

---

# CITY OF DEER LODGE

---

# COUNCIL AGENDA

February 20, 2024, | 6:00 PM | City Hall

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

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

**3. Approval of Minutes**

a. Regular Meeting: February 5, 2024

**4. Public Hearing:**

a. None

**5. Department Reports:**

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

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

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

a. Ordinance 2024-1, 2<sup>nd</sup> Reading: Setting Start Times for Fireworks - Jordan

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

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

b. Ordinance 2024-2: Title 1 Amendments, 1<sup>st</sup> Reading - Jordan

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

a. Regular Meeting – Monday, March 4, 2024 at 6pm.

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

# CITY COUNCIL

# MINUTES

---

The City Council met on February 5, 2024, at 6 PM | Council Chambers, City Hall

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

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

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

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

- a. None

**3. Public Hearing.**

- a. None

**4. Approval of Minutes.**

- a. September 25, 2023
- b. January 22, 2024

Member Kersch motioned to approve minutes as presented. Member Hayes seconded the motion.  
8 Ayes, 0 Nos. Motion passed.

## 5. Committee Reports -

- a. Council Operations – Rob Kersch  
No January Meeting.
- b. Finance Committee – Gordon Pierson  
January 11<sup>th</sup> – Elected a Committee Chair. Signed December Claims.
- c. Economic Growth & Development – John Henderson  
No January Meeting.
- d. Public Health and Safety – John Molendyke  
January 11<sup>th</sup> – Reviewed Title 7 Dogs at Large Language, Received Department Reports, Elected a Committee Chair.
- e. Public Works – Gordon Pierson  
January 23<sup>rd</sup> – Elected Gordon Pierson as Chair. Discussed Callout Fees from January's negative temps and the fees associated with that weekend callouts. Received Public Works Department Report.

## 6. Board Reports Business

- a. Airport Board – Gordon Pierson  
Reviewed last remaining piece of land, possible lease could take place. Fuel Service is fixed. Discussing a couple land agreements to buy land for an expansion. Reviewed plans for a new tarmac.
- b. Powell County Parks Board – John Molendyke  
Approved expenditures. Discussed Roundhouse area and possible reuse of it, possibly tying it into the Parks & Trails. Discussed Arrowstone Park and the Old Yellowstone Trail.
- c. Chamber of Commerce – John Henderson  
Was unable to attend. Main discussion was the Chamber of Commerce Banquet.
- d. Headwaters RC&D – Rob Kersch  
Rob has not attended. Jordan provided update from the January zoom meeting. Approved next fiscal year's budget. Two new staff members, one in the Food and Agriculture side and the other to work on the Brownfields. Received reports from committees around the state.
- e. Historic Preservation – Curt Fjelstad  
Discussed ghost signs on the buildings.
- f. Landfill – Rob Kersch  
No January meeting.
- g. Local Emergency Planning Committee – Kirk Hayes  
Have not attended yet.

- h. Library – TBD  
Member Molendyke reported. Reviewed claims for December and January. Did an update on the current state of the Library Budget. Completed 50% of the Fiscal Year and expenses were 51%.
- i. Planning Board – Greg Larkins  
Member Larkins was absent. Jordan reported they had a Public Hearing for the adoption of the Growth Policy. No Public Comment were received. Passed a Resolution to forward to the City Council.
- j. Youth Board – Kirk Hayes  
No meeting yet.

**7. Continued Business (continued or tabled)**

- a. Title 8: Dogs at Large Language – Jordan  
Council President Kersch motioned to move 8a in front of 7a as those are related and may make in impact to what council decides. Member Fjelstad seconded the motion. 8 Ayes, 0 Nos. Motion passed.

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 it 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.

City Code: § 8.02.010 DEFINITIONS. Will read:

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

Council President Kersch motioned to approve Title 8: Dogs at Large Language as presented. Member Pierson seconded the motion. 8 Ayes, 0 Nos. Motion passed.

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

- a. MT Muddy Paws Kennel Exemption Request – Jordan  
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 and dog acentric art. To operate this business, MT Muddy Paws would need an exemption from the kennel prohibition as 8.02.200 of the City Code prohibits any kennels in City limits.

Halie Walsted addressed City Council with her exemption request plan.

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:

- Economics: 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.

Member Pierson asked where the building location would be.

Halie replied: 403 Main Street, the old pawn shop.

Member Larkins asked her expansion into a park situation and where would the park be located?

Halie replied: It would be located indoors. The 403 location we would rent or buy as space next door which is 1500sqft. That would be a good adequate amount of space for the indoor dog area along with a couple of individual rooms for dogs.

Member King-Chavez asked, what would be the longest stay if you had boarding?

Halie replied: No long term boarding. More in the lines of weekends, vacations.

Member Hayes asked will have a full grooming station using city services?

Halie replied: Yes

Member Pierson asked if you plan based on any other business?

Hailey replied: No.

Member King-Chavez asked if she will be keeping her mobile truck operational.

Halie replied: Yes.

Halie read some of her client's emails with a positive outcome of her services. Member Larkins stated he has used her Muddy Paws service in the past for mobile grooming and extremely professional and clean.

Public Comment Ken Beck: would there be any noise issues or a different location other than Main Street?

Halie replied: The average decibel rating for a dog bark is between 60 and up to 110 decibels. There are many products out there to reduce the decibels in noises and dog barks. There are different pheromones, different kennel styles, Ultrasonic sound waves. We will still have the mobile grooming for those dogs that just can't be in a social environment or in a kennel.

Ken Beck: Is there a rear entrance to the building?

Halie replied: Yes, there is a small, enclosed dog run in the back.

Member Larkins motioned to approve MT Muddy Paws Kennel Exemption. Council President Kersch seconded the motion. 8 Ayes, 0 Nos. Motion passed.

Council President Kersch stated we may need to address the MT Muddy Paws request in the City Code language. This will be discussed in the next Public Health & Safety meeting.

*§ 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 dog's permit, which allows up to five dogs over the age of six months.*

b. Resolution 2024-R-7: Adopting the Growth Policy – Jordan

Jordan Titled Resolution 2024-R-7

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

Council President Kersch motioned to approve Resolution 2024-R-7. Member Larkins seconded the motion. 8 Ayes, 0 Nos. Motion passed.

c. January 12-15 Callout Fee Relief – Jordan

Recommended to City Council by Public Works and Finance Committee. Deer Lodge received record cold temperatures that lasted for an extended time between January 12 and January 15, 2024. There was 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.

Council President Kersch stated at the Finance Meeting we discussed looking at the Fee Schedule and review the language.

