

---

**CITY OF DEER LODGE**

---

**Public Health & Safety  
COMMITTEE**

---

**AGENDA**

**Thursday, August 12, 2021 – 5:00 P.M. | Council Chambers, City Hall**

**1. Call Meeting to Order**

**2. Approval of Minutes:**

Meeting Minutes, July 8, 2021.

**3. Public Comment on Non-Agenda Items – (Limit to three minutes per person)**

**4. New Business:** (Public Comment period prior to each topic)

a. Department Reports:

- i. PD Report & Code Enforcement Report – Chief Smith
- ii. FD Report – Chief Pierson
- iii. County Health Report – Ida Miller

b. Title 7- Noxious Weeds Ordinance - CAO Green and Rob Kersch

c. Title 7- Fireworks Ordinance - CAO Green and Rob Kersch

d. Title 15- Building permit violations - CAO Green

e. Traffic Control Concerns – Anthony Savalla

**5. Old Business:**

**6. Staff or Committee Comments or Concerns:**

**7. Announcement of the Next Meeting:** September 9, 2021, at 5:00 PM.

---

**Public Health & Safety Committee**

**Members**

Anthony Savalla (Chairperson) | Rob Kersch | John Skibsrud

---

**CITY OF DEER LODGE**

---

**Public Health & Safety  
Committee**

---

**MINUTES**

---

**Public Health & Safety Committee | Thursday, July 8, 2021, at 5:00pm | Council Chambers**

**Members Present:** Robert Kersch, John Skibsrud & Anthony Savalla

**Members Absent:** None

**Mayor:** Diana Solle

**CAO:** Jordan Green

**Staff:** Cyndi Thompson

**Guests:** None

**1. Call Meeting to Order**

- a. Chairperson Savalla called the meeting to order at 5:02pm.

**2. Approval of Minutes for**

- a. June 10, 2021

**3. Public Comment – Limited to Three Minutes Per Person**

None.

**4. New Business:**

- a. Department Reports: Accepted as presented.

- 1. Police ..... Police Chief Smith

- Police Chief Smith summarized recent department activities for June based upon 239 calls for service and 44 citations.

- 2. Code Enforcement..... Police Chief Smith

- Police Chief Smith summarized recent department activities for June based upon 11 animal calls, 5 dog citations, 3 abandon vehicles and 1 RV removed.

3. Fire..... Chief Pierson

4 calls for service- 3 grass fires. 2 small ones in town, 1 at Beck Hill off the interstate about an acre in size. Garrison FD call for our help. 1 false alarm, cancelled in route. The fireworks show was a success. Everything went off without a hitch.

The county is currently under an open burn ban. I expect our whole region will be under stage 1 fire restrictions soon. Very hot and dry conditions are expected for the foreseeable future.

4. County Health Report.....Ida Miller

Ida completed the Car Seat Technician course in Billings and is certified to provide inspections.

Testing and contact tracing for Coronavirus is continuing in Powell County. Currently there are 2 cases of Covid-19 in Powell County and there are 7 contacts quarantined.

Vaccination for Covid-19 is available to all residents of Powell County who are 18 and over.

Deer Lodge Medical Center is administering the vaccine free of charge call 846-2212 or 846-1722 for more information or to register to receive the vaccine. Also check the DLMC website at dlmed.org. DLMC does have some Johnson and Johnson vaccine that will soon expire. At this time, there does not appear a restocking date for this vaccine.

Butte-Silver Bow is providing Pfizer vaccination for the 12 to 18-year-old age group and Butte-Silver Bow Public Health has information regarding scheduling.

For the month of June, Deer Lodge Medical Center tested 95 patients for Covid-19 with 10 being positive. To date, there have been 450 positive cases tested at DLMC. The State checks for variants and currently Powell County does not have any.

