

---

# CITY OF DEER LODGE

---

# COUNCIL AGENDA

March 18, 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: March 4, 2024

**4. Public Hearing:**

a. None

**5. Department Reports:**

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

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

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

a. None

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

- a. Title 8: Kennel Review Language - Jordan
- b. Consider Financing for the Senior Center - Jordan
- c. Committee & Board Assignments - Mayor Jess

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

a. Regular Meeting - Monday, April 1, 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 March 4, 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, Trent Freeman, Stan Glovan
<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. Regular Meeting: February 20, 2024

Member Pierson motioned to approve as presented. Member Larkins seconded the motion. 7 Ayes, 0 Nos, 1 Abstained. Motion passed.

## 5. Committee Reports -

- a. Council Operations – Rob Kersch  
February 26<sup>th</sup> - Reviewed last cycle's Local Government Review. Familiarized committee with that process. Set committee goals
- b. Finance Committee – Gordon Pierson  
February 5<sup>th</sup> - The committee reviewed the fee waiver proposal.  
February 20<sup>th</sup> - Special Finance Meeting, the committee reviewed the fee schedule as well as reviewed and signed the January claims.
- c. Economic Growth & Development – John Henderson  
February 7<sup>th</sup> – Elected John Henderson as Chairperson. New Business: Reviewed 5 Year goals. The Committee set 6 goals. 1. Business Improvement Districts, 2. Branding Deer Lodge, 3. Sidewalks 4. Walkable & pedestrian friendly Main St., 5. Prioritize Tourism as an Emerging Industry in Deer Lodge, 6. Identify Funding and Location for Industrial Development. Next meeting is scheduled for March 6<sup>th</sup>, 2024, at 5:00 PM
- d. Public Health and Safety – John Molendyke  
February 8<sup>th</sup> – We received departments reports from Police Department, Code Enforcement, Fire Department and County Health Report. We discussed hunting possibilities on City Property. Title 8: Kennel Review and reviewed our Committee 5 year goals. Next meeting is March 14, 2024, at 5:00pm
- e. Public Works – Gordon Pierson  
February 27<sup>th</sup> - The Public Works Committee reviewed the following: Cemetery items presented by Trent and Brad, MYG Inc. right of way request the Beeson right of way request was recommended to Finance and Council. Approved invoice for the variable frequency drive motor for the well. Newer dump truck purchase and sewer bond refund request was recommended to Finance and Council. Reviewed 5 year committee goals and received the public works monthly report.

## 6. Board Reports Business

- a. Airport Board – Gordon Pierson  
Went through the EA Update. Waiting on clarification on Tin Cup Joe and WFP Flood Plan, Apron expansion is still in the planning process, issues with possible septic field for the Hogan Hanger. Land Acquisition looking at prison land exchange. Land acquisition for approach protection. Runway safety improvements phase 1, looking at new road and fence. Safety improvements phase 2, FAA needs to finalize their end of things. \$228,500 granted for land runway safety. Engineering: They have to redo their proposals for Engineer firm every 5 years. MT Aviation Conference was held last week in Butte.
- b. Powell County Parks Board – John Molendyke  
Approved expenditures, Reviewed the Park Bylaws, discussed Arrowstone Park, Update from DEQ on Arrowstone Park, Discussed Milwaukee Roundhouse Area.
- c. Chamber of Commerce – John Henderson  
Membership Renewals, Discussed ribbon cutting at Pioneer Federal, Discussed Territorial Days which is June 15<sup>th</sup>, Pizza Puzzles & Pubs night, Tentative for April 12<sup>th</sup>, No St Patrick's Day Parade as it falls on a Sunday this year.

- d. Headwaters RC&D – Rob Kersch  
No Meeting. Meetings are held quarterly.
- e. Historic Preservation – Curt Fjelstad  
Meeting cancelled due to everyone being sick.
- f. Landfill – Rob Kersch  
Ran over a berm and into a fence, cost around \$80,000 to fix that. Bids on garage doors for the machinery sheds and Grizzly Disposal is considering buying out Granite County Disposal.
- g. Local Emergency Planning Committee –Kirk Hayes  
No meeting as they meet quarterly.
- h. Library – TBD  
No report.
- i. Planning Board – Greg Larkins  
Approved minutes, Committee 5 year goals, Uses in the B-1 Central Business District.
- j. Youth Board – Kirk Hayes  
Grad Night is May 26<sup>th</sup> , concession posters, and wiring issues and hard to use the pizza oven.

