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# CITY OF DEER LODGE

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# COUNCIL AGENDA

January 22, 2024, | 6:00 PM | City Hall

**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: January 8, 2024

**4. Public Hearing:**

a. None

**5. Department Reports:**

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

**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.

**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. Growth Policy Final Draft Review – Jordan
- b. Resolution of Intention 2024-R-1: Intent to Adopt Growth Policy – Jordan
- c. Resolution 2024-R-2: People's Bank Signature Authority – Jordan
- d. Resolution 2024-R-3: Pioneer Federal Signature Authority – Jordan
- e. Resolution 2024-R-4: First Security Signature Authority – Jordan
- f. Memorandum of Understanding with the Masonic Lodge #14 for Cemetery Plots – Jordan
- g. Resolution 2024-R-5: Place Question of Local Government Review on Ballot – Jordan
- h. Resolution 2024-R-6: Accept Memorandum of Understanding with the Montana Board of Investments – Jordan
- i. Ward 3 Appointment – Mayor Jess

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

a. Regular Meeting – **Monday February 5, 2024** at 6pm.

**10. Adjournment**

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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](mailto:cthompson@cityofdeerlodgemt.gov) | 406.846.2238

# CITY COUNCIL

## MINUTES

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The City Council met on January 8<sup>th</sup>, 2024, at 6 PM | PC Community Center

<b>Members Present:</b>	John Henderson, Rob Kersch, Curt Fjelstad, Gordon Pierson, John Molendyke, Greg Larkins, Kirk Hayes
<b>Members Absent:</b>	
<b>Mayor:</b>	James Jess
<b>CAO:</b>	Jordan Green
<b>Staff:</b>	Stan Glovan, Chief Smith, Trent Freeman, Kody Ryan
<b>Consultants</b>	None
<b>Guests:</b>	See sign in sheet

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

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

**2. Public Comment.** Members of the audience may comment on any non-agenda 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. None.

**4. Approval of Minutes.**

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

Member Kersch motioned to approve the Minutes; member Pierson seconded the motion. 7 Ayes, 0 Nos, minutes passed.

**5. Committee Reports -**

- a. City Council Operations – Rob Kersch  
New council member training was held.
- b. Finance Committee – Dick Bauman  
Finance Committee discussed the renewal and approval to move forward to the Council the In-Control Contract.
- c. Economic Growth & Development – John Henderson  
No Meeting
- 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 meeting is next week.
- b. Powell County Parks Board –  
No meeting
- c. Chamber of Commerce – John Henderson  
Wasn't able to attend meeting, upcoming banquet comes in January 2024 .
- d. Headwaters RC&D – Joseph Callahan  
Jordan reported that the meeting is next week, meetings are quarterly.
- e. Historic Preservation – Curt Fjelstad  
Discussion on where to spend money, books on history perhaps. Next meeting is on January 18, 2024.
- f. Landfill – Rob Kersch  
Discussion on adjusting the Masonic Temple Disposal Fees based on the usage of the building for now.
- g. Local Emergency Planning Committee –Jordan  
The committee meets quarterly; the next meeting is in January of 2024.
- h. Library – John Molendyke  
No meeting.
- i. Planning Board – Jordan  
Board reviewed the final draft of the Growth Policy. The draft is currently in final draft form, waiting for public hearing in front of the Planning Board on January 16<sup>th</sup>, 2024.

- j. Youth Board –  
No 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. Elect a Council President – Mayor Jess  
Two emails from councilmen Kersch and Pierson.

Kersch- I have the leadership qualities and the experience on the Council, and as a previous Council President. I also feel that Mr. Peirson is capable of being the Council President.

Peirson – If I would have known that Rob Kersch put in for the position, I wouldn't have even bothered. I would like to withdraw my submission.

Member Fjelstad motioned to approve the claims for November, Member Hendersen seconded the motion for approval. 6 Ayes, 0 Nos, 1 Abstained, motion passed.

- b. Treasurer's Report | December Claims – Stan Glovan. Receive the informational report. Approve the claims.

Atypical Claims

O'Keefe Drilling – City Water Replacement Well - \$35,5635.60

Dept. of Revenue – Contractors Gross Tax - \$367.92

Payables

Claims - \$324,342.48

Payroll - \$167,760.50

Total - \$492,102.92

Member Pierson motioned to pass the claims; Member Hayes seconded the motion. 7 Ayes, 0 Nos, motion passed.

- c. Title 8 Changes to Clarify Dog at Large Language: 2<sup>nd</sup> Discussion – Jordan

The Public Health and Safety Committee discussed modifications to the Title 8: Dog at Large language their November meeting and recommended said modifications to the City Council.

These modifications were presented by Jordan and are contained in the agenda packet. The Council felt that additional language should be modified to clarify dog-on-dog violence and penalties for said violence. Discussion occurred on whether to send the question back to the Public Health and Safety Committee for further review.

Member Hendersen motioned to refer the ordinance language back to the Public Health and Safety Committee, Member Kersch seconded the motion, 7 Ayes, 0 Nos, motion passed.

d. Well Project Change Order #2 - Trent

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. Discussion on the approval of the Change Order occurred.

Member Pierson motioned to approve the Change Order. Member Larkins seconded the motion, 7 Ayes, 0 Nos, motion passed.

e. Planning Board Appointments Announcement – Mayor Jess

The Mayor announced that he 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.

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

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

- a. Member Pierson – I would like to point out that the letterhead needs to be changed for 2024.
- b. Mayor - Ward 3 is still vacant and we have one letter of interest, if we can get more letters that would be great. We will be appointing a member to the Council on January 22<sup>nd</sup>, 2023

**11. Next Meeting Announcements**

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

**12. Adjournment**

Mayor Jim Jess adjourned the meeting at 6:32 PM.

Prepared By: City Clerk - Temp

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Mayor Jim Jess

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Date

# CITY OF DEER LODGE

## CAO REPORT

### January 2024

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#### PROJECT SUMMARIES

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##### **City Planning**

- 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. Final draft has been released and is available for public comment.
- Stahly has begun reviewing necessary Subdivision Regulation changes.
- We have received the first final draft of the Growth Policy document. The Planning Board has recommended adoption to the City Council.
- Beginning to schedule regular meetings with MDT to have better communication regarding the state highway. Robie and I are scheduling meeting soon.
- Working on prison employee workforce housing project with State Board of Investments. Land Transfer to be discussed at Council tonight.

##### **Grants**

- Received notice of recommendation of \$342,500 for the Reclamation and Development Grant (RDGP) cycle for remediation at the Passenger Refueling Area. Bill has been signed, but the state is not starting contracts until they have adequate cash flow. We are going to receive an additional \$46,000 planning grant to begin work on the project before we can start cleanup work.
- Applied for EPA Brownfields Cleanup Grant for Hotel Deer Lodge. Expecting cleanup early next spring, after some additional assessment this winter.
- Received funding from EPA for a Kansas State University Technical Assistance for Brownfields program grant for a future use and renovation study of the Hotel Deer Lodge.
- DEQ Brownfields Grant for the Milwaukee Roundhouse and Passenger Refueling Area. We held our first Stakeholder meeting for the future use plan and have a follow up meeting scheduled this week.
- Montana Historic Preservation Grant is underway. Mosaic Architects have provided a couple initial renovation designs and cost estimates. We have funds to do exterior work, but will need to pursue funds for interior renovation.
- I have applied for a DEQ Brownfields Assessment grant for City Hall. Asbestos inspection and abatement must be completed before renovations can begin. Assessment and any needed abatement will be paid for by DEQ and EPA in full.
- Submitted application for FEMA grant for stormwater study.
- HB 355 will allocate approximately \$250,000 for local infrastructure projects in Deer Lodge. Application process underway for City Hall repairs.

