



COUNCIL AGENDA

April 1, 2024 - 6 PM

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

1. **Call Meeting to Order | Pledge of Allegiance**
2. **Guest Discussion:**
 - a. Senator Becky Beard: Candidate for Senate District 38
3. **Public Comment** – Members of the audience may comment on any non-agenda item. State Statute limits the City Council from discussing any introduced item. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.
4. **Public Hearing.**
 - a. Myg. Inc Request for Abandonment of City-Owned Property
Action item: Vote on the request – Jordan
5. **Consent Agenda Items - Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote by any City Council member. After motion is made, Mayor requests a second to the motion, public comment, Council discussion, and calls for the vote.**
 - a. Regular Meeting Minutes: March 18, 2024
 - b. Committee Report
 - c. Board Report
 - d. March Claims- Receive the informational report. Accept the recommendation from the Finance Committee.
6. **Continued Business (continued or tabled)**
 - a. Beeson Request for Abandonment of City-Owned Property – Jordan
7. **New Business Items - The Council will act on each item after accepting public comments.**
 - a. Well Pay Application #4 – Trent
 - b. Xylem Water Solutions USA Contract – Trent
 - c. 1st Reading of Ordinance 2024-3: Amending Title 8 -Jordan
8. **Schedule of Committee Meetings – Tentative until confirmed by Committee Chairs.**
 - Finance – April 1st at 4pm
 - Economic Growth & Dev – April 3rd at 5pm
 - Council Operations – April 8th at 5pm
 - Public Health & Safety – April 11th at 5pm
 - Planning Board – April 15th at 10am
 - Council #2 – April 15th at 6pm
 - Parks & Rec – April 4th at 5pm AND April 22nd at 5pm
 - Public Works – April 23rd at 5pm
 - City/County Joint – April 17th at 5:30pm, If Needed (City Host)

9. **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.

10. Next Meeting Announcement(s)

- a. Regular Meeting: April 15, 2024 at 6:00pm

11. Adjournment

**Deer Lodge City Council meets at City Hall
300 Main Street, Deer Lodge, MT 59722
For Further Information Contact: Cyndi Thompson, City Clerk
cthompson@cityofdeerlodgemt.gov | 406.846.2238**

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



Montana's Undiscovered Treasure

300 MAIN STREET
DEER LODGE MT 59722-1057
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: CITY COUNCIL **TO:** CITY COUNCIL

Agenda Item Name: Myg Inc. Request for Abandonment Public Hearing

For Meeting on: 04/01/2024 **Staff Member/Committee Referring:** _____

Description of the item:

Myg Inc. submitted a request for City owned property that was discussed by the City Council at their March 2024 meeting. They elected to send the item to public hearing with the stipulation that there should be further research and recommendation towards the cost. Staff will discuss a potential new cost at the Finance Committee meeting before the City Council public hearing tonight.

Attachments:

1) Initial MYG Inc Request for Abandonment of City-owned Property Staff Report

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

Public Works discussed at their February 2024 meeting and Finance at its March 2024 meeting. City Council reviewed in March 2024 and elected to send the item to public hearing, but wanted additional guidance on the amount to be attached.

Recommended Motion/Action:

Conduct Public Hearing and determine next course of action.

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
Greg Larkins
John J. Molendyke
Gordon Pierson

REQUEST FOR ABANDONMENT OF CITY OWNED PROPERTY REPORT

Requested Abandonment: An approximately 90' by 22' section of Kohrs Street between Montana Avenue and Milwaukee Avenue adjacent to Lots 12-14 of Block 2 of the Bielenberg-Albee Addition
Request by: Myg Incorporated

Prepared by: Jordan Green – City of Deer Lodge Chief Administrative Officer
Prepared for: City of Deer Lodge Public Works Committee
February 23, 2024

Request:

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.

Site Analysis:

The land requested for abandonment is approximately 90 feet by 22 feet, travels north to south, and is a small portion of the total width of the Kohrs street right-of-way. Kohrs Street in this section has an approximately 80-foot right-of-way. The home, which is not currently addressed, was intended to be situated on Lots 12-14 of Block 2 of the Bielenberg-Albee Addition of Deer Lodge, Section 03, Township 07N, Range 09W. As mentioned earlier, the home was misplaced 16.3-16.5 feet into the Kohrs Street right-of-way. The parcel is zoned as R-1, Residential, Single-Family, Low-Density District, which is the same zoning designation as every parcel in vicinity. The parcel to the west of the right-of-way is owned by the City of Deer Lodge and is traditionally known as the "Sledding Hill."

The right-of-way for Kohrs Street dead ends on both sides of the block, bound by an alley to the north and private property to the south. At its south termination it connects to the Montana Avenue right-of-way, which runs east to west along the southern boundary of the subject parcel. A hill bisects the parcel from its northwest corner to southeast corner. The section of the right-of-way east of this flat, and the section of the right-of-way

to the west is sloped. An informal road follows the slope of the hill and continues along Montana Avenue until Clark Street. There is no vehicular access off this informal road – all vehicular traffic is contained to the alley to the north of the subject property.

There is a power line that runs through the Kohrs Street right-of-way but is outside of the area requested for abandonment. There are no water or sewer lines in the right-of-way.

