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# CITY OF DEER LODGE

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# COUNCIL AGENDA

April 15, 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. Public Hearing:**

- a. Continuation of Public Hearing from April 1, 2024 for Myg Inc. Request for Abandonment of City Property
  - a. Vote on Approval of the Request for Abandonment of City Property - Jordan
- b. Annexation by Property-owner Petition of the property proposed for the Pintler Meadows Subdivision and the Beaumont Place Addition
  - a. Action Item: Vote on Resolution 2024-R-8 – Jordan
  - b. Action Item: Vote on Resolution 2024-R-9 – Jordan

**4. 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: April 1, 2024
- b. Department Reports: CAO, Public Works, Police, Fire, Code Enforcement, Recreation
- c. Ordinance 2024-3: Title 8 Amendments for Kennel Language, 2<sup>nd</sup> Reading

**5. 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.

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

- a. None

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

- a. Resolution of Intent 2024-R-10: Intent to Annex Land Owned by the City – Jordan
- b. Resolution 2024-R-11: Support Application to the Pilot Community Tourism Grant Program – Jordan
- c. Approval of Access and Construction Easement for the Montana Board of Investments - Jordan

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

- a. Regular Meeting – Monday, May 6, 2024 at 6pm.

**9. Adjournment**

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Deer Lodge City Council meets at City Hall | 300 Main Street | Deer Lodge, MT 59722

For Further Information, Contact | Cyndi Thompson | City Clerk | [cthompson@cityofdeerlodgemt.gov](mailto:cthompson@cityofdeerlodgemt.gov) | 406.846.2238

**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:** CITY COUNCIL  **TO:** CITY COUNCIL

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

**For Meeting on:** 04/15/2024 **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. City Council held a public hearing at their April 1, 2024 meeting and elected to continue the public hearing to this meeting.

### **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. City Council held a public hearing at their April 1, 2024 meeting and elected to continue the public hearing to this meeting. The Finance Committee had another meeting 4/5/2024 and recommended a \$0 cost.

### **Recommended Motion/Action:**

Complete 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**  
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**Public Works Superintendent**  
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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
<b>Abandonment value</b>	<b>\$5,860.80</b>

**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

**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
**City Attorney**  
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John Molendyke  
Gordon Pierson

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:**

**TO:**

**Agenda Item Name:** Resolution 2024-R-8 and 9: Annexation by Property Owner Petition

**For Meeting on:** 04/15/2024      **Staff Member/Committee Referring:** Jordan Green

**Description of the item:**

the Montana Board of Investments and MTX Deer Lodge, LLC, have both petitioned the City of Deer Lodge for annexation of their properties into the City limits as part of the major subdivision preliminary plat approval process.

**Attachments:**

1) Resolutions 2024-R-8 and 9 2) Exhibits of parcels proposed for annexation

**Previous Committee Engagement:**

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

None.

**Recommended Motion/Action:**

Approve first and final reading of the two resolutions and annex the properties in question into the City limits of Deer Lodge.



**RESOLUTION 2024-R-8**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA TO ANNEX AND INCORPORATE WITHIN THE BOUNDARIES OF THE CITY OF DEER LODGE, MONTANA THE TRACT OF LAND KNOWN AS LARABIE LOT 3A OF AMENDED PLAT C-656**

WHEREAS, The Montana Board of Investments has petitioned the City of Deer Lodge for annexation and incorporation into the boundaries of the City of Deer Lodge the following described real property:

A tract of land located in the East ½ Section 33, T.8N., R9W., P.M.M. Powell County, Montana. Also located in Larabie Lot 3A as shown on Amended Plat C-656.  
Being: All that Portion of Larabie Lot 3A as shown on Amended Plat C-656 lying North of the East-West Mid Section Line of Section 33, T.8N., R9W;

WHEREAS, the Montana Board of Investments is the sole owner of the property described herein; and

WHEREAS, the petition for annexation by the Montana Board of Investments has been submitted for the purpose of gaining preliminary plat approval for a major subdivision the Montana Board of Investments has submitted; and

WHEREAS, the City of Deer Lodge Subdivision Regulations Section 3.5.D(2)(a) require that the City of Deer Lodge not make an official determination to approve, approve with conditions, or deny a subdivision until the area of the subdivision is annexed into the City; and

WHEREAS, the governing body need not submit the question of annexation to the qualified electors, and has approved the application upon its merits; and

WHEREAS, the City Council of the City of Deer Lodge held a duly noticed public hearing at their regularly scheduled City Council meeting on April 15, 2024 to obtain comment regarding the proposed annexation by petition;

WHEREAS, it is the City of Deer Lodge City Council's decision to consider this petition for annexation pursuant to the statutory annexation by petition set forth in Title 7 Chapter 2 Part 46 Section 4601 (3)(a)(ii); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Deer Lodge, to incorporate and annex into the City's jurisdictional boundary the herein described property.

