



COUNCIL AGENDA

January 8, 2024 - 6 PM

The City Council will hold the meeting in the Council Chambers at City Hall
300 Main Street
Deer Lodge, MT 59722

1. Call Meeting to Order | Pledge of Allegiance

2. Public Comment – Members of the audience may comment on any non-agenda item. State Statute limits 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. Public Hearing.

a. None

4. Approval of Minutes

- a. November 13, 2023
- b. December 4, 2023
- c. December 18, 2023

5. Committee Reports - Reports accepted as presented.

- a. City Council Operations – Rob Kersch
- b. Finance Committee –
- c. Economic Growth & Development – John Henderson
- d. Public Health & Safety –
- f. Public Works – Gordon Pierson

6. Board Reports

- a. Airport Board – Gordon Pierson
- b. Powell County Parks Board –
- c. Chamber of Commerce – John Henderson
- d. Headwaters RC&D –
- e. Historic Preservation – Curt Fjelstad
- f. Landfill – Rob Kersch
- g. Local Emergency Planning Committee –
- h. Library – John Molendyke
- i. Planning Board –
- j. Youth Board –

7. Continued Business (continued or tabled)

a. None

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

- a. Elect a Council President – Mayor Jess
- b. Treasurer’s Report | December Claims – Stan Glovan. Receive the informational report.
Approve the claims.
- c. Title 8 Changes to Clarify Dog at Large Language: 2nd Discussion – Jordan
- d. Well Project Change Order #2 – Trent

e. Planning Board Appointments Announcement – Mayor Jess

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

- Economic Growth & Dev – TBD
- Finance – No Meeting
- Public Health & Safety – January 11th at 5pm
- City Council Operations – TBD
- Planning Board – Tuesday January 16th at 10am
- Council #2 – January 22, 2024
- Public Works – January 23rd at 5pm

10. Mayor and Council Concerns: (ONLY Concerns that are not included in this meeting’s 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. **This time is solely for COUNCIL and MAYOR comment, not public. NO ACTION can be taken at this time.** If action is necessary, the item will be put on the next meeting agenda following a majority vote of the City Council.

11. Next Meeting Announcement(s)

- a. Regular Meeting: January 22, 2024 at 6:00pm

12. Adjournment

**Deer Lodge City Council meets at City Hall
300 Main Street, 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 November 13th , 2023, at 6 PM | PC Community Center

Members Present:	Dick Bauman, John Henderson, Rob Kersch, Gordon Pierson, John Molendyke, Curt Fjelstad
Members Absent:	Joe Callahan, Jackie Greenwood
Mayor:	James Jess
CAO:	Jordan Green
Staff:	Ron Slauson, Kody Ryan, Trent Freeman, Peter Elverum, Stan Glovan
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. Approval of Minutes

- a. Deferred until next meeting

4. Public Hearing:

- a. None

5. Department Reports:

- a. CAO | b. Public Works | c. Police | d. Fire | e. Code Enforcement | f. Recreation Program

a. CAO- Jordan presented his report in packet.

b. Public Works- Trent discussed his report in packet.

c. Police- Officer Slauson presented the report in packet.

PD along with Powell County Sheriffs had several individuals included in two separate incidents - resulted in the seizure ½ lb. of methamphetamine, over 1,100 fentanyl pills along with stolen firearms, stolen license plates, a stolen car and \$25,000 cash.

d. Fire- Brant was not present.

e. Code Enforcement- Kody presented his report in packet.

f. Recreation Program – Sean absent. Mayor presented report in packet.

6. Mayor and Council Concerns: (ONLY Concerns that are not included in this meeting's 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. **This time is solely for COUNCIL and MAYOR comment, not public. NO ACTION can be taken at this time.** If action is necessary, the item will be put on the next meeting agenda following a majority vote of the City Council.

- a. Mayor Jess – City Clerk will be out for some time, the Mayor has decided to appoint a temporary employee to cover the absence of the City Clerk.
- b. An internship will be discussed in future meetings for the relative of someone who works at the prison, she will be here for the month of May.

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

- a. None

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

- a. Resolution 2023-R-9: Authorize Application to MCEP Program– Jordan
Member Kersch titled Resolution 2023-R-9: Authorization Submit MCEP Infrastructure Plan and Grant Application:

Jordan – The city is currently working under an administrative order of consent for the Wastewater Treatment Plant discharge permit. There is a zero-discharge permit for the months of July through September. This permit was done in the early 2000's and there is no way to relax the requirements. The city is currently looking for a grant to update the Plant's Preliminary Engineering Report to inform ways of pursuing cost-effective measures to be compliant with the permit. A Renewable Resource Grant for \$15,000 has been applied for as match for this application. The City is planning to apply for a \$40,000 grant with Montana Coal Endowment Program as a match for that along with a local match at \$5,000.

Member Pierson (16.38) motion to pass resolution 2023-R-9. Member Henderson seconded. 6 Ayes, 0 Nos, 2 Absent. Motion to pass resolution passed.

b. Resolution 2023-R-10: Increase Solid Waste Rates – Jordan

Member Henderson titled Resolution 2023-R-10: Resolution by the City Council of the City of Deer Lodge increase the fees of the Solid Waste Program for accounts within the City and unincorporated accounts in Powell County.

Jordan - This will be an immediate \$1.39 increase to all accounts effective immediately. Effective January 2025 there will be a \$0.50 increase to all accounts and then in January 2026 another \$0.50 increase to all accounts.

This has been discussed in a prior Council meeting public hearing.

Member Kersch motioned to pass the resolution; Member Pierson seconded the motion. 6 Ayes, 0 Nos, 2 Absent. Motion passed.

9. Next Meeting Announcements

- a. Monday, December 4th, 2023 at 6:00pm

10. Adjournment

Mayor Jim Jess adjourned the meeting at 6:18 PM.

Prepared By: City Clerk - Temp

Mayor Jim Jess

Date

CITY COUNCIL

MINUTES

The City Council met on December 4th , 2023, at 6 PM | PC Community Center

Members Present:	Dick Bauman, John Henderson, Jackie Greenwood, Rob Kersch, Curt Fjelstad, Gordon Pierson, John Molendyke
Members Absent:	Joseph Callahan
Mayor:	James Jess
CAO:	Jordan Green
Staff:	Stan Glovan, Peter Elverum, Chief Smith, Trent Freeman, Kody Ryan
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. Fiscal Year 2023-2024 Budget – Jordan

At the Budget Meeting back on November 6th, 2023 the City Council recommended the proposed Fiscal Year 2023-2024 budget to a public hearing. The Finance Committee discussed and reviewed the proposed budget several times over the past few months before making a recommendation to City Council. The City Council reviewed on November 6, 2023 and made a recommendation for a public hearing.

Jordan opened the Public Hearing at 6:03 PM.

John Greenwood asked if funding for stormwater management is included and if the city is looking at getting a storm drain system.

Jordan responded that the Council will be discussing that very issue tonight and the grant for that project.

Jordan closed the public hearing at 6:04 PM.

- a. Action Item: Resolution 2023-R-11: Adopt FY 2023-24 Budget
Member Pierson titled Resolution 2023-R-11: A resolution by the City Council of the City of Deer Lodge adopting final budgets, budget authorities and annual appropriations for the fiscal year beginning July 1, 2023 and ending June 30, 2024.