Member Hayes motioned to approve January 12-15 Callout Fee Relief. Member King-Chavez seconded the motion. 8 Ayes, 0 Nos. Motion passed.

d. Land Exchange Appraisals Review and Approval – Jordan

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. Survey work will still need to be completed.

Currently there is a 4H Pasture Lease that expires in August 2024. We will need to provide a 30 day notice if City Council chooses to move forward.

Recommended motion is to review and approve the appraisals and authorize staff to move forward with the land and fund transfer per the Memorandum of Understanding.

Member Larkin: How are the appraisals being paid for?

Jordan replied: 3 separate appraisals were completed. The State hired one appraiser to appraise the land just south of town. The City hired an appraiser to do the parcel we currently own. The reason we have 2 appraisals for two costs, there was an appraisal done for some of the property that potentially was deemed for residential and one that was potentially deemed for commercial.

Mayor Jess outlined the benefits of being able to own the land our Well is sitting on. Engineers stated that the feasibility for installing another Well is high.

Public Comment:

Suzanne Sopko I'm currently leasing the parcel the city owns. I really don't think anybody is looking at the detriment at this piece of property, exchanging it and not being in control of it. 1. We've been leasing it for 4H kids to use. My daughter is 4H Leader and 4H Council and this property was convenient because it was just down from the 4H Building. 2. We own one of the properties that back up to the land. Our biggest concern is if anything happens to that property because of how wet the land is. We are currently in a flood zone. We are on the same plane as that field and it's very wet. Who's the one that is going to be owning the property. The transfer could take place, but the property still needs to be surveyed to do anything with it. Chances are the transfer doesn't go through because of the wetlands. Worst case scenario her property could flood even worse.

Jordan replied: We spoke previously about access to the property for that developer, that is when they brought in surveyors to do research. Thank work has been accomplished and paid for by the private developers. It would Mt State continuing ownership of that land basically for Correctional Officers where the private development it would be on the free market. They are looking at sharing infrastructure costs to keep the housing price low. The stormwater run off issue, and wetland issue we are very aware of area being wet. Currently there is no stormwater mitigation required for that property, the water will go where it wants to go. Per our subdivision regulations, the intent stormwater management plan is to make sure water does not run off into adjacent properties or the properties being built.

Mayor Jess stated: We currently are talking about the land transfer, in the future we will be reviewing the subdivision, there will be more public hearings, and discussions about annexation.

Public Comment:

Jackie Greenwood, this land transfer is for subdivisions, and they are going to build houses that are going to flood.

Mayor Jess: We are currently discussing a Land Transfer. They should take into mitigation to not have the homes flood.

Jordan: There are mitigations that may not have taken into account when the houses nearby were built.

Council President Kersch: The property to the East is pasture/hay?

John Greenwood: Asked about the soil conditions and do we have those?

Jordan stated, No we do not.

Peggy Kerr: I feel this is a great idea. More housing is what we need. The City is benefiting getting the land where our Well sits. There isn't flooding out there, yes there may be seepage below the ground.

Halie Walsted: When the new development comes, will that be in city limits, and will they have to comply with our planning?

Mayor Jess: Yes, they indicated once they got started, they were going to request annexation. The larger site would be annexed.

Ken Beck: As far as flooding, I have a basement about 5 feet into the ground and it comes up through the bottom of the foundation. Is this a private developer going in on this with the State?

Jordan: The land would be under the State of Montana. The property adjacent to the East of that land is approximately 47 acres, there is a private developer that wants to put housing there as well. State and that developer have agreed that should they both be able to move forward with these developments then they would share the cost of infrastructure to make the cost of both developments cheaper.

Ken Beck: The Infrastructure costs are going to be extreme. Is that something the private developer going to do or is the City contributing?

Jordan: The City is not putting any money towards the development. That is solely born by the developer and State of Montana.

Ken Beck: Will Trent oversee some of that?

Jordan: He would make sure it complied with our engineering standards.

Ken Beck: The 11 acres you'll be acquiring, will that be solely for Wells?

Mayor Jess: Currently unsure.

Ken Beck: I do recommend they get a soil analysis.

Courtney Rasey: Kids having limited recourses this property that we lease on the basis for the 4H kids and if you agree to this land transfer, you are taking another thing away from the kids. If you take this away from the kids, then what do they do? Don't fail our kids.

Jordan: Council may be happy to talk about other pasture grounds for 4H kids.

Courtney Rasey: Sure, but right now the convenience is there.

John Greenwood: Supports having the land for the 4H kids.



Peggy Kerr: We need residential living, for those that work at the prison, they can live here and work here then having to drive so far to work. It just makes sense.

Council President Kersch motioned to approve the Land Exchange. Member Hayes seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- e. Aspen Lane Construction Easement for Beaumont Property – Jordan  
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.

Council President Kersch: We've heard in the past that this was a private road, but I see its City Property.

Public Comment:

Peggy Kerr: How much wider does the road need to become to make it a subdivision?

Jordan replied, The right of way itself is either 70 or 80 feet is what it will have to be. The road will need to be at least a 20ft road.

Perter Elverum: It will be built to City's Standards.

Peggy Kerr: Will affect our trail?

Jordan: This is to allow for a better trail, allowing it to link through and connect to JC Park.

John Greenwood: You will need to give adequate notice to people that this is coming down the pipeline. I would ask that this be tabled by City Council till such time the people affected by this can be notified so they can have their say publicly.

Mayor Jess: Correcting this easement doesn't affect their easement. We have a signed agreement with them. They do not have an exclusive easement on the road.

Jackie Greenwood: so, this isn't going to affect their property at all?

Mayor Jess: This is to allow construction vehicles on City Property.

Member Pierson motioned to approve as presented. Member Hayes seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- f. Ordinance 2024-1: Setting Start Times for Fireworks – Jordan  
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.

Member Henderson Titled Ordinance 2024-1

**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.**

Council President Kersch, we studied this in Public Health & Safety and wanted a reasonable start time.

Public Comment:

Jackie Greenwood: I would suggest a later time for the people that have to work nights, I would suggest 10am or 11am.

Member King Chavez motioned to have a start time of 11am. 9am is a little early.

Member Fjelstad: What if you have smaller children and they want to do fireworks earlier.

Member King Chavez: I am referring to those fireworks that make a lot of noise and shoot in the air.

Member Henderson: By going to 11am, if we are in a fire restriction, they will not be able to start at that time.

Council President Kersch: You can't always estimate when people will be sleeping or awake.

Jordan: We based this start time on our noise ordinance.