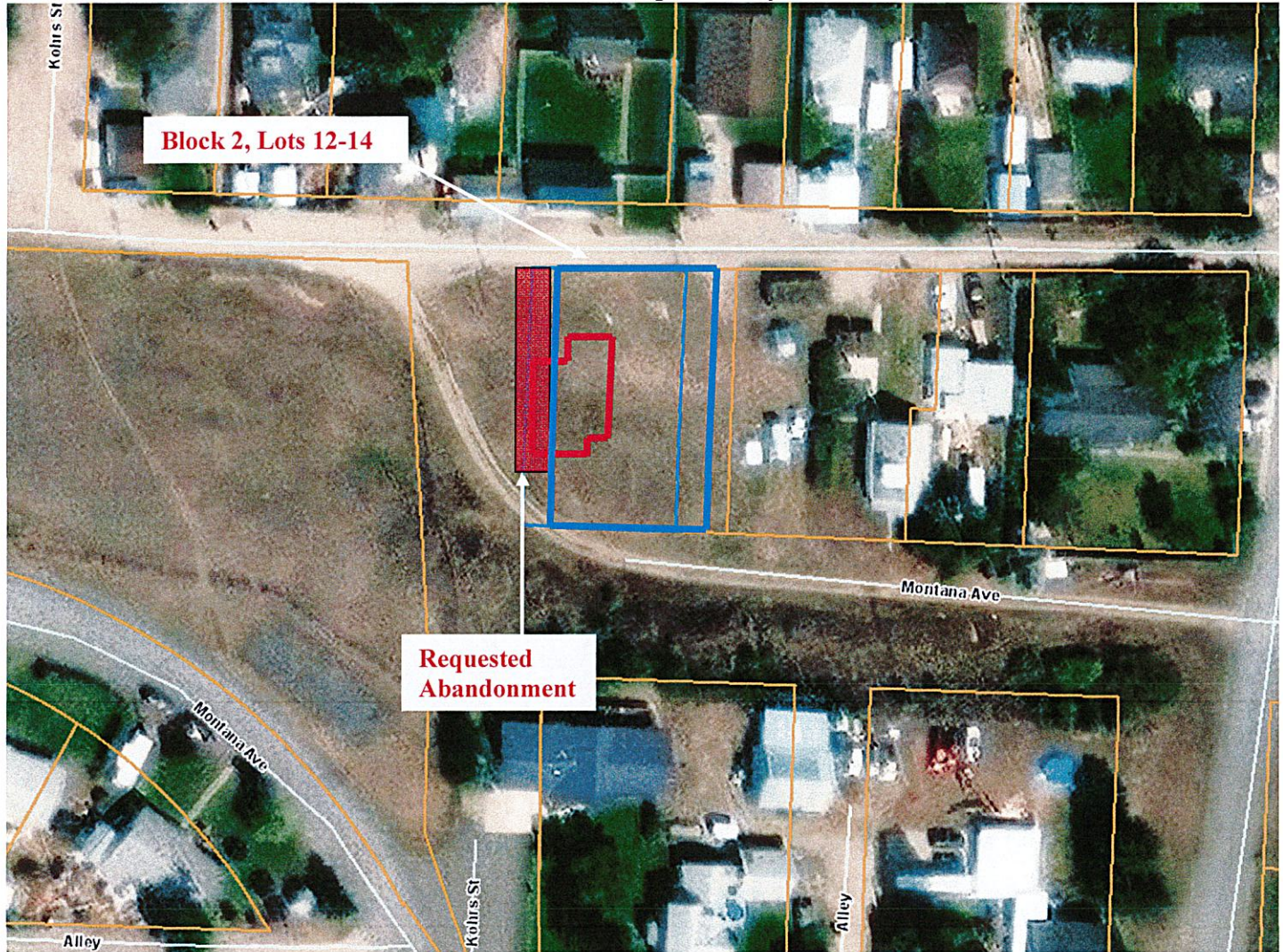


Exhibit showing the approximate boundaries of Lots 12-14, the location of the new home, and the approximate area of proposed abandonment (note the offset from Montana Cadastral lines).

Abandonment Analysis:

The requested abandonment, if done correctly, will not impede access to the informal road or the power line in the right-of-way. However, as the applicant has not precisely delineated their requested abandonment, a survey exhibit or Certificate of Survey should be provided that shows the requested abandonment, lot lines, rights-of-way, and surrounding features. This is to ensure that the abandonment will not impede access to the road for other vehicles.

City staff has provided images of the newly-constructed home, the informal road, the power line, and the area proposed for abandonment. These images are attached to this staff report.

Based on this analysis, City Staff finds no undue reason to deny the request and recognizes the hardship the misplaced home places on the applicants. This recommendation is pursuant to the fact that the requested abandonment is not precisely delineated by the applicant, and as such Staff recommends the exact delineation be provided before final approval. However, the approximately 1,980 square foot property is the property of the taxpayers of the City of Deer Lodge, and the City should require compensation for the abandonment of public land. Staff approximated a sell price of \$5,860.80 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.

This sell price was calculated as an average of the value per square foot of adjacent properties. The adjacent properties were selected on Montana Cadastral, which specifies every property's square footage. The 2023 appraisal of the land value for each property was divided by the number of square feet to calculate the value per square foot for each adjacent property. The average of these values was taken and applied to the square footage of the requested property abandonment. These calculations are shown below.

Adjacent Property	Square Feet	Land Taxable Value	Value/SF
East	11799	35387	3.00
North	12060	35423	2.94
Northwest	12060	35423	2.94

Average value/SF	2.96
SF of Abandonment	1,980.00
Abandonment value	\$5,860.80

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.

Signed,

A handwritten signature in black ink, appearing to read 'J. Green', written in a cursive style.

Jordan Green – Chief Administrative Officer
February 23, 2024

Request for Abandonment of City Owned Property

ABANDONMENT: "TO NO LONGER HAVE ANY RIGHT TO A PROPERTY"

The giving up of ownership and any present or future rights to real property by the lawful owner. Governing entities have the power to abandon publicly owned property if it is determined that the best interest of the public will be served by transferring ownership from the public sector to the private sector or from one entity to another. If abandonment is granted, the deed will be filed with the Powell County Clerk and Recorder.

Name of Applicant: MYG Inc

Address of Applicant: 1 Jackson Creek Rd, Clancy, MT 59634-9714

Telephone Number: (406) 461-0517

Property description of land requesting to be abandon: _____

Kohrs St. between Montana Ave and the alley to the north between Montana ave + Milwaukee Ave

Ownership of adjoining property: City of Deer Lodge

Letters that there are no objections to the abandonment must be received from at least 51% of adjoining property owners.

Provide a site map indicating the property in question, with appropriate dimensions.

The city is required to publish a public notice in the local newspaper twice prior to the council meeting that action will be taken.

Authentication
Jeremy Mygland
Signature of Applicant

02/08/24
Date

JORDAN GREEN
Received by

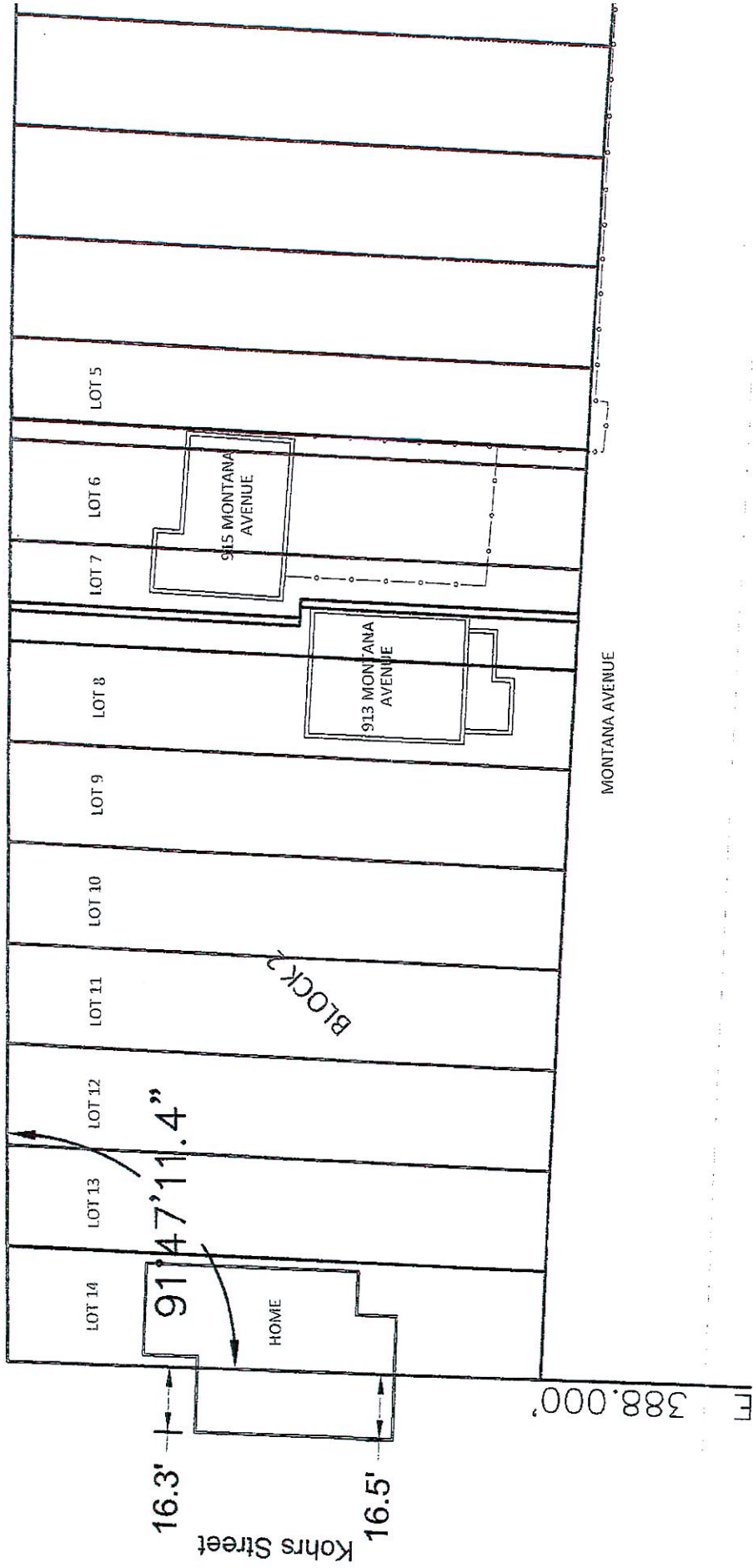
2-12-2024
Date

Forwarded to PUBLIC WORKS Committee on FEBRUARY 27, 2024

Note: Request will not be considered without proper information
Please allow at least four weeks lead time for preliminary review by the committee.
Advertising and filing fees will be billed to the applicant

