
CITY OF DEER LODGE

COUNCIL AGENDA

Monday, August 16, 2021 | 6:00 PM | PC Community Center

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. Approval of Minutes

Regular Meeting: July 19, 2021 (was deferred due to corrections 7a added in more comments of Member Skibsrud, Member Savalla and Member Bohrer) & August 2, 2021

4. Public Hearing:

a. FY22 Proposed Budget - Action Item: Vote on Resolution 2021-R-12

5. Department Reports:

a. CAO | b. Public Works | c. Police/Compliance | d. Fire | e. Committee

6. Mayor and Council Concerns:

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

- a. Ordinance 2021-5: Roundhouse Rezoning Reading #2 – CAO Green
- b. Emergency Ordinance 2021-6: Open Burn Ban– CAO Green
- c. Ordinance 2021-7: Business District Uses Reading #1 – CAO Green
- d. Resolution 2021-R-13: Setting Mill Levies – Judi Whitney
- e. Resolution 2021-R-14: Setting SID Assessments – Judi Whitney

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

None

9. Next Meeting Announcement(s)

a. Regular Meeting – Tuesday September 7, 2021, as Monday September 6th is a City Holiday.

10. Adjournment

Deer Lodge City Council meets in the PC Community Center | 416 Cottonwood Ave | Deer Lodge, MT 59722

For Further Information, Contact | Cyndi Thompson | City Clerk | cthompson@cityofdeerlodgemt.gov | 406.846.2238

CITY OF DEER LODGE

CITY COUNCIL MINUTES

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

Members Present:	John Henderson, John Molendyke, Anthony Savalla, John Skibsrud, & Amanda Bohrer
Members Absent:	Dick Bauman, Mary Hathaway
Mayor:	Diana Solle
CAO:	Jordan Green
Staff:	Police Chief Smith, Peter Elverum, Trent Freeman, Judi Whitney & Cyndi Thompson
Consultants	None
Guests:	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. None

3. Approval of Minutes

a. Regular Meeting: July 6, 2021 - 5c correction, Finance report June 21st comments should have been for Planning Board minutes and not Finance. Minutes approved unanimously with corrections.

4. Public Hearing.

a. Milwaukee Roundhouse Rezoning – CAO Green - Action Item: Vote on approval

Powell County submitted a Rezoning Application on April 28, 2021 to request a rezoning of their property at the Milwaukee Roundhouse Facility site. The property is currently designated as a State Superfund Site through the Comprehensive Environmental Cleanup and Responsibility Act (CECRA) due to the release of hazardous substances from prior industrial uses. Because of this designation, the property has been

determined as not suitable for development by the Department of Environmental Quality (DEQ) until certain cleanup procedures are completed and hazardous substance levels are under certain thresholds. Therefore, the site was never placed under a specific zoning district in the City of Deer Lodge Zoning Ordinance. In an effort to expedite the highest and best use of the property upon DEQ approval, the County is applying to zone the property as I-1, Industrial and Manufacturing District.

The property is located on the western side of town in Section 04, Township 07 North, Range 09 West, Track in NW4 less 7.39 AC Anderson Deed to County as recorded in Deed Book 112, Page 195. It is bounded to the east by the railroad lines and the Clark Fork River, to the north and west by land designated as AS, Agricultural Suburban District, and to the south by Sun Mountain Lumber, which is also designated as I-1, Industrial and Manufacturing District. The County plans on extending infrastructure to the site upon zoning approval to prepare for future potential industries.

Based on the above requirements and the positive impacts the rezoning would have on Deer Lodge through job creation, increases in the tax base, and the formation of industrial sites that the City currently lacks, the City Administration recommends the Planning Board recommend to City Council the zoning of the subject property as I-1, Industrial and Manufacturing District. The City Administration also recommends the County develop industries that adhere to Chapter 22, Section 2 of the Zoning Ordinance and not permit any industry or manufacturing which causes excessive or injurious noise, vibration, smoke, dust, particulate matter, toxic or noxious matter, humidity, heat, or glare which extends beyond the lot boundaries of the specific use.

Scott Hazelton, I work for Powell County as the Planning Director. Going through our regulatory stuff I know it takes a little bit, so we want to go ahead and get this process going. DEQ has given us some hope that Roundhouse site can be useable here with this last two rounds of TSEP money we have. So, we are trying to get it ready for when DEQ gives us the thumbs up we can go ahead and bring some jobs in opposed to getting the thumbs up then get it rezoned and then try and pull businesses in. Were cautiously optimistic with conversations that we've had with DEQ. So hopefully relatively soon we have a clean site to promote industry in Deer Lodge. The plan is we will maintain ownership of the property and lease it out. So, all the injurious noise, vibration, smoke, dust, particulate matter, toxic or noxious matter, humidity, heat, or glare which extends beyond the lot boundaries of the specific use will be a requirement that has to be analyzed before we sign a lease.

