



# COUNCIL AGENDA

Monday, May 3, 2021 - 6 PM

The City Council will hold the meeting at the Community Center, 416 Cottonwood Avenue to allow social distancing protocols as part of the City of Deer Lodge's Coronavirus (COVID-19) transmission mitigation efforts.

1. **Call Meeting to Order | Pledge of Allegiance.**
2. **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.
3. **Public Hearing.**
4. **Consent Items** – The City Council considers all item(s) listed as consent to be considered routine and will act through one motion. There will be no separate discussion of these item(s) unless, before the City Council votes on the motion to adopt, members of the Council, staff, or the public request specific item(s) to be removed as consent for separate discussion and action.

## Minutes

- a. Regular Meeting: April 19, 2021

## Expenditures

- a. None.

5. **Schedule of Meetings – Tentative until confirmed by Committee Chairs. Committees will need to employ social distancing protocols.**
  - Board of Adjustment – May 10<sup>th</sup> at 12 PM
  - City Council Operations – May 10<sup>th</sup> at 5 PM
  - Economic Growth & Development – May 6<sup>th</sup> at 12 PM
  - Finance – May 3<sup>rd</sup> at 3:30 PM
  - Historic Preservation – May 18<sup>th</sup> at 6PM
  - Parks and Recreation – May 11<sup>th</sup> at 4 PM
  - Planning Board – May 17<sup>th</sup> at 10 AM (*if needed*)
  - Public Health & Safety – May 13<sup>th</sup> at 5 PM
  - Public Works – May 25<sup>th</sup> at 5 PM
6. **Committee Reports – Accept Committee Report as presented (report in packet)**
  - a. City Council Operations – Rob Kersch
  - b. Economic Growth & Development – Mary Hathaway
  - c. Finance Committee – Dick Bauman
  - d. Parks & Recreation – Amanda Bohrer
  - e. Public Health & Safety – Robert Kersch
  - f. Public Works – John Molendyke
7. **Board Reports**
  - a. Airport Board – John Skibsrud
  - b. Arrowstone Park – John Molendyke
  - c. Chamber of Commerce – John Henderson
  - d. Headwaters RC&D – Amanda Bohrer
  - e. Historic Preservation – Mary Hathaway
  - f. Landfill – Anthony Savalla
  - g. LEPC – Rob Kersch
  - h. Library – Amanda Bohrer
  - i. Planning Board – Dick Bauman
  - j. Youth Board – Amanda Bohrer

**8. Mayor and 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.

**9. Business Items - The Council will act on each item after accepting public comments.**

- a. Treasurer's Report | April Claims - Judi Whitney.  
Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.
- b. Clerk Report – Cyndi Thompson-No Report
- c. Committee Bylaws (recommendation from Council Ops Committee) – Rob Kersch
- d. Street Broom – Trent Freeman
- e. Garbage Can Purchase – Trent Freeman
- f. Little League Agreement – CAO Green
- g. Inferno Wireless Tower Contract – CAO Green
- h. Rezoning 611 2<sup>nd</sup> St Ordinance 2021-1 (first reading) – CAO Green

**10. Old Business (Old Business or Items Tabled)**

- a. None

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

- a. Regular Meeting May 17<sup>th</sup> at 6 PM.

**12. Adjournment**

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**Deer Lodge City Council meets in the PC Community Center (until further notice)  
416 Cottonwood Ave, Deer Lodge, MT 59722  
For Further Information Contact: Cyndi Thompson, City Clerk  
cthompson@cityofdeerlodgemt.gov | 406.846.2238**

# CITY COUNCIL

## MINUTES

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The City Council met on Monday, April 19, 2021 at 6 PM | PC Community Center

