
CITY OF DEER LODGE

COUNCIL AGENDA

July 18, 2022, | 6:00 PM | PC Community Center

1. Call Meeting to Order | Pledge of Allegiance

2. Public Comment: Members of the audience may comment on any non-agenda item. 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.

3. Approval of Minutes

a. Regular Meeting: July 5, 2022

4. Public Hearing:

a. Murphy Alley Abandonment – Jordan

Action Item: Vote on Approval of Alley Abandonment

5. Department Reports:

a. CAO | b. Public Works | c. Police | d. Fire | e. Recreation Program

6. 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.

7. Continued Business Items: The Council will act on each item after accepting public comments.

a. Ordinance 2022-2: 819 2nd St Rezoning 2nd Reading – Jordan

8. New Business Items: The Council will act on each item after accepting public comments.

a. Black Mountain Software Cloud Transition Approval – Jordan

b. Resolution 2022-R-14: BARSAA Gas Tax Special Request – Trent

c. Treasurer CBA Letter of Agreement – Jordan

d. County Resolution 2022-13 Minimum Allocation Grant Transfer – Jordan

9. Next Meeting Announcement(s)

a. Regular Meeting – August 1, 2022, at 6PM

10. Adjournment

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

The City Council met on July 5, 2022, at 6 PM | PC Community Center

Members Present:	Dick Bauman, Robert Kersch, John Skibsrud, John Henderson, Jackie Greenwood, Joseph Callahan & Curt Fjelstad
Members Absent:	John Molendyke
Mayor:	James Jess
CAO:	Jordan Green
Staff:	Police Chief Smith, Fire Department Rex Anderson, Trent Freeman, Stan Glovan & Cyndi Thompson
Consultants	None
Guests:	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 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.

a. None

3. Public Hearing.

a. Extension for Ordinance 2022-1: Interim Zoning Ordinance for Marijuana Businesses – Jordan
Action Item: Vote on Extension of Ordinance 2022-1.

Passed this Ordinance earlier this year setting zoning requirements for marijuana businesses in the City. This has been placed on the ballot for November. State requirements the Interim Zoning Ordinance is only valid for 6 months and up to an additional 6 months if there is another public hearing in place to receive public comment.

Public Hearing opened at: 6:01PM – No public comments.

Public Hearing closed at: 6:02pm

Member Kersch motioned to approve the Extension for Ordinance 2022-1. Member Henderson seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

- b. 805 West Missouri Ave Major Home Occupation Request – Jordan
Action Item: Vote on Approval of Major Home Occupation Request.

A public hearing for the Conditional Use Permit Application was held for the Planning Board on May 16, 2022. The second public hearing for City Council being held tonight with the Planning Board giving a favorable recommendation to City Council.

Bo and Dene' Havens of 805 West Missouri Avenue submitted a Conditional Use Permit application on March 23rd, 2022. The petitioners are seeking permission to have a Major Home Occupation operate out of a garage at their property to do oil changes, minor vehicle service, and parts salvage.

The City of Deer Lodge Zoning Ordinance requires the issuance of a Conditional Use Permit for all Major Home Occupations in residential districts in addition to a business license.

Based on the information as well as the provided preliminary plan documents, the City Administration recommends favorable recommendation of the CUP application subject to the following considerations:

- *The property remains adherent to the provisions of the City of Deer Lodge Zoning Ordinance requirements for a Major Home Occupation, which are listed at the end of this report.*
- *The applicants make all efforts to restrict noise, dirt, dust, and automotive contaminants from leaving the property boundary and prevent contaminants from affecting soil or groundwater.*
- *The applicants alert the City of Deer Lodge of any changes to the use of the parcel and get the City's written permission that the changes remain adherent to the provisions of the City of Deer Lodge Zoning Ordinance.*
- *All vehicles are contained on the property and are not stored on the City right-of-way.*
- *The applicants design privacy fences that will shield all salvage vehicles and promptly remove vehicles from their property after salvage.*
- *The applicants keep oil drums, salvage parts, automotive equipment, and any other items associated with their business organized and out of site from adjacent properties and the City right-of-way whenever possible.*
- *All potentially toxic materials are properly disposed of meeting state and federal regulations for automobile disposal.*
- *Any project that has the potential to generate light and noise are completed between 8AM and 6PM.*
- *The applicants obtain all necessary building permits from the City's building department and follow the regulations prescribed by the City's building inspector. The applicants will also be responsible for obtaining any variances necessary to allow for the construction of buildings.*
- *Failure to meet any of the above considerations should be considered grounds for immediate revocation of the petitioner's business license and ability to operate the Major Home Occupation.*

Bo and Dene' Havens discussed their business and their business plan of how they will operate and their methods of disposing fluids from vehicles.

Public Hearing opened at: 6:21pm – No public comment

Public Hearing closed at: 6:22pm

Member Kersch motioned to approve 805 West Missouri Ave Major Home Occupation Request. Council President Bauman seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

4. Approval of Minutes.

- a. Regular Meeting: June 6, 2022, and June 21, 2022

Council President Bauman motioned to approve both sets of minutes as amended. Member Greenwood seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

5. Committee Reports, June 2022 – Accepted as presented.

- a. Council Ops – Rob Kersch (Chairperson)
June 15th Reviewing City Staff Policies. Worked on a vehicle operations policy and a staff breaks and lunch break policy.

- b. Economic Growth & Development – John Henderson (Chairperson)
June 1st - New Business – Gary Chilcott is interested in leasing land on city property on Emery Road to be used for Construction company. This created discussion on future expansion on the property. The committee moved to recommend it to council.
Continued Business - Jesse Mullen gave an update on Discover Deer Lodge and shared preliminary results of a survey system which may help future businesses in Deer Lodge. Visions and Mission statements will be held off for the next meeting as Jordan did not have time to work on it.
Committee Comments or Concerns – Dick Bauman talked about how beneficial the conference him and Jordan attended. John Henderson asked about welcome to Deer Lodge signs, a flag that Mr. Bauman is working on and asked Jordan about creating a presentation on a Main Street improvement district. Next meeting is scheduled for July 6th at 4:00 PM.
- c. Finance – Dick Bauman (Chairperson)
June 6th Discussed 2018 Resolution 1339 and Street Maintenance. Recommendation to accept 2022 bid for Street Maintenance and forward to Council for approval. Started with the Budget Review. Reviewed and signed May claims. Committee comments: Main Street will be chip sealed and stripped FY-24 by MDT.
- d. ARPA Steering Committee – Dick Bauman (Chairperson)
June 15th – Jordan provided a status update and discussed the review of applications. Next meeting Tuesday, August 2nd at 4:30pm.
- e. Public Health & Safety – John Skibsrud (Chairperson)
June 9th – At our last health and safety committee meeting we received department reports. Police officer Malcomb was recognized for his life saving efforts. Voted 2-1 to maintain street maintenance as is.
- f. Public Works – Jackie Greenwood (Chairperson)
June 28th - Member John Henderson was chosen to chair. City wide sidewalk was tabled. Street Maintenance was sent to council. Jordan was given the okay to start the process of Stripping streets in the business district. Both 2nd and 3rd PRA Pay Applications were approved. Murphy Alley Abandonment was approved with updates on property lines. The basketball court on the sled hill will be put in the budget for renovation on next year's budget. Jordan gave update on Higgins Street pump house repair.

