



# COUNCIL AGENDA

March 7, 2022 - 6 PM

The City Council will hold the meeting at the Community Center, 416 Cottonwood Avenue to allow social distancing protocols as part of the City of Deer Lodge's Coronavirus (COVID-19) transmission mitigation efforts.

1. **Call Meeting to Order | Pledge of Allegiance**
2. **Public Comment** – Members of the audience may comment on any non-agenda items. State Statute limits the City Council from discussing any introduced items. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.
3. **Public Hearing**
  - a. None
4. **Approval of Minutes**
  - a. Regular Meeting: February 22, 2022
5. **Committee Reports** (report in the packet) – Approve as presented
  - a. City Council Operations – Rob Kersch
  - b. Economic Growth & Development – John Henderson
  - c. Finance Committee – Dick Bauman
  - d. ~~Parks & Recreation~~ – Feb Mtg Cancelled
  - e. Public Health & Safety – John Skibsrud
  - f. Public Works – Jackie Greenwood
6. **Board Reports**
  - a. Airport Board – John Skibsrud
  - b. Powell County Parks Board – Vacant
  - c. Chamber of Commerce – John Henderson
  - d. Headwaters RC&D – Dick Bauman
  - e. Historic Preservation – Curt Fjelstad
  - f. Landfill – Rob Kersch
  - g. LEPC – Dick Bauman
  - h. Library – John Molendyke
  - i. Planning Board – Dick Bauman
  - j. Youth Board – Jackie Greenwood
7. **Continued Business** (Continued or Tabled)
  - a. None
8. **New Business** - The Council will act on each item after accepting public comments.
  - a. Treasurer's Report | February Claims - Judi Whitney. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.
  - b. Tour Facilities Signup Sheet - Jordan
  - c. Art Club Grant – Jordan
  - d. Council Etiquette – Mayor Jess

**9. Schedule of Committee Meetings** – Tentative until confirmed by Committee Chairs.

- Economic Growth & Dev – March 2<sup>nd</sup> at 4 PM
- Finance – March 7<sup>th</sup> at 3PM
- Parks and Recreation – March 8<sup>th</sup> at 4 PM
- Public Health & Safety – March 10<sup>th</sup> at 5 PM
- City Council Operations – March 14<sup>th</sup> at 5 PM
- Council #2 – March 21<sup>st</sup> at 6 PM
- Planning Board – March 21<sup>st</sup> at 10AM (if needed)
- Public Works – March 29<sup>th</sup> at 5 PM

**10. Mayor and Council Concerns:** (ONLY Concerns that are not on Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. NO action can be taken at this time. If action is necessary, the item is put on the next meeting agenda.

**11. Next Meeting Announcement(s)**

- a. Monday, March 21, 2022, at 6 PM.

**12. Adjournment**

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**Deer Lodge City Council meets in the PC Community Center  
416 Cottonwood Ave, Deer Lodge, MT 59722  
For Further Information Contact: Cyndi Thompson, City Clerk  
cthompson@cityofdeerlodgemt.gov | 406.846.2238**

# CITY COUNCIL

## MINUTES

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The City Council met on February 22, 2022, at 6 PM | PC Community Center

<b>Members Present:</b>	Rob Kersch, Dick Bauman, John Henderson, John Molendyke, John Skibsrud, Curt Fjelstad, Jackie Greenwood
<b>Members Absent:</b>	1 Vacant
<b>Mayor:</b>	James Jess
<b>CAO:</b>	Jordan Green
<b>Staff:</b>	Police Chief Smith, Trent Freeman, Suzan Callahan, Cyndi Thompson & Peter Elverum
<b>Consultants</b>	None
<b>Guests:</b>	See sign in sheet

**1. Call Meeting to Order | Pledge of Allegiance.**

Mayor Jess called the meeting to order at 6 PM. All present recited the Pledge of Allegiance.

**2. Public Comment** - Members of the audience may comment on any non-agenda. State Statute prohibits the City Council from discussing any introduced item. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.

- a. John Greenwood stated Jackie Greenwood experienced an email fishing scam for seven \$100 gift cards thinking she was communicating with the Council President. Jackie made a police report following the incident. John is asking City Council if they could consider reimbursing Jackie the \$700.
- b. Blind intersection off Milwaukee Ave and Stark St due to a large pine tree. Suggestions were a fisheye mirror to see oncoming traffic. Code Enforcement Callahan stated she will investigate the intersection.

**3. Approval of Minutes**

a. Regular Meeting: February 7, 2022.