<b>Members Present:</b>	Dick Bauman, Amanda Bohrer, John Henderson, Robert Kersch, John Molendyke, Anthony Savalla, John Skibsrud, & Mary Hathaway
<b>Members Absent:</b>	None
<b>Mayor:</b>	Diana Solle
<b>CAO:</b>	Jordan Green
<b>Staff:</b>	Police Chief Bender, Peter Elverum, Judi Whitney, & Cyndi Thompson
<b>Consultants</b>	None
<b>Guests:</b>	See Sign in Sheet

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

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

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

a. Local resident and Manager of Steeles Danelle Sawicki addressed the Council by saying, she is upset with the Public Health Department. They guaranteed the entire girls 8<sup>th</sup> grade population, an entire bus load of kids and a classroom Friday. She did this even though the kids were wearing their masks, 6 feet distance, sitting appropriately on the bus. When the Public Health nurse called Danelle to tell her, her daughter could not return to school, she tried to ask questions to the Public Health Department, she refused to answer my questions and she hung up on me. Brought this concern to the County Commissioners today, I spoke with other parents. People are not happy with this. Something needs to be done, she is overreaching.

Mayor Solle – We have a City/County meeting Wednesday night at 5:30pm. One of the items is the Mask update on the Agenda. I was not aware this was happening. We thank you and have heard what you have said.

Danelle Sawicki – This is very devastating what happened to our kids. With a swoop of a pen, not only did she damage the kids at school but also, track, softball, and volleyball. These things that are all important to these kids. I think something has got to be done. The person I keep referring to is Maryann Saylor.

**3. Consent Items** – The City Council considers all item(s) listed as consent to be considered routine and will act through one motion. There will be no separate discussion of these item(s) unless, before the City Council votes on the motion to adopt, members of the Council, staff, or the public request specific item(s) to be removed as consent for separate discussion and action.

**4. Minutes**

- a. Regular Meeting: March 15, 2021 (revised) & April 5, 2021  
Minutes were passed as presented with unanimous vote.

**Expenditures**

- a. None

**5. Public Hearing.**

- a. Elk Tips CUP (2<sup>nd</sup> public hearing) – CAO Jordan Green  
Recommended by unanimous vote to Council by the Planning Board after their March 23<sup>rd</sup> public hearing meeting. Public comments were received as presented to Council. Public Hearing Closed at 6:25pm.
- b. 611 2<sup>nd</sup> Street Rezoning (2<sup>nd</sup> public hearing) – CAO Jordan Green  
Recommended by unanimous vote to Council by the Planning Board after their March 23<sup>rd</sup> public hearing meeting. No public comments received. Public Hearing closed at 6:27pm.

**6. Department Reports:** Composed Reports are in the packets.

- a. CAO Report – Jordan Green read report as presented.
- b. Public Works – Trent Freeman read report as presented. One item that is not in the report, there is a sewer issue over on 5<sup>th</sup> Street where the resident is illegally dumping raw sewage onto their lawn. Gave them a week to get this fixed, that week came up on April 14<sup>th</sup>. After discussion with the homeowner, they could not get a contractor till the 17<sup>th</sup>. The date was pushed out till today (19<sup>th</sup>), they are trying to fix this, but no headway. They are still illegally dumping raw sewage on their lawn. So as of April 20<sup>th</sup>, their water will be shut off.
- c. Police - Chief Bender read PD report as presented.
- d. Fire – Chief Pierson – Mayor Solle read report as presented.
- e. Code Compliance – Chief Bender read report as presented.

**7. 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 Savalla – I was asked by a few people, why and when dual school districts were introduced into Deer Lodge and the reasoning behind that. Do we need to retain two school districts for our County?  
Mayor Solle – I do not know how it started. But in the mid 80's we had an election to combine them, and it was voted down. I would suggest you get ahold of Lewis and discuss this with him.
- c. Member Bohrer – Parks & Trails Master plan is available on the City Facebook and website. There will be an Open House on May 11<sup>th</sup>.

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

- a. Elk Tips CUP – CAO Jordan Green  
Member Savalla motioned to approve the Elk Tips CUP. Member Bauman seconded the motion. The vote was Unanimous 8 Yea’s, 0 No’s.
  