Public Comment:

Peggy Kerr: Its one time a year, were celebrating the birth of our country. People are celebrating and having a good time. It's silly to be restricting this anymore than what it is for 1 week out of the year.

Jackie Greenwood: Correct, you don't know when people will be sleeping, but to be woken up by 9am... 11am would be the very least something. Again, I still disagree with 5 days for the 4<sup>th</sup> of July, it's only 1 day, just like Thanksgiving and Christmas. I understand that the people who would like to have consideration are not going to get it.

John Greenwood: Why can't we put in there, high decibel fireworks can only start at 11am?

Member Pierson motioned to approve Ordinance 2024-1 Setting Start Time for Fireworks to be at 9am.

Member Hayes seconded the motion. 7 Ayes, 1 No. Motion passed.

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

- Finance – February 5<sup>th</sup> at 4pm -Special Mtg Feb 20<sup>th</sup>
- Economic Growth & Dev – February 7<sup>th</sup> at 5pm
- Public Health & Safety – February 8<sup>th</sup> at 5pm
- City Council Operations – February 26<sup>th</sup> at 5pm
- Planning Board – February 12<sup>th</sup> at 10am
- Council #2 – February 20<sup>th</sup> at 6pm – Closed Monday, February 19<sup>th</sup>
- Public Works – February 27<sup>th</sup> at 5pm

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

- a. Member King-Chavez looking at the city's zoning maps, our parks are not green, they are zoned as low density residential rather than being the green that signifies a park. I was wanting to move to a small town in Montana or visit, I would be put off looking at the map as it appears we have no parks.
- b. Jordan provided and update on City Treasurer's recovery.

## 11. Next Meeting Announcements

- a. Regular Meeting: Tuesday, February 20, 2024 at 6:00pm – Monday the 19<sup>th</sup> City Hall closed.

## 12. Adjournment

Mayor Jim Jess adjourned the meeting at 7:33PM.

Prepared By: Cyndi Thompson, City Clerk

---

Mayor Jim Jess

---

Date

# CITY OF DEER LODGE

## CAO REPORT

### February 2024

---

#### PROJECT SUMMARIES

---

##### City Planning

- I am City contact for the State Regional Disaster Mitigation Planning process. The state is funding for a 5-year update to the regional disaster plans, which will be disbursed to municipalities upon completion. Final draft has been released and is available for public comment.
- Stahly has presented the first round of subdivision regulation amendments to stay compliant with state law. We will review and present shortly.
- Beginning to schedule regular meetings with MDT to have better communication regarding the state highway. Robie and I are scheduling meeting.
- Working on prison employee workforce housing project with State Board of Investments.

##### Grants

- Received notice of recommendation of \$342,500 for the Reclamation and Development Grant (RDGP) cycle for remediation at the Passenger Refueling Area. Bill has been signed, but the state is not starting contracts until they have adequate cash flow. We are going to receive an additional \$46,000 planning grant to begin work on the project before we can start cleanup work.
- DEQ subcontractors performed additional site characterization at the Hotel Deer Lodge last Thursday, February 15. This will inform the DEQ's cleanup bidding process.
- DEQ Brownfields Grant for the Milwaukee Roundhouse and Passenger Refueling Area. We held our one stakeholder meeting and have prepared public outreach materials.
- Montana Historic Preservation Grant is underway. Mosaic Architects have provided a couple initial renovation designs and cost estimates. We have funds to do exterior work, but will need to pursue funds for interior renovation.
- I have applied for a DEQ Brownfields Assessment grant for City Hall. Asbestos inspection and abatement must be completed before renovations can begin. Assessment and any needed abatement will be paid for by DEQ and EPA in full.
- Submitted application for FEMA grant for stormwater study. FEMA has sent us a request for additional information they need to process the request.
- HB 355 will allocate approximately \$250,000 for local infrastructure projects in Deer Lodge. Application process underway for City Hall repairs.
- Presented HB819 to the Headwaters RC&D Board to receive a vote on whether they would opt in to funding that would buy down mortgages for housing purchases. Headwaters is reviewing and will more than likely vote to opt in to the funding.

- Stahly and I have begun working on applications for funds disbursed under the Bipartisan Infrastructure Bill.
- Corrected pay applications for well project and are expecting grant disbursement for funds spent soon.
- We have submitted our “oil spill” incident report to the DEQ and are awaiting feedback.

### **City Hall & Employees**

- Implementing changes to local government record keeping and public notices as required by HB 890 and HB 724.
- We are researching different website hosting companies in an effort to create a more public-friendly website.

### **Floodplain Administration**

- Received first draft of new floodplain boundaries from DNRC. So far, very minor changes to floodplain boundaries in Deer Lodge. City should expect final updated maps in 2025. Tentative first draft date was August 5, 2023, no feedback since that date.
- State DES has submitted our FEMA pre-disaster mitigation grant for additional home removals to the federal government. Expecting them to come back with requests for additional information.

### **Economic Development**

- Member of the Ted Rule Memorial Football Field Committee, which is working to achieve funding through donations and grants for a complete renovation of the School District Track and Field Complex. Ryan Zinke visited the site today, February 20.
- Working on finding grant funding for city street art murals and have begun to research RFPs for said work. Plan on applying for Montana Arts Council Grant.
- Received quote for splash park from a designer. Have presented to Chamber of Commerce members the potential for local fundraising for the project. Considering a T-Mobile HOMETOWN grant for this project. Plan on applying soon.
- In regular meetings with DEQ, EPA, and a contractor engineer to discuss remediation at Arrowstone Park over the next few years and how to align with future land use goals. Contamination has been capped as interim measure until cleanup can occur – ideally later this year if all goes well.
- The County has begun remediation work at the Milwaukee Roundhouse site. I am assisting in the negotiation on a lease for a potential industrial use at the site.

