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.

The terms, conditions and assurances of this Grant Agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a Grant Offer of federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

2. Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.

The preceding paragraph (1) also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of federal aid for the project.

3. Airport Planning Undertaken by a Sponsor.

Unless otherwise specified in this Grant Agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 23, 25, 30, 32, 33, 34, 37, and 40 in Section C apply to planning projects. The terms, conditions, and assurances of this Grant Agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements

It will comply with all applicable federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of federal funds for this grant. Performance under this agreement shall be governed by and in compliance with the following requirements, as applicable, to the type of organization of the Sponsor and any applicable sub-recipients. The applicable provisions to this agreement include, but are not limited to, the following:

FEDERAL LEGISLATION

- a. 49 USC subtitle VII, as amended.
- b. Davis-Bacon Act, as amended — 40 USC §§ 3141-3144, 3146, and 3147, et seq.¹
- c. Federal Fair Labor Standards Act — 29 USC § 201, et seq.
- d. Hatch Act — 5 USC § 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC § 4601, et seq.^{1, 2}
- f. National Historic Preservation Act of 1966 — Section 106 — 54 USC § 306108.¹
- g. Archeological and Historic Preservation Act of 1974 — 54 USC § 312501, et seq.¹
- h. Native Americans Grave Repatriation Act — 25 USC § 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended — 42 USC § 7401, et seq.
- j. Coastal Zone Management Act, P.L. 92-583, as amended — 16 USC § 1451, et seq.
- k. Flood Disaster Protection Act of 1973 — Section 102(a) - 42 USC § 4012a.¹
- l. 49 USC § 303, (formerly known as Section 4(f)).
- m. Rehabilitation Act of 1973 — 29 USC § 794.
- n. Title VI of the Civil Rights Act of 1964 (42 USC § 2000d et seq.) (prohibits discrimination on the basis of race, color, national origin).
- o. Americans with Disabilities Act of 1990, as amended, (42 USC § 12101 et seq.) (prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 — 42 USC § 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968, as amended — 42 USC § 4151, et seq.¹
- s. Powerplant and Industrial Fuel Use Act of 1978 — Section 403 — 42 USC § 8373.¹
- t. Contract Work Hours and Safety Standards Act — 40 USC § 3701, et seq.¹
- u. Copeland Anti-kickback Act — 18 USC § 874.¹

- v. National Environmental Policy Act of 1969 – 42 USC § 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 USC § 1271, et seq.
- x. Single Audit Act of 1984 – 31 USC § 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 – 41 USC §§ 8101 through 8105.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (P.L. 109-282, as amended by section 6202 of P.L. 110-252).
- aa. Civil Rights Restoration Act of 1987, P.L. 100-259.
- bb. Infrastructure Investment and Jobs Act, P.L. 117-58, Title VIII.
- cc. Build America, Buy America Act, P.L. 117-58, Title IX.
- dd. Endangered Species Act – 16 USC 1531, et seq.
- ee. Title IX of the Education Amendments of 1972, as amended – 20 USC 1681–1683 and 1685–1687.
- ff. Drug Abuse Office and Treatment Act of 1972, as amended – 21 USC 1101, et seq.
- gg. Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, as amended – 42 USC § 4541, et seq.
- hh. Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, as amended – 42 USC § 4541, et seq.
- ii. Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions – 31 USC § 1352.

EXECUTIVE ORDERS

- a. Executive Order 11990 – Protection of Wetlands
- b. Executive Order 11988 – Floodplain Management
- c. Executive Order 12372 – Intergovernmental Review of Federal Programs
- d. Executive Order 12699 – Seismic Safety of Federal and Federally Assisted New Building Construction¹
- e. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America's Workers
- f. Executive Order 14149 – Restoring Freedom of Speech and Ending Federal Censorship
- g. Executive Order 14151 – Ending Radical and Wasteful Government DEI Programs and Preferencing
- h. Executive Order 14154 – Unleashing American Energy
- i. Executive Order 14168 – Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government
- j. Executive Order 14173 – Ending Illegal Discrimination and Restoring Merit-Based Opportunity

FEDERAL REGULATIONS

- a. 2 CFR Part 180 – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200 and 1201 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.^{3, 4, 5}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures.
- e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport Noise Compatibility Planning.
- g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.¹
- j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.¹
- k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).¹
- m. 49 CFR Part 20 – New Restrictions on Lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 – Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.^{1, 2}
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance.¹
- s. 49 CFR Part 28 – Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation.
- t. 49 CFR Part 30 – Denial of Public Works Contracts to Suppliers of Goods and Services of Countries That Deny Procurement Market Access to U.S. Contractors.
- u. 49 CFR Part 32 – Governmentwide Requirements for Drug-Free Workplace (Financial Assistance).