- b. 611 2<sup>nd</sup> Street Rezoning – CAO Jordan Green  
Member Bauman motioned to approve the 611 2<sup>nd</sup> St rezoning. Council President Kersch seconded the motion. The vote was unanimous 8 Yea’s, 0 No’s.
  
- c. Street Sweeper, Approval of Budgeted Item – Trent Freeman  
Council President Kersch motioned to approve the budgeted item Street Sweeper. Member Bauman seconded the motion. The vote was unanimous 8 Yea’s, 0 No’s.
  
- d. Approve Historic Preservation Board Appointment: Cole Neubauer – Mayor Solle  
Council President Kersch motioned to approve new member Cole Neubauer to Historic Preservation effective immediately. Member Hathaway seconded the motion. The vote was unanimous 8 Yea’s, 0 No’s.

**9. Old Business** (Old Business or Items Tabled)

None.

**10. Next Meeting Announcements**

May 3, 2021 at 6pm.

**11. Adjournment**

Mayor Solle adjourned the meeting at 6:55 PM.

Prepared By: Cyndi Thompson, City Clerk

\_\_\_\_\_  
Diana Solle, Mayor

\_\_\_\_\_  
Date

# City Council - May 3, 2021

## Financial Summary

April 2021

Completed Projects	Approved Budget	City Funded	Final Cost
None			

Atypical Revenues	Purpose	Fund	Amount
None			

Atypical Claims	Purpose	Fund	Amount
AAA Equipment	street sweeper	Street Maint. #2510	\$69,500.00
Discover Deer Lodge	Historical Preservation Grant recipient	Hist. Preserv. #2935	\$6,000.00

April Payables			
		Claims	\$259,088.50
		Payroll	\$130,799.35
		<b>Total</b>	<b>\$389,887.85</b>