Mayor Solle, so if an industry wants to come in, do they go to your Planning Board and our Planning Board? How does that work?

Scott Hazelton, They'd go to the Commission, it wouldn't go through our planning board, it would go through your planning board. But the lease would be signed between the Commissioner and the industry. I think there is a little over 14 acres there which could eventually develop into more than one industry in the area depending on what DEQ says.

Member Henderson, have you heard anything, has anyone reached out and even asked about an industry coming in?

Scott Hazelton, we've had some inquiries about it. And that's part of the reason we are being a little bit more forward with DEQ and getting this done. We have had people approach us about it.

Public Hearing opened at 6:11pm – Public Hearing closed at 6:11pm as no public was in attendance.

Member Savalla motioned to approve Milwaukee Roundhouse Rezoning as detailed and approved by the Planning Board. Member Henderson seconded the motion. 6 Yea's, 0 Na's, 2 Absent. Motion Passed.

5. Department Reports: Composed Reports are in the packets.

- a. CAO Report – Report was accepted as presented.
- b. Public Works – Report was accepted as presented.
- c. Police/Code Enforcement - Report was accepted as presented.
- d. Fire – Report was accepted as presented.

6. 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. None

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

- a. Parks and Trails Master Plan Adoption – CAO Green

This is the finalized copy of the Parks & Trails Master Plan that has been reviewed several times through the Parks & Rec Committee. It was recommended unanimously by Parks & Rec to be accepted by Council.

Member Skibsrud stated, Originally, I voted with the Committee to forward this with a recommendation to pass but I have second thoughts on that, and I do not support it.

Mayor Solle asked why the change in your vote?

Member Skibsrud stated, We had two open houses virtually unattended by the public. We had 62 surveys filled out not knowing whether they are residents of the City or eligible voters. Even if they were all eligible that's less than a quarter of people in my ward. So, I don't see this as a great pressing issue that the public is demanding. I don't want to see anymore stuff built that we can't take care of. I drove by that Park up on Montana (pocket park), the fence is still falling down, the court looks like an abandoned parking lot, if we can't take care of what we have, then I don't want to see anymore.

Council President Kersch, so as a committee member were you in the process of working on this plan?

Member Skibsrud, just to extent that we had our open houses and people put in stuff and I went to our meetings.

Council President Kersch, so you didn't have any other input?

Member Skibsrud, I had repeatedly expressed my opinion that we do not need any more because we can't take care of what we have.

CAO Green, it has been made clear this plan which has been funded with Grant money does not specifically require us or create any steps for what we will be doing as far as parks and trails are concerned. This just provides a framework for it when we want to tackle problems or if we want to tackle these projects. The master plan provides a way to go about doing that and helps us apply for future grant funding where were able to reflect back on that parks and trails master plan as strengthening our grant applications so we can get more money for those projects.

Council President Kersch, every time we do these master plans that's the main point behind these is to support grant process and have some vision of where we need to be going.

Member Skibsrud, I have opted to do these another 4 years and I don't want it coming back on me. When somebody wants to go ahead on something, well you voted for that! So, I'm not going to vote for it.

CAO Green, every plan that is the parks and trails master would need to be voted on again as an actual project.

Member Skibsrud, It probably would, but then tend to come back at you as, well you voted for this master plan. No, I don't support it! I don't think there is a crying need for it.

Mayor Solle, if you vote against it, then it comes up of something they want to do, then there is the question, why did you vote against this?

Council President Kersch, I think it's a great idea and a really good vision for the future of Parks & Trails, and I thank the committee for working on it.

Member Bohrer, I'm glad this is our last document that completes our file of documents for the City. I do think that it makes us stronger going forward in the competitive process. I'm not against the plan, I fought hard for it. I do agree that new builds are just not something Deer Lodge really needs to focus on. But I've tried for 3 years to clean some of things up we have and haven't been exactly successful. My hope and plan is that we will be going forward.

Member Henderson, Once we vote on this plan, does that lock these plans in to a limited use?

Mayor Solle, No!

CAO Green, It would just provide, some solutions or potential projects that we want to work on in the future.

Member Savalla, I just wanted to thank all the different council members that have offered some feedback. Whether its support or opposition and their points of view in regard to this. I think its very helpful for me personally, its defiantly opened my eyes to other concerns that are potentially out there for in the future with our Parks & Trails Plans.

Member Savalla motioned to approve the Parks & Trails Master Plan. Council President Kersch seconded the motion. 5 Yea's, 1 No, 2 Absent. Motion Passed.