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

---

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

# CITY OF DEER LODGE

## Public Works Report

### January 2024

---

#### PROJECT SUMMARIES

##### Street Maintenance

- Sanding as needed
- 2024 Street Maintenance Project to consist of milling and overlaying Park St., Pavilion Ln., Pennsylvania Ave., and Rainbow Ave. Working on a project estimate
- One of the old dump trucks, 1979 Chevy C70 Automatic, is having transmission issues. We have found a used replacement in Belgrade and checked it over. I will be bringing this to the proper committees for approval to purchase
- Maintaining our patch on Main Street until we can properly repair this spring

##### Sewer Utility

- Annual Sewer Maintenance began
- Jetting problem sewers
- Inflow and Infiltration project is approximately 42 percent complete and is on winter shut down. Here is a project summary of what has been completed and what is remaining. Three new sewer manholes have been installed. Two on Montana Avenue and one on Second Street. The sewer main line has been replaced from Rainbow Ave. to the south in the alley and a new sewer main has been installed from the new manhole in Rainbow, west to the Metro and a manhole abandoned at West St. The existing sewer was collapsed near the manhole at West St. and the manhole had no bottom and was infiltrating with a lot of groundwater into the sewer system. On the slip lining portion of the project, the 8" sewer main on Montana Ave. is complete. The 12" sewer main along Taylor Creek is complete. The 6" sewer main along Taylor Creek, Rainbow Ave., and Montana will be completed this spring. Also remaining for the project which construction will occur next spring is the storm water tank and piping to separate the Rialto Theatre's ground water pumping into the sewer main and the lining of the Lift Station
- Working with Morrison-Maierle for the Individual Permit Variance at the Wastewater Treatment Plant and the extension of the Administrative Order of Consent for the permit. A grant for this has been submitted
- Attending monthly meetings with all stakeholders for the Inflow and Infiltration project

##### Parks and Rec

- Nothing to report

##### Water

- The first phase of the new Public Water Supply Well is nearly complete. The stainless steel slotted screen has been installed and O'Keefe has completed the well development. Waiting for pump test results. We are on the 4<sup>th</sup> pump for testing. Each pump has

maxed out its capacity which is a good thing. The third pump used for the capacity test maxed out at 810 gallons per minute. Once we have reached the max capacity that can be achieved out of the aquifer, Hydrosolutions will perform the 72 hour step test. Next steps will be the design for the well house and the tie-in into the distribution system.

Anticipated completion 2025

- Working with the school district to help them with sampling and submitting results for the Lead in Schools program through the DEQ
- A rough draft of the survey that will be sent out to random residents by 120 water for the new lead/copper rule to identify the type of water service pipe material in their home is under review.

#### **Solid Waste**

- Seeking quotes for new garbage truck
- Auto Car claw repaired and seems to be functioning as designed

#### **Mosquito Abatement**

- Nothing to report

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

---

- With nearly 42 percent of the Inflow and Infiltration completed, it is my estimation that influent flows to the Wastewater Treatment Plant have decreased approximately 40,000 to 50,000 gallons per day which equates to approximately 150 single family residential homes
- Submitted the 2023 Annual Biosolids Report for the Wastewater Treatment Plant to the DEQ
- Sent off the old VFD motor for the Milwaukee Well to be rebuilt.  
This particular VFD motor will accommodate both wells so we will have a backup in case it is needed in the future
- Soil Samples from the unidentified liquid found in an abandoned clay tile main during the Inflow and Infiltration project have come back non detectable for any hydrocarbons. Sample results were sent to the landfill engineer and board chair to properly dispose of the soil. We also sampled the liquid coming from the pipe and are awaiting results on those samples. Meanwhile, the pipe has been plugged and the hole backfilled. We are awaiting DEQ's response for further remediation once we have our plan submitted

### **COVID-19 RESPONSE**

---

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



# DEER LODGE Police Department

## January 2024 Monthly Report

Chief George Smith

---

- 157 Calls for Service
- 117 Reports Generated
- 38 Traffic Stops
- 18 Citations Issued
- Highlighted Calls
  - 1 Unattended Deaths
  - 3 Domestic Violence
  - 1 Unauthorized Use of a Motor Vehicle
  - 2 Suicidal Individuals
  - 3 Threats/Harassment
  - 6 Medical Assists
  - 6 Juvenile Problem Calls
  - 12 Request Officer Calls
  - 2 Thefts
  - 3 Unwanted Persons
  - 4 Traffic Accidents
  - 1 Assault
  - 6 Welfare Checks





# FIRE DEPARTMENT REPORT

JANUARY 2024

## HIGHLIGHTS

---

### **1 Call for Service:**

- Tree on fire: Was a permitted burn that made its way into a tree and was smoldering in the evening. Extinguished and left.

## INTEREST ITEMS FOR CITY COUNCIL

---

### **Department Happenings:**



# **CODE COMPLIANCE REPORT**

## **JANUARY 2024**

### **HIGHLIGHTS**

---

- 15 Dog at Large Complaints
- 17 Citizen Complaints
- 1 Temporary Foster
- 44 Dog Tags Sold, Year-to-Date
- 2 Dogs at the Shelter
- 1 Citation Issued
- 1 Vicious Dog Detained at Shelter Pending Court Ruling
- 1 Stop Work Order Issued
- 1 Junk Vehicle Removed
- Enforcement of Parking Ordinances
- Culvert Inspections and Clearing (if needed)
- Property Cleanups (slow process)
- Daily Patrols

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

---

- None



# RECREATION PROGRAM REPORT

## JANUARY 2024

### **HIGHLIGHTS**

---

K-5th basketball is mostly in January. Not quite enough girls anymore to have a boy's season and a girl's season. So, both are combined. 4th-5th played 4 short games at high school boys and girls half times. We probably had around 35-40 kids total in both age groups. We lose some kids to karate, mini warden cheer camp, dance classes and some travel basketball.

Cornhole league started. So far, we have 10-15 teams. Rental for the Pen went from \$100 for the previous year's clean up to \$300 for this season. Unless we get a considerable amount of teams next season this league will be done until we find a cheaper venue. However, we do put on 4-5 tournaments during the summer so it's not that big of a deal.

Basketball will end within the next week. As far as youth sports go, we have nothing until soccer which will be in July. We will try this year during March and April to start a pickleball league. That will depend on participation and gym availability also. This is a great sport that all age groups can play. I'll look into adding this as a youth sport, but I'd rather not take any kids away from little league which usually runs April-June/July.

### **PROJECT SUMMARIES**

---

None.

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

---

None.

### **STAFFING CONCERNS**

---

None.

### **COVID-19 RESPONSE**

---

No update.

**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
**City Attorney**  
Peter Elverum  
**City Clerk**  
Cyndi Thompson  
**Compliance Officer**  
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:** Ordinance 2024-1: Fireworks Start Time

**For Meeting on:** 02/20/2024

**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. The City Council approved their 1st reading of the ordinance on February 5, 2024.

***Recommended Motion/Action:***

Approve Ordinance 2024-1 on second reading.

**ORDINANCE 2024-1**

**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 30<sup>th</sup> to July 5<sup>th</sup> and from December 31<sup>st</sup> to January 1<sup>st</sup>; 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

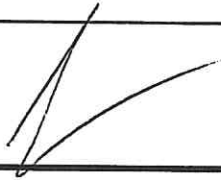
WHEREAS, the City Council at their July 10, 2023 meeting, discussed the proposed start time.