6. Board Reports -

- a. Airport Board – John Skibsrud
 No meeting till September 2022.
- b. Powell County Parks Board –Joseph Callahan
 Was unable to attend. Jordan provided a brief update.
- c. Chamber of Commerce – John Henderson
 Main discussion was Territorial Days. One of the best Territorial Days event, great turnout of vehicles and vendors.
- d. Headwaters RC&D – Joe Callahan
 No June meeting, last meeting was May 2022.
- e. Historic Preservation – Curt Fjelstad
 Discussed having more control over the Historic District.

- f. Landfill – Rob Kersch
Discussed the hiring of Operator 1 position. Discussed the credit card POS system and doing more research. Approved Landfill Bylaws. Approved purchase of security cameras. Purchased a Glue Sprayer.
- g. Local Emergency Planning Committee – Dick Bauman
They did meet in June, was unable to attend as I was not notified of the meeting.
- h. Library – John Molendyke
John was absent. Jordan provided update of the Library MOU being approved.
- i. Planning Board – Dick Bauman
Approved 819 2nd Street Rezoning request. Received reports from Economic Growth & Development, Historic Preservation and Chamber of Commerce. Continued and approved to council 805 West Missouri Ave Major Home Occupation request. Discussed Mission Statement.
- j. Youth Board – Jackie Greenwood
Was unable to attend. Received the minutes from that meeting. They discussed the dates of events. They are down two Board Members. Next meeting will be in August.

7. Continued Business (old/continued Business or Items Tabled)

- a. None

8. Business Items - The Council will act on each item after accepting public comments.

- a. Treasurer's Report | June Claims – Stan Glovan. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.

Council President Bauman motioned to approve June claims as presented. Member Greenwood seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

- b. Liquor License Renewal Family Dollar – Jordan
Family Dollar submitted their application late and was not approved at the last meeting. Their previous license expired June 30, 2022 and were requested by the City to remove all liquor off their shelves till this was approved by City Council today, which they did just that.

Member Skibsrud motioned to approve Liquor License Renewal Family Dollar. Member Fjelstad seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

- c. PRA 2nd Pay Application – Jordan
The 2nd pay application for soil removal at the Passenger Refueling Area for \$12,128.40 which is grant funded.

Member Kersch motioned to approve PRA 2nd Pay Application as presented. Member Greenwood seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

- d. PRA 3rd Pay Application – Jordan
The 3rd pay application for soil removal at the Passenger Refueling Area for \$6,889.14 which is grant funded.

Member Kersch motioned to approve PRA 3rd Pay Application as presented. Member Greenwood seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

- e. 1st Reading of Ordinance 2022-2: 819 2nd Street Rezoning – Jordan

Member Fjelstad titled Ordinance 2022-2.

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL TO REZONE 819 SECOND STREET (28-1578-04-2-24-01-0000) FROM THE R-3, RESIDENTIAL HIGH-DENSITY DISTRICT TO THE R-2, RESIDENTIAL SINGLE-FAMILY AND MANUFACTURED HOME DISTRICT.

The Planning Board initiated the rezone action on the request of the property owner to accommodate the placement of a 1980 double-wide manufactured home on the property to be used as a rental. The Deer Lodge City Council conducted a duly noticed public hearing on June 21, 2022 at 6:00 PM to accept comments regarding the proposed amendment. FURTHER, the City Council at their regular meeting on June 21, 2022 after deliberations, agreed through a vote of eight to zero with no members absent to proceed with the rezone through subsequent Ordinance readings. This is the 1st reading of Ordinance 2022-2.

Council President Bauman motioned to approve Ordinance 2022-2 as presented. Member Kersch seconded the motion. 6 Ayes, 1 No's, 1 Absent. Motion passed.

- f. Street Maintenance Resolution Discussion - Jordan

This topic was brought to several committees by Council Member Skibsrud regarding a referendum on the Street Maintenance Resolution 1339 which was passed in 2018 that set the assessment for parcels at .032 dollars per square foot to fund Street Maintenance in town.

The Public Works Committee did recommend that the Finance Committee and Public Health & Safety Committee look at it. After the seminar from Kurt Thompson with Stahly Engineering the Finance Committee and Public Health & Safety chose to deny the recommendation and forward it back to Public Works.

Member Skibsrud stated that he feels that this amount of money, that the people should have a say in the matter. Member Skibsrud motioned to have Resolution 1339 be placed on the November Ballot.

Member Kersch provided history on the topic and read verbatim the minutes from all the committee meetings this was presented in (Public Works, Public Health & Safety, Finance, City Council). Member Kersch read a statement from Terry Jennings saying he lost moving a business to Deer Lodge as the infrastructure was not here and removing street maintenance was not an innovative idea for the city.

Assistant Fire Chief Rex Anderson provided information as he served on the City Council at the time public hearings were held for Resolution 1339. He reiterated there was a lot of public attendance at that time and the public was in favor of moving forward with Resolution 1339. Rex talked about what type of damage gravel roads would do to the Fire Trucks and a lack of response time for emergencies.

Mayor Jess stated there is a motion on the table from member Skibsrud and was asking council if there was a second motion. Mayor Jess asked council twice for a second motion.

No seconded motion was given from council and the motion died.

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

- Economic Growth & Dev – July 6th at 4PM
- Finance – July 5th @ 4PM & July 11th & 12th @ 3PM
- Public Health & Safety – July 14th at 5PM
- City Council Operations – July 11th at 5PM
- ARPA Steering Committee – August 2nd at 4:30PM
- Planning Board – July 18th at 10AM (if needed)
- Council #2 – July 18th at 6 PM
- Public Works – July 26th at 5 PM

10. 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 Henderson asked about parade barricades, parade routing and blocking of traffic.

11. Next Meeting Announcements

- a. Regular Meeting: Tuesday, July 18, 2022, at 6 PM.

12. Adjournment

Mayor Jess adjourned the meeting at 7:36PM.

Prepared By: Cyndi Thompson, City Clerk

James Jess, Mayor

Date

CITY OF DEER LODGE

CAO REPORT

July 2022

PROJECT SUMMARIES

Municipal Budget

- Finance meetings have wrapped up. Working on amendments before bringing to City Council.
- Scheduling meeting with County Treasurer to discuss budget items with myself and Stan.

City Planning

- County Parks Board Trails Subcommittee is refocusing on using City/County Parks and Trails for events. Anyone who is interested in joining the Park/Trail subcommittee should contact the Powell County Planning Department. Have prioritized events with the subcommittee to start working on. First event (Paddle Bike Run) was very successful.
- Evergreen Skateparks working on installation of skatepark. We have helped by providing fill, vehicles, time, and contacts for subcontractors.
- Planning Board has begun looking at Zoning Ordinance changes to incentivize housing development in town.
- One Conditional Use Permit request being examined by Planning Board.
- I am City contact for the State Regional Disaster Mitigation Planning process. The state is funding for a 5-year update to the regional disaster plans, which will be disbursed to municipalities upon completion. Have had first kick-off meeting and am helping compile City data for the plan.
- Working with a few different property owners on feasibility for placing several homes on larger lots in town.
- Working on draft historic preservation ordinance with Historic Preservation Commission to bring to Council for consideration of adoption.