8. Continued Business (Old Business or Items Tabled)

a. ARPA Local Recovery Ideas – CAO Green (discussion only)

CAO Green, I just wanted to keep this conversation going with looking for ideas as far as spending the rest of our ARPA money that hasn't already been allocated for the infrastructure projects that we approved a couple councils ago. We did bring this up at our Economic Growth & Development Committee as well and received some really good ideas from those members. I am just starting to get a spread sheet together with the ideas, the sponsors, the estimated cost, how that's justified through ARPA eligibility and if we have any other match money associated with it. At this point I'm just continuing to take ideas anybody has. On our

list currently we have, quite a few from Mary about Tourism signage for EG&D being able to create some more avenues for tourism in the city. As well as City Hall elevator, so we can have some more ADA compliance to hold more events there, specifically for children. I have started researching grants to see if there is some sort of ADA grant out there that can be used to help fund an elevator as well as possibly some funds from the ARPA grant.

We also discussed looking at improving Day Care or being able to provide some funds to improve Day Care that's been identified by the regional work force experts is being one of the major issues for people returning back to work right now, especially post covid. Day Care for children has been a very difficult thing to get. So, looking at different ways in maybe finding solutions to put some funding into that.

Lastly Amanda had a good suggestion as far as mental health and childcare as well, that would be a very minor match out of the APRA funding.

Member Bohrer, It is called the Drug Free Communities Grant and the grant writer wants \$4,000 and he guarantees his work. And if we were awarded that grant, it is \$125,000 per year for five years in a row. So, the award would be \$625,000, it isn't exactly childcare, it is 13-24 youth activity programs alternative activities, substance abuse education, and mental health prevention programs.

Mayor Solle, so would that entail additional jobs in town?

Member Bohrer, yes, two of them. One part-time and one full-time preventative specialist work or coordinator of the coalition. It does require having twelve different sectors represented to help spend the funds and decide how it works because you have to use the data from the school, how the kids answer questions there to find out what they are using and how to implement programs that address those issues. I did send a detailed document, a handbook on what to do when you've been awarded a Drug Free Community Grant and page 29 talks about what you cannot use the money for and then describes what you can use the money for in there.

CAO Green, at this point we are just brainstorming ideas. All these ideas will further be refined and brought in front of the appropriate committees, and then brought to council for final approval because we want a budgeted resolutions for allocating this money.

Member Bohrer, just another quick thought, I have often heard that our city is underserved and underrepresented and that some of those areas. So, if you take my job right now as a tobacco preventive specialist its because the Anaconda public health department applied for \$81,000 grant, and it covers Powell County, but it's housed in Anaconda, it's been just like a contentious item everywhere I go. Granite feels like their underserved and it's a Tri County position and Butte Cares is holding the prevention specialist grant that I just left. So, it just seems to happen kind of a lot, and to be able to get those services back I think it would be proactive for our community to focus on housing the funding here and being able to charge that grant office rental space, all those things would benefit our county better we just haven't proactive in applying for those types of grants.

CAO Green, So if there is anyone else with ideas, please come into my office talk to me about them or shoot me an email or give me a call so I can prepare stuff for our committees.

Mayor Solle, if there's something we can do for the business for Main Street businesspeople, it's for the American Recovery program I think our businesses did get hurt some.

CAO Green, John Henderson did have an idea. He really wanted to highlight business assistance as being as use for this money, and I have to agree with him.

9. Next Meeting Announcements

August 2, 2021, at 6pm.

10. Adjournment

Mayor Solle adjourned the meeting at 6:41PM.

Prepared By: Cyndi Thompson, City Clerk

Diana Solle, Mayor

Date

CITY OF DEER LODGE

CITY COUNCIL

MINUTES

The City Council met on Monday, August 2, 2021, at 6 PM | PC Community Center

Members Present:	Dick Bauman, Amanda Bohrer, Mary Hathaway, Robert Kersch, Anthony Savalla, John Skibsrud & John Henderson
Members Absent:	John Molendyke
Mayor:	Diana Solle
CAO:	Jordan Green
Staff:	Police Chief Smith, Peter Elverum, Judi Whitney, Cyndi Thompson
Consultants	None
Guests:	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.

None.

3. Public Hearing.

- a. Business District Uses - CAO Green-Action item: Vote on Approval of Revised Business District Uses

On July 19, 2021, the City of Deer Lodge Planning Board held a public hearing to discuss potential changes to the allowed and conditional uses within the City's three business zoning districts as described in the City of Deer Lodge Zoning Ordinance. These desired changes arose due to discussions that were had at a public hearing held on May 17, 2021. The May public hearing concerned rezoning several areas around town from the B-1, Central Business District to the B-3, Neighborhood Commercial District to better accommodate neighborhood-friendly commercial uses. However, comments made by members of the public present, as well as several members of the Planning Board, made it clear that there were some uses in the B-3 District that were not desirable in a neighborhood environment. Therefore, changes were discussed at the June 21, 2021, Planning Board meeting and were motioned to be put to public hearing in a unanimous vote. The changes,

described below, were put to public hearing on July 19, and were motioned to be recommended to City Council in a unanimous vote with two members absent.