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 5<sup>th</sup> day of February, 2024.

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



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

Attest:

Cyndi Thompson

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 20<sup>th</sup> 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)



**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:** Ordinance 2024-2: Title 1 Amendments

**For Meeting on:** 02/20/2024

**Staff Member/Committee Referring:** \_\_\_\_\_

**Description of the item:**

Title 1 was approved by the City Council in 2022 during the City's codification project. However, it did not get approved through subsequent ordinance readings. We are bringing this back to the table to formally adopt the language. Only substantial change to the Title is the removal of jail time as a potential penalty from the "general penalty" language for 1st and 2nd like violations of the same kind. With this language, the first two violations are only subject to fines.

**Attachments:**

Ordinance 2024-2.

Exhibit "A" with new Title 1 language

**Previous Committee Engagement:**

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

The Title 1 language was approved by the City Council in late 2022, but did not get formally adopted via ordinance.

**Recommended Motion/Action:**

Approve Ordinance 2024-2 on first reading.

**ORDINANCE 2024-2**

**AN ORDINANCE BY THE DEER LODGE CITY COUNCIL REPLACING THE EXISTING TITLE 1 (GENERAL PROVISIONS) OF THE CITY CODE AND ADOPTING A REVISED TITLE 1.**

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

WHEREAS, the City Council complied with the provisions listed in Section 7-5-107 of Montana Code Annotated; and

WHEREAS, the Council Operations Committee reviewed the existing Title 1 (General Provisions) with the intent of updating provisions and making changes where necessary to improve overall usability and implementation; and

NOW, THEREFORE, BE IT RESOLVED, that the Deer Lodge City Council hereby proceeds to replace the existing Title 1 of the City Code and adopt a revised Title 1, attached to this Ordinance as Exhibit "A".

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2024-2 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 2024-2 and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

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 20<sup>th</sup> day of February, 2024.

<b>Council Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Curt Fjelstad				
Kirk Hayes				
John Henderson				
Robert Kersch				
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 4<sup>th</sup> day of March, 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 2024-2 is April 5, 2024**

# EXHIBIT "A"

# TITLE I

---

## GENERAL PROVISIONS

### CHAPTERS:

1.00 ... OFFICIAL CODE

1.02 ... WARDS

1.04 ... ELECTIONS

1.06 ... (VACANT)

1.08 ... GENERAL PENALTY

(Page Intentionally Blank)

## CHAPTER 1.00: OFFICIAL CODE

---

### SECTIONS:

[1.00.010...OFFICIAL CODE OF DEER LODGE](#)

[1.00.015...ORDINANCE AND RESOLUTION INDEX](#)

[1.00.020...METHOD OF PERPETUAL CODIFICATION](#)

[1.00.030...COPY TO BE KEPT ON FILE](#)

[1.00.040...REPEALING ORDINANCE: EFFECT OF](#)

[1.00.050...RULES FOR CONSTRUCTION](#)

---

#### 1.00.010: OFFICIAL CODE OF DEER LODGE

- A. All ordinances of a general nature in force in the City of Deer Lodge, as revised, codified and compiled and hereinafter set forth, be and they are hereby adopted, passed, published and declared to be the compiled ordinances of the City of Deer Lodge and that said compiled ordinances shall be referred to and cited as the "**Official Code of the City of Deer Lodge, Montana, 20202021**," and a copy or copies of such code in printed form shall be received without further proof as the ordinances of permanent and general effect in the City of Deer Lodge, in all courts and administrative tribunals of this State.
- B. All **Ordinances** shall contain an Ordinance Number preceded by the year that the ordinance is set forth, followed by the sequential number of the ordinance for that year. Each calendar year, the sequential numbering will return to 1 (Example: Ordinance [20202021](#)-1, Ordinance [20202021](#)-2, Ordinance [20212022](#)-1)
- C. All **Resolutions** shall contain a Resolution Number preceded by the year that the resolution is set forth, "-R-", followed by the sequential number of the ordinance for that year. Each calendar year, the sequential numbering will return to 1 (Example: Resolution [20202021](#)-R-1, Resolution [20202021](#)-R-2, Resolution [20212022](#)-R-1)

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980, ~~Ordinance 2020-xx – X/XX/2020: Effective X/XX/2020~~ Ordinance 2024-2: Passed 3/4/2024, Effective 4/5/2024)*

#### 1.00.015: ORDINANCE AND RESOLUTION ~~INDEXES~~ AND FORM

- A. The Form of an Ordinance or Resolution shall be as follows:
  1. Ordinance Number
  2. Catchline: "AN <ORDINANCE OR RESOLUTION> FOR....
    - a. If the Ordinance or Resolution relates to City Code, include: "<"AMENDING" OR "ESTABLISHING"> TITLE #, CHAPTER(S) # and SECTION(S) #'S affected.
  3. IT IS <"ORDAINED" OR "THE RESOLUTION OF"> THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA:
  4. Body of Ordinance or Resolution
  5. First Reading (Ordinances Only):
    - a. Passed by the City Council of the City of Deer Lodge, Montana on first reading at a <meeting type of "Regular" or "Special"> Council meeting on the <Day> of <Month>, Year. AYES <# or Names>, NOES: <# or Names>
    - b. Mayor Signature Line
    - c. City Clerk Attest Signature Line



6. Final Reading (Ordinances and Resolutions):
  - a. Passed, Approved, and Adopted (if adoption date is same as passed/approved date) by the City Council of the City of Deer Lodge, Montana on final reading at a <meeting type of "Regular" or "Special"> Council meeting on the <Day> of <Month>, Year. AYES <# or Names>, NOES: <# or Names>
  - b. If Effective Date is other than Passed/Approved Date: Effective Date: <Effective Date>
  - c. Mayor Signature Line
  - d. City Clerk Attest Signature Line
- B. Ordinances and Resolutions shall have Indexes:
  1. An **Ordinance** Index shall be created and maintained by the City Clerk. At a minimum, this index shall contain the following: Ordinance Number, Title Affected, Chapter Affected, Section Affected, First Reading Date, Second Reading Date, Status (Passed, Failed, Tabled), Effective Date, Catchline, Council Vote. As each ordinance is set forth, it shall be logged in the Ordinance Index and tracked and documented through final decision.
  2. A **Resolution** Index shall be created and maintained by the City Clerk. At a minimum, this index shall contain the following: Resolution Number, Title Affected, Sponsor, Final Reading Date, Status (Passed, Failed, Tabled), Effective Date, Catchline, Council Vote. As each resolution is set forth, it shall be logged in the Resolution Index and tracked and documented through final decision.