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

- a. Ordinance 2024-2: Titel 1 Amendments, 2<sup>nd</sup> Reading.

Council President Kersh titled 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.**

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.

Council President Kersh motioned to approve the 2<sup>nd</sup> reading as presented. Member King-Chavez 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. Treasurer's Report | February Claims – Stan Glovan. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.

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

b. Myg Inc. Right-of-way Abandonment Request – Trent-Jordan

Jeremy Mygland, on behalf of the company Myg Incorporated, has requested the City consider the abandonment of an approximately 90 foot by 22 foot section of Kohrs Street between Montana Avenue and Milwaukee Avenue adjacent to Lots 12-14 of Block 2 of the Bielenberg-Albee Addition. A single-family home has recently been constructed by the company on Lots 12-14. However, pre-construction survey work misidentified the width of the lots throughout the entirety of the block. As such, the home was built between 16.3-16.5 feet into the Kohrs Street right-of-way. This was later identified by post construction survey work performed by another surveyor. The applicants are requesting that the City consider abandoning a portion of the property where the home was situated, as well as an additional 5.5 feet to allow for zoning setback requirements, so that the home sits entirely on private land.

**Staff Recommendation:**

Staff recommends the abandonment of the City owned property described as the approximately 22' by 90' section of the Kohrs Street right-of-way between Milwaukee Avenue and Montana Avenue adjacent to Lots 12-14 of Block 2 of the Bielenberg-Albee Addition of Deer Lodge to the applicant **for the sale price of \$5,860.80.**

Staff also recommends the Public Works Committee and City Council require the petitioners to provide a survey exhibit before final approval that shows the exact area of the requested abandonment, right-of-way delineations, lot lines, the informal road, the power line, and the structure. This exhibit will be used to ensure that the abandonment will not impede movement along the road, not impede access to the power line, and will provide for side setbacks of 5-feet as are required in the R-1 District.

As the only adjacent property owner to the alley is the City of Deer Lodge, the applicant will not be required to get any letters of no contest to the abandonment.

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

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

Public Works recommended this to the City Council and Finance reviewed this today in their meeting as there is a monetary value attached to the request.

Randy Osborne: Updated the Council on the previous surveyor, what took place and how the mistake happened. No longer using the previous surveyor, hired a new surveyor to re-pin the boundaries.

Dawn Marrie: She's the realtor on the property. Outlined the council further in the mistakes the previous surveyor made and where they are at with the new surveyor now.

Member Larkins motioned to approve as presented and move this forward to a Public Hearing. Council President Kersch seconded the motion. 8 Ayes, 0 Nos. Motion passed.

c. Beeson Right-of-way Abandonment Request – ~~Trent~~ Jordan

Myron and Maria Beeson submitted a request for the abandonment of City-owned property on October 3, 2023. The Beeson's are requesting that the City abandon an approximately 30-foot by 120-foot portion of Clark Street between Texas Avenue and Conley Avenue that directly abuts their property at 524 Texas Avenue. Currently, the right-of-way requested for abandonment is being maintained as a yard by the Beeson's. The intent of said request would be to allow the applicants to own the land that they currently maintain.

The applicants have provided letters of no contest from three adjacent landowners that are contained within this staff report.

As the road is currently used to access property south of Deer Lodge, as well as vacant land south of Deer Lodge, it is City staff's opinion that the City Council needs to seriously consider the impact of the abandonment on future road expansion. If the road at some time in the future needs to be improved to increase capacity, a right-of-way reduced by 30 feet for a 120-foot section may make expansion more difficult. However, should the Council determine they wish to abandon and sell the property, it should be recognized that the approximately 3,600 square foot property is the property of the taxpayers of the City of Deer Lodge. As such, the City should require compensation for the abandonment of public land. Staff approximated a sell price of \$11,097.00 to be attached to the deed for the benefit of the Public Works Committee and the City Council to recoup the loss of the public property.