**A motion to approve payment of the claims is requested.**

CITY OF DEER LODGE  
Claims by Vendor Report  
For the Accounting Period: 4/21

Vendor	Claim #	# of Lines	Date		Amount
			Accepted	Check	
1615 AAA EQUIPMENT, LLC	CL 9741	1	04/22/21		69,500.00
1098 AMAZON	CL 9744	1	04/23/21		229.55
1059 AMERICAN WELDING & GAS, INC.	CL 9715	1	04/13/21		99.02
1609 BADGE & WALLET	CL 9698	1	04/08/21		1,098.00
1298 BIG BOY DELIVERY, LLC	CL 9685	1	04/06/21		30.00
1104 CENTER POINT LARGE PRINT	CL 9743	1	04/23/21		46.74
26 CENTURY LINK	CL 9713	2	04/13/21		85.10
1196 CHARTER COMMUNICATIONS	CL 9724	11	04/19/21		634.89
	CL 9746	1	04/23/21		104.94
1608 CHARTER SPECTRUM	CL 9691	2	04/08/21		5,168.06
1245 DAN GREEN	CL 9711	2	04/13/21		544.32
1384 DAVID G. RAY	CL 9752	1	04/27/21		100.00
380 DEER LODGE FIRE RELIEF ASSOCIATION	CL 9687	1	04/08/21		4,517.00
1613 DISCOVER DEER LODGE	CL 9712	1	04/13/21		6,000.00
1419 ELVERUM LAW FIRM, PLLC	CL 9756	10	04/28/21		5,166.00
434 ENERGY LABORATORIES, INC.	CL 9684	16	04/28/21		2,257.00
9 FICKLER OIL CO.	CL 9700	3	04/08/21		122.64
1399 FREEMAN, TRENT	CL 9710	5	04/09/21		2,400.00
1466 GIRKY, ELISSA	CL 9747	1	04/23/21		180.00
39 HACH COMPANY	CL 9716	1	04/28/21		884.95
1610 HAMILTON, KENNETH	CL 9704	1	04/09/21		205.63
1351 HUNTING SHACK, INC.	CL 9707	1	04/09/21		280.00
1554 HYDROMETRICS, INC.	CL 9718	1	04/14/21		453.96
	CL 9719	1	04/14/21		378.09
1409 Jays Small Engine Repair	CL 9689	2	04/08/21		124.30
1021 Jim's Skidsteer Service	CL 9753	1	04/27/21		300.00
1402 Johnson & Associates, Inc.	CL 9693	2	04/08/21		85.00
921 KOHRS MEMORIAL LIBRARY - PETTY CASH	CL 9748	2	04/23/21		166.16
429 KOIS BROTHERS EQUIPMENT CO.	CL 9703	1	04/28/21		164.06
579 L.N. CURTIS & SONS	CL 9697	1	04/28/21		162.00
1028 LAW ENFORCEMENT SYSTEMS, INC	CL 9749	1	04/23/21		180.00
528 LEE'S OFFICE CITY, INC.	CL 9686	5	04/28/21		157.77
159 LOCAL GOVERNMENT CENTER	CL 9750	1	04/26/21		120.00
47 MONTANA BROOM & BRUSH COMPANY	CL 9683	4	04/28/21		699.31
1611 MONTANA FISH, WILDLIFE & PARKS	CL 9705	1	04/09/21		263.47
1305 MONTANA LAW ENFORCEMENT ACADEMY	CL 9717	1	04/14/21		1,500.00
471 MT DEPT ENVIRONMENTAL QUALITY	CL 9723	1	04/19/21	21399	70.00
30 NAPA AUTO PARTS	CL 9681	20	04/28/21		516.82
54 NORMONT EQUIPMENT CO.	CL 9714	2	04/26/21		44.54
36 NORTHWEST PIPE FITTINGS	CL 9692	3	04/28/21		845.80
33 NORTHWESTERN ENERGY	CL 9754	36	04/29/21		20,373.84
1232 OFFICE SOLUTIONS, INC.	CL 9751	4	04/26/21		1,886.05
1317 PITNEY BOWES, INC.	CL 9709	15	04/15/21		614.13
12 POWELL COUNTY CLERK	CL 9694	8	04/08/21		2,927.17
	CL 9708	3	04/09/21		37,500.00
1612 POWELL COUNTY SHERIFF'S OFFICE	CL 9706	1	04/09/21		252.20
125 R & C HOME IMPROVEMENT	CL 9682	6	04/28/21		348.38
1456 RIVISTAS SUBSCRIPTION SERVICES	CL 9745	1	04/23/21		288.10
28 ROME ENTERPRISES 027545	CL 9680	14	04/27/21		876.63
1614 SAFE LIFE DEFENSE	CL 9740	1	04/21/21		1,050.30
32 SILVER STATE POST	CL 9688	5	04/08/21		380.00
1373 STAHLY ENGINEERING & ASSOCIATES, INC.	CL 9725	2	04/19/21		561.75
	CL 9726	2	04/19/21		1,662.50
	CL 9727	2	04/19/21		15,325.48





**Trent Freeman**

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**From:** Casey H <casey@aaaequipco.com>  
**Sent:** Wednesday, March 31, 2021 3:44 PM  
**To:** Trent Freeman  
**Subject:** Broom Information

Trent,

Good to see you today. Thanks for taking the time to meet with me.

Please see the attachment below with the pictures for the brooms we have available.

The Green one is a 1999 Broce Broom Model RC350. This one has 2,264 hours on it. The price for this one is 28,900. This one has a Cummins diesel engine. I am told it vibrates a bit.

The yellow one is a 2011 Superior Broom Model DT80J. This one has 966 hours on it. The price for this one is 47,500. This has a John Deere engine and I am told that it runs pretty smooth.

The orange one is a 1999 Broce Broom Model RJ350. This one has 2,140 hours on it. This one also has a smooth running John Deere engine. The price for this one is 28,900. If this is around your price range, I would go with this one over the Broce broom with the Cummins.