BE IT FURTHER RESOLVED that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into



the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

BE IT FURTHER RESOLVED that the City Clerk shall certify, under seal of the City of Deer Lodge, the Resolution which shall be filed with the Clerk and Recorder of Powell County, and thereafter said annexed property shall be a part of the City of Deer Lodge and the City of Deer Lodge shall have the power to pass all necessary ordinances pertaining thereto.

BE IT FURTHER RESOLVED that the zoning of said annexed property is a condition of final plat approval but will generally be for the provision of multi-family residential use.

PASSED and approved by the City Council of the City of Deer Lodge, Montana on first and final reading at a regular Council meeting this 15<sup>th</sup> day of April, 2024.

The effective date of Resolution 2024-R-8 is April 15, 2024.

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

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James Jess, Mayor

Attest:

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Cyndi Thompson, City Clerk





## RESOLUTION 2024-R-9

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA TO ANNEX AND INCORPORATE WITHIN THE BOUNDARIES OF THE CITY OF DEER LODGE, MONTANA TRACT A OF CERTIFICATE OF SURVEY 911 RT**

WHEREAS, MTX Deer Lodge, LLC has petitioned the City of Deer Lodge for annexation and incorporation into the boundaries of the City of Deer Lodge the following described real property:

A tract of land located in the SW1/4NW1/4, in the NW1/4SW1/4 and in the W1/2W1/2NE1/4SW1/4 of Section 34, T8N., R9W., P.M.,M. Powell County, Montana. Also Located in Tract A as shown on Certificate of Survey 911 RT.  
Being: All of Tract A As shown on Certificate of Survey 911 RT;

WHEREAS, MTX Deer Lodge, LLC is the sole owner of the property described herein; and

WHEREAS, the petition for annexation by MTX Deer Lodge, LLC has been submitted for the purpose of gaining preliminary plat approval for a major subdivision MTX Deer Lodge, LLC has submitted; and

WHEREAS, the City of Deer Lodge Subdivision Regulations Section 3.5.D(2)(a) require that the City of Deer Lodge not make an official determination to approve, approve with conditions, or deny a subdivision until the area of the subdivision is annexed into the City; and

WHEREAS, the governing body need not submit the question of annexation to the qualified electors, and has approved the application upon its merits; and

WHEREAS, the City Council of the City of Deer Lodge held a duly noticed public hearing at their regularly scheduled City Council meeting on April 15, 2024 to obtain comment regarding the proposed annexation by petition;

WHEREAS, it is the City of Deer Lodge City Council's decision to consider this petition for annexation pursuant to the statutory annexation by petition set forth in Title 7 Chapter 2 Part 46 Section 4601 (3)(a)(ii); and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Deer Lodge, to incorporate and annex into the City's jurisdictional boundary the herein described property.

BE IT FURTHER RESOLVED that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution



may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

BE IT FURTHER RESOLVED that the City Clerk shall certify, under seal of the City of Deer Lodge, the Resolution which shall be filed with the Clerk and Recorder of Powell County, and thereafter said annexed property shall be a part of the City of Deer Lodge and the City of Deer Lodge shall have the power to pass all necessary ordinances pertaining thereto.

BE IT FURTHER RESOLVED that the zoning of said annexed property is a condition of final plat approval but will generally be for the provision of multi-family residential use, single-family residential use, commercial use, and mixed-use commercial and residential use.

PASSED and approved by the City Council of the City of Deer Lodge, Montana on first and final reading at a regular Council meeting this 15<sup>th</sup> day of April, 2024.

The effective date of Resolution 2024-R-9 is April 15, 2024.

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

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James Jess, Mayor

Attest:

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Cyndi Thompson, City Clerk





# CITY COUNCIL

# MINUTES

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The City Council met on April 1, 2024, at 6 PM | Council Chambers, City Hall

<b>Members Present:</b>	John Henderson, Rob Kersch, Curt Fjelstad, Gordon Pierson, John Molendyke, Kirk Hayes, Rian King-Chavez
<b>Members Absent:</b>	Greg Larkins
<b>Mayor:</b>	James Jess
<b>CAO:</b>	Jordan Green
<b>Staff:</b>	Cyndi Thompson, Trent Freeman, Stan Glovan. Police Chief Smith, Peter Elverum
<b>Speaker</b>	Senator Becky Beard
<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. Guest Discussion:**

- a. Senator Becky Beard: Candidate for Senate District 38  
Senator Beard addressed the Council, her position as she is running for this District, where she stands and what her position supports.

**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.**

- a. None

**4. Public Hearing.**

- a. Myg. Inc Request for Abandonment of City-Owned Property

Action item: Vote on the request – Jordan

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 discussed a potential new cost at



the Finance Committee meeting before the City Council public hearing tonight. New information was brought to City Staff that the Finance Committee is looking at.