Member Pierson motioned to approve Resolution 2023-R-11. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

4. Approval of Minutes.

- a. October 2, 2023

- b. October 16, 2023

- c. November 6, 2023

Member Kersch – Loader Engine Repair typo needs to be corrected on the landfill report.

Member Bauman motioned to approve the Minutes with the correction for October 2, 2023; October 16, 2023; and November 6, 2023. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent, minutes passed.

5. Committee Reports -

- a. City Council Operations – Rob Kersch

-Preps for new council member training will be held next week.

- b. Finance Committee – Dick Bauman

-Finance Committee met up on November 6th, at 4:00pm. There was only one member from the public present. Committee discussed the renewal and approval to move forward to the Council the In-Control Contract and reviewed and signed the October Claims.

- c. Economic Growth & Development – John Henderson

The Committee discussed the parcels owned by David Phillips, who requested to be exempt from street maintenance taxes for agriculturally-zoned parcels with no structures. The exemption was recommended to the Finance Committee.

- d. Public Health and Safety – Joseph Callahan – Absent

-No report.

- e. Public Works – Gordon Pierson

-No meeting was held.

6. Board Reports Business

- a. Airport Board – Gordon Pierson
 - The airport land purchase agreement to expand the runway needs a reappraisal for one landowner. The owner doesn't feel that the one being presented is current enough. Grazing bids were approved for a couple sections of land. No bid was put in for the land near the corner of Old Stage Road, so it wasn't leased to anyone.

- b. Powell County Parks Borad – Dick Bauman
 - The Arrowstone Park Remediation and future use plan was discussed. Some Events may be hosted at the park come this next Spring.

- c. Chamber of Commerce – John Henderson
 - The Christmas Stroll had a great turn out. The Chamber Banquet was discussed.

- d. Headwaters RC&D – Joseph Callahan
 - The Board approved the budget for Headwaters for the next fiscal year. There wasn't much to discuss with the Board regarding the Community Reinvestments Organizations authorized by HB 819. A lot of Community Updates were provided.

- e. Historic Preservation – Curt Fjelstad
 - No Meeting

- f. Landfill – Rob Kersch
 - Landfill is looking great; the seismic survey is complete, and the board is waiting for new permitting.

- g. Local Emergency Planning Committee – Dick Bauman
 - The committee meets quarterly; the next meeting is in January of 2024.

- h. Library – John Molendyke
 - Wasn't able to attend the last meeting, will have notes and minutes coming in to bring back to read to the Council at the next meeting.

- i. Planning Board – Dick Bauman
 - The last meeting was November 20, 2023. Board reviewed the final draft of the Growth Policy. There was a special meeting this morning at 10 AM and they have recommended a Growth Policy that will move forward to public hearing.

- j. Youth Board – Jackie Greenwood
 - Unable to attend the last meeting.

7. Continued Business (continued or tabled)

- a. None

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

a. Treasurer's Report | November Claims – Stan Glovan.

- November Claims:
- Atypical Claims- this was for Helena Sand and Gravel for Street Maintenance the cost was \$12,431.79
- No Complete Projects – \$0.00
- My Arena and Training – This came out of the general funds split between City Hall and the Fire Department the cost was \$2,500.00
- Claims for the Month – \$129,929.93
- Payroll for the Month – \$162,594.74
- Grand Total for the Month - \$292,524.67

Member Bauman motion to approve the claims for November, Member Pierson seconded the motion for approval. 7 Ayes, 0 Nos, 1 Absent, motion passed.

b. Resolution 2023-R-12: Authorize Application to the Montana Coal Endowment Program Planning Grant for a Stormwater Management System Preliminary Engineering Report – Jordan

Stahly Engineering is working on an application for a Planning Grant to the Montana Coal Endowment Program (MCEP) for a Stormwater Management System Preliminary Engineering Report (PER). We have previously applied through FEMA and are waiting to hear back on that grant. Match will be \$10,000 for a \$40,000 grant.

Jackie – where is all the stormwater going to go in the pipes. That water is not clean.

Jordan – the preliminary engineer reports will cover the discharge of the water.

Trent – the water is filtered through the existing coble gravel, if its running across your lawn, its essentially filtered through the soils, all the soils are absorbing all the sediments, this also happens as it travels underground. Rocks and Cables absorb the sediments, it's the natural way of the filtration system.

Member Bauman motioned to pass the resolution, Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent, resolution passed.

c. Stahly Task Order for Comprehensive Capital Improvements Plan (including MCEP application) – Jordan

The City has not updated its Comprehensive Capital Improvements Plan (CCIP) since 2017. This document guides capital expenditures and investments over the next 5 years. Now is a perfect time to update the CCIP so it is responsive to the 2023 Growth Policy Update and current needs. Stahly has provided a task order for them to apply for a Montana Coal Endowment Grant for the CCIP update, as well as the cost of the CCIP update.

Member Bauman motioned to approve the City Staff sign the task order to have Stahly begin working on the MCEP application for a CCIP update. Member Pierson seconded the motion, 7 Ayes, 0 Nos, 1 Absent, motion passed.

d. Stahly Task Order for Comprehensive Subdivision Regulation Update – Jordan

The City of Deer Lodge has subdivision regulations that were adopted in 2018 which dictate application materials, processes, and guidelines for major and minor subdivisions. The 2023 Legislative Session passed several bills that require substantial changes to subdivision regulations for all cities and counties in Montana. Stahly has provided a task order for a comprehensive update to the Cities Subdivision Regulations to align with State Statute and changing conditions.

Member Kersch motioned to approve the City Staff sign the task order to have Stahly begin working on Subdivision Regulations update. Member Henderson seconded the motion, 7 Ayes, 0 Nos, 1 Absent, motion passed.

e. Internship Opportunity for Ava Hoffman – Jordan

CAO was emailed by Ava Hoffman, sophomore at University of Michigan, in October, who was asking about the possibility of an internship for the month of May 2024. She will be in town during that month. She is interested in understanding public policy and implementation. CAO believes she would be an asset to the City through activities outlined in the draft offer letter.

A paid internship will cost the City about \$3,000 for the month which equates to \$17.00 an hour.

Some things we can have her work on are identifying contradictory and insufficient city codes and preparing new language for presentation for City Council. This could add benefits to our City Code by clearing some things up. The intern can also assist the City Clerk in organizing and implementing City Contracts. The intern can also assist Jordan with the City's 2023 Growth Policy. The intern will also work on updating the Cities Forms and Applications, a lot of them need an update. This will be a full-time position from May 1st to May 31st at \$17.00/hour.

Member Greenwood motioned to approve City Staff to offer the internship position to Ava Hoffman as outlined in the draft letter. Member Bauman seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

f. 120 Water Renewal – Trent

Annual Software Subscription Renewal for the Lead and Copper Service Line Inventory. The Water System Software subscription is \$4,938.50.

Member Pierson motioned to approve the Renewal; Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

g. Airport Pasture Leases – Jordan

The airport board leases lots for grazing to a few individuals. The airport board has signed off on the leases. County Attorney Kathryn McEnery has advised that the City and County approve the leases once they have been approved by the Airport Board. She asked that the City Council review and potentially approve these leases.

Two draft Airport Pasture Leases for lots 2 and 3 were presented to the Council.

Member Pierson motioned to approve the two Pasture Leases that have been approved by the Airport Board for Lots 2 and 3. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

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

- ~~Economic Growth & Dev – December 6th at 5pm~~
- Finance – December 4th at 4PM
- Public Health & Safety – December 14th at 5pm
- City Council Operations – December 11th at 5pm
- Planning Board – December 18th at 10am
- Council #2 – December 18th at 6:00pm
- ~~Public Works – December 26th at 5pm~~

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.