Member Kersch motioned to approve minutes as presented. Member Greenwood seconded the motion. 7 Ayes, 0 Nos, 1 Vacant. Motion passed.

**4. Public Hearing.**

a. None

**5. Department Reports:** Composed Reports are in the packets.

- a. CAO Report – Report was accepted as presented.
- b. Public Works – Report was accepted as presented.
- c. Police - Report was accepted as presented.
- d. Code Enforcement - Report was accepted as presented.
- e. Fire Department– Report was accepted as presented.

**6. Mayor & Council Concerns:** (ONLY Concerns that are not on Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. NO action can be taken at this time. If action is necessary, the item is put on the next meeting agenda.

- a. Member Fjelstad asked about the new bridge built by the old prison, this is a bridge that goes to nowhere. Is there a chance to get approval from the railroad to let us put a crossing in there as Milwaukee is the only active crossing from east to west side of town? Trent Freeman stated there were a couple of different people that have tried to put a crossing there and was told that the railway is in the business of creating railways and not in the business of creating crossways.
- b. Member Greenwood asked about video streaming council meetings. Jordan will need to look at a company to host the videos and possibly equipment purchases if this is something the council wants. Peter replied that if this is something the Council wants it will need to be looked at to make sure that it would be done properly and follow the legalities of doing so (record retention, public comments legalities, etc.). It would need to be only video streaming so public comments could not be made through video streaming.
- c. Member Kersch suggested if the council wishes to move under Public Comments, item 2(a) as an agenda item to discuss further. It was suggested to bring this item to Finance and then Council Ops for further discussion.

**7. Continued Business** - The Council will act on each item after accepting public comments.

- a. None

**8. New Business** (Old Business or Items Tabled)

- a. Approve appointment to Deer Lodge Valley Conservation District: Jeff McQueary – Mayor Jess

Member Skibsrud motioned to approve appointment of Jeff McQueary to Deer Lodge Valley Conservation District. Member Kersch seconded the motion. 7 Ayes, 0 Nos. Motion passed.

- b. Approve appointment to Historic Preservation Commission: Kirby Matthew – Mayor Jess

Member Kersch motioned to approve appointment of Kirby Matthews to Historic Preservation Committee. Member Skibsrud seconded the motion. 7 Ayes, 0 Nos. Motion passed.

- c. Approve appointment to Historic Preservation Commission: Amanda Cooley – Mayor Jess

Member Skibsrud motioned to approve appointment of Amanda Cooley to Historic Preservation Committee. Member Kersch seconded the motion. 7 Ayes, 0 Nos. Motion passed.

- d. Marijuana Regulation Discussion – Jordan



Put regulations into place following the Ordinance 2022-1 that was passed January 3, 2022. Discussion legal method of putting this on the ballot. The legal opinions that I received or have read from Billings, Anaconda in West Yellowstone, I looked at a has said a petition is not required to put this on a ballot and can be a resolution at the City Council. A draft Resolution will be prepared and presented to City Councils next meeting. The idea is to put that on the November ballot, it gives us more than enough time with our interim zoning ordinance in effect to have that be put to a vote for each one of the business types in town. The county is planning on holding a public hearing, early to mid-March, looking at the benefits and negatives to potentially allocate the money for the 3% Extra excise tax that the county is able to put on to marijuana sales. They'll be gathering comments about where that should be allocated at the county level, like that 50% of that 3% tax would go to the county 5% would go to the Department of Revenue and 45% will go to the local municipalities within the county, Deer Lodge being the only municipality in the county we would receive that 45%. I'll be attending their public hearing to see what they have to say about that tax. And I can bring my findings back from there. But we will be bringing a resolution before you all before too long to place on the November ballot. No motion, discussion only.