**Staff Recommendation:**

Staff recommends that, should the City Council consider the abandonment of the City owned property described as the approximately 30' by 120' section of Clark Street between Texas Avenue and Conley Avenue adjacent to the property at 524 Texas Avenue, that the Council should require a **sale price of \$11,097.00** to be paid by the applicant.

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

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

Public Works recommended this to the City Council and Finance reviewed this today in their meeting as there is a monetary value attached to the request.

Member King-Chavez: asked will these open things up for more residents wanting to expand their property? Jordan replied: this could very well happen.

Member Larkins asked: Is there any upcoming expansion to that road? Mayor replied: nothing at this time.

Member King-Chavez: What is the space between the land of abandonment and the road? Jordan replied: possible 10 feet. If this passed, we would need to look at an expansion north of Clark Street.

Jordan: We spoke at Finance today about a smaller section to allow more yard space and prevent the encroachment of the resident's garage on the City's property.

Public Comment:

John Greenwood, Asked about building of the road, width of the road, and blocking access of the road.

Member Larkins: Asked about resident's abandonment request and a possible smaller swap of land instead of the full request. Would the applicant need to reapply? Mayor Jess: We can modify the application without starting over which can be determined through a public hearing process.

Discussed the resident's garage being over on City Property by approximately a foot.

Member Pierson motioned to move this back to Public Works to review other possibilities. Member Hayes seconded the motion. 8 Ayes, 0 Nos. Motion passed.

d. Variable Frequency Drive Motor for Well – Trent

Quote attached in the amount of \$4,450.00 to purchase a spare Variable Frequency Drive (VFD) Motor for the Wells. This will be a spare motor in case another motor goes bad we'll have a backup for the Well for the Milwaukee and 2<sup>nd</sup> Street Well. Positive approval from Public Works and Finance.

Council President Kersch motioned to approve this purchase as presented. Member Fjelstad seconded the motion 8 Ayes, 0 Nos. Motion passed.

e. Dump Truck Purchase – Trent

Quote attached from Bozeman Asphalt Maintenance, Inc out of Belgrade in the amount of \$34,000 for a 2002 Ford F750 with 34k miles and minimal wear and tear but will need new rear tires. The Public Works crew is down a dump truck due to the transmission going bad in the 1979 C70 Automatic.

A dump truck purchase is not a budgeted item, although the money is in the budget. I have a new work truck in the budget for the crew at approximately \$80k, that purchase will be pushed out as a Dump Truck is needed more. Received positive approval from Public Works and Finance.

Council President Kersch motioned to approve this purchase as presented along with purchase of new rear tires. Member King-Chavez seconded the motion. 8 Ayes, 0 Nos. Motion passed.

f. Sewer Bond Refund – Trent

Request from resident Trevar Hahn for a refund from the City for paying the sewer bond on property 619 Mitchell Street as this property does not have a sewer system and only runs on septic. The property was purchased by Trevar in March of 2022 and have been paying the sewer bond since the purchase. Trevar is requesting a refund of \$270.27 and would like his account credited in lieu of a refund check.

Member King-Chavez motioned to approve the amount of \$270.27 as a credit to the account. Member Hayes seconded the motion. 8 Ayes, 0 Nos. Motion passed.

g. Civic Plus Website – Jordan

Staff approached CivicPlus, a municipal website design and hosting company, in January to get information and a quote about a new City website. Our current website is not user or ADA-friendly, and CivicPlus is a world leader of municipal websites. The quote came back at an \$850 one-time fee and a \$3,795 annual support and hosting fee. While this is more expensive than our current hosting fee of \$1,354, the security enhancements, cross-platform support, and more make up for the increase. This can be distributed between the budgets.

Council President Kersch motioned to approve the Premium Design from Civic Plus. Member Hayes seconded the motion. 8 Ayes, 0 Nos. Motion passed.

h. Parks & Rec Committee – Jordan

This was recommended to Council from the February Council Ops Meeting. Back in 2022 we dissolved the Parks and Rec Committee, finished our Parks & Trails Master Plan and the committee didn't have a meeting for 6 months as there were no agenda items for a meeting. It was a reasonable idea at the time, to consolidate it back into Public Works. Parks and Recreation is a very important especially if we need to look into additional funding sources, grants, other funding sources, and growth.