- v. 49 CFR Part 37 – Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- x. 49 CFR Part 41 – Seismic Safety.

FOOTNOTES TO ASSURANCE (C)(1)

- ¹ These laws do not apply to airport planning sponsors.
- ² These laws do not apply to private sponsors.
- ³ 2 CFR Part 200 contains requirements for state and local governments receiving federal assistance. Any requirement levied upon state and local governments by this regulation shall apply where applicable to private sponsors receiving federal assistance under Title 49, United States Code.
- ⁴ Cost principles established in 2 CFR Part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁵ Audit requirements established in 2 CFR Part 200 subpart F are the guidelines for audits.

SPECIFIC ASSURANCES

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this Grant Agreement.

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

b. Private Sponsor:

It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this Grant Agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

3. Sponsor Fund Availability.

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this Grant Agreement which it will own or control.

4. Good Title.

- a. It, a public agency or the Federal Government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.

- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this Grant Agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. Subject to 49 USC § 47107(a)(16) and (x), it will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which federal funds have been expended, for the duration of the terms, conditions, and assurances in this Grant Agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this Grant Agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this Grant Agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors

of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

6. Consistency with Local Plans.

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the state in which the project is located to plan for the development of the area surrounding the airport.

7. Consideration of Local Interest.

It has given fair consideration to the interest of communities in or near where the project may be located.

8. Consultation with Users.

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

9. Public Hearings.

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

10. Metropolitan Planning Organization.

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

11. Pavement Preventive Maintenance-Management.

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

12. Terminal Development Prerequisites.

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under 49 USC § 44706, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Record Keeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates.

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this Grant Agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor under 40 USC §§ 3141-3144, 3146, and 3147, Public Building, Property, and Works), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veteran's Preference.

It shall include in all contracts for work on any project funded under this Grant Agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in 49 USC § 47112. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications.

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this Grant Agreement, and, upon approval of the Secretary, shall be incorporated into this Grant Agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this Grant Agreement.

17. Construction Inspection and Approval.

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in

accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects.

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a federal airport grant.

19. Operation and Maintenance.

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state, and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for:
 1. Operating the airport's aeronautical facilities whenever required;
 2. Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
 3. Promptly notifying pilots of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood, or other climatic conditions

interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which federal funds have been expended.

20. Hazard Removal and Mitigation.

It will take appropriate action to ensure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

21. Compatible Land Use.

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which federal funds have been expended.

22. Economic Nondiscrimination.

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to:
 - 1. Furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
 - 2. Charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
- c. Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers

which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.

- f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
- g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- h. The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- i. The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

23. Exclusive Rights.

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

24. Fee and Rental Structure.

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the federal share of an airport development, airport planning or noise compatibility project for

which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

25. Airport Revenues.

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
 1. If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
 2. If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
 3. Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at 49 USC § 47102), if the FAA determines the airport sponsor meets the requirements set forth in Section 813 of Public Law 112-95.
- b. As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of 49 USC § 47107.

26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the

public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;

- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this Grant Agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
 - 1. all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
 - 2. all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that:

- a. Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied by gross weights of such aircraft) is in excess of five million pounds.

28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein as the Secretary considers necessary or desirable for construction, operation, and maintenance at federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

29. Airport Layout Plan.

- a. The airport owner or operator will maintain a current airport layout plan of the airport showing:
 1. boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
 2. the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
 3. the location of all existing and proposed non-aviation areas and of all existing improvements thereon; and
 4. all proposed and existing access points used to taxi aircraft across the airport's property boundary.
- b. Subject to subsection 49 USC § 47107(x), the Secretary will review and approve or disapprove the plan and any revision or modification of the plan before the plan, revision, or modification takes effect.
- c. The owner or operator will not make or allow any alteration in the airport or any of its facilities unless the alteration—
 1. is outside the scope of the Secretary's review and approval authority as set forth in subsection (x); or
 2. complies with the portions of the plan approved by the Secretary.
- d. When the airport owner or operator makes a change or alteration in the airport or the facilities which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary:
 1. eliminate such adverse effect in a manner approved by the Secretary; or
 2. bear all costs of relocating such property or its replacement to a site acceptable to the Secretary and of restoring the property or its replacement to the level of safety, utility, efficiency, and cost of operation that existed before the alteration was made, except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, color, and national origin (including limited English proficiency) in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d to 2000d-4); creed and sex per 49 USC § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility, and program as found and defined in 49 CFR §§ 21.23(b) and 21.23(e), the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by or pursuant to these assurances.