Proposed Changes to the Business District Permitted and Conditional Uses

1. Remove drive-thru services from the B-3, Neighborhood Commercial District permitted uses.
2. Keep drive-thru services as a conditional use in the B-3, Neighborhood Commercial District.
3. Add liquor stores as a conditional use in the B-1, Central Business District.
4. Add liquor stores as a permitted use in the B-2, Highway Business District.
5. Remove liquor stores as a permitted use in the B-3, Neighborhood Commercial District.

There was no public comment either submitted to City Staff or said at the July 19th public hearing for or against these changes. The Planning Board sees these changes as beneficial to the community by restricting and regulating new drive-thrus and liquor stores in the B-3 District, which is meant to provide neighborhood-focused services, and by allowing these uses in more suitable locations. The Planning Board seeks approval from the City Council to amend the zoning ordinance with these changes.

Public Hearing opened at 6:03PM no public in attendance, public hearing closed at 6:03PM.

Member Hathaway motioned to approve the Business District Uses as presented. Member Savalla seconded the motion.

Member Henderson asked, under the liquor store, what is the definition of liquor store?

CAO Green, I'd have to double check what it says in the zoning ordinance, but its basically State operated liquor stores. All the other licenses we've reviewed a month ago for beer and wine is going to be permitted at those locations.

Mayor Solle, any further discussions? Public do you have any questions? All in favor of the Business District Uses, we'll do a roll call. Motion passed 7 Yeas', 0 No's, 1 Absent.

4. Approval of Minutes.

- a. July 19, 2021 (deferred due to corrections 7a added in more comments of Member Skibsrud, Member Savalla and Member Bohrer) & August 2, 2021

5. Committee Reports – Reports to be accepted at August 16th meeting

a. City Council Operations

July 12th - Reviewed a new noise ordinance passed down from Public Health and Safety with a recommendation to pass to legal for review. Reviewed stats of previously recommended weed ordinance and passed to CAO for revisions. Made recommendation for Public Health & Safety to review fireworks ordinance. Title 8: Animals - Added definition for neutered. Revised spayed definition. Reviewed recommendations from Building Inspector for penalties for multiple violations of building code. Reviewed City website.

b. Economic Growth & Development

July 8th - North gateway sign: sign almost here; ribbon cutting ceremony when installation complete. Tourism Grant: final contract received and signed; Kiosk locations will be discussed with contacts at Blue Ribbon Pavilion, Airport, and Prison Museum. Construction will begin Spring 2022 with July 2022

completion deadline. Kiosks will be two-sided—map of downtown locations and a glass front for flyers. DOC will require surveys and documentation of project. Successful Deer Lodge—waiting for information from housing experts. Annexation infrastructure costs (Arizona St., Stark St., N of town) discussion tabled until future meeting. Big Sky Rail Funding: Committee approved \$1024 (sent to Finance Committee) to fund study regarding a passenger transport stop in Deer Lodge/Powell County. Terry Jennings is our contact. ARPA Discussion: Public Health item “improvements...” and partnering with the Youth Board; Medical Expenses all items, Small Business “cover...” for business license assistance. Impacted Industries items “support safe reopening...” and “support an expansion...” for wayfinding signs and “affordable housing...” as money incentives for contractors. Investments in Infrastructure items were discussed as a last resort due to high project costs. Committee Concerns: building permit, code compliance; Charter government.

c. Finance Committee

July 6th, July 12th & July 26th - NO REPORT FROM FINANCE CHAIRPERSON.

d. Parks and Recreation

July 13th - Discussed youth golf and a citizen concern. Approved Pre-grant application for sprinklers. Partnering on replacing Legion sign. Parks & Trails Master Plan for Council approval. Adult softball & youth soccer underway. Football camp coming in August.

e. Public Health & Safety

July 8th – Approved meeting minutes. No public comment made on non-agenda items due to no public attending meeting. All Department reports were made, County Health Report- Ida Miller became certified in car seat installation. Hotel Deer Lodge update Mr. Kimerly did not attend to discuss any updates. City code title 8 had a revision made for the definition of neutered within its animal policy. City code Title 9 discussed the wording for a proposed noise ordinance. The committee discussed concerns on short-term rentals also known as Airbnb’s and the possible growing concerns of those within our community. Staff and committee comments and concerns were that of Code Enforcement and various properties around town in violation.

f. Public Works

July 26th - We agreed to go forward with Right-of-Way Permit for Washington Street Trailhead. Encroachment Permit for 413 Park Street. Encroachment Permit for 117/113 Milwaukee Ave. Received an update from Department of Public Works.

g. Planning Board – Dick Bauman

July 19th - Discussed and approved Business District Allowed Uses with recommendation to Council. Discussed Short-term rentals/Airbnb’s registry, recommended to Council for update on our Ordinance or hold a public hearing. Received updated report from Economic Growth & Development.