City of Deer Lodge
300 Main Street
Deer Lodge MT 59722-1098

Alleyway



Kohrs Street
16.3'
16.5'

91'47"11.4"

HOME

915 MONTANA AVENUE

913 MONTANA AVENUE

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

MONTANA AVENUE

E 388.000'

BLOCK 2

CITY COUNCIL

MINUTES

The City Council met on March 18, 2024, at 6 PM | Council Chambers, City Hall

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

1. Call Meeting to Order | Pledge of Allegiance

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

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

a. None

3. Approval of Minutes

a. Regular Meeting: March 4, 2024

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

4. Public Hearing:

a. None

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

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

- 6. Mayor and Council Concerns:** (ONLY Concerns that are not included in this meeting's Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. **This time is solely for COUNCIL and MAYOR comment, not public. NO ACTION can be taken at this time.** If action is necessary, the item will be put on the next meeting agenda following a majority vote of the City Council.
- a. Member Hayes updated the Council on the Auxiliary Club will be at Hillcrest Cemetery cleaning the headstones. There is no money out of pocket for the City as this is a volunteer process through the Auxiliary Club.
 - b. Mayor Jess spoke of starting Consent Agenda process at the April 1st Council Meeting. All Council Member that attends a Board meeting or Chairman of a Committee Meeting needs to get their report to the City Clerk as these reports will part of the Consent Agenda process.
- 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

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.

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.

New language under the following.

8.02.010 DEFININITIONS:

PET BOARDING BUSINESS. The use of a building, structure, or parcel for the short-term boarding of dogs and cats for purposes other than veterinary medical procedures and observation. A pet boarding business is solely for boarding and is NOT for the commercial or private breeding, selling, bartering, or giving of any pet.

8.02.210 TEASING OR UNAUTHORIZED RTELEASING OF ANIMALS

(C) A pet boarding business as defined by §8.02.010 may be exempted from the provisions of this section if it has obtained approval from the City Council and holds a valid business license with the City.

a) The approval of a pet boarding business may be subject to additional conditions as required by the City Council to reduce the potential that the business creates public nuisance. Failure to adhere to these conditions will result in the revocation of its business license.

b) A pet boarding business may not engage in the commercial or private breeding, selling, bartering, or giving of any pet.

8.02.220 VIOLATIONS PENALTY

Any person who shall violate any of the provisions of this chapter, shall, upon conviction, be punishable as provided in § 1.08.010 of this code.

b. Consider Financing for the Senior Center – Jordan

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. 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.

Council Member Greg Larkins is also the President at the Senior Center and spoke of the hardship the Center encountered during the COVID pandemic. He continued with the updating Council of the steps the Center has taken to get the Center out of its deficit, the fund the Senior Center received as a one-time disbursement from the County of \$50,000. Requesting from City Council a one-time disbursement of \$37,000 to assist in the Senior Center Funding.

Member Hayes motioned to approve the one-time disbursement of \$37,000 to the Senior Center. Member King-Chavez seconded the motion. 6 Ayes, 0 Nos, 1 Abstained, 1 Absent. Motion passed.

c. Committee & Board Assignments – Mayor Jess

Mayor Jess provided a spreadsheet of all Committees and Boards to Council Members. The Library Board is still open and once the Library Board meets on the 21st of March the Board will determine their meeting start time to be either 4pm or 5pm for future meetings. Once this is established Mayor Jess will be able to assign a Council Member to that Board.

Informational topic, no motion made.

9. Next Meeting Announcements

- a. Monday, April 1, 2024 at 6:00pm

10. Adjournment

Mayor Jim Jess adjourned the meeting at 6:30 PM.

Prepared By: Cyndi Thompson, City Clerk

Mayor Jim Jess

Date



COUNCIL COMMITTEE REPORT

MARCH 2024

Council Ops – Rob Kersch (Chairperson)

March 11th - Reviewed General Governing Powers, Self-Governing Powers, and Charters. Reviewed Local Government Study Informational brochure.

Finance – Gordon Pierson (Chairperson)

March 4th - The Finance Committee reviewed the following items:

MYG Inc. right of way abandonment request- simply reviewed the finances. Beeson right of way abandonment request- simply reviewed the finances. A new variable drive motor for the Well- approved and moved to City Council for approval. A request for newer dump truck for city crew- approved and moved on to City Council for approval. A Sewer Bond Refund request from citizen- approved and moved on to City Council for approval. Review of proposed City Funding for Powell County Senior Center- discussed option for funding-moved to next finance meeting for further review. Review of ARPA grants from 2022 for compliance. Reviewed Cottonwood Street Improvement Project Final Pay Estimate- approved and moved on to City Council for approval. Reviewed and signed February claims.

Economic Growth & Development – John Henderson (Chairperson)

No meeting. No report

Public Health & Safety – John Molendyke (Chairperson)

March 14 – We reviewed Title 8: Kennel Review revisions. We approved them and agreed to send them to City Council. We then received department reports from Police Department, Code Enforcement, Fire Department and County Health.

Parks & Rec – Rian King-Chavez (Chairperson)

March 25th - Elected Rian King-Chavez as chairperson.

Beast Mowed Contract: Scheduled a second meeting in 10 days, April 4th at 5pm. The cost of service is agreed upon to be too high. In the next 10 days both Kirk and Sean are reaching out to possible hires. The cost of a full-time employee is a considerable amount less than the quote received and would include watering. We hope to have a plan to present to City Council by the meeting on the 15th.

Little League MOU Discussion: The league would like to resurface the lower east field and rebuild batter boxes and mound for the same field. The cost would be close to \$9k. Discussion of a yearly payout of \$10k was considered. This would accomplish resurfacing and construction for a field each year and maintenance of resurfacing done in previous years, to prolong the life of resurfacing. The board has asked for an itemized list from the league to be presented at the April 4th meeting.

5 Year Committee Goals: Parks Audit, Review of 2021 City of Deer Lodge Parks and Trails Master Plan - Identify further goals, Build partnerships with community organizations (ex. The Legion, Little League, public schools), Clark Fork Park - Future use plan, Funding - removing Parks and Rec out of general funding and make it self-funded

Recreation Program Report: The department is requesting for action on the purchase of shooting machine priced \$7k. Jordan will investigate existing funds and review a few grant opportunities. Will work to purchase as soon as possible.

We also touched on zoning. The board hopes to see a proposed amenities map to clarify parks and trails in the near future and will consider rezoning when appropriate.