- Presented HB819 to the Headwaters RC&D Board to receive a vote on whether they would opt in to funding that would buy down mortgages for housing purchases. Headwaters is reviewing and will more than likely vote to opt in to the funding.
- Stahly and I have begun working on applications for funds disbursed under the Bipartisan Infrastructure Bill.
- Corrected pay applications for well project and are expecting grant disbursement for funds spent soon.
- We have access to emergency funds for our petroleum release incident. Once we understand costs, we will apply.

#### **City Hall & Employees**

- Understanding and implementing changes to local government record keeping and public notices as required by HB 890 and HB 724.
- Temporary City Clerk has completed all outstanding minutes. City Clerk is back to work.

#### **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. Tentative first draft date was August 5, 2023, no feedback since that date. Afterwards will follow study walk through and public open houses.
- Working on floodplain permitting for a fiber optic construction project that will go through town.

#### **Economic Development**

- 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.
- Working on finding grant funding for city street art murals and have begun to research RFPs for said work. Plan on applying for Montana Arts Council Grant.
- Received quote for splash park from a designer. Have presented to Chamber of Commerce members the potential for local fundraising for the project. Considering a T-Mobile HOMETOWN grant for this project. Plan on applying soon.
- In regular meetings with DEQ, EPA, and a contractor engineer to discuss remediation at Arrowstone Park over the next few years and how to align with future land use goals. Contamination has been capped as interim measure until cleanup can occur – ideally later this year if all goes well.

#### **INTEREST ITEMS FOR CITY COUNCIL**

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- 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

### December 2023

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#### PROJECT SUMMARIES

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##### Street Maintenance

- Sanding when needed
- 2024 Street Maintenance Project to consist of milling and overlaying Park St., Pavilion Ln., Pennsylvania Ave., and Rainbow Ave. Working on a project estimate

##### Sewer Utility

- Annual Sewer Maintenance began
- Jetting problem sewers
- Jetter went to be serviced for its annual preventative maintenance service
- Inflow and Infiltration project is approximately 42 percent complete. Three new sewer manholes have been installed. Two on Montana Avenue and one on Second Street. The sewer main line has been replaced from Rainbow Ave. to the south in the alley and a new sewer main has been installed from the new manhole in Rainbow, west to the Metro and a manhole abandoned at West St. The existing sewer was collapsed near the manhole at West St. and the manhole had no bottom and was infiltrating with a lot of groundwater into the sewer system. On the slip lining portion of the project, the 8" sewer main on Montana Ave. is complete. The 12" sewer main along Taylor Creek is complete. The 6" sewer main along Taylor Creek, Rainbow Ave., and Montana will be completed after the first of the year pending there are no issues with the 6" that would prevent this from being slip lined

Also remaining for the project which construction will occur next spring is the storm water tank and piping to separate the Rialto Theatre's ground water pumping into the sewer main and the lining of the Lift Station

- Working with Morrison-Maierle for the Individual Permit Variance at the Wastewater Treatment Plant and the extension of the Administrative Order of Consent for the permit
- Attending monthly meetings with all stakeholders for the Inflow and Infiltration project

##### Parks and Rec

- Basketball has started for the City Rec

##### Water

- The first phase of the new Public Water Supply Well is nearly complete. The stainless steel slotted screen has been installed and O'Keefe has completed the well development. Waiting for pump test results. Next steps will be the design for the well house and the tie-in into the distribution system. Anticipated completion 2025
- Milwaukee Ave. Well was out of service temporarily while we were awaiting parts to repair the VFD motor. The new motor was installed and the well is back in operation



- Heater at the Water Warehouse had to be repaired

### **Solid Waste**

- Seeking quotes for new garbage truck
- Auto Car claw not operating correctly so that truck is down. Awaiting new hydraulic valve body part

### **Mosquito Abatement**

- Attended the annual Conference in Great Falls

## **INTEREST ITEMS FOR CITY COUNCIL**

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- With nearly 42 percent of the Inflow and Infiltration completed, it is my estimation that influent flows to the Wastewater Treatment Plant have decreased approximately 40,000 to 50,000 gallons per day which equates to approximately 150 single family residential homes
- Submitted the 2023 Annual Stormwater Pollution Prevention Plan Report for the Wastewater Treatment Plant to the DEQ
- I will be sending off the old VFD motor for the Milwaukee Well to be rebuilt. This particular VFD motor will accommodate both wells so we will have a backup in case it is needed in the future
- Sent 3 people from the crew to Butte to attend a training on leak detection and automated valve controls sponsored by Montana Rural Water Systems
- Purchased and installed two big ventilation fans in the shop for the safety of our employees
- Additional cameras have been installed at the Skate Park
- Attended a stakeholders meeting for the future use plans on the Milwaukee Roundhouse and Passenger Refueling Area sites
- Soil Samples from the unidentified liquid found in an abandoned clay tile main during the Inflow and Infiltration project have come back non detectable for any hydrocarbons. Sample results were sent to the landfill engineer and board chair to properly dispose of the soil

## **COVID-19 RESPONSE**

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*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

December 2023 Monthly Report

Chief George Smith

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- 191 Calls for Service
- 142 Reports Generated
- 68 Traffic Stops
- 19 Citations Issued
- Highlighted Calls
  - 4 Welfare Checks
  - 2 Unattended Deaths
  - 10 Medical Assists
  - 2 Suicidal Individuals
  - 6 Threats/Harassment
  - 1 ID Theft
  - 2 DUIs
  - 2 Trespassing
  - 6 Unwanted Persons
  - 3 Domestic Disturbances
  - 1 Drugs



# FIRE DEPARTMENT REPORT

DECEMBER 2023

## **HIGHLIGHTS**

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### **2 Calls for Service:**

- 1 call for possible carbon monoxide. We arrived and used the gas sniffer and found nothing.
  
- 1 call for a structure fire. Found a travel trailer fully involved on arrival. Crew worked to extinguish the primary fire while protecting the surrounding structures. We mopped up and cleared scene after a couple hours.

## **INTEREST ITEMS FOR CITY COUNCIL**

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### **Department Happenings:**

- Nothing to Report

**CITY OF DEER LODGE**  
**RECREATION REPORT**  
December 2023

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

**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**  
Curt Fjelstad  
Kirk Hayes  
John Henderson  
Robert Kersch  
  
Gregory Larkins  
John Molendyke  
Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:**

**TO:**

**Agenda Item Name:** Growth Policy Final Draft and Resolution of Intention 2024-R-1

**For Meeting on:** 01/22/2024      **Staff Member/Committee Referring:** Planning Board

**Description of the item:**

The City's new Growth Policy has been recommended for adoption by the Planning Board. This document is a master plan that details the current condition of the City, future desired conditions, and goals on how to achieve desired conditions. It is useful in applying for grants and dictating priorities for the City and other local organizations. It is not a regulatory document, but most land use decisions should have some basis in the Growth Policy.

**Attachments:**

Final Draft of City of Deer Lodge Growth Policy  
Resolution of Intention 2024-R-1

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

The Planning Board has been discussing the Growth Policy for about a year in multiple meetings. It held a public hearing on 1/16/2024 to gain comment. Following the public hearing, the Planning Board passed a resolution to recommend adoption of the Growth Policy to City Council.