Public Hearing was scheduled for today to gather public comment for the proposed abandonment, which we can continue on at a later date Public Hearing regards to the amount that would be recommended by the Finance Committee.

Member Kersch: In Finance meeting today, we were missing one member, we felt it was important that we schedule a Special Finance Meeting so all three members could participate in that conversation.

We would like to gather public comment on the abandonment.

Public Hearing Comments Opened: 6:15pm

Jeff McQueary: Are they going to put two more lots in there between the house they built now?

Jordan Green: The discussion at the Finance Committee are how many lots are on the site and the potential impact of this abandonment occurring. This is why the Finance Committee wanted to continue their discussion on the potential sale price.

Dawn Marrie: There could potentially be additional houses on those lots. There could possibly be two more houses there, meeting city guidelines.

Jeff McQueary: Seems like they should be required to have had main extension on the sewers to facilitate the house they just built instead of crossing across those other lots.

Public Hearing Comments Closed: 6:19pm

At the consent of the Mayor and Council request that we continue this Public Hearing at our next regularly scheduled Council Meeting to continue discussion regarding the finances and to get further recommendation by the Finance Committee.

Member Pierson motioned to continue this Public Hearing at our next regularly scheduled Council Meeting. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

**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.

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

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

a. Beeson Request for Abandonment of City-Owned Property – Jordan

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.

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

Member Hayes motioned to move this item to a Public Hearing. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

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

a. Well Pay Application #4 – Trent

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. Finance approved and recommended to Council.

Member King-Chavez motioned to approve as presented. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

b. Xylem Water Solutions USA Contract – Trent

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 serviced and inspected by Xylem once a year with Trent Freeman scheduling yearly. Finance approved and recommended to Council.

Public Comment:

John Greenwood: Will this contract have yearly price increases?

Trent Freeman: No, this is a 5 year Contract.

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

c. 1<sup>st</sup> Reading of Ordinance 2024-3: Amending Title 8 -Jordan

Member Henderson Titled 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.**

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.

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 states that the business cannot be used for selling/giving animals.

Member King-Chavez motioned to approve the 1<sup>st</sup> reading of Ordinance 2024-3. Member Hayes seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

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

- Finance – April 1<sup>st</sup> at 4pm
- Economic Growth & Dev – April 3<sup>rd</sup> at 5pm
- Council Operations – April 8<sup>th</sup> at 5pm
- Public Health & Safety – April 11<sup>th</sup> at 5pm
- Planning Board – April 15<sup>th</sup> at 10am
- Council #2 – April 15<sup>th</sup> at 6pm
- Parks & Rec – April 4<sup>th</sup> at 5pm AND April 22<sup>nd</sup> at 5pm
- Public Works – April 23<sup>rd</sup> at 5pm
- City/County Joint – April 17<sup>th</sup> at 5:30pm, If Needed (City Host)
- Tentative Finance Meeting – April 5<sup>th</sup> at 4pm

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

- a. Member Henderson asked about adding items to an Agenda for council Meetings.
- b. Member Kersch reminded Council of the Firemen’s Ball on Saturday the 6<sup>th</sup>.

**10. Next Meeting Announcements**

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

**11. Adjournment**

Mayor Jim Jess adjourned the meeting at 6:40PM.

Prepared By: Cyndi Thompson, City Clerk

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Mayor Jim Jess

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Date



# CITY OF DEER LODGE

## CAO REPORT

April 2024

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### PROJECT SUMMARIES

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#### City Planning

- I am City contact for the State Regional Disaster Mitigation Planning process. The state is funding for a 5-year update to the regional disaster plans, which will be disbursed to municipalities upon completion. Final draft has been released and is available for public comment.
- Stahly has 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.
- The Planning Board public hearing for the Beaumont Place and Pintler Meadows Preliminary Plat Major Subdivisions occurred this morning.

#### 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. The task order for this work has been signed and Hydrometrics has begun work.
- 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. PAR is almost complete.
- 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.
- HB 355 will allocate approximately \$250,000 for local infrastructure projects in Deer Lodge. Application has been submitted.
- 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.
- We have had one meeting for the Pilot Tourism Program application. This grant program would fund \$2.75 million over 5 years for tourism capacity increases. Will have a follow-up meeting with steering committee soon.
- Received MCEP Planning Grants for a Stormwater Preliminary Engineering Report and a Capital Improvement Plans update.
- Received RRGL Planning Grant for a Wastewater Treatment Plant PER update.
- Working on MCEP Construction and RRGL Construction grants for Phase 2 of the Sewer Inflow and Infiltration project.

