
CITY OF DEER LODGE

COUNCIL AGENDA

Monday, October 18, 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: September 20, 2021, and October 4, 2021

4. Public Hearing:

a. Proposed Title 1: CAO Green

Action Item: Vote on Acceptance of Proposed Title 1

b. Proposed Title 7: CAO Green

Action Item: Vote on Acceptance of Proposed Title 7

5. Department Reports:

a. CAO | b. Public Works | c. Police | d. Code Enforcement | e. ~~Fire~~-(no report)

6. Mayor and Council Concerns: (ONLY Concerns that are not on Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. NO action can be taken at this time. If action is necessary, the item is put on the next meeting agenda.

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

a. Title Review—CAO Green and Council President Kersch

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

a. Mt. Powell Tap Room Liquor License Approval – CAO Green

b. Ordinance 2021-8 1st Reading: Adopting the R-5, Northside Residential District – CAO Green

9. Next Meeting Announcement(s)

a. Regular Meeting – Monday November 1, 2021, at 6PM

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 COUNCIL

MINUTES

The City Council met on Monday, September 20, 2021, at 6 PM | PC Community Center

Members Present:	Dick Bauman, John Henderson, John Molendyke, Mary Hathaway, John Skibsrud, & Amanda Bohrer
Members Absent:	Anthony Savalla, Rob Kersch
Mayor:	Diana Solle
CAO:	Jordan Green
Staff:	Police Chief Smith, Trent Freeman, Judi Whitney, Suzan Callahan, & Peter Elverum
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. Public Comment asked that the public be heard first before the council discusses the agenda item. City Attorney outlined how the public gets to respond during the meeting and insured the public will be heard.
- b. Public Comment was how the public feels they are not being heard with the plans that are going on in the City. Also brought up the 5-acre parcel.

3. Approval of Minutes

- a. Regular Meeting: September 7, 2021 - Member Bohrer, Correction to section 8b, 2nd line item, change the word "cost" to "award."
Member Bauman motioned to approve with correction. Member Henderson seconded. 6 Ayes, 0 No's, 2 Absent.

4. Public Hearing.

- a. None

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 - Report was accepted as presented.
- d. Code Enforcement - Report was accepted as presented.
- e. Fire Department– 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. Mayor Solle discussed the Cottonwood Villas. Should there be concerns best to contact the Montana Department of Commerce directly. Mt Department of Commerce was approached by a private contractor to build the Cottonwood Villas. The City approved the build without a conditional use permits as the build fit within the R3 Zoning Requirements. The City's involvement was our engineers approved the building plans and the City was used a pass thru of funds.

Public comment concern was thought it was built only for seniors. Also discussed them not having a Conditional Use Permit and why wasn't that required for building.

Member Skibsrud had a concern the constant watering.

Code Enforcement Office Callahan stated she has been working with them to stay in compliant to City Code.

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

- a. Title Review—CAO Green

Title #1 (General Provisions) was presented and reviewed – in depth conversations from the public about the violation section, jail time and penalty fees were made.

Member Bauman motioned to approve Title #1 (General Provisions) and move to a Public Hearing. Member Bohrer seconded the motion. 6 Ayes, 0 No's, 2 Absent.

Title #7 (Health & Welfare) was presented and reviewed. Notice and violation and noxious weeds section was discussed with public comments being heard. Code Enforcement Officer Callahan discussed how notices are hand delivered to a property that is not in compliant. Member Bohrer discussed land that is not owned by anyone and who takes care of that unowned property. There was an in-depth conversation about fire restrictions and firework rules.

Member Bauman motioned to approve Title #7 (Health & Welfare) and move to a Public Hearing. Member Hathaway seconded the motion. 6 Ayes, 0 No's, 2 Absent.

b. Clerk CBA – CAO Green

CAO Green provided a new Collective Bargaining Union Agreement for the Utility Clerk and the City Clerk. The recommendation was approved by Finance with final approval from Council. CAO Green went on to discuss Article 2: Wage Scale and Benefits, Section B: Longevity, Section E: Health & Reimbursement Account, Article 3: Working Conditions, Article 5: Vacations, Article 6: Holidays, Article 7: Sick Leave, Article 8: Grievance Procedure and Article 12: Pension.

