



# PUBLIC WORKS COMMITTEE AGENDA

**Monday, July 26th, 2021 – 5 PM | Council Chambers, City Hall.**

1. Call meeting to order
  2. Approval of Minutes
    - a. June 22nd, 2021
  3. Public Comment - Limit to three minutes per person
  4. Old Business
    - a. None
  5. New Business
    - a. ROW Occupancy Permit: Washington St. Trailhead
    - b. ROW Encroachment Permit: 413 Park St. (Fence)
    - c. ROW Encroachment Permit: 117/113 Milwaukee Ave. (Fence)
    - d. Street Abandonment: West Cottonwood between Washington and 511 W. Missouri
    - e. Department of Public Works update
  6. Staff Comments
  7. Committee Observations
  8. Announcement of the next meeting: August 24th at 5 PM
  9. Adjournment
- 

## **Public Works Committee**

Garbage | Sewer | Streets | Trees | Wastewater | Water

## **Members**

John Henderson | Anthony Savalla | John Molendyke

# City of Deer Lodge

300 Main Street | Deer Lodge, MT | 59722 | 406.846.2238 | 406.846.3925 (f) | cityofdeerlodge.org

## RIGHT-OF-WAY OCCUPANCY PERMIT

The submission of this Permit acknowledges that all information is correct, and the supporting plans are true and correct; that the project complies with all applicable provisions of the City of Deer Lodge; and the project complies with any and all conditions attached to the Permit. All attached conditions are binding.

The issued Permit expires in six months if the project is not commenced or if the project is commenced but abandoned for 180 days at any time before its completion.

Please submit the completed Permit and all supporting documents & scaled plans, and the appropriate fee to the Deer Lodge City Hall - 300 Main Street, Deer Lodge, MT 59722.

Applicant(s): POWELL COUNTY, DOUG CRACHY, PRESIDING OFFICER

Address: 409 MISSOURI AVE., DEER LODGE, MT 59722

Email: powell county mt.gov  
DCRACHY@GREATWESTENG.COM

Telephone #: (406) 846-9721

Property Address: N/A

Assessor Code(s): N/A

Geocode(s): N/A

Authorized Agent Information: Scott Hazelton

Address: 409 Missouri Ave. Suite 114 Deer Lodge, MT

Email: shazelton@powellcountymt.gov

Telephone #: 406 846 9729

Property Owner / Authorized Agent Signature: Doug Crachy

Date: 5/18/2021

Location(s): WORK WILL BE LOCATED AT THE NORTH END OF WASHINGTON ST. BETWEEN MISSOURI AVE. AND THE GRANT KOHRS RANCH.

Street Name(s): WASHINGTON ST.

Proposed Work? WORK WILL INVOLVE CONSTRUCTION OF A NEW TRAILHEAD AND PARKING AREA AT WASHINGTON ST.

THE PARKING AREA WILL HAVE 10 PARKING SPACES, A PICNIC TABLE, AND VAULT TOILET. WORK WILL ALSO

INVOLVE RESURFACING (GRAVEL) WASHINGTON ST. FROM THE END OF THE PAVEMENT TO THE NEW PARKING LOT.

THE PARKING AREA AND TRAILHEAD WILL BE PART OF THE OLD YELLOWSTONE TRAIL - PHASE 2, WHICH CONNECTS

THE CITY OF DEER LODGE TO OLD YELLOWSTONE TRAIL - PHASE 1. SEE THE PLANS FOR ALL WORK

PROPOSED TO BE DONE ON WASHINGTON ST.

Owner / Agent Initial: DC

Date: 5/18/2021

Mayor  
Diana Solle  
Chief Administrative Officer  
Jordan Green  
City Attorney  
Peter Elverum  
City Clerk  
Cyndi Thompson  
Compliance Officer  
Tom Malcolm  
Public Works Superintendent  
Trent Freeman  
Treasurer  
Judi Whitney  
Utility Billing Clerk  
Gena Micu



City Council  
John Skibsrud  
Amanda Bohrer  
John Henderson  
Mary Hathaway  
Robert Kersch  
Anthony Savalla  
Dick Bauman  
John J. Molendyke