6. Board Reports

a. Airport Board – John Skibsrud

No meeting till September

b. Powell County Parks Board – John Molendyke

Member Molendyke was absent-no report

- c. Chamber of Commerce – John Henderson
Member Henderson was not in attendance of Chamber meeting – no report
- d. Headwaters RC&D – Amanda Bohrer
No meeting they only meet every other month, so they haven't met since May because they take July off. The next meeting will be the 3rd Thursday in September.
- h. Historic Preservation – Mary Hathaway
No meeting
- i. Landfill – Anthony Savalla
No meeting in July. We will be meeting tomorrow.
- j. LEPC – Rob Kersch
No meeting- with the new County Planner we haven't had any meetings since she started.
- k. Library – Amanda Bohrer
They are getting Wi-Fi hotspots to check out. Discussing an upgrade to their security system. There isn't going to be an August meeting.
- l. Youth Board – Amanda Bohrer
No meeting in July.

7. Continued Business (old/continued Business or Items Tabled)

- a. None

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

- a. Treasurer's Report | July Claims - Judi Whitney. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.

Member Bauman motioned to approve July claims. Council President Kersch seconded the motion. 7 Yeas', 0 Nos', 1 Absent. Motion Passed.

- b. Ordinance 2021-5, 1st reading: Old Milwaukee Roundhouse Rezoning – CAO Green

Member Savalla titled the ordinance by reading:

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL TO REZONE THE SITE OF THE OLD MILWAUKEE ROUNDHOUSE (GEOCODE 28-1578-04-2-50-04-0000) AS I-1, INDUSTRIAL AND MANUFACTURING DISTRICT

CAO Green, as we discussed at a public hearing previously the Old Roundhouse site as never been zoned because it was a superfund site the County is currently just trying to get ahead of the curve with DEQ approval. Did include in the Ordinance just a stipulation that any uses the County tries to bring in will be required that they conform to the provisions of the zoning ordinance specifically adhere to Chapter Twenty-Two, Section Two of the City of Deer Lodge Zoning Ordinance, which does not permit any industry or manufacturing which causes excessive or injurious noise, vibration, smoke, dust, particulate matter, toxic or noxious matter, humidity, heat, or glare which extends beyond the lot boundaries of the specific use. At this time, we just need approval on the 1st reading of the ordinance.

Mayor Solle, is there any questions or discussion? Can we have a motion to vote on this first reading?

Member Savalla motioned to approve the 1st reading of Ordinance 2021-5. Member Henderson seconded the motion. 7 Yeas, 0 Nos, 1 Absent. Motion Passed.

c. Resolution 2021-R-11 – Adopting County Fire Restrictions – CAO Green

Member Bauman titled the ordinance by reading:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE TO ADOPT THE SAME FIRE RESTRICTIONS AS POWELL COUNTY SHOULD AND WHEN THE BOARD OF COUNTY COMMISSIONERS ADOPT SUCH MEASURES

CAO Green, Last week the County entered stage 2 fire restrictions, it was made aware to me last week by Fire Chief Pierson that there is an exception written into that ruling by Board of County Commissioners that any land be specifically exempted from such adoptions of fire restrictions are lands within City boundaries, unless the exemption is otherwise prohibited by order or resolution. At his recommendation it is a Resolution that we adopt the same fire measures as the County when they do make those restrictions. For now, and the foreseeable future and whenever the County decides to lift those for the county it will be lifted for us as well automatically. I see this as the best way of doing it to keep it responsive as possible the way County is doing it and this is just the best way to make sure we are in line with what the County is doing and that everyone is under the same restrictions. It does include provisions to constitute misdemeanor finds, the first violation of the provisions of this resolution will constitute a fine of up to five hundred dollars (\$500.00) and second or subsequent offenses will constitute a fine of up to five hundred dollars (\$500.00) or up to six (6) months imprisonment at the discretion of the judge.

Member Savalla, the only thing that come to mind for me is the highest we go is up to stage three. Correct? With stage three isn't the essentially like any kind of propane fuel at all is not allowed to be in use. But yet if you think about all of us in the City limits how many of us own BBQ's, that's just one example. If we adopt this ordinance rule what is that going to do to the City residents?

