

COUNCIL AGENDA

February 5, 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** – *Attention: All the public may comment on any item appearing on the agenda before the City Council from 6:00pm to 6:30pm. The Council will not accept any comments on items not on the agenda. The Council agenda is published and will have a public hearing on any questions.*
3. **Public Hearing.**
 - a. None
4. **Approval of Minutes**
 - a. September 25, 2023
 - b. January 22, 2024
5. **Committee Reports - Reports accepted as presented.**
 - a. City Council Operations – Rob Kersch
 - b. Finance Committee – Greg Larkins
 - c. Economic Growth & Development – John Henderson
 - d. Public Health & Safety – John Molendyke
 - f. Public Works – Gordon Pierson
6. **Board Reports**
 - a. Airport Board – Gordon Pierson
 - b. Powell County Parks Board – John Molendyke
 - c. Chamber of Commerce – John Henderson
 - d. Headwaters RC&D – Rob Kersch
 - e. Historic Preservation – Curt Fjelstad
 - f. Landfill – Rob Kersch
 - g. Local Emergency Planning Committee – Kirk Hayes
 - h. Library – TBD
 - i. Planning Board – Greg Larkins
 - j. Youth Board – Kirk Hayes
7. **Continued Business** *(continued or tabled)*
 - a. Title 8: Dogs at Large Language – Jordan
8. **New Business Items - The Council will act on each item after accepting public comments.**
 - a. MT Muddy Paws Kennel Exemption Request – Jordan
 - b. Resolution 2024-R-7: Adopting the Growth Policy – Jordan
 - c. January 12-15 Callout Fee Relief – Jordan
 - d. Land Exchange Appraisals Review and Approval – Jordan
 - e. Aspen Lane Construction Easement for Beaumont Property – Jordan
 - f. Ordinance 2024-1: Setting Start Times for Fireworks – Jordan

9. Schedule of Committee Meetings – *(Informational – Not an agenda item by itself)*

- Finance – February 5th at 4pm
 - Economic Growth & Dev – February 7th at 5pm
 - Public Health & Safety – February 8th at 5pm
 - City Council Operations – February 26th at 5pm
 - Planning Board – February 12th at 10am
 - Council #2 – Tuesday, February 20th at 6pm – Closed Monday, February 19th
 - Public Works – February 27th at 5pm
- ***NEW DATE FOR COUNCIL OPS*****

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: Tuesday, February 20, 2024 at 6:00pm – Monday the 19th City Hall closed.

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 September 25, 2023, at 6PM | City Hall, Council Chambers

Members Present: John Molendyke, Jackie Greenwood, Dick Bauman, Rob Kersch, Curt Fjelstad

Members Absent: John Henderson , Joe Callahan, Gordon Pierson

Mayor: James Jess

CAO: Jordan Green

Staff: Trent Freeman, Peter Elverum, Stan Glovan, 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. State Statute prohibits the City Council from discussing any introduced item. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.

a. None

3. Approval of Minutes

a. Regular Meeting: September 5, 2023

Member Kersch motioned to approve as presented. Member Fjelstad seconded the motion. 5 Ayes, 0 Nos, 3 Absent. Motion passed.

4. Public Hearing.

a. None

5. Department Reports: Composed Reports are in the packets. **Reports accepted as presented.**

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

6. **Mayor & 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. Member Greenwood asked about a potential rate increase for City services.

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

a. None

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

a. Hillcrest Cemetery Future Maintenance Discussion and Plot Sale Reimbursement – Mayor Jess

The Catholic Church owns a portion of the Hillcrest Cemetery. For several decades, the City and Church have had an unwritten maintenance agreement whereby the Church pays the City \$3,000 annually for maintenance. The City has sold \$9,450 worth of plots during this time, and the Church has sold several plots as well. Conversations with Father Fleming have led to a desire to reimburse the church \$9,450 for plots sold and to negotiate full City ownership and maintenance in the future.

Recommendations: 1. Approve the Reimbursement of \$9,450 for plots sold during the time of the maintenance agreement. 2. Approve staff to negotiate with Father Fleming for full City responsibility of the Catholic Section

Member Kersch motioned to enter into a Deed Agreement with the Catholic Church for full maintenance of the cemetery accompanied by a Resolution. Member Molendyke seconded the motion. 5 Ayes, 0 Nos, 3 Absent. Motion passed.

b. Affirm New Fire Department Volunteer: Hunter Smith – Mayor Jess and Chief Pierson

The Deer Lodge Volunteer Fire Department interviewed Hunter Smith for an open firefighter position. Fire Chief Pierson would like to bring Mr. Smith on board.

Recommendation: Approve the appointment of Hunter Smith to the Deer Lodge Volunteer Fire Department.

Member Kersch motioned to approve as presented. Member Fjelstad seconded the motion. 5 Ayes, 0 Nos, 3 Absent. Motion passed.

c. Adopting a New Police Department Policy Manual – Chief Smith

This agenda item was on the August 21, 2023 City Council agenda. The Council moved to send the item to the Public Health and Safety Committee for review and recommendation back to City Council. PHS recommended adoption of the Policy Manual at their September Meeting. The draft Police Department Policy Manual is created by Lexipol, a leading firm in Police Department Policy creation. It is an update to the current, but outdated, Policy Manual. It provides Police Officers with readily accessible information on department policies, state statute, personnel, and operations and is used by officers to perform their functions based on established legal authority.

Recommendation: Approve the adoption of the new DLPD Policy Manual.

Council President Bauman motioned to approve Adoption of the New Police Department Policy Manual. Member Kersch seconded the motion. 5 Ayes, 0 Nos, 3 Absent. Motion passed.

d. Title 8 Changes to Clarify Dog at Large Language – Jordan

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. They recommended said changes to City Council. They also discussed approaching the County about having similar codes at Arrowstone Park.

Recommendation: Approve the changes to Title 8 and direct staff to prepare an ordinance adopting the changes. Place an item on the next City-County Joint meeting discussing dog at large ordinances at Arrowstone Park.

Member Greenwood motioned to send Title 8 back to PH&S Committee to better Clarify Dog at Large Language. Member Fjelstad seconded the motion. 5 Ayes, 0 Nos, 3 Absent. Motion passed.

e. Council Bylaws Amendments – Jordan

The Council Operations Committee has recommended several changes to the City Council Bylaws. In summary, these changes include clarifying media relations, clarifying staff and Council relationships, clarifying how a member of the public requests an agenda item, and the addition of a section on City-County Joint Meetings.

Recommendations: Approve and adopt the changes to the City Council Bylaws.

Council President Bauman motioned to approve the Council Bylaws Amendments as presented. Member Molendyke seconded the motion. 4 Ayes, 1 No, 3 Absent. Motion passed.

9. Next Meeting Announcement:

a. Regular Meeting – Monday, October 2, 2023 at 6pm

10. Adjournment

Mayor Jess adjourned the meeting at 6:52PM.

Prepared By: City Clerk - Temp

James Jess, Mayor

Date

CITY COUNCIL

MINUTES

The City Council met on January 22, 2024, at 6 PM | Council Chambers, City Hall

Members Present:	John Henderson, Rob Kersch, Gordon Pierson, John Molendyke, Curt Fjelstad, Kirk Hayes,
Members Absent:	Greg Larkins and, Ward 3 Vacant
Mayor:	James Jess
CAO:	Jordan Green
Staff:	Cyndi Thompson, Chief Smith, Kody Ryan, Trent Freeman, Peter Elverum, Sean Herrick
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. Regular Meeting: January 8, 2024.

Council President Kersch motioned to approve as presented. Member Hayes seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

4. Public Hearing:

a. None

5. Department Reports: composed reports are in the packet. **Reports are Accepted as Presented.**

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.

- a. Council President Kersch reminded the Committee to look at committee goals, what we had last year, see how we did on those and see if we need to make new goals. Everyone has a conflict of interest form completed and turned in. If you are a chairman on a committee, be sure get a report into the City Clerk within 48 hours of your meeting. It's a summary of your meeting that you will send to the City Clerk.
- b. Jordan has a list of most of the committee assignments from the Council President, some could be subject to change once will fill the Ward 3 vacant spot. Jordan read the committee assignments out loud.

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

Final draft of the Growth Policy was presented to Council. The Growth Policy has been very well reviewed with public, Planning Board, surveys, public hearings over the past year.

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.

Council President addressed council asking members to please take the time to read the Growth Policy as there is a lot of focus on the City's future.

No committee comments. No public comments. No motion required.

- b. Resolution of Intention 2024-R-1: Intent to Adopt Growth Policy – Jordan

Council President Kersch titled 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

Council President motioned to approve Resolution of Intention 2024-R-1 as presented. Member Molendyke second the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

- c. Resolution 2024-R-2: People's Bank Signature Authority – Jordan

Member Pierson titled 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.

Member Pierson motioned to approve Resolution 2024-R-2 as presented. Member Henderson second the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

- d. Resolution 2024-R-3: Pioneer Federal Signature Authority – Jordan

Member Hayes titled 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, 202 N MAIN STREET, DEER LODGE, MONTANA 59722.

Member Pierson motioned to approve Resolution 2024-R-3 as presented. Member Hayes second the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

- e. Resolution 2024-R-4: First Security Signature Authority – Jordan

Member Henderson titled 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.

Member Pierson motioned to approve Resolution 2024-R-4 as presented. Member Henderson second the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

- f. Memorandum of Understanding with the Masonic Lodge #14 for Cemetery Plots – Jordan

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.

Member Hayes motioned to approve the MOU with the Masonic Lodge #14 as presented. Member Fjelstad seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

- g. Resolution 2024-R-5: Place Question of Local Government Review on Ballot – Jordan

Member Henderson titled 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.

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.

Council President Kersh motioned to approve Resolution 2024-R-5 as presented. Member Henderson second the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

- h. Resolution 2024-R-6: Accept Memorandum of Understanding with the Montana Board of Investments – Jordan

Member Pierson titled 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.

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 they appraise for more, they will adjust the boundary of their parcel and swap us less land.

Council President Kersch motioned to approve Resolution 2024-R-6 as presented. Member Henderson seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

i. **Ward 3 Appointment – Mayor Jess**

The Mayor 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 read the letter of interest to Council and opened the floor to the interested person for additional discussion and questions from the Council.

Member Hayes motioned to approve Rian King-Chavez as a council member to ward 3. Council President Kersch seconded the motion. 6 Ayes, 0 Nos, 1 Absent, 1 Vacant. Motion passed.

Rian King-Chavez was sworn in at this time.

9. Next Meeting Announcements

- a. Monday, February 5, 2024 at 6:00pm

10. Adjournment

Mayor Jim Jess adjourned the meeting at 6:48 PM.

Prepared By: Cyndi Thompson, City Clerk

Mayor Jim Jess

Date

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



Montana's Undiscovered Treasure

1001 MAIN STREET
DEER LODGE, MT 59732-3001
406.949.3038

City Council
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY:

TO:

Agenda Item Name: Title 8 Dogs at Large Language: 3rd Discussion

For Meeting on: 02/05/2024 **Staff Member/Committee Referring:** Public Health & Safety

Description of the item:

At the September 25 City Council meeting, the Council elected to send the proposed Title 8 language back to PHS to review the definition of vicious dogs. PHS reviewed on November 9 and sent the change back to City Council. City Council sent back to PHS on January 8, and PHS reviewed and made changes on January 11. Only change was the removal of the language stating a vicious dog was one that was or had been trained to fight.

Attachments:

Redlined changes to Title 8 with the removal of the fighting dog language.

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

Public Health and Safety Committee has reviewed and recommended changes at their August 10, 2023 meeting, November 9, 2023 meeting, and January 11, 2024 meeting.

Recommended Motion/Action:

Approve the changes and have staff write an ordinance to adopt the revised language.

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, sit-beel beside a competent person and obedient to that person's commands. Animals must be restrained when off-premises. Animals may be considered on-premise when they are on or within a vehicle being driven or parked on the streets, or within the property limit of its owner. 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

(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/altered 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 Giovan
City Services Coordinator
Gena Micu



City Council
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY:

TO:

Agenda Item Name: MT Muddy Paws Kennel Exemption Request

For Meeting on: 02/05/2024 **Staff Member/Committee Referring:** Jordan Green

Description of the item:

Halie Walsted, owner and operator of the mobile dog grooming service MT Muddy Paws, has requested the Council support an expansion of her business to a storefront location. Her request is to open a storefront on Main Street to expand grooming services and provide short-term boarding and daycare services. 8.02.200 of the City Code prohibits any kennels in City limits. To operate this business, MT Muddy Paws would need an exemption from the kennel prohibition.

Attachments:

Request for Exemption from Halie Walsted.

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

None.

Recommended Motion/Action:

Approve the Exemption.

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



Montana's Undiscovered Treasure

1000 MAIN STREET
DEER LODGE, MT 59717
406.338.2314

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

CITY COUNCIL AGENDA ITEM REQUEST FORM

Is This Agenda Item Being Requested by a: CITIZEN or COUNCILMEMBER
(Circle one)

1. Healie Walsted, CCE, Address: 307 St Marys ave Deer Lodge

Phone #: 406 565 2965, Email Address: MT Muddy Paws @ gmail.com

Request the following item be place on the agenda for the City Council on Feb 5th, 2024.

Agenda Item Name Request: MT Muddy Paws expansion

Please give a brief description of the item requested for discussion:

Attached

Please Circle the Action you are requesting the City Council take.

Information Only Study/Send to Committee Make a Decision

Signature: Healie Walsted CCE Date: 1-27-24

The City Council meets the 1st and 3rd Monday of the month at 6:00 PM, unless otherwise stated. **All agenda requests must be received no later than the end of the day on the Wednesday before the next meeting.** Please note that the Mayor reserves the right to either include or deny a requested item or to change the name of the requested agenda item. However, the City Council can agree through a majority vote to include an item on the City Council agenda without the approval of the Mayor.

I am writing to request the City Council's support for MT Muddy Paws' expansion from a mobile grooming service to a storefront location with additional services, including retail, boarding, and daycare. This expansion will benefit Deer Lodge through job creation, tourism stimulation, and improved pet-friendliness.

Current Situation:

- MT Muddy Paws successfully operates a mobile dog grooming service with high demand.
- Deer Lodge lacks adequate short-term pet boarding and daycare options for tourists and visitors.
- Existing city kennel has limitations: space, supervision, length of stay, and dog type preference.

Expansion Plans:

- Open a storefront on Main Street to:
 - Expand dog grooming services.
 - Offer a canine boutique showcasing local Montana products and art, attracting tourists.
 - Provide short-term boarding and daycare services, cater to dog owners visiting Deer Lodge's attractions, like the prison and Grant-Kohrs Ranch.
 - Potentially expand in 3-5 years to a full-fledged indoor doggie daycare and pet hotel with a park.

Benefits for Deer Lodge:

- Economic: Create new jobs, attract tourist dollars, support local businesses through the boutique.
- Community: Enhance pet-friendliness, attract dog-loving tourists, offer convenient pet care options for residents.
- Tourism: Encourage longer stays by visitors with secure pet accommodations.
- Wellbeing: Provide supervised indoor play and care for dogs, addressing potential heatstroke or boredom for dogs left in cars.

Request for Ordinance Exemption:

- Existing city ordinances may not directly cover or permit the full range of services MT Muddy Paws plans to offer.
- We request a temporary exemption or modification of relevant ordinances to facilitate this expansion and benefit Deer Lodge's economy and community.
- We are committed to working with the City Council to ensure our operations comply with all safety and health regulations.

Conclusion:

MT Muddy Paws' expansion will create jobs, attract tourists, and enhance Deer Lodge's pet-friendliness. We request the City Council's support through ordinance exemption or modification to allow this project to move forward, contributing to a vibrant and thriving Deer Lodge

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
 Rian King-Chavez
 Gregory Larkins
 John Molendyke
 Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY:

TO:

Agenda Item Name: Resolution 2024-R-7: Adopting Growth Policy

For Meeting on: 02/05/2024 **Staff Member/Committee Referring:** _____

Description of the item:

The City Council passed Resolution of Intention 2024-R-1 on January 22nd, which signified their intention to adopt the Growth Policy. The final step in adoption is the passage of Resolution 2024-R-7.

Attachments:

Resolution 2024-R-7

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

The Planning Board held a public hearing on 1/16/2024 to gain comment on the Growth Policy draft, which it had been working on for about a year in multiple meetings. The Planning Board on the day passed a Resolution to recommend adoption to the City Council. The City Council reviewed and made the first step towards adoption on 01/22/2024.

Recommended Motion/Action:

Approve Resolution 2024-R-7 and adopt the Growth Policy.

RESOLUTION 2024-R-7

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, 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.

WHEREAS, after considering the recommendations of the City of Deer Lodge Planning Board, the City Council of the City of Deer Lodge passed Resolution of Intention 2024-R-1 on January 22, 2024 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, to pass this Resolution and 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 5th day of February, 2024.

The effective date of Resolution 2024-R-7 is February 5, 2024.

Council Member	Yea	Nay	Abstain/Present	Absent
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
Rian King-Chavez				
Greg Larkins				
John Molendyke				
Gordon Pierson				
James Jess Mayor				

James Jess, Mayor

Attest:

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
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY:

TO:

Agenda Item Name: January 12-15 Callout Fee Relief

For Meeting on: 02/05/2024 **Staff Member/Committee Referring:** Public Works

Description of the item:

Deer Lodge received record cold temperatures that lasted for an extended time between January 12 and January 15, 2024. There were a high level of call outs for public works staff during this time for the simple task of turning off water in response to frozen or broken pipes. Call out fees ranged between \$200-\$400. Staff and the Public Works Committee think it is prudent to waive the callout fees due to the high volume and unavoidable nature of the call out requests.

Attachments:

None

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

The Public Works Committee recommended the relief from call out fees from January 12-15 at their January 23, 2024 meeting.

Recommended Motion/Action:

Waive call out fees from being assessed for the time period between January 12-15, 2024.

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 Giovan
City Services Coordinator
Gena Micu



City Council
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY:

TO:

Agenda Item Name: Land Exchange Appraisals Review and Approval

For Meeting on: 02/05/2024 **Staff Member/Committee Referring:** Jordan Green

Description of the item:

The City and the Montana Board of Investments have received appraisals for the properties they intend to transfer pursuant to the Memorandum of Understanding agreed to on January 22, 2024 by the City Council. The 11 acres of State land appraised at \$130,000. The combined appraisals of the 7 acres of City land (one for residential and one for commercial land) were valued at \$167,000. Thus, the Board of Investments has agreed to swap the land and pay the City \$37,000.

Attachments:

- 1) Appraisal of the State parcel south of town.
- 2) Two appraisals for separate sections of the city parcel next to Jaycee Park.

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

The City Council approved a Memorandum of Understanding with the Montana Board of Investments at their January 22, 2024 meeting.

Recommended Motion/Action:

Review and approve the appraisals and authorize staff to move forward with the land and fund transfer per the Memorandum of Understanding.

**THE MARKET VALUE APPRAISAL OF 11.093 ACRES LOCATED IN
DEER LODGE, POWELL COUNTY, MONTANA**

DATE OF VALUATION

JANUARY 3, 2024

FOR

**MONTANA BOARD OF INVESTMENTS
P.O. BOX 200126
HELENA, MONTANA 59620-0126**

*ELKHORN APPRAISAL SERVICES
P.O. BOX 448
HELENA, MONTANA 59624*

ELKHORN APPRAISAL SERVICES

P.O. BOX 448

HELENA, MONTANA 59624

PHONE: (406) 439-6598

January 21, 2024

Montana Board of Investments
P.O. Box 200126
Helena, MT 59620-0126

RE: The market value appraisal of 11.093 acres located in Deer Lodge, Powell County, Montana.

In accordance with the letter of engagement, Elkhorn Appraisal Services has made the necessary site visit and analysis to appraise the above referenced property. The attached report provides the essential data and detailed reasoning employed in determining the value estimate. The property has been appraised in as is condition, as a whole, titled in fee simple ownership. No responsibility for matters that are legal in nature have been assumed. No opinion as to title has been provided herein.

The property being appraised consists of 11.093 acres of vacant land. In the body of the report is a detailed description of the subject property.

The value reported is qualified by certain definitions, assumptions and limiting conditions, and certification that are set forth within the attached report. No extraordinary assumptions or hypothetical conditions have been utilized. This appraisal report conforms to the reporting requirements of Uniform Standards of Professional Appraisal Practice, FIRREA, and the Montana Board of Investments.

Based upon the following analysis, the market value of the subject, as set forth, documented, and qualified in the attached report under conditions prevailing on January 3, 2023 was:

One Hundred Thirty Thousand Dollars

\$130,000

Please direct your attention to the data, discussions, and conclusions that follow.

Respectfully submitted,



Gregory A. Thornquist
Montana State Certified
General Real Estate Appraiser
License # REA-RAG-LIC-867
1/21/2024

Table of Contents

SUBJECT PROPERTY PHOTOGRAPHS 5
SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS 6
ASSUMPTIONS AND LIMITING CONDITIONS 7
SCOPE OF THE APPRAISAL 9
DEFINITION OF MARKET VALUE 10
PURPOSE OF THE APPRAISAL 10
INTENDED USE & INTENDED USER OF THE APPRAISAL 10
PERSONAL PROPERTY 11
PROPERTY RIGHTS APPRAISED 11
IDENTIFICATION OF PROPERTY AND LEGAL DESCRIPTION 11
PURPORTED OWNER 11
SALES HISTORY OF THE PROPERTY 11
EXPOSURE TIME 12
REGIONAL MAP 13
REGIONAL AND CITY ANALYSIS 13
NEIGHBORHOOD DATA AND TRENDS 16
REAL ESTATE TAXES 17
PROPERTY DESCRIPTION 17
SUBJECT PROPERTY PHOTOGRAPHS 19
ZONING 21
HIGHEST AND BEST USE 22
HIGHEST AND BEST USE AS VACANT 22
PROPERTY VALUATION 23
DEFINITIONS 24
SITE VALUATION 24
LAND SALES MAP 25
LAND SALES GRID 26
RECONCILIATION AND CONCLUSION 30
VALUE ESTIMATE AND CERTIFICATION 31

Addenda

- Letter of Engagement
- State of Montana Cadastral
- Deed
- Well Map
- Land Swap Map
- Appraiser's Qualifications
- Appraiser's License

SUBJECT PROPERTY PHOTOGRAPHS



Looking south across the subject



Aerial view of the location of the subject provided by Google. Image date 9/14/2014

SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

PURPORTED OWNER: State of Montana

PROPERTY TYPE: 11.093 acres of vacant land

LOCATION OF PROPERTY: Deer Lodge, Powell County, Montana

PROPERTY RIGHTS APPRAISED: Fee Simple

ZONING: District V – further described in the zoning section.

PRESENT USE: Vacant

HIGHEST AND BEST USE: Development

DATE OF REPORT: January 21, 2024

DATE OF VALUATION: January 3, 2024

***MARKET VALUE:* \$130,000**

ASSUMPTIONS AND LIMITING CONDITIONS

This is to certify that the appraiser, in submitting this statement and opinion of value of subject property, acted in accordance with and was bound by the following principles, limiting conditions and assumptions. Unauthorized use of this report is set forth below.

- No responsibility is assumed for matters that are legal in nature nor is any opinion rendered on title of property appraised.
- Unless otherwise noted, the property has been appraised as though free and clear of all encumbrances.
- All maps, areas, plans, specifications, and other data furnished your appraiser were assumed to be correct. No survey of the property was made by this firm. Furthermore, all numerical references to linear measurements, area, volume or angular measurements should be assumed to be "more or less" (+/-) and are accurate to a degree consistent with their use for valuation purposes.
- This appraisal considers only surface rights to the property with consideration of current zoning and land use controls. The estimate of **highest and best** use will form the basis for the value estimate. This appraisal does not consider mineral, gas, oil or other natural resource rights that may be inherent in the ownership of the property.
- In this appraisal assignment, any potentially hazardous material found on the land or used in the construction of the buildings, such as urea formaldehyde foam insulation, petroleum residue, asbestos and/or existence of toxic waste or gases, which may or may not be present on the property, has not been considered. The appraiser is not qualified to detect such substances. Any interested party is urged to retain an expert in this field if there is any question regarding such potentially hazardous material. If such material or substance is present it could adversely affect the value reported herein.
- The appraiser is not a seismologist. This appraisal should not be relied upon as to whether a seismic problem exists or does not actually exist on the property. The property which is the subject of this appraisal is within a geographic area where earthquakes and other seismic disturbances have previously occurred and where they may occur again. Except as specifically indicated in the report, no seismic or geologic studies have been provided to the appraiser concerning the geologic and/or seismic condition of the property. The appraiser assumes no responsibility for the possible effect on subject property on seismic activity and/or earthquakes. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed seismic requirements by the City or County. It is possible that a survey of the property could reveal that the property does not meet the required seismic requirements. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible noncompliance requirements in estimating the value of the property.
- All data contained in this report and in the appraiser's files, as obtained from other sources, upon which to any degree the opinions and conclusions were based, are considered reliable and believed to be true and correct. However, the appraiser does not assume responsibility for the accuracy of such items that were obtained from other parties.
- There shall be no obligation to give testimony or attendance in court by reason of this appraisal with reference to the property in question unless arrangements have been previously made and at an additional fee.