**Recommended Motion/Action:**

Pass Resolution of Intention 2024-R-1, showing intent of City Council to adopt the Growth Policy through resolution at a future meeting.

## RESOLUTION OF INTENTION 2024-R-1

### **A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA TO ADOPT THE CITY OF DEER LODGE GROWTH POLICY**

WHEREAS, on July 20, 2015, the City Council of the City of Deer Lodge adopted an update to the City of Deer Lodge 2008 Growth Policy and guidance for the general policy and pattern of development of the City of Deer Lodge pursuant to Montana Code Annotated Title 76, Chapter 1, Part 601 *et seq*; and

WHEREAS, in 2021, the City Council of the City of Deer Lodge saw fit to provide for the creation of a new Growth Policy due to changes since 2015 in land use, context, growth patterns, and other factors, that would guide general policy and the pattern of development in the City of Deer Lodge; and

WHEREAS, the City of Deer Lodge City Council, after performing a Request for Proposals for professional assistance in drafting a new Growth Policy, selected Great West Engineering to draft and help guide the City in the creation of a new Growth Policy; and

WHEREAS, the City of Deer Lodge Planning Board has worked with Great West Engineering to gather data, perform surveys, and provide goals and objectives to inform the creation of a new Growth Policy that addresses current and projected challenges for the betterment of the City's future; and

WHEREAS, the City of Deer Lodge Planning Board held a duly noticed public hearing on January 16, 2024 on the proposed City of Deer Lodge Growth Policy; and

WHEREAS, after considering the recommendations and suggestions elicited at the public hearing, the City of Deer Lodge Planning Board passed Planning Board Resolution 2024-R-1 which recommended the City Council of the City of Deer Lodge to adopt the Deer Lodge Growth Policy and to pursue the goals, objectives, and policies therein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Deer Lodge, after considering the recommendations of the City of Deer Lodge Planning Board and public testimony, to pass a Resolution of Intention to adopt the Deer Lodge Growth Policy, and to pursue the goals, objectives, and policies therein.

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 22<sup>nd</sup> day of January, 2024.

The effective date of Resolution of Intention 2024-R-1 is January 22, 2024.

<b>Council Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
Greg Larkins				
John Molendyke				
Gordon Pierson				
James Jess   Mayor				

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James Jess, Mayor

Attest:

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Cyndi Thompson, City Clerk

**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**  
Curt Fjelstad  
Kirk Hayes  
John Henderson  
Robert Kersch  
  
Gregory Larkins  
John Molendyke  
Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:**

**TO:**

**Agenda Item Name:** Resolutions 2024-R-2/3/4: Signature Authorities

**For Meeting on:** 01/22/2024      **Staff Member/Committee Referring:** Jordan Green

**Description of the item:**

The City gives authority to sign on behalf of the City to the following individuals: Mayor, Council President, Treasurer, CAO, and City Clerk. When there is turnover in these positions, we must pass resolutions giving new signature authority at the three banks in town that the City banks with.

**Attachments:**

Resolutions 2024-R-2, 2024-R-3, and 2024-R-4

**Previous Committee Engagement:**

*(discussion, outcomes, recommendations, public comment)*

None.

**Recommended Motion/Action:**

Pass each Resolution.



**RESOLUTION 2024-R-2**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA, ESTABLISHING SIGNATURE AUTHORITY AT PEOPLES BANK OF DEER LODGE, 430 MAIN STREET, P.O. BOX 599, DEER LODGE, MONTANA 59722.**

WHEREAS, the following officers of the City of Deer Lodge, 300 Main Street, Deer Lodge, Montana 59722, have authority to sign on all accounts of the City of Deer Lodge Federal ID number 81-6001253, and gain access to the safe deposit box located at Peoples Bank of Deer Lodge.

\_\_\_\_\_ James Jess, Mayor

\_\_\_\_\_ Robert Kersch, Council President

\_\_\_\_\_ Stanley Glovan, Treasurer

\_\_\_\_\_ Jordan Green, Chief Administrative Officer

\_\_\_\_\_ Cyndi Thompson, City Clerk

WHEREAS, two signatures are required on all accounts, including CD's (certificate of deposits).

THEREFORE, BE IT RESOLVED THAT James Jess, Robert Kersch, Stanley Glovan, Jordan Green, and Cyndi Thompson have signature authority at Peoples Bank of Deer Lodge.

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 22<sup>nd</sup> day of January, 2024.

The effective date of Resolution 2024-R-2 is January 22, 2024.

<b>Council Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
Greg Larkins				
John Molendyke				
Gordon Pierson				
James Jess   Mayor				

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James Jess, Mayor

Attest:

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Cyndi Thompson, City Clerk

**RESOLUTION 2024-R-3**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA, ESTABLISHING SIGNATURE AUTHORITY AT PIONEER FEDERAL SAVINGS AND LOAN ASSOCIATION, 401 MILWAUKEE AVENUE, DEER LODGE, MONTANA 59722.**

WHEREAS, the following officers of the City of Deer Lodge, 300 Main Street, Deer Lodge, Montana 59722, have authority to sign on all accounts of the City of Deer Lodge Federal ID number 81-6001253, including all Hillcrest Cemetery accounts at the above financial institution.

\_\_\_\_\_ James Jess, Mayor

\_\_\_\_\_ Robert Kersch, Council President

\_\_\_\_\_ Stanley Glovan, Treasurer

\_\_\_\_\_ Jordan Green, Chief Administrative Officer

\_\_\_\_\_ Cyndi Thompson, City Clerk

WHEREAS, two signatures are required on all accounts, including CD's (certificate of deposits).

THEREFORE, BE IT RESOLVED THAT James Jess, Robert Kersch, Stanley Glovan, Jordan Green, and Cyndi Thompson have signature authority at Pioneer Federal Savings and Loan Association of Deer Lodge.

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 22<sup>nd</sup> day of January, 2024.

The effective date of Resolution 2024-R-3 is January 22, 2024.

<b>Council Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
Greg Larkins				
John Molendyke				
Gordon Pierson				
James Jess   Mayor				

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James Jess, Mayor

Attest:

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Cyndi Thompson, City Clerk

**RESOLUTION 2024-R-4**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA, ESTABLISHING SIGNATURE AUTHORITY AT FIRST SECURITY BANK OF DEER LODGE, 311 MILWAUKEE AVENUE, P.O. BOX 629, DEER LODGE, MONTANA 59722.**

WHEREAS, the following officers of the City of Deer Lodge, 300 Main Street, Deer Lodge, Montana 59722, have authority to sign on all accounts of the City of Deer Lodge Federal ID number 81-6001253, including all Hillcrest Cemetery accounts at the above financial institution.

\_\_\_\_\_ James Jess, Mayor

\_\_\_\_\_ Robert Kersch, Council President

\_\_\_\_\_ Stanley Glovan, Treasurer

\_\_\_\_\_ Jordan Green, Chief Administrative Officer

\_\_\_\_\_ Cyndi Thompson, City Clerk

WHEREAS, two signatures are required on all accounts, including CD's (certificate of deposits).

THEREFORE, BE IT RESOLVED THAT James Jess, Robert Kersch, Stanley Glovan, Jordan Green, and Cyndi Thompson have signature authority at First Security Bank of Deer Lodge.

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 22<sup>nd</sup> day of January, 2024.

The effective date of Resolution 2024-R-4 is January 22, 2024.