e. Montana Historical Preservation Grant Application: Introduction – Jordan

Based on what was applied for two years ago when the Montana Historic Preservation grants, which are referred to as MHPG, opened for the first time in 2020. The city did apply to that grant through the Economic Development Council Committee and the Historic Preservation Commission for renovations to the exterior of City Hall, exterior stabilization that is required, as well as applying for a grant to get a preliminary architectural report done by an architect that would determine how changes and renovations could be made on the interior of the building. Unfortunately, that grant did not pass at the time. Since this application, which is available, or this grant, which is available after two years is back up for accepting applications, we decided to resubmit the application that was recommended by the Economic Growth and Development Committee at the time. For those specific purposes, the major changes to this document are the match amount. But also, some minor changes to the language just to make it up to date. The requirement for match is a 20% match. We would put up 20%. And the I think it's the Department of Commerce would match us with that other 80% The estimates for the amounts, which you can find, about halfway through your packet there. Under the project budget and your last city hall renovations page, those were estimates that were provided two years ago by Mosaic Architecture, an additional 15% cost is added on to account for inflation, increased costs, supplies and services, as well as some increases to the considered contingency and professional fees at the request and the advice of our engineers on hire. This grant would be \$72,000 City match which I am requesting, of course to be obligated over the course of two years. The fiscal year 2023 and fiscal year 2024 \$36,000. Each year, this application would have to be reviewed in the next legislative cycle. We would be funding it through our match requirements through the city budget in those fiscal years, not this fiscal year, not next fiscal year. There are a couple other things that are required, you know, should we get approval of the match today? My first request is to have a letter that you see in your packet, which would be the letter that could potentially be signed by the Mayor should the City Council vote to obligate that match fiscal year 2023 and 2024, which would be included in that grant application packet to be approved to be submitted. The grant itself would predominantly right now be used to fund improvements to the exterior of the building. Things like columns that are peeling and flaking, we have significant issues with some of the concrete on the column starting to fall away, as well as the clock tower is a little bit destabilized and would benefit from stabilization at this time before the problem gets any worse, as well as repairs to the Windows. Getting those windows replaced would help energy

costs in the building go way down. This first stage of the project is to address those major concerns that could potentially be even more expensive later, should we just continue to wait on them. And then also to get that architectural report in place for whatever the city can achieve funding for renovations to the interior of the building that could make it easier for public use, make it easier for departmental use, open that top floor for more used by the public due to ADA access. This is a terrific opportunity to substantial amount of funding for those projects that are going to make City Hall usable for the next several decades.

My request is that City Council would authorize me to authorize the match funding, which is the fiscal year 2023 and fiscal year 2024 of \$36,000 per year.

f. Montana Historical Preservation Grant Application: Request FY2023 and FY2024 Match – Jordan

Member Kersch motioned to approve the MT Historical Preservation Grant Application and the request of \$36,000 for FY2023 and FY2024. Council President Bauman seconded the motion. 7 Ayes, 0 Nos, 1 Vacant. Motion passed. This motion covers items 8(e) and 8(f).

g. Montana Historical Preservation Grant Application: Designate Environmental Certifying Officer – Jordan

Member Kersch motioned to approve Mayor James Jess as the Environmental Certifying Officer. Member Greenwood seconded the motion. 7 Ayes, 0 Nos, 1 Vacant. Motion passed.

h. Montana Historical Preservation Grant Application: Environmental Review and Public Comment – Jordan

Environmental review process which is required as part of the grant application. Any projects that have to go through this MHPG. process, there is a requirement for an EPA review, which is Montana Economic Protection Agency, I believe but requires that it be required by state law, there be a complete environmental assessment of the project itself. We need to get public involvement on the proposed bond project which to solicit public comments regarding potential for causing a significant effect to the quality of human environments, potential public controversy over publics over projects, possible effects on the quality of the human environment, and potential to affect sensitive environmental cultural resource areas or endangered or threatened species and their critical habitats. If the public gives a substantial enough comment, that will make us question, the staff implication that this is exempt from environmental review, then we would have to go back and look at doing one of those full environmental assessment Since most projects that go through the MHPG program don't require any environmental assessment. This is just basically a formality at this point, to see if there's any public comment that could potentially generate any controversy regarding this application itself, both on the human environment due to impacts on the human environment or the natural environments. The first thing that we would need to do is certify the environment, the environmental certifying officer, which would be James Jess, the mayor, who is, you know, typically the environmental certifying officer in most cities. And then we will go through, look at the environmental review checklist and summary. And then open it up for any public comments. This was noticed on a notice board on our website, following the grant application guidelines. If there's any public comment, we will take those. If there's a substantial public comment, then we'll have to relook at this application.

Public Comments Hearing opened: 7:04PM – No public comments

Public Comments Hearing closed: 7:05PM

Since there was no public comment forward with voting on that Resolution 2022-R-8 which formally classifies the project as exempt from environmental review.

- i. Resolution 2022-R-8: Certify MHPG proposed project as Exempt – Jordan

Member Skibsrud title Resolution 2022-R-8.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE ACCEPTING THE DETERMINATION THAT *EXEMPT* IS APPROPRIATE FOR THE CITY OF DEER LODGE APPLICATION FOR THE 2022 MONTANA HISTORIC PRESERVATION GRANT PROGRAM ENVIRONMENTAL REVIEW PROCESS**

Council President Bauman motioned to approve Resolution 2022-R-8 as presented. Member Fjelstad seconded the motion. 7 Ayes, 0 Nos, 1 Vacant. Motion passed.