- Neither all nor any part of the contents of this report, especially the conclusions to value, the identity of the appraiser or the firm with which he is connected shall be disseminated to the public through advertising media, news media, public relations media, sales media, or any other public means of communication without the prior written consent of the appraiser.
- Elkhorn Appraisal Services does not authorize the out-of-context quoting from, or partial reprinting of this appraisal report.
- The liability of Elkhorn Appraisal Services is limited to the client and to the fee collected. Further, there is no accountability, obligations or liability to any third party. If this report is placed in the hands of anyone other than client, the client shall make such party aware of all limiting conditions and assumptions of the assignment and related discussions. The appraiser assumes no responsibility for any costs incurred to discover or correct any deficiencies of any type present in the property; physically, financially, or of a legal nature.
- The fee for this appraisal report is for the service rendered and not for time spent on the physical report or for the physical report itself.
- This appraisal report is prepared for the sole and exclusive use of First Montana Bank. No third parties are authorized to rely upon this report without the expressed written consent of the appraiser.
- This Appraisal Report complies with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice. As such, it presents only summary discussions of the data, reasoning, and analysis that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning and analysis is contained in the appraiser's files.

SCOPE OF THE APPRAISAL

Elkhorn Appraisal Services (EAS) was retained by the Montana Board of Investments to provide a market value for the subject property.

The property is 11.093 acres of vacant land. There are three wells on the property.

The property has been valued in fee simple ownership.

The valuation method employed in this analysis is the sales comparison approach.

No extraordinary assumptions or hypothetical conditions have been employed in this appraisal.

On January 3, 2024 Greg Thornquist of EAS visited and photographed the subject property.

This appraisal is a market value appraisal, and as such, is based upon the highest and best use of the subject property. Fundamental within the highest and best use analysis is the consideration of the subject's use, timing of that use, and the most probable buyer and user.

There are five distinct buyer types in a given real estate market; each is identified below:

- Owner-User: Acquires real estate mostly for its use; vacancy and investment yield are not primary criteria. Property suitability is the major objective.
- Passive Investor: Seeks an established income stream; usually does not change the property in any meaningful way; generally, prefers long-term ownership.
- Developer: Acquires real estate to physically or legally change it in some significant fashion; accepts substantial risk so expects major reward; short-to-medium holding period.
- Speculative Investor: Buys real estate solely as an investment with most of the reward at termination; property use is not a primary consideration; medium-to-long term holding period; usually buys during weak market conditions, so accepts huge risk. Mantra: Buy low, sell high.
- Pure Speculator: Buys real estate as an investment with most of the reward at termination; property use is usually not a major consideration; buys during conditions of rapidly appreciating prices; shorts-to-medium ownership period.

The most likely buyer is an owner/user, or potentially a developer.

General and specific information pertaining to the subject property was also obtained from the Deer Lodge County Courthouse. Real estate appraisers and real estate agents were contacted with respect to comparable market data. This information is contained in the body of the report.

Gregory A. Thornquist has been actively appraising real estate throughout Montana since 2005. He is a licensed general appraiser in Montana and as such has completed the education, work, and training requirements set forth by the Montana Board of Real Estate Appraisers. Thornquist participates in continuing education and is an active affiliate of the national organization, the Appraisal Institute. Thornquist has ample experience, training, and knowledge to appraise the subject property.

Effective Date:

The effective date of this appraisal report is January 3, 2024, which was the date of the site visit. The is also the date of the photographs. The report was completed on January 21, 2024.

DEFINITION OF MARKET VALUE

Market value, as used in this report, is defined as follows:

Market value means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- (1) Buyer and seller are typically motivated;
- (2) Both parties are well informed or well advised, and acting in what they consider their own best interests;
- (3) A reasonable time is allowed for exposure in the open market;
- (4) Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- (5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

[Code of Federal Regulations, Title 12, Banks and Banking, Chapter I – Comptroller of the Currency, Department of the Treasury, Chapter 34 – Real Estate Lending and Appraisals] *Authority.* This subpart is issued by the Office of the Comptroller of the Currency (the OCC) under 12 U.S.C. 93a and title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (*FIRREA*) (Pub. L. 101-73, 103 Stat. 183 (1989)), 12 U.S.C. 3331 *et seq.*

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to arrive at a supportable estimation of the market value.

INTENDED USE & INTENDED USER OF THE APPRAISAL

It is understood that the intended use of this appraisal report is to assist in the potential land swap with the City of Deer Lodge. The client and intended user is Montana Board of Investments.

PERSONAL PROPERTY

None

PROPERTY RIGHTS APPRAISED

Definition of Appraised Estates

For valuation purposes within this report, two interpretations of a fee simple estate are provided below:

1. Market value of the *fee simple estate* to an owner-user is the worth to this type of buyer via the sales comparison approach. Income generation is not an important factor to this buyer. Property suitable for the buyer's own use is the primary purchasing criteria. Occupancy and lease-up costs are not relevant for this type of real property.
2. The *fee simple estate* for a multi-tenant facility is different from the one above. A different interpretation is appropriate for a building designed to generate real estate rental income like a shopping center or apartment building. This estate for this type property is defined as the would-be most probable buyer assuming the property is already leased to a level of stabilized occupancy and normal market terms including market rent. Lease-up costs are assumed already paid.

The subject is owner-occupied. This appraisal is made with the understanding and assumption that present ownership of the subject property is titled in a fee simple estate, as defined in the first definition above, as of January 3, 2024.

IDENTIFICATION OF PROPERTY AND LEGAL DESCRIPTION

The subject consists of the 11.093-acre tract in the SW1/4 of Section 4, Township 7 North, Range 9 West, Powell County, Montana.

PURPORTED OWNER

The owner is the State of Montana

SALES HISTORY OF THE PROPERTY

The property has been under the ownership of the State of Montana for an extended period.

EXPOSURE TIME

The definition of market value includes a condition that a reasonable time is allowed in the open market. The length of time that a property is exposed in the market impacts the number of potential buyers for the property. Longer exposure typically results in more potential buyers, and shorter exposure to the market typically results in fewer potential buyers. Logically, the number of potential buyers who are aware of a property's availability can influence the sale price.

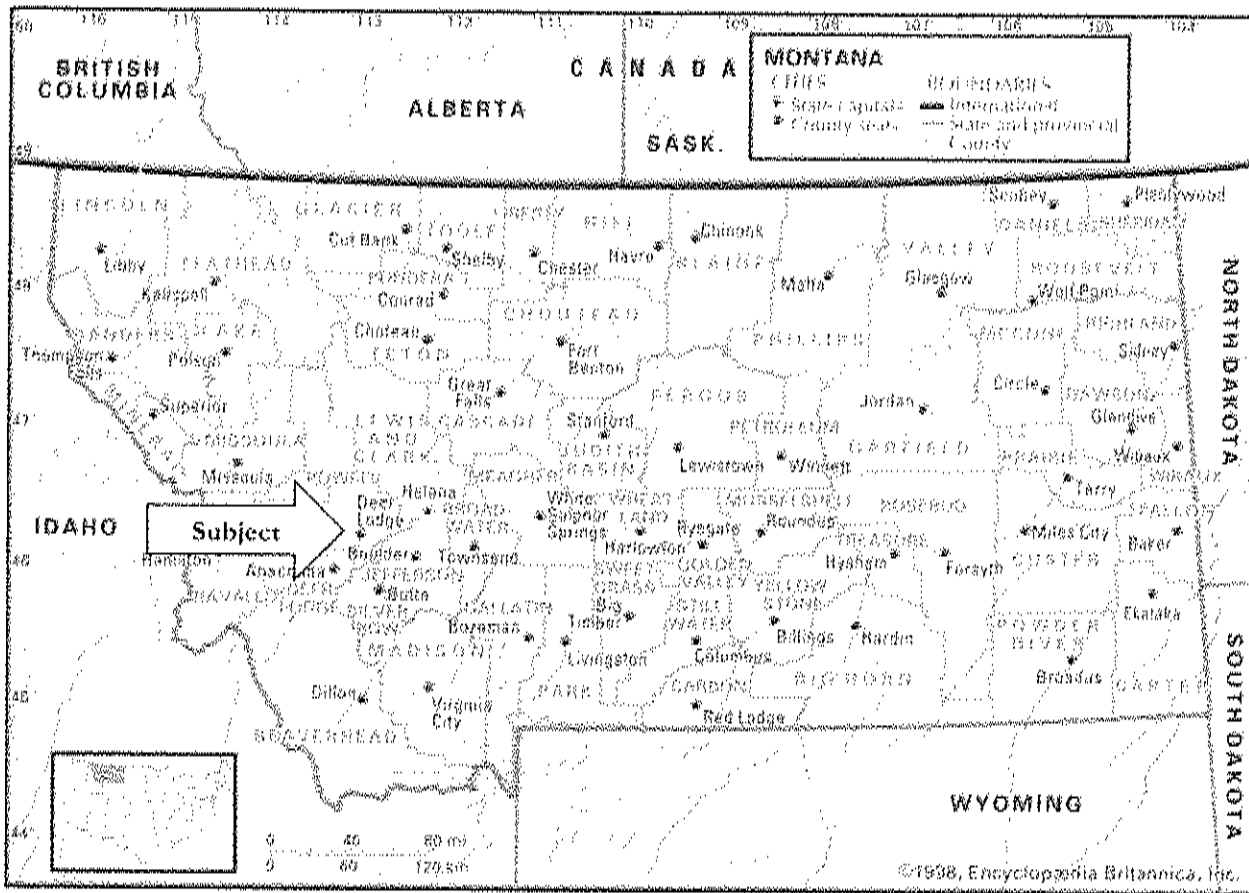
Exposure time is different for various types of property and under various market conditions. In developing an opinion of the exposure time, the data used must be drawn from the subject market and include consideration of: the property type, location, property characteristics, typical buyer, and price segment. These data points work together in total to provide the period of exposure to sell a property priced within a reasonable range of market value.

The subject is located adjacent to the Deer Lodge city limits. There are three wells on the property. One test well, one monitoring well, and one well installed by the City of Deer Lodge which is to be utilized for city water.

The property is along the east side of Valley View Drive, adjacent to a State of Montana parcel utilized by Montana Department of Transportation Highway Department.

Based upon the location, and adjacent uses, a commercial use is most likely, and a reasonable exposure time is less than six months.

REGIONAL MAP



REGIONAL AND CITY ANALYSIS

The city is perhaps best known as the home of the Montana State Prison, a major local employer. The Montana State Hospital in Warm Springs and the former state tuberculosis sanitarium in nearby Galen are the result of the power the western part of the state held over Montana at statehood due to the copper and mineral wealth in that area. Deer Lodge was also once an important railroad town, serving as a division headquarters for the Chicago, Milwaukee, St. Paul and Pacific Railroad ("the Milwaukee Road") before the railroad's local abandonment in 1980.

The current Montana State Prison occupies a campus 3.5 miles (5.6 km) west of town. The former prison site, at the south end of Deer Lodge's Main Street, is now the Old Prison Museum. In addition to a former cellblock building, the museum complex includes a theater, antique and automobile museums, and a former Milwaukee Road "Little Joe" electric locomotive.

Deer Lodge is also the location of Grant-Kohrs Ranch National Historic Site, dedicated to the interpretation of the frontier cattle ranching era. This site was the home of Conrad Kohrs, one of the famous "Cattle Kings" of Montana whose land holdings once stretched over a million acres (4,000 km²) of Montana, Wyoming, and Alberta,

Canada. The Grant-Kohrs ranch was built in 1862 by Johnny Grant, a Scottish/French/Metis fur-trader and trapper who encouraged his people to settle in Deer Lodge because of its pleasant climate and large areas of bunch grass prairie, ideal for raising cattle and horses. The city's name derives from a geological formation known as Warm Springs Mound which contained natural saline that made for a natural salt lick for the local deer population, the protected valley in which Deer Lodge is located was where most of the local wildlife would winter as the temperatures lowered in the high country.

Deer Lodge was the site of the College of Montana, the first institution of higher learning in the state.

History

Extant mentions of the Deer Lodge Valley prior to 1860 are found as occasional remarks in records written for other purposes. Consistent record-keeping begins with the writings of Granville Stuart and others in the early 1860s. 1860 marks the beginning of permanent occupation of both the valley and the future site of the city of Deer Lodge by European-Americans.

Fur trade era

Before 1860, the Deer Lodge Valley was not the territory of any American Indian group. Gatherings were held there, including horse races. American Indian groups from the west, Flatheads, Pend d'Oreilles et al. passed through the valley as an alternative route to and from the buffalo hunting grounds to the east.

The first documented visit to this area by European-American explorers occurred in 1805–1806, when Lewis and Clark's Corps of Discovery expedition passed by the Deer Lodge Valley without entering it. Evidence of earlier incursion, probably by Spaniards, was noted by miner James B. Beattie on Sugar Loaf mountain in the Race Track mining district on the west side of the Deer Lodge Valley.

Early European trapper/traders passing through the valley referred to it as "the Deer House Plains". The Clark Fork river was called the Arrow Stone River in the 1830s. By the 1850s it was called the Deer Lodge Creek/Hellgate River. Catholic Father Pierre-Jean De Smet brought the first wagons known to have passed through the valley, in 1841.

In 1846, the Deer Lodge Valley became part of the United States and Oregon Territory with the signing of the Oregon Treaty by the U. S. and Great Britain. From 1853 to 1863 it was in Washington Territory, then briefly part of Idaho Territory until the creation of Montana Territory in 1864.

European-American settlement of the valley gained momentum during the 1850s and 60's, with the primary site being at present-day Deer Lodge. During the 1850s, trapper/traders from Fort Hall began wintering herds of horses and cattle in the valley. Also during that decade placer gold finds were made near present-day Gold Creek, first in 1852 by Francois (Bennetsee) Findley, followed in 1856 by Hereford, Saunders, Madison et al., and in 1858–61 by James and Granville Stuart, Reese Anderson et al. In 1860–62, Lt. John Mullan oversaw construction of the Mullan Road, which connected Walla Walla, Washington Territory with Fort Benton, then in Dakota Territory. The Mullan Road passed through the north end of the Deer Lodge Valley.

Montana Territory

By 1861–1862, Spanish Fork was more often referred to as Cottonwood. In 1862, a Deer Lodge Town Committee was established to lay out the town site, to be called LaBarge City - after Missouri River steamboat Captain Joseph LaBarge whose firm, LaBarge, Harkness & Company,[38] had proposed to start a business in Cottonwood.] Creation of Idaho Territory in 1863 induced a name change to Idaho City. With the 1864 designation of Montana Territory, Deer Lodge City became the choice. Montana's first territorial legislature defined most of the boundaries of Deer Lodge County, establishing the county seat at the placer mining camp of Silver Bow City, near Butte. In September 1865, county voters transferred the seat to Deer Lodge City.

During the first half of the 1860s, Granville Stuart described valley social life as including many gay dances and parties, which was the way of the Metis. By 1866, Johnny Grant and many of his fellow Metis had become disenchanted with their increasingly numerous neighbors from "the States". In that year, Grant sold most of his Deer Lodge Valley holdings to Conrad Kohrs and in 1867 led a mass exodus of Metis families to the Red River country of Manitoba, Canada.

In 1869, the Territorial Prison was located at Deer Lodge. Also that year, the town site plat for Deer Lodge City was recorded. In 1878, Montana Collegiate Institute was established at Deer Lodge City. It opened for classes in 1883 and closed in 1914.

State of Montana, Powell County

Deer Lodge City was incorporated in 1888, with a mayor and aldermen as officers. Montana achieved statehood in 1889 and a battle ensued between Helena and Anaconda over the location of the capitol in which Helena finally triumphed in 1894. In 1896, Anaconda took the Deer Lodge County seat away from Deer Lodge. This began a battle which culminated in the creation of Powell County in 1901, with its county seat at Deer Lodge.

Deer Lodge is the county seat for Powell County, and the 2020 population was 2,935.

NEIGHBORHOOD DATA AND TRENDS



The market area, as well as the competitive market area (CMA), is considered to be the entire town of Deer Lodge. The immediate area of the subject consists of a mix of commercial, residential, parkland, and vacant land. Just to the west is operating Sun Mountain lumber mill. Sun Mountain is the largest operating mill the Montana and is a major employer.

The subject is located adjacent to the city limits. Natural gas and electrical services are provided by Northwestern Energy.

REAL ESTATE TAXES

The subject is owned by the State of Montana, and therefore the property is tax exempt from general taxes. If the property is transferred to the City of Deer Lodge, the property will remain tax exempt.

PROPERTY DESCRIPTION

Site

Size: 11.093 acres

Shape: The subject parcel is rectangular in shape.

Topography: Generally level

Soil Conditions: Soil conditions are unknown. No soil tests were provided to your appraiser.

Easements: No title policy was provided to your appraiser. A title policy should be used for the final determination of easements and encroachments.

Access: Access to the subject is from Valley View Drive.

Utilities: The City of Deer Lodge installed a well which it was reported will become a part of the city water system. Natural gas and electricity are provided by Northwestern Energy. In addition, phone service is available throughout the area.

Zoning: County – District V

Flood Plain:

I spoke with the County Planning office, and it was reported 100' feet north and south of Peterson Creek is within the 100-year flood zone. The red arrows are the 100-year flood zone. The black arrows depict the balance of the subject that is within the 500-year flood zone.

The planning office indicated FEMA is in the process of updating the flood maps and as of the date of this report they have not been complete.

The following table depicts the subject land area:

100-year flood zone	1.88 acres
500-year flood zone north	.73 acres
Balance of the subject – 500-year flood zone	8.48 acres
Total	11.09 acres



Nuisances or Hazards:

There is no indication any of the surrounding uses have an adverse impact on the subject property.

Site Improvements:

The subject site improvements consist of the following:

- Test well
- Monitoring well
- Water well -- installed by the City of Deer Lodge

SUBJECT PROPERTY PHOTOGRAPHS



Subject



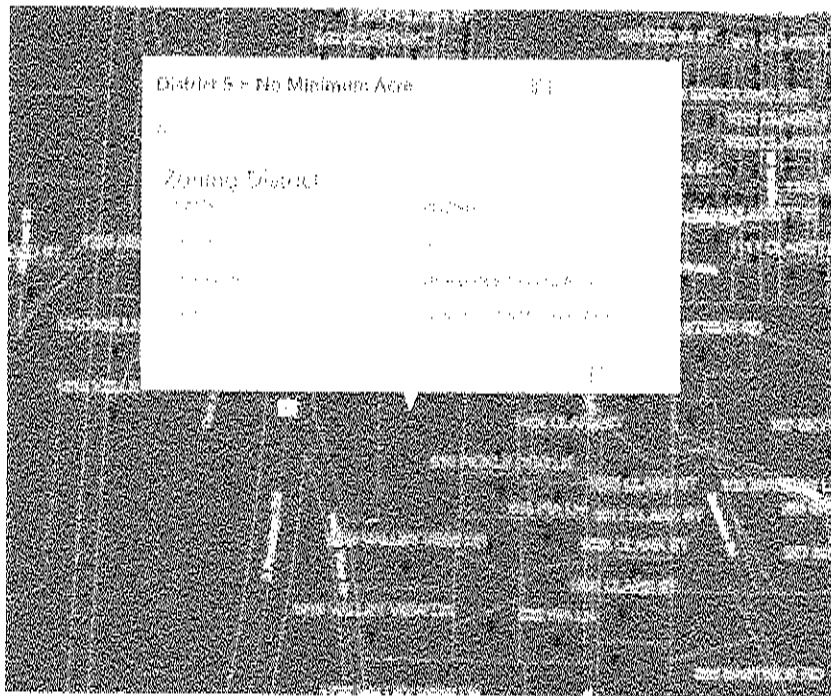
Subject – well heads

SUBJECT PROPERTY PHOTOGRAPHS



Subjects' south boundary

ZONING



V-F. District No. 5 (Deer Lodge “donut” with minimum lot sizes determined by water and sewer/septic permit requirements)

V-F-1. General location -An area approximately 1 to 2 miles wide encircling the City of Deer Lodge. Maps depicting district boundaries are available in the Planning Department and on the Powell County Planning Department website.

V-F-2. Characteristics - A land use district with mixed urban and suburban residential, rural residential, ranching operations and some non-residential uses. It is currently primarily agricultural. It is adjacent to the City of Deer Lodge with its full range of services. Availability of city water and sewer/septic is seen as an incentive for new subdivisions with smaller lots that may provide for more affordable housing. With support of city services, other businesses and nearness of a city population, this area may be attractive for new commercial and light industrial economic development. Portions may be considered for annexation by the City of Deer Lodge.

HIGHEST AND BEST USE

“The reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible and that results in the highest value. Alternatively, the probable use of land or improved property – specific with respect to user and timing of the use – that is adequately supported and results in the highest present value.”¹

The definition above applies to the highest and best use of vacant land or improved property. It is to be recognized that in cases where a site has existing improvements on it, the highest and best use may very well be determined to be different from the existing use. The existing use will continue, however, unless and until land value in its highest and best use exceeds the total value of the property in its existing use.

Quite often in estimating the highest and best use of land, the appraiser is controlled by governmental regulations. These controls are generally zoning ordinance, parking requirements and building codes. Also, in the estimate of highest and best use, one must recognize the attitude of typical investors in the marketplace.

Real estate will usually fall into certain definite development patterns, and their uses can be classified as: residential, agricultural, recreational, industrial, commercial or public use. In valuing the highest and best use of the land both as if vacant and improved, the following criteria must be met:

- 1) Legally permissible
- 2) Physically possible
- 3) Financially feasible
- 4) Maximally productive

HIGHEST AND BEST USE AS VACANT

Legally Permissible

The subject is in the county and zoned District V, V-F-2. Characteristics - A land use district with mixed urban and suburban residential, rural residential, ranching operations and some non-residential uses. It is currently primarily agricultural. It is adjacent to the City of Deer Lodge with its full range of services. Availability of city water and sewer/septic is seen as an incentive for new subdivisions with smaller lots that may provide for more affordable housing. With support of city services, other businesses and nearness of a city population, this area may be attractive for new commercial and light industrial economic development. Portions may be considered for annexation by the City of Deer Lodge.

¹ *The Dictionary of Real Estate Appraisal*, 5th Ed. (Chicago: Appraisal Institute, 2010), s.v. “highest and best use.”

Physically Possible

This neighborhood is improved with a mix of commercial and residential uses. The subject is generally level and there is a creek that traverses the north end of the parcel.

It was reported the State of Montana considered developing the property with workforce housing for State of Montana Prison employees. The State made the decision not to move forward with the project on this parcel because of the northerly portion being within the 100-year flood zone, high ground water. The major deterrent was the cost to extend city water and sewer from the north. These services would have to been run under Peterson Creek, which would add additional significant costs.

I spoke with the County Planning office, and it was reported 100' feet north and south of Peterson Creek is within the 100-year flood zone.

The following table depicts the subject land area:

100-year flood zone	1.88 acres
500-year flood zone north	.73 acres
Balance of the subject - 500-year flood zone	8.48 acres
Total	11.09 acres

Financially Feasible

Deer Lodge in general has been experiencing residential and commercial growth in recent years. There is a shortage of affordable housing in Deer Lodge. The State of Montana is doing a land swap with the City of Deer Lodge for a property at the north end of town and anticipates developing workforce housing.

I spoke with a developer who is in the process of developing a mixed use residential and commercial project adjacent to the subject. This project will consist of 300 apartment units and 10 commercial flex shops.

The City of Deer Lodge will utilize the subject for an additional water source.

The cost to hook onto city services has suggested development is limited. A commercial development that wouldn't require sewer and water would be feasible, i.e., mini storage units.