## PUBLIC WORKS DEPARTMENT RIGHT-OF-WAY ENCROACHMENT AGREEMENT

Name: Peggy White

Mailing Address: 413 Park St, Deer Lodge, 59722

Telephone Number: 704-649-6436

1. City street / property in which encroachment is to be made described as:

Corner of Park Street and Alley in front of City Pavilion

2. Property address where encroachment is to be made described as:

413 Park Street, Deer Lodge, MT

3. In order for owner to more fully enjoy his property as described above, owner has requested a Right of Way Encroachment Application from the City to allow owner to install or maintain the following described property and/or appurtenance(s):

4' white Vinyl Fence to Surround Enclosed Grassy Area on Corner (Similar to House Across Park Street)

Attach additional pages if necessary.

Projects including any of the following items must comply with the requirements contained in the City's 2019 Engineering and Design Standards and Construction Standards.

☐ Curb & Gutter    ☐ Driveway Approach    ☐ Pavement Excavation    ☐ Public Sidewalk

## **APPROVAL CRITERIA**

The City Council may only authorize an improvement, encroachment, or an appurtenance in the City's Right-of-Way with the establishment of findings to the following criteria:

1. The described improvement, encroachment, or appurtenance does not create an obstruction or impede the movement of vehicles or pedestrians on public thoroughfares;
2. The described improvement, encroachment, or appurtenance does not create an impediment to the City's ability (or any other entity) to maintain public infrastructure, facilities, and/or property;
3. The improvement, encroachment, or appurtenance does not create a barrier for the delivery of emergency services to the subject property or adjacent properties; and
4. The improvement, encroachment, or appurtenance is not detrimental to the public health, safety or welfare, injurious to other properties within the area.



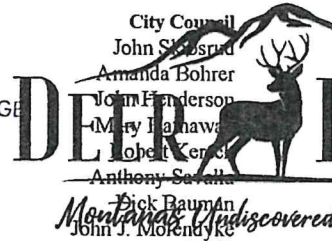
Mayor  
Diana Solle  
Administrative Officer  
Jordan Green  
City Attorney  
Peter Elverum  
City Clerk  
Cyndi Thompson  
Compliance Officer  
Tom Malcolm  
Public Works Superintendent  
Trent Freeman  
Treasurer  
Judi Whitney  
Utility Billing Clerk  
Gena Micu

RECEIVED BY

JUL 12 2021

CITY OF DEER LODGE

300 Main Street  
Deer Lodge MT 59722-1057  
406.846.2238



## PUBLIC WORKS DEPARTMENT RIGHT-OF-WAY ENCROACHMENT AGREEMENT

Name: Kathy White

Mailing Address: PO Box

Telephone Number: \_\_\_\_\_

1. City street / property in which encroachment is to be made described as:  
Alley behind ours + in front of City Pavilion
2. Property address where encroachment is to be made described as:  
117 + 113 W Milwaukee
3. In order for owner to more fully enjoy his property as described above, owner has requested a Right of Way Encroachment Application from the City to allow owner to install or maintain the following described property and/or appurtenance(s):  
Put a fence + garage driveway (cement) just  
like the people got a 412 or 414 Park St

Attach additional pages if necessary.

Projects including any of the following items must comply with the requirements contained in the City's 2019 Engineering and Design Standards and Construction Standards.

☐ Curb & Gutter      ☐ Driveway Approach      ☐ Pavement Excavation      ☐ Public Sidewalk

### GENERAL INFORMATION TO APPLICANT

1. By issuance of a Right of Way Encroachment Agreement, the City will agree to allow owner to install appurtenances and/or maintain the improvements on the described property.
2. The parties agree that when owner's property, the installation and/or maintenance is hereby authorized, is destroyed or worn out, said property or appurtenances shall not be repaired or replaced without express consent of the City. Further, said property or appurtenances shall be operated and maintained pursuant to the direction of the City.
3. Owner will agree that he is gaining no additional rights over the property by execution of

4. Owner will further agree and promise that the installation and/or maintenance of the property or appurtenances, shall not interfere with the use by the City of the property above described. If owner's property does interfere with the City's use of the property, the City may cancel this agreement by giving owner ten-days written notice of the City's intent to cancel the agreement. At the expiration of said ten-days, owner shall remove at his own expense all of his property and/or appurtenances, the installation and/or maintenance of which is authorized by this agreement.
5. Further, owner will agree to hold the City, its' agents, officers, and employees, harmless from any costs, liability, expense or damage, of any kind, in any way arising out of the location of owner's property on the property as authorized by this agreement.