Montana State Prison currently shows 60-70 % of inmates vaccinated. No active cases of Covid-19. Visitation is by unit and is not daily. All inmates are offered the option to test for Covid-19 upon admission. Employees are self-screening and self-reporting.

If you have had Covid-19 the recommendation is to still get vaccinated but to check with a healthcare professional to see how soon after recovery the vaccination should be given.

Remember that now is the time to be aware of the possibility of contracting hantavirus and rabies and ticks are out and about if the temperature is over 50 degrees. Rabies is contracted mainly through bats and skunks in Powell County. Hantavirus can be found in mouse infested areas such as infrequently used outbuildings. Ponds and other wet areas, where mosquitos breed, are being check for West Nile Virus throughout the state. Remember to use precautions for ticks and mosquitos.

So far for the month of July, no dog bites have been reported to Public Health.

Marianne Saylor has resigned as the Public Health Nurse; she will continue with investigations of all other communicable diseases and dog bites. Continue to call her for dog bites until further notice. Ida will be continuing as contact tracer for Covid-19 and will be doing car seat inspections for Public Health. Jordan Friend is the Powell County Public Health officer.

**5. Old Business:**

- a. Hotel Deer Lodge update – CAO Green & Mayor Solle  
Mayor Solle sent an email to Mr. Kimerly and a phone call to remind him of the meeting so he can attend to discuss his progress and get an update. Mr. Kimerly did not attend the meeting although he did call Mayor Solle back and reported there was no update. There was discussion amongst the committee on how the City and the Committee wants to proceed with Mr. Kimerly and/or the 5013c corporation. The focus is that the City and the PH&S Committee is addressing the external public safety of the debris that could potentially fall off the outside of the building, this will be addressed in our letter. Hopefully so we can get barricades removed as our citizens currently do not have access to the sidewalk. CAO Green, I am still concerned without an engineer’s report. I would like to give the time frame 1 month to remove the damaged materials and 6 months to get an engineer report along with repercussions.

Member Kersch motioned we send a letter to the Corporation from our City Attorney to repair/remove all exterior safety issues within 60 days and the corporation to follow up with a structural & safety inspection of the exterior of the building within 6 months and include a statement of repercussion to the corporation based on legal opinion. Member Skibsrud seconded the motion. The vote was unanimous.

- b. City Code Title 8 (Definition of Neutered) – Rob Kersch  
Created a clearer definition of spayed and neutering in the City Code to read:

**8.02.010: Definitions (#9 & #11)**

- I. **Neutering (also known as castration)** – shall mean the common term used to describe 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.
- II. **Spayed** – shall mean the common term used to describe 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.

Member Kersch motioned to move the new definitions to title 8 in the city code. Chairperson Savalla seconded the motion. The vote was unanimous.

- c. City Code Title 9 (Noise) – Rob Kersch

**Chapter 9.02: PUBLIC DISTURBANCE NOISE (DRAFT)**

**SECTIONS:**

- 9.02.010: FINDINGS AND DECLARATION OF NECESSITY**
- 9.02.020: PUBLIC DISTURBANCE NOISE DEFINED**
- 9.02.030: PUBLIC DISTURBANCE NOISE FORBIDDEN**
- 9.02.040: SPECIFIC NOISES PROHIBITED**



- 9.02.050: DISTURBING NOISE FACTORS
- 9.02.060: EXEMPTIONS
- 9.02.070: NOISE PERMIT AND PARADE PERMIT AS EXCEPTIONS
- 9.02.080: VIOLATIONS; PENALTY

Chairperson Savalla motioned to have the draft of City Code Title 9, Chapter 9.02 go under legal review and CAO review prior to adoption. Member Kersch seconded the motion. The vote was unanimous.

d. Short-Term Rentals – CAO Green

This was discussed at the Planning Board meeting on a couple different occasions. Planning Board motioned to present the to Public Health & Safety and then forward to Council. Planning Board is looking at doing a system of registering short-term rentals such as Airbnb’s in the city on a case-by-case basis. We have shied away from restrictions to the number of Airbnb’s, we would be 1 of 3 communities in Montana that would do that. We would like to get this going to see the trend. If we notice, once we start registering these and getting them on a list, if we get a sustainable amount of them pop up then we can look in a year or two, or 6 months, and look at any restrictions of the numbers of Airbnb’s, type of ownership or where the owner lives and any penalties by not obtaining a zoning permit.