#### **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. We have received the first design draft and are pleased.

#### **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.

#### **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

### March 2024

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#### PROJECT SUMMARIES

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##### Street Maintenance

- 2024 Street Maintenance Project Pre-Bid was held. Two contractors showed up
- Cold patching potholes
- Sanding Street as needed

##### Sewer Utility

- Annual Sewer Maintenance
- 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 and denied
- Attending monthly meetings with all stakeholders for the Inflow and Infiltration project

##### Parks and Rec

- Reviewing Beast Mowed Parks maintenance contract

##### 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. Waiting for water quality test results on the new well. Next steps will be the design for the well house and the tie-in into the distribution system. Anticipated completion 2025



- A survey 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.
- Sanitary Survey was completed by the DEQ for the Water System. No violations found but there were some recommendations

#### **Solid Waste**

- Seeking quotes for new garbage truck

#### **Mosquito Abatement**

- Nothing to report

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

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- With nearly 42 percent of the Inflow and Infiltration completed, it is my estimation that influent flows to the Wastewater Treatment Plant have decreased approximately 40,000 to 50,000 gallons per day which equates to approximately 150 single family residential homes
- Walk through meeting of City Hall with the Mechanical Engineers for the City Hall renovations
- Thad attended a course put on by the Midwest Assistance Program (MAP) to assist with Waste Water Treatment Plant optimization
- Meeting with the Board of Investments regarding the workforce housing units
- City Hall Boiler site glass had to be replaced. The site glass broke and was leaking water in the basement of City Hall. I shut down the boiler until the repair could be made to prevent flooding and boiler malfunction
- Met with MDT for potential IIIA funding opportunities
- Met with Lin Hicks for material needs on the Beaumont Addition Subdivision
- Met with Sarah Jones from Deluxe Engineering and Construction regarding the infrastructure rough draft plan set
- Jordan held my annual employee evaluation

#### **COVID-19 RESPONSE**

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



# DEER LODGE Police Department

## March 2024 Monthly Report

Chief George Smith

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- 223 Calls for Service
- 189 Reports Generated
- 87 Traffic Stops
- 31 Citations Issued
- Types of Calls
  - 3 Assaults
  - 4 Domestic Violence
  - 2 DUI
  - 3 Auto Accidents
  - 5 Unwanted Persons
  - 16 Welfare Checks
  - 4 Suspicious Person
  - 1 Firearm Theft
  - 1 Hit and Run
  - 1 Death Notification
  - 1 Suicidal Person
  - 2 Phone Scams
  - 5 Request Officer
  - 2 Noise Complaints
  - 4 Civil Standbys
  - 4 Disorderly
  - 3 Vandalisms

### Officer Highlights

Sergeant Slauson- Investigated and conducted an arrest on a Felony DUI. The suspect has 3 prior DUI convictions and is on Federal Probation.

Officer Schmidt- Investigated a Partner or Family Member Assault. The victim was a 54 yr/old mother, and the suspect was a 33 yr/old daughter. Injuries occurred and the suspect was arrested.

Officer Malcomb- Conducted 52 traffic stops in March.

Officer Denend- Responded to a drunk and disorderly 41 yr old adult female. Suspect was arrested for Assault, Resisting Arrest, and Disorderly Conduct.



# FIRE DEPARTMENT REPORT

MARCH 2024

## HIGHLIGHTS

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### **4 Call for Service:**

- 1 Wildfire on private property. Owner was welding and a spark started the field on fire. This one burned about 10 acres.
- 1 Gas leak at Northern Propane. Was a substantial leak out of the fill end of the 18,000 gallon storage tank. We evacuated a 3 block radius while we made a game plan to walk into the leak. Once we had everyone out of the area, 2 firefighters walked in and got the leak shut off. Cause of the leak is still unknown but currently under investigation.
- 1 Structure fire call. The fire started in 10' by 10' shed that appeared to have someone squatting in it. Wind did push the fire into some vegetation, but we kept the fire from leaving the property.
- 1 Residential electrical fire. House was filled with smoke when we arrived, and occupant stated that they found the breaker to an outlet that was shorted and turned it off. Upon investigation, we found the outlet was still live and glowing red in the wall. We found the right breaker and shut it off. The occupants were then advised to call an electrician and have everything fixed and inspected before turning any more breakers on.

## INTEREST ITEMS FOR CITY COUNCIL

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### **Department Happenings:**

- None





# **CODE COMPLIANCE REPORT**

## **MARCH 2024**

### **HIGHLIGHTS**

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- 5 Dog at Large Complaints
- 8 Citizen Complaints
- 1 Courtesy Hold at Shelter
- 135 Dog Tags Sold, Year-to-Date
- 2 Dogs at the Shelter
- 3 Citation Issued
- 1 Vicious Dog Detained at Shelter Pending Court Ruling
- Beaver Remediation
- Culvert Inspections and Clearing (if needed)
- Property Cleanups (slow process)
- Daily Patrols

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

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- None



# RECREATION PROGRAM REPORT

## MARCH 2024

### **HIGHLIGHTS**

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City Rec has 6 -8 teams for Pickle Ball. Sometimes it's 4, and sometimes it's 10. It's in its infancy but I think this will eventually be a big sport for us. We're just going to keep working at it. The first couple weeks nobody came but they're in and out so maybe it's just the wrong time of year.