Maximally Productive

The use that conforms to the requirements of the first three tests and would provide the maximum productivity of the subject site is for limited commercial use.

PROPERTY VALUATION

Whenever possible, all three basic approaches to value (cost, sales comparison, and income approaches) are utilized. The resulting indications of value are then correlated into a final estimate of market value. In this analysis the sales comparison approach has been utilized.



DEFINITIONS

Sales Comparison Approach:

A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, applying appropriate units of comparison, and making adjustments to the sales price of the comparable properties based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant.²

The reliability of this technique is dependent upon (A) the availability of comparable sales data, (B) the verification of sales data, (C) the degree of comparability or extent of adjustment necessary for time differences, and (D) the presence of non-typical conditions affecting the sales price.

SITE VALUATION

The method employed to value the site as if vacant and available for sale is the sales comparison approach. An investigation of the market revealed five closed sales that are indicative of what a well-informed buyer or seller would consider in forming an opinion of value for the subject.

Adjustments

All of the comparable properties differ somewhat from each other, and from the subject in various ways. The usual differences are for cash equivalency, market conditions, location, and a number of physical characteristics. Many of these factors, in varying degrees, are applicable in the appraisal of the subject property. When dissimilarities are found in comparable properties, they are adjusted for by adding to the comparable price when the dissimilar factor is inferior to the same factor found in the subject property. Likewise, a minus adjustment should be made when the comparable sale has a factor which is superior to that found in the subject property. The sale properties then are adjusted to the subject property.

However, in the market it is often difficult and sometimes impossible to accurately isolate a given factor. In short, one very seldom finds sales that are identical in all respects but one, and thus is able to prove conclusively the value, or lack of it, for any one factor due to a difference in sale price. Often, there are plus and minus factors which offset each other. Thus, the use of subjective judgment, to some degree, may be exercised.

Nevertheless, the differences in values are real and adjustments based on as much fact as can be found, will be made. Then, the appraiser may call upon experience to make subjective judgments.

² *The Appraisal of Real Estate, 14th Edition*, Page 45, 2013, sponsored by the Appraisal Institute.

Property Rights

Each of the sales involves fee simple property rights. As a result, no property rights adjustments are warranted.

Financing:

All sales are cash to the seller or on terms considered cash equivalent, and no adjustments are required.

Conditions of Sale:

Sale 1 was not exposed to the market, and the buyer and seller had a meeting of the minds. There is no indication this sale does not meet the definition of market value.

The remaining sales were adequately exposed to the market, and are the best identified from the market.

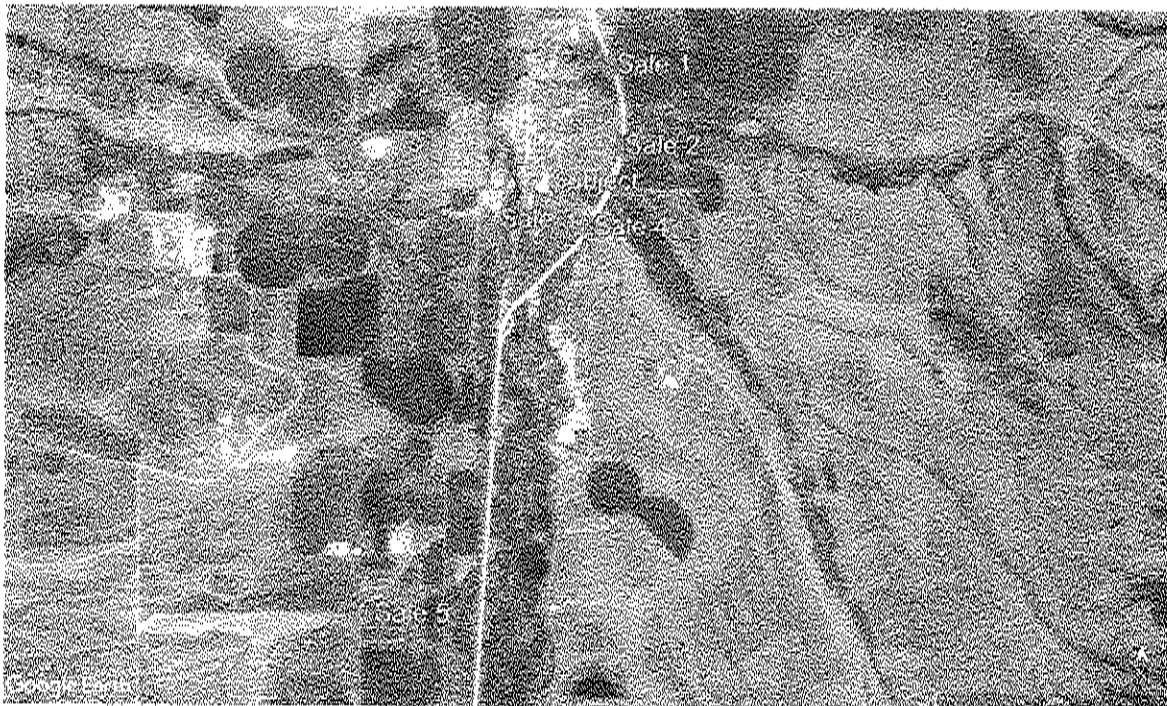
Expenditures Immediately After Sale:

None of the sales required expenditures immediately after sale, therefore, no adjustments are required.

Market Conditions:

There is no indication upward or downward for market conditions is supported.

LAND SALES MAP



LAND SALES GRID

	<u>Subject</u>	<u>Sale 1</u>	<u>Sale 2</u>	<u>Sale 3</u>	<u>Sale 4</u>	<u>Sale 5</u>
Location	Valley View Rd.	Reierson St.	Bielenberg Rd.	Valley View Dr.	Eastside Rd.	Lake Hill Rd.
Sale Date	NA	5/18/2023	11/30/2022	4/12/2022	10/27/2021	6/22/2021
List Price	NA	NA	\$56,000	\$50,000	\$45,000	\$80,000
Sale Price	NA	\$470,000	\$56,000	\$50,000	\$45,000	\$76,000
Size (Ac)	11.093 Ac	47.01 Ac	.67 Ac	5.02 Ac	1.12 Ac	5.01 Ac
\$/AC	NA	\$10,000	\$83,582	\$9,960	\$40,179	\$15,170
Physical Characteristics						
Location	Valley View Rd.	Reierson St.	Bielenberg Rd.	Valley View Dr.	Eastside Rd.	Lake Hill Rd.
Comparison		Similar	Superior	Similar	Similar	Inferior
Size (Ac)	11.093 Ac	47.01 Ac	.67 Ac	5.02 Ac	1.12 Ac	5.01 Ac
Comparison		Inferior	Superior	Superior	Superior	Superior
Water & Sewer	Close proximity with high installation costs	Well & Septic	Yes	No	Well & Septic	Well & Septic
Comparison		Superior	Superior	Similar	Superior	Superior
Development Potential/Limitations	Flood Zone/High Ground Water	Requires some fill	None	100-Year Flood Zone/High Ground Water	None	None
Comparison		Superior	Superior	Inferior	Superior	Superior

Sales Analysis

The subject is located adjacent to the city limits, and city services are to the north. The State of Montana considered developing the property with workforce housing, but plans changed once it was determined the extending sewer and water from the north would have to go underneath Peterson Creek.

The City of Deer Lodge owns a parcel to the north, which has better development potential, and the city's interest in the subject was to install a water well for city use.

The following table is an estimate of the subject land areas:

100-year flood zone	1.88 acres
500-year flood zone north	.73 acres
Balance of the subject – 500-year flood zone	8.48 acres
Total	11.09 acres

The following further describes the sales:



Sale 1



Grantor: Barbi Roberts
Grantee: MTX Deer Lodge, LLC
Date of sale: 5/18/2023
Recording #: 186013 | Warranty Deed
List price: NA
Sale price: \$470,000
Days on the market: NA

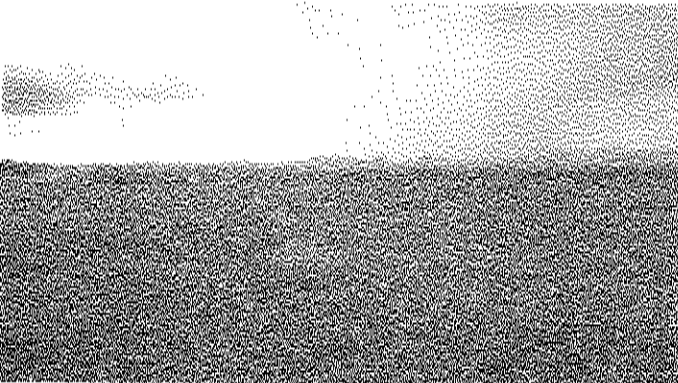
\$10,000/Ac- This is the sale of a 47.01-acre parcel located adjacent to the city limits. The buyer indicated the anticipated development will be 300 multifamily units and approximately 10 commercial flex shops.

The property was not exposed to the market, and the buyer and seller had a meeting of the minds.

Prior to development the property will be annexed into the city limits and city services will be extended. He also indicated a portion of the site will require fill.

This sale is superior to the subject with regard to water and sewer, along with development potential/limitations, similar with regard to location, but inferior with regard to size

Sale 2



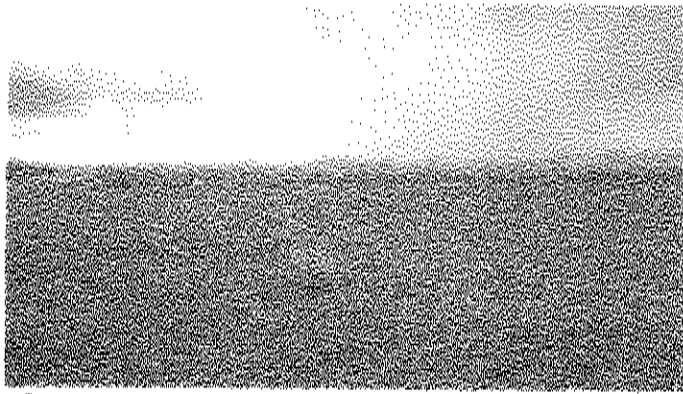
Grantor: Lance Yamshiro
Grantee: Unknown
Date of sale: 11/30/2022
Recording #: 185505 | Warranty Deed
List price: \$56,000
Sale price: \$56,000
Days on the market: 158

\$83,582/Ac- This is the sale of a .67-acre parcel located within the city limits, and west of I-90.

The property is zoned low density residential and has access to city services.

This sale is superior to the subject with regard to location, size, water & sewer, and development potential/limitations.

Sale 3

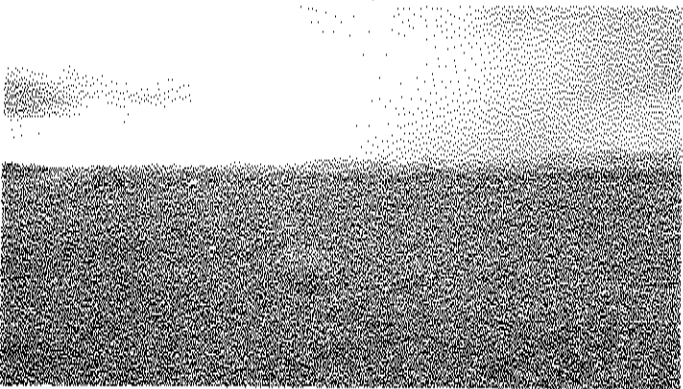


Grantor: Forson
Grantee: Patrick B Sievert
Date of sale: 4/12/2022
Recording #: 185505 | Warranty Deed
List price: \$50,000
Sale price: \$50,000
Days on the market: 102

\$9,960/Ac- This is the sale of a 5.02-acre parcel just south of the subject. The property is located outside the city limits. The entire property is within the 100-year flood zone, which prohibits development. The property was marketed as horse pastureland.

This sale is superior to the subject with regard to size, similar with regard to location, water and sewer, but inferior with regard to development potential/limitations.

Sale 4

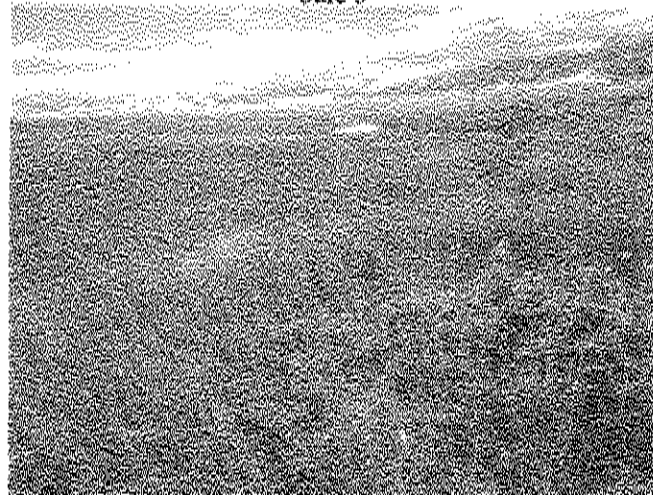


Grantor: Christnacht
Grantee: Edward Hamilton
Date of sale: 10/27/2021
Recording #: Unknown | Warranty Deed
List price: \$45,000
Sale price: \$45,000
Days on the market: 203

\$40,179/Ac- This is the sale of a 1.12-acre parcel just southeast of the subject, and outside the city limits. The property is along the east side of I-90.

This sale is superior to the subject with regard to size, well and septic, along with development potential/limitations, but similar with regard to location.

Sale 5



\$15,170/Ac- This is the sale of a 5.01-acre parcel located approximately 5 miles south of the city limits. The property is within an area with rural residential development.

This sale is superior to the subject with regard to size, well and septic, along with development potential/limitations, but inferior with regard to location.

Grantor: Hawkins
Grantee: Luther Martin Jr.
Date of sale: 6/22/2021
Recording #: 182450 | Warranty Deed
List price: \$80,000
Sale price: \$76,000
Days on the market: 83

The following table is an array of the sales on a price per acre:

Sale 3	\$9,960/Ac
Sale 1	\$10,000/Ac
Sale 5	\$15,170/Ac
Sale 4	\$40,179/Ac
Sale 2	\$83,582/Ac

Sale 3 is considered most like the subjects 2.16 acres located near Peterson Creek. Utilizing 10,000/ac for this area suggests a value of \$26,100.

Sale 5 is somewhat inferior to the subject with regard to location, but overall superior with regard to development potential. Utilizing \$12,000/ac for the 8.48 acres suggests a value of \$101,706.

The total value is \$127,860.

\$130,000 Rounded

RECONCILIATION AND CONCLUSION

The reconciliation process discusses the strengths and weaknesses of each approach and reconciles them into a value as best supported by these approaches. Reconciliation is a process by which an appraiser considers the quality as well as the quantity of data, and how those factors might have impacted the quality of the value opinion.

The sales comparison approach was utilized, and five local sales were identified. These sales provided reasonable support for the subject when considering the development limitations of the subject.

Considering all the facts set forth in this report, together with other facts, extraordinary assumption, data and knowledge regarding the market, the market value of the subject property on January 3, 2024 was:

One Hundred Thirty Thousand Dollars

\$130,000

VALUE, INTIMACY, AND CERTIFICATION

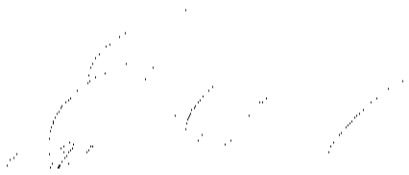
The undersigned does hereby certify that, to the best of their knowledge and belief, except as otherwise noted in this appraisal report:

- The statements of fact contained in this report are true and correct.
- The reported analysis, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and/or those found in the letter of engagement or appraisal consultation contract authorizing this report and is our personal, impartial, and unbiased professional analysis, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting a predetermined value.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal. This appraisal assignment was not based on a requested minimum valuation, a specific valuation or the approval of a loan.
- My analysis, opinions and conclusions were developed, and this report has been prepared, in conformity with The Uniform Standards of Professional Appraisal Practice and with the requirements of the Code of Professional Ethics and the Standards of Professional Practice of the Appraisal Institute.
- I have made a personal inspection of the site that the subject of this report is developed upon.
- I have not performed services, as an appraiser, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- No one provided significant appraisal assistance which would require signing the report.
- Gregory A. Thornquist is currently licensed in the State of Montana (Certificate #867) as a Certified General Real Estate Appraiser. Regarding the Competency Provision of USPAP, I further attest I've had substantial approved education and experience in the appraisal of various property types.
- As of the date of this report, Gregory A. Thornquist has completed the Standards and Ethics Education Requirements for (Candidates and Practicing Affiliates) of the Appraisal Institute.

Based upon all the facts set forth in this report, together with other facts, data, and knowledge regarding this type of property, the market value of the subject property on January 3, 2024 was:

One Hundred Thirty Thousand Dollars

\$130,000



Gregory A. Thornquist
Montana State Certified
General Real Estate Appraiser
License # REA-RAG-LIC-867
1/21/2024

ADDENDA

MONTANA

BOARD OF INVESTMENTS

January 19, 2024

Gregory Thornquist
Elkhorn Appraisal Services
P.O. Box 448
Helena, Montana 59624

RE: Engagement Letter for Commercial/Governmental Appraisal Services

Dear Mr. Thornquist:

Please accept this letter as an engagement for the appraisal of one (1) parcel of land owned by the Montana Board of Investments (Board) in Deer Lodge.

The Board requests that you provide the fair market value of the land no later than January 24, 2024. The terms of this engagement include:

Your Responsibilities

- Appraise the fair market value of the properties according to the Uniform Standards of Appraisal Practice or other appraisal standards accepted throughout the appraisal industry for the appraisal of a government building.
- Gather all plans, permits, sketches, blueprints, and other necessary documents not provided by or in the possession of the Board.
- Appraise the value of the properties as of January 24, 2024.
- Personally investigate and inspect each subject property to assist in determining the value of the property.
- Consider the highest possible use of land.
- Provide the Board appraisal reports with your conclusions and supporting materials.

Board's Responsibilities

- Provide all necessary written materials in its possession to assist in the evaluation.
- Provide physical access to the land at a date and time convenient for both parties.

Compensation

The Board agrees to pay \$1,600 for the appraisal discussed above.

These fees of \$1,600 are inclusive of all expenses and time. You agree to bill for your services after the appraisals and provision of the appraisal reports. The Board agrees to pay for your services no more than 30 days after receipt of a bill for services rendered.

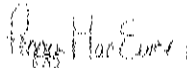
Other Relevant Information

Peggy MacEwen is the liaison for the Board for the services specified in this letter at the address below and whose email and phone number are peggy.macewen@mt.gov and 406-444-1365.

2401 COLONIAL DRIVE, FLOOR THREE, HELENA, MT 59602
P.O. BOX 200126, HELENA, MT 59626 - 0126
406-444-0061 | INVESTMENT.MT.GOV

We look forward to working with you on these appraisals. We are available to discuss the details of this letter as necessary. Please sign and return the attached copy of this letter to indicate your acknowledgment of and agreement with the arrangements herein, including our respective responsibilities.

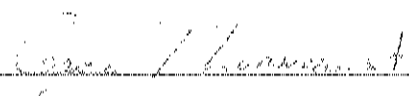
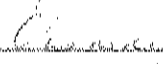
Respectfully,


Peggy MacEwen
Deputy Director

RESPONSE:

This letter correctly sets forth our understanding of the Board's request for an appraisal of the subject property.

Acknowledged and agreed on behalf of Elkhorn Appraisal Services by:

Name: 
Title: 
Date: 1/20/2024

Property Record Card

Summary

Primary Parcel:

Property Category: RP

Subcategory: Government Property

Geocode: 28-1578-04-3-02-10-0000

Assessment Code: 000MT00001

Primary Owner:

Property Address:

STATE OF MONTANA

1625 11TH AVE

CDS Parcel:

HELENA, MT 59601-4600

NOTE: See the Owner tab for all owner information

Certificate of Survey:

Subdivision:

Legal Description:

S04, T07 N, R09 W, ACRES 11.053, TR IN SW/4

Last Modified: 10/13/2023 4:39:36 PM

General Property Information:

Neighborhood: 228.010

Property Type: EP - Exempt Property

Living Units: 0

Levy District: 28-1712-1712

Zoning:

Ownership %: 100

Linked Property:

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:

General: 0

Limited: 0

Property Features:

Topography:

Fronting:

Utilities:

Parking Type:

Access:

Parking Quantity:

Location:

Parking Proximity:

Land Summary:

Land Type	Acres	Value
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	11.093	75,395.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
-----------	------	------	---------------	-----------------	---------------

Owners

Property

Default Information: STATE OF MONTANA
1825 HITH AVE

Ownership %: 100

Primary Owner: "Yes"

Interest Type: Conversion

Last Modified: 12/19/2007 5:41:54 PM

Property Details

Name: STATE LANDS **Type:** C - Contact Name **Address:** No other address

Appraisals

Historical Appraisals

Year	Value	Method	Year	Value
2023	75395	0	75395	COST
2022	49831	0	49831	COST

Market Land

Physical Description

Method: Acre **Type:** Primary Size

Width: **Depth:**

Square Feet: 00 **Acres:** 11.033

Location:

Class Code: 2150 **Value:** 75395

Dwellings

Existing Dwellings

No dwellings exist for this parcel

Other Buildings/Improvements

Existing Other Buildings/Improvements

No other buildings or yard improvements exist for this parcel

Commercial

Existing Commercial Buildings

No commercial buildings exist for this parcel

Ag/Forest Land

Ag/Forest Land

No ag/forest land exists for this parcel

Prepared By

Name: Daniel J. Whyte
Address: 2401 Colonial Drive, Third Floor
City: Helena
State: Montana Zip Code: 59601

After Recording Return To

Name: Peggy MacEwen
Address: 2401 Colonial Drive, Third Floor
City: Helena
State: Montana Zip Code: 59601

MONTANA QUIT CLAIM DEED

STATE OF MONTANA

COUNTY OF POWELL

KNOW ALL MEN BY THESE PRESENTS, That for and in consideration of the sum of One dollar (\$1.00) in hand paid to the Montana Department of Corrections, an agency of the State of Montana, residing at 5 South Last Chance Gulch, County of Lewis and Clark, City of Helena, State of Montana (hereinafter known as the "Grantor") hereby conveys and quitclaims to the Montana Board of Investments, an agency of the State of Montana, residing at 2401 Colonial Drive, Third Floor, County of Lewis and Clark, City of Helena, State of Montana (hereinafter known as the "Grantee") all the rights, title, interest, and claim in or to the following described real estate, situated in the County of Powell, Montana, and as described in the Montana Cadastral, to-wit:

S04, T07 N, R09 W, ACRES 11.093, TR IN SW4

Geocode: 28-1578-04-3-02-10-0000

To have and to hold, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever for the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

[Handwritten signature]

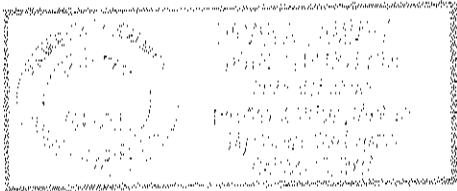
Brian Cootkin, Director
Montana Department of Corrections
Grantor

STATE OF MONTANA)
COUNTY OF LEWIS AND CLARK)

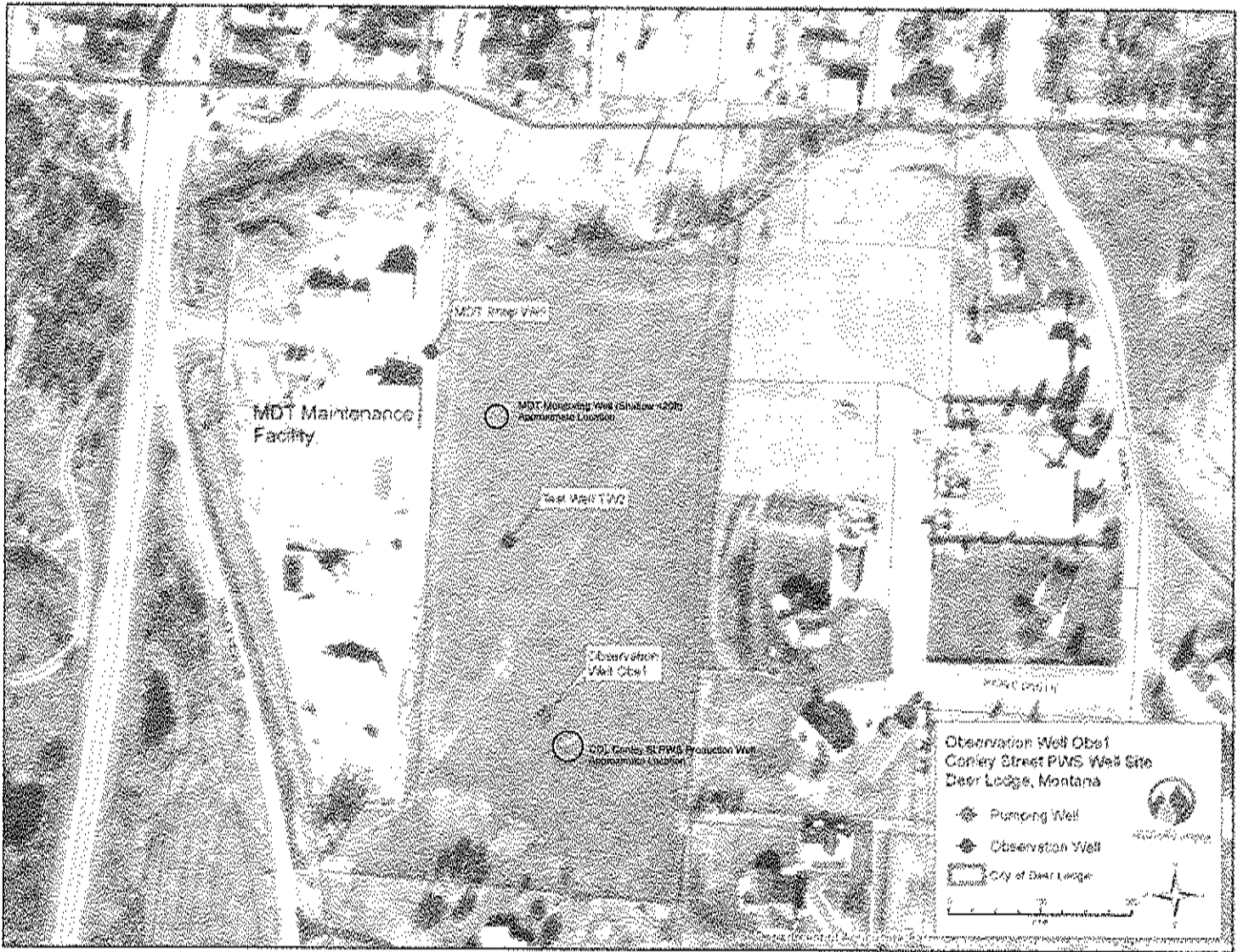
I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that Brian Cootkin, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand this 21st day of December, 2023.