Let me know if you have any questions.

<https://www.icloud.com/photos/#0oKiCeQ4aHXyRvkMoITjgfbuQ>

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CASEY HYDE  
AAA EQUIPMENT  
208-964-8847  
TERRITORY MANAGER  
MONTANA  
SOUTHERN IDAHO



# Sales Quotation

Mark Rangel
Sales
markr@rotoind.com
714-238-3210
fax714/630-3528

**4/20/2021**

Jason Irwen		
Deer Lodge		
300 Main St		
Deer Lodge	MT	59722

Customer Signature	
X _____	
Purchase Order #	

Tel	406/830-5121
Fax	
Email	

DESCRIPTION	PLASTIC	COLOR	PRICE	QUANTITY	TOTAL
300 Gallon with 2/3 lid	LL	Black	\$295.00	10	\$2,950.00
96g Container	LL		\$87.00	10	\$870.00
10" plastic wheels			\$4.45	30	\$133.50
Axles			\$4.50	10	\$45.00
Total					\$3,998.00
Taxes					
Freight					\$1,640.00
Grand Total					\$5,638.00

ACCESSORIES					
Document Slot					
Recycle Slot					
Locking Lid					
Rubber Wheels					
			Stone Colors	35 Gallon	
				65 Gallon	
				96 Gallon	

**LESS THAN TRUCKLOADS - Base Price PLUS Freight**

<b>DESCRIPTION</b>	96g & 300g Gallon Container with 2/3 lid style
<b>COLOR</b>	Black
<b>RESIN</b>	Quantum Chemical Polyethylene or equivalent
<b>MARKINGS</b>	standard
<b>HARDWARE</b>	Standard
<b>WHEELS</b>	N/A
<b>WARRANTY</b>	3 Years
<b>HOT STAMP</b>	n/a

Pricing Based On Current Resin Pricing  
Delivery - 30 to 60 days - FOB Gardena, Ca 90248

**AGREEMENT**  
**City of Deer Lodge, Montana**  
**and**  
**Deer Lodge Little League**

This agreement is made and entered into this 16<sup>th</sup> day of **March 2020**, by and between the City of Deer Lodge, Montana (the "city"), and the Deer Lodge Little League, a Montana not-for-profit corporation ("League").

**WITNESS**

WHEREAS, the City is the owner of Jaycee Park and the athletic fields contained within the Park;  
and

WHEREAS, the League wishes to utilize for events the *Lower Upper, Softball Field* located at Jaycee Park; and

WHEREAS, the League to utilize the *Lower Upper, Softball Field* needs to improve the field conditions to make it suitable for practices and games; and

WHEREAS, the City grants the League approval to make the improvements to the *Lower Upper, Softball Field* as described in this Agreement; and

WHEREAS, the City in exchange for the improvements grants the League permission of use of the *Lower Upper, Softball Field*;

WHEREAS, the City authorizes use of the *Lower Upper, Softball Field* to the League for three years starting from the approval date of the Agreement with an option for renewal;

THEREFORE, BE IT RESOLVED THAT by the City Council of the City of Deer Lodge and the Deer Lodge Little League agree the following in consideration of the above recitals, which are contractual in nature, as follows.

**1. Described improvements:**

- a. Apply and spread decomposed granite on the infield;
- b. Replace the mound, bases and home plate at two different distances to accommodate separate age divisions; and
- c. Aeration fertilization and seeding of all turf areas.

**2. Project Costs:**

- a. The League estimates \$5,000 for the improvements including labor and materials.
- b. The City agrees to contribute \$1,000 from the Repair & Maintenance, Supplies portion of the Parks Maintenance Budget as a singular contribution.