### **PROJECT SUMMARIES**

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None

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

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None

### **STAFFING CONCERNS**

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None.

### **COVID-19 RESPONSE**

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No update.

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



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

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:**

**TO:**

**Agenda Item Name:** Ordinance 2024-3: Revising Title 8 - Second Reading

**For Meeting on:** 04/15/2024      **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. City Council approved first reading in their first April 2024 meeting.

**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. Ordinance passed first reading April 1, 2024

**Recommended Motion/Action:**

Approve second and final 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 1<sup>st</sup> day of April, 2024.

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

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

Attest:  
 \_\_\_\_\_   
 Cyndi Thompson, 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 15<sup>th</sup> 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				

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James Jess, Mayor

Attest:

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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)



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



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

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:**

**TO:**

**Agenda Item Name:** Resolution of Intent 2024-R-10: Annexation of Contiguous Government Land

**For Meeting on:** 04/15/2024      **Staff Member/Committee Referring:** Jordan Green

**Description of the item:**

The City of Deer Lodge owns land outside the boundary of the City. Pursuant to 7-2-44, MCA, the City of Deer Lodge must pass a resolution of intent, hold a public hearing, and pass a resolution to annex contiguous government land into the City limits.

**Attachments:**

1) Resolution of Intent 2024-R-10 2) Exhibits of parcel proposed for annexation

**Previous Committee Engagement:**

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

None.

**Recommended Motion/Action:**

Approve first and final reading of the the resolution of intent and hold a public hearing regarding the proposed annexation.



## RESOLUTION OF INTENT 2024-R-10

### **A RESOLUTION OF INTENT OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA TO ANNEX AND INCORPORATE WITHIN THE BOUNDARIES OF THE CITY OF DEER LODGE, MONTANA TRACT 1 OF AMENDED PLAT C-656**

WHEREAS, The City of Deer Lodge owns the following described real property and intends to annex and incorporate it into the boundaries of the City of Deer Lodge:

A tract of land located in the East ½ Section 33, T.8N., R9W., P.M.M. Powell County, Montana. Also located in Tract 1 as shown on Amended Plat C-656.

Being: All that Portion of Tract 1 as shown on Amended Plat C-656 lying North of the East-West Mid Section Line of Section 33, T.8N., R9W;

WHEREAS, the City of Deer Lodge is the sole owner of the property described herein; and

WHEREAS, pursuant to Title 7, Chapter 2, Part 44, a governing body may annex contiguous government land by following the requirements of this part; and

WHEREAS, the herein described property is contiguous government land to the City of Deer Lodge; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Deer Lodge, that it intends to incorporate and annex into the City's jurisdictional boundary the herein described property.

BE IT FURTHER RESOLVED that the City Council of the City of Deer Lodge shall hold a duly noticed public hearing on the proposed annexation at its regularly scheduled meeting on May 20, 2024 at 6:00 PM at City Hall, 300 Main Street, Deer Lodge, MT 59722.

BE IT FURTHER RESOLVED that if the city annexation of any lot(s), parcel(s), block(s) or tract(s) of land annexed into the city pursuant to this city annexation resolution or any provision of this resolution is ever held to be invalid or unconstitutional, the City Council hereby declares that any such decision shall not affect the validity of the annexation of the remaining lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or the remaining provisions of this resolution. The City Council hereby declares that it would have passed this resolution and annexed each lot(s), parcel(s), block(s) or tracts(s) of land into the city as well as each provision of this resolution irrespective of the fact that the annexation of any one or more lot(s), parcel(s), block(s) or tract(s) of land annexed into the city or provision of this resolution may have been declared invalid or unconstitutional, and if for any reason the annexation of any lot(s), parcel(s), block(s), tract(s) of land or any provision of this resolution should be declared invalid or unconstitutional, then the annexation of the remaining lot(s), parcel(s), block(s) or tracts(s) of land and resolution provisions are intended to be and shall be in full force and effect as enacted by the City Council.

BE IT FURTHER RESOLVED that the zoning of said property proposed for annexation currently is and is and will remain park land.

PASSED and approved by the City Council of the City of Deer Lodge, Montana on first and final reading at a regular Council meeting this 15<sup>th</sup> day of April, 2024.

The effective date of Resolution of Intent 2024-R-10 is April 15, 2024.