Pamela Ramsey
Notary Public



My Commission Expires: 10/15/27



MDT Maintenance Facility

MDT Storage VWS




MDT Monitoring VWS (Shallow 120ft Aquifer) at Location

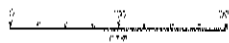
Test Well TWS

Observation Well Obs1

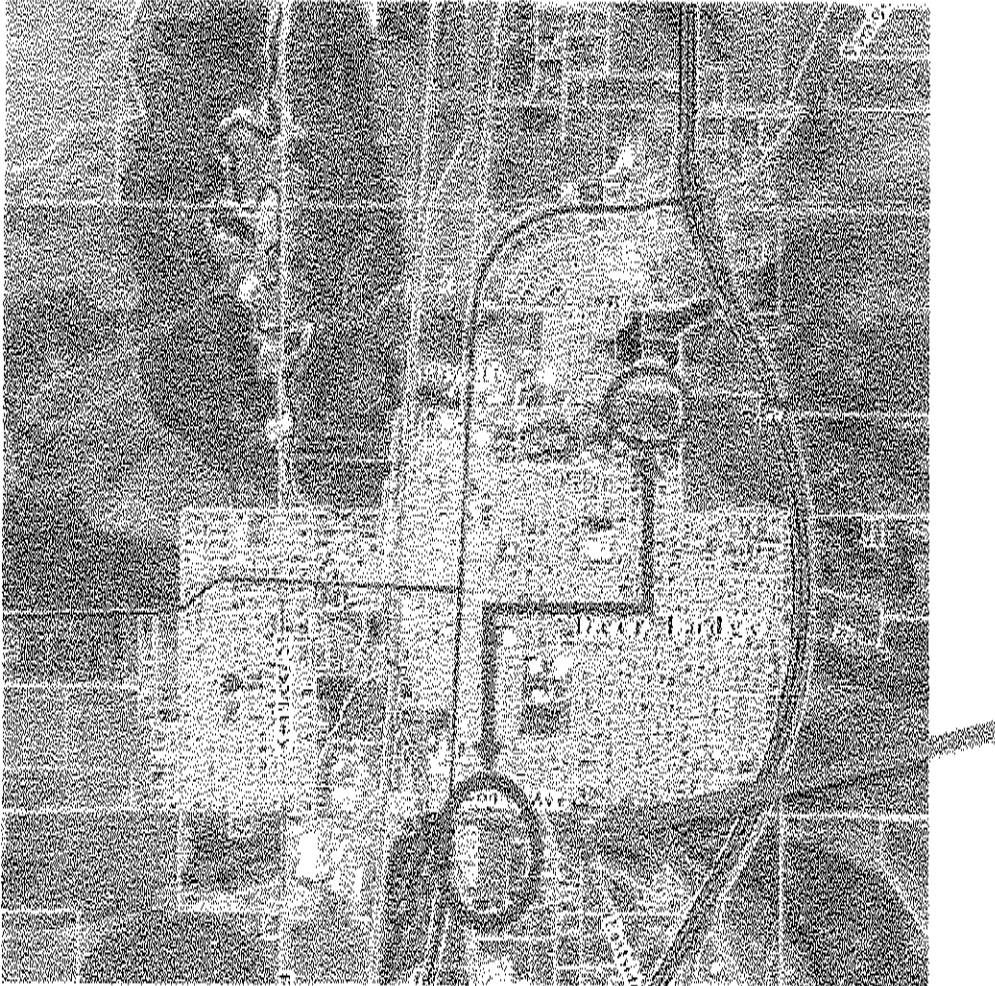
CPL Conley St PWS Production Well (Aquifer) at Location

Observation Well Obs1
Conley Street PWS Well Site
Deer Lodge, Montana

-  Pumping Well
-  Observation Well
-  City of Deer Lodge



Attachment C - Project Location/Quit Claim Deed



Gregory A. Thornquist
Elkhorn Appraisal Services
State of Montana, Certified General #067
P.O. Box 448
Helena, MT 59624

Appraisers Qualifications

EMPLOYMENT:	Present, Elkhorn Appraisal Services A real estate appraisal firm.	Helena, MT
	Montana Board of Real Estate Appraisers Current	Helena, MT
	Hearings Examiner of the State of Montana Department of Natural Resources	Helena, MT
	July 2006 to February 2008, Joki & Associates Real Estate Appraisers, Staff real estate appraiser.	Helena, MT
	July 1995 to July 2006, Montana State Tax Appeal Board, Board Member/Chairman	Helena, MT
	1993 - 1995, Rutherford & Associates Appraisals, Inc, Apprentice Appraiser	Billings, MT
	1987 - 1995, Thornquist Property Tax Consulting, Owner/ Tax Consultant	Billings, MT
EDUCATION:	Carroll College Business Studies	Helena, MT
	1984 - 1986 University of Northern Colorado Business Studies	Greeley, CO
	1983 Arapahoe Community College Business Studies	Littleton, CO
	Specialized Real Estate courses:	
	The Cost Approach: Unnecessary or Vital to a Healthy Practice Appraisal Institute, December 5, 2019	
	Business Practice & Ethics Appraisal Institute, October 12, 2018	
	Report Writing American Society of Farm Managers and Rural Appraisers, January 30, 2018	
	National UPAP Update Course American Society of Farm Managers and Rural Appraisers, January 29, 2018	

Uniform Appraisal Standards for Federal Land Acquisitions -- Practical Applications
Appraisal Institute, May 22 & 23, 2017

The Valuation of Intangible and Non-Financial Assets
American Society of Farm Managers and Rural Appraisers, Bozeman, February 22 & 23, 2017

National UPAP Update Course
Appraisal Institute, January 25, 2016

Litigation Appraising: Specialized Topics and Applications
Appraisal Institute, November 6 & 7, 2014

General Appraiser Market Analysis and Highest & Best Use
Appraisal Institute, April 29-May 2, 2014

National USPAP Update Course
Appraisal Institute Seminar, January 31, 2014

Business Practices and Ethics
Appraisal Institute, September 13, 2013

National USPAP Update Course
Appraisal Institute Seminar, January 27, 2012

The Discounted Cash Flow Model: Concepts, Issues, and Apps
Appraisal Institute Seminar, October 5, 2010

Hotel Appraising – New Techniques for Today’s Uncertain Times
Appraisal Institute Seminar, October 4, 2010

Using Spreadsheet Programs in Real Estate Appraisals
Appraisal Institute Seminar, April, 2010

National USPAP Update Course
Appraisal Institute Seminar, February 5, 2010

Appraisal Curriculum Overview
Appraisal Institute Seminar, September 24-25, 2009

Requirements of UASFLA – The Yellow Book
American Society of Farm and Rural Appraisers, October 14, 2008

Office Building Valuation: A Contemporary Perspective
Appraisal Institute Seminar, September, 19, 2008

Report Writing and Valuation Analysis
Appraisal Institute, June, 2007

Uniform Standards of Professional Appraisal Practice (USPAP)
Lincoln Graduate Center, August, 2006

General Applications - Online Course
Appraisal Institute, January, 2006

Using Your HP-12C Financial Calculator - Online Course
Appraisal Institute, October, 2005
The Appraiser as an Expert Witness
Appraisal Institute, January, 2005

Separating Real & Personal Property from Intangible Business Assets
Appraisal Institute, October, 2003

Appraisal Procedures
Appraisal Institute, March, 2002

Partial Interest Valuation - Divided
Appraisal Institute, September, 2001

Litigation Skills for the Appraiser
Appraisal Institute, April, 2000

Residential Case Study
Appraisal Institute, June, 1999

Sales Comparison Valuation of Small Mixed Use Properties
Appraisal Institute, January, 1999

General Applications
Appraisal Institute, December, 1997

Basic Income Capitalization
Appraisal Institute, June, 1997

Income Approach to Valuation
International Association of Assessing Officers, October 1990

Other Related Training

Administrative Law Fair Hearing
The National Judicial College, November, 1995

Logic and Opinion Writing for Administrative Law Judges
The National Judicial College, June, 1999

STATE CERTIFICATION: State of Montana, Certified General #867, Issued December, 2007

TYPICAL APPRAISALS: Multifamily, office, skilled nursing/convalescent facility, retail, commercial, hotel/motel, industrial, special purpose, residential condominiums, vacant land, residential and commercial subdivision land.

ARMED SERVICE: United States Navy, 1978-1984 – Honorable Discharge

CLIENTS:

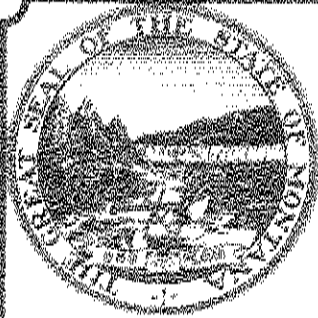
Wells Fargo Bank, Stockman Bank, Opportunity Bank, Valley Bank of Helena, United States of America – Department of Veterans Affairs, State of Montana – Department of Natural Resources, State of Montana – Fish Wildlife and Parks, Lewis and Clark County, City of Helena, Butte-Silver Bow County, First Community Bank, Bank of Baker, Madison Valley Bank, 1st Interstate Bank, Citizens State Bank, Western Security Bank, First Montana Bank, Mountain West Bank, Rocky Mountain Bank, Amegy Bank, Allstate Appraisal Services, Independence Bank, Farmers State Bank, and other private parties.

ORGINIZATIONS/BOARDS:

- General Manager for the Helena American Legion Baseball (2016 – current)
- Board Member – Montana Real Estate Appraiser's (2017 – current)
- Board Member – American Legion Institute of Family Living, Broadwater Village Apartments (2017 – current)
- American Legion (2015 – current)

MILITARY SERVICE:

United States Navy – 1978 – 1982, Honorable Discharge



State of Montana
Business Standards Division
Board of Real Estate Appraisers

REA-RAG-LIC-867

Status: Active
Expires: 03/31/2024

GREGORY THORNQUIST
1522 CHOTEAU ST
HELENA, MT 59601

This certificate verifies licensure as:
CERTIFIED GENERAL APPRAISER
With endorsements of:
* REAL ESTATE APPRAISER MENTOR



Montana Department of
LABOR & INDUSTRY
RENEW OR VERIFY YOUR LICENSE AT:
<https://dola.mt.gov/pa>

<p>FROM:</p> <p>Bandy Appraisal 7406 Eastside Rd Deer Lodge, MT 59722-9509</p> <p>Telephone Number: (406) 846-2823 Fax Number: (406) 846-2823</p>	<h2 style="margin: 0;">INVOICE</h2> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">INVOICE NUMBER</th> </tr> <tr> <td style="text-align: center;">2024101</td> </tr> <tr> <th style="text-align: center;">DATE</th> </tr> <tr> <td style="text-align: center;">01/24/2024</td> </tr> <tr> <th style="text-align: center;">REFERENCE</th> </tr> <tr> <td>Internal Order #: 2024101</td> </tr> <tr> <td>Lender Case #:</td> </tr> <tr> <td>Client File #: City of DL</td> </tr> <tr> <td>Main File # on form: 2024101</td> </tr> <tr> <td>Other File # on form: City of DL</td> </tr> <tr> <td>Federal Tax ID:</td> </tr> <tr> <td>Employer ID:</td> </tr> </table>	INVOICE NUMBER	2024101	DATE	01/24/2024	REFERENCE	Internal Order #: 2024101	Lender Case #:	Client File #: City of DL	Main File # on form: 2024101	Other File # on form: City of DL	Federal Tax ID:	Employer ID:
INVOICE NUMBER													
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Client File #: City of DL													
Main File # on form: 2024101													
Other File # on form: City of DL													
Federal Tax ID:													
Employer ID:													
<p>TO:</p> <p>Jordan Green, Chief Administrative Officer City of Deer Lodge 300 Main St. Deer Lodge, MT 59722</p> <p>Telephone Number: 406-594-1896 Fax Number: Alternate Number: E-Mail: jgreen@cityofdeerlodgemt.gov</p>													
<p>DESCRIPTION</p>													
<p>Lender: City of Deer Lodge Client: City of Deer Lodge Purchaser/Borrower: City of Deer Lodge Property Address: Aspen Ln City: Deer Lodge State: MT Zip: 59722 County: Powell Legal Description: NE corner of Larable Lot #3, Section 33, T8N, R9W</p>													
<p>FEES AMOUNT</p>													
<p>Vacant Commercial Parcel on Aspen Lane, Deer Lodge, MT 1,000.00</p>													
<p>SUBTOTAL 1,000.00</p>													
<p>PAYMENTS AMOUNT</p>													
<p>Check #: Date: Description: Check #: Date: Description: Check #: Date: Description:</p>													
<p>SUBTOTAL</p>													
<p>TOTAL DUE \$ 1,000.00</p>													

A RESTRICTED APPRAISAL OF REAL PROPERTY

LOCATED AT

Aspen Ln
Deer Lodge, MT 59722
NE corner of Larabie Lot #3, Section 33, T8N, R9W

FOR

City of Deer Lodge
300 Main St.
Deer Lodge, MT 59722

AS OF

01/18/2024

BY

Tera Bandy
Bandy Appraisal
7406 Eastside Rd
Deer Lodge, MT 59722
(406) 846-2823
bandyappraisal@gmail.com

Bandy Appraisal
7406 Eastside Rd
Deer Lodge, MT 59722-9509
(406) 846-2823

01/24/2024

Jordan Green, Chief Administrative Officer
City of Deer Lodge
300 Main St.
Deer Lodge, MT 59722

Re: Property: Aspen Ln (Commercial)
Deer Lodge, MT 59722
Client: City of Deer Lodge
File No.: 2024100

Opinion of Value: \$ 71,000
Effective Date: 01/18/2024

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

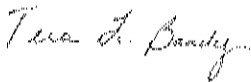
The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as vacant, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



Tera Bandy
Bandy Appraisal
License or Certification #: REA-RET-LIC-16078
State: MT Expires: 03/31/2024
bandyappraisal@gmail.com

SUMMARY OF SALIENT FEATURES

SUBJECT INFORMATION	Subject Address	Aspen Ln
	Legal Description	NE corner of Larabie Lot #3, Section 33, T8N, R9W
	City	Deer Lodge
	County	Powell
	State	MT
	Zip Code	59722
	Census Tract	0002.00
Map Reference	Powell County	
PRICE & DATE	Contract Price	\$
	Date of Contract	
PARTIES	Lender/Client	City of Deer Lodge
	Lender/Client	City of Deer Lodge
DESCRIPTION OF IMPROVEMENTS	Size (Square Feet)	
	Price per Square Foot	\$
	Location	urban neutral
	Age	
	Condition	
	Total Rooms	
	Bedrooms	
Baths		
APPRAISERS	Appraiser	Tera Bandy
	Supervisory or Co-Appraiser	William H Bandy
	Effective Date of Appraisal	01/18/2024
VALUE	Opinion of Value	\$ 71,000

Location Map

Lender/Client	City of Deer Lodge						
Property Address	Aspen Ln						
City	Deer Lodge	County	Powell	State	MT	Zip Code	59722
Lender/Client	City of Deer Lodge						



Photograph Addendum

Lender/Client	City of Deer Lodge				
Property Address	Aspen Ln				
City	Deer Lodge	County	Powell	State	MT Zip Code 59722
Lender/Client	City of Deer Lodge				



North Property Boundary



East Property Boundary



Gas Line Bordering Property North Boundary



Commercial Parcel

Plat Map

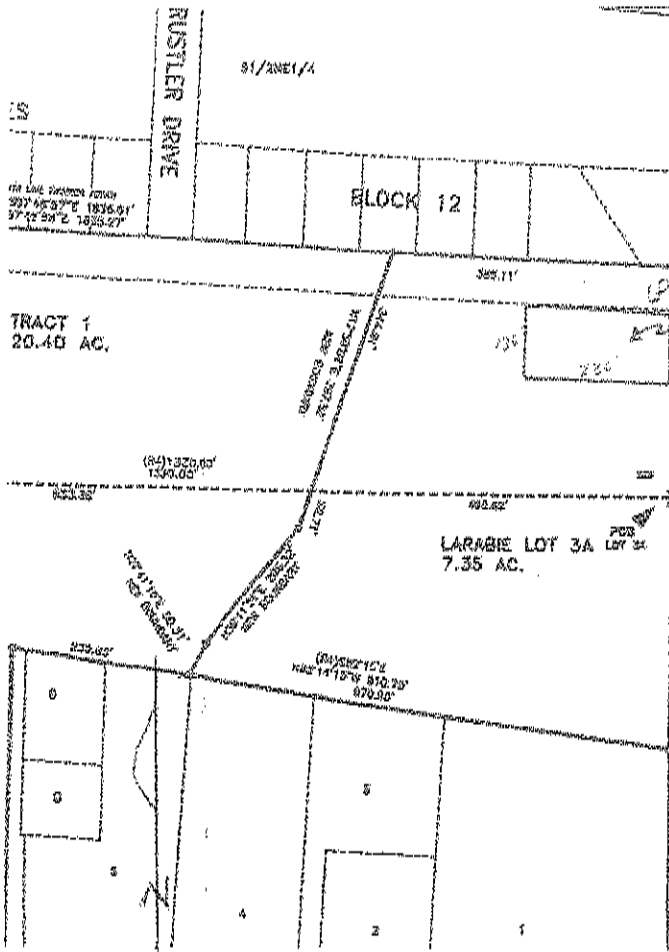
Lender/Client	City of Deer Lodge						
Property Address	Aspen Ln						
City	Deer Lodge	County	Powell	State	MT	Zip Code	59722
Lender/Client	City of Deer Lodge						

AMENDED PLAT

E1/2 SECTION 33 T.8N., R.9W., P.M.M.,
 AMENDING LARABIE LOT 3 AND
 REMAINDER OF DEED 27/222
 POWELL COUNTY, MONTANA

LOT SUMMARY

DEED 27/222 ORIGINAL 14.68 AC., GRANT 0.58 AC., LOSS 5.87 AC., TRACT 1 TOTAL 20.40 AC.
 LARABIE LOT 3 ORIGINAL 13.00 AC., GRANT 5.87 AC., LOSS 0.44 AC., LARABIE LOT 3A TOTAL 7.50 AC.



CERTIFICATE OF OWNERS

I HEREBY CERTIFY THAT THE PURPOSE OF SURVEY FOR LARABIE LOT 3 ON THIS AMENDED PLAT IS TO DIVIDE THE LAND FOR THE PURPOSE OF RECORDING THE SAME IN THE PUBLIC RECORDS OF THE COUNTY OF POWELL, MONTANA. THE SURVEY IS BEING MADE IN ACCORDANCE WITH THE ACTS OF CONGRESS AND THE DECISIONS OF THE SUPREME COURT OF THE UNITED STATES. THE SURVEY IS BEING MADE IN ACCORDANCE WITH THE ACTS OF CONGRESS AND THE DECISIONS OF THE SUPREME COURT OF THE UNITED STATES. THE SURVEY IS BEING MADE IN ACCORDANCE WITH THE ACTS OF CONGRESS AND THE DECISIONS OF THE SUPREME COURT OF THE UNITED STATES.

HAYDEN CITY OF DEER LODGE

ATTORNEY AT LAW OF THE CITY OF DEER LODGE

NOTARY PUBLIC

STATE OF MONTANA
 COUNTY OF POWELL
 I, _____, a Notary Public in and for the State of Montana, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my records.

LEGAL DESCRIPTION LARABIE LOT 3

A TRACT OF LAND LOCATED IN THE S1/4 CORNER OF SECTION 33, T8N., R9W., P.M.M., POWELL COUNTY, MONTANA BEING A PORTION OF DEED BOOK 2 FORMERLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 33, BEGINNING OF LARABIE LOT 3A, THENCE S 00° 00' 00" E, 389.11 FT., THENCE N 77° 11' 10" E, 50.31 FT., THENCE N 02° 17' 50" E, 307.92 FT., THENCE S 87° 42' 00" E, 389.11 FT., THENCE S 89° 14' 30" E, 1300.00 FT., TO THE POINT OF BEGINNING, CONTAINING 7.35 AC.

LEGAL DESCRIPTION TRACT 1:

A TRACT OF LAND LOCATED IN THE S1/4 CORNER OF SAID SECTION 33, T8N., R9W., P.M.M., POWELL COUNTY, MONTANA BEING A PORTION OF DEED BOOK 2 FORMERLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 33, THE POINT OF BEGINNING OF TRACT 1, THENCE S 89° 14' 30" E, 389.11 FT., THENCE S 87° 42' 00" E, 307.92 FT., THENCE N 02° 17' 50" E, 50.31 FT., THENCE N 77° 11' 10" E, 50.31 FT., THENCE N 02° 17' 50" E, 307.92 FT., THENCE S 87° 42' 00" E, 389.11 FT., THENCE S 89° 14' 30" E, 1300.00 FT., TO THE POINT OF BEGINNING, CONTAINING 20.40 ACRES OF LAND.

PURPOSE OF SURVEY: BOUNDARY ADJUSTMENT BY TRACING TRACTS OF RECORDS PURSUANT TO 79-3-207 (1)(a) M.C.A.

CERTIFICATE OF EXAMINING SURVEYOR

APPROVED: _____, 2024.
 EXAMINING LAND SURVEYOR MONTANA REGISTRATION # _____

CERTIFICATE OF COUNTY TREASURER

I HEREBY CERTIFY THAT PROPERTY TO WHICH THE 3-207(a) M.C.A. PROPERTY TAXES APPLICABLE AND LISTED ON THE CARD TO BE COLLECTED DATED THIS _____ DAY OF _____, 2024.

TREASURER, POWELL COUNTY
 (11292)

CERTIFICATE OF SANITARIAN

I HEREBY CERTIFY THAT THE SURVEY HEREON HAS BEEN EXAMINED AND DETERMINED TO BE IN COMPLIANCE WITH THE MONTANA SANITARIAN BY SUBDIVISION ACT, AND APPLICABLE ACTS DATED THE _____ DAY OF _____, 2024.