<b>Council Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
Greg Larkins				
John Molendyke				
Gordon Pierson				
James Jess   Mayor				

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James Jess, Mayor

Attest:

---

Cyndi Thompson, City Clerk

**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
**City Attorney**  
Peter Elverum  
**City Clerk**  
Cyndi Thompson  
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Trent Freeman  
**Treasurer**  
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**City Services Coordinator**  
Gena Micu



**City Council**  
Curt Fjelstad  
Kirk Hayes  
John Henderson  
Robert Kersch  
  
Gregory Larkins  
John Molendyke  
Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:**

**TO:**

**Agenda Item Name:** MOU with the Masonic Lodge #14 for Cemetery Plots

**For Meeting on:** 01/22/2024      **Staff Member/Committee Referring:** Jordan Green

**Description of the item:**

In December, representatives from the Masonic Lodge approached the Mayor with a request. While the Lodge owns several sections in the Cemetery, they do not maintain or collect payments for the plots. In fact, we at the City deed the plots to individuals. The Lodge wishes to codify our historic arrangement and keep only 60 plots for their sale and use. The City would keep selling all other Masonic plots, and maintain all plots.

**Attachments:**

Draft Memorandum of Understanding with the Masonic Lodge: Deer Lodge #14

**Previous Committee Engagement:**

*(discussion, outcomes, recommendations, public comment)*

None.

**Recommended Motion/Action:**

Approve and accept the Memorandum of Understanding.

**MEMORANDUM OF UNDERSTANDING**

**Between**

**THE CITY OF DEER LODGE**

**And**

**MASONIC LODGE: DEER LODGE #14**

This Memorandum of Understanding (“Agreement”) is entered into by and between the City of Deer Lodge (“City”) and the Masonic Lodge: Deer Lodge #14 (“Masonic Lodge”), collectively referred to as a “Party” or the “Parties.”

**RECITALS**

**WHEREAS**, The City of Deer Lodge established in 1883 through Ordinance #65 the Hillcrest Cemetery (“Cemetery”) and at that time recorded the Cemetery’s creation with the Powell County Clerk and Recorder; and

**WHEREAS**, The City of Deer Lodge in 1927 sold a portion of the Cemetery to the Masonic Lodge with the intent that the Masonic Lodge would sell plots and hold all plots in their ownership under perpetual care; and

**WHEREAS**, The Masonic Lodge sections are named and recorded in the City’s records as the “Old Masonic Section,” the “Hill Masonic Section,” the “Gate Masonic Section,” and the “New Masonic Section.” The specific rows and plot numbers of the Masonic Sections are recorded in the City’s Cemetery records; and

**WHEREAS**, The Masonic Lodge, for an unknown amount of time, has had an agreement with the City where the City would provide perpetual care and maintenance of the Masonic Sections in exchange for funding from the Masonic Lodge and the right to collect payment for the sale of the plots in the Masonic Sections to recover the cost of their care and maintenance; and

**WHEREAS**, The City has therefore been selling plots within the Masonic Sections on behalf of the Masonic Lodge, maintaining the Masonic Sections, and collecting payments for the sale of the plots to recover the cost of their care and maintenance; and

**WHEREAS**, The Masonic Lodge approached the City in December of 2023 with the intent to codify the historic agreement and obligations by requesting deeds for a number of plots in the New Masonic Section from the City of Deer Lodge and allowing the City to continue selling the remaining plots. This will release the Masonic Lodge from its monetary perpetual care obligations for its sections and allow the Masonic Lodge to sell the deeded plots.



## **UNDERSTANDING OF THE PARTIES**

**NOW, THEREFORE**, in consideration of the mutual agreements and covenants herein contained, the parties agree as follows:

### **1. TERM:**

- A.** This Agreement shall be in effect immediately upon signing and shall remain in perpetuity.

### **2. OBLIGATIONS OF THE CITY:**

- A.** Upon the signing of this Agreement, the City will provide the Masonic Lodge sixty (60) deeds for plots 361-420 in rows R, S, and T of the New Masonic Section. These deeds shall be provided to the Masonic Lodge for no charge or other consideration not contained within this Agreement.
- B.** The City shall, upon provision of these deeds, relinquish all rights to sell and collect payment for the sale of the deeded plots.
- C.** The City shall maintain records of the sale of all plots, including the plots provided to the Masonic Lodge, for the benefit of maintaining accurate records of sales and burials.
- D.** The City shall, upon notice by purchasers of the deeds provided to the Masonic Lodge, provide burial, headstone erection, and all other services offered to other plots in the Cemetery.
- E.** The City retains its right to collect payment for all burial services provided to the deeded plots in accordance with the City's procedures and fee rates for these services.
- F.** The City shall provide perpetual care and maintenance of the deeded plots.

### **3. OBLIGATIONS OF THE MASONIC LODGE:**

- A.** The Masonic Lodge agrees to relinquish all claim to all Masonic Section plots besides the sixty (60) plots as described above.
- B.** The Masonic Lodge will sell and take payment for plots 361-420 in rows R, S, and T of the New Masonic Section, but will not sell or take payment for any other plot in the Masonic Sections.
- C.** The Masonic Lodge agrees to alert the City as soon as possible of the sale of any of the above plots so that the sale can be recorded in the City's Cemetery records.
- D.** The Masonic Lodge agrees that the City will retain its right to collect payment for all burial services provided to the deeded plots in accordance with the City's procedures and fee rates for these services.

- E. The Masonic Lodge agrees that the City may, at its sole discretion, sell and maintain the remainder of the plots in the Masonic Sections other than those deeded to the Masonic Lodge as general Cemetery plots.

**4. MODIFICATIONS:**

- A. Any modifications sought to be made to this Agreement shall be agreed to by both parties and will be memorialized in writing, signed by both parties, and attached as Addendum to this Agreement.

**5. NOTICE:**

- A. Any notice required or permitted under this Agreement shall be deemed sufficiently given or serviced if sent by mail or hand delivered to:

**City:** City of Deer Lodge  
300 Main Street  
Deer Lodge, MT 59722

**Masonic Lodge:** Deer Lodge #14  
304 Milwaukee Ave  
Deer Lodge, MT 59722

- B. Either party may, by written notice at any time during the term of this Agreement, designate a different address to which notices hereunder shall subsequently be sent. Written notice hereunder shall be deemed to have been given as of the time the same is deposited in the United States mail.

**6. TIME OF ESSENCE:**

- A. Time shall be of the essence of this Agreement and all the terms, covenants, and conditions hereof shall be performed at or before the times herein set forth. Any forbearance on the part of either party in the enforcement of the terms and conditions of this Agreement shall in no way be construed as a waiver of default thereof or waiver of the obligatory effect of such provision.

**7. CONSTRUCTION AND BINDING EFFECT:**

- A. This Agreement shall be construed under the laws of the State of Montana and shall be binding upon and inure to the benefit of the respective parties, their heirs, executors, successors, and assigns.

**8. SEVERABILITY:**

- A. If any term of this Agreement should hereafter be declared or becomes void or unenforceable by judicial decree or operation of law, all other terms of this Agreement shall continue to be effective unless the void or unenforceable terms materially defeat the manifest intent and purpose of this Agreement.

**IN WITNESS THEREOF**, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this Agreement, and the parties hereto approve and execute this Agreement.