**3. Notices:**

The League is required to inform and obtain an approval from the City before making improvements or revisions to the *Lower Upper, Softball Field* not specifically described in the Agreement. The League and/or their authorized agents are prohibited from making permanent alterations from the *Lower Upper, Softball Field* during the term of this Agreement

**4. Participating Agencies and Designated Contact Persons:**

City Representative: Trent Freeman, Public Works Superintendent  
300 Main Street  
Deer Lodge, MT 59722  
406.594.2240

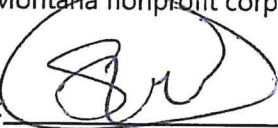
League Representative: Sean Herrick, President  
903 Kohrs Street  
Deer Lodge, MT 59722  
406.565.7278

**5. Term and Effectiveness:**

This Agreement shall be effective upon its complete execution by the parties' authorized agents shall remain in effect for three years with an expiration date of March 16, 2023. Thereafter, the parties may negotiate an extension of this Agreement for up to three years.


IN WITNESS WHEREOF, the parties have caused their authorized agents to execute the Agreement.

Deer Lodge Little League  
a Montana nonprofit corporation

By:   
Sean Herrick, President

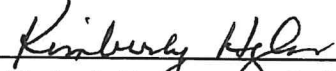
Date: 3-23-2020

City of Deer Lodge  
a Montana municipality

By:   
Diana J. Solle, Mayor

Date: 3-18-2020

Attest:

  
Kimberly Hughes, City Clerk

Date: 3-18-2020

**Communications Tower Sale and Land Lease Agreement  
Between the City of Deer Lodge, MT and Inferno Wireless, LLC**

This communications tower sale and land lease agreement made this \_\_\_\_\_ day of April 2021 by and between the City of Deer Lodge Montana (landowner) and Inferno Wireless LLC of Deer Lodge, MT (purchaser) conveys the ownership interest in the tower alone and does not convey the land. Purchaser hereby agrees to lease the land upon which the tower sits for a period of 20 years for a sum of \$1 per year due in total on the date of initiation of this lease.

Landowner agrees to sell the tower located behind the animal control center (P.A.H.W.S.) on Berg Street, Deer Lodge, MT, to the purchaser for use in wireless communications in the Deer Lodge area for a purchase price of \$2,500 dollars. Landowner will allow purchaser access to the premises throughout the term of this lease.

Purchaser has the right to use the tower as they see fit and may make additions to the facility necessary for their communication needs. Additionally, the purchaser may make improvements to the premises surrounding the tower so long as they receive written permission from the landowner prior to the improvements being made.

Purchaser agrees to provide in exchange for use of the land six (6) internet connections to the landowners other owned properties at its sole discretion.

Purchaser agrees to accept the tower in an as-is condition and to hold the landowner harmless for any improvements necessary thereto. Purchaser shall be solely responsible for all maintenance of the tower, any attached equipment, and the leased premises.

Purchaser agrees to assume responsibility of any existing Northwestern Energy power service to the tower and all other necessary utility arrangements for separating the tower usage from the surrounding facility (P.A.H.W.S., etc.).

At the conclusion of the 20-year term of this lease the tower shall be removed within 1 (one) year of the lease expiration. If the purchaser fails to remove the tower or to negotiate an extension of the lease the possession and ownership of the tower and any ancillary equipment shall revert to the landowner.

This written agreement contains the entire agreement between the parties, no statements, promises, or inducements made by either party or agent of either party that are not contained herein shall be valid or binding. This agreement and lease may not be changed or assigned except in writing signed by the parties and approved by the City Council.