POWELL COUNTY SANITARIAN

CERTIFICATE OF CLERK AND RECORDER

Soils Descriptions

- 109 Bolmly Series, 0 to 2 percent slopes
 Poorly drained, low stream terraces
 Septic tank absorption fields: Severe limitations; wetness
 Shallow excavations: Severe limitations; wetness
 Dwellings with basements: severe limitations; wetness
 Local roads: Severe limitations; wetness, frost action
frost free period: 70 to 90 days
 Land capability 5w
- 132B Beaverell cobbly loam, 0 to 4 percent slopes
 Well drained, stream terraces and alluvial fans,
 Septic tank absorption fields: Severe limitations; poor filter
 Shallow excavations: Severe limitations; cutbacks cave
 Dwellings with basements: Moderate limitations; large stones
 Local roads: Moderate limitations; frost action, large stones
frost free period: 90 to 105 days
 Land capability 6e & 6s
- 634B Blossberg loam, 0 to 4 percent slopes
 Poorly drained, stream terraces
 Septic tank absorption fields: Severe limitations; poor filter, wetness
 Shallow excavations: Severe limitations; cutbacks cave, wetness
 Dwellings with basements: Severe limitations; wetness
 Local roads: Severe limitations; frost action
frost free period: 70 to 105 days
 Land capability: 5w

Supplemental Addendum

File No. 2024101

Lender/Client	City of Deer Lodge				
Property Address	Aspen Ln				
City	Deer Lodge	County	Powell	State	MT
				Zip Code	59722
Lender/Client	City of Deer Lodge				

There has not been a land survey filed with Powell County for the subject property.

Plat Map: The Plat Map presented is not an accurate representation of property size or corner locations. It provides a general shape and rough estimate of property size.

For this reason the appraisal is done with the hypothetical condition that the property size is 31,050 sq. ft. This has been used for the purpose of analysis in the appraisal process. An accurate representation of property boundary and size may alter the valuation estimate.

Zoning: The subject property is zoned R-1 Residential, Single Family District, Low Density under current city zoning regulations.

Flood Plain: Zone C, Panel No. 300059 1340B, Effective Date of April 15, 1981. Though no live water exists on the property, the water table is quite high as evidenced by riparian vegetation and soils (See Photo and Soils Addenda).

Taxes: Taxes are unknown as the tax documentation is for tax exempt property.

Hypothetical Conditions:

1. The parcel size is 31,050 sq. ft.
2. The parcel is zoned B-3 Neighborhood Commercial.
3. Utilities have been run to the site.
4. Fill material added to soil to enable building.

Signature Tera L. Bandy
 Name Tera Bandy
 Date Signed 01/24/2024
 State Certification # REA-RET-LIC-16078 State MT
 Or State License # _____ State _____

Signature William H Bandy
 Name William H Bandy
 Date Signed 01/24/2024
 State Certification # _____ State MT
 Or State License # _____ State _____

LAND APPRAISAL REPORT

City of DL

File No.: 2024101

Property Address: Aspen Ln City: Deer Lodge State: MT Zip Code: 59722
 County: Powell Legal Description: NE corner of Larabie Lot #3, Section 33, T8N, R9W

Assessor's Parcel #: not applicable Tax Year: 2023 R.E. Taxes: \$ unknown Special Assessments: \$ unknown
 Market Area Name: Deer Lodge Map Reference: Powell County Census Tract: 0002.00
 Current Owner of Record: City of Deer Lodge Borrower (if applicable): City of Deer Lodge
 Project Type (if applicable): PUD De Minimis PUD Other (describe) HOA: \$ 0 per year per month
 Are there any existing improvements to the property? No Yes If Yes, indicate current occupancy: Owner Tenant Vacant Not habitable
 If Yes, give a brief description:

The purpose of this appraisal is to develop an opinion of: Market Value (as defined), or other type of value (describe)
 This report reflects the following value (if not Current, see comments): Current (the Inspection Date is the Effective Date) Retrospective Prospective
 Property Rights Appraised: Fee Simple Leasehold Leased Fee Other (describe)
 Intended Use: The intended use of the appraisal is to provide the client, The City of Deer Lodge, with information to assist in property management.
 Intended User(s) (by name or type): The City of Deer Lodge; use of the appraisal by other users is not intended. All other third parties are considered to be unintended users and we assume no obligation, liability or accountability to any third party entity.
 Client: City of Deer Lodge Address: 300 Main St., Deer Lodge, MT 59722
 Appraiser: Tera Bandy Address: 7406 Eastside Rd, Deer Lodge, MT 59722-9509

Characteristics			Predominant Occupancy	One-Unit Housing		Present Land Use		Change in Land Use	
Location:	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	PRICE	AGE	One-Unit	70 %	<input type="checkbox"/> Not Likely	
Built up:	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	\$(000)	(yrs)	2-4 Unit	1 %	<input checked="" type="checkbox"/> Likely *	<input type="checkbox"/> In Process *
Growth rate:	<input type="checkbox"/> Rapid	<input type="checkbox"/> Stable	<input checked="" type="checkbox"/> Slow	63	Low	1	Multi-Unit	1 %	* To: Commercial
Property values:	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	850	High	134	Comm'l	25 %	
Demand/supply:	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	290	Pred	72	Public Land	3 %	
Marketing time:	<input type="checkbox"/> Under 3 Mos.	<input checked="" type="checkbox"/> 3-6 Mos.	<input type="checkbox"/> Over 6 Mos.						

Factors Affecting Marketability											
Item	Good	Average	Fair	Poor	N/A	Item	Good	Average	Fair	Poor	N/A
Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Police and fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Public Transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Market Area Comments: JC Park is a seasonal recreational area. Public Transportation is operated by the Council on Aging and operates Monday-Friday 8:15 am to 3:45 pm. There are no after hours or weekend services. Basic consumer services are to the west on the Main Street of Deer Lodge. There is little land available for developmental purposes in the Deer Lodge Town Site or the immediate area surrounding Deer Lodge. Additional water and sewer demand would be a burden on the existing city infrastructure. Schools consist of K-12 located in the center of Deer Lodge. The city is located along I-90. Employment opportunities are the Montana State Prison, city and county government and local businesses. Residents also commute to Butte, Galen and Warm Springs for employment. The area is becoming attractive to retirees and telecommuters.



City of DL

File No.: 2024101

LAND APPRAISAL REPORT

Dimensions: 135 x 230 Site Area: 31,050 sf Sq.Ft.

Zoning Classification: current zoning is R-1, appraisal performed as B-3 Description: Current zoning is R-1 single family residential, the appraisal is performed as B-3 Neighborhood Commercial

Do present improvements comply with existing zoning requirements? Yes No No improvements
 Uses allowed under current zoning: single family residential, low density

Are CC&Rs applicable? Yes No Unknown Have the documents been reviewed? Yes No Ground Rent (if applicable) \$ /

Comments:
 Highest & Best Use as improved: Present use, or Other use (explain) commercial

Actual Use as of Effective Date: vacant Use as appraised in this report: commercial
 Summary of Highest & Best Use: commercial space of daily convenience is highest and best use

SITE DESCRIPTION

Utilities	Public	Other	Provider/Description	Off-site Improvements	Type	Public	Private	Frontage	unknown
Electricity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	Street	gravel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Topography	flat, 4560-4565 feet elevation
Gas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	Width	60 feet			Size	31,050 sf
Water	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	Surface	gravel/dirt			Shape	rectangular
Sanitary Sewer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	Curb/Gutter	none	<input type="checkbox"/>	<input type="checkbox"/>	Drainage	appears to be inadequate
Storm Sewer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	Sidewalk	none	<input type="checkbox"/>	<input type="checkbox"/>	View	grazing land/residences
Telephone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	Street Lights	none	<input type="checkbox"/>	<input type="checkbox"/>		
Multimedia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	Alley	none	<input type="checkbox"/>	<input type="checkbox"/>		

Other site elements: Inside Lot Corner Lot Cul de Sac Underground Utilities Other (describe)

FEMA Spec'l Flood Hazard Area Yes No FEMA Flood Zone C FEMA Map # 3000591340B FEMA Map Date 04/15/1981

Site Comments: The site is surrounded by private land ownerships on three sides and the City of Deer Lodge on the west side. The property is flat. Judging by the vegetation on the property and the soil survey there are indications that this property has a high water table and that the water table may rise to the surface during certain times of the year. See the Soil Addendum. Legal access to this parcel is via Aspen Lane which is on city property; therefore the roadway is considered public. This roadway is the only economic avenue to access the property legally and physically. The parcel is outside of the city's main commercial area and has no visibility to area passersby and little traffic traveling down Aspen Ln. This commercial space would likely only serve residences on Aspen Ln.

SALES COMPARISON APPROACH

FEATURE	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3	
Address	Aspen Ln Deer Lodge, MT 59722	Tbd E Broadway St Butte, MT 59701	Tbd W Park Ave Anaconda, MT 59711	Lot 4 TBD Anaconda, MT 59711	
Proximity to Subject		28.56 miles SE	22.15 miles SW	21.42 miles SW	
Sale Price	\$	\$ 140,000	\$ 200,000	\$ 100,000	
Price/ Sq.Ft.	\$	\$ 6.01	\$ 9.98	\$ 1.27	
Data Source(s)		mls 30010512 dom 50	mls 22214692 dom 200	mls 22212392 dom 266	
Verification Source(s)		realtor	realtor	realtor	
VALUE ADJUSTMENT	DESCRIPTION	DESCRIPTION	+(-) \$ Adjust	DESCRIPTION	+(-) \$ Adjust
Sales or Financing		arms length		arms length	
Concessions		cash \$0	0	contract \$20,000	-20,000
Date of Sale/Time		10/10/2023		05/26/2023	
Rights Appraised	fee simple	fee simple		fee simple	
Location	urban neutral	urban	-20,000	urban beneficial	-50,000
Site Area (in Sq.Ft.)	31,050	23,305	+15,000	20,038	+15,000
Traffic	none	average	-30,000	high	-40,000
Frontage	230 ft	200 ft	+1,500	151 ft	+3,950
				546 ft	-15,800
Net Adjustment (Total, in \$)		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -33,500	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -91,050	<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -85,800	
Adjusted Sale Price (in \$)		Net 23.9 % Gross 47.5 % \$ 106,500	Net 45.5 % Gross 64.5 % \$ 108,950	Net 85.8 % Gross 85.8 % \$ 14,200	



LAND APPRAISAL REPORT

SALES COMPARISON APPROACH
 Summary of Sales Comparison Approach: The sales utilized are the best properties that are representative of subject property value. Collectively the sales represent a reasonable value range for the subject in the given market area. The differences between the sales and subject are the location and parcel size. Location has to do with how many cars pass by, how much foot traffic passes by and the population density. All of the comparables and the subject are vacant land with no improvements. Comp #1 is located in a higher density area than the subject thus designated urban. It is a smaller parcel than the subject but due to the urban location more traffic and higher visibility which translates into more business. The subject has more front footage. Comp #2 is located along a major commercial artery in a more densely populated area than the subject which translates into business from other areas as they pass through as well as local business. Comp #3 is located in an urban area but less traffic. It is a larger parcel and larger parcels typically sell for less \$/sf. Comp #4 is also located in a higher density area along the main commercial artery. It is smaller in size than the subject with comparable front footage. Overall the subject is inferior in location due to population density, is off the commercial artery and is exposed to little traffic, however it accommodates more parking.

TRANSFER HISTORY
 My research did did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.
 Data Source(s): deed record
 1st Prior Subject Sale/Transfer: Analysis of sale/transfer history and/or any current agreement of sale/listing: It is uncertain as to when the City of Deer Lodge acquired this property but it was around the turn of the 19th century.
 Date: unknown
 Price: \$0
 Source(s): deed records
 2nd Prior Subject Sale/Transfer:
 Date:
 Price:
 Source(s):

PUD
 PROJECT INFORMATION FOR PUDs (if applicable) The Subject is part of a Planned Unit Development.
 Legal Name of Project:
 Describe common elements and recreational facilities:

RECONCILIATION
 Indicated Value by: Sales Comparison Approach \$ 71,000
 Final Reconciliation: The adjusted value range indicated is between \$55,000 to \$100,000. Comparable sales are limited, therefore a value range is appropriate. A non-buildable parcel with no utilities would represent the low end of the range. A buildable parcel with utilities, zoning and exposure to traffic would represent the high end of the range. The weighted average of \$71,000 is the opinion of value.
 This appraisal is made "as is", or subject to the following conditions: This appraisal is based on the hypothetical condition that the parcel size is 31,050 sf., the parcel is zoned B-3, the utilities are in location and the soil supports building.
 This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.
 Based upon an inspection of the subject property, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is:
 \$ 71,000, as of: 01/18/2024, which is the effective date of this appraisal.
 If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.

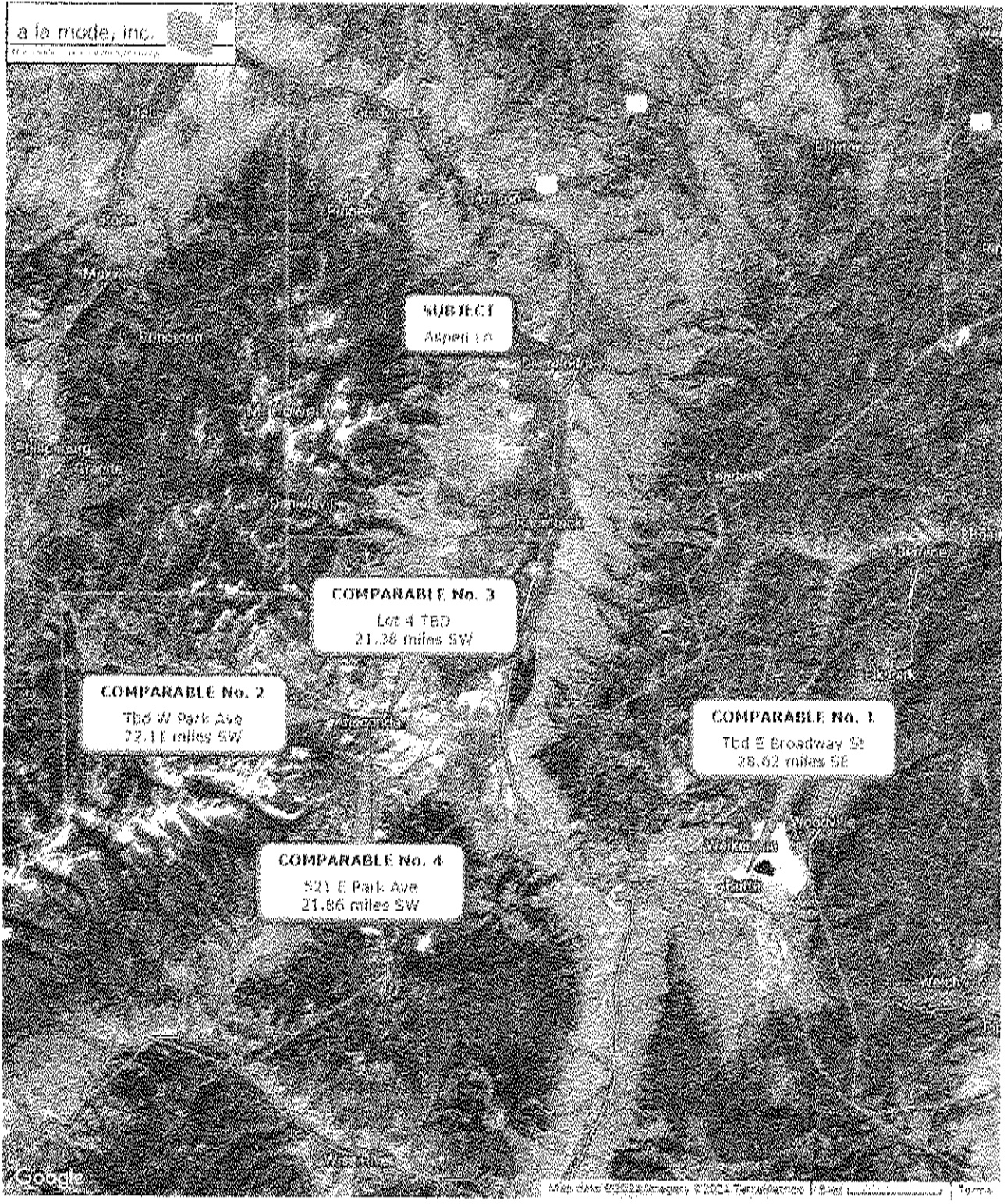
ATTACH.
 A true and complete copy of this report contains 21 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be property understood without reference to the information contained in the complete report, which contains the following attached exhibits:
 Limiting cond./Certifications Narrative Addendum Location Map(s) Flood Addendum Scope of Work
 Photo Addenda Parcel Map Hypothetical Conditions Extraordinary Assumptions Additional Sales

Client Contact: Jordan Green, Chief Administrative Officer Client Name: City of Deer Lodge
 E-Mail: jgreen@cityofdeerlodge.gov Address: 300 Main St., Deer Lodge, MT 59722

SIGNATURES
APPRAISER
 Appraiser Name: Tera Bandy
 Company: Bandy Appraisal
 Phone: (406) 846-2823 Fax: (406) 846-2823
 E-Mail: bandyappraisal@gmail.com
 Date of Report (Signature): 01/24/2024
 License or Certification #: REA-RET-LIC-16078 State: MT
 Designation: Appraiser Trainee
 Expiration Date of License or Certification: 03/31/2024
 Inspection of Subject: Did Inspect Did Not Inspect (Desktop)
 Date of Inspection: 01/18/2024
SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)
 Supervisory or Co-Appraiser Name: William H Bandy
 Company: Bandy Appraisal
 Phone: 406-846-2823 Fax: 406-846-2823
 E-Mail: bandyappraisal@gmail.com
 Date of Report (Signature): 01/24/2024
 License or Certification #: REA-RAG-LIC-438 State: MT
 Designation: Certified General Appraiser and Mentor
 Expiration Date of License or Certification: 03/31/2024
 Inspection of Subject: Did Inspect Did Not Inspect
 Date of Inspection: 01/18/2024

Comparable Sales Map

Lender/Client	City of Deer Lodge						
Property Address	Aspen Ln						
City	Deer Lodge	County	Powell	State	MT	Zip Code	59722
Lender/Client	City of Deer Lodge						



City of DL

Assumptions & Limiting Conditions

File No.: 2024101

Property Address: Aspen Ln

City: Deer Lodge

State: MT

Zip Code: 59722

Client: City of Deer Lodge

Address: 300 Main St, Deer Lodge, MT 59722

Appraiser: Tera Bandy

Address: 7406 Eastside Rd, Deer Lodge, MT 59722-9509

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size. Unless otherwise indicated, a Land Survey was not performed.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- If this appraisal is indicated as subject to satisfactory completion, repairs, or alterations, the appraiser has based his or her appraisal report and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanlike manner.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.
- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database.
- An appraisal of real property is not a 'home inspection' and should not be construed as such. As part of the valuation process, the appraiser performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects could adversely affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

City of DL

Definitions & Scope of Work

File No.: 2024101

Property Address: Aspen Ln

City: Deer Lodge

State: MT

Zip Code: 59722

Client: City of Deer Lodge

Address: 300 Main St., Deer Lodge, MT 59722

Appraiser: Tera Bandy

Address: 7406 Eastside Rd., Deer Lodge, MT 59722-9509

DEFINITION OF MARKET VALUE *:

As used in this report, Market Value is defined as the most probable price, as of a specified date, in cash, or cash equivalency, or in other precisely revealed terms, for which the specified property rights should sell for after a reasonable exposure time in a competitive market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably and for self-interest, assuming that neither party is under undue duress. Buyer and seller are typically motivated.

This definition of market value is as per the Appraisal of Real Estate, Fifteenth Edition, 2020, Page 48.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by

the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Under USPAP Standards Rule 2-2(b), this is a Restricted Appraisal Report, and is intended only for the sole use of the named client. There are no other intended users. The client must clearly understand that the appraiser's opinions and conclusions may not be understood properly without additional information in the appraiser's work file.

In developing this appraisal, the appraiser has incorporated only the Sales Comparison Approach. The appraiser has excluded the Cost and Income Approaches to Value, due to being inapplicable given the limited scope of the appraisal. The appraiser has determined that this appraisal process is not so limited that the results of the assignment are no longer credible, and the client agrees that the limited scope of analysis is appropriate given the intended use.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.): This appraisal is based on the hypothetical condition that the parcel size is 31,050 sf., the parcel is zoned B-3, the utilities are in location and the soil supports building.

Certifications

City of DL
 File No.: 2024101
 State: MT Zip Code: 59722

Property Address: Aspen Ln City: Deer Lodge
 Client: City of Deer Lodge Address: 300 Main St, Deer Lodge, MT 59722
 Appraiser: Tera Bandy Address: 7406 Eastside Rd, Deer Lodge, MT 59722-9509

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.

Additional Certifications: This appraisal is based on the hypothetical condition that the parcel size is 31,050 sf., the parcel is zoned B-3, the utilities are in location and the soil supports building. Tera Bandy is listed as the appraiser on the report. She is an Appraiser Trainee in the state of MT. William Bandy is listed as the supervising appraiser. He is a Certified General Appraiser and Mentor in the state of MT. This report and opinion of value is collaborative.

Client Contact: Jordan Green, Chief Administrative Officer Client Name: City of Deer Lodge
 E-Mail: jgreen@cityofdeerlodge.gov Address: 300 Main St, Deer Lodge, MT 59722

<p>APPRAISER</p> <p><i>Tera Bandy</i></p> <p>Appraiser Name: Tera Bandy Company: Bandy Appraisal Phone: (406) 846-2823 Fax: (406) 846-2823 E-Mail: bandyappraisal@gmail.com Date Report Signed: 01/24/2024 License or Certification #: REA-RET-LIC-16078 State: MT Designation: Appraiser Trainee Expiration Date of License or Certification: 03/31/2024 Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input checked="" type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: 01/18/2024</p>	<p>SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)</p> <p><i>William Bandy</i></p> <p>Supervisory or Co-Appraiser Name: William H Bandy Company: Bandy Appraisal Phone: 406-846-2823 Fax: 406-846-2823 E-Mail: bandyappraisal@gmail.com Date Report Signed: 01/24/2024 License or Certification #: REA-RAG-LIC-438 State: MT Designation: Certified General Appraiser and Mentor Expiration Date of License or Certification: 03/31/2024 Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input checked="" type="checkbox"/> Exterior Only <input type="checkbox"/> None Date of Inspection: 01/18/2024</p>
---	--

SIGNATURES

Lender/Client	City of Deer Lodge	File No. 2024101
Property Address	Aspen Ln	
City	Deer Lodge	County Powell State MT Zip Code 59722
Lender/Client	City of Deer Lodge	

APPRAISAL AND REPORT IDENTIFICATION

This Report is one of the following types:

- Appraisal Report (A written report prepared under Standards Rule 2-2(a) pursuant to the Scope of Work, as disclosed elsewhere in this report.)
- Restricted Appraisal Report (A written report prepared under Standards Rule 2-2(b) pursuant to the Scope of Work, as disclosed elsewhere in this report, restricted to the stated intended use by the specified client or intended user.)

Comments on Standards Rule 2-3

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

Reasonable Exposure Time

(USPAP defines Exposure Time as the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.)

My Opinion of Reasonable Exposure Time for the subject property at the market value stated in this report is: 300 days if listed with an experienced real estate marketing firm.

Comments on Appraisal and Report Identification

Note any USPAP related issues requiring disclosure and any State mandated requirements:

The cost and income approaches to property value is not appropriate valuation methods for the subject property as the subject property is vacant land. Hypothetical Conditions are the parcel size is 31,050 sq. ft., is zoned B-3 Neighborhood Commercial, utilities have been run to the site and fill material added to soil to enable building. Tera Bandy is listed as the appraiser on the report. She is an Appraiser Trainee in the state of MT. William Bandy is listed as the supervising appraiser. He is a Certified General Appraiser and Mentor in the state of MT. This report and opinion of value is collaborative.