Recommendation is to bring back Parks & Recreation Committee and have the Council President appoint three members to that Board.

Member King-Chavez motioned to approve and bring back the Parks & Recreation and have the Council President appoint three members. Member Larkins seconded that motion. 8 Ayes, 0 Nos. Motion passed.

i. Cottonwood Street Improvement Project Final Pay Estimate - Trent

Approval of first and final pay estimate including Change Orders for the Cottonwood Street Improvement Project completed by Montana Materials Co. in the amount of \$267,861.00. The original contract amount was \$253,777.00. The change order consists of adding rebar to the concrete valley gutter and the removal of concrete pavement at the intersection with Main Street.

This was favorable recommendation from Public Works and Finance.

Council President Kersch motioned to approve as presented. Member Henderson seconded the motion. 8 Ayes, 0 Nos. Motion passed.

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

- Finance – March 4<sup>th</sup> at 4pm
- Economic Growth & Dev – March 6<sup>th</sup> at 5pm
- Public Health & Safety – March 14<sup>th</sup> at 5pm
- City Council Operations – March 11<sup>th</sup> at 5pm
- Planning Board – March 18<sup>th</sup> at 10am
- Council #2 – March 18<sup>th</sup> at 6pm
- Public Works – March 26<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. Mayor Jess discussed his attendance at the Executive Form. Discussed doing a Consent Agenda process.
- 11. Next Meeting Announcements**
- a. Regular Meeting: Monday, March 18 2024 at 6:00pm
- 12. Adjournment**
- Mayor Jim Jess adjourned the meeting at 7:40PM.

Prepared By: Cyndi Thompson, City Clerk

---

Mayor Jim Jess

---

Date

# CITY OF DEER LODGE

## CAO REPORT

### March 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.
- Had a meeting with MDT district chief and MDT staff regarding Main Street maintenance and discretionary grants. We will begin to have quarterly meetings.
- I have received the preliminary plat applications for the Beaumont Place Subdivision and the Pintler Meadows Subdivision. They have passed Element and Sufficiency review, and I am currently gathering agency comments and preparing a staff report for the Planning Board public hearing on April 15.

##### 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 have received an additional \$46,000 planning grant to begin work on the project before we can start cleanup work. Task order for this work has been signed and Hydrometrics will begin work shortly.
- DEQ subcontractors performed additional site characterization at the Hotel Deer Lodge last Thursday, February 15. They have stated they wish to declare the whole site contaminated. Remediation expected Fall 2024.
- 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 process has begun with preliminary inspections.
- 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.

### **City Hall & Employees**

- Implementing changes to local government record keeping and public notices as required by HB 890 and HB 724.
- We have begun the design process on the new City 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 and I have written a letter of support for his Community Project funding.
- Working on finding grant funding for city street art murals and have begun to research RFPs for said work.
- 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

### February 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. Pre-Bid meeting to be held in March with a bid opening at the beginning of April
- Maintaining our patch on Main Street until we can properly repair this spring \
- Cold patching potholes

##### 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
- Provided a tour of the Wastewater Treatment Facility to a member of the community

##### 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. The 72 hour pump test has been completed and the well can potentially produce above

1000 gallons per minute. 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

#### **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
- 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. DEQ has closed the case.

#### **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

February 2024 Monthly Report

Chief George Smith

---

- 173 Calls for Service
- 122 Reports Generated
- 33 Traffic Stops
- 38 Citations Issued
- Highlighted Calls
  - 14 Arrests
  - 8 Domestic Violence one of which involved a firearm.
  - 2 Unattended Deaths
  - 2 Restraining order Violations
  - 1 Stalking
  - 9 Medical Assists
  - 1 Fraud/Theft of ID
  - 4 Thefts
  - 2 Weapons Brandished
  - 1 Custodial interference
  - 6 Unwanted Persons
  - 4 Traffic Accidents
  - 2 Hit and Runs

## Officer Highlights

Sergeant Slauson- With the assistance of PCSO Capt. Micu responded to an adult male making threats with a firearm in hand. The suspect was arrested, and the firearm was located.