Member Hathaway discussed the City Clerks extended hours for meetings.

Judi Whitney explained how the wages are split into different funds.

Member Bauman discussed what he thought about the union and stated he asked the CAO why the council would want to accept this agreement. And Mr. Bauman stated that the CAO explained it was for employee retention.

Member Hathaway motioned to approve the CBA contract as presented. Member Molendyke seconded the motion. 3 Ayes, 4 No's, 2 Absent

The following Council Members made a statement as to why they voted no on the Clerks CBA contract.

- I. Amanda Bohrer – To many holiday
- II. Dick Bauman – To many holidays
- III. John Skibsrud – Cost outweighs the benefit
- IV. John Henderson – To many holidays. Wording of restrictions on union involvement between city employee and city council.

Member Hathaway stated she voted yes as she is tired of the turnover of employees and keeping employee retention. I have been on City Council for 4-years and I have been through 3 Mayors, 2 utility billing clerks, 3 City Clerks, 3 Chief of Police, 2 Fire Chiefs, 3 Code Enforcement Officers. If we are not going to move forward as a City unless we can convince people to stay here and to want to continue to work for the City. Why wouldn't we give incentives to the employees who want to stay with us.

c. 233 5th St buy/sell agreement – CAO Green

This has been identified by FEMA to be demolished to allow for less flood damage to that property and other properties in the area. We have applied for and received grant funding through the Pre-Disaster Mitigation Grant, which will fund 75% of this acquisition and demolition. The remaining 25% will be an In-Kind Match that our Public Works Department will go in and demolish and fulfill the In-Kind Match. This was a budgeted item. Looking for Council to approve

the Buy/Sell Agreement at the appraised value of \$172,300 after purchase we will be going through the asbestos inspection and removal as required and then have the Public Works Department demolish it. FEMA will come out for an inspection and then give us the reimbursed amount for what they owe us. There is no impact on the general fund. This was presented to Finance today with a recommendation to City Council.

Member Bauman stated, we did review this in Finance today and with the City Public Works to do the demolition. I am in favor of signing this agreement.

Member Hathaway stated, as we discussed this in Finance it was discussed about possibly using some of the stuff that comes from the property for future city resources.

CAO Green stated, he does want to get clarification from the grant administrator about using anything from the property beforehand.

Member Bauman motioned to approve and sign the Buy/Sell Agreement for 233 5th Street. Member Hathaway seconded the motion. 6 Ayes, 0 No's, 2 Absent

8. Continued Business (Old Business or Items Tabled)

- a. None

9. Next Meeting Announcements

- a. October 4, 2021 at 6PM.

10. Adjournment

Mayor Solle adjourned the meeting at 8:12PM.

Prepared By: Cyndi Thompson, City Clerk

Diana Solle, Mayor

Date

CITY COUNCIL

MINUTES

The City Council met on Monday, October 4, 2021, at 6 PM | PC Community Center

Members Present:	Dick Bauman, Amanda Bohrer, Mary Hathaway, Anthony Savalla, John Skibsrud, John Henderson & John Molendyke
Members Absent:	Rob Kersch
Mayor:	Diana Solle
CAO:	Jordan Green
Staff:	Police Chief Smith, Trent Freeman, Suzan Callahan, Judi Whitney, Peter Elverum
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.

Member of the public asked about the 5.7-acre lot that the Planning Board was going to walk and did that happen.

3. Public Hearing.

a. R-5 Zoning Ordinance - Action Item: Vote on acceptance of R-5 Zoning Ordinance – CAO Green
CAO Green stated, On August 16, 2021, The City of Deer Lodge Planning Board voted to hold a public hearing to obtain comments regarding a proposed amendment to the City of Deer Lodge Zoning Ordinance to include a new zoning district: R-5, Northside Residential District. The intent of the zoning amendment is to provide zoning regulations to the annexed properties along Conestoga Drive and Winchester Drive. The process of incorporating the R-5 District had been initiated in late 2019 by the Planning Board with the guidance of the City's Chief Administrative Officer at the time: Brian Bender. While the Planning Board had, at their January 28, 2020 meeting, voted to hold a public hearing to incorporate the proposed district, the public hearing never occurred. The City's next Chief Administrative Officer, Jordan Green, was notified of the

inaction and took the proposed R-5 District regulations to the Planning Board at the August 16, 2021 meeting to restart the amendment process.