APPRAISER:

Signature: Tera J. Bandy
 Name: Tera Bandy
Appraiser Trainee
 State Certification #: REA-RET-LIC-16078
 or State License #: _____
 State: MT Expiration Date of Certification or License: 03/31/2024
 Date of Signature and Report: 01/24/2024
 Effective Date of Appraisal: 01/18/2024
 Inspection of Subject: None Interior and Exterior Exterior-Only
 Date of Inspection (if applicable): 01/18/2024

SUPERVISORY or CO-APPRAISER (if applicable):

Signature: William Bandy
 Name: William H Bandy
Certified General Appraiser and Mentor
 State Certification #: REA-RAG-LIC-438
 or State License #: _____
 State: MT Expiration Date of Certification or License: 03/31/2024
 Date of Signature: 01/24/2024
 Inspection of Subject: None Interior and Exterior Exterior-Only
 Date of Inspection (if applicable): 01/18/2024

APPRAISER DISCLOSURE STATEMENT

City of DL
File No. 2024101

Name of Appraiser: Tera Bandy

Class of Certification/Licensure: Certified General
 Certified Residential
 Licensed Residential
 Temporary General Licensed

Certification/Licensure Number: REA-RET-LIC-16078
Certification/Licensure State: MT Expires: 03/31/2024

Scope: This Report is within the scope of my Certification or License
 is not within the scope of my Certification or License

Service Provided By: Disinterested & Unbiased Third Party
 Interested & Biased Third Party
 Interested Third Party on Contingent Fee Basis

Signature of person preparing and reporting the Appraisal:

Tera J. Bandy

This form must be included in conjunction with all appraisal assignments or specialized services performed by a state-certified or state-licensed real estate appraiser.

Appraiser's License



State of Montana
Business Standards Division
Board of Real Estate Appraisers

REA-RAG-LIC-438

Status: Active
Expires: 03/31/2024

This certificate verifies licensure as:
CERTIFIED GENERAL APPRAISER
Supervises: TERA BANDY
With endorsements of:
* REAL ESTATE APPRAISER MENTOR

WILLIAM H BANDY
7406 EASTSIDE RD
DEER LODGE, MT 59722



Montana Department of
LABOR & INDUSTRY
RENEW OR VERIFY YOUR LICENSE AT:
<http://lsr.mt.gov/psd>



State of Montana
Business Standards Division
Board of Real Estate Appraisers

REA-RET-LIC-16078

Status: Active
Expires: 03/31/2024

This certificate verifies licensure as:
APPRAISER TRAINEE
Supervised By: William H Bandy

TERA BANDY
7406 EASTSIDE RD
DEER LODGE, MT 59722



Montana Department of
LABOR & INDUSTRY
RENEW OR VERIFY YOUR LICENSE AT:
<http://lsr.mt.gov/psd>

<p>FROM:</p> <p>Bandy Appraisal 7406 Eastside Rd Deer Lodge, MT 59722-9509</p> <p>Telephone Number: (406) 846-2823 Fax Number: (406) 846-2823</p>	<h2 style="margin: 0;">INVOICE</h2> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">INVOICE NUMBER</td> </tr> <tr> <td style="text-align: center;">2024100</td> </tr> <tr> <td style="text-align: center;">DATE</td> </tr> <tr> <td style="text-align: center;">01/24/2024</td> </tr> <tr> <td style="text-align: center;">REFERENCE</td> </tr> <tr> <td>Internal Order #: 2024100</td> </tr> <tr> <td>Lender Case #:</td> </tr> <tr> <td>Client File #: City of DL</td> </tr> <tr> <td>Main File # on form: 2024100</td> </tr> <tr> <td>Other File # on form: City of DL</td> </tr> <tr> <td>Federal Tax ID:</td> </tr> <tr> <td>Employer ID:</td> </tr> </table>	INVOICE NUMBER	2024100	DATE	01/24/2024	REFERENCE	Internal Order #: 2024100	Lender Case #:	Client File #: City of DL	Main File # on form: 2024100	Other File # on form: City of DL	Federal Tax ID:	Employer ID:
INVOICE NUMBER													
2024100													
DATE													
01/24/2024													
REFERENCE													
Internal Order #: 2024100													
Lender Case #:													
Client File #: City of DL													
Main File # on form: 2024100													
Other File # on form: City of DL													
Federal Tax ID:													
Employer ID:													
<p>TO:</p> <p>Jordan Green, Chief Administrative Officer City of Deer Lodge 300 Main St. Deer Lodge, MT 59722</p> <p>Telephone Number: 406-594-1896 Fax Number: Alternate Number: E-Mail: jgreen@cityofdeerlodgemt.gov</p>													
DESCRIPTION													
<p>Lender: City of Deer Lodge Client: City of Deer Lodge</p> <p>Purchaser/Borrower: NA</p> <p>Property Address: Nhn Aspen Ln City: Deer Lodge</p> <p>County: Powell State: MT Zip: 59722</p> <p>Legal Description: Larabie Lot #3, Section 33, T8N, R9W</p>													
FEES	AMOUNT												
Vacant Residential Land on Aspen Lane, Deer Lodge, MT	2,000.00												
SUBTOTAL	2,000.00												
PAYMENTS	AMOUNT												
Check #: Date: Description: Check #: Date: Description: Check #: Date: Description:													
SUBTOTAL	0.00												
TOTAL DUE	\$ 2,000.00												

A RESTRICTED APPRAISAL OF REAL PROPERTY

LOCATED AT

Nhn Aspen Ln
Deer Lodge, MT 59722
Larabie Lot #3, Section 33, T8N, R9W

FOR

City of Deer Lodge
300 Main St.
Deer Lodge, MT 59722

AS OF

01/18/2024

BY

Bandy Appraisal
7406 Eastside Rd
Deer Lodge, MT 59722
(406) 846-2823
bandyappraisal@gmail.com

Bandy Appraisal
7406 Eastside Rd
Deer Lodge, MT 59722-9509
(406) 846-2823

01/24/2024

Jordan Green, Chief Administrative Officer
City of Deer Lodge
300 Main St.
Deer Lodge, MT 59722

Re: Property: Nhn Aspen Ln
Deer Lodge, MT 59722
Client: City of Deer Lodge
File No.: 2024100

Opinion of Value: \$ 96,000
Effective Date: 01/18/2024

In accordance with your request, we have appraised the above referenced property. The report of that appraisal is attached.

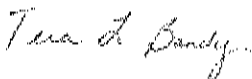
The purpose of the appraisal is to develop an opinion of market value for the property described in this appraisal report, as vacant, in unencumbered fee simple title of ownership.

This report is based on a physical analysis of the site, a locational analysis of the neighborhood and city, and an economic analysis of the market for properties such as the subject. The appraisal was developed and the report was prepared in accordance with the Uniform Standards of Professional Appraisal Practice.

The opinion of value reported above is as of the stated effective date and is contingent upon the certification and limiting conditions attached.

It has been a pleasure to assist you. Please do not hesitate to contact me or any of my staff if we can be of additional service to you.

Sincerely,



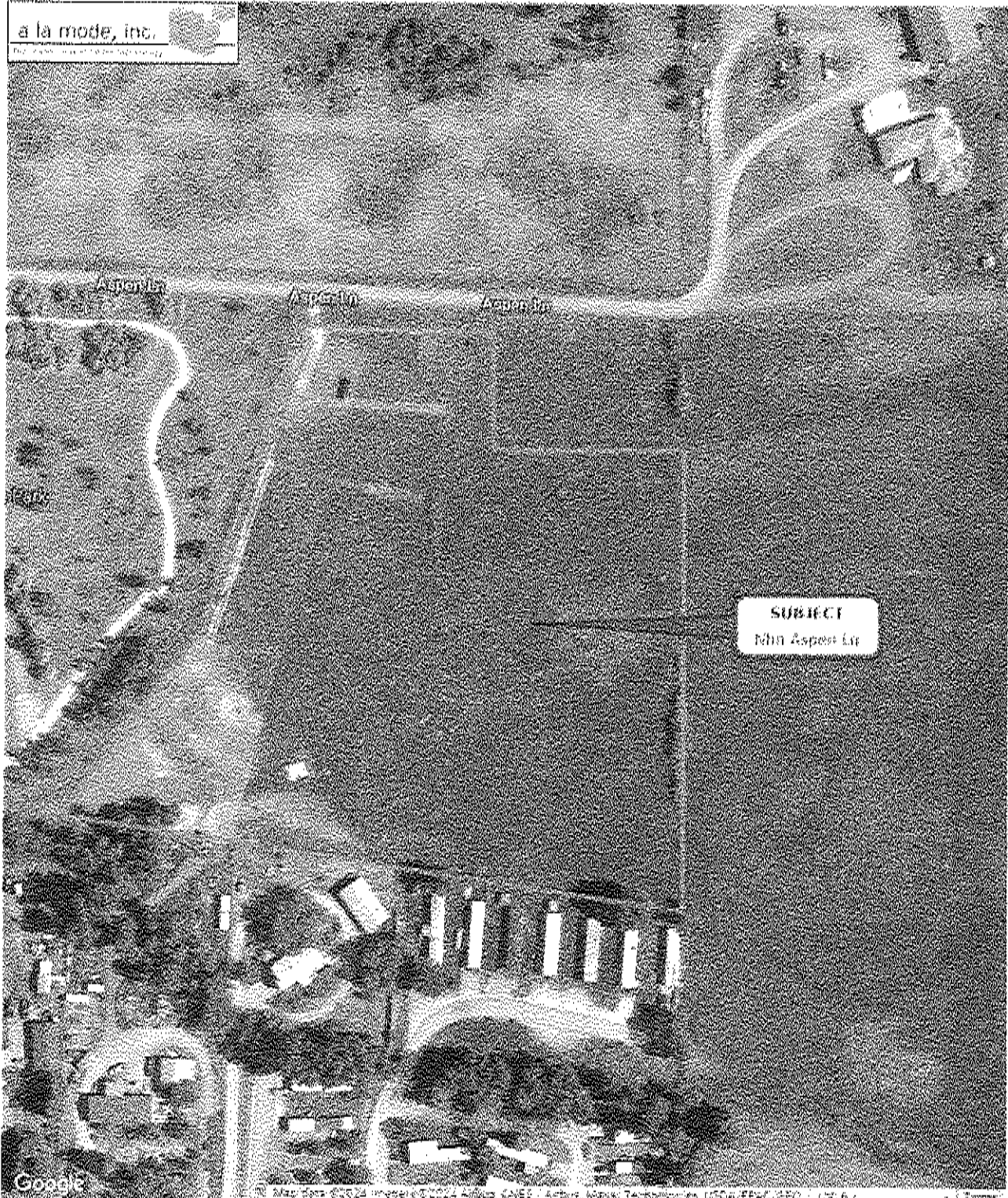
Tera Bandy
Bandy Appraisal
License or Certification #: REA-RET-LIC-16078
State: MT Expires: 03/31/2024
bandyappraisal@gmail.com

SUMMARY OF SALIENT FEATURES

SUBJECT INFORMATION	Subject Address	Nhn Aspen Ln
	Legal Description	Larable Lot #3, Section 33, T8N, R9W
	City	Deer Lodge
	County	Powell
	State	MT
	Zip Code	59722
	Census Tract	0002.00
	Map Reference	Powell County
PRICE & DATE	Contract Price	\$
	Date of Contract	
PARTIES	Client	City of Deer Lodge
	Lender/Client	City of Deer Lodge
DESCRIPTION OF IMPROVEMENTS	Size (Square Feet)	
	Price per Square Foot	\$
	Location	urban neutral
	Ago	
	Condition	
	Total Rooms	
	Bedrooms	
	Baths	
APPRAISERS	Appraiser	Tera Bandy
	Supervisory or Co-Appraiser	William H Bandy
	Effective Date of Appraisal	01/18/2024
VALUE	Opinion of Value	\$ 96,000

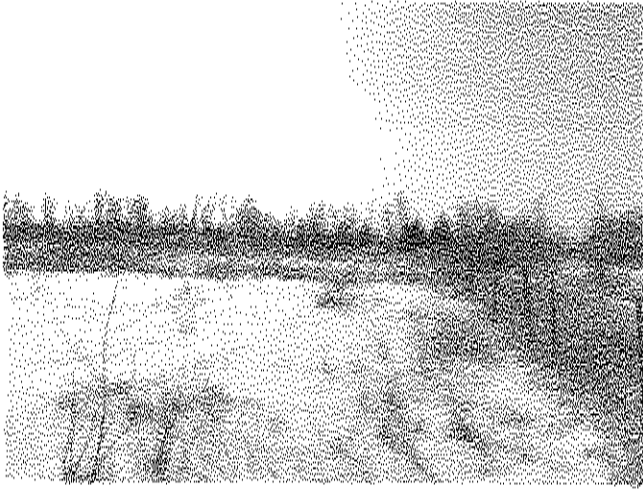
Location Map

Client	City of Deer Lodge						
Property Address	Nhn Aspen Ln						
City	Deer Lodge	County	Powell	State	MT	Zip Code	59722
Lender/Client	City of Deer Lodge						

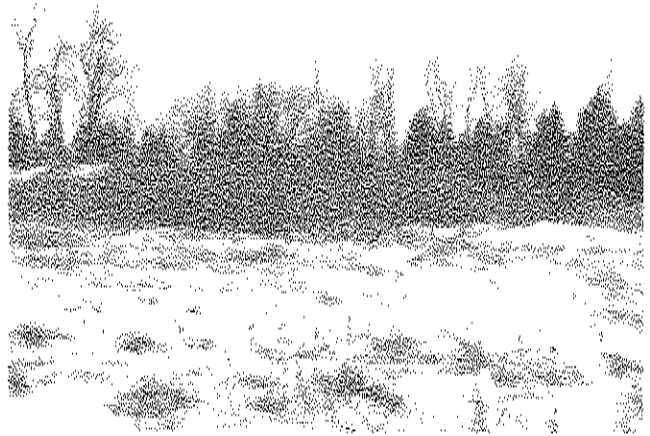


Photograph Addendum

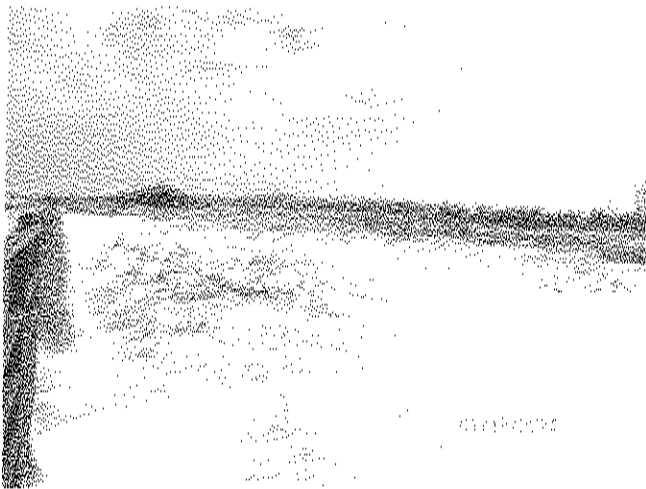
Client	City of Deer Lodge				
Property Address	Nhn Aspen Ln				
City	Deer Lodge	County	Powell	State	MT
Lender/Client	City of Deer Lodge				
				Zip Code	59722



West Property Boundary



Willows and Riparian Vegetation



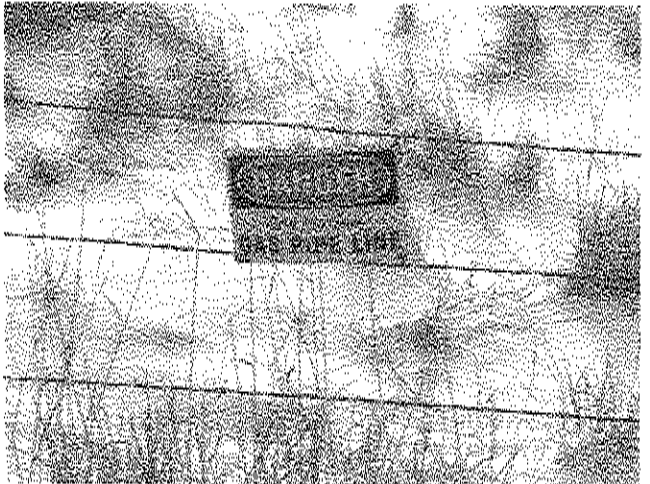
Property Interior Looking East



East Property Boundary



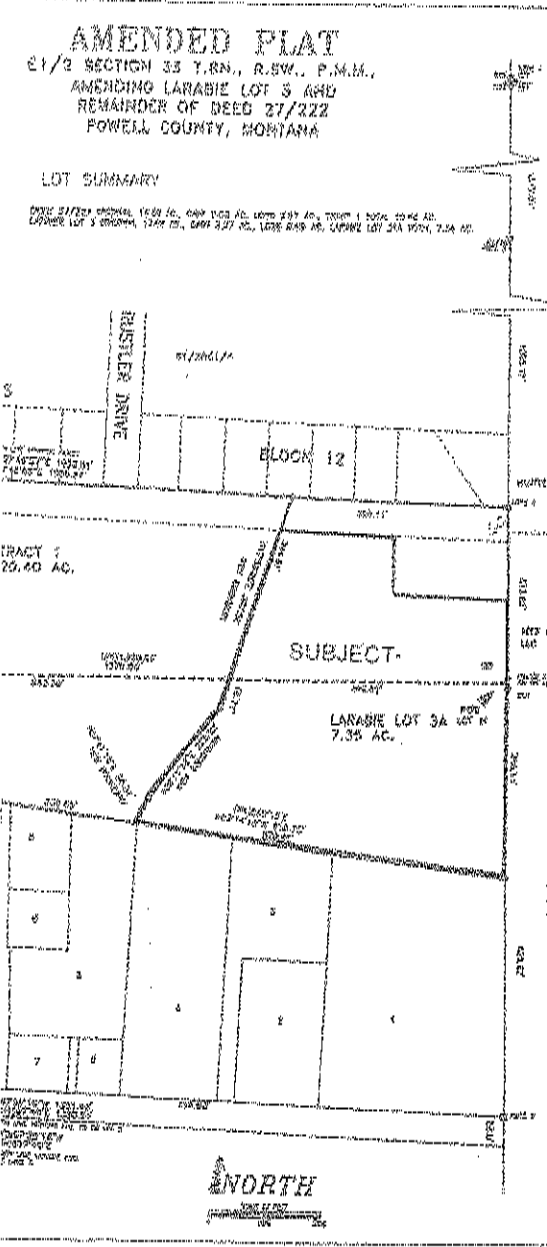
Property Interior Looking South



Gas Line Bordering North Boundary

Plat Map

Client	City of Deer Lodge		
Property Address	Nhn Aspen Ln		
City	Deer Lodge	County	Powell
Lender/Client	City of Deer Lodge	State	MT
		Zip Code	59722



CERTIFICATE OF OWNERS
 I, _____ Mayor of the City of Deer Lodge, do hereby certify that the above described land is the property of the City of Deer Lodge and that the same is being offered for sale to the highest bidder for cash at a public sale to be held at the Court House in the City of Deer Lodge, Montana, on the _____ day of _____ 2024.

MAYOR CITY OF DEER LODGE

LEGAL DESCRIPTION LARABIE LOT 3A
 A TRACT OF LAND LOCATED IN THE S.W. 1/4 OF THE S.W. 1/4 OF SECTION 33, T.8N., R.5W., P.M.M., AMENDING LARABIE LOT 3 AND REMAINDER OF DEED 27/222 POWELL COUNTY, MONTANA.

LEGAL DESCRIPTION TRACT 1
 A TRACT OF LAND LOCATED IN THE S.W. 1/4 OF THE S.W. 1/4 OF SECTION 33, T.8N., R.5W., P.M.M., AMENDING LARABIE LOT 3 AND REMAINDER OF DEED 27/222 POWELL COUNTY, MONTANA.

CERTIFICATE OF EXAMINING SURVEYOR
 I, _____ Surveyor, do hereby certify that the above described land is the property of the City of Deer Lodge and that the same is being offered for sale to the highest bidder for cash at a public sale to be held at the Court House in the City of Deer Lodge, Montana, on the _____ day of _____ 2024.

CERTIFICATE OF COUNTY TREASURER
 I, _____ Treasurer of Powell County, do hereby certify that the above described land is the property of the City of Deer Lodge and that the same is being offered for sale to the highest bidder for cash at a public sale to be held at the Court House in the City of Deer Lodge, Montana, on the _____ day of _____ 2024.

CERTIFICATE OF SHERIFF
 I, _____ Sheriff of Powell County, do hereby certify that the above described land is the property of the City of Deer Lodge and that the same is being offered for sale to the highest bidder for cash at a public sale to be held at the Court House in the City of Deer Lodge, Montana, on the _____ day of _____ 2024.

CERTIFICATE OF CLERK AND RECORDER
 I, _____ Clerk and Recorder of Powell County, do hereby certify that the above described land is the property of the City of Deer Lodge and that the same is being offered for sale to the highest bidder for cash at a public sale to be held at the Court House in the City of Deer Lodge, Montana, on the _____ day of _____ 2024.

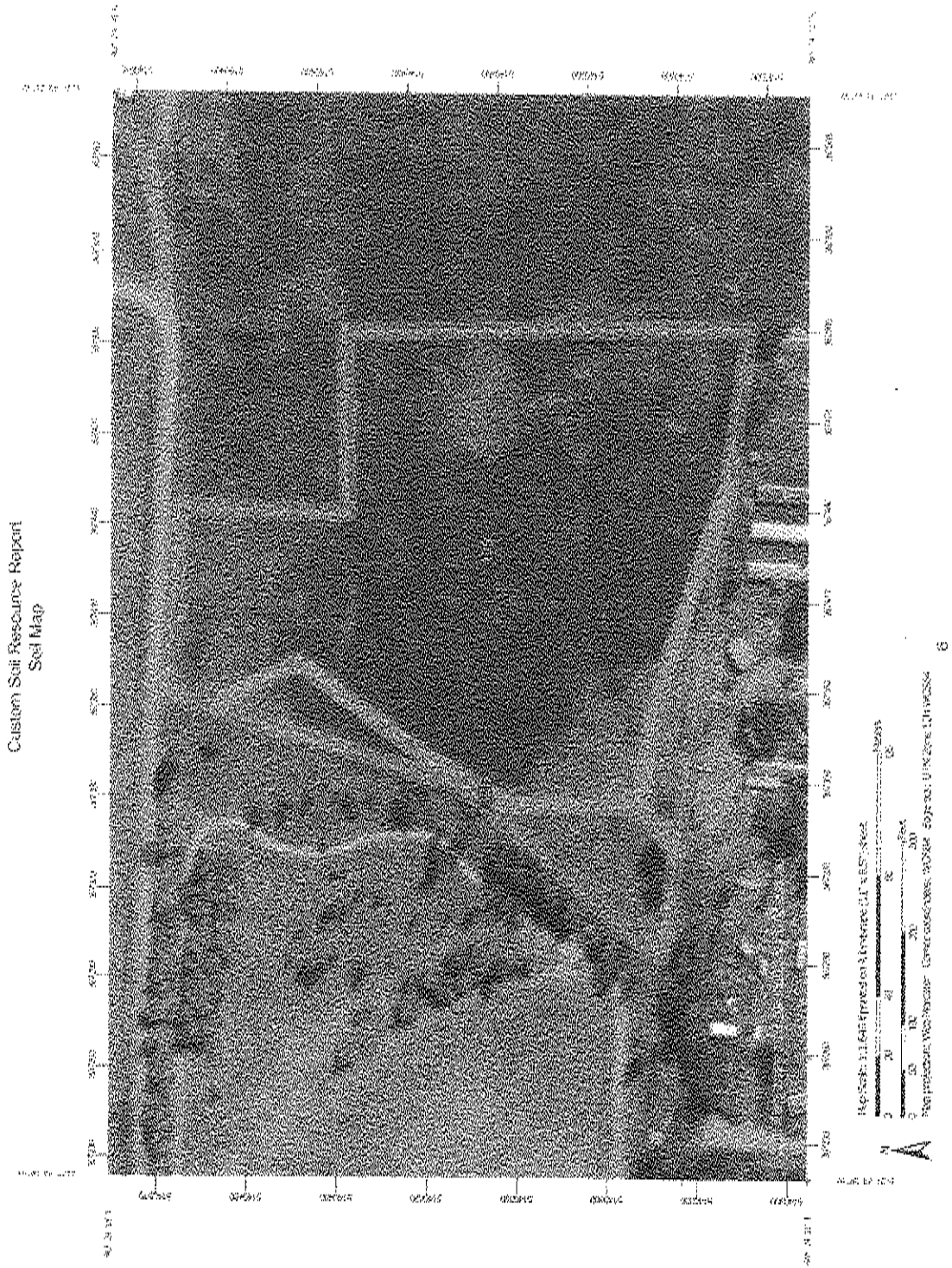
T.8N. R.5W. SEC.33
 S.W. 1/4

CITY OF DEER LODGE
 INCORPORATED PLAT
 1/2 SECTION 33, T.8N., R.5W., P.M.M., AMENDING LARABIE LOT 3 AND REMAINDER OF DEED 27/222 POWELL COUNTY, MONTANA.