Mayor Solle, it will stop them from having open pit fires, its going to stop them from using briquet BBQ's, gas BBQ's are still eligible. I think that's the two that's going to affect them the most.

Member Savalla, ok, but what about those people take care and maintain their lawns, nice green lawns or say they have a concrete patio that they have their BBQ set up whether it be propane or charcoal. These are the kind of questions that are coming to my mind right now in regard to adopting this within City limits.

Member Bohrer, I was wondering why it was left out in the first place?

CAO Green, Its was just the way the restriction was handled at the State and County level for government. It's just a specific exception that's more or less required unless otherwise prohibited.

Chief Smith, you can't run combustible engines (lawnmower) between 1pm and 1am, if you follow the County rules, that means no more mowing your yard. Something to think about.

City Attorney Elverum, I think there's some common sense in the application from the Fire Department. The Fire Department also serves the County, they aren't out there making everyone stop using their lawn mowers. Be mindful there's some commonsense application and that these restrictions in the County are being enforced into and by the same Fire Department. Although it may be read in the strictest form its not necessarily the way

Fire Chief Brant Pierson filtered in applying it. I think the risk and concerns are the charcoal and the burn pits we are having in the City are the main concerns and the reason why it was brought to the City is something we probably need to halt. Its not without merit, its just there's some commonsense application there, when you adopt the law, you trust in it.

Public comment, Is it commonsense? I understand what you mean by common sense. But it isn't common sense. If you're going to give a five hundred dollar fine or six months in jail, can I BBQ, or can't I? Either its against the law or its not against the law.

Council President Kersch, In the past we just banned open burning, and I prefer that over this.

Mayor Solle, So what is the difference then with no burning?

Council President Kersch, you can still do your lawn mowers. The fire pits I think is your biggest risk.

Member Bohrer, Like he brought up, you can either BBQ or you can't. I think some people who read the details here they're going to be the people feel like they cannot mow their lawn, then there the people who are like, well we can cause there's exceptions. I think it's probably not wise for us to assume there's exceptions. I see the attempt. The attempt is to make it concise that were trying to match up to eliminate confusion, but inside City limits is a little bit different. I like Mr. Kirsch's suggestion.

Member Bauman, Simplify I say just following the County. I say we have it in place and just make an exception, like I'm sure it would happen. If someone was safe and doing it correctly, they're not getting a ticket.

Member Henderson, I'd say, the only thing that would be really affected are the burning pits. I think, lets just deal with the burning pits as a separate entity.

Mayor Solle, so this will die as a lack of motion to be accepted.

CAO Green, I will speak with Fire Chief Pierson about preparing a Burn Ban to present at the next Council meeting.

d. I & I Task Order Approval – CAO Green / Trent Freeman

CAO Green, A task order was presented from Stahly to survey, design, prepare bid documents, submittal for approval to Montana Department of Environment Quality, bidding assistance, and construction administration for the improvements to reduce inflow and infiltration in the wastewater collection system. This is the project that we have \$625,000 in grants for and have been submitted for an additional \$637,000 in competitive ARPA funding. Stahly is asking for approval of time and materials in the amount of \$233,430 for those servicers that will come out of that grant. This was approved unanimously through the Finance Committee.

Council President Kersch, The biggest issue is all of this I&I is really affecting our wastewater treatment plant, it is causing it to run beyond compacity so its something we have to get done. We did have Stahly here, it's been half a year as least, and we moved to move forward, and this is the result of that.

CAO Green, and since then we have received half a million dollars grant and \$125,000 grant to help fund this project.

Council President Kersch motioned to approve the I & I Task Order from Stahly as presented. Member Bauman seconded the motion. 7 Yeas', 0 Nos', 1 Absent. Motion Passed.

e. Cottonwood Ave Task Order – CAO Green / Trent Freeman

CAO Green, The task order from Stahly Engineering is to survey, design, prepare bid documents, bidding assistance, and limited construction administration for the road reconstruction and stormwater improvements in Cottonwood Ave between Main and Second Street.

Member Savalla, From previous discussion we've had, I know Trent had mentioned he wanted to move forward with this because this was also directly correlated with the Paser Project. So essentially, he wanted to continue to move forward with this that way once this is all done that street would qualify as part of that repaving project. Then we would have the sewer system put in place, we wouldn't be dealing with the water issue, and we would get the street repaved and fixed up.

CAO Green, He's been thinking of this one for awhile of how he wishes to administer reconstruction improvements to that street. The street would meet in the middle with a couple stormwater drains to collect the water in the middle and move that to our stormwater system, eliminate all that pooling as well as improve the quality of the street for the future.