Grants

- Performing limited solicitation for Growth Policy update using Request for Proposals approved by Planning Board. Will begin steering committee formation soon.
- Submitted Reclamation and Development Grant (RDGP). Will need to be approved by 2023 Legislature.
- Applied for Targeted Brownfield Assessment (TBA) Grant for Hotel Deer Lodge. Expecting assessment in next few months.
- Demolition has completed on 233 5th Street as part of FEMA PDM-17 grant cycle. I have had a meeting with another property owner for the potential of another property acquisition along the Creek.

- Received preliminary sign designs for wayfinding kiosks from Stahly Engineering and have held meeting with Fastsigns representative for final designs and quotes. Fastsigns has not been communicative since meeting, so engineers are also reaching out to other businesses to get competitive quotes.
- DEQ has received a brownfields planning grant for the Milwaukee Roundhouse and Passenger refueling area and will begin working with the county and myself on administration of those funds.
- ARPA Steering Committee will meet again early August. Have collected quite a few applications and will be reaching out to applicants if additional information is needed.
- Received Advisory Committee rankings for I&I and Well ARPA Competitive Grant applications. Our I&I project ranked #3 for priority funding in the state. Well project was ranked lower due to scoring mechanism. Have received final approval and Stahly is working on grant startup conditions.
- Trent and I are working on finding grant funding for signage improvements throughout town now that city-wide signage is digitalized in our system. Spoke with MDT Vision Zero coordinator and Stahly for potential grant opportunities.
- Reapplied for Minimum Allocation funding through DNRC for the well project. Expecting approximately \$600,000 for the project from this program.
- Working with Commissioners on reallocation of their Minimum Allocation Grant funding to supplement our well project for \$607,444.

City Hall & Employees

- Had Youth Room electrical inspection completed and am waiting on a quote from DeSilva. I have reached out to Ray Peterson Electric in Anaconda who will be doing an inspection in the next few weeks as well.
- Voice over IP phone system has been installed at City Hall. Have had great experience working with Communication Resources for this installation.
- Inferno Wireless installed wireless backup internet connection at City Hall on July 17th.
- Reposted Code Enforcement Officer position. Have received quite a few applications and will begin sorting through them for potential interviews this week.

Floodplain Administration

- Received first draft of new floodplain boundaries from DNRC. So far, very minor changes to floodplain boundaries in Deer Lodge. City should expect final updated maps in 2025.
- Had 5-year Community Assistance visit with DNRC Floodplain representatives, which went very well. The DNRC is currently reviewing our floodplain ordinance to see if they recommend any changes.
- Attended National Floodplain Conference May 16-20.

Economic Development

- Applied for a Rural Reimagined grant with County Planning Director and Extension to aid in local business and tourism education. Received notice we were awarded grant funding and will be working with the two of them on how to administer funding for this project.

- Economic Growth and Development Committee looking at how to work more closely with local organizations. Met with Chamber of Commerce and Discover Deer Lodge to figure out future goals and roles.
- Coordinating with Discover Deer Lodge on placing bike racks throughout town.
- I have met with Discover Deer Lodge and Discover Anaconda to determine how we can best mirror Discover Anaconda's economic and housing development practices. I have made some great contacts with them which will provide us a lot of guidance in the future. Will be meeting with them and again in next several weeks.
- Coordinating with county on several potential industrial park projects in and around the city.
- Attorney and I are working on draft contract for Gary Chilcott's requested lease of City land. Will bring to City Council once draft is completed. We also have another interested party in leasing land for a warehouse adjacent to Gary's site.
- Member of the Ted Rule Memorial Football Field Committee, which is working to achieve funding through donations and grants for a complete renovation of the School District Track and Field Complex. Have wrote grants to the Foster Foundation and the Northwest Farm Credit Services Rural Community Grant Program. Have not heard back on either of these grants yet.

INTEREST ITEMS FOR CITY COUNCIL

- City news will now be incorporated into advertisements on 96.9FM, The River. Updates weekly. Let me know if you have any City news that I can relay to Marci at the station to be included in the broadcast.

CITY OF DEER LODGE

Public Works Report

June 2022/July 2022

PROJECT SUMMARIES

Street Maintenance

- Nothing to Report

Sewer Utility

- Landfill Drying Bed Project started
- WWTP now has Inferno Wireless as the Wireless Provider

Parks and Rec

- Parks Cleanup
- Watering and Mowing
- New VFD ordered for Higgins St. Well

Water

- Repairing Leaks
- Installing new services
- Met with In-Control Services to provide pre-engineering survey on the Water SCADA system. Survey has been complete. Awaiting report and next steps for the upgrade

Solid Waste

- Nothing to report

Mosquito Abatement

- Started spraying PermaSease Adulticide
- We had our first Mosquito Abatement inspection from the Department of Agriculture and we passed

INTEREST ITEMS FOR CITY COUNCIL

- Cottonwood Street Drainage Project Scope of Work sent to Northwestern Energy
- PRA Soil Remediation Project complete for this Scope of Work other than seeding in the fall
- Finished 233 5th St. Demo and submitted paperwork to Stahly Engineering
- Submit quarterly report to DNRC for reimbursement of the 2nd quarter 2022 for the PRA project
- Message Boards are getting a lot of use for events throughout the City
- Met with Stahly Engineering to go over tasks orders for the I&I project, Business District Striping, and the Water Modeling for the City
- PRA project completion walkthrough

COVID-19 RESPONSE

Currently the Public Works Crew is moving forward on anticipated projects while working safely, practicing enhanced hygiene, and using personal protective equipment as directed.



Deer Lodge Police Department

June 2022

Police CFS

24/7 Monitoring Offense Total: 1
 911 Abandoned Total: 1
 911 Call Total: 2
 Alarm Total: 9
 Animal - Cruelty Total: 1
 Assault Total: 1
 Assist Other Agency Total: 1
 Break-in - Attempted Total: 1
 Burglar Alarm Total: 1
 Burglary Non Residence Total: 1
 Child Abuse Total: 1
 Civil Standby Total: 2
 Code Violation Total: 1
 Courtesy Ride Total: 3
 Criminal Mischief Total: 2
 Custodial Interference Total: 2
 Disturbance Family Total: 1
 DUI Total: 1
 Endangering the Welfare of Child(ren) Total: 1
 Extra Patrol Requested Total: 1
 Hit and Run Total: 3
 Livestock - Stray Total: 1
 Missing Person(s) - Juvenile Total: 2
 Overdose Total: 1
 Partner Family Member Assault Total: 1
 Probation Officer Check Total: 1
 Property Lost/Stolen Total: 1
 Public Indecency Total: 1
 Reckless Driving Total: 2
 Request Ambulance Total: 2
 Request Officer Total: 5
 Request to Speak to Officer Total: 1
 Runaway Total: 1

Sexual Assault Total: 1
 Fight Total: 1
 Harassment Total: 1
 Suicide - Attempted Total: 1
 Suspicious Activity Total: 2
 Suspicious Person(s) Total: 1
 Theft Total: 2
 Threat(s) Total: 4
 Traffic Accident - Non Injury Total: 4
 Traffic - Complaint Total: 3
 Traffic - Stranded Motorist Total: 1
 Trespass to Property Total: 2
 TRO Violation Total: 1
 Unattended Juvenile(s) Total: 1
 Unwanted Person(s) Total: 1
 Vandalism Total: 1
 VIN Inspection Total: 4
 Welfare Check Total: 5
 Traffic Stop Total: 32