DRAFT

**CITY OF DEER LODGE**

\_\_\_\_\_  
James Jess, Mayor

\*APPROVED AS TO FORM

\*ATTEST

\_\_\_\_\_  
Peter Elverum, City Attorney

\_\_\_\_\_  
Cyndi Thompson, City Clerk

**MASONIC LODGE: DEER LODGE #14**

\_\_\_\_\_  
Richard Corrigan, Masonic Cemetery Committee Chairman

\_\_\_\_\_  
Dwight Crawford: Masonic Cemetery Committee

\_\_\_\_\_  
Paul Bean: Masonic Cemetery Committee

\_\_\_\_\_  
Lewis Smith: Current Master of Deer Lodge #14

**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**  
Curt Fjelstad  
Kirk Hayes  
John Henderson  
Robert Kersch  
  
Gregory Larkins  
John Molendyke  
Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:**

**TO:**

**Agenda Item Name:** Resolution 2024-R-5: Local Government Review Ballot Question

**For Meeting on:** 01/22/2024      **Staff Member/Committee Referring:** Jordan Green

**Description of the item:**

The Montana Constitution requires every local government to ask the voters every 10 years whether they want to create a study commission to review the form of government and make recommendations back to the voters on changes that may be made. Our 10 year cycle is once again upon us. This resolution places the question on the ballot whether or not Deer Lodge voters want to elect a study commission. If they say yes, election of commissioners will be on the November ballot.

**Attachments:**

Resolution 2024-R-5

**Previous Committee Engagement:**

*(discussion, outcomes, recommendations, public comment)*

None.

**Recommended Motion/Action:**

Pass Resolution 2024-R-5, placing the question of local government review on the June ballot.

## RESOLUTION 2024-R-5

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA, CALLING FOR AN ELECTION ON THE QUESTION OF CONDUCTING A LOCAL GOVERNMENT REVIEW AND ESTABLISHING A STUDY COMMISSION TO DO SO.**

WHEREAS, Section 9, Article XI of the Constitution of the State of Montana requires that each unit of local government shall conduct an election once every ten years to determine whether the local government will undertake a local government review procedure; and

WHEREAS, 7-3-173(2) M.C.A. requires that the governing body shall call for an election, to be held on the primary election date, on the question of conducting a local government review and establishing a study commission; and

WHEREAS, the Deer Lodge City Council is the governing body of the City of Deer Lodge.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council of the City of Deer Lodge hereby calls for an election on the question of conducting a local government review and electing a study commission to be held at the primary election on June 4, 2024.
2. If the voters decide in favor of conducting a local government review, a study commission comprised of three members shall be elected at the general election of November 5, 2024.
3. Pursuant to 7-3-175, MCA the question of conducting a local government review shall be submitted to the electors in substantially the following form:

*Vote for one:*

FOR the review of the government of the City of Deer Lodge and the establishment and funding, not to exceed 2 mills, of a local government study commission consisting of three (3) members to examine the government of the City of Deer Lodge and submit recommendations on the government.

AGAINST the review of the government of the City of Deer Lodge and the establishment and funding, not to exceed 2 mills, of a local government study commission consisting of three (3) members to examine the government of the City of Deer Lodge and submit recommendations on the government.

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 22<sup>nd</sup> day of January, 2024.

The effective date of Resolution 2024-R-5 is January 22, 2024.

<b>Council Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
Greg Larkins				
John Molendyke				
Gordon Pierson				
James Jess   Mayor				

---

James Jess, Mayor

Attest:

---

Jordan Green, Chief Administrative Officer

**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**  
Curt Fjelstad  
Kirk Hayes  
John Henderson  
Robert Kersch  
  
Gregory Larkins  
John Molendyke  
Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:**

**TO:**

**Agenda Item Name:** MOU with Montana Board of Investments

**For Meeting on:** 01/22/2024      **Staff Member/Committee Referring:** Jordan Green

**Description of the item:**

The Board of Investments (BOI) was given funding by the legislature to build workforce housing for prison employees. The best spot is approx. 7 acres next to Jaycee Park, right next to another proposed development. We wish to transfer that land with the BOI for the 11-acre parcel south of town where our well is. This MOU authorizes the transfer immediately and provides for equitable swapping pending appraisal figures. If our land appraises more, they will give us land and cash. If theirs appraises for more, they will adjust the boundary of their parcel and swap us less land.

**Attachments:**

Resolution 2024-R-6: adopting MOU

Memorandum of Understanding with the BOI, with attached surveys

**Previous Committee Engagement:**

**(discussion, outcomes, recommendations, public comment)**

None.

**Recommended Motion/Action:**

Pass Resolution 2024-R-6, which would authorize the land transfer and allow the Mayor to sign to enter into the MOU with the Board of Investments.



## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“Agreement”) is entered into by and between the Montana Board of Investments (“BOI”) and the City of Deer Lodge (“City”), collectively referred to as a “Party” or the “Parties.”

### SECTION I: PURPOSE

It is the intent of the parties to exchange real estate in Powell County for the purpose of investing in workforce housing pursuant to House Bill No. 819 (2023 Mont. Laws 774). The properties to be exchanged are as follows:

Real estate currently owned by the Board of Investments, which is located at S04, T07 N, R09 W, TRACK B OF CERTIFICATE OF SURVEY NUMBER 351, City of Deer Lodge, Powell County, Montana (BOI Property). The real estate is described in the attached Certificate of Survey #351 as Tract B.

This property, as described, will be exchanged for real estate owned by the City of Deer Lodge, Geocode 28-1678-33-4-40-03-0000, located at LARABIE LOTS, S33, T08 N, R09 W, TRACT IN LARABIE LOT 3, 629 Higgins Avenue, Deer Lodge, Powell County, Montana 59722 (City Property). The real estate is described in the attached Amended Plat as Larabie Lot 3A.

The parties agree that it is their intent to exchange these properties if each is equivalent in value to the other. However, the Parties are surveying and appraising the properties to determine the value of each and to ensure the property exchange is fair and equitable. Should the properties not be of equivalent value, the parties shall execute the real estate exchange pursuant to Section II(B) of this Agreement.

The properties will be exchanged in accordance with the approvals of the City Council for the City of Deer Lodge and the Montana Board of Investments at each Party’s earliest convenience.

### SECTION II: CONDITIONS

A. The responsibilities of the Parties under this agreement are designated as follows:

#### Board of Investments

- Ensure that the property the BOI being exchanged is free from any encumbrance, lien, mortgage, or restriction
- Contract, as necessary, to construct workforce housing pursuant to HB 819

#### City of Deer Lodge

- Secure approval for the real property exchange by the City at a City Council meeting

- Ensure that the property being exchanged by the City is exchanged is free from any encumbrance, lien, mortgage, or restriction
  - Work with the BOI in its efforts to provide utilities and workforce housing on the land being exchanged
- B. If the appraised value of the BOI Property exceeds the appraised value of the City Property, the BOI shall complete a lot line adjustment to reconcile the value to be equivalent to the value of the City Property. If the appraised value of the City Property exceeds the appraised value, the BOI shall pay the City for the difference between the appraised values. Any proposed lot line adjustment or payments are subject to the approval of the City Council and BOI which may in their discretion agree to or decline to accept.
- C. Should either party believe that the appraised value of either or both parcels to be incorrect then that party, at its own cost, may procure a secondary appraisal opinion to be considered in the execution of this Agreement.

### **SECTION III: LIAISON**

The liaison for the Board of Investments is Dan Villa, Executive Director and the liaison for the City of Deer Lodge is Jordan Green, Chief Administrative Officer.

