
CITY OF DEER LODGE

Public Health & Safety
COMMITTEE

AGENDA

Thursday, September 9, 2021 – 5:00 P.M. | Council Chambers, City Hall

1. Call Meeting to Order

2. Approval of Minutes:

Meeting Minutes, August 12, 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 - Chief Smith
- ii. Code Enforcement Report – Suzan Callahan
- iii. FD Report – Chief Pierson
- iv. County Health Report – Ida Miller

b. Junk Vehicle Program - CAO Green and Suzan Callahan

c. Title 15: Building Permit Violations – CAO Green & Rob Kersch

5. Old Business:

6. Staff or Committee Comments or Concerns:

7. Announcement of the Next Meeting: October 14, 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, August 12, 2021, at 5:00pm | Council Chambers

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

Members Absent: None

Mayor: Diana Solle

CAO: Jordan Green

Staff: Fire Chief Pierson, Chief of Police Smith, Code Enforcement Office Callahan, & Cyndi Thompson

Guests: John Henderson, Ida Miller

1. Call Meeting to Order

- a. Chairperson Savalla called the meeting to order at 5:01pm.

2. Approval of Minutes for

- a. July 8, 2021 - Member Skibsrud motioned to approve the minutes as presented. Member Kersch seconded the motion. 3 Ayes, 0 No's

3. Public Comment – Limited to Three Minutes Per Person

4. New Business:

- a. Department Reports: Accepted as presented.

- 1. Police Police Chief Smith

- Police Chief Smith summarized recent department activities for July based upon 216 calls for service and 38 citations.

- 2. Code Enforcement.....Police Chief Smith/ Code Enforcement Office Callahan

- Code Enforcement Office Callahan reported she is currently working on 3 active cases and has 11 closed cases. The junk vehicle program was discussed, it was recommended through the committee for her to reach out to Chad Lannis (spelling?). It was discussed about using

individuals that need to do community service, we can utilize their service around town and/or at the parks. Police Chief Smith summarized recent department activities for July based upon 5 animal calls, 4 dog citations, 4 abandon vehicles, 1 junk vehicle citation, 4 Watering Violations, and 4 stop work orders.

3. Fire..... Chief Pierson

6 calls for service: 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.

1 Lightning caused fire in a tree.

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.

1 Cancelled In Route: Car Collison at a local business. It was determined that we were not needed.

On the 12th 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.

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

Ida completed 1 car seat inspection in July and provided a car seat from Public Health's stock for that inspection. Public Health's car seats are not free to the individual but are awarded on a sliding scale basis.

Testing and contact tracing for Coronavirus is continuing in Powell County. Currently there are 29 cases of Covid-19 in Powell County and an average of 3 contacts per positive case.

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. Currently, 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.

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.

Montana State Prison has 4 current cases of staff at MSP. Neither resulted in further contacts so we have been lucky so far. Currently MSP has 60.8% of its population fully vaccinated. Unclear of staff vaccination status but I would presume it is similar to that of the community.

MSP will begin implementing mandatory masking for staff indoors and instances when unable to socially distance. Inmates will continue to be encouraged to mask. Screening for all staff, inmates and visitors will continue. There is no plan to curtail any normal operations. Positive cases will be identified isolated, and contacts will be quarantined following current CDC guidelines.

There will be a push to increase testing for both vaccinated and unvaccinated offenders. This will continue to be voluntary so difficulty to tell if this will be successful. Vaccines are continuing to be offered to all incoming offenders as well as hold outs currently within the population. We pick up about 15/week.

Deer Lodge Medical Center conducted 112 Covid-19 tests in July and thru August 10, 2021, has tested 104 of which 30 have been positive. We have also had several hospitalizations and some positive tests of persons who were vaccinated.

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 August, no dog bites have been reported to Public Health. Marianne Saylor is continuing with investigations of all communicable diseases and animal bites. Please continue to call her for dog, cat, bats, horses, and any other animal bites until further notice. Ida is the contact tracer for Covid-19 and is doing car seat inspections for Public Health. Jordan Friend is the Powell County Public Health officer. I will be attending Safe School Summit over in Butte.

b. Title 7-Noxious Weeds Ordinance – CAO Green/ Member Rob Kersch

The committee recommended to update:

Title 7 section 7.01.050 WEED AND GRASS(ES)-PROHIBITED to read as the following.