Code CFS

Animal - Dead Total: 2
 Animal - Found Total: 1
 Dog Bite Total: 1
 Dog(s) at Large Total: 5
 Abandoned Vehicle(s) Total: 2
 Open Burning Violation Total: 1
 Parking Complaint Total: 1
 Stray - Canine(s) Total: 1
 Watering Violation Total: 1
 Welfare Check - Motorist Total: 1

Total Records: 137

Citations Issued = 16

Night Time Calls 10:00pm-7:00am = 33

Overtime=76.5

Out of Town Calls

6/29/2022 Log truck rolled, Intersection of South Main and South Frontage Rd-1 mile from city limits
 6/25/2022 I-90 between the exits-wreck, officer cleared when MHP arrived-1/4 mile from city limits
 6/25/2022 Traffic stop I-90 at the entrance ramp, started in town-on boarder of city limits
 6/21/2022 Traffic Stop on Green House Rd, started in town- ¼ mile out of city limits
 6/20/2022 Dead cow on the road, Green House Rd, 5 miles out of city limits
 6/20/2022 Stranded Motorist I-90 MM 183, 1 mile out of city limits
 6/16/2022 Green House Rd, Accident, 1/8 mile out of city limits



FIRE DEPARTMENT REPORT

JUNE 2022

HIGHLIGHTS

1 Calls for Service:

- An electrical short circuit in an outlet that caught a mattress on fire. Resident drug the mattress out of the house before any damage was done.

INTEREST ITEMS FOR CITY COUNCIL

Department Happenings



RECREATION PROGRAM REPORT

JUNE 2022

HIGHLIGHTS

- City rec has started our coed softball league. 10 teams are playing. 2 more teams than last year.
- We will run two Cornhole tournaments during Territorial Days and the Draft Horse Expo.

PROJECT SUMMARIES

None.

INTEREST ITEMS FOR CITY COUNCIL

None.

STAFFING CONCERNS

None.

COVID-19 RESPONSE

No update.

Mayor
James Jess
Chief Administrative Officer
Jordan Green
City Attorney
Peter Elverum
City Clerk
Cyndi Thompson
Compliance Officer

Public Works Superintendent
Trent Freeman
Treasurer
Stanley Glovan
Utility Billing Clerk
Gena Micu



Montana's Undiscovered Treasure

300 MAIN STREET
DEER LODGE MT 59722-1057
406.846.2238

City Council
Dick Bauman
Joseph Callahan
Curt Fjelstad
Jackie Greenwood
John Henderson
Robert Kersch
John J. Molendyke
John Skibsrud

REQUEST FOR ABANDONMENT OF CITY OWNED PROPERTY REPORT

Requested Abandonment: An approximately 125' by 30' alleyway between W. Milwaukee Ave and Van Gundy Ave at the address 517 Van Gundy Ave
Request by: Donald and Marie Murphy

Prepared by: Jordan Green – City of Deer Lodge Chief Administrative Officer
Prepared for: City of Deer Lodge Public Works Committee
June 28, 2022

Request:

Lewis Smith, on behalf of Donald and Marie Murphy of 517 Van Gundy Avenue, submitted a Request for Abandonment of City Owned Property to City Hall on May 13, 2022. The Murphy's request that the city abandon and deed to them the City alley right-of-way between West Milwaukee Avenue and Van Gundy Avenue that divides two properties they own (see exhibit below). The purpose of said abandonment request is to be able to aggregate the two parcels into one contiguous parcel of land. According to the Murphy's petition (see attached documentation), the alleyway has been fenced on both the north and south ends for many years and has never been used for public transportation since they have owned the property.

Site Analysis:

The alley right-of-way requested for abandonment is approximately 125 feet by 30 feet, travels north to south, and divides two parcels both owned by the Murphy's that have the shared address of 517 Van Gundy Avenue. The western parcel is described as the east 120' of Lot 1 of the Gerstacker subdivision, Section 32, Township 08N, Range 09W, and is classified as improved urban property. The eastern lot is described as the western half of Lot 2 of the Gerstacker subdivision, Section 32, Township 087N, Range 09W, as shown on Certificate of Survey 155, and is classified as vacant urban land. Both lots are zoned as R-2, Residential Single-family and Manufactured Homes District. The western lot holds the Murphy's home and is approximately 15,000 square feet. The eastern lot is approximately 12,500 square feet. No other parcel is adjacent to the alleyway requested for abandonment. As described in the petitioner's request, the right-of-way is not and has never been used for public transportation and is fenced on both the north and south ends. As shown on the satellite and street view imagery below, the alleyway is currently used as storage for property belonging to the Murphy's.



Exhibits showing location of proposed abandonment and the two lots of 517 Van Gundy Avenue. Street view is from West Milwaukee Avenue looking south into the properties.

Abandonment Analysis:

As there has been no historic use of the alley right-of-way for public transportation and the area has been historically fenced off, there would be no impact on City services, transportation, or future land use resulting from granting the abandonment. Currently, the right-of-way is not used for any water or service utilities. However, there is a streetlight directly to the north of the alleyway operated by Northwest Energy that is serviced by a power line that runs over the alleyway (see exhibit above). City Staff finds a potential conflict with the petitioner’s request and Northwest Energy due to access for this line, which would need to be resolved before the property could be abandoned.

Besides this potential conflict, City Staff finds no undue reason to deny the request based off current or potential uses of the property by the City. However, the approximately 3,750 square foot property is the property of the taxpayers of the City of Deer Lodge, and the City should require compensation for the abandonment of public land. Staff approximated a sell price of \$6,937.50 to be attached to the deed for the benefit of the Public Works Committee and the City Council to recoup the loss of the public property.

This sell price was calculated as an average of the value per square foot of adjacent properties. The adjacent properties were selected on Montana Cadastral, which specifies every property’s square footage. The 2022 appraisal of the land value for each property was divided by the number of square feet to calculate the value per square foot for each adjacent property. The average of these values was taken and applied to the square footage of the requested property abandonment. These calculations are shown below.

Adjacent Property	Square Feet	Land Taxable Value	Value/SF
East	12500	24246	1.940
West	15000	26384	1.759

Average value/SF	1.850
SF of Abandonment	3,750.00
Abandonment value	\$6,937.50

Staff Recommendation:

Staff recommends the abandonment of the City owned property described as the approximately 25’ by 130’ alley right-of-way between West Milwaukee Avenue and Van Gundy Avenue at the address 517 Van Gundy Avenue to the applicant **for the sale price of \$6,937.50.**

Staff also recommends the Public Works Committee and City Council require the petitioners to give to the City proof in writing from Northwest Energy that the proposed abandonment will have no impact on their ability to access the power line over the right-of-way before the abandonment is approved.

As the only adjacent property owners to the alleyway are the Murphy's, there is no requirement for them to get written support from adjacent property owners as required by §7-14-4114, MCA.

Requiring a different sale price is at the discretion of the Public Works Committee and City Council.