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

---

James Jess, Mayor

Attest:

---

Cyndi Thompson, City Clerk





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



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

## CITY COUNCIL/COMMITTEE AGENDA ITEM INFORMATION

**THIS AGENDA ITEM REFERRED BY:**

**TO:**

**Agenda Item Name:** Resolution 2024-R-11: Application for a Pilot Community Tourism Grant

**For Meeting on:** 04/15/2024      **Staff Member/Committee Referring:** EGD

**Description of the item:**

The Pilot Community Tourism Grant Program (PCTGP) provides \$2.75 million in funding over 5 years to elevate tourism and economic development in communities. The PCTGP requires the establishment of a steering committee of local stakeholders, and the adoption of an MOU between the committee members that establishes a lead organization. This Resolution approves the application and designates the City as the lead organization.

**Attachments:**

- 1) Resolution 2024-R-11

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

The Economic Growth and Development Committee, at their April 2024 meeting, voted to recommend that the City Council adopt a resolution supporting the grant application and establish the City as the lead organization.

**Recommended Motion/Action:**

Approve first and final reading of Resolution 2024-R-11.

## RESOLUTION 2024-R-11

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA TO APPLY FOR A PILOT COMMUNITY TOURISM GRANT AND AUTHORIZE CITY STAFF TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE GRANT STEERING COMMITTEE**

WHEREAS, the 2023 Montana State Legislature passed and approved Senate Bill 540 (“SB 540”), which allocated Lodging Facility Use Tax revenue for the purpose of creating a tourism grant program to be implemented by the Montana Department of Commerce; and

WHEREAS, the Destination MT division of the Montana Department of Commerce, as authorized by SB 540, established the Pilot Community Tourism Grant Program (“PCTGP”); and

WHEREAS, the purpose of the PCTGP is to elevate communities across the state, increase their economic vibrancy by improving their appeal as visitor destinations, and improve their resilience as a destination by enhancing and diversifying tourism-related assets and infrastructure; and

WHEREAS, an eligible community within a destination that has prioritized tourism as an economic development strategy and is interested in working collaboratively can apply for PCTGP funds; and

WHEREAS, the PCTGP identifies eligible communities as those that both have less than 30,000 people and are under-visited as defined by the Lodging Facility Use Tax dataset; and

WHEREAS, the City of Deer Lodge qualifies as both a rural and under-visited community; and

WHEREAS, the PCTGP provides funding to awarded communities throughout a 60-month period for a total funding amount of \$2.75 million; and

WHEREAS, the PCTGP requires that a community is willing to make a significant and long-term commitment to leadership and participation in tourism and economic development over the course of 60 months; and

WHEREAS, a steering committee of community leaders and stakeholders in and around Deer Lodge who are willing to make a significant and long-term commitment to leadership and participation in tourism and economic development over the course of 60 months has been preliminarily established; and

WHEREAS, prior to the application from the City of Deer Lodge to the PCTGP, a Memorandum of Understanding (MOU) needs to be agreed to and signed by steering committee members signifying their commitment; and

WHEREAS, the MOU requires there to be a lead organization, that will oversee the overall coordination and management of the grant, financial oversight and reporting, and coordination of meetings and communication; and

WHEREAS, the City of Deer Lodge City Council intends to support the PCTGP and authorize City Staff to execute the MOU on behalf of the City as the lead organization.

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

1. Supports and approves the application to the Pilot Community Tourism Grant Program.
2. Authorizes the Chief Administrative Officer to sign and execute a Memorandum of Understanding with the Pilot Community Tourism Grant Program steering committee that names the City of Deer Lodge as the lead organization.
3. Is willing and able to commit to the roles and responsibilities of the lead organization.
4. Will provide support to the Pilot Community Tourism Grant Program steering committee if and when the City of Deer Lodge is awarded a Pilot Community Tourism Grant.

PASSED and approved by the City Council of the City of Deer Lodge, Montana on first and final reading at a regular Council meeting this 15<sup>th</sup> day of April, 2024.

The effective date of Resolution 2024-R-11 is April 15, 2024.

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

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James Jess, Mayor

Attest:

---

Cyndi Thompson, City Clerk



**Mayor**  
James Jess  
**Chief Administrative Officer**  
Jordan Green  
**City Attorney**  
Peter Elverum  
**City Clerk**  
Cyndi Thompson  
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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:** Aspen Lane Construction Easement

**For Meeting on:** 04/15/2024      **Staff Member/Committee Referring:** Jordan Green

**Description of the item:**

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

**Attachments:**

1. Easement Agreement Language
2. Easement Exhibit

**Previous Committee Engagement:**

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

None.

**Recommended Motion/Action:**

Approve the Easement.