Officer Schmidt- Responded to an unattended death call that also resulted in a juvenile having to be placed in foster care.

Officer Malcomb- Responded to an out of control and suicidal juvenile. The Crisis Response Team was initiated, and the juvenile began receiving professional help.

Officer Denend- Responded to a domestic call between a mother and her teenaged son. Officer Denend deescalated the situation and got the proper medical care for the injured party. He also made the proper notifications to Child Protective Services and The Juvenile Probation Officer.



# FIRE DEPARTMENT REPORT

## FEBRUARY 2024

### HIGHLIGHTS

---

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

- Structure fire at the Montana State Prison in one of the sawmill buildings. We found heavy smoke on arrival. Between the smoke and fridged temps it was a tough one to pinpoint the fire. We sent a couple members in air packs into the smoke, and they determined it was a piece of heavy machinery parked in the building on fire and the building was starting to catch. Crews got the flames extinguished while we attacked the hotspots on the building and managed to save the structure.

### INTEREST ITEMS FOR CITY COUNCIL

---

#### **Department Happenings:**

- Captain Smith conducted a Sunday morning training that was mostly based on getting our newer members comfortable with air packs and using attack hoses.



# **CODE COMPLIANCE REPORT**

## **JANUARY/FEBRUARY 2024**

### **HIGHLIGHTS**

---

- 15 Dog at Large Complaints
- 17 Citizen Complaints
- 1 Temporary Foster
- 120 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

## FEBRUARY 2024

### **HIGHLIGHTS**

---

City Recreation is trying to put together a pickle ball league this month. We had an open gym on March 5th, and nobody showed up.

We might have 5-7 teams interested. It's slow going and hopefully people want to play.

### **PROJECT SUMMARIES**

---

None

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

---

Spoke with Jordan briefly about City Recreation finances in order to purchase basketball shooting machines. If we can get these it would be a huge addition to our program and for the future of basketball in this town.

### **STAFFING CONCERNS**

---

None.

### **COVID-19 RESPONSE**

---

No update.

**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
**City Attorney**  
Peter Eiverum  
**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 59722-1057  
406.846.2238

**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 Changes for Kennels

**For Meeting on:** 03/18/2024      **Staff Member/Committee Referring:** Public Health and Safety

**Description of the item:**

Public Health and Safety has been reviewing changes to Title 8: Animals that would allow for pet boarding businesses in Deer Lodge. The proposed language provides a definition, establishes that conditions can be established, and state that the business cannot be used for selling/giving animals.

**Attachments:**

1) Redlines Title 8 Changes

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

This was discussed at the February and March Public Health and Safety meetings in response to the Council's decision to authorize a pet boarding business in town.

**Recommended Motion/Action:**

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

B-1 - CENTRAL BUSINESS DISTRICT

§ 11.01.200.010 INTENT.

The intent of this District is to provide a central area for the community's business, government, service and cultural activities. Uses within this District should be appropriate to such a focal center with inappropriate uses being excluded. Room should be provided in appropriate areas for logical and planned expansion of the present district.

(Prior Code, § 11.01.200.010) (Ord. 2019-1, passed 4-1-2019; Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.020 USES.

(A) Accessory uses. A category not permitted to serve as the principal use. These uses are incidental to and customary in connection with the principal building or use and located on the same lot with such principal building or use.

Major home occupation	Conditional use
Outdoor seating	Permitted

(B) Civic uses. A category related to fulfilling the needs of day-to-day community life, congregation and social interaction. ~~Retail space shall be in the front of the building and shall occupy a minimum of 25% of the gross floor area.~~

Assembly	Permitted
<u>Daycare</u>	<u>Permitted</u>
Fire/police	Permitted
Houses of worship	Permitted
<u>Laundromat</u>	<u>Permitted</u>
Library/museum	Permitted
Post office	Permitted
Schools	Permitted
<u>Theaters and entertainment venues</u>	<u>Conditional use</u>
Uses requiring more than 5,000 square feet of gross floor area	Conditional use

(C) Craftsman. A category involving small scale manufacturing, production, assembly and/ or repair with little to no noxious by-products that includes a showroom or small retail outlet.