The task order for this and the time We are requesting approval of a time and materials task order in the amount of \$39,000. This has already been approved by finance in the budget and approved through Finance Committee.

Member Skibsrud, Is this covered thru a grant?

CAO Green, No this is not part of a grant, this has been budgeted through the Public Works Budget.

Council President Kersch motioned to approve the Cottonwood Ave Task Order as presented. Member Hathaway seconded the motion. 7 Yeas', 0 Nos', 1 Absent. Motion Passed.

f. Right-of-Way Encroachment 113 & 117 Milwaukee – CAO Green

CAO Green, a quick overview of these both together. These two 113 & 117 Milwaukee as well as 413 Park Street are 3 adjacent houses that are directly South of the City Shop (Park Street & Milwaukee). They are requesting our permission to place fencing and a cement driveway onto the alley just south of the city shop. Right next to these houses that extends a little bit into the city's right of way. For 117 & 113 you can see in the diagram how the fence would encroach into the alley. This has been discussed by myself and Trent and then brought in front of the Public Works Committee for their recommendation to follow the approval criteria as described. 113 & 117 Milwaukee there'd be no impact on city infrastructure with water or sewer. There are some utility boxes that are present on the property right next to it that may have some lines that go underneath the property that could be impacted by that cement driveway that's being proposed. Part of the recommendation from Public Works Committee was that the applicants find out who's utility boxes those are then call in locates to make sure that it did not cross those lines, should it be in that location. If those lines do go across that property, the cement driveway could only go to that point, and they'd have to work with the utility company and figure out how to get their approval. There'd be no impact on vehicle or pedestrian travel, city infrastructure, utilities, as well as delivery of emergency services, the fences do follow all our zoning requirements for fence height of 4 feet beyond those locations so that emergency services can see the property when necessary. Directly across Park Street a similar encroachment was granted to that property

owner for a fence and these property owners wish to mirror what they did on that side. So, it would look good and look consistent with what's happening in that area.

Council President Kersch, How long ago was that encroachment approved?

CAO Green, I believe a couple years ago.

Council President Kersch, Trent doesn't have any issues with equipment coming in and out of the shop?

CAO Green, No not at all.

Council President Kersch, what about motorhomes going into the campground?

CAO Green, No the campground would be on the other side. There'd be no obstruction to vehicular travel. The right of way the City's owns is much larger than the gravel alley. The fence would be on a grassy area.

Member Savalla, we discussed this quite a bit in the Public Works meeting, picking Trent's brain. My biggest concern, prior to making the recommendation to Council was the utility pedestal's that were on the corner, then concern of the lines that are there, and just making it known that these people are going to have to work with the Utility Company to find out the approval they can get prior to laying cement down.

CAO Green, When I reached out to the property owners to discuss the utility lines and who they need to contact, they were in full cooperation to do that.

Member Skibsrud, I am opposed to this because it looks to me having driven down by there all they are looking at is picking up more yard. They can put their fence on their grass line.

CAO Green, It would be putting their fence to mirror the area next to it.

Council President Kersch, I agree with Mr. Skibsrud on that.

Member Bauman, I am opposed to it also for the trouble we had with an encroachment on they alley recently with Bob Burges. We made him move his encroachment rather than grant him approval.

CAO Green, he did do his encroachment before coming to the city for that right of way application.

Council President Kersch, that is true.

Member Henderson, I can back a 40-foot goose neck in without ever touching the grass in that area. There is enough room.

Member Savalla, I motion to approve both right-of-way's 113 & 117 Milwaukee. Member Henderson seconded the motion. 2 Yea's, 5 No's, 1 Absent. Motion does not pass.

g. Right-of-Way Encroachment 413 Park St. – CAO Green

CAO Green, It is just on the corner there, that's the one that has the utility boxes on it, and should we accept this one, the fence would have to be inside those utility boxes as discussed. The 3 houses are all adjacent to each other.

Member Skibsrud, my opinion would be the same.

Member Hathaway, you said there are utility boxes there?

CAO Green, Yes.

Member Hathaway, are the utility boxes on Park where people are driving in?

CAO Green, They are in the grass area which is the city right of way. They are not on the actual gravel.

Member Bohrer, is this the property that says it encroaches about 2.4 feet into Park Street? 2.4 feet and four 48 feet?

CAO Green, that's the property just north of it.

Council President Kersch, I motion we table this till we get better descriptions. Member Bauman seconded the motion. Vote to table was 3 Yea's, 4 No's, 1 Absent. Motion to table died.