Recommendation: Based on the above requirements and the need to zone recently annexed property per the City of Deer Lodge Zoning Ordinance Chapter 3, Section 4, City Administration recommends the Planning Board forward to Council the proposed R-5, Northside Residential District Zoning Ordinance amendment. However, City Administration recommends the Planning Board listen to the comments of several community members impacted by the proposed amendment, and consider changes regarding the conditional uses, home requirements, and other regulations brought forth by said members as potentially important changes that may be recommended to City Council before final adoption.

Public Hearing opened at 6:12PM.

Public comment asked a about a letter to the public letting them know about a public hearing and the age and size of mobile home that can go in that area.

Public Hearing closed at 6:17PM.

Member Bauman suggested correcting the wording on Chapter Nineteen – R-5 Northside Residential District, Section 2 (h), it should read as *“the proposed new manufactured home must be 1976 or newer”*.

Member Hathaway suggested, since “1976” is already outlined in section 2 (g), in section 2 (h) it could read as *“If a property owner seeks to replace an existing manufactured home on the same lot with another manufactured home, the proposed new manufactured home must also comply with all other applicable standards (12.05.16)”*.

Member Bauman motioned that Council accepts the R-5 Zoning Ordinance as amended. Member Savalla seconded the motion. 7 Ayes, 0 No’s, 1 Absent. Motion passed.

b. Theater Conditional Use Permit - Action Item: Vote on approval of Conditional Use Permit – CAO Green CAO Stated, Dean Kippenhan of Fine Line Construction, acting as agent for Kelly Cutler, submitted a Conditional Use Permit application on September 2, 2021 to allow for the construction of an approximately 8,000 square foot theater at 214 Main Street (Geocode: 28-1678-33-3-34-02-0000), located in the B-1, Central Business District Zone. Under Section 2(B)7 of Chapter 19 of the City of Deer Lodge Zoning Ordinance, civic uses in the B-1 District requiring more than 5,000 square feet of gross floor area must apply for a Conditional Use Permit as described in Chapter 12 of the Zoning Ordinance. The parcel is in Deer Lodge in the Larabie Addition, Section 33, Township 08N, Row 09W, Block 15, Lots 11-12 and the North 21 feet and 5 inches of Lot 10. The location of the parcel is identified on the attached map. The intent of the application is to allow the construction of an approximately 8,000 square foot, two-story structure to house a new theater for Cutler Bros. Productions, currently located at 301 Main Street in Deer Lodge. The applicants plan to move the productions into the new space. The structure will also contain a concessions and beverage area, an orchestra pit, and other services generally associated with theaters. The applicants are currently in the process of getting state commercial building permits to ensure all building code requirements are upheld.

Recommendation: Based on the above information as well as the provided preliminary plan documents, the City Administration recommends the Planning Board send a favorable recommendation of the CUP application subject to the following considerations:

- The property remains adherent to the provisions of the City of Deer Lodge Zoning Ordinance addressing the B-1 Central Business District Zoning and the requirements for a Conditional Use
- The property owners contact the City Administration for any future changes to plans and the use of the property so that all required actions can be taken to ensure adherence to the Zoning Ordinance.
- The applicants apply for and receive all required commercial building permits from the State Department of Labor and Industry.
- The applicants work with the Public Works Superintendent to ensure impacts on city utility services is minimized and that improvements to city utility services can be undertaken by the applicant if the Public Works Superintendent deems them necessary.
- The applicants receive written approval from the owner of the property directly to the north of the parcel—206 Main St—due to the potential impacts of the proposed development on 206 Main St.

CAO Green, I do recommend we table this item till we receive finalized building plans from the State and the letter from the property owner adjacent to the property with their concerns.

Dean Kippenhan discussed building plans, structure, and noise control.