Brewery/distillery	Permitted
Contractor shop/yard	Conditional use
Fabrication	Permitted
Galleries	Permitted
Marijuana testing laboratories (issuance of a zoning permit required)	Conditional use
Uses requiring more than 5,000 square feet of gross floor area	Conditional use
Woodworking	Permitted

(D) Infrastructure uses. A category for the provision of public and private infrastructure to support other uses. Infrastructure uses typically do not include a principal building.

Park/playground	Conditional use
Public/private utility and services	Conditional use
Surface parking as a principal use	Conditional use
Telecommunications towers and antennas	Conditional use

(E) Office uses. A category of businesses that involve the transaction of affairs of a profession, service, industry or government.

<u>Banks</u>	<u>Permitted</u>
<u>Business and professional offices</u>	<u>Permitted</u>
<u>Medical and dental clinics</u>	<u>Permitted</u>
<u>Uses requiring more than 5,000 square feet of gross floor area</u>	<u>Conditional use</u>
<u>Uses with drive-thru windows and/or service windows</u>	<u>Conditional use</u>
<u>Veterinary and animal services</u>	<u>Conditional use</u>

(F) Residential and Lodging. A category that includes several residential and lodging types.

~~Residential and lodging: a category that include several residence types~~

~~—Hotel/inn~~

Conditional use

First floor rResidential

Conditional use

Second/third floor residential

Permitted

Residential care

Conditional use

Hotel/inn/bed and breakfasts

Conditional use

Uses requiring more than 5,000 square feet of gross floor area

Conditional use

~~Uses with drive-thru windows and/or service windows~~

Conditional use

(GF) Retail uses. A category involving the sale of goods or merchandise to the public for personal or household consumption.

Antique stores and pawn shops

Permitted

Convenience stores

Permitted

Liquor stores

Conditional use

Retail

Permitted

Taverns and eateries (less than 5,000 square feet of gross floor area)

Permitted

Thrift stores

Permitted

Uses with drive-thru windows and/or service windows

Conditional use

Uses requiring more than 5,000 square feet of gross floor area

Conditional use

Uses typically found and associated with downtown

Permitted

Adult-use and medical marijuana dispensaries (a total maximum of two dispensaries will be permitted. Issuance of a zoning permit required)

Conditional use

(Prior Code, § 11.01.200.020) (Ord. 2019-1, passed 4-1-2019; Ord. 2021-15, passed 12-20-2021; Ord. 2022-7, passed 1-3-2023, effective 2-4-2023; Ord. 2023-9, passed 6-20-2023, effective 7-21-2023)

§ 11.01.200.030 OUTDOOR RETAIL AND STORAGE.

Subject to the following restrictions:

(A) Items shall not obstruct ingress and egress to a building, obstruct fire lanes or interfere with vehicular circulation;

(B) The maximum area of display cannot exceed 60% of the lot size;

(C) Items shall not exceed a height of 20 feet;

(D) Storage and display of hazardous materials is prohibited;

(E) The site shall be kept in a condition that is not a hazard to the public health or safety as applied by the following measures:

(1) Free from the accumulation of garbage, rubbish and/or debris;

(2) Maintain trees, lawns or shrubs in a trim and neat appearance;

(3) Elimination of any noxious weeds or vegetation; and

(4) No storage of inoperable or dismantled vehicles, vehicle parts, or components of trailers, boats, and/or equipment regardless of whether licensed or registered.

(Prior Code, § 11.01.200.030) (Ord. 2019-1, passed 4-1-2019; Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.040 LOT AREA AND WIDTH.

No minimum lot area or width is prescribed.

(Prior Code, § 11.01.200.040) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.050 LOT COVERAGE.

Buildings may cover the entire lot; provided other requirements are met.

(Prior Code, § 11.01.200.050) (Ord. 2021-15, passed 12-20-2021)

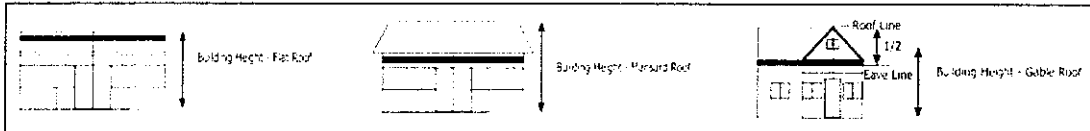
§ 11.01.200.060 PROPERTY LINE SETBACKS.