### **SECTION IV: JURISDICTION AND VENUE**

This Contract is governed by the laws of Montana. The parties agree that any litigation concerning this Contract must be brought in the First Judicial District in Lewis and Clark County, State of Montana and each party must pay its own costs and attorney fees.

### **SECTION V: LEGAL RELATIONSHIP BETWEEN THE PARTIES**

This Contract does not create a partnership, joint venture, joint enterprise, or joint undertaking of any sort between the BOI and the City.

### **SECTION VI: TERMINATION**

This Agreement shall become effective on January 22, 2024, and shall remain in effect until the real estate exchange is complete. The Agreement may be revised or amended by written consent of the Parties.

### **SECTION VII: ENTIRE AGREEMENT AND AMENDMENTS**

This Contract contains the entire agreement between the parties, and no statements, promises, or inducements of any kind made by either party, or the agents of either party, not contained herein or in a properly executed amendment hereto are valid or binding.

This Contract may not be enlarged, modified, amended, or altered except upon written agreement signed by all parties to the Contract. The Recipient shall not assign, transfer, or subcontract any portion of the Contract without the express written consent of the other.

**SIGNATURES**

\_\_\_\_\_  
DAN VILLA, Executive Director

\_\_\_\_\_  
JAMES JESS, Mayor

DRAFT

**ATTACHMENT: CERTIFICATE OF SURVEY NUMBER 351 DESCRIBING TRACT B**

DRAFT

# CERTIFICATE OF SURVEY

**LEGAL DESCRIPTION TRACT "C"**

A tract of land located in the S 1/2, Section 4, Township 7 North, Range 9 West, Principal Meridian, Powell County, Montana more particularly described as follows:

Beginning at the Northwest corner of Lot 83, Volston Ranch Tracts, recorded in Volume 13 of Miscellaneous Records at pages 150 through 154, records Powell County; thence along the westerly boundary of Lot 84 said Volston Ranch Tracts N.0°39'00"E., 713.32 feet thence along the southerly boundary of the 'Deer Lodge Township', a recorded subdivision of the City of Deer Lodge S.89°23'37"W., 680.61 feet; thence for the next three courses along the easterly and southerly boundary of a tract recorded in Book 50, page 139, records Powell County, S.0°26'27"W., 316 feet; thence S.66°33'56"W., 47.06 feet; thence N.88°33'33"W., 37.53 feet; thence for the next five courses along the northerly, easterly and southerly boundary of Tract A, Certificate of Survey Number 320 records Powell County, N.66°00'39"E., 83.26 feet; thence S.88°54'42"E., 160.88 feet; thence S.0°05'17"W., 863.79 feet; thence N.88°39'35"W., 124.00 feet; thence southeasterly along a non-tangent curve, concave to the south-west, with radius point bearing S.75°45'50"W., 2925.00 feet, an arc length of 303.55 feet; thence along the northerly boundary of Lot 83 said Volston Ranch Tracts, S.88°39'35"W., 497.48 feet; thence along the westerly boundary of Lots 86 and 83 said Volston Ranch Tracts' N.0°19'00"E., 753.77 feet to the point of beginning, containing 8.81 acres more or less, being subject to easements or rights-of-way as shown existing or of record, according to Certificate of Survey Number 257.

**LEGAL DESCRIPTION FOR TRANSFER OF TRACT "C"**

Tract "C" of Certificate of Survey Number 257, Powell County, located in the S 1/2, Section 4, T. 7 N., R. 9 W., P.M.M., containing 8.81 acres, more or less.

**SURVEYOR'S CERTIFICATION**

I hereby certify that this Certificate of Survey is a correct representation of a survey made under my supervision using the monuments and records as shown and that the survey was substantially completed on the date as above and further that this division of state-owned land is correct from review pursuant to 75-3-205, M.C.A.

ss: *Robert S. Custer*  
 Robert S. Custer  
 Professional Land Surveyor  
 Montana Reg. No. 33235

**ENDORSE OF SUBJECT**

A division of state-owned land creating a parcel exempt from review pursuant to 76-3-205, M.C.A., to wit:

Exemption for state-owned lands - exception. The provisions of this chapter shall not apply to the division of state-owned land across the division creates a second or subsequent parcel from a single tract for sale, rent, or lease for residential purposes after July 1, 1974.

DEPT. OF LAND SURVEY APPROVAL ss: \_\_\_\_\_

EXAMINING LAND SURVEYOR ss: \_\_\_\_\_

DEPARTMENT OF STATE LANDS

PRINCIPAL MERIDIAN	
1/4 SEC. T. R.	
4 7N 9W	

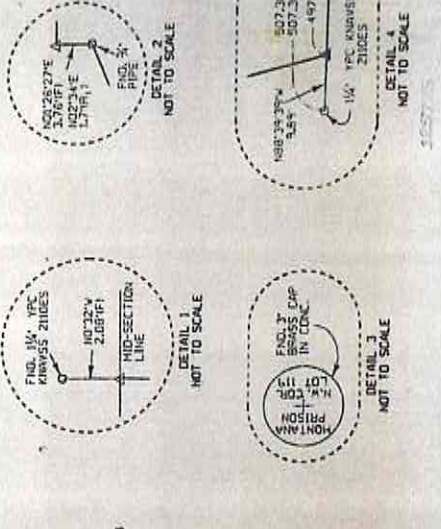
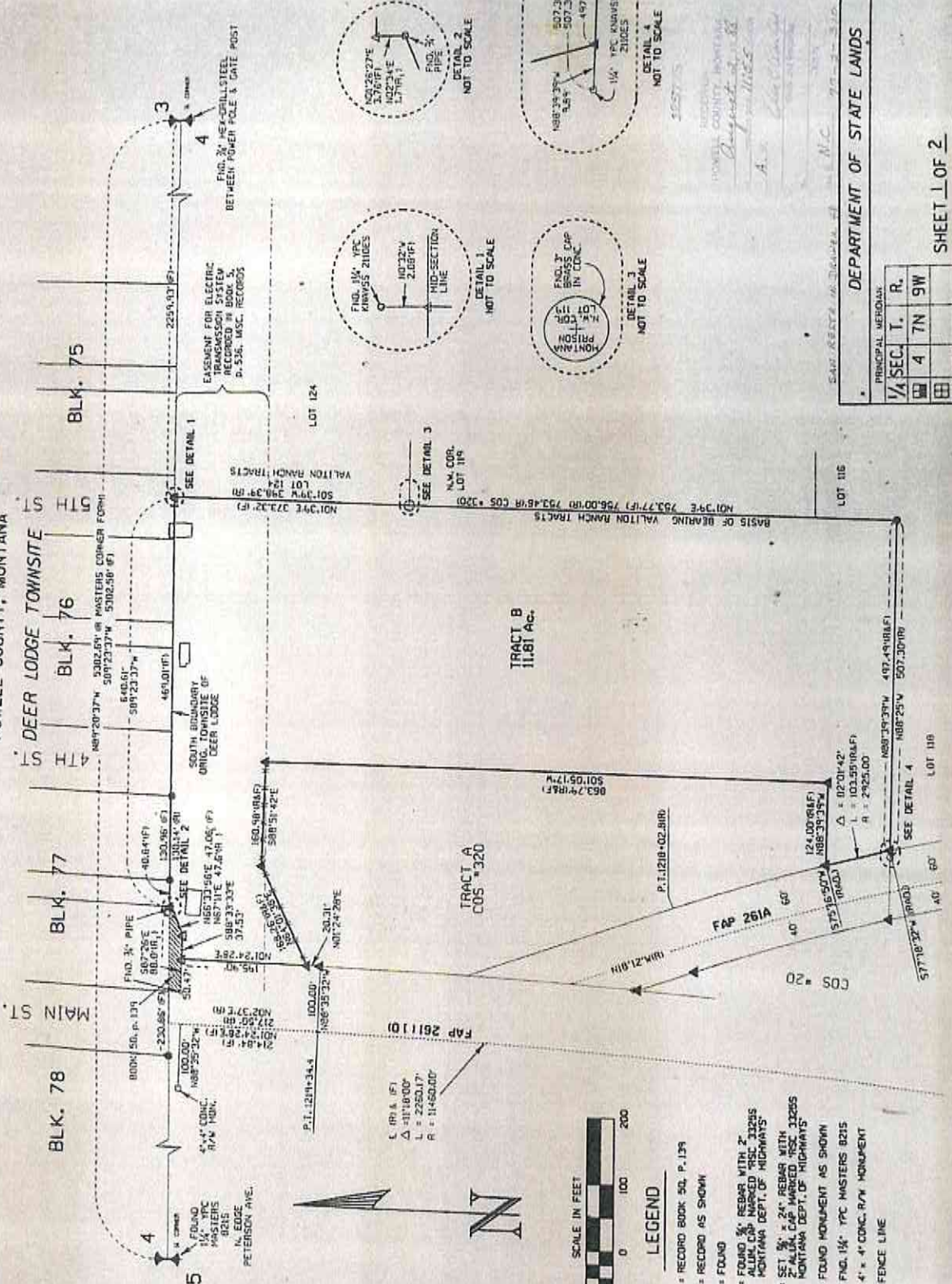
SHEET 2 OF 2  
 POWELL COUNTY  
 CERTIFICATE OF SURVEY NO. 257