Upon recommendation by the Public Works Committee, the petition will be scheduled for a duly noticed public hearing before the City Council in accordance with §7-1-4127, MCA. All public notice fees will be paid by the applicant. Should the Council resolve to sell the property by a two-thirds vote as required by §7-8-4201(2)a, MCA, the applicant will be responsible for contracting a licensed surveyor to file a Certificate of Survey aggregating the properties and the abandoned right-of-way, as well as a Quitclaim deed with the Powell County Clerk and Recorder. These documents must be approved by the City and be in full adherence to City of Deer Lodge subdivision review exemption requirements. All surveyor, survey review, and filing fees will be the sole cost of the applicant.

Signed,

A handwritten signature in black ink, appearing to read 'Jordan Green', written in a cursive style.

Jordan Green – Chief Administrative Officer

June 28, 2022

Request for Abandonment of City Owned Property



ABANDONMENT: "TO NO LONGER HAVE ANY RIGHT TO A PROPERTY"

The giving up of ownership and any present or future rights to real property by the lawful owner. Governing entities have the power to abandon publicly owned property if it is determined that the best interest of the public will be served by transferring ownership from the public sector to the private sector or from one entity to another. If abandonment is granted, the deed will be filed with the Powell County Clerk and Recorder.

Name of Applicant: Donald L. Murphy and Susan Marie Murphy
Address of Applicant: 517 Van Gundy, Deer Lodge, Mt. 59722
Telephone Number: (406) 491-1231 / 406 846-3880 (Attorney)
Property description of land requesting to be abandon: Alleyway between W. Milwaukee Ave. and Van Gundy. Divides Lots Land 2 of the Gerstacker Addition.
Ownership of adjoining property: 100% by Donald L. Murphy and Susan Marie Murphy

Letters that there are no objections to the abandonment must be received from at least 51% of adjoining property owners. See Petition signed by 100% of Owners.

Provide a site map indicating the property in question, with appropriate dimensions. See Attached.

The city is required to publish a public notice in the local newspaper twice prior to the council meeting that action will be taken.

[Signature] Attorney for Petitioners
Signature of Applicant

5-13-2022
Date

[Signature] JORDAN GREEN
Received by

5/13/22
Date

Forwarded to Public Works Committee on JUNE 28, 2022

Note: Request will not be considered without proper information
Please allow at least four weeks lead time for preliminary review by the committee.
Advertising and filing fees will be billed to the applicant

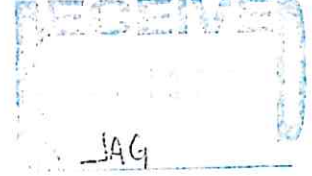
City of Deer Lodge
300 Main Street
Deer Lodge MT 59722-1098



Craig D. Charlton
Scott H. Clement
Lewis K. Smith, III
R. J. "Jim" Sewell, Jr., of Counsel

Massena Bullard (1850-1915)
J. Miller Smith, Sr. (1862-1934)
David R. Smith (1896-1956)
J. Miller Smith (1899-1969)
Paul W. Smith (1895-1976)
Chadwick H. Smith (1925-2007)

Attorneys at Law
26 West Sixth Avenue • P.O. Box 1691,
Helena, MT 59624 Telephone (406) 442-
2980 • Facsimile (406) 449-3817



May 13, 2022

Jordan Green
City Manager
City of Deer Lodge
300 Main St.
Deer Lodge, Montana 59722

Re: Petition to Abandon Alleyway

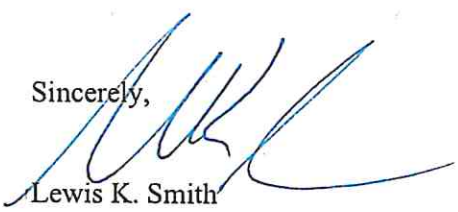
Dear Mr. Green:

I am writing on behalf of Don and Marie Murphy seeking to have the City of Deer Lodge abandon the alleyway between W. Milwaukee Ave. and Van Gundy Avenue. A copy of the Petition accompanies this letter. The Murphy's own all the land adjoining the alleyway on both sides and thus are the only signatures necessary for the Petition. Please contact me regarding any additional information or questions you may have regarding the Petition. If there is a fee for the petition please advise and I can get a check to you right away.

Please contact me if you have any questions regarding my request or need any further information or documents to comply with my request.

Thank you for your assistance.

Sincerely,



Lewis K. Smith
Smith Law Firm, P.C.

LKS/jc

LEWIS K. SMITH
SMITH LAW FIRM, P.C
P.O. BOX 1691
HELENA, MT. 59624-1691
406-846-3880

PETITION TO ABANDON ALLEYWAY

CITY OF DEER LODGE


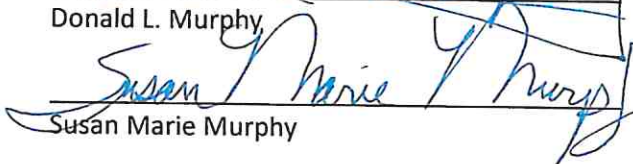
SUBMITTED BY DONALD L. AND SUSAN MARIE MURPHY, PETITIONERS

ALLEYWAY BETWEEN W. MILWAUKEE AVE. AND VAN GUNDY AVE.

1. Donald L. Murphy and Susan Marie Murphy are the owners of the East 120 feet of Lot 1 and the West half of Lot 2 of the Gerstacker Addition to the City of Deer Lodge, Montana, commonly known as 517 Van Gundy Ave.
2. The Lots are separated by a City alleyway running north and south from West Milwaukee Ave. to Van Gundy Ave. The Alleyway has been fenced on its north and south ends for many years and there is no approach off W. Milwaukee. Ave. The Alleyway has not been used for public transportation since the Murphy's have owned the property.
3. Petitioners are the owners of 100 % of the lots bordering the alleyway.
3. Petitioners petition the City of Deer Lodge to abandon the alleyway between Lots 1 and 2 of the Gerstacker Addition to the City of Deer Lodge.
4. Once a hearing date is set for the Petition, Petitioners will publish a Notice in the Silver State Post to run two consecutive weeks prior to the hearing.

This Petition is submitted pursuant to Mont. Code Ann. 87-14-4114 (2021).

DATED this 13 day of May, 2022.


Donald L. Murphy

Susan Marie Murphy

ORDINANCE 2022-2

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL TO REZONE 819 SECOND STREET (28-1578-04-2-24-01-0000) FROM THE R-3, RESIDENTIAL HIGH-DENSITY DISTRICT TO THE R-2, RESIDENTIAL SINGLE-FAMILY AND MANUFACTURED HOME DISTRICT.

IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA:

WHEREAS, Section Two, Part Three 76-2-301 et. Seq. of the Montana Code Annotated authorizes the City of Deer Lodge to adopt and enforce local zoning regulations to promote the public health, safety, morals, of the general welfare of the community; and

WHEREAS, the City of Deer Lodge Planning Board has the responsibility to review zoning regulations for the City of Deer Lodge; and

WHEREAS, the Planning Board initiated the rezone action on the request of the property owner to accommodate the placement of a 1980 double-wide manufactured home on the property to be used as a rental; and

WHEREAS, the property is located in the West 84 feet of Lots 9 and 10 of the Original Addition of Deer Lodge, Section 04, Township 07 North, Range 09 West, Block 48; and

WHEREAS, the Planning Board discussed the rezone action at their June 21, 2022 meeting. FURTHER, the Planning Board agreed there is merit to the request as the rezoning allows for the residential use of an underutilized lot and the creation of new housing in town; and

WHEREAS, the Planning Board held a duly noticed public hearing on June 21, 2022 to consider the rezone action. FURTHER, the Planning Board after receiving a summary from the City Administrator / Planner and public comments, elected to forward the rezone to the City Council through a five to zero vote with two members absent; and

WHEREAS, the Deer Lodge City Council conducted a duly noticed public hearing on June 21, 2022 at 6:00 PM to accept comments regarding the proposed amendment. FURTHER, the City Council at their regular meeting on June 21, 2022 after deliberations, agreed through a vote of eight to zero with no members absent to proceed with the rezone through subsequent Ordinance readings; and

NOW, THEREFORE, BE IT RESOLVED, that the Deer Lodge City Council hereby rezones 819 Second Street (28-1578-04-2-24-01-0000) from the R-3, Residential High-Density District to the R-2, Residential Single-family and Manufactured Home District, to accommodate the placement of a 1980 double-wide manufactured home on the property.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2022-2 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 2022-2 and each section, subsection, sentence, clause, phrase, and

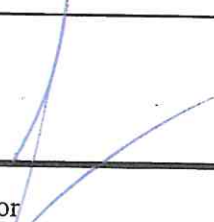
words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

The attached Mapping Exhibit illustrates the subject property.


First reading by the City Council on the 5th day of July 2022.

Passed and Approved by the City Council of the City of Deer Lodge, Montana on the first reading at a Regular Council Meeting on the 5th day of July 2022.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman	X			
Joseph Callahan	X			
Curt Fjelstad	X			
Jackie Greenwood	X			
John Henderson	X			
Robert Kersch	X			
John Molendyke				X
John Skibsrud		X		
James Jess Mayor				



James Jess, Mayor

Attest:


Cyndi Thompson, City Clerk



Passed and Approved by the City Council of the City of Deer Lodge, Montana on final reading at a Regular Council Meeting on the 18th of July, 2022.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman				
Joseph Callahan				
Curt Fjelstad				
Jackie Greenwood				
John Henderson				
Robert Kersch				
John Molendyke				
Vacant				
James Jess Mayor				

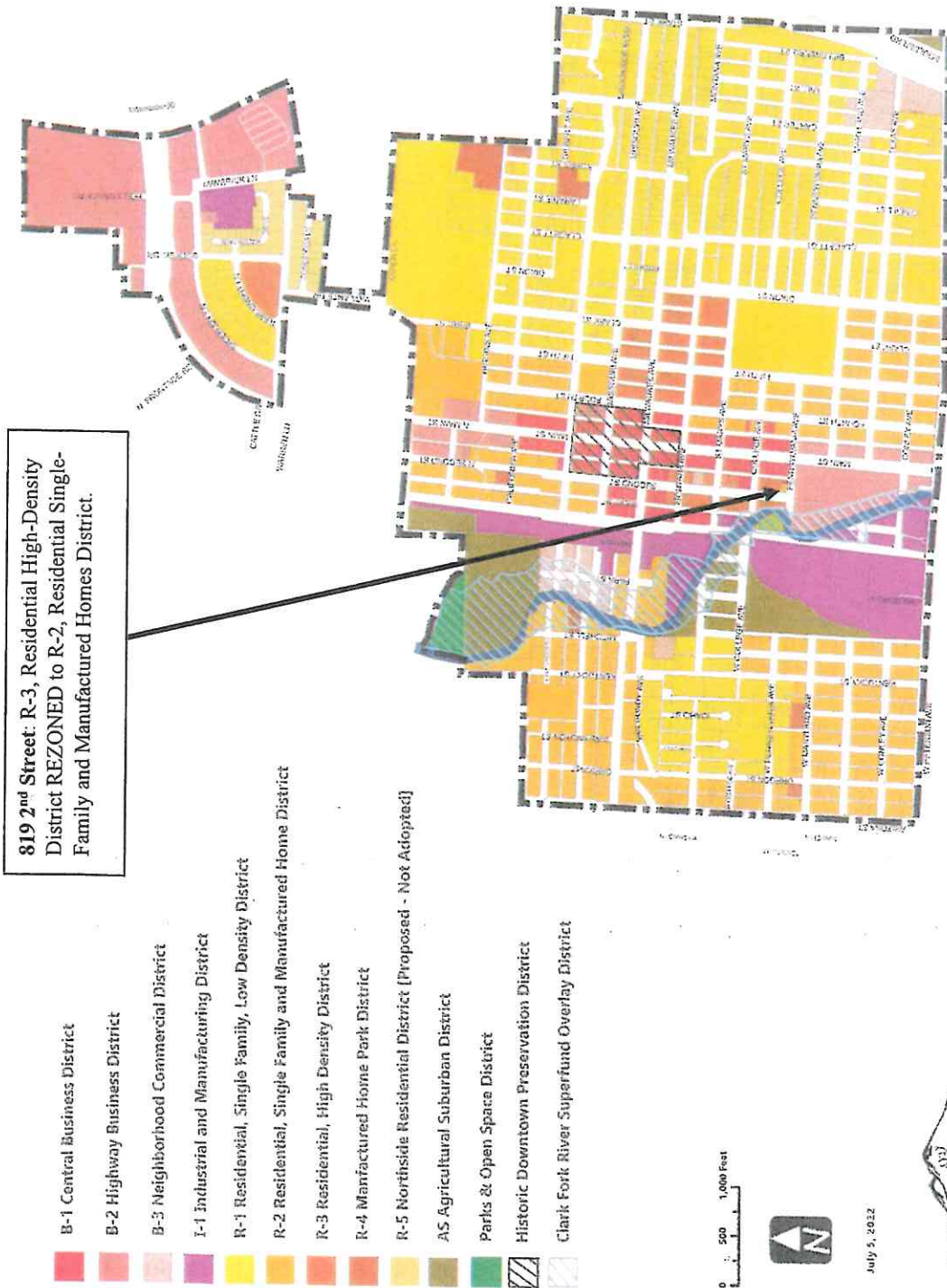
James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

The effective date of Ordinance 2021-3 is August 19, 2022.