- j. Approval of Successful Deer Lodge Community Profile – Jordan

This was the document concerning housing challenges and opportunities as well as downtown revitalization that was prepared with a grant that was funded by headwaters RC&D. The application where the document Future West created it. This was a big project of the economic growth and development committee, the last economic development committee that is, and this has since been reviewed by that committee, and the planning board. The Department of Commerce, which is the one that gave the grant to Headwaters to get this document created, is requesting close out of that application or of that grant. And the final step is that they need is approval by the City Council that we accept this document.

Council President Bauman motioned to approve the Successful Deer Lodge Community Profile as presented. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Vacant. Motion passed.

- k. Interview and Potential Appointment to Vacant Ward 1 Council Seat: Joe Callahan – Mayor Jess  
Member Skibsrud motioned to approve the appointment of Joe Callahan to Ward 1 Council Seat.  
Member Greenwood seconded the motion. 7 Ayes, 0 Nos. Motion passed.

## 9. Next Meeting Announcements

- a. March 7, 2022, at 6PM.

## 10. Adjournment

Mayor Jess adjourned the meeting at 7:21PM.

Prepared By: Cyndi Thompson, City Clerk

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James Jess, Mayor

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Date



## **COUNCIL COMMITTEE REPORT**

**FEBRUARY 2022**

### **Council Ops – Rob Kersch (Chairperson)**

February 14<sup>th</sup> - Rob Kersch elected committee chair. Reviewed/Approved committee bylaws. Discussed completion of conflict of interest forms new/existing member checklists, scheduling City facility tours. Reviewed City Form of Government document and discussed how this document is created along with a discussion of how a charter might alter this.

### **Finance – Dick Bauman (Chairperson)**

February 7<sup>th</sup> - Two members via zoom and one present. Bylaws were reviewed and approved for years 2022 and 2023. City Treasurer candidate Stanley Glovan was introduced by CAO Jordan Green. It was moved and seconded, all-in favor to recommend Mr. Glovan to the council as our new City Treasurer.

Rural Fire Department contract was reviewed with changes made from prior contract. This contract was approved by the Finance Committee and will now go to the Rural Fire Department for approval. Then to City Council for final acceptance and approval.

We reviewed, approved, and signed January claims.

### **Economic Growth & Development – John Henderson (Chairperson)**

February 2<sup>nd</sup> - Voted a new chairperson, approved Bylaws, and changed meeting times to 4pm. Received a brief summary of past projects. Discussed committee goals.

### **Parks & Recreation - TBD (Chairperson)**

NO FEBRUARY MEETING

### **Public Health & Safety – John Skibsrud (Chairperson)**

February 10<sup>th</sup> - The Health and Safety committee elected John Skibsrud as committee chair and police chief Smith stated that the new police vehicle will not be in service until sometime in March.

### **Public Works – Jackie Greenwood (Chairperson)**

February 23<sup>rd</sup> – Committee met elected committee chairperson. Reviewed/Approved committee bylaws. Discussed Street Maintenance District. Discussed prior projects and received updates from Jordan. Discussed committee goals for 2022. Trent provided Public Works update.



# City Council - March 7, 2022

## Financial Summary

February 2022

Atypical Revenues	Purpose	Fund	Amount
Nothing to report			
Completed Projects	Grant Funded	City Funded	Final Cost
Nothing to report			
Atypical Claims	Purpose	Fund	Amount
Asia Motors	Code enforcement vehicle	2992 - ARPA	\$18,485.00
K12 Montana Inc.	Security cameras install	2992 -ARPA	\$17,108.59
Play by Design	Equipment replacement - JC Park	1000	\$5,382.65

Payables			
		Claims	\$191,511.03
		Payroll	\$143,328.06
		<b>Total</b>	<b>\$334,839.09</b>