Member Kersch stated that at the last meeting there was a mention of hiring a temporary City Clerk. Where are we with that?

Jim- We did hire a temporary City Clerk as we do not know when Cyndi will return.

Jim – As some of you know we are coming up on terms ending. I appoint the Boards; the Council President will appoint the Committees. We don't know who the new Council President will be, but you can feel free to send me an email of any Committee or Boards you want to be on, I can get that passed on to the new Council President. If anyone lives in Ward 3, if you are interested or know of anyone that would be interested, you can send a letter to the Council and myself and there will be an interview with several people and at that time it will be around February.

The Mayor and City staff gave an overview of several complications arising from the ongoing sewer project. There were some unanticipated costs that can be covered with contingency. There was also a release of contamination from an unmapped line that the City is currently remediating with help from DEQ, Hydrometrics, and Stahly Engineering. Trent stated that these items would be presented formally in his next Council Staff Report.

11. Next Meeting Announcements

- a. Regular Meeting December 18th, 2023 at 6:00pm

12. Adjournment

Mayor Jim Jess adjourned the meeting at 7:07 PM.

Prepared By: City Clerk - Temp

Mayor Jim Jess

Date

CITY COUNCIL

MINUTES

The City Council met on December 18th , 2023, at 6 PM | PC Community Center

Members Present:	Dick Bauman, John Henderson, Rob Kersch, Gordon Pierson, John Molendyke, Curt Fjelstad, Jackie Greenwood
Members Absent:	Joe Callahan
Mayor:	James Jess
CAO:	Jordan Green
Staff:	Chief Smith, Kody Ryan, Trent Freeman, Peter Elverum, Stan Glovan
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.

John Greenwood inquired about the water main pipe burst on Main Street and how it affected nearby properties. He asked how much city money would be expended fixing the problem and addressing the nearby properties. The Mayor and City Attorney responded that our insurance agency has been made aware of the issue and we have no updates from them at this time.

3. Approval of Minutes

- a. Deferred until next meeting

4. Public Hearing:

- a. None

5. Department Reports:

- a. CAO | b. Public Works | c. Police | d. Fire | e. Code Enforcement | f. Recreation Program

a. CAO- Jordan presented his report in packet. No questions at this time.

b. Public Works- Trent

Street Maintenance: The Cottonwood Street Drainage Project is complete.

Sewer Utility: Inflow and Infiltration project on Rainbow Ave. is complete.

Solid Waste: Rate increases proposed to Council has been passed for \$1.39 per month starting immediately then \$0.50 increases for years 2025 and 2026.

c. Police- Chief Smith

233 calls for service, 150 reports generated, 77 traffic stops, 23 citations issued. 1 OD, 1 accidental gun shot wound, 2 highspeed pursuits DLPD vehicles unable to keep up. DUI crash into a house, exterior damage to the house, 2 trespassing calls, 5 traffic accidents, 2 runaway juvenile calls, officer located. 3 harassment calls, 1 elderly person victim of fraud, and 1 death notification.

d. Fire- Brant was not present.

e. Code Enforcement- Kody

10 dog at large complaints, 16 citizen complaints, 1 temporary foster, daily patrols, 195 dog tags sold, 1 dog at shelter, enforcement of parking ordinances, 2 citations issued. One vicious dog detained at shelter pending court ruling, 1 stop work orders issued, 2 beaver dams ripped out, and the start of culvert inspections and clearing began.

f. Recreation Program – Sean was absent. Mayor presented report in packet.

Adult Volleyball Season has ended. Basketball sign ups before Christmas Break and start when kids get back from the holidays. Adult Cornhole will start in late January.

- 6. Mayor and Council Concerns:** (ONLY Concerns that are not included in this meeting's 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. **This time is solely for COUNCIL and MAYOR comment, not public. NO ACTION can be taken at this time.** If action is necessary, the item will be put on the next meeting agenda following a majority vote of the City Council.

- a. Mayor Jess – Members who are planning to stay with the Council can fill out a form for a request for Committee and Board Assignments. I make the Board Assignments at the begging of the year, whoever the Council President will be will make the Council of the Committees. The Conflict of Interest forms need to be signed by council members as well. Return these filled out as soon as you can.
- b. January's first meeting will be the 8th, as the 1st is a holiday.

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

- a. None

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

a. Agricultural Property Street Maintenance Exemption Request – Jordan

The Economic Growth and Development Committee, at their meeting on September 2, 2023, heard from David Phillips, owner of approximately 2 acres west of the Clark Fork River, who requested relief from the approx. \$2,500/year in street maintenance district assessments for his property. The land is zoned Agricultural and currently vacant. Mr. Phillips wishes to see all land that is zoned agricultural that does not have an existing structure be exempted from the assessment in order to make the land viable for use.

Mr. Phillips previously approached the EGD Committee in September. The Committee agreed to discuss his request at their next meeting. At their October meeting, they determined to continue the discussion during the November meeting. In November, they forwarded a favorable recommendation to Finance Committee. Finance sent a favorable recommendation on December 4.

Member Greenwood - Is there anything in writing saying, "This is what I plan to do with the land." We should have something in writing saying that this is what will happen in order to get this exemption.

Jordan – This exemption was being discussed because the land is non-agricultural and undeveloped, and it will be very difficult to build a house on this land as it's in a flood plain. We discussed a tracking measure to determine when a structure would be placed on the property. Or if it were to ever change from an agricultural zone to something else. But nothing was ever really discussed.

Peter Elverum – It is in writing that this land is agricultural, and there's only so many uses for land zoned like this. The SID assesses everyone in the city based on square footage and these lots don't generate a lot of traffic. So, exempting these lots won't make a difference in the maintenance department.

Member Greenwood- I'm not asking about a building; I'm asking if there is something in writing saying that this land will be turned into a community garden.

Peter Elverum – So your question is "Is it in writing?" Yes, it is. It's zoned agriculturally and it's in the flood plain, so there are limitations to what this property can be used for. If you wanted to ever change the zoning, it would trigger a lot of things in the city and it would be reassessed and then taxed again if the zoning were to ever change.

Member Greenwood motioned to exempt the 2 acres west of the Clark Fork River from the EGD Committee assessment in order to make the land viable for use- specifically for a community garden. With the caveat that if the use of the land changes, then the City will reassess the land and there will be assessment fees. Member Bauman seconded the motion. 7 Ayes, 0 Nos, 1 Absent, motion passed.

b. House Bill 355 Discussion and Project Prioritization – Jordan

House Bill 355, AKA the State-Local Infrastructure Partnership Act of 2023 allocates funding to communities for the maintenance of existing infrastructure. Deer Lodge is set to receive \$250,971 and requires a 25% match of total project cost. The application is due in March, but the law requires cities to prioritize projects based on department head input by December 31, 2023. The City needs to set a priority for funding.

Discussion and prioritization of projects. Staff seeks prioritization for additional City Hall maintenance funding.

No vote is required. Information only.

c. Resolution 2023-R-13-Authorize Application of an MCEP Infrastructure Planning Grant for a Comprehensive Capital Improvements Plan Update – Jordan

Resolution 2023-R-13, this resolution authorizes application to the Montana Coal Endowment Program (MCEP) Infrastructure Planning Grant Program. The intent of this application is to receive funding for a Comprehensive Capital Improvements Plan (CCIP) Update. Under this program, the City would be responsible for a \$4,010 match for a total project cost of \$40,500.