PLAT NUMBER

Soils Map

Client	City of Deer Lodge				
Property Address	Nhn Aspen Ln				
City	Deer Lodge	County	Powell	State	MT Zip Code 59722
Lender/Client	City of Deer Lodge				



Soils Descriptions

- 109 Boinly Series, 0 to 2 percent slopes
 Poorly drained, low stream terraces
 Septic tank absorption fields: Severe limitations; wetness
 Shallow excavations: Severe limitations; wetness
 Dwellings with basements: severe limitations; wetness
 Local roads: Severe limitations; wetness, frost action
frost free period: 70 to 90 days
 Land capability 5w
- 132B Beaverell cobbly loam, 0 to 4 percent slopes
 Well drained, stream terraces and alluvial fans,
 Septic tank absorption fields: Severe limitations; poor filter
 Shallow excavations: Severe limitations; cutbacks cave
 Dwellings with basements: Moderate limitations; large stones
 Local roads: Moderate limitations; frost action, large stones
frost free period: 90 to 105 days
 Land capability 6e & 6s
- 634B Blossberg loam, 0 to 4 percent slopes
 Poorly drained, stream terraces
 Septic tank absorption fields: Severe limitations; poor filter, wetness
 Shallow excavations: Severe limitations; cutbacks cave, wetness
 Dwellings with basements: Severe limitations; wetness
 Local roads: Severe limitations; frost action
frost free period: 70 to 105 days
 Land capability: 5w

Supplemental Addendum

File No. 2024100

Client	City of Deer Lodge		
Property Address	Nhn Aspen Ln		
City	Deer Lodge	County Powell	State MT Zip Code 59722
Lender/Client	City of Deer Lodge		

There has not been a land survey filed with Powell County for the subject property, but a survey has been completed (See Plat Map Addendum).

Plat Map: The Plat Map presented is not an accurate representation of property size or corner locations. It provides a general shape and rough estimate of property size.

For this reason the appraisal is done with the hypothetical condition that the property size is 6.10 acres. This has been used for the purpose of analysis in the appraisal process. An accurate representation of property boundary and size may alter the valuation estimate.

Zoning: The subject property is zoned R-1 Residential, Single Family District, Low Density under current city zoning regulations.

Flood Plain: Zone C, Panel No. 300059 1340B, Effective Date of April 15, 1981. Though no live water exists on the property, the water table is quite high as evidenced by riparian vegetation and soils (See Photo and Soils Addenda).

Taxes: Taxes are unknown as the tax documentation is for tax exempt property.

Signature Tera L. Bandy
 Name Tera Bandy
 Date Signed 01/24/2024
 State Certification # REA-RET-LIC-16078 State MT
 Or State License # _____ State _____

Signature William H Bandy
 Name William H Bandy
 Date Signed 01/24/2024
 State Certification # _____ State MT
 Or State License # _____ State _____

LAND APPRAISAL REPORT

City of DL
File No.: 2024100

Property Address: Nhn Aspen Ln City: Deer Lodge State: MT Zip Code: 59722
 County: Powell Legal Description: Larable Lot #3, Section 33, T8N, R9W

Assessor's Parcel #: not applicable Tax Year: 2023 R.E. Taxes: \$ unknown Special Assessments: \$ unknown
 Market Area Name: Deer Lodge Map Reference: Powell County Census Tract: 0002.00
 Current Owner of Record: City of Deer Lodge Borrower (if applicable): City of Deer Lodge
 Project Type (if applicable): PUD De Minimis PUD Other (describe) HOA: \$ 0 per year per month
 Are there any existing improvements to the property? No Yes If Yes, indicate current occupancy: Owner Tenant Vacant Not habitable
 If Yes, give a brief description:

The purpose of this appraisal is to develop an opinion of: Market Value (as defined), or other type of value (describe)
 This report reflects the following value (if not Current, see comments): Current (the inspection Date is the Effective Date) Retrospective Prospective
 Property Rights Appraised: Fee Simple Leasehold Leased Fee Other (describe)
 Intended Use: The intended use of the appraisal is to provide the client, The City of Deer Lodge, with information to assist in property management.
 Intended User(s) (by name or type): The City of Deer Lodge; use of the appraisal by other users is not intended. All other third parties are considered to be unintended users and we assume no obligation, liability or accountability to any third party entity.
 Client: City of Deer Lodge Address: 300 Main St., Deer Lodge, MT 59722
 Appraiser: Tera Bandy Address: 7406 Eastside Rd, Deer Lodge, MT 59722-9509

Characteristics	Predominant Occupancy	One-Unit Housing	Present Land Use	Change in Land Use
Location: <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input type="checkbox"/> Rural	<input checked="" type="checkbox"/> Owner 70	PRICE AGE	One-Unit 70% <input type="checkbox"/> Not Likely	<input checked="" type="checkbox"/> Likely * <input type="checkbox"/> In Process *
Built up: <input type="checkbox"/> Over 75% <input checked="" type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	<input checked="" type="checkbox"/> Tenant 30	(\$000) (yrs)	2-4 Unit 1% <input checked="" type="checkbox"/> Likely * <input type="checkbox"/> In Process *	* To: Multiple Housing/
Growth rate: <input type="checkbox"/> Rapid <input type="checkbox"/> Stable <input checked="" type="checkbox"/> Slow	<input checked="" type="checkbox"/> Vacant (0-5%)	63 Low 1	Multi-Unit 1%	Single Family Units
Property values: <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining	<input type="checkbox"/> Vacant (>5%)	850 High 134	Comm? 25%	
Demand/supply: <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply		290 Pred 72	Public Land 3%	
Marketing time: <input type="checkbox"/> Under 3 Mos. <input checked="" type="checkbox"/> 3-6 Mos. <input type="checkbox"/> Over 6 Mos.				

Factors Affecting Marketability											
Item	Good	Average	Fair	Poor	N/A	Item	Good	Average	Fair	Poor	N/A
Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Utilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property Compatibility	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Schools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Police and Fire Protection	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adequacy of Public Transportation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Appearance of Properties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Recreational Facilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appeal to Market	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Market Area Comments: JC Park is a seasonal recreational area. Public Transportation is operated by the Council on Aging and operates Monday-Friday 8:15 am to 3:45 pm. There are no after hours or weekend services. Basic consumer services are to the west on the Main Street of Deer Lodge. There is little land available for developmental purposes in the Deer Lodge Town Site or the immediate area surrounding Deer Lodge. Additional water and sewer demand would be a burden on the existing city infrastructure. Schools consist of K-12 located in the center of Deer Lodge. The city is located along I-90. Employment opportunities are the Montana State Prison, city and county government and local businesses. Residents also commute to Butte, Galen and Warm Springs for employment. The area is becoming attractive to retirees and telecommuters.



LAND APPRAISAL REPORT

City of DL
File No.: 2024100

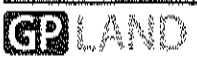
Dimensions: irregular Site Area: 6.10 Acres
 Zoning Classification: R-1 Description: Single Family Residential, low density
 Do present improvements comply with existing zoning requirements? Yes No No improvements
 Uses allowed under current zoning: Open space use, single family residential
 Are CC&Rs applicable? Yes No Unknown Have the documents been reviewed? Yes No Ground Rent (if applicable) \$ /
 Comments:
 Highest & Best Use as improved: Present use, or Other use (explain) multi-family residential use, single family use
 Actual Use as of Effective Date: vacant Use as appraised in this report: vacant
 Summary of Highest & Best Use: multi-family residential

Utilities	Public	Other	Provider/Description	Off-site Improvements		Type	Public	Private	Frontage	View
				Street	Width					
Electricity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	gravel	60 feet		<input checked="" type="checkbox"/>	<input type="checkbox"/>	unknown	flat; 4560-4565 feet elevation
Gas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	gravel/dirt			<input type="checkbox"/>	<input type="checkbox"/>	6.10 ac	irregular
Water	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	none			<input type="checkbox"/>	<input type="checkbox"/>	appears to be inadequate	grazing land/residences
Sanitary Sewer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	none			<input type="checkbox"/>	<input type="checkbox"/>		
Storm Sewer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	none			<input type="checkbox"/>	<input type="checkbox"/>		
Telephone	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	none			<input type="checkbox"/>	<input type="checkbox"/>		
Multimedia	<input type="checkbox"/>	<input checked="" type="checkbox"/>	none	none			<input type="checkbox"/>	<input type="checkbox"/>		

Other site elements: Inside Lot Corner Lot Cut de Sac Underground Utilities Other (describe)
 FEMA Spec'l Flood Hazard Area Yes No FEMA Flood Zone C FEMA Map # 3000591340B FEMA Map Date 04/15/1981

Site Comments: The site is surrounded by private land ownerships on three sides and the City of Deer Lodge on the west side. The property is flat. Judging by the vegetation on the property and the soil survey there are indications that this property has a high water table and that the water table may rise to the surface during certain times of the year. See the Soil Addendum. Due to the proximity to Interstate 90, traffic noise may become an issue in property development for residential uses. Legal access to this parcel is via Aspen Lane which is on city property; therefore the roadway is considered public. This roadway is the only economic avenue to access the property legally and physically. Public utilities are not on the property and would have to be brought in from JC Park or Warren Acres.

FEATURE	SUBJECT PROPERTY	COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
		DESCRIPTION	+(-) \$ Adjust	DESCRIPTION	+(-) \$ Adjust	DESCRIPTION	+(-) \$ Adjust
Address	Nhn Aspen Ln Deer Lodge, MT 59722	Lot 17 Wildflower Hillis Deer Lodge, MT 59722		Tbd Valley View Drive Deer Lodge, MT 59722		Nhn Aspen Ln Deer Lodge, MT 59722	
Proximity to Subject		6.69 miles N		2.04 miles SW		0.07 miles NE	
Sale Price	\$	\$ 80,000		\$ 50,000		\$ 470,000	
Price/ Acre	\$	\$ 11,976.05		\$ 9,960.16		\$ 9,997.87	
Data Source(s)		mts 30013124 dom 46		mts 22118532 dom 102		buyer	
Verification Source(s)		realtor		realtor		buyer	
VALUE ADJUSTMENT							
Sales or Financing		arms length		arms length		arms length	
Concessions		cash;\$0		cash;\$0		cash;\$0	
Date of Sale/Time		10/13/2023		04/12/2022	+25,000	05/13/2023	
Rights Appraised	fee simple	fee simple		fee simple		fee simple	
Location	urban neutral	rural neutral	+20,000	urban neutral		urban neutral	
Site Area (in Acres)	6.1	6.68		5.02	+10,000	47.01	-370,000
Utilities	none	none		none		none	
Access	public/gravel	public/gravel		public/gravel		public/gravel	
Topography	flat	flat		flat		flat	
View	Hwy/ Res/ Mtns	Hwy/ Res/ Mtns		Hwy/ Res/ Mtns		Hwy/ Res/ Mtns	
Net Adjustment (Total, in \$)		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 20,000		<input checked="" type="checkbox"/> + <input type="checkbox"/> - \$ 35,000		<input type="checkbox"/> + <input checked="" type="checkbox"/> - \$ -370,000	
Adjusted Sale Price (in \$)		25.0 \$ 100,000		70.0 \$ 85,000		78.7 \$ 100,000	



City of DL

File No.: 2024100

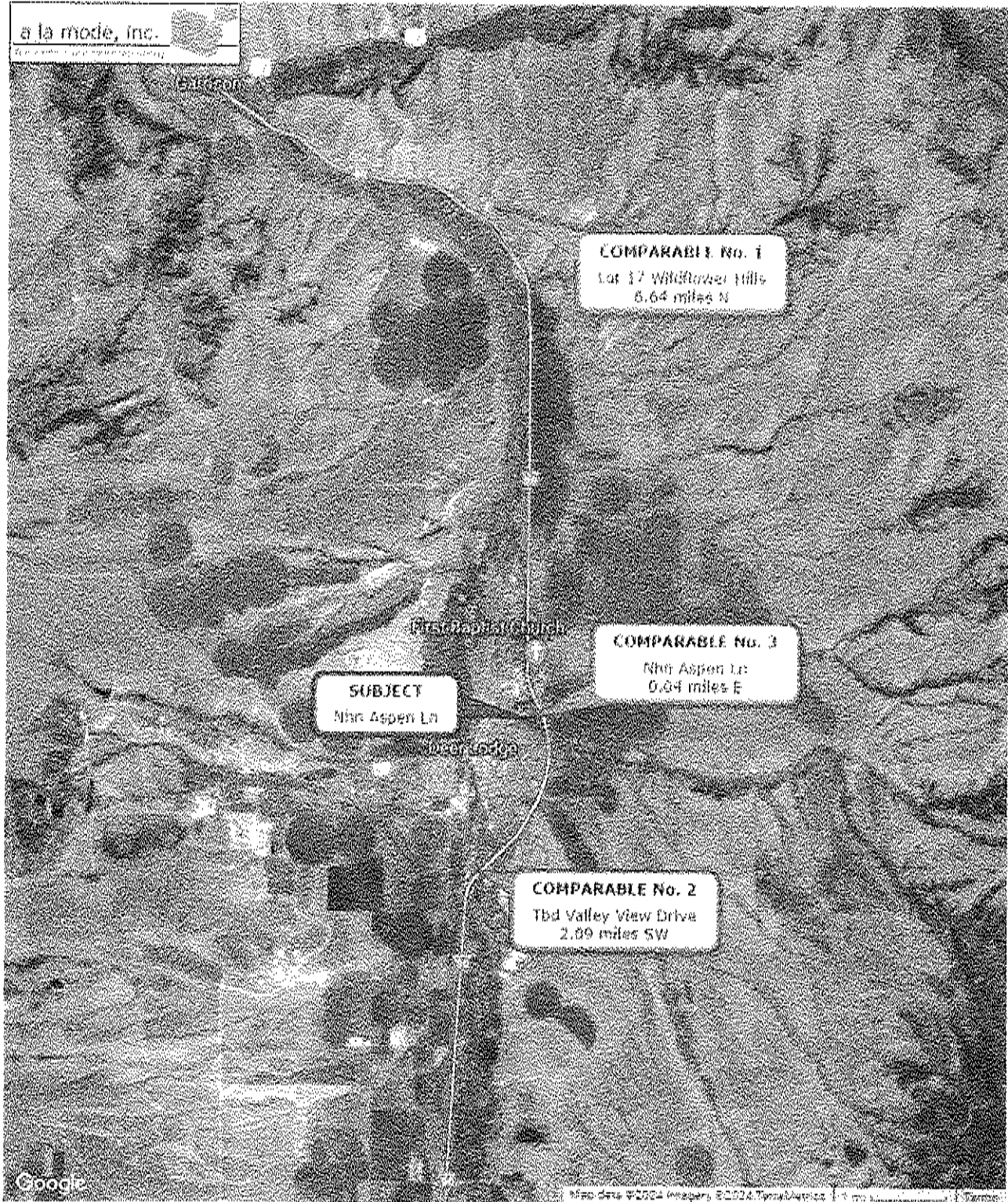
LAND APPRAISAL REPORT

SALES COMPARISON APPROACH	Summary of Sales Comparison Approach		The sales utilized are the best properties that are representative of subject property value. Collectively the sales represent a reasonable value range for the subject in the given market area. The largest difference between the sales and subject is the time of sale, soil limitations for building and parcel size. All of the comparables are vacant land with no improvements or amenities. Comp #1 is similar in size to the subject, but located outside the city limits. The subject has severe soil limitations for building as does comp #2 which is in the flood plain. Comp #2 transaction occurred in 2022, therefore an adjustment was made. Comp #3 is the adjacent property, therefore is comparable in all aspects except the parcel size. Larger parcels typically sell for less \$/acre.	
	My research <input checked="" type="checkbox"/> did <input type="checkbox"/> did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.		Data Source(s): deed record	
TRANSFER HISTORY	1st Prior Subject Sale/Transfer		Analysis of sale/transfer history and/or any current agreement of sale/listing: It is uncertain as to when the City of Deer Lodge acquired this property but it was around the turn of the 19th century.	
	Date:	unknown		
	Price:	\$0		
	Source(s):	deed records		
2nd Prior Subject Sale/Transfer				
Date:				
Price:				
Source(s):				
PUD	PROJECT INFORMATION FOR PUDs (if applicable)		<input type="checkbox"/> The Subject is part of a Planned Unit Development.	
	Legal Name of Project:			
Describe common elements and recreational facilities:				
RECONCILIATION	Indicated Value by: Sales Comparison Approach \$		96,000	
	Final Reconciliation The adjusted value range indicated is between \$90,000 to \$100,000. Comparable sales are limited, therefore a value range is appropriate: \$96,000 is the weighted average.			
	This appraisal is made <input type="checkbox"/> "as is" or <input checked="" type="checkbox"/> subject to the following conditions: That a land survey and property transfer would indicate a parcel size of six acres plus or minus and that the property boundary would be similar to what is portrayed in the appraisal.			
<input type="checkbox"/> This report is also subject to other Hypothetical Conditions and/or Extraordinary Assumptions as specified in the attached addenda.				
Based upon an inspection of the subject property, defined Scope of Work, Statement of Assumptions and Limiting Conditions, and Appraiser's Certifications, my (our) Opinion of the Market Value (or other specified value type), as defined herein, of the real property that is the subject of this report is:				
\$ 96,000, as of: 01/18/2024, which is the effective date of this appraisal.				
If indicated above, this Opinion of Value is subject to Hypothetical Conditions and/or Extraordinary Assumptions included in this report. See attached addenda.				
ATTACH.	A true and complete copy of this report contains 20 pages, including exhibits which are considered an integral part of the report. This appraisal report may not be properly understood without reference to the information contained in the complete report, which contains the following attached exhibits:			
	<input checked="" type="checkbox"/> Limiting cond./Certifications		<input checked="" type="checkbox"/> Narrative Addendum	
<input checked="" type="checkbox"/> Photo Addenda		<input checked="" type="checkbox"/> Parcel Map		
<input checked="" type="checkbox"/> Location Map(s)		<input type="checkbox"/> Flood Addendum		
<input checked="" type="checkbox"/> Hypothetical Conditions		<input type="checkbox"/> Extraordinary Assumptions		
<input checked="" type="checkbox"/> Scope of Work		<input checked="" type="checkbox"/> Additional Sales		
SIGNATURES	Client Contact: Jordan Green, Chief Administrative Officer		Client Name: City of Deer Lodge	
	E-Mail: jgreen@cityofdeerlodge.gov		Address: 300 Main St., Deer Lodge, MT 59722	
	APPRaiser		SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)	
	<i>Tera J. Bandy</i>		<i>William H Bandy</i>	
	Appraiser Name: Tera Bandy		Supervisory or Co-Appraiser Name: William H Bandy	
	Company: Bandy Appraisal		Company: Bandy Appraisal	
	Phone: (406) 846-2823 Fax: (406) 846-2823		Phone: 406-846-2823 Fax: 406-846-2823	
	E-Mail: bandyappraisal@gmail.com		E-Mail: bandyappraisal@gmail.com	
	Date of Report (Signature): 01/24/2024		Date of Report (Signature): 01/24/2024	
	License or Certification #: REA-RET-LIC-16078 State: MT		License or Certification #: REA-RAG-LIC-438 State: MT	
Designation: Appraiser Trainee		Designation: Certified General Appraiser and Mentor		
Expiration Date of License or Certification: 03/31/2024		Expiration Date of License or Certification: 03/31/2024		
Inspection of Subject: <input checked="" type="checkbox"/> Did Inspect <input type="checkbox"/> Did Not Inspect (Desktop)		Inspection of Subject: <input checked="" type="checkbox"/> Did Inspect <input type="checkbox"/> Did Not Inspect		
Date of Inspection: 01/18/2024		Date of Inspection: 01/18/2024		



Comparable Sales Map

Client	City of Deer Lodge				
Property Address	Nhn Aspen Ln				
City	Deer Lodge	County	Powell	State	MT Zip Code 59722
Lender/Client	City of Deer Lodge				



City of DL

File No.: 2024100

Assumptions & Limiting Conditions

Property Address: Nhn Aspen Ln

City: Deer Lodge

State: MT

Zip Code: 59722

Client: City of Deer Lodge

Address: 300 Main St., Deer Lodge, MT 59722

Appraiser: Tera Bandy

Address: 7406 Eastside Rd. Deer Lodge, MT 59722-9509

STATEMENT OF ASSUMPTIONS & LIMITING CONDITIONS

- The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The appraiser assumes that the title is good and marketable and, therefore, will not render any opinions about the title. The property is appraised on the basis of it being under responsible ownership.
- The appraiser may have provided a sketch in the appraisal report to show approximate dimensions of the improvements, and any such sketch is included only to assist the reader of the report in visualizing the property and understanding the appraiser's determination of its size. Unless otherwise indicated, a Land Survey was not performed.
- If so indicated, the appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in the appraisal report whether the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand.
- If the cost approach is included in this appraisal, the appraiser has estimated the value of the land in the cost approach at its highest and best use, and the improvements at their contributory value. These separate valuations of the land and improvements must not be used in conjunction with any other appraisal and are invalid if they are so used. Unless otherwise specifically indicated, the cost approach value is not an insurance value, and should not be used as such.
- The appraiser has noted in the appraisal report any adverse conditions (including, but not limited to, needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property, or that he or she became aware of during the normal research involved in performing the appraisal. Unless otherwise stated in the appraisal report, the appraiser has no knowledge of any hidden or unapparent conditions of the property, or adverse environmental conditions (including, but not limited to, the presence of hazardous wastes, toxic substances, etc.) that would make the property more or less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties, express or implied, regarding the condition of the property. The appraiser will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because the appraiser is not an expert in the field of environmental hazards, the appraisal report must not be considered as an environmental assessment of the property.
- The appraiser obtained the information, estimates, and opinions that were expressed in the appraisal report from sources that he or she considers to be reliable and believes them to be true and correct. The appraiser does not assume responsibility for the accuracy of such items that were furnished by other parties.
- The appraiser will not disclose the contents of the appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and any applicable federal, state or local laws.
- If this appraisal is indicated as subject to satisfactory completion, repairs, or alterations, the appraiser has based his or her appraisal report and valuation conclusion on the assumption that completion of the improvements will be performed in a workmanlike manner.
- An appraiser's client is the party (or parties) who engage an appraiser in a specific assignment. Any other party acquiring this report from the client does not become a party to the appraiser-client relationship. Any persons receiving this appraisal report because of disclosure requirements applicable to the appraiser's client do not become intended users of this report unless specifically identified by the client at the time of the assignment.
- The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public, through advertising, public relations, news, sales, or by means of any other media, or by its inclusion in a private or public database.
- An appraisal of real property is not a 'home inspection' and should not be construed as such. As part of the valuation process, the appraiser performs a non-invasive visual inventory that is not intended to reveal defects or detrimental conditions that are not readily apparent. The presence of such conditions or defects could adversely affect the appraiser's opinion of value. Clients with concerns about such potential negative factors are encouraged to engage the appropriate type of expert to investigate.

City of DL

Definitions & Scope of Work

File No.: 2024100

Property Address: Nhn Aspen Ln

City: Deer Lodge

State: MT

Zip Code: 59722

Client: City of Deer Lodge

Address: 300 Main St, Deer Lodge, MT 59722

Appraiser: Tera Bandy

Address: 7406 Eastside Rd, Deer Lodge, MT 59722-9509

DEFINITION OF MARKET VALUE *:

As used in this report, Market Value is defined as the most probable price, as of a specified date, in cash, or cash equivalency, or in other precisely revealed terms, for which the specified property rights should sell for after a reasonable exposure time in a competitive market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably and for self-interest, assuming that neither party is under undue duress. Buyer and seller are typically motivated.

This definition of market value is as per the Appraisal of Real Estate, Fifteenth Edition, 2020, Page 48.

The Scope of Work is the type and extent of research and analyses performed in an appraisal assignment that is required to produce credible assignment results, given the nature of the appraisal problem, the specific requirements of the intended user(s) and the intended use of the appraisal report. Reliance upon this report, regardless of how acquired, by any party or for any use, other than those specified in this report by

the Appraiser, is prohibited. The Opinion of Value that is the conclusion of this report is credible only within the context of the Scope of Work, Effective Date, the Date of Report, the Intended User(s), the Intended Use, the stated Assumptions and Limiting Conditions, any Hypothetical Conditions and/or Extraordinary Assumptions, and the Type of Value, as defined herein. The appraiser, appraisal firm, and related parties assume no obligation, liability, or accountability, and will not be responsible for any unauthorized use of this report or its conclusions.