7.01.050: WEEDS AND GRASS(ES) – PROHIBITED

A. It shall be unlawful for any person or property owner to knowingly permit any grass or Herbaceous plants to grow that might create a fire hazard, blight, or public safety hazard.

1.) Grasses and herbaceous plants (excluding cultivated gardens) shall not be allowed to exceed eight (8) inches in height.

B. It is unlawful for property owners to permit noxious weeds to propagate. (MCA 7-22-2116)

BC. Property owners are also-responsible for caring for and maintaining their property, to include 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 which includes a flat fee per violation as set by resolution and the City taking corrective action and charging any cost to the property owner.

1.) Fee for violation correction to be set by resolution.

a.) Fee will be based on a base rate per square footage of correction.

Previous code read as:

7.01.050: WEEDS AND GRASS(ES) - PROHIBITED

It shall be unlawful for any person or property owner to knowingly permit any grass or noxious or non-noxious weeds to grow that might create a fire hazard, blight, or public safety.

Discussion amongst the committee to update the fee schedule for the fee violations as it is to be set by a resolution. They also discussed the "weed height" and if 8 inches in height was the appropriate height.

Member Kersch motioned to approve Weed and Grass(es) 7.01.050 to public hearing. Chairperson Savalla seconded the motion. 3 Ayes, 0 No's. Motion Passed.

c. Title 7 – Fireworks Ordinance – CAO Green/Member Rob Kersch

The fireworks title was discussed and agreed to update section to read:

7.04.020: RESTRICTED SITES AND TIME LIMITATION FOR RETAIL SALE AND USE OF FIREWORKS

D. No fireworks shall be discharged or fired within 200 feet of a licensed structure and signs reading "*It shall be unlawful to discharge or fire or cause to be fired any fireworks within 200 feet of this building*" shall be displayed.

E. The sale at retail or use of fireworks will only be permissible between June 30 and July 4 5, both dates inclusive.

F. Permitted use of fireworks will also be permissible on December 31st and January 1st, both dates inclusive.

G. No fireworks will be permitted to be fired after 10:00 p.m. on permitted days. ~~Except on July 4.~~ (Ord.67,11-92)

H. Exceptions:

1. July 4th – July 5th.

a. No fireworks will be permitted to be fired after 1:00 a.m. on July 5th.

2. December 31st – January 1st.

a. No fireworks will be permitted to be fired after 1:00 a.m. on January 1st.

Chairperson Savalla motioned to approve 7.04.020 use of fireworks and send for a public hearing. Member Kersch seconded the motion. 3 Ayes, 0 Nos. Motion Passed.

d. Title 15 – Building Permit Violations – CAO Green

The Title 15 section 15.02.110 was discussed and agreed by the committee to update section 15.02.110 to read with possible legal review prior to adoption.

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. <Violations result in stop work order> <Subsequent violations of building permits/stop work permits will result in increased penalty>
- C. Building Inspector Comments/Recommendations:
 - 1. Put in place steep penalties for those who don't get permits. R105 of International Residential Code
 - 2. Make it a priority to prosecute those who refuse to comply. R113 of International Residential Code
 - 3. Incentives to complete the permit
 - 4. 1 year Probation from working in the city after 2 stop work orders. After 3rd stop work order, city business license suspended indefinitely.
- D. 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 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.

Member Kersch motioned to accept *Title 15, section 15.02.110 Building and Construction* changes as shown and presented in the committee, and for CAO finalization and then to legal to also review "Jail Time/Imprisonment" Chairperson Savalla seconded the motion. 3 Aye's, 0 No's. Motion Passed.

e. Traffic Control Concerns – Chairperson Savalla

There was a concern and discussion about the Fire Department and other emergency vehicles being able to do their job and not have the public "lookie Loos" obstructing any/all emergency vehicles to the scene of an emergency.

Fire Chief Pierson stated, The Fire Department, Chief of Police and County will get together and put together a game plan of how to obstruct traffic and to keep the scene clear of traffic for all emergency vehicles should the need arise in the future.