Return to:  
Peggy MacEwen  
2401 Colonial Drive, Third Floor  
Helena, MT 59601

## GRANT OF EASEMENTS

WITNESSETH:

That the party of the first part, CITY OF DEER LODGE, MONTANA, pursuant to a vote by the City Council of the City of Deer Lodge at a regularly scheduled meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, does hereby convey the following easements unto the said party of the second part, the MONTANA BOARD OF INVESTMENTS, an agency of the State of Montana, and to its successors and assigns:

Easement 1:

A STRIP OF LAND LOCATED IN THE S1/2NE1/4 SECTION 33, T.8N., R.9W., P.M.M., POWELL COUNTY, MONTANA BEING A PORTION OF LARABIE LOT 3A AND A PORTION OF TRACT 1 AS SHOWN ON CERTIFICATE OF SURVEY #C-656 RECORDED IN THE CLERK AND RECORDERS OFFICE POWELL COUNTY MONTANA

BEING THE NORTHERLY 80.00 FEET OF TRACT 1 AND THE NORTHERLY 80.00 FEET OF LARABIE LOT 3A AS SHOWN ON CERTIFICATE OF SURVEY #C-656 COMMENCING AT THE EXTENSION OF THE WESTERLY LINE OF VIGILANTE DRIVE THENCE EXTENDING EASTERLY PARALELL TO AND 80.00 FEET PERPENDICULAR TO THE NORTH BOUNDARY OF SAID TRACT 1 AND LARABIE LOT 3A TO THE EAST BOUNDARY OF LARABIE LOT 3A CONTAINING 101,950.5 +/- SQUARE FEET OF LAND IN SAID TRACT 1 AND CONTAINING 32,169.5 +/- SQUARE FEET OF LAND IN LARABIE LOT 3A

Easement 2:

A STRIP OF LAND LOCATED IN THE S1/2NE1/4 SECTION 33, T.8N., R.9W., P.M.M, POWELL COUNTY, MONTANA BEING A PORTION OF LARABIE LOT 3A AS SHOWN ON CERTIFICATE OF SURVEY #C-656 RECORDED IN THE CLERK AND RECORDERS OFFICE POWELL COUNTY MONTANA

COMMENCING AT THE ¼ CORNER COMMON TO SECTION 33 AND 34; THENCE N.00°09'01"W., 79.99 FT. TO THE POINT OF BEGINNING OF EASEMENT 2; THENCE N.89°40'30"W., 267.13 FT.; THENCE N.00°19'30"E., 162.83 FT. TO THE SOUTHERLY 80.00 LINE OF ASPEN LANE EASEMENT; THENCE S87°42'59"E., ALONG THE SOUTHERLY LINE OF ASPEN LANE EASEMENT; 60.04 FT.; THENCE S.00°19'30"W., 100.78 FT.; THENCE S.89°42'59"E, 206.52 FT. TO THE EAST LINE OF SAID SECTION 33; THENCE S.00°15'54"E., ALONG THE EAST LINE OF SAID SECTION 33, 60.01 FT. TO THE POINT OF BEGINNING CONTAINING 22,117.9 +/- SQUARE FEET OF LAND IN LARABIE LOT 3A

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

The easement for the benefit of the MONTANA BOARD OF INVESTMENTS, is appurtenant to and is to provide ingress and egress and provision of utilities to up to as many as 60 future parcels to land owned by the MONTANA BOARD OF INVESTMENTS, more particularly described as follows:

A Tract of land located in the S½NW¼, and in the N½SE¼ of Section 33, T.8N., R.9W., P.M.M. Powell County, Montana, described as Larabie Lot 3A as shown on Amended Plat C-656.

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

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

GRANTOR:

\_\_\_\_\_  
Mayor, City of Deer Lodge, Montana

\_\_\_\_\_  
Clerk, City of Deer Lodge, Montana

STATE OF MONTANA     )  
: ss.  
County of \_\_\_\_\_ )

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

\_\_\_\_\_  
Notary Public for the State of Montana  
Printed name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My Commission expires: \_\_\_/\_\_\_/\_\_\_