Public Works – Gordon Pierson (Chairperson)

March 26th – Approved February minutes. Reviewed Myron Beeson right of way and moved forward to finance with a 15ftX120ft right of way request. Reviewed, approved and moved to finance the XYLEM contract. Reviewed public works report. Next meeting April 23rd at 5pm.



Council Board Reports

MARCH 2024

1. Airport Board – Gordon Pierson
Met on March 18th and reviewed the following: EA report still in process-waiting on feds. 2024 apron project moving forward with accepting bids. Land acquisitions dependent on appraisal approvals and offers accordingly. Fuel master grant reimbursement waiting on printer repair cost. Taking bids for new engineering 5yr contract.
2. Powell County Parks Board – John Molendyke
No Report
3. Chamber of Commerce – John Henderson
The chamber is working on this year's Deer Lodge Brochure.
They already have five vendors signed up for Territorial Days 2, which are Food Trucks. The Pizza, Puzzles & Pint night fundraiser is on Friday, April 19th. The chamber discussed the value of advertising at the Rialto Theatre. They also discussed the feasibility of the \$5000 Deer Lodge App.
4. Historic Preservation – Curt Fjelstad
No Report
5. Landfill – Rob Kersch
Normal board reports. No new business nor significant items discussed.
6. Local Emergency Planning Committee –Kirk Hayes
No meeting till April.
7. Library – Rian King-Chavez
No report.
8. Planning Board – Greg Larkins
The Planning Board met on Monday, March 18th, Chairwoman Brown presiding. Attendance: Chairwoman Brown, Bair, Bauman, Buck, Larkins and Sager. Approved minutes from February 12th Planning Board Meeting. A Public Hearing was held to present the recommendations from the Planning Board to update the "recommended uses in the B-1 Business District". After presentation by Chief Administrator Jordan

Green, the Planning Board unanimously voted to approve the updated recommended uses in the B-1 Business District. Next Planning Board Meeting date is April 15th .

9. Youth Board – Kirk Hayes

We discussed graduation and the Friday nights done right. Still need electrical work done in concession stand. The youth board isn't going to support the graduating senior's breakfast after lock down. However, many graduates are asking K&M to open after the lock down is over. So, Kirk and Michelle will be offering a buffet breakfast for seniors graduating and chaperones as well. Eight dollars a plate.

City Council - April 1, 2024

Financial Summary

March 2024

Atypical Revenues		Purpose	Fund	Amount
Entitlement Share		3rd Quarter	1000-2190 2220-2020	\$132,616.94
Completed Projects		Grant Funded	City Funded	Final Cost
Cottonwood Street Rebuild			2510	\$267,861.60
Atypical Claims		Purpose	Fund	Amount
H & H Contracting	Cottonwood Street Rebuild		2510	\$265,182.39
Montana Dept. of Revenue	Gross Reciepts Tax		2510	\$2,678.60
O'Keefe Drilling	Public Water Well		5210	\$37,620.00
Montana Dept. of Revenue	Gross Reciepts Tax		5210	\$380.00
Payables				
			Claims	\$530,538.50
			Payroll	\$163,716.88
			Total	\$694,255.38

A motion to approve payment of the claims is requested.

03/29/24
15:18:22

CITY OF DEER LODGE
Claims by Vendor Report
For the Accounting Period: 3/24

Page: 1 of 2
Report ID: AP220

Vendor	Claim #	# of Lines	Date		Check	Amount
			Accepted			
180 A & M FIRE AND SAFETY, INC.	CL 12429	5	03/28/24		23688	969.85
1789 BOZEMAN ASPHALT MAINTENANCE, INC.	CL 12432	1	03/20/24		23687	34,000.00
1104 CENTER POINT LARGE PRINT	CL 12469	1	03/28/24		23689	49.14
26 CENTURY LINK	CL 12453	2	03/21/24		23690	85.10
1196 CHARTER COMMUNICATIONS	CL 12414	4	03/28/24		23691	584.85
45 CITY OF DEER LODGE ASSIGNEE	CL 12417	13	03/19/24		23684	295.74
1790 CIVICPLUS	CL 12443	4	03/25/24		23692	4,645.00
1441 CORE & MAIN LP	CL 12446	2	03/28/24		23693	2,856.88
1732 COTE & ASSOCIATES CPA PLLC	CL 12445	1	03/21/24		23694	2,137.50
678 COUGHLIN AUTO GLASS	CL 12463	1	03/22/24		23695	60.00
1607 COWPOKE RANCH SUPPLY, INC.	CL 12431	1	03/20/24		23696	42.00
823 CULLIGAN OF BOZEMAN - BUTTE	CL 12427	1	03/20/24		23697	60.00
1245 DAN GREEN	CL 12434	1	03/20/24		23698	292.13
557 DEE MOTOR CO.	CL 12436	2	03/21/24		23699	8,048.99
849 DEPARTMENT OF REVENUE	CL 12468	2	03/29/24		-99544	3,058.61
907 DEQ - PUBLIC WATER SUPPLY BUREAU	CL 12466	1	03/25/24		23700	1,000.00
1783 DEX IMAGING	CL 12448	1	03/21/24		23701	81.14
1419 ELVERUM LAW FIRM, PLLC	CL 12473	10	03/28/24		23702	11,785.65
434 ENERGY LABORATORIES, INC.	CL 12422	17	03/29/24		23703	3,021.00
1226 GALLE PLUMBING AND HEATING	CL 12452	2	03/21/24		23704	410.00
1318 GALLS, LLC	CL 12433	1	03/20/24		23705	113.28
1266 H AND H CONTRACTING, INC.	CL 12438	1	03/29/24		23706	265,182.39
39 HACH COMPANY	CL 12465	2	03/25/24		23707	428.00
1554 HYDROMETRICS, INC.	CL 12449	1	03/21/24		23708	818.00
1402 JOHNSON & ASSOCIATES, INC.	CL 12457	2	03/22/24		23709	85.00
1616 KELLEY CREATE	CL 12425	10	03/28/24		23710	831.86
921 KOHRS MEMORIAL LIBRARY - PETTY CASH	CL 12471	2	03/28/24		23711	68.69
429 KOIS BROTHERS EQUIPMENT CO.	CL 12435	6	03/28/24		23712	3,321.91
713 LANE & ASSOCIATES	CL 12455	2	03/22/24		23713	201.96
468 LES SCHWAB	CL 12461	4	03/22/24		23714	883.96
234 LOCAL GOVERNMENT SERVICES	CL 12442	4	03/21/24		23715	1,300.00
	CL 12454	2	03/21/24		23715	260.00
706 MONTANA CORRECTIONAL ENTERPRISES	CL 12458	3	03/28/24		23716	594.90
1038 MONTANA DEPARTMENT OF CORRECTIONS	CL 12459	3	03/29/24		23717	1,575.00
1305 MONTANA LAW ENFORCEMENT ACADEMY	CL 12411	1	03/27/24		23718	81.00
30 NAPA AUTO PARTS	CL 12421	10	03/29/24		23719	432.19
1540 NASH ENTERPRISES, INC.	CL 12437	2	03/21/24		23720	1,329.19
1244 NORTHWEST PARTS & EQUIPMENT	CL 12462	1	03/22/24		23721	264.00
33 NORTHWESTERN ENERGY	CL 12412	38	03/28/24		23722	22,418.70
537 O'KEEFE DRILLING	CL 12467	1	03/27/24		23723	37,620.00
1232 OFFICE SOLUTIONS, INC.	CL 12423	12	03/29/24		23724	742.24
1756 PARSONS BEHLE & LATIMER	CL 12444	1	03/21/24		23725	3,445.00
1326 PITNEY BOWES GLOBAL FINANCIAL SERVICES	CL 12464	3	03/25/24		23726	165.60
1317 PITNEY BOWES, INC.	CL 12415	15	03/29/24		23727	676.69
12 POWELL COUNTY CLERK	CL 12447	1	03/21/24		23728	92.00
61 POWELL COUNTY SENIOR CENTER	CL 12418	1	03/19/24		23685	37,000.00
1791 PRO VISION	CL 12474	1	03/29/24		23729	250.25
1294 RDO EQUIPMENT CO.	CL 12456	1	03/21/24		23730	798.70
28 ROME ENTERPRISES 027545	CL 12420	24	03/29/24		23731	1,598.69
1614 SAFE LIFE DEFENSE	CL 12430	1	03/20/24		23732	4,041.00
1593 SILVER BOW TROPHY	CL 12450	1	03/21/24		23733	110.00
32 SILVER STATE POST	CL 12426	2	03/20/24		23734	242.24
1373 STAHLY ENGINEERING & ASSOCIATES, INC.	CL 12428	8	03/29/24		23735	19,122.93
1776 STAPLES	CL 12424	2	03/29/24		23736	189.95