At its December 4th, meeting, the City Council approved a Task Order from Stahly Engineering to apply for the grant and begin working on the CCIP update. This had been previously recommended by the Finance Committee at their December 4 meeting.

Member Pierson motioned to pass resolution 2023-R-13, Member Henderson seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Resolution passed.

d. Planning Board and Board of Adjustments Consolidation – Jordan

Senate Bill 130 allows for the consolidation of municipal Planning Board, Zoning Commission, and Board of Adjustments into a single body: a Land Use Board. The Planning Board already acts as the Zoning Commission and has expressed its desire to pursue consolidation with the Board of Adjustments.

The Planning Board and Board of Adjustments have discussed the consolidation at several meetings these past few months. Bylaws have been a major topic of conversation and will need to be completely rewritten. It is recommended that the approval of the consolidation and the Planning Board begin drafting new bylaws for a Land Use Board.

Member Bauman motioned to approve the consolidation of both the Planning Board and Board of Adjustments; Member Fjelstad seconded the motion. 7 Ayes, 0 Nos, 1 Absent, motion passed.

9. Next Meeting Announcements

- a. Monday, January 8th, 2023 at 6:00pm

10. Adjournment

Mayor Jim Jess adjourned the meeting at 6:42 PM.

Prepared By: City Clerk - Temp

Mayor Jim Jess

Date

City Council - January 8, 2023

Financial Summary

December 2023

Atypical Revenues	Purpose	Fund	Amount
Nothing to report			
\$0.00			
Completed Projects	Grant Funded	City Funded	Final Cost
Nothing to report			
\$0.00			
Atypical Claims	Purpose	Fund	Amount
O'Keefe Drilling	City Water Replacement Well	5210	\$35,563.60
Dept. of Revenue	Contractors Gross Tax	5210	\$367.92

Payables		
	Claims	\$324,342.48
	Payroll	\$167,760.50
	Total	\$492,102.98

A motion to approve payment of the claims is requested.

01/05/24
12:47:14

CITY OF DEER LODGE
Claims by Vendor Report
For the Accounting Period: 12/23

Page: 1 of 2
Report ID: AP220

Vendor	Claim #	# of Lines	Date Accepted	Amount
12 POWELL COUNTY CLERK	CL 12215	11	12/21/23	2,687.66
	CL 12231	1	12/14/23	100,000.00
26 CENTURY LINK	CL 12216	2	12/14/23	85.10
28 ROME ENTERPRISES 027545	CL 12221	17	01/05/24	0.00
30 NAPA AUTO PARTS	CL 12223	19	01/04/24	1,109.83
32 SILVER STATE POST	CL 12238	2	12/14/23	128.26
33 NORTHWESTERN ENERGY	CL 12212	37	01/02/24	24,740.30
36 NORTHWEST PIPE FITTINGS, INC.	CL 12229	2	01/04/24	444.48
45 CITY OF DEER LODGE ASSIGNEE	CL 12261	11	12/28/23	296.69
47 MONTANA BROOM & BRUSH SUPPLY	CL 12222	4	01/04/24	336.41
125 R & C LUMBER, INC.	CL 12227	2	12/28/23	201.96
198 UTILITIES UNDERGROUND LOCATION CENTER	CL 12219	2	12/07/23	40.82
234 LOCAL GOVERNMENT SERVICES	CL 12271	1	01/04/24	130.00
429 KOIS BROTHERS EQUIPMENT CO.	CL 12269	1	01/04/24	172.58
434 ENERGY LABORATORIES, INC.	CL 12225	18	01/04/24	4,785.00
454 CLARK FORK VETERINARY CLINIC	CL 12272	1	01/04/24	108.27
468 LES SCHWAB	CL 12278	2	01/05/24	174.99
523 FICKLER OIL COMPANY, INC.	CL 12254	1	12/20/23	337.26
537 O'KEEFE DRILLING	CL 12230	1	12/08/23	35,563.60
713 LANE & ASSOCIATES	CL 12249	1	12/18/23	76.23
737 UNIVISION, INC.	CL 12214	7	12/16/23	1,469.40
738 US BANK	CL 12248	1	12/15/23	4,375.00
802 PIONER RESEARCH CORPORATION	CL 12237	2	12/14/23	5,374.32
823 CULLIGAN OF BOZEMAN - BUTTE	CL 12240	1	12/15/23	31.50
849 DEPARTMENT OF REVENUE	CL 12244	1	12/15/23	367.92
864 MONTANA DEPT OF LABOR & INDUSTRY	CL 12275	1	01/04/24	100.00
921 KOHRS MEMORIAL LIBRARY - PETTY CASH	CL 12273	1	01/04/24	49.89
936 UPS	CL 12211	1	12/18/23	120.00
950 DeSILVA ELECTRIC, LLC	CL 12243	1	12/15/23	231.40
1038 MONTANA DEPARTMENT OF CORRECTIONS	CL 12220	1	12/21/23	450.00
1118 ROBERTS, DANIEL	CL 12277	1	01/04/24	360.00
1170 NAZER AND SON TOWING, INC	CL 12245	1	12/15/23	225.00
1196 CHARTER COMMUNICATIONS	CL 12217	4	12/28/23	581.97
1197 VERIZON WIRELESS SERVICES, LLC	CL 12213	21	12/18/23	663.69
1232 OFFICE SOLUTIONS, INC.	CL 12252	4	12/20/23	62.79
1242 WEX BANK	CL 12210	29	12/07/23	4,046.80
1245 DAN GREEN	CL 12232	2	01/04/24	640.83
1267 PIONEER CONCRETE & FUEL	CL 12251	3	01/05/24	17,445.80
1294 RDO EQUIPMENT CO.	CL 12228	2	12/08/23	4,072.40
1317 PITNEY BOWES, INC.	CL 12218	15	01/04/24	777.22
1319 ROCKY MOUNTAIN PRINT SOLUTIONS, INC.	CL 12239	2	12/14/23	764.36
1373 STAHLY ENGINEERING & ASSOCIATES, INC.	CL 12268	8	01/04/24	34,578.16
1378 USDA RD LOAN #92-02	CL 12208	2	12/28/23	4,075.00
1401 USDA RD LOAN #92-01	CL 12207	2	12/15/23	15,765.00
1410 USDA RD LOAN #92-04	CL 12209	2	12/18/23	11,886.00
1418 US BANK COMMUNITY CARD	CL 12250	20	01/05/24	1,894.52
1419 ELVERUM LAW FIRM, PLLC	CL 12263	10	01/02/24	12,130.31
1441 CORE & MAIN LP	CL 12259	2	12/28/23	4,477.52
1453 MONTANA DEPARTMENT OF CORRECTIONS	CL 12257	3	12/21/23	4,423.00
1466 GIRKY, ELISSA	CL 12274	1	01/04/24	180.00
1495 TRI-COUNTY MECHANICAL & ELECTRICAL	CL 12264	1	01/04/24	448.00
1507 BEAST MOWED LAWN CARE	CL 12276	1	01/04/24	150.00
1519 FORD HALL COMPANY, INC.	CL 12270	2	01/04/24	739.12
1554 HYDROMETRICS, INC.	CL 12235	1	12/14/23	2,228.49

01/05/24
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CITY OF DEER LODGE
Claims by Vendor Report
For the Accounting Period: 12/23