# EXHIBIT A

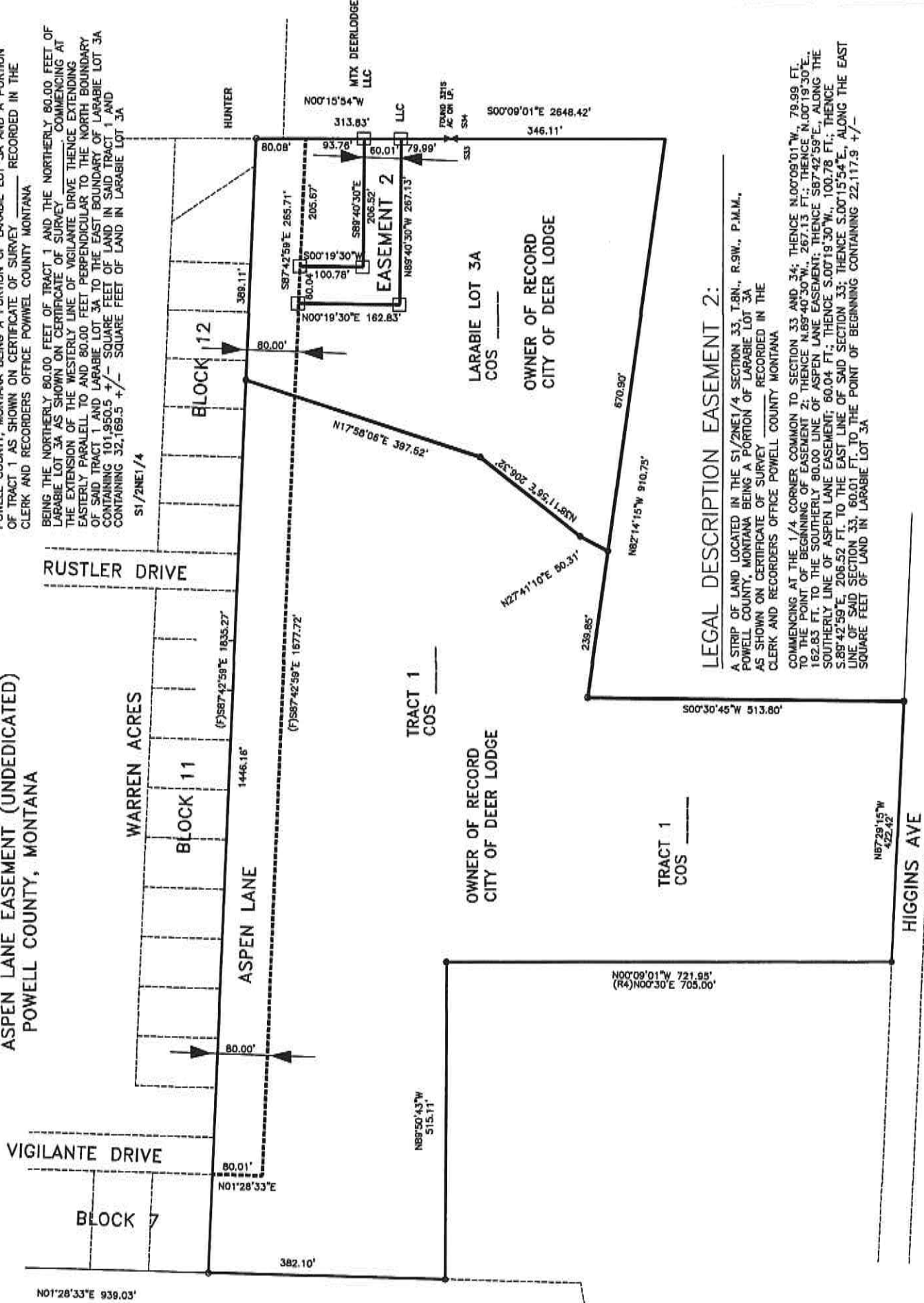
S1/2NE1/4 SECTION 33 T.8N., R.9W., P.M.M.,  
ASPEN LANE EASEMENT (UNDEDICATED)  
POWELL COUNTY, MONTANA

# LEGAL DESCRIPTION ASPEN LANE EASEMENT:

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

BEING THE NORTHERLY 80.00 FEET OF TRACT 1 AND THE NORTHERLY 80.00 FEET OF LARABIE LOT 3A AS SHOWN ON CERTIFICATE OF SURVEY COMMENCING AT THE EXTENSION OF THE WESTERLY LINE OF VIGILANTE DRIVE THENCE EXTENDING EASTERLY PARALLEL TO AND 80.00 FEET PERPENDICULAR TO THE NORTH BOUNDARY OF SAID TRACT 1 AND LARABIE LOT 3A TO THE EAST BOUNDARY OF LARABIE LOT 3A CONTAINING 101,950.5 +/- SQUARE FEET OF LAND IN SAID TRACT 1 AND CONTAINING 32,169.5 +/- SQUARE FEET OF LAND IN LARABIE LOT 3A

S1/2NE1/4



# LEGAL DESCRIPTION EASEMENT 2:

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

COMMENCING AT THE 1/4 CORNER COMMON TO SECTION 33 AND 34; THENCE N.00°09'01"W 79.99 FT. TO THE POINT OF BEGINNING OF EASEMENT 2; THENCE N.88°40'30"W 267.13 FT.; THENCE N.00°19'30"E 162.83 FT. TO THE SOUTHERLY 80.00 LINE OF ASPEN LANE EASEMENT; THENCE S.87°42'58"E, ALONG THE SOUTHERLY LINE OF ASPEN LANE EASEMENT; 60.04 FT.; THENCE S.00°19'30"W, 100.78 FT.; THENCE S.88°42'59"E, 206.52 FT. TO THE EAST LINE OF SAID SECTION 33; THENCE S.00°15'54"E, ALONG THE EAST LINE OF SAID SECTION 33, 60.01 FT. TO THE POINT OF BEGINNING CONTAINING 22,117.9 +/- SQUARE FEET OF LAND IN LARABIE LOT 3A