03/29/24
15:18:22

CITY OF DEER LODGE
Claims by Vendor Report
For the Accounting Period: 3/24

Page: 2 of 2
Report ID: AP220

Vendor	Claim #	# of Lines	Date Accepted	Check	Amount
737 UNIVISION, INC.	CL 12413	19	03/29/24	23737	5,043.96
936 UPS	CL 12451	1	03/21/24	-99546	264.74
1418 US BANK COMMUNITY CARD	CL 12460	23	03/29/24	-99545	7,840.12
754 USA BLUE BOOK	CL 12472	1	03/28/24	23738	195.36
1401 USDA RD LOAN #92-01	CL 12407	2	03/27/24	-99550	15,765.00
1378 USDA RD LOAN #92-02	CL 12408	2	03/27/24	-99549	4,075.00
1410 USDA RD LOAN #92-04	CL 12409	2	03/27/24	-99548	11,886.00
188 UTILITIES UNDERGROUND LOCATION CENTER	CL 12439	2	03/21/24	23739	17.20
85 VALLEY FOODS	CL 12440	1	03/21/24	23740	20.69
1197 VERIZON WIRELESS SERVICES, LLC	CL 12419	21	03/19/24	23741	762.08
196 WEST SIDE DITCH COMPANY, INC.	CL 12441	1	03/21/24	23742	400.00
1242 WEX BANK	CL 12410	29	03/19/24	-99547	4,499.45
				Total:	530,538.50

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



Montana's Undiscovered Treasure

300 MAIN STREET
DEER LODGE MT 59722-1057
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: COMMITTEE



TO: CITY COUNCIL



Agenda Item Name: Beeson Right-of-Way Abandonment Updated Amounts

For Meeting on: 04/01/2024 **Staff Member/Committee Referring:** Public Works

Description of the item:

After request for review from the City Council, the Public Works Committee reviewed the Beeson Right-of-Way Abandonment. The original recommendation was a 30' by 120' abandonment for \$11,097.00. After discussion with Mr. Beeson, the Public Works Committee is recommending that the City Council reduce the abandonment size from 30' by 120' to 15' by 120' and a new sale price of \$5,548.50.

Attachments:

1) Original Beeson Right-of-Way Abandonment Staff Report

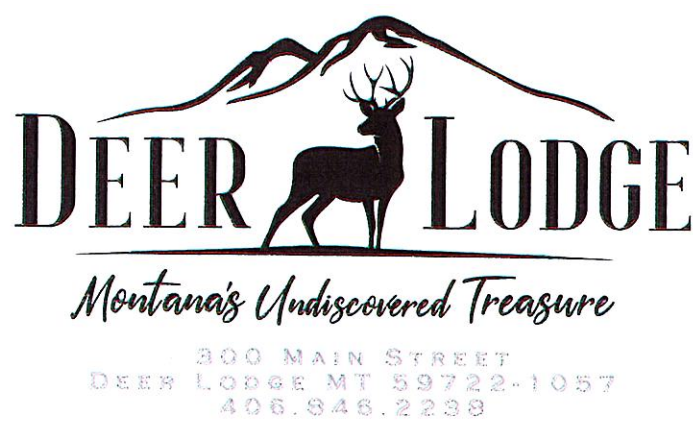
**Previous Committee Engagement:
(discussion, outcomes, recommendations, public comment)**

The Public Works first discussed the abandonment at their February 2024 meeting, and made a recommendation that was reviewed by Finance at their March 2024 meeting and ultimately the City Council in March 2024. The Council sent the item back to Public Works who made a new recommendation during their March 2024 meeting. Finance discussed today, April 1, 2024.

Recommended Motion/Action:

Accept the new abandonment of 15' by 120' for a sale price of \$5,548.50 and move the item to a public hearing.

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



City Council
Curt Fjelstad
Kirk Hayes
John Henderson
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Rian King-Chavez
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Gordon Pierson

REQUEST FOR ABANDONMENT OF CITY OWNED PROPERTY REPORT

Requested Abandonment: An approximately 120' by 30' portion of Clark Street between Texas Avenue and Conley Avenue next to the property at 524 Texas Avenue
Request by: Myron and Maria Beeson

Prepared by: Jordan Green – City of Deer Lodge Chief Administrative Officer
Prepared for: City of Deer Lodge Public Works Committee
February 22, 2024

Request:

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 Beesons. The intent of said request would be to allow the applicants to own the land that they currently maintain.

Site Analysis:

The portion of Clark Street requested for abandonment is approximately 120 feet by 30 feet, travels north to south, and is directly east of the applicant's property at 524 Texas Avenue. The applicant's property is legally described as Lot 17A and Lot 19A of an Amended Plat in Block 70 of the Original Addition of Deer Lodge, Section 04, Township 07N, Range 09W. The property is zoned as R-2, Residential, Single Family and Manufactured Home District, and is surrounded on all sides by residential uses that are also zoned R-2. 524 Texas is 9,000 square feet. Clark Street in this area is approximately 24 feet wide, and the public right-of-way is 90 feet wide. There are no utilities that utilize this side of Clark Street, but there is a water line that runs along the right-of-way on the east side of Clark Street. Currently, the area proposed for development is used and maintained as yard space by the applicants.



Exhibits showing the location of proposed abandonment of 30 feet of Clark Street adjacent to the property at 524 Texas Avenue. Photo is from Texas Avenue facing South.

Abandonment Analysis:

Clark Street runs north of the subject property before it terminates in one block at land owned by the School District that houses the track and football field. To the south of the subject property, it crosses the City boundary and provides access to 18 single-family homes in the unincorporated area south of town. There are several other parcels that would, should they be subdivided and developed, also be accessed by an expansion of Clark Street south of town. There are no utilities that use the western edge of the right-of-way adjacent to the applicant's property, but there is a 6-inch water main that runs along the eastern boundary of the right-of-way through this section of Clark Street.

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.

This proposed sell price was calculated as an average of the value per square foot of adjacent properties. The adjacent properties were selected on Montana Cadastral, which specifies every property's square footage. The 2023 appraisal of the land value for each property was divided by the number of square feet to calculate the value per square foot for each adjacent property. The average of these values was taken and applied to the square footage of the requested property abandonment. These calculations are shown below.