Under USPAP Standards Rule 2-2(b), this is a Restricted Appraisal Report, and is intended only for the sole use of the named client. There are no other intended users. The client must clearly understand that the appraiser's opinions and conclusions may not be understood properly without additional information in the appraiser's work file.

In developing this appraisal, the appraiser has incorporated only the Sales Comparison Approach. The appraiser has excluded the Cost and Income Approaches to Value, due to being inapplicable given the limited scope of the appraisal. The appraiser has determined that this appraisal process is not so limited that the results of the assignment are no longer credible, and the client agrees that the limited scope of analysis is appropriate given the intended use.

Additional Comments (Scope of Work, Extraordinary Assumptions, Hypothetical Conditions, etc.):

City of DL

File No.: 2024100

Certifications

Property Address: <u>Nhn Aspen Ln</u>	City: <u>Deer Lodge</u>	State: <u>MT</u>	Zip Code: <u>59722</u>
Client: <u>City of Deer Lodge</u>	Address: <u>300 Main St, Deer Lodge, MT 59722</u>		
Appraiser: <u>Tera Bandy</u>	Address: <u>7406 Eastside Rd, Deer Lodge, MT 59722-9509</u>		

APPRAISER'S CERTIFICATION

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The credibility of this report, for the stated use by the stated user(s), of the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- I did not base, either partially or completely, my analysis and/or the opinion of value in the appraisal report on the race, color, religion, sex, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property, or of the present owners or occupants of the properties in the vicinity of the subject property.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification.

Additional Certifications: This appraisal is based on the hypothetical condition that the parcel size is 6.10 acres.

Client Contact: <u>Jordan Green, Chief Administrative Officer</u>	Client Name: <u>City of Deer Lodge</u>
E-Mail: <u>jgreen@cityofdeerlodge.gov</u>	Address: <u>300 Main St, Deer Lodge, MT 59722</u>

<p>APPRAISER</p> <p><i>Tera L. Bandy</i></p> <p>Appraiser Name: <u>Tera Bandy</u></p> <p>Company: <u>Bandy Appraisal</u></p> <p>Phone: <u>(406) 846-2823</u> Fax: <u>(406) 846-2823</u></p> <p>E-Mail: <u>bandyappraisal@gmail.com</u></p> <p>Date Report Signed: <u>01/24/2024</u></p> <p>License or Certification #: <u>REA-RET-LIC-16078</u> State: <u>MT</u></p> <p>Designation: <u>Appraiser Trainee</u></p> <p>Expiration Date of License or Certification: <u>03/31/2024</u></p> <p>Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input checked="" type="checkbox"/> Exterior Only <input type="checkbox"/> None</p> <p>Date of Inspection: <u>01/18/2024</u></p>	<p>SUPERVISORY APPRAISER (if required) or CO-APPRAISER (if applicable)</p> <p><i>William Bandy</i></p> <p>Supervisory or Co-Appraiser Name: <u>William H Bandy</u></p> <p>Company: <u>Bandy Appraisal</u></p> <p>Phone: <u>406-846-2823</u> Fax: <u>406-846-2823</u></p> <p>E-Mail: <u>bandyappraisal@gmail.com</u></p> <p>Date Report Signed: <u>01/24/2024</u></p> <p>License or Certification #: <u>REA-RAG-LIC-438</u> State: <u>MT</u></p> <p>Designation: <u>Certified General Appraiser and Mentor</u></p> <p>Expiration Date of License or Certification: <u>03/31/2024</u></p> <p>Inspection of Subject: <input type="checkbox"/> Interior & Exterior <input checked="" type="checkbox"/> Exterior Only <input type="checkbox"/> None</p> <p>Date of Inspection: <u>01/18/2024</u></p>
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SIGNATURES

Client	City of Deer Lodge	File No.	2024100
Property Address	Nhn Aspen Ln		
City	Deer Lodge	County	Powell
Lender/Client	City of Deer Lodge	State	MT
		Zip Code	59722

APPRAISAL AND REPORT IDENTIFICATION

This Report is one of the following types:

- Appraisal Report (A written report prepared under Standards Rule 2-2(a), pursuant to the Scope of Work, as disclosed elsewhere in this report.)
- Restricted Appraisal Report (A written report prepared under Standards Rule 2-2(b), pursuant to the Scope of Work, as disclosed elsewhere in this report, restricted to the stated intended use by the specified client or intended user.)

Comments on Standards Rule 2-3

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- Unless otherwise indicated, I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- Unless otherwise indicated, I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice that were in effect at the time this report was prepared.
- Unless otherwise indicated, I have made a personal inspection of the property that is the subject of this report.
- Unless otherwise indicated, no one provided significant real property appraisal assistance to the person(s) signing this certification (if there are exceptions, the name of each individual providing significant real property appraisal assistance is stated elsewhere in this report).

Reasonable Exposure Time (USPAP defines Exposure Time as the estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.)

My Opinion of Reasonable Exposure Time for the subject property at the market value stated in this report is: 180 days if listed with
an experienced real estate marketing firm.

Comments on Appraisal and Report Identification

Note any USPAP related issues requiring disclosure and any State mandated requirements:

The cost and income approaches to property value is not appropriate valuation methods for the subject property as the subject property is vacant land.

APPRAISER:

Signature: Tera J. Bandy

Name: Tera Bandy

Appraiser Trainee

State Certification #: REA-RET-LIC-16078

or State License #:

State: MT Expiration Date of Certification or License: 03/31/2024

Date of Signature and Report: 01/24/2024

Effective Date of Appraisal: 01/18/2024

Inspection of Subject: None Interior and Exterior Exterior-Only

Date of Inspection (if applicable): 01/18/2024

SUPERVISORY or CO-APPRAISER (if applicable):

Signature: William H Bandy

Name: William H Bandy

Certified General Appraiser and Mentor

State Certification #: REA-RAG-LIC-438

or State License #:

State: MT Expiration Date of Certification or License: 03/31/2024

Date of Signature: 01/24/2024

Inspection of Subject: None Interior and Exterior Exterior-Only

Date of Inspection (if applicable): 01/18/2024

APPRAISER DISCLOSURE STATEMENT

City of DL
File No. 2024100

Name of Appraiser: Tera Bandy

Class of Certification/Licensure: Certified General
 Certified Residential
 Licensed Residential
 Temporary General Licensed

Certification/Licensure Number: REA-RET-LIC-16078
Certification/Licensure State: MT Expires: 03/31/2024

Scope: This Report is within the scope of my Certification or License
 is not within the scope of my Certification or License


Service Provided By: Disinterested & Unbiased Third Party
 Interested & Biased Third Party
 Interested Third Party on Contingent Fee Basis

Signature of person preparing and reporting the Appraisal:

Tera A. Bandy

This form must be included in conjunction with all appraisal assignments or specialized services performed by a state-certified or state-licensed real estate appraiser.

Appraiser's License




State of Montana
Business Standards Division
Board of Real Estate Appraisers

REA-RAG-LIC-438


Status: **Active**
Expires: **03/31/2024**

This certificate verifies licensure as:
CERTIFIED GENERAL APPRAISER
Supervises: TERA BANDY
With endorsements of:
* **REAL ESTATE APPRAISER MENTOR**

WILLIAM H BANDY
7406 EASTSIDE RD
DEER LODGE, MT 59722



Montana Department of
LABOR & INDUSTRY
RENEW OR VERIFY YOUR LICENSE AT:
<https://bsd.lti.mt.gov/ps>




State of Montana
Business Standards Division
Board of Real Estate Appraisers

REA-RET-LIC-16078

Status: **Active**
Expires: **03/31/2024**

This certificate verifies licensure as:
APPRAISER TRAINEE
Supervised By: William H Bandy

TERA BANDY
7406 EASTSIDE RD
DEER LODGE, MT 59722



Montana Department of
LABOR & INDUSTRY
RENEW OR VERIFY YOUR LICENSE AT:
<https://bsd.lti.mt.gov/ps>

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 Giovan
City Services Coordinator
Gena Micu



Montana's Undiscovered Treasure

100 MAIN STREET
DEER LODGE, MT 59724 USA
406.338.2718

City Council
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY:

TO:

Agenda Item Name: Aspen Lane Construction Easement

For Meeting on: 02/05/2024 **Staff Member/Committee Referring:** Jordan Green

Description of the item:

MTX Deer Lodge, LLC, owns a section of land east of Jaycee Park that is only accessible via Aspen Lane. Aspen Lane is a gravel road that was constructed on City-owned land via an easement that was granted in 2012 through Resolution 1152 to private property owners east of town. MTX is requesting from the City an ingress and egress and utility easement to their parcel for the purpose of the development of an anticipated subdivision.

Attachments:

1. Easement Agreement Language
2. Easement Exhibit

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

None.

Recommended Motion/Action:

Approve the Easement.

Return to:
Vicevich Law
3738 Harrison Avenue
Butte, MT 59701

GRANT OF EASEMENTS

WITNESSETH:

That the party of the first part, CITY OF DEER LODGE, MONTANA, pursuant to Resolution _____ dated the _____ of _____, 2024, and adopted by the City Council of the City of Deer Lodge and duly signed by the Mayor and City Clerk, does hereby convey the following easements unto the said party of the second part, MTX DEER LODGE, LLC, a Montana limited liability company, and to its successors and assigns:

Easement 1:

A STRIP OF LAND LOCATED IN THE S1/2NE1/4 SECTION 33, T.8N., R.9W., P.M.M., POWELL COUNTY, MONTANA BEING A PORTION OF LARABIE LOT 3A AND A PORTION OF TRACT 1 AS SHOWN ON CERTIFICATE OF SURVEY _____ RECORDED IN THE CLERK AND RECORDERS OFFICE POWELL COUNTY MONTANA
BEING THE NORTHERLY 80.00 FEET OF TRACT 1 AND THE NORTHERLY 80.00 FEET OF LARABIE LOT 3A AS SHOWN ON CERTIFICATE OF SURVEY _____ COMMENCING AT THE EXTENSION OF THE WESTERLY LINE OF VIGILANTE DRIVE THENCE EXTENDING EASTERLY PARALELL TO AND 80.00 FEET PERPENDICULAR TO THE NORTH BOUNDARY OF SAID TRACT 1 AND LARABIE LOT 3A TO THE EAST BOUNDARY OF LARABIE LOT 3A CONTAINING 101,950.5 +/- SQUARE FEET OF LAND IN SAID TRACT 1 AND CONTAINING 32, 169.5 +/- SQUARE FEET OF LAND IN LARABIE LOT 3A

Easement 2:

A STRIP OF LAND LOCATED IN THE S1/2NE1/4 SECTION 33, T.8N., R.9W., P.M.M. POWELL COUNTY, MONTANA BEING A PORTION OF LARABIE LOT 3A AS SHOWN ON CERTIFICATE OF SURVEY _____ RECORDED IN THE CLERK AND RECORDERS OFFICE POWELL COUNTY MONTANA
COMMENCING AT THE ¼ CORNER COMMON TO SECTION 33 AND 34; THENCE N.00°09'01"W., 79.99 FT. TO THE POINT OF BEGINNING OF EASEMENT 2; THENCE N.89°40'30"W., 267.13 FT.; THENCE N.00°19'30"E., 162.83 FT. TO THE SOUTHERLY 80.00 LINE OF ASPEN LANE EASEMENT; THENCE S87°42'59"E., ALONG THE SOUTHERLY LINE OF ASPEN LANE EASEMENT; 60.04 FT.; THENCE S.00°19'30"W., 100.78 FT.; THENCE S.89°42'59"E., 206.52 FT. TO THE EAST LINE OF SAID SECTION 33; THENCE S.00°15'54"E., ALONG THE EAST LINE OF SAID SECTION 33, 60.01 FT. TO THE POINT OF BEGINNING CONTAINING 22,117.9 +/- SQUARE FEET OF LAND IN LARABIE LOT 3A

Easement 1 and 2 and further described by the survey attached as Exhibit A.

The easement for the benefit of MTX DEER LODGE, LLC, is appurtenant to and is to provide ingress and egress and provision of utilities to up to as many as 400 future parcels to land owned by MTX DEER LODGE, LLC, more particularly described as follows:

A Tract of land located in the SW¼NW¼, in the NW¼SW¼ and in the W½W½NE¼SW¼ of Section 34, T.8N., R.9W., P.M.M. Powell County, Montana, described as Tract A in Certificate of Survey _____.

The parties and/or their heirs or assigns may mutually agree to amend the location of Easement 2 following engineering and development of anticipated subdivisions to accommodate dedication of city streets so long as the scope of and purpose of this easement is not impaired.

IN WITNESS WHEREOF, the said party of the FIRST PART has set its hands and seals the day and year first above written.

GRANTOR:

Mayor, City of Deer Lodge, Montana

Clerk, City of Deer Lodge, Montana

STATE OF MONTANA)

: ss.

County of _____)

This instrument was acknowledged before me this _____ day of January, 2024, by _____ Mayor of the City of Deer Lodge, Montana and by _____ as Clerk of the City of Deer Lodge, Montana.

Notary Public for the State of Montana

Printed name: _____

Residing at: _____

My Commission expires: ____/____/____

EXHIBIT A

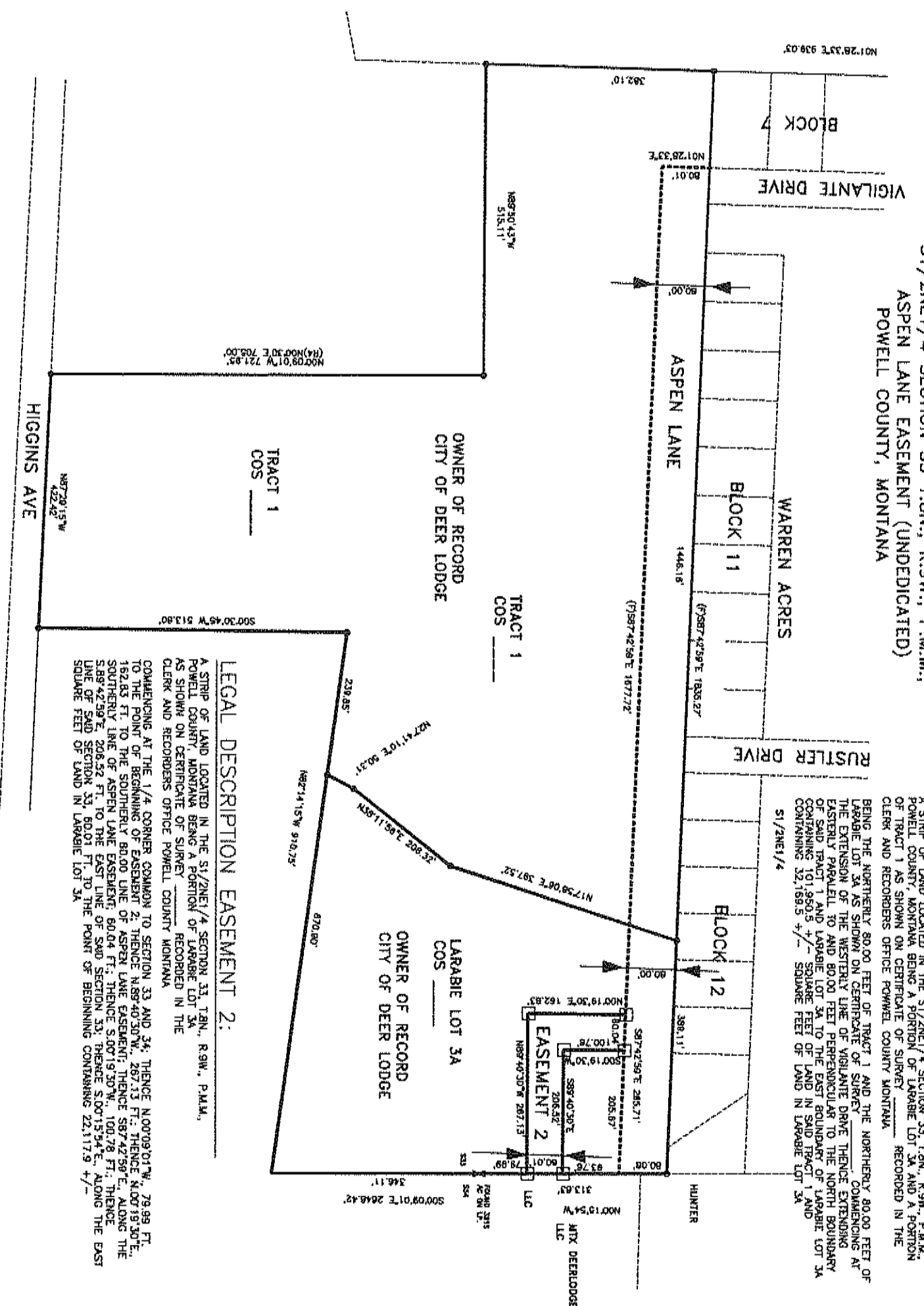
S1/2NE1/4 SECTION 33 T.8N., R.9W., P.M.M.,
 ASPEN LANE EASEMENT (UNDICATED)
 POWELL COUNTY, MONTANA

LEGAL DESCRIPTION ASPEN LANE EASEMENT:

A STRIP OF LAND LOCATED IN THE S1/2NE1/4 SECTION 33, T.8N., R.9W., P.M.M., POWELL COUNTY, MONTANA BEING A PORTION OF LARABIE LOT 3A AND A PORTION OF TRACT 1 AS SHOWN ON CERTIFICATE OF SURVEY _____ RECORDED IN THE CLERK AND RECORDERS OFFICE POWELL COUNTY MONTANA

BEING THE NORTHERLY 80.00 FEET OF TRACT 1 AND THE NORTHERLY 80.00 FEET OF LARABIE LOT 3A AS SHOWN ON CERTIFICATE OF SURVEY _____ COMMENCING AT THE EXTENSION OF THE WESTERLY LINE OF VIGILANTE DRIVE THENCE EXTENDING EASTERLY PARALLEL TO AND 80.00 FEET PERPENDICULAR TO THE NORTH BOUNDARY OF SAID TRACT 1 AND LARABIE LOT 3A TO THE EAST BOUNDARY OF LARABIE LOT 3A CONTAINING 101,990.5 +/- SQUARE FEET OF LAND IN SAID TRACT 1 AND CONTAINING 32,159.5 +/- SQUARE FEET OF LAND IN LARABIE LOT 3A

S1/2NE1/4



LEGAL DESCRIPTION EASEMENT 2:

A STRIP OF LAND LOCATED IN THE S1/2NE1/4 SECTION 33, T.8N., R.9W., P.M.M., POWELL COUNTY, MONTANA BEING A PORTION OF LARABIE LOT 3A AS SHOWN ON CERTIFICATE OF SURVEY _____ RECORDED IN THE CLERK AND RECORDERS OFFICE POWELL COUNTY MONTANA

COMMENCING AT THE 1/4 CORNER COMMON TO SECTION 33 AND 34; THENCE N00°09'01"W, 79.99 FT. TO THE POINT OF BEGINNING OF EASEMENT 2; THENCE N89°40'30"W, 287.33 FT.; THENCE N00°19'30"E, 182.83 FT. TO THE SOUTHERLY 80.00 LINE OF ASPEN LANE EASEMENT; THENCE S87°42'59"E, ALONG THE SOUTHERLY LINE OF ASPEN LANE EASEMENT, 60.04 FT.; THENCE S, 00°19'30"W, 100.78 FT.; THENCE S, 89°42'59"E, 208.52 FT. TO THE EAST LINE OF SAID SECTION 33; THENCE S, 00°15'54"E, ALONG THE EAST LINE OF SAID SECTION 33, 80.01 FT. TO THE POINT OF BEGINNING CONTAINING 22,117.9 +/- SQUARE FEET OF LAND IN LARABIE LOT 3A

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



Montana's Undiscovered Treasure

300 MAIN STREET
DEER LODGE, MT 59722-1007
406.646.2324

City Council
Curt Fjelstad
Kirk Hayes
John Henderson
Robert Kersch
Rian King-Chavez
Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY:

TO:

Agenda Item Name: Ordinance 2024-1: Fireworks Start Time

For Meeting on: 02/05/2024

Staff Member/Committee Referring: _____

Description of the item:

Long-discussed throughout the Council and its Committees in 2023, Ordinance 2024-1 establishes a start time of 9:00AM for fireworks to be discharged on authorized days. It was discovered through end-of-year review that the ordinance was never brought before the Council for vote.

Attachments:

Ordinance 2024-1.

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

The Council Operations Committee recommended the start time at their May 8, 2023 meeting. City Council discussed and recommended for adoption the start times at their July 10, 2023 meeting.

Recommended Motion/Action:

Approve Ordinance 2024-1.

ORDINANCE 2024-11

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL AMENDING TITLE 7 (HEALTH AND WELFARE) OF THE CITY OF DEER LODGE CODE OF ORDINANCES TO PROVIDE A START TIME FOR PERSONAL USE OF FIREWORKS.

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

WHEREAS, Title 7, Section 4 of the City of Deer Lodge Code of Ordinance concerns the sale and use of personal fireworks from June 30th to July 5th and from December 31st to January 1st; and

WHEREAS, Title 7, Section 4 currently provides for end-of-day times on these allowable dates after which the personal use of fireworks is not permitted within the City, but does not provide starting times on these allowable dates; and

WHEREAS, the Council Operations Committee determined it was in interest of public health, safety, and welfare to permit a start time of 9:00 AM for the personal use of fireworks on the days that they are authorized; and

WHEREAS, at their May 8, 2023 meeting, the Council Operations Committee agreed through a vote of two to zero with one member absent to forward the 9:00 AM start time to the City Council; and

WHEREAS, the City Council at their July 10, 2023 meeting, discussed the proposed start time.

NOW, THEREFORE, BE IT ORDAINED, that the Deer Lodge City Council hereby proceeds to amend Title 7 of the City Code to provide a start time of 9:00 AM for personal use of fireworks on days that they are authorized. This amendment is attached to this Ordinance 2024-1 as Exhibit "A".

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2024-1 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 2024-1 and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Passed and Approved by the City Council of the City of Deer Lodge, Montana on the first reading at a Regular Council Meeting on the 5th day of February, 2024.

Council Member	Yea	Nay	Abstain/Present	Absent
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
Rian King-Chavez				
Greg Larkins				
John Molendyke				
Gordon Pierson				
James Jess Mayor				

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

Passed and Approved by the City Council of the City of Deer Lodge, Montana on final reading at a Regular Council Meeting on the 27th day of February, 2024.

Council Member	Yea	Nay	Abstain/Present	Absent
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
Rian King-Chavez				
Greg Larkins				
John Molendyke				
Gordon Pierson				
James Jess Mayor				

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

The effective date of Ordinance 2024-1 is March 28, 2024

EXHIBIT "A"

§ 7.04.020 RESTRICTED SITES AND TIME LIMITATION FOR RETAIL SALE AND USE OF FIREWORKS.

(A) Any temporary trailer, building or structure used for the sale or storage of fireworks must conform to general permissible safety standards and be approved by the Fire Chief or law enforcement agency.

(B) No structure may be placed upon an approved site prior to June 28 and such structure must be removed on or before July 6.

(C) No structure shall be allowed to be placed within ten feet of an adjoining property line.

(D) No fireworks shall be discharged or fired within 200 feet of a licensed structure and signs reading "It shall be unlawful to discharge or fire or cause to be fired any fireworks within 200 feet of this building" shall be displayed.

(E) The sale at retail or use of fireworks will only be permissible between June 30 and July 5, both dates inclusive.

(F) Permitted use of fireworks will also be permissible on December 31 and January 1, both dates inclusive.

(G) No fireworks will be permitted to be fired before 9:00 a.m. or after 10:00 p.m. on permitted days.

(H) Exceptions.

(1) July 4 through July 5: no fireworks will be permitted to be fired after 1:00 a.m. on July 5.

(2) December 31 through January 1: no fireworks will be permitted to be fired after 1:00 a.m. on January 1.

(Prior Code, § 7.04.020) (Ord. 150, passed 6-18-2012; Ord. 2021-11, passed 12-20-2021; Ord. 2024-1, passed 02-27-2024, effective 03-28-2024)