Landowner  
CITY OF DEER LODGE, MT

Purchaser  
INFERNO WIRELESS, LLC

By \_\_\_\_\_  
Mayor Diana Solle

By \_\_\_\_\_  
Chris Anderson

By \_\_\_\_\_  
Mark Hathaway

**ORDINANCE 2021-1**

**AN ORDINANCE BY THE DEER LODGE CITY COUNCIL TO REZONE 611 2<sup>ND</sup> STREET (28-1578-04-2-39-09-0000) FROM THE R-3, RESIDENTIAL, HIGH DENSITY DISTRICT TO THE B-3, NEIGHBORHOOD COMMERCIAL DISTRICT.**

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

WHEREAS, Section Two, Part Three 76-2-301 et. Seq. of the Montana Code Annotated authorizes the City of Deer Lodge to adopt and enforce local zoning regulations to promote the public health, safety, morals, of the general welfare of the community; and

WHEREAS, the City of Deer Lodge Planning Board has the responsibility to review zoning regulations for the City of Deer Lodge; and

WHEREAS, the Planning Board initiated the rezone action on the behalf of the property owner to accommodate joint residential and commercial uses on the property; and

WHEREAS, the property is a 13,650-square foot lot on the east side of Second Street in Section 04, Township 07 North, Range 09 West, Block 34, Lots 4-6 and North 15 feet of Lot 7 in the Original Addition of Deer Lodge; and

WHEREAS, the Planning Board discussed the rezone action at their March 23, 2021 meeting. FURTHER, the Planning Board agreed there is merit to the request as the owner intends to lease a storage space to an adjacent commercial property owner to benefit the economic development of a local commercial enterprise; and

WHEREAS, the Planning Board held a duly noticed public hearing on March 23, 2021 to consider the rezone action. FURTHER, the Planning Board after receiving a summary from the City Administrator / Planner and public comments, elected to forward the rezone to the City Council through a seven to zero vote; and

WHEREAS, the Deer Lodge City Council conducted a duly noticed public hearing on April 19, 2021 at 6:00 PM to accept comments regarding the proposed amendment. FURTHER, the City Council at their regular meeting on April 19, 2021 after deliberations, agreed through a vote of seven to eight to zero to proceed with the rezone through subsequent Ordinance readings; and

NOW, THEREFORE, BE IT RESOLVED, that the Deer Lodge City Council hereby rezones the 611 2<sup>nd</sup> Street (28-1578-04-2-39-09-0000) from the R-3, Residential, High Density District to the B-3, Neighborhood Commercial District, to accommodate joint residential and commercial uses on the property.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2021-1 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 2021-1 and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences,

clauses, phrases, or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

The attached Mapping Exhibit illustrates the subject property.

First reading by the City Council on the 3<sup>rd</sup> day of May, 2021.

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 3<sup>rd</sup> of May, 2021.

<b>Council Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Dick Bauman				
Amanda Bohrer				
Mary Hathaway				
John Henderson				
Robert Kersch   Council President				
Anthony Savalla				
John Molendyke				
John Skibsrud				
Diana Solle   Mayor				

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Diana J. Solle, Mayor

Attest:

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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 17<sup>th</sup> of May, 2021.

<b>Council Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Dick Bauman				
Amanda Bohrer				
Mary Hathaway				
John Henderson				
Robert Kersch   Council President				
Anthony Savalla				
John Molendyke				
John Skibsrud				
Diana Solle   Mayor				

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Diana J. Solle, Mayor

Attest:

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Cyndi Thompson, City Clerk

**The effective date of Ordinance 2021-1 is May 17, 2021.**

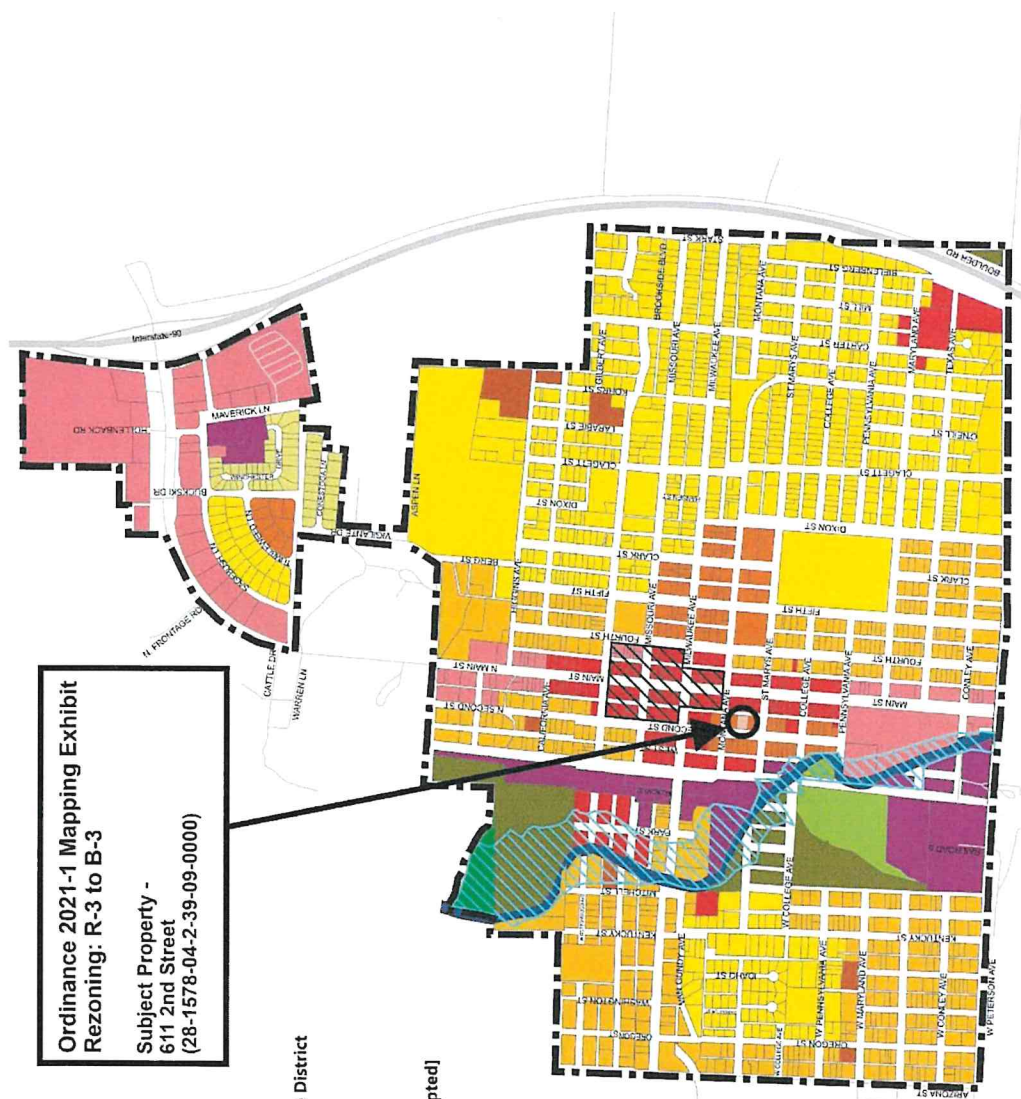
**Ordinance 2021-1 Mapping Exhibit**  
**Rezoning: R-3 to B-3**  
**Subject Property -**  
**611 2nd Street**  
**(28-1578-04-2-39-09-0000)**

- B-1 Central Business District
- B-2 Highway Business District
- B-3 Neighborhood Commercial District
- I-1 Industrial and Manufacturing District
- R-1 Residential, Single Family, Low Density District
- R-2 Residential, Single Family and Manufactured Home District
- R-3 Residential, High Density District
- R-4 Manufactured Home Park District
- R-5 Northside Residential District [Proposed - Not Adopted]
- AS Agricultural Suburban District
- Parks & Open Space District
- Historic Downtown Preservation District
- Clark Fork River Superfund Overlay District
- Powell County Environmental Restoration

The Milwaukee Roundhouses Facility (CCEBA, State Superfund) is currently undergoing a brownfields clean-up effort and a final land use / zoning designation determination has not been made.



May 17, 2021



# City of Deer Lodge Zoning