PREPARED FOR THE MONTANA DEPARTMENT OF STATE LANDS BY MONTANA DEPARTMENT OF HIGHWAYS

This survey is correct from field notes and  
 monuments and records as shown and that the  
 survey was substantially completed on the date as  
 above and further that this division of state-owned  
 land is correct from review pursuant to 75-3-205,  
 M.C.A.

# CERTIFICATE OF SURVEY

DESCRIBING A PARCEL OF LAND IN THE  
S 1/2, SECTION 4, T. 7 N., R. 9 W., P.M.M.;  
POWELL COUNTY, MONTANA



## LEGEND

- RR, J = RECORD BOOK 50, P. 139
- RR = RECORD AS SHOWN
- IF1 = FOUND
- ▲ = FOUND 3/4" REBAR WITH 2" ALUM. CAP MARKED "RSC 33205 MONTANA DEPT. OF HIGHWAYS"
- △ = SET 3/4" x 24" REBAR WITH 2" ALUM. CAP MARKED "RSC 33205 MONTANA DEPT. OF HIGHWAYS"
- = FOUND MONUMENT AS SHOWN
- = FIG. 1/4" YPC MASTERS 8215
- = 4" x 4" CONC. R/W MONUMENT
- \*\* = FENCE LINE

PREPARED FOR THE MONTANA DEPARTMENT OF STATE LANDS BY MONTANA DEPARTMENT OF HIGHWAYS

DEPARTMENT OF STATE LANDS

PRINCIPAL MERIDIAN	
T.	R.
4	7N 9W
4	7N 9W
4	7N 9W
4	7N 9W

SHEET 1 OF 2  
POWELL COUNTY  
CERTIFICATE OF SURVEY NO. 300

The survey has been examined to determine compliance with the Subdivision in Montana Act No. 10-2-14 (10) S-14340 and the provisions of the Montana Subdivision Act. Powell County Register Powell County Register

**ATTACHMENT: AMENDED PLAT DESCRIBING LARABIE LOT 3A**

DRAFT

SECTION DATA NO SCALE

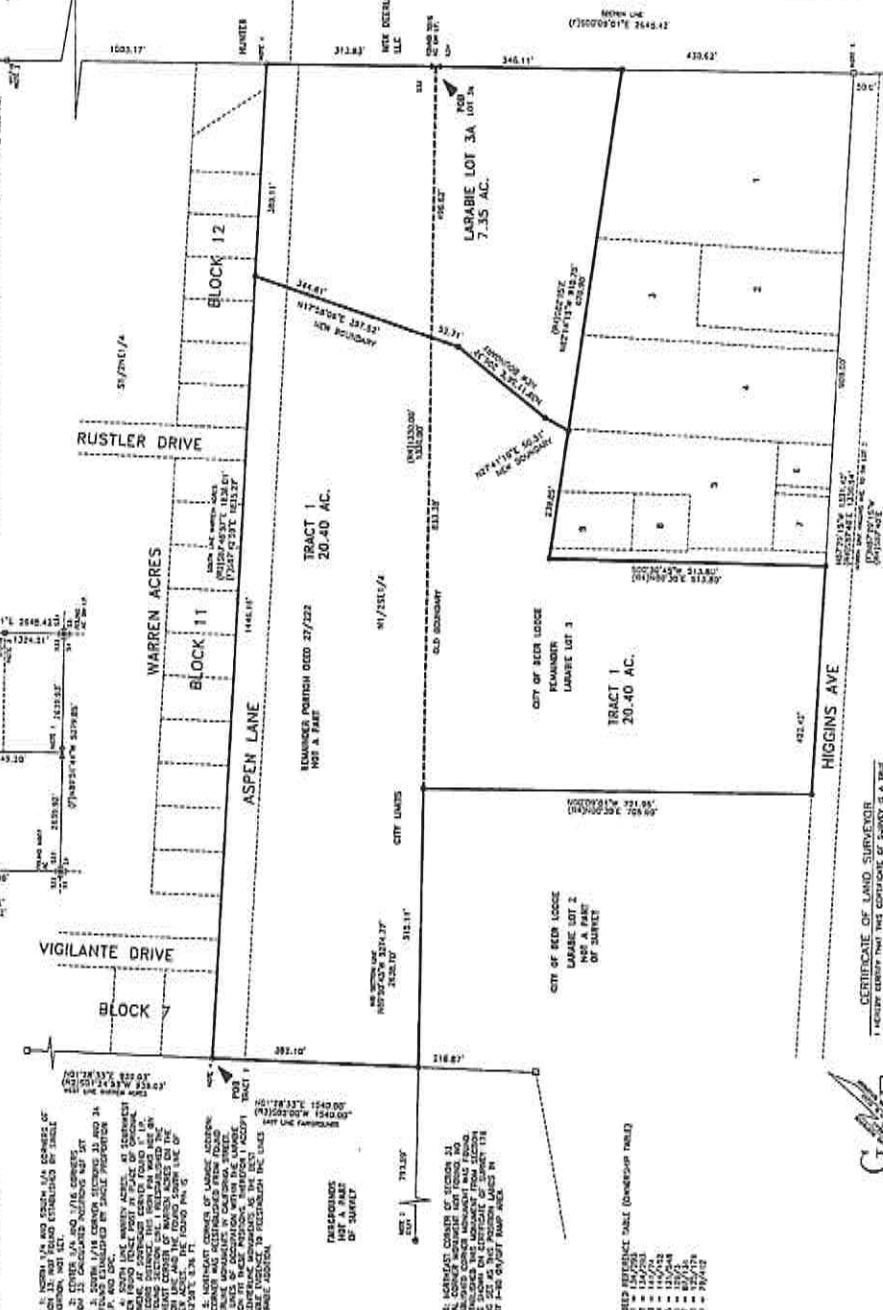
LEGEND



**AMENDED PLAT**  
 E1/2 SECTION 33 T.8N., R.9W., P.M.M.,  
 REMAINING LARABIE LOT 3 AND  
 REMINDER OF DEED 27/222  
 POWELL COUNTY, MONTANA

LOT SUMMARY

DEED 27/222 ORIGINAL, 1/15 AC, GAN 408 AC, LOTS 222 AC, TRACT 1, TOTAL 20.40 AC.  
 DEED 27/222 CORRECTED, 1/15 AC, GAN 408 AC, LOTS 222 AC, TRACT 1, TOTAL 20.40 AC.  
 DEED 27/222 CORRECTED, 1/15 AC, GAN 408 AC, LOTS 222 AC, TRACT 1, TOTAL 20.40 AC.