### **City of Deer Lodge Approval**

**For Owner:**

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**By:**

**Date:**

### **APPROVAL CRITERIA**

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MISSOURI AVENUE (80')

240'(R1)

PARK STREET (80')

BLOCK 5  
STUART ADDITION

240'(R1)

ALLEY (40')

HOUSE ENCROACHES  
APPROXIMATELY 24  
FEET INTO PARK STREET  
FOR 48 FEET.

80.00'

P.O.B.

HOUSE ENCROACHES  
APPROXIMATELY 20  
FEET INTO MILWAUKEE  
STREET FOR 16 FEET.

MILWAUKEE AVENUE (80')

ALIGNMENT OF MILWAUKEE AVENUE  
WAS BASED UPON THE BEARING  
TO THE SIDEWALK LINE AND ANCHOR  
TO PI#305. THIS KEPT THE STR  
WIDTH OVER 80 FEET AND FIT TO  
EXISTING SURVEYS AND OCCUPANCY

S87°48'41"E,

330.22'(R3)  
330.50'



**Mayor**  
Diana Solle  
**Chief Administrative Officer**  
Jordan Green  
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Robert Kersch  
Anthony Savalla  
John J. Molendyke  
John Skibsrud

## REQUEST FOR ABANDONMENT OF CITY OWNED PROPERTY REPORT

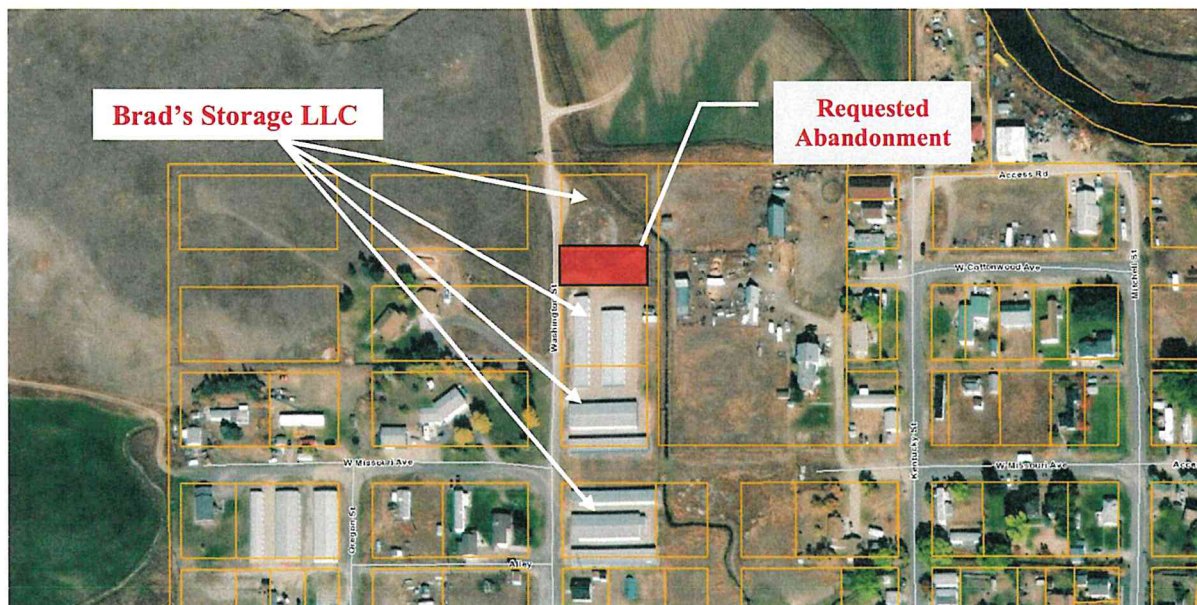
**Requested Abandonment: Cottonwood Avenue between Washington Street and 511 W Missouri Avenue**  
**Request by: Brad's Storage LLC and Angel Lampert**