Adjacent Property	Square Feet	Land Taxable Value	Value/SF
East	11790	35386	3.00
West	9000	34936	3.88
Southwest	14580	35743	2.45
Southeast	11790	35386	3.00

Average value/SF	3.0825
SF of Abandonment	3,600.00
Abandonment value	\$11,097.00

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.

Signed,

A handwritten signature in blue ink, appearing to read 'Jordan Green', is written over a faint red line.

Jordan Green – Chief Administrative Officer

February 22, 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
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Gregory Larkins
John Molendyke
Gordon Pierson

CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

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

Agenda Item Name: Well Project Pay Application #4

For Meeting on: 04/01/2024 Staff Member/Committee Referring: Trent Freeman

Description of the item:

We have received Pay Application #4 for our well project. It has been reviewed and approved by Stahly Engineering. It totals \$37,620 and includes no new change orders.

Attachments:

1) Pay Application #4

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

Finance reviewed the item at their meeting today, April 1, 2024.

Recommended Motion/Action:

Approve Pay Application #4 for \$37,620.



Contractor's Application for Payment No. 4

Application Period: 11/18 to 03/26/2024	Application Date: 3/26/2024	4
From (Contractor): OKeefe Drilling	Via (Engineer): Sahlly Engineering	
Contract: NTP Oct 25, 2022	Sub-Comp Jan 21, 2023, Final Comp Feb 22, 2023	
Contractor's Project No: C71D21-01	Engineer's Project No.: 2506-03120	

Application For Payment Change Order Summary	
Approved Change Orders	Deductions
Number	Number
CO1	CO1
CO2	CO2
TOTALS	TOTALS
NET CHANGE BY CHANGE ORDERS	\$13,046.00

Contractor's Certification
 The undersigned Contractor certifies, to the best of its knowledge, the following:
 (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied in account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
 (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all liens, security interests, and encumbrances (except such as are covered by a bonded acceptable to Owner indemnifying Owner against any such liens, security interest, or encumbrances); and
 (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Payment of: \$ 17,630.00
 (Line 8 or other - attach explanation of the other amount)

is recommended by: M. D. Witek (Engineer) 3/26/2024 (Date)
SMITH ENGINEERING

Payment of: \$ (Line 9 or other - attach explanation of the other amount)

is approved by: _____ (Owner) _____ (Date)

Approved by: _____ (Funding or Financing Entity if applicable) _____ (Date)

Contractor Signature: [Signature] Date: 3/26/2024

EJCDC® C-620 Contractor's Application for Payment
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 Page 1 of 1

Contractor's Application

Progress Estimate - Unit Price Work

For (Contract): Public Water Supply Replacement Well Application Number: 4

Application Period: 11/18 to 03/26/2024 Application Date: 3/26/2024

Bid Item No.	Item Description	Contract Information			B		C	D	E	F	Balance to Finish (R - F)	Previously Installed
		Item Quantity	Units	Unit Price	Total Value of Item (\$)	Estimated Quantity Installed						
101	Mobilization & Insurance	1	LS	\$20,000.00	\$20,000.00	1	\$20,000.00		\$20,000.00	100.0%		0.25
102	OBSERVATION WELL BOREHOLE	250	LF	\$45.00	\$11,250.00	250	\$11,250.00		\$11,250.00	100.0%		250
103	OBSERVATION WELL CASING	200	LF	\$9,000.00	\$9,000.00	200	\$9,000.00		\$9,000.00	100.0%		200
104	OBSERVATION WELL DEVELOPMENT	50	LF	\$2,500.00	\$12,500.00	50	\$12,500.00		\$12,500.00	100.0%		50
105	OBSERVATION WELL DEVELOPMENT	8	HR	\$1,600.00	\$12,800.00	8	\$12,800.00		\$12,800.00	100.0%		8
106	OBSERVATION WELL PUMP TEST	1	LS	\$12,000.00	\$12,000.00	1	\$12,000.00		\$12,000.00	100.0%		1
107	WATER WELL BOREHOLE	250	LF	\$180.00	\$47,500.00	250	\$47,500.00		\$47,500.00	100.0%		250
108	WATER WELL CASING	200	LF	\$18.00	\$3,600.00	200	\$3,600.00		\$3,600.00	100.0%		200
109	STAINLESS STEEL WELL SCREEN	50	LF	\$3,250.00	\$162,500.00	50	\$162,500.00		\$162,500.00	100.0%		50
110	GROUT SURFACE SEAL	200	LF	\$25.00	\$5,000.00	200	\$5,000.00		\$5,000.00	100.0%		200
111	WELL DEVELOPMENT	8	HR	\$4,500.00	\$36,000.00	8	\$36,000.00		\$36,000.00	100.0%		8
112	PUMP TEST SETUP/REMOVAL	1	LS	\$8,000.00	\$8,000.00	1	\$8,000.00		\$8,000.00	100.0%		1
113	DISCHARGE PIPING SETUP/REMOVAL	1	LS	\$2,000.00	\$2,000.00	1	\$2,000.00		\$2,000.00	100.0%		1
114	STEP-DRAWDOWN PUMP TEST	8	HR	\$2,750.00	\$22,000.00	8	\$22,000.00		\$22,000.00	100.0%		8
115	CONSTANT RATE PUMP TEST	72	HR	\$175.00	\$12,600.00	72	\$12,600.00		\$12,600.00	100.0%		72
116	WELL DISINFECTION	1	LS	\$300.00	\$300.00	1	\$300.00		\$300.00	100.0%		1
117	WELL CAP & SURFACE RESTORATION	1	LS	\$11,000.00	\$11,000.00	1	\$11,000.00		\$11,000.00	100.0%		1
118	RIG STANDBY		HR	\$450.00								
CO1	Change Order 1 - Additional lengths of pipe	1	LS	\$8,396.00	\$8,396.00	1	\$8,396.00		\$8,396.00	100.0%		1
CO2	Change Order 2 - Time for well development, well video	1	LS	\$5,550.00	\$5,550.00	1	\$5,550.00		\$5,550.00	100.0%		1
							Totals	\$310,746.00	\$310,746.00	45.17%	\$11,000.00	

O'KEEFE DRILLING

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

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

Invoice: COD24-01
 Date: 21-Mar-24
 Phone:
 Fax:

Item No.	Description	Estimated Quantity	Actual Quantity	Unit	Bid Unit Price	Bid Amount
101	MOBILIZATION AND INSURANCE	1	0.75	LS	\$ 20,000.00	\$ 15,000.00
102	OBSERVATION WELL BOREHOLE	250		LF	\$ 45.00	\$ -
103	OBSERVATION WELL CASING	200		LF	\$ 45.00	\$ -
104	OBSERVATION WELL SCREEN	50		LF	\$ 250.00	\$ -
105	OBSERVATION WELL DEVELOPMENT	8		HR	\$ 450.00	\$ -
106	OBSERVATION WELL PUMP TEST	1		LS	\$ 12,000.00	\$ -12,000.00
107	WATER WELL BOREHOLE	250		LF	\$ 190.00	\$ -
108	WATER WELL CASING	200		LF	\$ 118.00	\$ -
109	STAINLESS STEEL WELL SCREEN	50		LF	\$ 465.00	\$ -
110	GROUT SURFACE SEAL	200		LF	\$ 25.00	\$ -
111	WELL DEVELOPMENT	8		HR	\$ 450.00	\$ -
112	PUMP TEST SETUP/REMOVAL	1	1	LS	\$ 8,000.00	\$ 8,000.00
113	DISCHARGE PIPING SETUP/REMOVAL	1	1	LS	\$ 2,000.00	\$ 2,000.00
114	STEP-DRAWDOWN PUMP TEST	8	8	HR	\$ 275.00	\$ 2,200.00
115	CONSTANT RATE PUMP TEST	72	72	HR	\$ 175.00	\$ 12,600.00
116	WELL DISINFECTION	1	1	LS	\$ 200.00	\$ 200.00
117	WELL CAP & SURFACE RESTORATION	1		LS	\$ 11,000.00	\$ -
118	RIG STANDBY	0		HR	\$ 450.00	\$ -
CO1	Additional Lengths of pipe	1		LS	\$ 8,396.00	
CO2	WELL DEVELOPMENT			LS	\$ 5,550.00	\$ -
Total Amount Due:						\$ 37,000.00