ATTACHMENT: Mapping Exhibit of the Location of the Rezoning



City of Deer Lodge Zoning



July 5, 2022



1. **What is the "BMS Cloud?"**
 - a. The BMS Cloud is a place to store your BMS products and data, which users will access via the internet.
2. **Is this "web-based" software?**
 - a. No. The apps are accessed via the internet, but the apps are not web-based.
 - b. The BMS Cloud hosts the same products and applications installed on local machines and servers.
3. **Are the Cloud costs in addition to my current Annual Maintenance (AM) fees or do they replace some of them?**
 - a. The BMS Cloud Annual Fees are in addition to the current Annual Maintenance paid for the individual products owned.
 - b. Product AM fees cover telephone, email, and internet support, error correction, software updates current with all changes in applicable law and equivalent to the products sold to new customers, related data file changes, unlimited online feature and use training, and all but "custom" software enhancements.
4. **What do the fees for the BMS Cloud cover?**
 - a. BMS will "host" your data on one of our servers to be accessed via the internet.
 - b. BMS automates and monitors nightly backups Monday through Friday.
 - c. BMS automates and monitors updating all applications.
 - d. Ability to access data from anywhere with internet connectivity using a properly configured secure Remote Application Connection to the Cloud Server.
5. **How frequently will updates be applied?**
 - a. Updates will be applied as needed on a per application basis.
 - b. Critical updates required for error correction will be applied as needed.
6. **When is support available on the BMS Cloud?**
 - a. Support is available during normal business hours, which are Monday through Friday, 7:00 a.m. to 5:30 p.m. (Mountain Time).
7. **Can we move "some" of our BMS products but not all?**
 - a. All products with the exception of Student Accounts must reside in the same location.
8. **Do we still have the ability to make backups on our own?**
 - a. Yes! You can easily do your own backups in the form of a ZIP file.
 - b. Manual backup files can be copied down from the Cloud to the local workstation.
9. **Bandwidth/Internet Connection/Connection Speed – What do I need to know?**
 - a. Accessing apps in the cloud uses a continuous internet connection that needs to be stable and reliable.
 - b. The connection speed requirement is fairly low. Today's average connections are typically more than sufficient.
 - c. There is a continuous open connection that has peaks and valleys in bandwidth usage depending what the user is doing.
 - d. The bandwidth that the session needs while active ranges from 0 to whatever the client's internet will support, depending upon the infrastructure needs of the moment.
 - e. There is no exact answer for how intensive the connection/bandwidth needed is because it depends on several factors, but a good range to expect is 28-100 kbps.

10. What if I don't pay Annual Maintenance on a program/product?

- a. Annual Maintenance (AM) must be current on all products hosted on the BMS Cloud.
- b. If you discontinue AM on a product that is hosted on the BMS Cloud, it will be removed from the BMS Cloud and may be relocated to your local workstation/server.

11. When can I access my data on the BMS Cloud?

- a. Data can be accessed 24/7 outside of the designated weekly maintenance window from 11:00 p.m. Saturday to 1:00 a.m. on Sunday (Mountain Time).
- b. Any other unexpected down times will be communicated via email as needed.



Security

It's difficult to put a price on data security, and one of the primary reasons our clients are switching from office/network based applications to cloud-hosted applications is the fear of a security breach. There is no shortage of cyber-criminals with sophisticated tools able to find back doors into data centers that can remove critical data or ransomware incidents that lock companies out of their data until a 'fee' is paid.

Black Mountain Software Cloud applications are hosted in Amazon's Web Services (AWS) Cloud Data centers, widely recognized as one of the most secure, stable and reliable Cloud environments in the world with multiple geographic regions for the highest levels of fault tolerance in the event of a catastrophe.

No more concerns about antivirus software or correct firewall settings, as these are all managed by Black Mountain Software engineers. Access to BMS Cloud servers is restricted by whitelisting client IP addresses in addition to login ID credentials. File and application access permissions are restricted at the directory level by client and user.

Accessibility

Internet access and a PC that meets our minimum requirements are all that is required. There are no restrictions on location for safe and secure Cloud access.

Reduced Maintenance and Support Requirements

The computer infrastructure hosting BMS applications is off-site and no longer inside your building—no need to manage power, cooling, networking or rack space. BMS administers the complete hosted solution, including applications, infrastructure, networking, security, backups and antivirus software.

Improved Customer Experience

BMS ensures each Cloud system is optimized and configured properly to provide the best possible experience with Black Mountain Software applications.

Disaster Recovery

Your data is backed up in two separate AWS regions every evening. In the event of a catastrophic AWS failure, data is also stored in an off-site location separate from AWS datacenters.

Automated Backups

In the event of unforeseen data loss, or the need to return to some previous days' data, nightly backups of all client data are made in two separate AWS regions with an additional nightly backup created in an off-site non-AWS location.

Automated Software Upgrades

BMS manages all operating system and application updates.

Overall Cost Savings Compared to Local Hosting

In addition to the above there are cost savings associated with reduced networking requirements, firewalls and antivirus software.

Finances

No more server and networking capital expenditures required for supporting BMS applications, in addition to physical and data security.

Quote

06/01/2022

City of Deer Lodge
Stan Glovan
300 Main St
Deer Lodge, MT 59722
sglovan@cityofdeerlodgemt.gov



110 Main Street, Suite 3
Polson, MT 59860

Todd Schock
800.353.8829 Option: 3

Product Description	Purchase Price	Annual Fees	One-Time Conversion	Total
Cloud Hosting		2,365.00		2,365.00
Subtotals:	\$0.00	\$2,365.00		
Grand Total:				\$2,365.00

Terms

1. Black Mountain Software (BMS) has made every effort to ensure the information contained within this quote is complete and accurate. However, we reserve the right to correct any error or omission related to price, product description or availability. Please remember that to completely understand this quote, you must consider, in addition to product and prices, the terms and conditions that follow either on this or separate pages.
2. Prices quoted herein do not reflect sale or use taxes imposed by any state or local government, or any unit or subdivision thereof; such taxes are the responsibility of the buyer. Buyer agrees to be responsible for the documentation relating to the payment of such taxes to the maximum extent legally permitted. Black Mountain Software will be responsible for the collection of such taxes and/or the documentation related thereto, only to the extent required by law.
3. Training is included with the services provided for each software product. Unless specifically arranged, initial training will be conducted online. After initial training, free online training is always available for you and your staff as part of the Service fee. Advanced scheduling is required. Except for initial training, hourly charges apply for training physically provided onsite (your offices) or in house (our offices).
4. All costs are based on prices in effect for 60 days from the date of this bid.
5. Service fees include software updates and unlimited phone, email and internet support. The service is renewed annually and is non-refundable. Service fees are subject to change.
6. Implementation fee is a one-time charge that includes the cost of implementation planning and consulting, preparation of the software for delivery, initial training, and client communications throughout the startup process.
7. If travel is required, actual expenses are billed as follows: When flying, charges include airfare, travel time at \$35 per hour per person, meals at \$60 per day, lodging at local rates, and rental car. When driving, charges include mileage at 58.5¢ per mile, travel time at 45¢ per mile per person, meals at \$60 per day, and lodging at local rates. Alaska and North Dakota may have higher rates.
8. BMS products are hosted online, as web applications or on the Cloud. BMS Cloud Hosted products are provided with automatic database maintenance, software updates, nightly data backups, and the ability to access your BMS applications from anywhere with an internet connection. Service fees must be current on all products to maintain access. If software service and support is discontinued for a software application, it will be removed from the BMS Cloud. In the event of discontinuation, BMS shall take all reasonable steps to provide a local copy of the applications when possible, if desired.
9. This quote relates to products provided via Software as a Service (SaaS). Components of SaaS may include services being made available via online access or Cloud Hosting. SaaS services are sold in one-year non-refundable increments. The service is automatically renewed each year. Future annual fees are subject to increase. BMS Cloud Hosting and Summit services provide automatic database maintenance including software updates, nightly data backups, and the ability to access data from anywhere with internet connectivity.
10. Billing procedures require a 25% down payment, billed at commitment, and 75% final payment of Service fees billed upon granting access and initial training. All billing will commence in full for all products after one year from commitment unless other arrangements have been made.
11. All of our software products are multi-user, with an unlimited number of licenses (seats). In addition, 'Read Only' access is available to limit data changes for specified users, while still providing lookup and printing capabilities.