*(Ordinance 2019-1: Effective 1/XX/2019)*

**1.00.020: METHOD OF PERPETUAL CODIFICATION**

- A. There is hereby adopted as a method of perpetual codification, the loose leaf type of binding, **together** with a continuous supplemental service, whereby each newly adopted ordinance of a general nature amending, altering, adding to or deleting provisions of the Municipal Code, is identified by the proper catch line and is inserted in the proper place in each of the official copies. Each insertion shall be made within thirty (30) days following the date of adoption by the Council.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**1.00.030: COPY TO BE KEPT ON FILE**

- A. At **least** one (1) official copy of said Official Municipal Code of the City of Deer Lodge shall be at all times on file and available for inspection in the office of the City Clerk.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**1.00.040: REPEALING ORDINANCE: EFFECT OF:**

- A. The repeal of ordinances as provided shall not affect any right which has accrued, any duty imposed, any penalty incurred, nor any action or proceeding as commenced under or by virtue of the ordinance repealed, nor the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance theretofore repealed or superseded.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

**1.00.050: RULES FOR CONSTRUCTION**

A. In the construction of the official code and all ordinances amendatory thereof or supplementary thereto the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context:

1. **Intent to Defraud:** Whenever, by any of the provisions of the official code, an intent to defraud is required in order to constitute an offense, it is sufficient if an intent appears to defraud any person, association or body politic or any combination of persons.
2. **Liability of Employers and Agents:** When the provisions herein contained prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned or aiding or abetting the person shall be guilty of the offense described and liable to the penalty set forth.
3. **Title of Sections and Subsections:** The title of any section or subsection of this official code shall be deemed to in no wise restrict, qualify or limit the effect of the provisions set forth and contained in such section or subsection.
4. **Effect of Constitutionality:** Should any portion of this official code be declared by any court of competent jurisdiction to be unconstitutional or void, such adjudication shall in no way affect the remaining portion of this official code.

B. **Definitions:**

1. The singular number includes the plural.
2. Words used in the present include the future.
3. Words used in the masculine gender include, as well, the feminine and neuter.
4. The word "**person**" includes bodies politic and corporate, partnerships, associations and corporations.
5. The word "**signature**" includes any name, mark or sign written with the intent to authenticate any instrument of writing.
6. The word "**oath**" includes "affirmation", and the word "**swear**" includes the word "**affirm**". Every mode of oral statement - under oath or affirmation is embraced in the term "**depose**".
7. The word "**official time**" whenever used shall mean standard time in the City of Deer Lodge.
8. The word "**day**" shall mean any twenty four (24) hour period from midnight to midnight; and the word "**month**" shall mean a calendar month unless otherwise expressed; and the word "**quarter**" shall mean any three (3) month period, ending with the last day of March, June, September and December; and the word "**year**" shall mean any one calendar year unless otherwise expressed.
9. The word "**shall**" is mandatory, "**may**" is discretionary.
10. The word "**property**" includes both real and personal property.

11. The term "**land**", "**real estate**" and "**real property**" includes land, tenements, hereditaments, water rights, possessory rights and claims.
12. The term "**personal property**" includes every description of money, goods, chattels, effects, evidence of rights of action, and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.
13. The word "**public thoroughfare**" includes streets, alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.
14. The word "**owner**" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
15. The word "**tenant**" or "**occupant**" applied to a building or land shall include any person who occupies the whole or any part of such building or land whether alone or with others.
16. Words prohibiting anything being done, except in accordance with a license or permit or authority from a board of officers, shall be construed as giving such board of officers power to license or permit or authorize such thing to be done.
17. Whenever the word "**council**" is used it shall be construed to mean the City Council of this City.
18. The word "**officer**" shall include officers, boards and committees in charge of departments and the members of such boards and committees and such reference as the use of the word "**City**" shall mean this municipality. "**Clerk**" or "**Treasurer**" and others shall mean the City Clerk or City Treasurer as the case may be applicable.
19. The term "**willfully**" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or an intent to violate law or to injure another or to acquire an advantage.
20. The terms "**neglect**", "**negligence**", "**negligent**" and "**negligently**" impart a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.
21. The term "**knowingly**" imparts a knowledge that the fact exists which brings the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

(Page Intentionally Blank)

## CHAPTER 1.02: WARDS

---

### SECTIONS:

#### 1.02.010...DESCRIPTION OF WARDS

---

##### **1.02.010: DESCRIPTION OF WARDS**

The City of Deer Lodge is hereby divided into four (4) wards, described as follows:

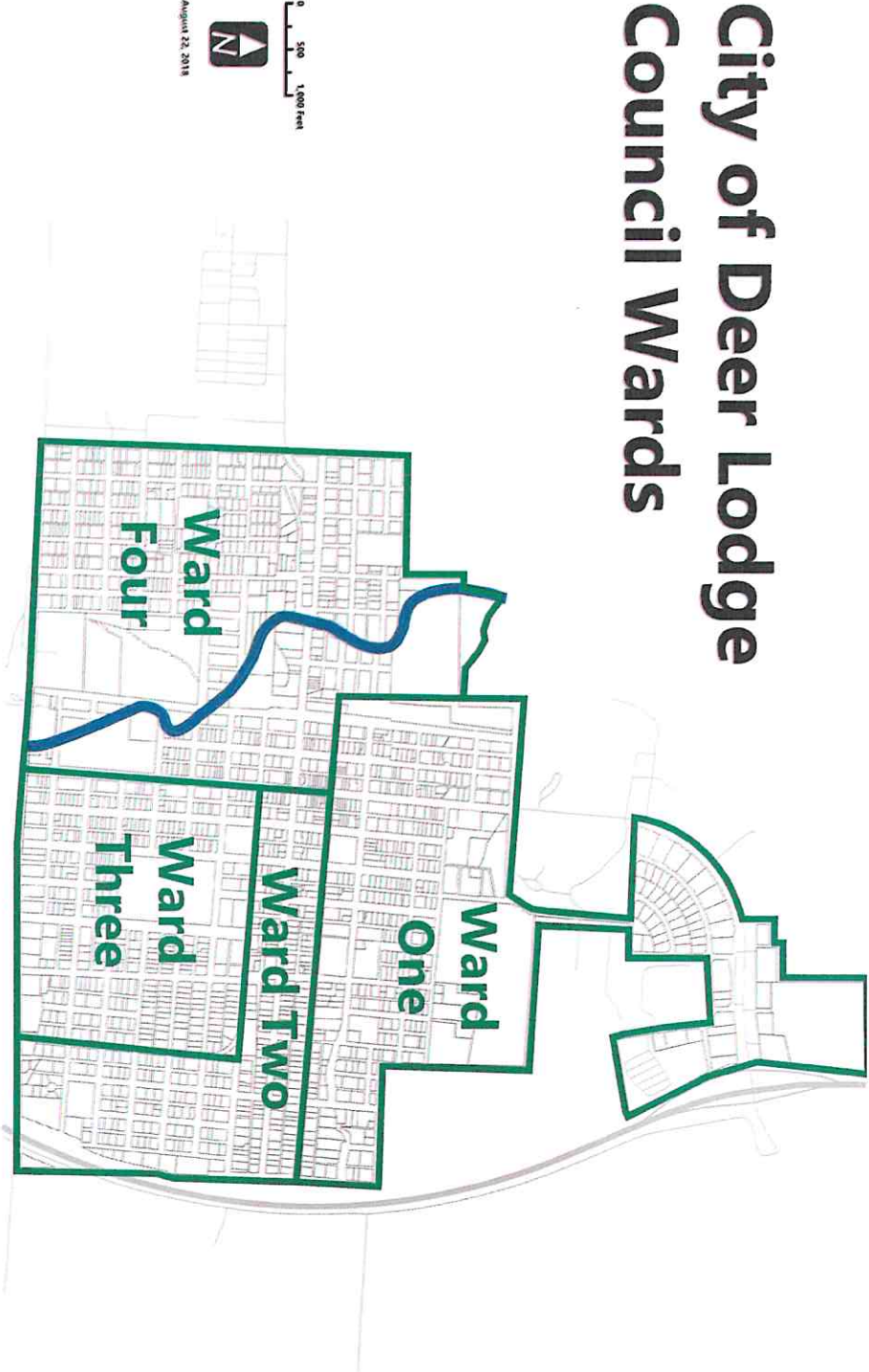
- A. Ward Number One shall be bound:
  - 1. On the North and East by the City Limits;
  - 2. On the South by a line which bisects Missouri Avenue from the City Limits to the main line track of the Milwaukee Railroad.
  - 3. On the West by the mainline tracks of the Milwaukee Railroad from Missouri Avenue to the City Limits.
- B. Ward Number Two shall be bound:
  - 1. On the North by a line which bisects Missouri Avenue from Main Street to the City Limits;
  - 2. On the East by the City Limits;
  - 3. On the South by the City Limits;
  - 4. On the West by a line which bisects Kohrs Street from the City Limits to the intersection of Kohrs Street and Montana Avenue, thence West along a line which bisects Montana Avenue to Main Street, thence North along a line which bisects Main Street to Missouri Avenue, the northern boundary line of Ward Number Two.
- C. Ward Number Three shall be bound:
  - 1. On the North by a line which bisects Montana Avenue from Main Street to Kohrs Street;
  - 2. On the East by a line which bisects Kohrs street from Montana Avenue to the City Limits;
  - 3. On the South by the City Limits;
  - 4. On the West by a line that bisects Main Street from the City Limits to Montana Avenue, the Northern boundary line of Ward Number Three.
- D. Ward Number Four shall be bound:
  - 1. On the South, West and North by the City Limits;
  - 2. On the East by a line running along the Milwaukee Railroad tracks from the northern City Limits to Missouri Avenue, thence East along a line which bisects Missouri Avenue from the Milwaukee Railroad tracks to Main Street, thence South along a line which bisects Main Street from Missouri Avenue to the City Limits, the Southern boundary line of Ward Number Four.

(Ord 527 – Pre 1980; *Ordinance 1 – 1/17/1980: Effective 1/17/1980*)

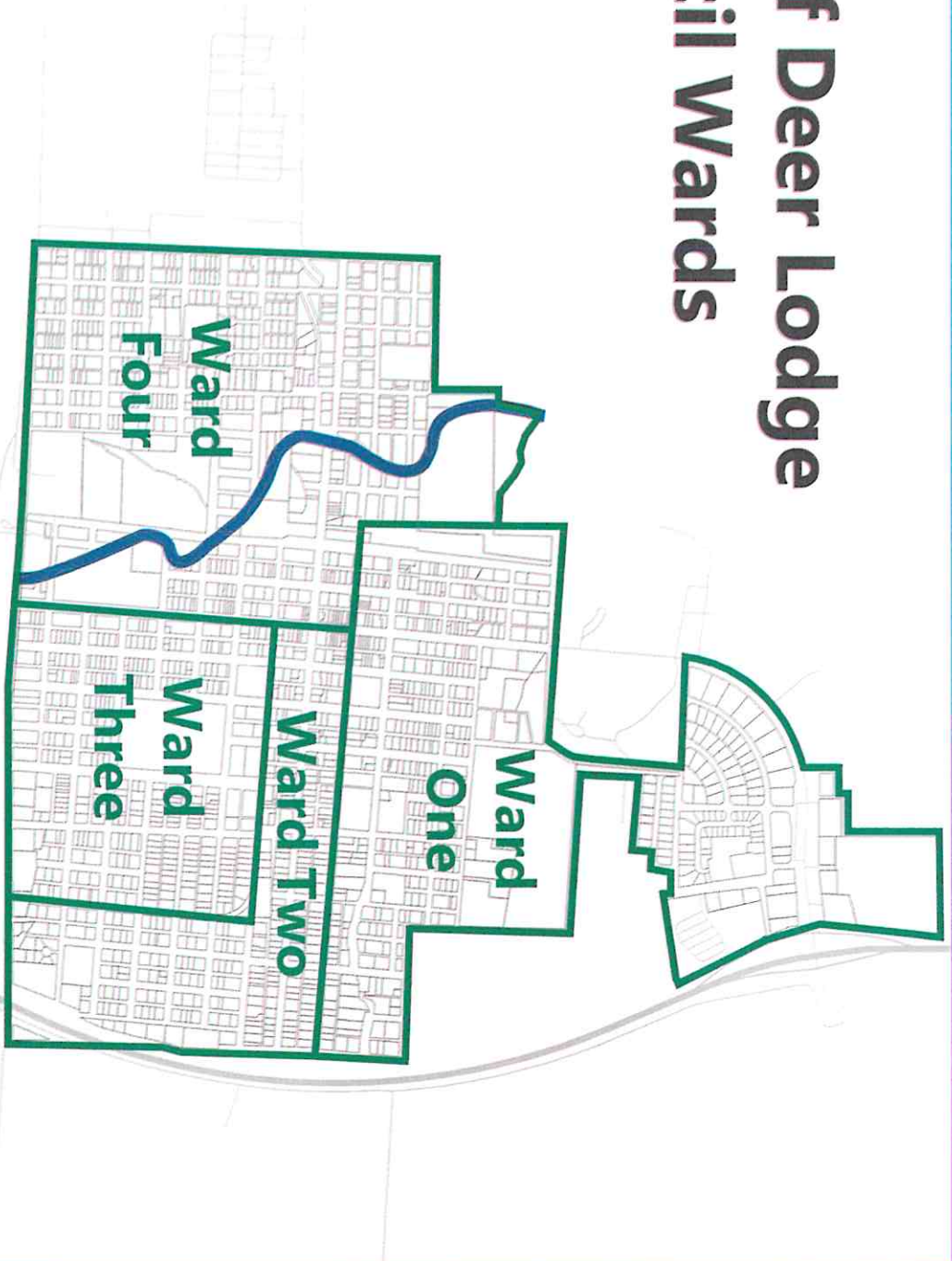
Below is a representation of the City of Deer Lodge City Council Wards. The official record of the Wards, [however:however](#), is the text descriptions found in 1.02.010 Description of Wards.