40,000.00

Mayor
James Jess
Chief Administrative Officer
Jordan Green
City Attorney
Peter Elverum
City Clerk
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Compliance Officer
Kody Ryan
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Treasurer
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Montana's Undiscovered Treasure

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406.846.2238

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Gregory Larkins
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CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

THIS AGENDA ITEM REFERRED BY: COMMITTEE



TO: CITY COUNCIL



Agenda Item Name: Xylem Water Solutions USA Contract

For Meeting on: 04/01/2024 **Staff Member/Committee Referring:** Public Works

Description of the item:

A proposed 5-year contract for Xylem Water Solutions to inspect and service the pumps at the lift station near the AOK Campground. Contract price would be \$1,468/year for a total cost of \$7,340 over the 5 year contract. This contract will save the City approximately \$300 per year or a total cost savings of \$1,500 over the 5 year contract. The lift station is currently services and inspected by Xylem once a year with Trent Freeman scheduling yearly.

Attachments:

1) Xylem Water Solutions USA Contract

Previous Committee Engagement:

(discussion, outcomes, recommendations, public comment)

Public Works discussed and recommended the contract at their March 2024 meeting. Finance discussed today for final recommendation.

Recommended Motion/Action:

Approve the Xylem Water Solutions Contract for a 5 year contract at \$1,468.00 per year.



**Xylem Water Solutions USA, Inc.
Flygt Products**

March 18, 2024

3860 Helberg Drive
Helena, MT 59602
Tel 406/495-1335
Fax 406/495-1336

City of Deer Lodge
300 MAIN ST
DEER LODGE MT 59722-1057

Quote # 2024-HEL-0031
Project Name: Deer Lodge PMA
Job Name: Deer Lodge PMA

Xylem Water Solutions USA, Inc. is pleased to provide a quote for the following Flygt equipment.

PMA

Qty	Part Number	Description	Unit Price	Extended Price
1	14-69 00 15A	PMA,FLYGT BRONZE,NO TAX TP+ MODELS: 3000,7000,8000	\$ 1,360.00	\$ 1,360.00

Required Parts

Qty	Part Number	Description	Unit Price	Extended Price
2	82 76 85	O-RING 17.0 X 3.0 NBR	\$ 0.00	\$ 0.00
4	82 76 85	O-RING 17.0 X 3.0 NBR	\$ 0.00	\$ 0.00

Total Price \$ 1,360.00

Freight Charge \$ 108.00

Total Price \$ 1,468.00/year for 5 years

Terms & Conditions

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xyleminc.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made a part of the agreement between the parties.

Purchase Orders: Please make purchase orders out to: Xylem Water Solutions USA, Inc.

Freight Terms: 3 DAP - Delivered At Place 08 - Jobsite (per IncoTerms 2020)

See Freight Payment (Delivery Terms) below.

Taxes: State, local and other applicable taxes are not included in this quotation.

Back Charges: Buyer shall not make purchases nor shall Buyer incur any labor that would result in a back charge to Seller without prior written consent of an authorized employee of Seller.

Shortages: Xylem will not be responsible for apparent shipment shortages or damages incurred in shipment that are not reported within two weeks from delivery to the jobsite. Damages should be noted on the receiving slip and the truck driver advised of the damages. Please contact our office as soon as possible to report



damages or shortages so that replacement items can be shipped and the appropriate claims made.

Terms of Delivery: PP/Add Order Position

Terms of Payment: 100% N45 after invoice date.

Xylem's payment shall not be dependent upon Purchaser being paid by any third party unless Owner denies payment due to reasons solely attributable to items related to the equipment being provided by FLYGT.

Validity: This Quote is valid for thirty (30) days.

Please note that this pricing is valid for 30 days and contingent upon final approval of submittals and release to fabrication by (within 90 days of bid date).

This quotation is subject to change if any changes to the specifications or plans are made that alter the scope of supply.

Schedule: Please consult your local Flygt Branch Office to get fabrication and delivery lead times.

COVID 19: Our current delivery lead-times are forecasted estimates only due to the outbreak of the COVID-19 virus pandemic and its global effects on commerce, supply chain, and logistics. Xylem will, however, use all commercially reasonable efforts to minimize any delivery delay impacts.

Warranty: Xylem Water Solutions USA, Inc. offers a commercial warranty to the original end purchaser against defects in workmanship and material.

Thank you for the opportunity to provide this quotation. Please contact us if there are any questions.

Sincerely,



Dalton Oyler
Sales Representative

Cell: 406-417-1984
dalton.oyler@xylem.com





**Xylem Water Solutions USA, Inc.
Flygt Products**

Customer Acceptance

This order is subject to the Standard Terms and Conditions of Sale – Xylem Americas effective on the date the order is accepted which terms are available at <http://www.xylem.com/en-us/Pages/terms-conditions-of-sale.aspx> and incorporated herein by reference and made a part of the agreement between the parties.

A signed copy of this Quote is acceptable as a binding contract.

Purchase Orders: Please make purchase orders out to: Xylem Water Solutions USA, Inc.

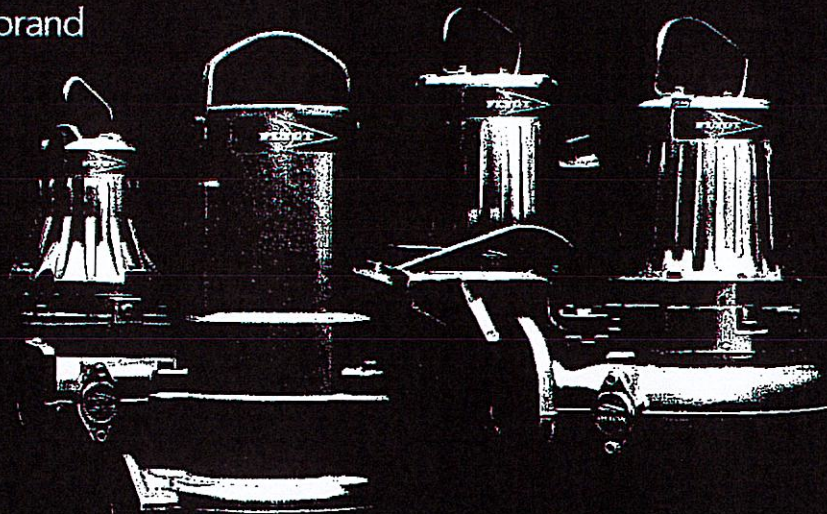
Quote #: 2024-HEL-0031
Customer Name: City of Deer Lodge
Job Name: Deer Lodge PMA
Total Amount: \$ 1,360.00
(excluding freight)

Signature: _____	Name: _____ (PLEASE PRINT)
Company/Utility: _____	PO: _____
Address: _____	Date: _____
_____	Phone: _____
_____	Email: _____
_____	Fax: _____



FLYGT

a xylem brand



Introducing the Xylem Preventative Maintenance Agreement

Don't forget to protect your new assets

Thank you for considering Xylem for your pumping equipment needs. We appreciate the significance of your purchase decision and want to ensure you get the most out of your investment. The most cost-effective way to do this is to sign-up for a preventative maintenance agreement (PMA) that we tailor to your specific requirements and budget. A Xylem PMA offers a proven method to extend your equipment life, prevent expensive repairs and minimize unplanned failures. It's also ensures you remain in compliance with environmental, health and other government regulations – critical to maximizing operation uptime.