Public Hearing opened at 6:33PM

Public comments were LED lighting, parking, and the proposed driveway of the building.

Public comment from adjacent property owner, was she was concerned about drinking, parking and how close the structure would be to her home.

Public Hearing closed at 6:36PM

Member Hathaway noted she thinks this theatre is a great idea.

Member Savalla stated he agreed with Member Hathaway. Discussed the parking and the noise control.

Member Bohrer stated her concerns are with the smoking and drinking.

Member Molendyke motioned to table the Theater Conditional Use Permit till further information is obtained by the CAO. Member Skibsrud seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

4. Approval of Minutes.

- a. September 20, 2021- Deferred till October 18, 2021

5. Committee Reports – Accepted as presented.

- a. Council Ops – Rob Kersch (Chairperson)
September 13th - Recommended change to Title 7 to automatically ban wood-burning firepits when Stage 2 fire restrictions are put in place and remove when restrictions removed.
 Reviewed/Revised/Recommended to City Council Title 1 (General Provisions), Titles 4 (Sewer and Water), Title 7 (Health and Welfare), Title 8 (Animals), Title 9 (Public Peace, Safety and Morals), Title 10 (Vehicles and Traffic), 11 (Land Use), and Title 15 (Buildings and Construction). Recommended information packets be sent to Mayor and City Council Candidates as well as to schedule a public forum for discussion.
 Discussed America Rescue Plan Act progress and recommended a City Council Workshop to plan

expenditures. Discussed a citizen complaint on fireworks noise levels. We are modifying Title 7 to place clearer restrictions on when fireworks can be enjoyed.

b. Finance – Dick Bauman (Chairperson)

September 7th - Minutes for July 6th, 12th, 26th, and Aug 2nd were approved. We reviewed contracts for Gilman Construction, MJD (Brookside Sewer project) and DL Asphalt (JC Park Trail) and recommended to the Council that these payments be made. iworQ Software for Code Enforcement and Building Inspector was discussed and a demonstration of how effective this program is. Collective Bargaining Agreement for City Clerks was tabled. Police Department computer replacement is recommended. This amount is included in the City's 21/22 Budget. Drug Free Grant Writer to be funded by ARPA funds was discussed and Finance Committee recommends expenditure of \$4,000. We reviewed and signed August claims.

c. Economic Growth & Development – Mary Hathaway (Chairperson)

September 15th – North Gateway Sign: installation delayed until Spring 2022. Tourism Grant: J. Green working with DOC on community surveys after Kiosk project completion. ARPA Discussion: move to council for discussion in October, November meetings. Railroad Grant Update: no update until further notice from Big Sky Transit Rail Authority. Annexation Cost Analysis: West side of city boundaries is estimated at \$2,264,763 for infrastructure costs; Committee will retain information for use in future annexation discussions. Committee Concerns: Cottonwood Villas appearance; Successful Deer Lodge update next month; Hotel Deer Lodge update; suggestions for 2022 council—sketch out goals, conflict resolution training; Growth Policy Update for 2022; invite local entities (DDL, Chamber, Prison Museum) to October meeting. Next meeting will discuss Government Charter.

d. Parks & Recreation - Amanda Bohrer (Chairperson)

Discussed our 2021 goals. Discussed the sledding hill and final notes on the child abuse prevention policy.

e. Public Health & Safety – Anthony Savalla (Chairperson)

September 9th - All departments made monthly reports. Code enforcement is moving forward with various projects, junk vehicle and another aimed at getting assistance for elderly with lawn maintenance. Discussed revisions to Title 15: Building permit violations.

f. Public Works – John Molendyke (Chairperson)

September 28th - We discussed the Low-Income Home Water Assistance Program and voted to move forward with it. We motioned to move forward with Terry/Kathy White City Property Abandonment request. We voted against Denty ROW Excavation request. Received the Public Works monthly report.

g. Planning Board -Amber Brown (Chairperson) Dick Bauman (Council)

September 20th - Public Hearing proposed R5 new zoning, 214 Main St Conditional Use Permit recommend to Council. Public Hearing Short Term Rental Registration. Monthly reports from Economic Growth & Development & Historic Preservation. Discussed and tabled JC Park adjacent land. Discussed Casino zoning. Discussed Marijuana Dispensary zoning.