Public Health & Safety Committee agreed to have the CAO take this back to the Planning Board to proceed with the registering system for Airbnb’s/Short-term rentals.

**6. Staff Comments or Concerns:**

Member Kersch, weeds over by the roundhouse that are out of control.

**7. Announcement of the Next Meeting:**

a. August 12, 2021, at 5:00pm

**8. Adjournment:**

a. Meeting was adjourned at 6:56pm by unanimous vote.

Prepared by: Cyndi Thompson, City Clerk

Chairperson: \_\_\_\_\_  
Anthony Savalla

Date: \_\_\_\_\_

**Public Health & Safety Committee**

**Members**

Anthony Savalla (Chairperson) | John Skibsrud | Rob Kersch



# CITY OF DEER LODGE

## Police Department

300 Main St. Deer Lodge, Mt. 59722

Phone: (406)846-9585

Fax: (406)846-2500

George Smith

DLPD 75-1

---

### Police Department Report July 2021

#### Calls for service-216

- Traffic Stops-65
- Welfare Checks-14
- Threats-7
- Unwanted Persons-7
- Medical Assists-8
- Disturbances-6
- Criminal Mischief/Vandalism-1
- Traffic Accident-4
- Request for an Officer-10
- Alarms-3
- Suspicious Person-4
- Domestic Violence-2
- Disturbance-3
- Fight-1
- Stolen Vehicle-1
- Suicidal Person-2

#### Citations-38

Citations this month include:

- Traffic
- Vandalism
- Violating Restraining Orders
- Trespassing
- Theft
- Arson
- Assault on a Peace Officer
- Disorderly Conduct
- Resisting Arrest

#### Code Enforcement Calls

Animal Calls-5  
Dog Citations-4  
Abandoned Vehicles-4  
Junk Vehicle Citation-1  
Watering Violations-4  
Stop Work Orders-4



# FIRE DEPARTMENT REPORT

JULY 2021

## HIGHLIGHTS

---

➤ 6 calls for service:

1. 2 Grass fires- both humans caused
  - One on a hay pasture caused by sparking equipment.
  - One small one on I-90 that was out when we arrived.
  
2. 1 Lightning caused fire in a tree.
  
3. 2 Structure Fires
  - Family residence. The house and garage were fully involved and was spread to cars, campers, and a neighboring building under construction when we arrived. The crew did keep the spread from moving any further. Cause is still under investigation.
  - A local business with a small fire. The southeast corner of the main building ignited where some car batteries were stored. One of the batteries shorted out and melted. A very quick response kept it contained to a very small spot. We helped ventilate the building afterward.
  
4. 1 Cancelled In Route
  - Car Collison at a local business. It was determined that we were not needed.

## INTEREST ITEMS FOR CITY COUNCIL

---

August Happenings:

- On the 12<sup>th</sup> of this month, we have joint training with the local EMS on extrication. Mountain View towing donated 2 cars for us to cut up.
- Through this month we will be pressure testing all our hoses. This is a once-a-year thing.
- We will be helping at the fair by managing the beverage gardens thru fair weekend.

### **7.01.050: WEEDS AND GRASS(ES) – PROHIBITED**

A. It shall be unlawful for any person or property owner to knowingly permit any grass Herbaceous plants to grow that might create a fire hazard, blight or public safety hazard. Grasses and herbaceous plants (excluding) cultivated gardens) shall not be allowed to exceed eight (8) inches in height.