RESOLUTION 2022-R-14

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEER LODGE REQUESTING DISTRIBUTION OF LOCAL GOVERNMENT ROAD CONSTRUCTION AND MAINTENANCE MATCH PROGRAM FUNDS FOR THE 2022 STREET MAINTENANCE PROJECT.

WHEREAS, the Bridge and Road Safety and Accountability Account requires the Montana Department of Transportation to allocate accrued funds to cities, towns, counties, and consolidated city-county governments for construction, reconstruction, maintenance, and repair of rural roads, city or town streets and alleys, bridges, or roads and streets that the city, town, county, or consolidated city-county government has the responsibility to maintain; and

WHEREAS, a city, town, county, or consolidated city-county government that requests funds under the Bridge and Road Safety and Accountability Account must match each \$20 requested with \$1 of local government matching funds; and,

WHEREAS, a city, town, county, or consolidated city-county government requesting distribution of allocated funds may make such a request to the Department of Transportation between March 1st and November 1st of the year the funds were allocated; and

WHEREAS, the Deer Lodge City Council intends to utilize their allocation for the 2022 Street Maintenance Project. The said Project generally consists of the following:

1. Oregon St. (W. Missouri to W. Peterson) – Crack Seal, Asphalt Repair, Chip Seal, Mill and Overlay, & Concrete Pan
2. W. Missouri Ave. (Washington St. to Arizona St.) – Crack Seal, Asphalt Repair & Chip Seal
3. W. Milwaukee Ave. (Oregon St. to Arizona St.) – Asphalt Repair & Chip Seal
4. W. Pennsylvania Ave. (Mitchell St. to Arizona St.) – Asphalt Repair, Mill and Overlay, & Chip Seal
5. W. Maryland Ave. (Mitchell St. to Arizona St.) – Crack Seal, Asphalt repair, Mill and Overlay & Chip Seal
6. Hollenbeck Rd. (N. Main St. to North of Hospital) – Crack Seal & Chip Seal
7. Higgins Ave. (4th St. to Larabie St.) – Asphalt Repair, Crack Seal, & Chip Seal
8. Bielenberg St. (Montana Ave. to Texas Ave.) – Asphalt Repair, Paving Fabric, Mill and Overlay
9. Clark St. (California Ave. to Higgins Ave.) – Mill and Overlay

WHEREAS, the local match of \$350,000.00 is allocated in Fund #2510 (Street Maintenance District #4) of the City's 2022/2023 Budget;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City of Deer Lodge requests a distribution of \$85,468.10 from its share of the allocated Bridge and Road Safety and Accountability funds to be used for the 2022 Street Maintenance Project. The estimated total cost of the Project is \$444,137.85.
2. That the City Council hereby empowers and authorizes Mayor Jess and appointed staff to execute such further documents as may be necessary to facilitate the distribution of said funds.

Passed and approved by the City Council of the City of Deer Lodge, Montana on first and final reading at a regular Council meeting this 18th day of July, 2022

The effective date of Resolution 2022-R-14 is July 18, 2022.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman				
Joe Callahan				
Curt Fjelstad				
Jackie Greenwood				
John Henderson				
Robert Kersch				
John Molendyke				
Vacant				
James Jess Mayor				

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

Letter Of Agreement

Between

City of Deer Lodge and Teamsters Union Local No. 2

The following Letter of Agreement (LOA) made this ____ day of _____, 2022, between the City of Deer Lodge (Employer) and the Teamsters Union Local No. 2 (Union) (collectively referred to as "Parties").

Parties agree that the position of City Treasurer shall be included in the recognition of the current contract for clerical employees between the parties. The wage for this position will be listed as \$47,000 annually. The position will be granted all other benefits provided in the contract effective immediately.



Jessica Wicks
Teamsters Local 2 Rep.

Jordan Green
City Manager

RESOLUTION 2022-13

A RESOLUTION REQUESTING AUTHORITY FOR DISTRIBUTION OF POWELL COUNTY MINIMUM ALLOCATION GRANTS FOR WATER AND SEWER INFRASTRUCTURE PROJECTS TO THE CITY OF DEER LODGE TO PROVIDE FUNDING FOR THE CITY'S WATER DISTRIBUTION SYSTEM IMPROVEMENT PROJECT

WHEREAS, Section 4 of Chapter 401 of the Montana Session Laws of 2021 through House Bill 632 Section 4 allocated the amount of \$150 million of the coronavirus state fiscal recovery funds to be used to provide minimum allocation grants for water and sewer infrastructure projects eligible for funding under the American Rescue Plan;

WHEREAS, the amount a local government is eligible to receive in water and sewer infrastructure grants under this section is in the same proportion and using the same ratios provided for in 15-70-101 (2)(b), (2)(c), and (3) giving Powell County a minimum allocation of \$607,444.00;

WHEREAS, HB 632 Section 4 requires that a local government submit an application for a qualifying water or sewer infrastructure project that complies with the uses authorized for the coronavirus state and fiscal funds and pledge matching funds;

WHEREAS, Montana's counties do not generally own or operate water and sewer infrastructure;

WHEREAS, grant funds must be applied for by November 1, 2022 and awarded or in a pending status by January 1, 2023;

WHEREAS, because counties generally do not own water and sewer infrastructure, HB 632 Section 4 allocated grant funds for qualifying water or sewer infrastructure projects within the counties for which it was allocated, but that any local government eligible to receive minimum allocation funds under HB 632 Section 4 could apply for and pledge matching funds for the county's proportion;

WHEREAS, the City of Deer Lodge, located within Powell County, is seeking additional funding for a water distribution system improvement project that will build and connect a new well to the city water supply;

WHEREAS, the City of Deer Lodge is a local government as defined in HB 632 Section 4 and has committed to request funds by November 1, 2022, if the county's allocation is made eligible to them and the county has determined this to be a priority use of the allocated funds.

WHEREAS, the City of Deer Lodge sells water and sewer services to the County at the Powell County Fairgrounds and Blue Ribbon Pavilion, sites that host events benefitting the economic and cultural development of the City of Deer Lodge.

WHEREAS, the cost of paying for water and sewer services to the City of Deer Lodge burdens the County and therefore the County is not able to improve infrastructure and amenities at the Fairgrounds and Blue Ribbon Pavilion; tasks that it would otherwise undertake if more funding was available.

THEREFORE, NOW BE IT RESOLVED THAT:

1. Powell County has determined that the City of Deer Lodge's proposed project is eligible as a minimum allocation project and is a high priority within the county and;
2. By this resolution, Powell County requests the Department of Natural Resources and Conservation allow, through its developed application and distribution processes, the City of Deer Lodge \$607,444.00 of its share of the allocated Minimum Allocation funds for the city's water distribution system project that will build and connect a new well to the city water supply.
3. The cost of water and sewer services at the Fairgrounds and Blue Ribbon Pavilion are hereby waived indefinitely. The funds that Powell County would otherwise have used to pay for water and sewer services will be reallocated towards improvements to infrastructure and amenities at the Fairgrounds and Blue Ribbon Pavilion.

Resolution 2022-13 is adopted this _____ day of _____, 2022.

_____ Chair

_____ Commissioner

_____ Commissioner

ATTEST: _____ Clerk & Recorder