6. Board Reports

a. Airport Board – John Skibsrud

Continue to attempt to purchase land State and private landowners. Looking at a new courtesy car.

- b. Powell County Parks Board – John Molendyke
Discussed expenditures on weed management and asphalt (repair and replacement). Discussed Arrowstone Park maintenance needs for the future. Discussed the Johnson Creek connector trail and the few problems they are having with that.
- c. Chamber of Commerce – John Henderson
Discussed the Chamber Banquet November 2nd, with a keynote speaker. Discussed the 12 Days of Christmas and the Christmas Stroll.
- d. Headwaters RC&D – Amanda Bohrer
Discussed Joint venture between Headwaters and Butte Local Development Corporation has been renewed for 2 years. What I thought would benefit us the most from that meeting would be what Anaconda is doing as I think its going to impact us a bit. Murdoch’s is coming into Anaconda plus three new retailers and a new manufacturer that’s going to be in Mill Creek. They are executing a \$100,000 of media campaign funds for advertising. Also, three new building sales, five new businesses and a subdivision of 80 lots. ARPA is looking at a new disbursement of \$40 million for the state of Montana, and every Chamber of Commerce will get a chunk of that.
- e. Historic Preservation – Mary Hathaway
Did not attend the meeting.
- f. Landfill – Anthony Savalla
Discussed the drying bed project. The Board had a tour of the landfill. Compiled a list of concerns.
- g. LEPC – Rob Kersch
No report.
- h. Library – Amanda Bohrer
Expenses are on track. Working on a security system upgrade and fire safety concerns.
- i. Youth Board – Amanda Bohrer
Discussed the sanitarian not making it to approve some pizza ovens. Homecoming went well. Looking forward to a Halloween dance and a Board Game in November.

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

- a. City Clerks Collective Bargaining Agreement – CAO Green

CAO Green outlined the holidays in the contract as that was the main concern of the Council. He also went through the contract with the Council again as the previous contract was presented 2 weeks prior.

Member Skibsrud stated, if the contract is only for retention, then he is against the contract. He also asked about PERS and MMIA City contributions

Member Bauman asked about the pension section and the analogy of “in lieu of wages” and feels we should get clarification before we vote. He proceeded to state he never read the previous contracts.

Member Bohrer stated she asked for a comparison from the CAO for the holidays based on what the PD and Public Works union contract read. She stated she was happy with the holiday changes made to the City Clerks Collective Bargaining Agreement. She preceded to discuss the pension plan in the contract and reiterated she is in favor of the contract.

Member Henderson talked about transparency.

Member Hathaway asked what will take place after this 2-year contract expires.

Member of the public discussed the contract and that he was opposed to the holidays & pension.

Member Hathaway motioned we approve the City Clerks Collective Bargaining Agreement. Member Molendyke seconded the motion. 5 Ayes, 2 No's, 1 Absent. Motion passed.

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

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

Member Savalla motioned to approve September claims. Member Bauman seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

- b. Low Income Household Water Assistance Program (LIHWAP) – CAO Green

CAO Green, we received a letter in the mail from Department of Public Health and Human Services regarding the Low-Income Home Water Assistance Program from October 1, 2021, through September 30, 2023. The LIHWAP is a temporary Low-Income Home Water Assistance Program developed to provide low-income households assistance in paying their water and wastewater bills. Funds will be sent directly to Public Works System Operators to be credited to income eligible household accounts to reduce arrearages, prevent shutoffs, and reduce monthly rates. This program is slated to operate from October 1, 2021, through September 30, 2023. Household will apply for assistance through coordinated with the Low-Income Energy Assistance (LIEAP) program.

This was approved in the Public Works meeting with recommendation to Council.