**CERTIFICATE OF CORRECTORS**  
 I, JAMES H. GIBNEY, COUNTY CLERK OF POWELL COUNTY, MONTANA, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M., AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M.

**LEGAL DESCRIPTION LARABIE LOT 3A:**  
 THAT PART OF SAID LARABIE LOT 3A, AS SHOWN ON THE ORIGINAL PLAT OF SAID LARABIE LOT 3A, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M., AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M.

**LEGAL DESCRIPTION TRACT 1:**  
 THAT PART OF SAID TRACT 1, AS SHOWN ON THE ORIGINAL PLAT OF SAID TRACT 1, FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M., AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M.

**CERTIFICATE OF EXAMINING SURVEYOR**  
 I, JAMES H. GIBNEY, COUNTY CLERK OF POWELL COUNTY, MONTANA, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M., AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M.

**CERTIFICATE OF COUNTY TREASURER**  
 I, JAMES H. GIBNEY, COUNTY CLERK OF POWELL COUNTY, MONTANA, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M., AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M.

**CERTIFICATE OF CLERK AND RECORDER**  
 I, JAMES H. GIBNEY, COUNTY CLERK OF POWELL COUNTY, MONTANA, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M., AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M.

**FOR THE CITY OF DEER LODGE**  
 I, JAMES H. GIBNEY, COUNTY CLERK OF POWELL COUNTY, MONTANA, DO HEREBY CERTIFY THAT THE ABOVE PLAT WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M., AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M.

**NOTE:** THE ORIGINAL PLAT AND CORRECTED PLAT OF THIS SECTION 33, T.8N., R.9W., P.M.M., WAS FILED FOR RECORD IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M., AND THAT THE SAME IS A TRUE AND CORRECT COPY OF THE ORIGINAL AS FILED IN THE OFFICE OF THE COUNTY CLERK OF POWELL COUNTY, MONTANA, ON THIS 15TH DAY OF JANUARY, 2024, AT 10:00 A.M.

**BEAR REFERENCE TABLE (OVERSHIPPED FIELD)**  
 1 = 1/15/2024  
 2 = 1/15/2024  
 3 = 1/15/2024  
 4 = 1/15/2024  
 5 = 1/15/2024  
 6 = 1/15/2024  
 7 = 1/15/2024  
 8 = 1/15/2024  
 9 = 1/15/2024  
 10 = 1/15/2024

**BEAR REFERENCE TABLE (OVERSHIPPED FIELD)**  
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 4 = 1/15/2024  
 5 = 1/15/2024  
 6 = 1/15/2024  
 7 = 1/15/2024  
 8 = 1/15/2024  
 9 = 1/15/2024  
 10 = 1/15/2024



## RESOLUTION 2024-R-6

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA, TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MONTANA BOARD OF INVESTMENTS, TO AUTHORIZE THE MAYOR TO SIGN THE MEMORANDUM OF UNDERSTANDING, AND TO EXCHANGE REAL ESTATE WITH THE MONTANA BOARD OF INVESTMENTS.**

WHEREAS, Montana House Bill No. 819 (2023 Mont. Laws 774) provides funding for the construction and maintenance of state employee workforce housing and has authorized the Montana Board of Investments to invest these funds in the creation of said workforce housing; and

WHEREAS, the City of Deer Lodge owns real estate in Powell County at Geocode: 28-1678-33-4-40-03-0000, Larabie Lots, Section 33, Township 08 North, Range 09 West, Tract in Larabie Lot 3; and

WHEREAS, the Montana Board of Investments owns real estate in Powell County at Section 04, Township 07 North, Range 09 West, Track B of Certificate of Survey Number 351; and

WHEREAS, the two parties wish to exchange all or a portion of said properties for the purpose of creating state employee workforce housing; and

WHEREAS, the two parties agree that it is their intent to exchange these properties for fair and equitable value; and

WHEREAS, the two parties are surveying and appraising the properties to determine the value of each and to ensure the property exchange is fair and equitable; and

WHEREAS, in an effort to expedite the construction of the state employee workforce housing, the two parties have agreed to enter into a Memorandum of Understanding that will authorize the immediate exchange of the real estate. FURTHER, the Memorandum of Understanding will provide a method for the fair and equitable exchange as informed by the appraised values once they are received, subject to the approval of the City Council; and

WHEREAS, 7-3-203(7), MCA authorizes the Mayor in a Commission-Executive Form of Government to execute contracts and written obligations of the City Council, subject to the City Council's approval; and

WHEREAS, 7-8-4201, MCA authorizes a City Council to transfer any property belonging to the City by ordinance or resolution passed by a two-thirds vote of all members of the Council; and

WHEREAS, the Memorandum of Understanding is attached to this Resolution 2024-R-6 and is incorporated herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Deer Lodge, that:

1. The City Council accepts and adopts the Memorandum of Understanding (“Agreement”) between the City Council and the Montana Board of Investments.
2. The City Council authorizes the Mayor to sign the Agreement on behalf of the City Council.

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 22<sup>nd</sup> day of January, 2024.

The effective date of Resolution 2024-R-6 is January 22, 2024.

<b>Council Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
Greg Larkins				
John Molendyke				
Gordon Pierson				
James Jess   Mayor				

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James Jess, Mayor

Attest:

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Cyndi Thompson, City Clerk

**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**  
Curt Fjelstad  
Kirk Hayes  
John Henderson  
Robert Kersch  
  
Gregory Larkins  
John Molendyke  
Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:**

**TO:**

**Agenda Item Name:** Ward 3 Appointment: Rian King-Chavez

**For Meeting on:** 01/22/2024      **Staff Member/Committee Referring:** Mayor Jess

**Description of the item:**

The Mayor has received one letter of interest for the open Council position in Ward 3. The letter was from Rian King-Chavez. At this time, the Mayor will read the letter of interest and open the floor to the interested person for additional discussion and questions from the Council.

**Attachments:**

Letter of Interest from Rian King-Chavez.

**Previous Committee Engagement:**

*(discussion, outcomes, recommendations, public comment)*

None.

**Recommended Motion/Action:**

Attention Mayor Jim Jess:

I would like consideration for fulfillment of the vacant city council seat representing ward 3. As a returning citizen (who was born and raised in Deer Lodge), a local business owner, and parent, I am very devoted to the strength and vitality of our community. I believe I have the tenacity and fortitude necessary to help the council maintain and grow its positive effects on our community. I appreciate your time and deliberation.

Best regards,

Rian King-Chavez