Page: 2 of 2
Report ID: AP220

Vendor	Claim #	# of Lines	Date Accepted	Check	Amount
1557 THOMPSON, GARY	CL 12255	2	12/28/23		117.17
1584 PEAK RESTORATION, LLC	CL 12234	2	12/14/23		3,933.38
1607 COWPOKE RANCH SUPPLY, INC.	CL 12265	1	01/04/24		38.00
1616 KELLEY CONNECT	CL 12224	4	01/04/24		247.47
1642 MMVCA	CL 12256	1	12/20/23		75.00
1722 COMMUNICATION RESOURCES, LLC	CL 12266	1	01/04/24		360.74
1724 BOTACH	CL 12260	1	12/28/23		186.00
1728 120WATER	CL 12236	1	12/14/23		4,938.50
1732 COTE & ASSOCIATES CPA PLLC	CL 12241	1	12/15/23		2,790.00
1733 GREATWEST ENGINEERING	CL 12258	5	12/26/23		2,559.00
1739 CULLUM & BROWN	CL 12242	2	12/15/23		1,029.89
1754 REICH, SEAN	CL 12233	2	12/14/23		111.96
1765 PUCCINELLI PLUMBING & HEATING	CL 12279	2	01/05/24		751.79
1776 STAPLES	CL 12267	5	01/04/24		221.68
1781 WILLIAM ANDERSON	CL 12246	1	12/15/23		377.05
				Total:	324,342.48

Mayor
James Jess
Chief Administrative Officer
Jordan Green
City Attorney
Peter Elverum
City Clerk
Cyndi Thompson
Compliance Officer
Kody Ryan
Public Works Superintendent
Trent Freeman
Treasurer
Stanley Glovan
City Services Coordinator
Gena Micu



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

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: COMMITTEE **TO:** CITY COUNCIL

Agenda Item Name: Title 8 Changes to Clarify Dog at Large Language: 2nd Discussion

For Meeting on: 01/08/2024 **Staff Member/Committee Referring:** Public Health & Safety

Description of the item:

The City Council received public comment about dogs at large and City Code related to dogs. The Council voted to send the item for discussion at the Public Health and Safety Agenda. PHS then recommended changes and clarifications to the language in Title 8 related to dogs at large. Council discussed on September 25 and elected to send back to PHS for additional review. PHS reviewed at their November meeting and made recommendations to the City Council.

Attachments:

1. Redlined changes to Title 8.

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

Following a vote of the City Council to send the item to the Public Health and Safety Committee, the PHS Committee discussed changes to Title 8 at their August 10, 2023 meeting. City Council discussed, tabled, and sent back to PHS for additional review. PHS discussed at their November meeting and recommended modifications to the City Council.

Recommended Motion/Action:

CHAPTER 8.02: DOGS

Section

- 8.02.010 Definitions
- 8.02.020 Enforcement
- 8.02.025 Number of dogs
- 8.02.030 Licensing
- 8.02.040 Tag and collar
- 8.02.050 Restraint
- 8.02.060 Animal shelter
- 8.02.070 Impoundment and disposition
- 8.02.080 Redemption and destruction
- 8.02.090 Impoundment fees
- 8.02.100 Confinement of certain dogs
- 8.02.110 Rabies control
- 8.02.120 Reports of bite cases
- 8.02.130 Responsibilities of veterinarians
- 8.02.140 Exemptions
- 8.02.150 Dog census
- 8.02.160 Interference
- 8.02.170 Records
- 8.02.180 Barking dogs
- 8.02.181 Chasing vehicles
- 8.02.182 Animal waste; removal
- 8.02.190 Destruction of vicious dogs
- 8.02.200 Kennels prohibited
- 8.02.210 Teasing or unauthorized releasing of animals
- 8.02.220 Violations; penalty

§ 8.02.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL DESIGNEE. Any designee of the Chief Administrative Officer, Mayor or Police Chief as all law enforcement officers as defined in state law, with all necessary police powers incident to the animal control authority.

ANIMAL SHELTER. Any premises provided by the city or other designated facility used to impound and temporarily care for dogs or other animals.

ANIMAL SHELTER ATTENDANT. A duly appointed and trained employee whose responsibility is to provide safe and humane shelter and provide food and water as necessary for animals kept in the city animal shelter.

AT LARGE. Off the premises of the owner and not ~~on a leash or other restrained~~ ~~or properly controlled~~ by the owner or responsible person. The phrases "off the premises" and "restraint" are defined in the definition of "restraint."

COMPETENT PERSON. A person who is able to control an animal under their care.

DISPOSED OR DESTROYED IN A HUMANE MANNER. A lethal injection of pentobarbital sodium or an equivalent, administered by a veterinarian.

EXPOSED TO RABIES. A dog has been exposed to rabies if it has been bitten by any animal known to be or suspected of being infected with rabies or has come in contact with a rabid animal.

KENNEL. A building, enclosure, or portion of any premises in or at which dogs are boarded or kept for hire or for sale; in or at which dogs are kept or maintained by any person other than the owner thereof; or in or at which six or more dogs over the age of six months are kept or maintained.

OWNER. Any person, firm, corporation, organization or department possessing harboring, keeping, having an interest in, or having control or custody of an animal. If the OWNER is a juvenile, a parent or other custodian of such juvenile shall for the purposes of this chapter, be treated as the OWNER of the animal.

NEUTERING (CASTRATION). The surgical procedure during which both testicles are removed in order to sterilize (make infertile) a male animal, therefore stopping its ability to reproduce. The owner must be able to provide suitable proof of surgery.

RESTRAINT. Any dog ~~that is restrained must be BOTH 1)~~ controlled by a leash and, 2) controlled by a competent person, at heel beside a competent person and obedient to that person's commands. ~~Animals must be restrained when off-premises.~~ Animals may be on or within a vehicle being driven or parked on the streets, or within the property limit of its owner are not considered off-premises. Voice command is not an acceptable method of RESTRAINT.

SPAYED. The surgical procedure used to completely remove the ovaries and uterus in order to sterilize a female animal, therefore stopping its ability to reproduce. The owner must be able to provide suitable proof of surgery.

STRAY ANIMAL. Any animal at large, the owner of which cannot be ascertained.

VICIOUS ANIMAL. Any animal who:

(1) Bites or attempts to bite any human being without provocation or which harasses, chases, bites or attempts to bite any other animal. The term ANIMAL includes all livestock and any domestic pet; or

(2) Has ever been trained for fighting or has ever been owned, kept or harbored for the purpose of fighting.

(Prior Code, § 8.02.010) (Ord. 1, passed 1-17-1980; Ord. 79, passed 5-20-1996; Ord. 2019-8, passed 8-19-2019; Ord. 2021-12, passed 12-20-2021; Ord. 2024-X, passed XXXX, effective XXXX)

§ 8.02.020 ENFORCEMENT.

The provisions of this chapter shall be enforced by the animal control designee and law enforcement officers, or either of them, of the city.

(Prior Code, § 8.02.020) (Ord. 1, passed 1-17-1980)

§ 8.02.025 NUMBER OF DOGS.

(A) (1) It is unlawful for any person or family to keep, harbor or maintain more than two dogs over six months of age, in or upon any premises, without first obtaining an excessive dogs permit.

(2) A multi-family dwelling (where two or more families reside) shall not be allowed more than two dogs over the age of six months, because of the nuisance value.