Member Bauman motioned to approve the Low-Income Household Water Assistance Program (LIHWAP). Member Bohrer seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

- c. Terry and Kathryn White Property Abandonment Request – CAO Green

CAO Green stated, Terry & Kathryn White, of 113 & 117 West Milwaukee Avenue, submitted a Request for Abandonment of City Owned Property to me on September 17, 2021. The Whites request that the city abandon and deed to themselves the portion of the West Missouri Avenue right-of-way directly north of their properties at 113 & 117 West Milwaukee Ave (see exhibit below). The purpose of said abandonment is to create a usable backyard for the properties, as well as to line up with the recently approved request for abandonment of city owned property by Peggy White of 413 Park Street, daughter, and neighbor to the applicants. The Whites submitted for a right-of-way encroachment permit previous to this abandonment request for the placement of a fence on City right-of-way, which was denied at City Council on August 2, 2021, with a vote of five for denial, two against denial, and one absent.

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 1,500 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 \$4,400 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.

Staff Recommendation:

Staff recommends the abandonment of the City owned property described as the approximately 25' by 60' section of the West Missouri Avenue right-of-way directly north of 113 & 117 W Milwaukee Ave to the applicant **for the sale price of \$4,400.**

Staff also recommends the Public Works Committee and City Council require the new property boundary be located two feet south of the Qwest utility box currently in the West Missouri Avenue right-of-way. Furthermore, staff recommends the Public Works Committee and City Council require the applicants to contact the utility company that owns the box to explain the proposed abandonment and get approval that company has no issue with the change in property boundary. Staff also recommends the applicants be responsible for any and all conditions the utility company requires to approve the change in property boundary, and that the City should not be held responsible for any interactions between the utility company and the applicants after the filing of the quitclaim deed.

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. Adjacent landowners to the property are the City of Deer Lodge, Peggy White of 413 Park Street, and Marilyn Horton of 111 W Milwaukee Avenue. For the purposes of this property abandonment due to limited adjacent landowners, staff recommends the City requests letters of no objection by Peggy White and Marilyn Horton be submitted to the City to ensure there are no other claims to the land besides the City, Peggy White, Marilyn Horton, and the applicants.

Requiring a different sale price 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 adjusting the property boundary 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.

Member Bohrer asked about the fence up to the road.

Member Bauman motioned to approve Terry and Kathryn White Property Abandonment Request and the price of \$4,400. Member Savalla seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

d. Playground Equipment Quote Increase – Trent Freeman

Mr. Freeman stated the project was initially budgeted for \$5,000. My quote a few moths back was about \$4,900 to purchase the playground equipment. This mirrors the same swing set up at the Deer Lodge Medical Center. This will go in place of the old set at JC Park. The updated cost of materials has

increased, and that cost went over the budgeted amount and I am asking Council to approve the additional \$382.65 for a total quote amount of \$5,382.65.

Member Skibsrud and Bohrer do not recall seeing this quote in the Parks & Rec meeting.

Member Skibsrud asked if we looked at other companies providing swing sets.

Member Bauman understands the increase cost of materials.

Member Hathaway motioned to approve the Playground Equipment Quote Increase for a total quote of \$5,382.65, Member Molendyke seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

e. PASER Update Task Order – Trent Freeman

Mr. Freeman stated this is a request for Task Order approval for Stahly Engineering to update the PASER ranking of all streets within the City of Deer Lodge. Task Order includes field evaluations of streets and updating maps associated with the PASER ranking, as well as projected 10-year street maintenance projects. The request to Council is approval of time and materials task order in the amount of \$2,850.00.

Member Molendyke motioned to approve the PASER Task Order in the amount of \$2,850.00. Member Henderson seconded the motion. 6 Ayes, 1 No's, 1 Absent. Motion passed.

f. SWMDTF Pay Approval – CAO Green and Police Chief Smith

Police Chief Smith summarized they signed up for this last year it's a \$5,000 fee to join them. The Southwest Montana Drug Force has assisted the Police Department with Federal arrest and assisted in interviews. They are very helpful in assisting the City Police Department. We have a liaison with them now and are available to us all the time.