No minimum setbacks are prescribed, except a 15-foot front setback shall be required on all streets except on Main Street.

(Prior Code, § 11.01.200.060) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.070 BUILDING HEIGHT.

Maximum building height in this District shall not be any higher than the existing buildings.



(Prior Code, § 11.01.200.070) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.080 OFF-STREET PARKING.

No off-street parking is prescribed for this District.

(Prior Code, § 11.01.200.080) (Ord. 2021-15, passed 12-20-2021)

§ 11.01.200.090 OFF-STREET LOADING.

No off-street loading is prescribed for this District.

(Prior Code, § 11.01.200.090) (Ord. 2021-15, passed 12-20-2021)

**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:** Senior Center Funding

**For Meeting on:** 03/18/2024      **Staff Member/Committee Referring:** Finance

**Description of the item:**

The Finance Committee has recommended that the City Council give the Powell County Senior Center the monies gained from the land swap with the state. This amount was \$37,000 and has been deposited into our bank account.

**Attachments:**

None.

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

Finance committee has discussed funding for the senior center for many months. At their March meeting, they recommended that the Council forward the \$37,000 gained from the land swap with the state to the senior center.

**Recommended Motion/Action:**

Approve the funding for the Senior Center.



# COMMITTEES & BOARDS 2024

2024 COMMITTEE MEMBERS	WHICH BOARD	POSITION	DATE OF APPOINTMENT	EXPIRES APPOINTMENT	TERM
<b>COUNCIL #1 and #2</b>					
Rob Kersch	Ward 2	Council President	January 3, 2022	December 31, 2026	4 Year Term
Rian King-Chavez	Ward 3	Member	January 22, 2024	December 31, 2026	2 Year Term
Kirk Hayes	Ward 1	Member	January 1, 2024	December 31, 2028	4 Year Term
John Henderson	Ward 4	Member	January 1, 2024	December 31, 2026	2 Year Term
Curt Fjelstad	Ward 3	Member	January 3, 2022	December 31, 2026	4 Year Term
John Molendyke	Ward 2	Member	January 1, 2024	December 31, 2028	4 Year Term
Greg Larikins	Ward 1	Member	January 1, 2024	December 31, 2026	2 Year Term
Gordon Pierson	Ward 4	Member	January 1, 2024	December 31, 2028	4 Year Term
<b>COUNCIL OPERATION</b>					
Rob Kersch	Ward 2	Chair	January 3, 2022	December 31, 2026	4 Year Term
Curt Fjelstad	Ward 3	Member	January 3, 2022	December 31, 2026	4 Year Term
Rian King-Chavez	Ward 3	Member	January 22, 2024	December 31, 2026	2 Year Term
<b>FINANCE</b>					
Gordon Pierson	Ward 4	Chair	January 22, 2024	December 31, 2028	4 Year Term
Rob Kersch	Ward 2	Member	January 3, 2022	December 31, 2026	4 Year Term
Greg Larkin	Ward 1	Member	January 22, 2024	December 31, 2026	2 Year Term
<b>ECONOMIC GROWTH &amp; DEVELOPMENT</b>					
John Henderson	Ward 4	Chair	January 22, 2024	December 31, 2026	2 Year Term
Greg Larikins	Ward 1	Member	January 22, 2024	December 31, 2028	4 Year Term
Kirk Hayes	Ward 1	Member	January 22, 2024	December 31, 2028	4 Year Term
<b>PUBLIC HEALTH &amp; SAFETY</b>					
John Molendyke	Ward 2	Chair	January 22,2024	December 31, 2028	4 Year Term
Kirk Hayes	Ward 1	Member	January 22,2024	December 31, 2028	4 Year Term
Curt Fjelstad	Ward 3	Member	January 3, 2024	December 31, 2026	4 Year Term
<b>PUBLIC WORKS</b>					
Gordon Pierson	Ward 4	Chair	August 1, 2022	December 31, 2028	4 Year Term
John Henderson	Ward 4	Member	January 22, 2024	December 31, 2026	2 Year Term
John Molendyke	Ward 2	Member	January 22, 2024	December 31, 2028	4 Year Term
<b>PARKS &amp; RECREATION</b>					
Rian King-Chavez	Ward 3	Member	January 22, 2024	December 31, 2026	2 Year Term
Curt Fjelstad	Ward 3	Member	January 3, 2022	December 31, 2026	4 Year Term
Kirk Hayes	Ward 1	Member	January 22,2024	December 31, 2028	4 Year Term