(B) The excessive dogs permit allows the person or family to keep up to five dogs.

(C) An excessive dogs permit shall cost \$25 per year, on the same schedule as the regular dog licensing fees.

(D) Persons purchasing an excessive dogs permit will also be required to pay twice the normal licensing fee for each dog over two and up to five dogs.

(Prior Code, § 8.02.025) (Ord. 2019-8, passed 8-19-2019)

§ 8.02.030 LICENSING.

(A) No person shall own, keep or harbor any dog within the city limits, unless such dog is licensed as herein provided.

(1) Application for such license shall be made to the City Treasurer or such agent as shall be designated by the City Treasurer, which shall state the name and address of the owner and the name, breed, color, age, sex and intact/alterd status of the dog.

(2) The license fee shall be paid at the time of making application, a numbered receipt given to the applicant and a numbered metallic tag shall be issued to the owner.

(3) The yearly license fee shall be set by resolution and is required for all dogs over the age of six months.

(4) The license fee shall be set such that the fee for an altered dog shall be less than the fee for an unaltered dog. In order to be eligible for the lesser fee, proof from a veterinary must accompany the application for license.

(5) (a) All dog licenses shall be issued for one year and will go into effect January 1 of that year.

(b) Any license issued for any dog for the year, immediately preceding, shall be valid to, but not including, March 1 of the current year.

(6) No application for a dog license shall be accepted until the applicant has produced satisfactory evidence that the dog for which the license is to be issued has been vaccinated for rabies with a strain of rabies vaccine certified to be effective for a two-year period. Rabies vaccine will be administered only by a licensed veterinarian.

(7) Any person licensing a dog on or after March 1 of any year shall pay a late fee set by resolution in addition to the ordinary license fee, unless such person can present evidence satisfactory to the City Treasurer that the animal being licensed has not been kept, held or owned within the city for a period in excess of one week immediately prior to the date on which application is made.

(B) In the event that a license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon payment of \$2 to the City Treasurer.

(C) If there is a change of ownership of a dog during the license year, the new owner shall purchase a current license transferred to his or her name upon application to the City Treasurer for one-half the original fee for that license year.

(D) (1) No person shall use for any dog, a license, receipt or license tag, or evidence of vaccination for rabies, issued for any other dog.

(2) Any person keeping any unlicensed dog or dogs contrary to §§ 8.02.025 and 8.02.030(A) shall be deemed guilty of a misdemeanor and shall, upon conviction therefore, be punished by a fine for each dog. This fine will be set by resolution.

(Prior Code, § 8.02.030) (Ord. 1, passed 1-17-1980; Ord. 96, passed 11-19-2001; Ord. 110, passed 1-1-2006; Ord. 2019-8, passed 8-19-2019)

§ 8.02.040 TAG AND COLLAR.

Every licensed dog shall at all times wear a choke chain, collar or harness to which is attached its license tag.

(Prior Code, § 8.02.040) (Ord. 1, passed 1-17-1980)

§ 8.02.050 RESTRAINT.

~~(A) —(A)~~ Control required; penalty for violation. It is unlawful for any person, owner or party in control of any dog within the city limits to allow the same to be at large off the owner's property or other property where the dog is kept, and the owners or persons in control of any dog are required to keep all dogs securely confined upon privately-owned property, except that dogs may be allowed upon a street, alley or sidewalk when properly controlled by a competent person as defined in § 8.02.010. Upon conviction, the minimum fine for violation of this provision shall be set by resolution.

a. It is the property owner's or responsible person's responsibility to ensure a dog stays in or on a vehicle or within private property so that it does not become at large.

(B) Failure to have control; impoundment.

(1) Any dog not ~~controlled or not securely confined~~ restrained as defined in § 8.02.010 upon privately-owned property may be taken and impounded by the animal warden, any of his or her assistants, or any law enforcement officer and the same may be impounded for the period otherwise provided in this chapter.

(2) Any dog impounded which is not claimed by the owner within the period prescribed in this chapter shall be disposed of by the animal warden as in other cases.

(Prior Code, § 8.02.050) (Ord. 1, passed 1-17-1980; Ord. 44, passed 4-18-1988; Ord. 59, passed 4-15-1991; Ord. 2019-8, passed 8-19-2019)

§ 8.02.060 ANIMAL SHELTER.

The city shall maintain a suitable shelter for the impounding of dogs, such shelter shall be so constructed that dogs of different sizes, sexes, licensed or unlicensed, and healthy and unhealthy dogs may be segregated, and shall be maintained in a safe and sanitary condition. Such shelter may either be constructed and operated by the city, or the city may enter into a contract with a veterinarian or other suitable person for the supplying and operation of the same. All animals confined in such shelter shall be regularly fed and watered and treated in a humane manner.

(Prior Code, § 8.02.060) (Ord. 1, passed 1-17-1980)

§ 8.02.070 IMPOUNDMENT AND DISPOSITION.

(A) All dogs found running at large may be taken up by the animal control designee and impounded in the animal shelter, and there confined in a humane manner for a period of up to ten days.

(1) Dogs impounded and not claimed by their owner at the expiration of ten days, after notice to the owner, if known, may be disposed of at the discretion of the said animal control designee or police officer, except as hereinafter provided in the cases of certain dogs.

(2) When dogs are found running at large, and their ownership is known to the animal control designee, such dogs need not be impounded, but the animal control designee or police officer may, at his or her discretion, cite the owner of such dogs to appear in court to answer the charge or violation of this chapter.

(B) If any impounded dog or other animal is not redeemed within ten days after notice has been given to the owner, if known, or posted at the city hall if the name of the owner is not known, the owner thereof shall forfeit all right, title and interest therein.

(1) In the event that any impounded dog or other animal is not redeemed by the owner, it may be disposed of by the animal control designee or police officer in a humane manner.

(2) Any dog or other animal suffering from an infectious disease shall not be redeemed, but must be put to death, unless the public health officer shall otherwise order, or it may be given to any suitable and responsible person upon payment of the fees and charges set forth by resolution.

(Prior Code, § 8.02.070) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.080 REDEMPTION AND DESTRUCTION.

(A) The owner shall be entitled to redeem possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon compliance with the license provisions contained in § 8.02.030 of this chapter and the payment of the fees and charges provided for in §§ 8.02.030 and 8.02.090 of this chapter. Any other animal impounded under the provisions of this chapter may be reclaimed by the owner upon the payment of the fees and charges provided for in §§ 8.02.025, 8.02.030 and 8.02.090 of this chapter.

(B) Any dog impounded under the provisions of this chapter and not reclaimed by its owner within ten days may be humanely destroyed by the animal control designee or placed in custody of some person deemed to be responsible or suitable person to be the

owner of such animal; upon payment of fees and charges set forth in §§ 8.02.030 and 8.02.090 of this chapter.

(Prior Code, § 8.02.080) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.090 IMPOUNDMENT FEES.

(A) Any dog impounded under this chapter may be reclaimed by the owner upon payment to the city of an impounding fee and a daily boarding fee for each calendar day the dog is impounded, with such fees to be set periodically by the City Council.

(B) For purposes of this section, each calendar day begins at midnight and daily boarding fees will not be apportioned.

(Prior Code, § 8.02.090) (Ord. 1, passed 1-17-1980; Ord. 27, passed 8-1-1985; Ord. 123, passed 6-2-2008; Ord. 2019-8, passed 8-19-2019)

§ 8.02.100 CONFINEMENT OF CERTAIN DOGS.