B. Property owners are also responsible for caring for and maintaining the area adjacent to their property (i.e. boulevards) up to the middle of the alley and the street.

C. Notice of violations will be posted at the violating property or sent via (certified) mail to the registered property owner. Failure to correct the violation (within 14 days?) may result in a citation and/or the City taking corrective action and charging any cost to the property owner.

The Committee agreed to carefully look at current Code Title 7.01.050 to incorporate the proper processes and procedures for notifying property owners of any/all violations.

Last Council Action on 10/5/2020 Proposed Code amendment: Asserting property owners have the responsibility to maintain City property from their lot line to the centerline of the abutting public rightof-way – Matt Bowdish

Mr. Bowdish explained the reason for the amendment as to strengthen the City Code regarding the ability for Code Compliance to address unwanted vegetation (weeds) adjacent to a property.

The Council considered the amendment and decided to send it back to the Public Health & Safety Committee for revisions (to include language on noxious weeds).

Below is the MCA on Noxious Weeds”

Montana Code Annotated 2019

TITLE 7. LOCAL GOVERNMENT CHAPTER 22. WEED AND PEST CONTROL Part 21. County Weed Control

Unlawful To Permit Noxious Weeds To Propagate -- Notice Required In Sale

**7-22-2116. Unlawful to permit noxious weeds to propagate -- notice required in sale. (1)** It is unlawful for any person to permit any noxious weed to propagate or go to seed on the person's land, except that any person who adheres to the noxious weed management program of the person's weed management district or who has entered into and is in compliance with a noxious weed management agreement is considered to be in compliance with this section.

(2) When property is offered for sale, the person who owns the property shall notify the owner's agent and the purchaser of:

- (a) the existence of noxious weed infestations on the property offered for sale; and
- (b) the existence of a noxious weed management program or a noxious weed management agreement as provided in subsection (1).



(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.110: VIOLATIONS; PENALTY

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, equip, use, occupy or maintain any building or structure in the City of Deer Lodge, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter.

B. Upon notice from the building inspector that work on any residential building or structure is being executed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's authorized agent or to the person performing the work and shall state the conditions under which work will be permitted to resume. (IRC 2018 Section R114)

Formatted: Font: Not Italic

1. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be subject to penalties as prescribed by this ordinance. (IRC 2018 Section R114)

Formatted

2. The issuance of a stop work order will require the owner of the property involved, or the owner's authorized agent to apply for a building permit from the building inspector. The fee for the issuance of the building permit following the stop work order will be double the fee as set in the fee schedule for the work being done. ~~<Violations result in stop work order>~~ ~~<Subsequent violations of building permits/stop work permits will result in increased penalty>~~

3. Any contractor who performs work without a permit when a permit is required will be issued a stop work order under the process described above. Upon the issuance of a second stop work order to the same contractor within a year from the first, the business license for the contractor will be suspended for one (1) year. The issuance of a third stop work order to the contractor at any point in time following the one year suspension will cause that contractor's business license to be suspended indefinitely. Helena 3-1-13 and Building Inspector Recommendations

Formatted

~~Building Inspector Comments/Recommendations:~~

~~Put in place steep penalties for those who don't get permits. R105 of International Residential Code~~

~~Make it a priority to prosecute those who refuse to comply. R113 of International Residential Code~~

~~Incentives to complete the permit~~

~~A. 1 year Probation from working in the city after 2 stop work orders. After 3<sup>rd</sup> stop work order, city business license suspended indefinitely.~~

Formatted: Highlight

Formatted: Indent: Left: 0.5", No bullets or numbering

B.C. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon first

Formatted: Highlight

conviction of any such violation such person shall be punishable by fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or both such fine and imprisonment. Upon second and subsequent conviction of any such violation such person shall be punishable by fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months.

Formatted: Highlight

Formatted: Highlight

*(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005; Ordinance xxxx: Effective x/xx/xxxx)*

Formatted: Highlight