**Prepared by: Jordan Green – City of Deer Lodge Chief Administrative Officer**  
**Prepared for: City of Deer Lodge Public Works Committee**  
**July 26, 2021**

### Request:

Angel Lampert, acting on behalf of Brad's Storage LLC, submitted a Request for Abandonment of City Owned Property to me on June 18, 2021. Lampert requests that the city abandon and deed to Brad's Storage the portion of Cottonwood Avenue between Washington Street and 511 West Missouri Avenue. The purpose of said abandonment is to aggregate the lots to the north and south of Cottonwood Avenue, along with the abandoned portion, as one lot to provide contiguous property for the expansion of Brad's Storage units. The lots to the north and south of Cottonwood Avenue are currently owned by Bradley Ford, owner of Brad's Storage LLC.

### Site Analysis:





The requested abandonment is an approximately 60 feet x 150 feet, 0.21-acre right-of-way for Cottonwood Avenue in the Northwest Townsite addition of Deer Lodge. The site has never been developed for a road. It is bounded by Washington Street on the West, a large tract of land addressed 511 West Missouri Avenue to the east, and tracts owned by Bradley Ford to the north and south. Access to the site is from Washington Street. There are no utilities easements or other rights to the land beyond being designated as a city owned right of way.

#### **Abandonment Analysis:**

As the right of way is terminated on the eastern edge by an irrigation channel off Taylor Creek and the adjacent property of 511 W Missouri Avenue, there would be little potential for the City to develop the right of way for any use in the future. City Staff finds no undue reason to deny the request based off current or potential uses of the property by the City. However, the approximately 9,000 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 \$10,000 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 acreage. This was converted to square feet. The 2021 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. (Note: recommended sell price is slightly smaller than calculated value due to small differences in square footage calculations versus platted dimensions.)

Adj. Property	Acreage	Square Feet	Land Taxable Value	Value/SF
North	0.448	19514	29773	1.5257
East	3.74	162914	51758	0.3177
South	0.805	35065	39067	1.1141
Southwest	0.806	35109	39090	1.1134
Northwest	0.482	20995	30800	1.4670

Average value/SF	1.1076
SF of Abandonment	9367.00

<b>Abandonment value</b>	<b>10374.82</b>
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#### **Staff Recommendation:**

Staff recommends the abandonment of the City owned property described as the Cottonwood Avenue right of way bounded by Washington Street and 511 West Missouri Avenue to the applicant **for the sale price of \$10,000.**

Upon recommendation of the abandonment by the Public Works Committee, the applicant will be responsible for obtaining letters of no objection from 51% or higher of adjacent property owners. Due to the unique characteristics of the city property—only one property owner who is not the applicant is directly adjacent to the city property—Staff recommends a larger list of nearby property owners be contacted for letter of no objection. Staff recommends the Public Works Committee require letters of no objection from a majority of the

following property owners as gathered from Montana Cadastral: Jimmy Ray Anderson, Victor Lewis, Jason Havener, Lyle Clawson, and Grant-Kohrs Ranch.

Requiring a different sale price or a lesser or greater number of letters of no objection is at the discretion of the Public Works Committee and City Council.

Upon obtaining the letters of no objection required, the request for abandonment and Public Works recommendation will be scheduled for duly noticed public hearing before the City Council. 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 MCA 7-8-4201(2)a, the applicant will be responsible for contracting a licensed surveyor to file a Certificate of Survey aggregating the properties and 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  
July 22, 2021

## Request for Abandonment of City Owned Property

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

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

Name of Applicant: Brads Storage / Angel Lemper  
Address of Applicant: 13179 Eastside Rd Anaconda MT  
Telephone Number: 406-691-0840  
Property description of land requesting to be abandon: last 1/2 blk of Cottonwood  
that Dead-ends on Brads Storage Corners with  
Washington St  
Ownership of adjoining property: Brads Storage on both sides  
Clawson & Andersons Grant Kohrs

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

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

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

Angel Lemper  
Signature of Applicant

6/18/21  
Date

[Signature]  
Received by

6/18/21  
Date

Forwarded to PUBLIC WORKS Committee on JULY 26, 2021

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

hens 7265@live.ca

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