**A motion to approve payment of the claims is requested.**

City of Deer Lodge  
 Claims by Vendor  
 February 2022

Vendor	Amount
AMAZON	189.79
ASIA MOTORS, INC.	18,485.00
CENTER POINT LARGE PRINT	47.94
CENTURY LINK	85.10
CHARTER COMMUNICATIONS	107.82
CHARTER COMMUNICATIONS	549.89
COWAN, BRUD	120.00
CULLIGAN OF BOZEMAN - BUTTE	12.00
DAN GREEN	507.20
Darley	665.00
DAVID G. RAY	100.00
DEE MOTOR CO.	1,165.30
DEER LODGE ASPHALT, INC.	8,598.30
ENERGY LABORATORIES, INC.	1,608.50
FICKLER OIL CO.	495.31
GIRKY, ELISSA	144.00
GLASCO UV, LLC	4,641.71
HACH COMPANY	957.78
HAMILTON, KENNETH	90.00
Herrick, Keegan	100.00
HERRICK, SEAN	250.00
HYDROMETRICS, INC.	1,693.78
Johnson & Associates, Inc.	85.00
K12 MONTANA, INC.	17,108.59
KOHR'S MEMORIAL LIBRARY - PETTY CASH	197.88
LEE'S OFFICE CITY, INC.	567.31
LICKETY PRINT	121.90
MONTANA BROOM & BRUSH COMPANY	797.71
Montana Department of Corrections	437.50
Montana Dept. of Environmental Quality	4,000.00
Montana Rural Water Systems	275.00
Montana State Volunteer Firefighter's As	55.00
MOUNT POWELL TIRE CENTER, INC.	2,344.20
MOUNTAIN WEST DYNAMARK	204.00
Municipal Emergency Services, Inc.	2,538.00
NAPA AUTO PARTS	2,243.69
NORTHWESTERN ENERGY	21,021.02

OFFICE SOLUTIONS, INC.	1,029.07
PAUL CHAPMAN	50.00
PIONEER CONCRETE & FUEL	4,359.75
PITNEY BOWES GLOBAL FINANCIAL SERVICES	165.60
PITNEY BOWES, INC.	657.47
Play By Design	5,382.65
POWELL COUNTY CLERK	27,686.49
POWELL COUNTY PLANNING OFFICE	24.00
RENNFIELD METALS	497.05
RIVISTAS SUBSCRIPTION SERVICES	300.29
ROCKY MOUNTAIN PRINT SOLUTIONS, INC.	477.80
ROME ENTERPRISES 027545	681.09
SILVER STATE POST	340.00
STAHLY ENGINEERING & ASSOCIATES, INC.	7,809.80
STINE ELECTRONICS	495.00
THATCHER COMPANY	8,264.71
THOMPSON, GARY	185.57
U.S. BANK COMMUNITY CARD	1,195.86
UNIVISION, INC.	854.60
UPS	180.00
USDA RD LOAN #92-01	15,765.00
USDA RD LOAN #92-02	4,075.00
USDA RD LOAN #92-04	11,886.00
UTILITIES UNDERGROUND LOCATION CENTER	10.99
VERIZON WIRELESS SERVICES, LLC	500.18
WEX BANK	6,025.84
<b>Total</b>	<b>191,511.03</b>

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**Deer Lodge Art Club**

925 Main Street  
Deer Lodge, Montana 59722  
(406)360-7002  
desera.towle@gmail.com

February 7, 2022

**City of Deer Lodge**

Mayor and City Council Members  
300 Main Street  
Deer Lodge, MT 59722

Dear Mayor and City Council:

We come before you this evening on behalf of the Deer Lodge Art Club. Members present are Cathy Wilson, President, Amanda Bohrer, Treasurer and Desera Towle, member. We staff the Pen Gallery each tourist season from June 1st to September 30th. Covid-19 impacted us greatly. The museum gallery was closed in 2020 due to Covid-19. During the 2021 tourist season, while open, we struggled with fewer tourists visiting Pen Gallery.

As the 2022 tourist season approaches we have been evaluating how to improve the business operation of the Deer Lodge Art Club. Let me explain. In addition to staffing the Pen Gallery, our artists operate an additional art gallery behind the Pen Gallery. Thus, the Deer Lodge Art Club was impacted by Covid-19 and the closing of the Pen Gallery.

Recent research reveals that Point of Sale (POS) credit card transactions can increase sales by as much as 12-18%. It is also a known fact that just displaying the visa and mastercard logos increases sales. We have always been a cash only business. Tourists expect to be able to use their cards instead of cash.

Tonight the Deer Lodge Art Club seeks funding for the TERMINAL necessary to install "**Square**" financial POS software. Also a linked cash drawer. We hope to create an internship for a Powell County High School student. This person would set up the equipment and train the members on Square. The amount we seek is \$1,000. Hopefully this amount can be funded by American Rescue Plan dollars. We appreciate your consideration of this request.

Sincerely,

Cathy Wilson, President