5. Old Business:

- a. None

6. Staff Comments or Concerns:

- a. The committee asked about the status of the certified letter to the Non-Profit for the Hotel Deer Lodge. CAO stated he did send a certified letter to the Deer Lodge Preservation Non-Profit Organization and the letter was returned, possibly the PO Box was no longer active. A letter went to the manger of the Non-profit. Waiting to hear

back from him. It's possible they may be relinquishing the Non-Profit. They need to remove the hazardous material within 45 days and 6 months to get a structural engineer assessment. The next course of action will determine if the Non-Profit Organization is dissolved. Should the Corporation be dissolved, it will be up to the County Court to determine the next plan of action.

- b. Code Enforcement Officer stated she is having the sand in front of the Hotel DL is going to be swept up as it is creating a hazard to the public slipping.

7. Announcement of the Next Meeting:

- a. September 9, 2021, at 5:00pm

8. Adjournment:

- a. Meeting was adjourned at 6:55pm 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



CHIEF OF POLICE
KEVIN PERRAULT

CITY OF DEER LODGE

Police Department

300 Main St. Deer Lodge, MT. 59722
Phone: (406) 846-9585
Fax: (406) 846-2500

Council Report

August, 2021

Total Calls for Service August 2021: 156

Traffic Stop: 44

Welfare Check: 9

Unwanted Person(s): 7

Medical Assists: 5

Request Officer: 5

Alarms: 5

Custodial Inference: 3

Reckless Driving: 3

Theft: 3

Assist Other Agency: 3

VIN Inspection: 3

Domestics: 3

Civil Standby: 2

Criminal Mischief: 2

Disturbance: 2

Parking Complaint: 2

Courtesy Ride: 2

Suspicious Activity: 2

Traffic Accident: 2

911 Open Line: 1



CODE COMPLIANCE REPORT

August 2021

HIGHLIGHTS

- Red tagged two cars, one needs the vehicle program to help with removable and second will be moved by Saturday.
- 13 calls of dogs at large. 5 taken to shelter as owners were not home, all returned by 7pm.
- 42 dog licenses issued
- 5 stop work orders out, all recipients purchased building permits.
- Started talking to Community about fire danger with weeds, trash and glass.

PROJECT SUMMARIES

- Familiarized myself with the neighborhoods, city ordinances, and city codes.
- Finished Junk Vehicle program with working samples for city council to review. Once in place I will follow-up with citizens that are already willing to get rid of vehicle but can't afford it.
- Started process of weeds, trash, and citizen compliant follow-ups (32).
- 61 verbal warnings with copies of city code given or posted at residence, 23 closed. Expected decrease in postings due to word getting out and receptive to warning.
- Only 3 red warnings posted with copies of city code violations. 2 complied, one is in Hospital follow-up when released.

INTEREST ITEMS FOR CITY COUNCIL

- Sledding Hill request complete the next day, however the rest of the hill needs attention, and it is city owned. Working with Trent Freeman on issue.
- Waiting on a call back from the state DOT, hill in front of the Travel Lodge Hotel needs to be mowed. Also, Property adjacent to it will be addressed. (huge empty lot). Email sent to travel lodge and their corporate office to inform them of code violations weeds, trash, make-shift fence around trash cans out of pallets and one abandoned car. They are working on it, car removed by owner same day.
- I will be working with the VA rep get assistance for the community. And the Elks Lodge for people willing to help those elderly that are not Veterans.

STAFFING CONCERNS

- None



FIRE DEPARTMENT REPORT

AUGUST 2021

HIGHLIGHTS

- 4 total calls
 - Small structure fire at R&C Home improvement.
 - 1 Grass fire by the north exit into town
 - 1 call back to same grass fire for a smoldering stump.
 - 1 extrication call at Montana State Prison for person trapped in a piece of machinery.

- Had a joint extraction training with Powell EMS on August 13 that went very well. Was conducted by a trainer from MSU Fire Education.
- We completed all hose testing. Good to go for another year.

INTEREST ITEMS FOR CITY COUNCIL

Powell County Public Health

August 2021

Powell County Public Health will be receiving 10 car seats from the Department of Transportation in conjunction with National Child Passenger Safety week which is September 19 thru September 25. Car seats are not free to the individual but are awarded on a sliding scale basis.

Testing and contact tracing for Coronavirus is continuing in Powell County. Currently there are **31 (08/31/21)** cases of Covid-19 in Powell County and an average of 3 contacts per positive case.