(A) The owner shall confine within a building or secure enclosure, every fierce, dangerous or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

(B) Every female dog in heat shall be confined in a building or secure enclosure, or in a veterinarian hospital or boarding kennel, in such manner that such female dog cannot attract another animal, except for breeding purposes.

(Prior Code, § 8.02.100) (Ord. 1, passed 1-17-1980)

§ 8.02.110 RABIES CONTROL.

(A) Every animal which bites a person shall promptly be reported to the animal control designee and shall thereupon be securely quarantined at the direction of the animal control designee for a period of not less than 15 days and shall not be released from such quarantine, except by written permission of the animal control designee. Such quarantine may be on the premises of the owner, at the shelter designated as the city animal shelter, or at the owner's option if vaccinated for rabies as set forth in § 8.02.030(A) thereof, in the veterinary hospital of his or her choice, all at the expense of the owner. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city animal shelter.

(B) The owner upon demand made by the animal control designee or police officer or either of them, shall forthwith surrender any unvaccinated animal that has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free

of rabies, as set forth in § 8.02.080 thereof, and upon compliance of licensing provisions set forth in § 8.02.030 thereof.

(C) When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the animal control designee shall immediately send the head of such animal to a competent laboratory for pathological examination and shall notify the proper public health officer of reports of human contacts and the diagnosis made of the suspected animal.

(D) When one or both reports give a positive diagnosis of rabies, the animal control designee shall recommend a city-wide quarantine of a period of 30 days and upon the invocation of such quarantine, no animals shall be taken into the streets or prelisted to be in the streets during such period of quarantine.

(E) Every unvaccinated animal bitten by an animal showing positive symptoms of rabies shall be forthwith destroyed, or shall at the owner's option and expense, be held not less than 15 days in quarantine, and thereafter in the discretion of the veterinarian said animal may be quarantined to a period not exceeding 90 days.

(F) In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended, in the interest of the public safety, for additional periods of 30 days, at the discretion of the animal control designee.

(G) No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or animal biting a human, except as herein provided, nor remove the same from the city limits without written permission from the animal control designee. The animal control designee shall direct the disposition of any animal found to be infected with rabies. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the animal control designee.

(Prior Code, § 8.02.110) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.120 REPORTS OF BITE CASES.

~~It shall be the duty of every physician or other practitioner to~~ Anyone who responds to a animal bite case must report to the animal control designee and local health officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

(Prior Code, § 8.02.120) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019; Ord. 2024-X, passed XXXX, effective XXXX)

§ 8.02.130 RESPONSIBILITIES OF VETERINARIANS.

It shall be the duty of every licensed veterinarian to report to the animal control designee his or her diagnosis of any animal observed by him or her as a rabies suspect.

(Prior Code, § 8.02.130) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.140 EXEMPTIONS.

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter, except where such duties are expressly stated. The licensing and vaccination requirements of this chapter shall not apply to any animal belonging to a non-resident of the city and kept within the city for not longer than 30 days, providing all such dogs shall at all times while in the city, be kept within a building, enclosure or vehicle, or be under restraint by the owner.

(Prior Code, § 8.02.140) (Ord. 1, passed 1-17-1980)

§ 8.02.150 DOG CENSUS.

At least once every two years, a complete census may be taken of all dogs in the city and anyone found to be harboring an unlicensed dog required to be licensed by the provisions of this chapter shall be required immediately to obtain a license for such dog or shall be cited into court to answer to charges of violation of this chapter.

(Prior Code, § 8.02.150) (Ord. 1, passed 1-17-1980)

§ 8.02.160 INTERFERENCE.

No person shall interfere with, hinder or molest the animal control designee or police officer or either of them in the performance of any duty of their office, or seek to release any animal in the custody of the animal control designee or police officer, except as herein provided.

(Prior Code, § 8.02.160) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.170 RECORDS.

It shall be the duty of the animal control designee or shelter attendant designee to keep or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into his or her custody.

(Prior Code, § 8.02.170) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.180 BARKING DOGS.

It is unlawful for any owner to allow any dog to stay about any premises occupied or controlled by him or her, which dog by loud and continuous barking, howling or yelping constitutes an annoyance or disturbance to the neighborhood. Any such dog creating such disturbance is declared to be a nuisance.

(Prior Code, § 8.02.180) (Ord. 1, passed 1-17-1980; Ord. 59, passed 4-15-1991; Ord. 78, passed 10-2-1995)

§ 8.02.181 CHASING VEHICLES.

It is unlawful for any owner keeping or harboring any dog or other animal to suffer or permit such dog to chase, run after or jump at vehicles lawfully using the public streets, avenues, alleys and ways within the city and the same is declared to be a nuisance, and any such dog or animal may be seized and impounded.

(Prior Code, § 8.02.181) (Ord. 1, passed 1-17-1980; Ord. 59, passed 4-15-1991)

§ 8.02.182 ANIMAL WASTE; REMOVAL.

(A) The owner of an animal shall be responsible for the immediate removal of any excreta deposited by his or her animal on any public walk, recreation area or private property.

(B) It shall be unlawful for the owner to fail to dispose of the excreta in a sanitary manner.

(Prior Code, § 8.02.182) (Ord. 1, passed 1-17-1980; Ord. 59, passed 4-15-1991)

§ 8.02.190 ~~DESTRUCTION OF PROCEDURES FOR~~ VICIOUS DOGS.

(A) Whenever an affidavit shall be filed with the City Judge that any dog has bitten a person or animal in the city and that the person- or animal so bitten was not at the time trespassing or injuring the person or property of the owner thereof or his or her family at the time, or has not unduly provoked such dog into such an attack, the City Judge shall determine if the animal is considered a vicious animal as defined in § 8.02.010. The City Judge shall then issue an order in writing directing the owner of such dog to destroy such dog within 24 hours after receiving such order, unless there is reason to believe the animal was rabid, in which case the procedure in § 8.02.110 shall be followed. Such order shall be personally served upon such owner or possessor if he or she be known, and if unknown, shall be posted in one public place in said city for the same length of time. The owner of such dog may have a hearing upon the question of fact involved. After full hearing, the City Judge shall order that the dog be released to its owner or that it shall be destroyed.

(B) If, after 24 hours from the time of service or posting of such notice of service of the order, the owner of such dog has neither destroyed the same nor demanded a hearing upon the facts the animal control designee shall cause such dog to be destroyed.

(C) Upon the demand of the animal control designee, the owner of said dog shall catch and deliver the possession of such dog to the animal control designee or any police officer of the city authorized to take such possession. If the owner of said dog refuses to comply with such request or cannot be found or is unknown, the animal control designee shall make a reasonable effort to capture said animal, and if he or she is unable to do so without killing the animal, same shall be shot with a tranquilizer gun. The provisions of this chapter shall apply whether the dog in question is licensed or not.

(Prior Code, § 8.02.190) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019; Ord. 2024-X, passed XXXX, effective XXXX)

§ 8.02.200 KENNELS PROHIBITED.

(A) No kennels shall be lawful within the corporate limits of the city, except for those established, licensed and operating immediately prior to the passage of this chapter on June 6, 1977.

(B) No residence shall keep, own or harbor more than two dogs over the age of six months without obtaining an excessive dogs permit, which allows up to five dogs over the age of six months.

(Prior Code, § 8.02.200) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019)

§ 8.02.210 TEASING OR UNAUTHORIZED RELEASING OF ANIMALS.