Member Skibsrud motioned to not approve the 413 Park Street encroachment. Member Bohrer seconded the motion. 6 Yea's, 1 No's, 1 Absent. Motion died, does not pass.

h. Right-of-Way Occupancy on Washington St. – CAO Green

CAO Green, This is a parking area at the very end of Washington Street between Missouri Ave and Grant Kohrs Ranch. The County is working on bringing a trail along that road just west of Grant Kohrs Ranch. They are asking our permission to occupy the right-of-way of Washington Street to build a parking area. No impact onto City utilities or any rights-of-way it's a dead-end road and this would be just for a parking area to use that trail system. This did go before the Public Works Committee as well as discussion with Trent and I.

Member Hathaway motioned to approve the Right-of-Way Occupancy for Washington Street. Member Bohrer seconded the motion. 6 Yea's, 1 No, 1 Absent.

i. Code Enforcement Officer Hiring Affirmation – CAO Green / Mayor Solle

CAO Green, We have hired a Code Enforcement Officer. We conducted interviews 2 weeks ago on Thursday we had a hiring board of myself, Mayor Solle, Chief Smith, Cyndi Thompson City Clerk, and Dan Green Building Inspector. We interview 4 applicants as well as did background checks and called their references and we all agreed that there was one clear winner and that was Suzan Callahan. She just left a job as sergeant at the Department of Corrections, we all agreed she'd be a great fit for the job. She did accept the starting rate that was budgeted for that position. I would like your affirmation to hire her.

Council President Kersch motioned to approve the hire of the Code Enforcement/Animal Control Officer as presented. Member Bohrer seconded the motion. 5 Yeas', 2 No's, 1 Absent. Motion Passed.

j. Treasurer Compensation – Mayor Solle

Mayor Solle, Found a little discrepancy of what happen when she got her certificate to be a Certified Public Finance Administrator is what you need to be able to do government finances. At the meeting where I asked her salary to be increased, we had a lot of discussion and it was approved, however because of people who were

here before and some that are here said she had gotten a raise when she got that certification. So looked back through the books of the income for each person, and these books have all been audited so I knew they would be true as we have had good audits these past years. I found that she did not receive a 3% raise when she got the certificate. After much discussion I brought it to the finance Committee I didn't find any number that proved she got a raise. I recommended a compensation amount from what she did not receive. The Finance Committee did approve the increase.

Council President Kersch, When I went home after the Finance meeting, we had approved it there. But I was looking at the budget numbers, the actual budget numbers in our budget packet and they don't match the payroll numbers. I'd like to have that looked at before we make a decision on it specifically 2017 & 2018. Mr. Kersch presented budgeted number from 2017 thru 2019 as I feel like there was actually an increase there. I'd like to table that discussion till we can take a look at the actual budget with payroll.

Mayor Solle, I was looking at the audited budget pages.

City Attorney Elverum, Mayor I think it would need to be voted on by the Council. So, I want to make sure that the Council is clear on what you're asking them to do and what you asked the Finance Committee to do.

Council President Kersch, The other point I have is there isn't anything in our policy that guarantees a 3% raise for that accomplishment. So just consider that as well.

CAO Green, we had talked about that, there are no certifications that warrant percentage increases for any of the administration job positions. However, there are similar things for the Police Department and the Public Works Department for a certification which is 2%-4% raise. So, the motion through the Finance Committee with Recommendation to Council was to approve that compensation that had not been awarded previously as well as look at the job description to update them with certifications that should be achieved by employees that go into those positions.

Mayor Solle, I am asking for \$4,051.00 compensation that she did not get awarded for the past 3-years for the certification. The past minutes only reflected acknowledgment that she received the certification but could not find anything in the past minutes in the Finance Minutes or Council Minutes where she was given a raise for her certification.

Council President Kersch, Motioned we table this till further investigation. Member Bohrer seconded the motion. The vote to table was 3 Yea's, 4 No's, 1 Absent.

Member Skibsrud motioned to approve the City Treasure Compensation pay of \$4,051. Member Bauman seconded the motion. 5 Yea's, 2 No's, 1 Absent.

k. Family Dollar Liquor License Approval – CAO Green

CAO Green, This is to approve the liquor license for Family Dollar they just sent the application in late, so I am just asking for approval from Council.

Member Hathaway Motioned to approve Family Dollar Liquor License. Council President Kersch seconded the motion. 7 Yea's, 0 No's, 1 Absent. Motion Passed.

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.

CAO Green, Next City Council Meeting we do have an Open House with Stahly from 5pm-6pm.
Seconded we will be doing the budget review/approval so please stop at City Hall to pick up your packets.

10. Next Meeting Announcements

a. Regular Meeting: August 16th, 2021, at 6pm. **Reminder: City Hall closed Monday September 6th**

11. Adjournment

Mayor Solle adjourned the meeting at 7:39PM.

Prepared By: Cyndi Thompson, City Clerk

Diana Solle, Mayor

Date