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. Currently, there does not appear a restocking date for this vaccine.

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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.

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There will be a push to increase testing for both vaccinated and unvaccinated offenders. This will continue to be voluntary so difficult to tell if this will be successful. Vaccines are continuing to be offered to all incoming offenders as well as hold outs currently within the population. We pick up about 15/week.

Deer Lodge Medical Center conducted thru August 26, 2021, had tested 294 of which 82 have been positive. This is a 27.9 percent positivity rate. We have also had several hospitalizations and some positive tests of persons who were vaccinated.

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 August, no dog bites have been reported to Public Health.

Marianne Saylor is continuing with investigations of all communicable diseases and **animal** bites. Please continue to call her for **dog, cat, bats, horses, and any other animal bites** until further notice. Ida is the contact tracer for Covid-19 and is doing car seat inspections for Public Health. Jordan Friend is the Powell County Public Health officer.

COVID-19 - HB 702 Guidance

House Bill (HB) 702, passed during Montana's 67th Legislative Session, adds discrimination on the basis of vaccination status to the Montana Human Rights Act, which prohibits certain types of discrimination (see Title 49, Chapter 2, Part 3 of the Montana Code Annotated). This document provides general information on HB 702 as it relates to measures taken by local governments and schools to curtail the spread of COVID-19. The information contained in this document does not, and is not intended to, constitute legal advice. Readers of this document are strongly encouraged to consult with their attorney to obtain advice with respect to whether a particular policy, practice, or procedure is compliant with HB 702, or whether such action may constitute a prohibited act of discrimination.

HB 702 makes it an unlawful discriminatory practice for a person or governmental entity to deny a person any local or state services, goods, facilities, advantages, privileges, licensing, educational opportunities, health care access, or employment opportunities, based on the person's vaccination status or whether the person has an immunity passport.

Considerations for Local Government

With respect to any mandatory quarantine or isolation measure, a local government should consider whether the measure it seeks to implement ties the decision to require quarantine or isolation to an individual's vaccination status and whether the measure has the effect of treating unvaccinated individuals differently and less favorably than vaccinated individuals.

The Department encourages all individuals to follow current Centers for Disease Control and Prevention recommendations on quarantine and isolation when not in conflict with state law. Additionally, depending on the circumstances, unvaccinated individuals who do not quarantine or isolate despite having knowledge of having come into close contact with an infected person or being infected could potentially be subject to claims of legal liability from individuals they infect within the community.

In protecting public health and taking into account the requirements of HB 702, examples of quarantine and isolation measures local governments may want to consider include:

- Quarantine and isolation measures that apply regardless of an individual's vaccination status. For example, ordering isolation of unvaccinated infected individuals, as long as vaccinated individuals who are infected with breakthrough cases are also subject to such orders.
- Strongly recommending, but not ordering, quarantine of unvaccinated close contact individuals and isolation of unvaccinated infected individuals. Recommendations could also include voluntary masking and other COVID-19 precautionary measures, such as social distancing, regardless of vaccination status.

Contact: Jon Ebelt, Public Information Officer: 406-444-0936/ jebelt@mt.gov.

Document updated on 9-1-21

- Advising individuals of current CDC guidance and how it applies to their situation (i.e., close contact) and recommending they follow it as it relates to their vaccination status, but not mandating or requiring compliance with such guidance. This could be paired with advising individuals that noncompliance with CDC guidance that results in the infection of others could result in personal liability.

Considerations for Schools (K-12)

HB 702 does not apply to school vaccination requirements for students set forth under Title 20, Chapter 5, Part 4 of the Montana Code Annotated. However, COVID-19 is not a communicable disease for which vaccination is required under the statutes. *See* section 20-5-403, MCA. Schools should therefore consider the requirements of HB 702 when enacting measures related to the control of COVID-19. The same considerations discussed above for local governments apply to schools with respect to COVID-19.

Considerations for Schools (Postsecondary)

Postsecondary schools may impose immunization requirements as a condition of attendance that are more stringent than those required under Title 20, Chapter 5, Part 4 of the Montana Code Annotated. However, immunization requirements imposed by a postsecondary school must allow for religious and medical exemptions under section 20-5-405, MCA.

With respect to quarantine and isolation measures, the same considerations discussed above for local governments apply to postsecondary schools.