It shall be unlawful for any person or persons to tease, harass or bother by any means, any dog which is upon the premises of the owner thereof. It shall further be unlawful for any person or persons to release any dog from the premises of the owner, or to in any manner or by any means lure such dog from the premises of the owner, or the property, vehicle, or enclosure in which such dog is contained.

(Prior Code, § 8.02.210) (Ord. 1, passed 1-17-1980)

§ 8.02.220 VIOLATIONS PENALTY.

Any violation of this chapter shall be a misdemeanor for which a court may impose the conditions set forth in the state laws, or such other conditions relating to the disposition of any animal as the court may determine, but in no event shall a fine exceed \$500, nor shall any imprisonment in any jail exceed six months.

(Prior Code, § 8.02.220) (Ord. 1, passed 1-17-1980)

Mayor
James Jess
Chief Administrative Officer
Jordan Green
City Attorney
Peter Elverum
City Clerk
Cyndi Thompson
Compliance Officer
Kody Ryan
Public Works Superintendent
Trent Freeman
Treasurer
Stanley Glovan
City Services Coordinator
Gena Micu



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

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: STAFF MEMBER **TO:** CITY COUNCIL

Agenda Item Name: Well Project Change Order #2

For Meeting on: 01/08/2024 **Staff Member/Committee Referring:** Trent Freeman

Description of the item:

Change Order #2 covers additional time required for O'Keefe during well development as well as TV video of the well. Change Order increases the contract by \$5,550.00 for a total contract price of \$221,246.00.

Attachments:

1. Change Order #2

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

None.

Recommended Motion/Action:

Approve the Change Order.

Date of Issuance: 11-20-2023	Effective Date: 11-20-2023
Owner: City of Deer Lodge	Owner's Contract No.:
Contractor: O'Keefe Drilling	Contractor's Project No.:
Engineer: Stahly Engineering	Engineer's Project No.: 2506-03J20
Project: Public Water Supply Replacement Well	Contract Name: PWS - New Well

The Contract is modified as follows upon execution of this Change Order:

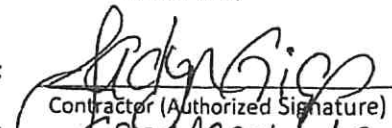
1. The additional hours for well development. 9hrs @ \$450.00/hr = \$4,050.00

2. Cost to Video Well = \$1,500.00

Total this change order = \$5,550.00

Attachments : Well Video Proposal, Invoice

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>207,300.00</u>	Original Contract Times: Substantial Completion: <u>90</u> Ready for Final Payment: <u>120</u> days or dates
[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>1</u> \$ <u>8,396.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>0</u> to No. <u>0</u> : Substantial Completion: _____ Ready for Final Payment: _____ days
Contract Price prior to this Change Order: \$ <u>215,696.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
[Increase] [Decrease] of this Change Order: \$ <u>5,550.00</u>	[Increase] [Decrease] of this Change Order: Substantial Completion: _____ Ready for Final Payment: _____ days or dates
Contract Price incorporating this Change Order: \$ <u>221,246.00</u>	Contract Times with all approved Change Orders: Substantial Completion: _____ Ready for Final Payment: _____ days or dates

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By:  Engineer (if required)	By: _____ Owner (Authorized Signature)	By:  Contractor (Authorized Signature)
Title: Project Engineer	Title: _____	Title:  E.S. Accountant
Date: 11-20-2023	Date: _____	Date: 11-21-2023

O'KEEFE DRILLING

P.O. Box 3810 - Butte, MT 59702
 Office: (406) 494-3310 Fax: (406) 494-3301
 Email: info@okeefedrilling.com

Client: City of Deer Lodge
 Attention: Greg Wirth/Stahly Engineering
 Project: Public Water Supply Replacement Well

Invoice: COD23-04
 Date: 17-Nov-23
 Phone:
 Fax:

Item No.	Description	Estimated Quantity	Actual Quantity	Unit	Bid Unit Price	Bid Amount
101	MOBILIZATION AND INSURANCE	1		LS	\$ 20,000.00	\$ -
102	OBSERVATION WELL BOREHOLE	250		LF	\$ 45.00	\$ -
103	OBSERVATION WELL CASING	200		LF	\$ 45.00	\$ -
104	OBSERVATION WELL SCREEN	50		LF	\$ 250.00	\$ -
105	OBSERVATION WELL DEVELOPMENT	8		HR	\$ 450.00	\$ -
106	OBSERVATION WELL PUMP TEST	1		LS	\$ 12,000.00	\$ -
107	WATER WELL BOREHOLE	250		LF	\$ 190.00	\$ -
108	WATER WELL CASING	200		LF	\$ 118.00	\$ -
109	STAINLESS STEEL WELL SCREEN	50	50	LF	\$ 465.00	\$ 23,250.00
110	GROUT SURFACE SEAL	200	200	LF	\$ 25.00	\$ 5,000.00
111	WELL DEVELOPMENT	8	17	HR	\$ 450.00	\$ 7,650.00
112	PUMP TEST SETUP/REMOVAL	1		LS	\$ 8,000.00	\$ -
113	DISCHARGE PIPING SETUP/REMOVAL	1		LS	\$ 2,000.00	\$ -
114	STEP-DRAWDOWN PUMP TEST	8		HR	\$ 275.00	\$ -
115	CONSTANT RATE PUMP TEST	72		HR	\$ 175.00	\$ -
116	WELL DISINFECTION	1		LS	\$ 200.00	\$ -
117	WELL CAP & SURFACE RESTORATION	1		LS	\$ 11,000.00	\$ -
118	RIG STANDBY	0		HR	\$ 450.00	\$ -
Total Amount Due:						\$ 35,900.00

O'KEEFE DRILLING

P.O. Box 3810 - Butte, MT 59702
 Office: (406) 494-3310 Fax: (406) 494-3301
 Email: info@okeefedrilling.com

Bid Proposal

Client: Slahly Engineering Date: 08-Nov-23
 Attention: Greg Wirth Phone: 406-442-8594
 Project: Deer Lodge 12 inch public well Video Email:

Description	Estimated Quantity	Unit of Measure	Cost/Foot	Total	
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Video Well

Well Video	1	Lum Sum	\$ 1,500.00	\$ 1,500.00	
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Other Costs:

Mob/Dcmob/Water Truck/One Ton	0	Per Mile	\$ 8.00	\$ -	
Inter mob	0	Per Mile	\$ 2.50	\$ -	
Per Diem for Crew	0	Per Day	\$ 200.00	\$ -	
	2	Per Man			

ESTIMATED TOTAL PROJECT COST **\$1,500.00** \$ 75.00

Mayor
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City Clerk
Cyndi Thompson
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Kody Ryan
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CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: OTHER (specify) **TO:** CITY COUNCIL

Agenda Item Name: 2024 Planning Board Appointments

For Meeting on: 01/08/2024 **Staff Member/Committee Referring:** Mayor Jess

Description of the item:

The Mayor is appointing the following individuals to the Deer Lodge Planning Board: Amber Brown, Dick Bauman, Rick Buck, Katherine Bair (historic preservation commission representative), Amanda Cooley, Dan Sager (county representative), and Greg Larkins (city council representative). These are all two-year terms, to expire on December 31, 2026.

Attachments:

None.

Previous Committee Engagement:
(discussion, outcomes, recommendations, public comment)

None.

Recommended Motion/Action:

Information Only.