*In this Diagram, North is towards the right side of this page.*

# City of Deer Lodge Council Wards



# City of Deer Lodge Council Wards



September 20, 2021

0 500 1,000 feet



## CHAPTER 1.04: ELECTIONS

---

### SECTIONS:

#### 1.04.010...ELECTIONS IN ACCORDANCE WITH STATE STATUTES

#### 1.04.020...QUALIFICATION OF ELECTORS

---

#### **1.04.010: ELECTIONS IN ACCORDANCE WITH STATE STATUTES.**

- A. All primary and general elections shall be held in accordance with the statutes of the State of Montana.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

#### **1.04.020: QUALIFICATION OF ELECTORS**

- A. Any person shall be qualified to vote in any and all city elections provided they are a resident of the city or an area which has been annexed and certified as such by Clerk and Recorder of Powell County.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*



(Page Intentionally Blank)

**CHAPTER 1.06: (VACANT)**

---

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

(Page Intentionally Blank)

## CHAPTER 1.08: GENERAL PENALTY

---

### SECTIONS:

#### 1.08.010...GENERAL PENALTY

#### 1.08.020...EXECUTION OF A FINE

---

### 1.08.010: GENERAL PENALTY

A. Whenever in any provision of this Code or other ordinance of the City any act is prohibited or is made or declared to be unlawful, a misdemeanor or an offense, or whenever in any such provision or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is otherwise provided therefor, any person upon conviction for the violation of any such provision of this Code or ordinances shall be punished by a fine not exceeding five hundred dollars (\$500.00) for the first or second like violation or in the event of a third or subsequent like violation ~~or~~ by imprisonment not to exceed six (6) months or by both such fine and imprisonment, for each such offense.

1. Each day any violation of any provision of any ordinance shall continue, shall constitute a separate offense.

A. Provisions for first, second, third, or subsequent violations as described in A. above do not apply in the event of a continuation of offense as described in A.1. above.

a. \_\_\_\_\_

B. In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2024-2: Passed 3/4/2024, Effective 4/5/2024)*

### 1.08.020: EXECUTION OF A FINE.

A. If the judgment is for a fine alone, execution may issue thereon as on a judgment in a civil case.

B. A judgment that the defendant pay a fine may also direct that he be imprisoned until the fine be satisfied, in the proportion of one day's imprisonment for every ten dollars (\$10.00) of the fine.

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980)*

# Title 1 [General Provisions] Index

**A**  
Affirm, defined  
1.00.050 E., 3

**C**  
City, defined  
1.00.050 E., 4  
Clerk, defined  
1.00.050 E., 4  
Council, defined  
1.00.050 E., 4

**D**  
Day, defined  
1.00.050 E., 3  
depose, defined  
1.00.050 E., 3  
Description of Wards  
1.02.010, 7

**E**  
Effect of Repealing Ordinance  
1.00.040, 2  
Execution of a Fine  
1.08.020, 13

**G**  
General Penalty  
1.08.010, 13  
General Provision Violation Penalty  
1.08.010, 13

**K**  
Knowingly, defined  
1.00.050 E., 5

**L**  
Land, defined  
1.00.050 E., 4

**M**  
May, defined  
1.00.050 E., 4  
Month, defined  
1.00.050 E., 3

**N**  
Neglect, defined  
1.00.050 E., 4  
Negligence, defined  
1.00.050 E., 4  
Negligent, defined  
1.00.050 E., 4  
Negligently, defined  
1.00.050 E., 4

**O**  
Oath, defined  
1.00.050 E., 3  
Occupant, defined  
1.00.050 E., 4  
Officer, defined  
1.00.050 E., 4  
Official Code of Deer Lodge  
1.00.010, 1  
Official Time, defined  
1.00.050 E., 3  
Ordinance Construction Rules  
1.00.050, 3  
Ordinance Index  
1.00.015.A., 1  
Ordinance/Resolution Form  
1.00.015, 1  
Owner, defined  
1.00.050 E., 4

**P**  
Perpetual Codification  
1.00.030, 2  
Person, defined  
1.00.050 E., 3  
Personal Property, defined  
1.00.050 E., 4  
Property, defined  
1.00.050 E., 4  
Public Thoroughfare, defined  
1.00.050 E., 4

**Q**  
Qualification of Electors  
1.04.020, 9  
Quarter, defined  
1.00.050 E., 3

**R**  
Real Estate, defined  
1.00.050 E., 4  
Real Property, defined  
1.00.050 E., 4  
Resolution Index  
1.00.015, B., 1

**S**  
Shall, defined  
1.00.050 E., 4  
Signature, defined  
1.00.050 E., 3  
Swear, defined  
1.00.050 E., 3

**T**  
Tenant, defined  
1.00.050 E., 4  
Treasurer, defined  
1.00.050 E., 4

**W**  
Ward 1, described  
1.02.010 A., 7  
Ward 2, described  
1.02.010 B., 7  
Ward 3, described  
1.02.010 C., 7  
Ward 4, described  
1.02.010 D., 7  
Ward Map  
1.02.010, 8  
Willfully, defined  
1.00.050 E., 4

**Y**  
Year, defined  
1.00.050 E., 3