- b. Applicability

1. Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the sponsor's programs and activities.
2. Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter, or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
3. Real Property. Where the sponsor receives a grant or other federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

- c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which federal financial assistance is extended to the program, except where the federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

1. So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
2. So long as the sponsor retains ownership or possession of the property.

- d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this Grant Agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The (**City of Miles City**), in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (42 USC §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, all businesses will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex , age, or disability in consideration for an award."

- e. Required Contract Provisions.

1. It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in federally-assisted programs of the Department of Transportation (DOT), and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in federally-assisted programs of the DOT acts and regulations.
2. It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.

3. It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
4. It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin (including limited English proficiency), creed, sex, age, or disability as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
 - a. For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:
 1. Reinvestment in an approved noise compatibility project;
 2. Reinvestment in an approved project that is eligible for grant funding under 49 USC § 47117(e);
 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 USC §§ 47114, 47115, or 47117;
 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.

If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.

- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United

States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order:

1. Reinvestment in an approved noise compatibility project;
 2. Reinvestment in an approved project that is eligible for grant funding under 49 USC § 47117(e);
 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 USC §§ 47114, 47115, or 47117;
 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 5. Payment to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or federal agency making such grant before December 31, 1987, was notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.
- d. Disposition of such land under (a), (b), or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

32. Engineering and Design Services.

If any phase of such project has received federal funds under Chapter 471 subchapter 1 of Title 49 USC, it will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U.S.C., or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

33. Foreign Market Restrictions.

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

34. Policies, Standards, and Specifications.

It will carry out any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars (https://www.faa.gov/airports/aip/aip_pfc_checklist) for AIP projects as of December 09, 2025.

35. Relocation and Real Property Acquisition.

- a. It will be guided in acquiring real property, to the greatest extent practicable under state law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C of 49 CFR Part 24 and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

36. Access By Intercity Buses.

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

37. Disadvantaged Business Enterprises (DBE)/Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program.

The sponsor shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (ACDBE) programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC § 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC §§ 3801-3809, 3812).

38. Hangar Construction.

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

39. Competitive Access.

- a. If the airport owner or operator of a medium or large hub airport (as defined in 49 USC § 47102) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that:
 1. Describes the requests;

2. Provides an explanation as to why the requests could not be accommodated; and
 3. Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.

40. Access to Leaded Aviation Gasoline

- a. If 100-octane low lead aviation gasoline (100LL) was made available at an airport, at any time during calendar year 2022, an airport owner or operator may not restrict or prohibit the sale of, or self-fueling with, 100-octane low lead aviation gasoline.
- b. This requirement remains until the earlier of December 31, 2030, or the date on which the airport or any retail fuel seller at the airport makes available an unleaded aviation gasoline that has been authorized for use by the FAA as a replacement for 100-octane low lead aviation gasoline for use in nearly all piston-engine aircraft and engine models; and meets either an industry consensus standard or other standard that facilitates the safe use, production, and distribution of such unleaded aviation gasoline, as determined appropriate by the FAA.
- c. An airport owner or operator understands and agrees, that any violation of this grant assurance is subject to civil penalties as provided for in 49 USC § 46301(a)(8).

RESOLUTION NO. 4714

A RESOLUTION AUTHORIZING THE CITY OF MILES CITY TO ENTER INTO A MONTANA DEPARTMENT OF TRANSPORTATION FEDERAL AVIATION ADMINISTRATION CONTRACT FOR AIRPORT INFRASTRUCTURE GRANT #3-30-0055-028-2026 AND AIRPORT IMPROVEMENT PROGRAM GRANT #3-30-0055-027-2026 RELATING TO THE PURCHASE OF SNOW REMOVAL EQUIPMENT.

WHEREAS, the City of Miles City has been awarded two Montana Department of Transportation Federal Aviation Administration grants in the amounts of \$282,150 and \$102,000 to be used for the purchase of snow removal equipment;

AND WHEREAS, the terms of said grant awards are set forth in Montana Department of Transportation Aviation Administration Contract #3-30-0055-028-2026 and #3-30-0055-027-2026;

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

1. The “Montana Department of Transportation Aviation Administration Contracts “#3-30-0055-028-2026 and #3-30-0055-027-2026,” attached hereto as Exhibit “A” and “B”, and made a part hereof, are hereby approved and adopted by this Council.
2. The Mayor of the City of Miles City is hereby empowered and authorized to execute said Agreements on behalf of the City of Miles City and bind the City of Miles City thereto; and
3. The Mayor of the City of Miles City is hereby empowered and authorized to execute such further documents as are necessary to carry out the terms of said Agreements and bind the City of Miles City thereto.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, AT A DULY CALLED MEETING THIS 25TH DAY OF AUGUST, 2026.

Chris A. Grenz, Mayor

ATTEST:

Mary Rowe, City Clerk