# BOARDS

## BOARD OF ADJUSTMENTS- NEED CHAIR AND VICE CHAIR

Kirk Hayes	BOA	Council Member	January 22, 2024	December 31, 2028	4-year-Term
Tom Goddard	BOA	Member (Alternate)	September 29, 2020	September 29, 2023	3-year-Term
Lisa Cole	BOA	Member	September 29, 2020	September 29, 2023	3-year-Term
Ken Kimerly	BOA	Member	September 29, 2020	September 29, 2023	3-year-Term
Julie Thompson	BOA	Member	September 29, 2020	September 29, 2023	3-year-Term

## HISTORIC PRESERVATION

Kathy Bair	Historic Preservation	Chair	February 1, 2023	Expires 2026	3-Year-Term
Steve Owens	Historic Preservation	Secretary	February 1, 2023	Expires 2026	3-Year-Term
Jacque Lavelle	Historic Preservation	HP Officer	March 1, 2021	Expires 2024	3-Year-Term
Kirby Matthew	Historic Preservation	Member	February 22, 2022	Expires 2025	3-Year-Term
Cole Neubauer	Historic Preservation	Member	February 1, 2023	Expires 2026	3-Year-Term
Melanie Sanchez	Historic Preservation	Member	April 18, 2022	Expires 2025	3-Year-Term
Amanda Cooley	County Liaison	County Member			
Curt Fjelstad	Council Liaison	Council Member	January 3, 2022	December 31, 2026	4-Year-Term

## LIBRARY BOARD

Warner Bair	Library	Chair	March 1, 2023	March 1, 2028	5-Year-Term
Rose Sena	Library	Member	December 8, 2021	December 31, 2026	5-Year-Term
Mary Ann Fraley	Library	Member	February 1, 2023	February 1, 2028	5-Year-Term
Jami Eads	Library	Member	October 1, 2020	October 1, 2025	5-Year-Term
Kathy Bair	Library	Member	February 1, 2021	February 1, 2026	5-Year-Term
TO BE APPOINTED	Library	COUNCIL MEMBER			

## PLANNING BOARD

Dan Sager	Planning Board	Member/County	January 1, 2024	December 31, 2026	2-Year Term
Kathy Bair	Planning Board	Vice Chair	January 1, 2024	December 31, 2026	2-Year Term
Rick Buck	Planning Board	Member	January 1, 2024	December 31, 2026	2-Year Term
Dick Bauman	Planning Board	Member	January 1, 2024	December 31, 2026	2-Year Term
Amanda Cooley	Planning Board	Member/County Planner Member	January 1, 2024	December 31, 2026	2-Year Term
Amber Brown	Planning Board	Chair	January 1, 2024	December 31, 2026	2-Year Term
Greg Larkin	Planning Board	Council Member	January 1, 2024	December 31, 2026	2-Year Term

## Police Commission

Dwight O'Hara	<a href="mailto:Dwight.ohara@securitiesamerica.com">Dwight.ohara@securitiesamerica.com</a>	Member	February 1, 2023	February 1, 2026	3 Year Term
Dave Williamson	<a href="mailto:DCWill1952@msn.com">DCWill1952@msn.com</a>	Member	February 1, 2023	February 1, 2026	3 Year Term
Joe Mavrincac	<a href="mailto:jmavrincac@gmail.com">jmavrincac@gmail.com</a>	Member	February 1, 2023	February 1, 2026	3 Year Term

Gordon Pierson	Airport Board
John Molendyke	Park Board
John Henderson	Chamber of Commerce
Rob Kersch	Headwaters RC&D
Rob Kersch	Landfill Board
Kirk Hayes	Local Emergency Planning Com (LEPC)
<b>TO BE DETERMINED</b>	Library Board
Greg Larkin	Planning Board
Kirk Hayes	Youth Board