Our Flygt Gold PMA Includes:

- One scheduled preventative maintenance service visit with multi-point inspection, 12 months after purchase and discounted access to Xylem's rental fleet
- An additional 12-month warranty when purchased with your new or replacement Flygt pump(s)
- The option to renew annually or on a multi-year basis following the first service visit
- Priority service on repairs and field service calls

** Flat-Rate Pricing is available for new and replacement Flygt models 3069, 3085, 3102, 3127, 3153, 3171, 3202, 3301 & 3315 starting at \$500 per pump.*

Multi-year PMA packages are available as well.
Contact your Xylem Sales Representative today for more information.

Visit our [PMA site](#) for more info

xylem
Let's Solve Water

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 2024-3: Revising Title 8

For Meeting on: 04/01/2024

Staff Member/Committee Referring: _____

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) Ordinance 2024-3
- 2) 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. City Council discussed the changes at their March 2024 meeting and directed staff to write an ordinance to adopt the changes.

Recommended Motion/Action:

Approve first reading of Ordinance 2024-3.

ORDINANCE 2024-3

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL REPLACING THE EXISTING TITLE 8 (ANIMALS) OF THE CITY CODE AND ADOPTING A REVISED TITLE 8.

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 Public Health and Safety Committee has reviewed and recommended changes to Title 8 of the City of Deer Lodge Code of City Ordinances that would provide a definition and requirements for pet boarding businesses that may be located within the City Limits of the City of Deer Lodge; and

WHEREAS, the City Council reviewed the recommended changes at their regularly scheduled meeting on March 18, 2024 and elected to direct staff to write an ordinance that would codify the changes as recommended; and

NOW, THEREFORE, BE IT RESOLVED, that the Deer Lodge City Council hereby proceeds to replace the existing Title 8 of the City Code and adopt a revised Title 8, attached to this Ordinance as Exhibit "A".

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2024-3 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 2024-3 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 1st day of April, 2024.

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

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

Passed and Approved by the City Council of the City of Deer Lodge, Montana on final reading at a Regular Council Meeting on the 15th day of April, 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 2024-3 is May 16, 2024

EXHIBIT "A"

CHAPTER 8.02: DOGS

Section

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

§ 8.02.010 DEFINITIONS.

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

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

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

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

AT LARGE. Off the premises of the owner and not on a leash or other restraint or properly controlled by the owner or responsible person.

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

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

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

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

PET BOARDING BUSINESS. The use of a building, structure, or parcel for the short-term boarding of dogs and cats for purposes other than veterinary medical procedures and observation. A pet boarding business is solely for boarding and is NOT for the commercial or private breeding, selling, bartering, or giving of any pet.

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

RESTRAINT. Any dog controlled by a leash, at heel beside a competent person and obedient to that person's commands. Animals may be on or within a vehicle being driven or parked on the streets, or within the property limit of its owner. Voice command is not an acceptable method of RESTRAINT.

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

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

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

§ 8.02.020 ENFORCEMENT.

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

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

§ 8.02.025 NUMBER OF DOGS.

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

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

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

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

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

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

§ 8.02.030 LICENSING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 8.02.040 TAG AND COLLAR.

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

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

§ 8.02.050 RESTRAINT.

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

(B) Failure to have control; impoundment.

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

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

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

§ 8.02.060 ANIMAL SHELTER.

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

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

§ 8.02.070 IMPOUNDMENT AND DISPOSITION.

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

(1) Dogs impounded and not claimed by their owner at the expiration of ten days, after notice to the owner, if known, may be disposed of at the discretion of the said animal

control designee or police officer, except as hereinafter provided in the cases of certain dogs.

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

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

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

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

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

§ 8.02.080 REDEMPTION AND DESTRUCTION.

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

(B) Any dog impounded under the provisions of this chapter and not reclaimed by its owner within ten days may be humanely destroyed by the animal control designee or placed in custody of some person deemed to be responsible or suitable person to be the owner of such animal; upon payment of fees and charges set forth in §§ 8.02.030 and 8.02.090 of this chapter.

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

§ 8.02.090 IMPOUNDMENT FEES.

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

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

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

§ 8.02.100 CONFINEMENT OF CERTAIN DOGS.

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

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

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

§ 8.02.110 RABIES CONTROL.

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

(B) The owner upon demand made by the animal control designee or police officer or either of them, shall forthwith surrender any unvaccinated animal that has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, as set forth in § 8.02.080 thereof, and upon compliance of licensing provisions set forth in § 8.02.030 thereof.

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

(D) When one or both reports give a positive diagnosis of rabies, the animal control designee shall recommend a city-wide quarantine of a period of 30 days and upon the

invocation of such quarantine, no animals shall be taken into the streets or prelisted to be in the streets during such period of quarantine.

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

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

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

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

§ 8.02.120 REPORTS OF BITE CASES.

It shall be the duty of every physician or other practitioner to report to the animal control designee the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

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

§ 8.02.130 RESPONSIBILITIES OF VETERINARIANS.

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

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

§ 8.02.140 EXEMPTIONS.

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

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

§ 8.02.150 DOG CENSUS.

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

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

§ 8.02.160 INTERFERENCE.

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

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

§ 8.02.170 RECORDS.

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

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

§ 8.02.180 BARKING DOGS.

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

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

§ 8.02.181 CHASING VEHICLES.

It is unlawful for any owner keeping or harboring any dog or other animal to suffer or permit such dog to chase, run after or jump at vehicles lawfully using the public streets,

avenues, alleys and ways within the city and the same is declared to be a nuisance, and any such dog or animal may be seized and impounded.

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

§ 8.02.182 ANIMAL WASTE; REMOVAL.

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

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

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

§ 8.02.190 DESTRUCTION OF VICIOUS DOGS.

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

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

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

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

§ 8.02.200 KENNELS PROHIBITED.

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

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

(C) A pet boarding business as defined by §8.02.010 may be exempted from the provisions of this section if it has obtained approval from the City Council and holds a valid business license with the City.

a) The approval of a pet boarding business may be subject to additional conditions as required by the City Council to reduce the potential that the business creates public nuisance. Failure to adhere to these conditions will result in the revocation of its business license.

b) A pet boarding business may not engage in the commercial or private breeding, selling, bartering, or giving of any pet.

(Prior Code, § 8.02.200) (Ord. 1, passed 1-17-1980; Ord. 2019-8, passed 8-19-2019; Ord. 2024-X, passed X-XX-2024, effective X-XX-2024)

§ 8.02.210 TEASING OR UNAUTHORIZED RELEASING OF ANIMALS.

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

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

§ 8.02.220 VIOLATIONS PENALTY.

Any person who shall violate any of the provisions of this chapter, shall, upon conviction, be punishable as provided in § 1.08.010 of this code.

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

(Prior Code, § 8.02.220) (Ord. 1, passed 1-17-1980; Ord. 2024-X, passed X-XX-2024, effective X-XX-2024)