Member Bohrer motioned to approve the \$5,000 payment to Southwest Montana Drug Task Force (SWMDTF). Member Bauman seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

g. Pasture Rental – CAO Green

CAO Green stated there are approximately 13 acres north of the city shop that we have had an inquiry about leasing for pasture. We do have some potential use for the land just for the passenger refueling area and super fun clean up that will be happening next year. Don't know what kind of staging area or what type of impact they are going to do with the land, it may be a good idea to lease the land for pasture in the future, although I'd like to wait till next fiscal year. I put this on the agenda in case any of the council wished to discuss this and what should be done with that pasture lease. This would need to go out for bid.

Council members discussed pasture lease would be a good idea.

Mr. Freeman had a concern with the winter moths approaching is it a good idea to lease for pasture.

Member Savalla stated he has had people ask if that property is available for leasing to do metal detecting.

No motion, this was for discussion only.

h. Browning ARPA Funds – CAO Green

CAO Green stated, Browning Montana when we all communities received the ARPA funds, Browning was unable to receive them because they were in the process of disincorporating. The money they were supposed to receive for ARPA got divided up and disbursed to the rest of the communities in Montana.

Spoke with a few other CAO around the State, if they had any plans for the money and there was consensus around the other communities it may be a helpful gesture to donate the money the City has received back to a community group in Browning.

Mayor Solle stated, that on her Mayor group chat line, this is where it was brought up. So that is why we started looking at that idea for Browning.

Presented this in the Finance Committee with a recommendation to Council. It is the staff's recommendation we donate the \$1095.94 we received back to Browning through the nonprofit organization North Winds Recovery Center.

Member Bohrer motioned to approve the \$1,095.94 to nonprofit organization North Winds Recovery Center. Member Savalla seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

i. Old Fire Hall Reroof – CAO Green

CAO Green summarized the R&C Home Improvement quote in the amount of \$2,745.88 for repairing the Old Fire Hall roof. Public Works will be able to do the work and the quote is just for purchase of materials. This does fit within the City's facilities budget.

Member Bauman stated we discussed this in the Finance Committee and was in favor.

Member Bauman motioned to approve the quote in the amount of \$2,745.88. Member Hathaway seconded the motion. 7 Ayes, 0 No's, 1 Absent. Motion passed.

j. Mayoral Portraits – CAO Green and Mayor Solle

Mayoral portraits were taken down of the past mayors some time ago. I have been approached and asked if they could have one of the mayor pictures as that is a family member. I spoke with Melony Sanchez at the prison about having them in museum to they can either be hung for viewing or so they can be archived and stored properly.

Member Bohrer asked if we can get digital copies of them if they are going to be stored. Also, she was not a big fan of them be all different sizes and in different frames. She is in favor of family members having the portraits.

Member Bauman the Powell County Museum and Arts has over 30 thousand very well indexed photos of Deer Lodge and the surrounding area. They take very good care of their photos and if we have them archive the photos and have them give us a donation receipt everyone will know where they are.

CAO Green stated, he will get with them after we get our digitalized photos of them and hand over the portrait to the family member.

k. Bonneville Power Administration Lease – CAO Green

CAO Green, I was approached about them doing a long-term lease of some city owned property out on Emery Road. Potentially a 5–10-acre lease with a gravel pad of 60x100 feet and a single-story shop that would house equipment and a couple of offices. They would be looking for a 30–40-year lease. They have government oversight as well and the process takes awhile for them. Looking at about 2 years to put out for this project. They wanted to get Council opinion they might be able to address from the Council or any notice to the CAO we are receptive to this idea and want to move forward with this lease. We have a contract out there now that will end in 2022.

Member Bauman suggested we make sure to notify the landowners around that area about this.

Member Bohrer Is there potential for a rent increase? Do they have a rent proposal?

Member Hathaway thought this would be great for housing. Are they willing to pipe water to the area?

Member Skibsrud, I think we should look at the lease every couple of years.

Member Savalla asked about the scope of work.

This was a discussion item only. No motion or vote was made.

~~I. Title Review – CAO Green~~

DID NOT COMPLETE THIS ITEM ON THE AGENDA.

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.

- a. Member Bohrer, Red Ribbon week is coming up. Last week of the month.

10. Next Meeting Announcements

- a. Regular Meeting: October 18, 2021, at 6pm.

11. Adjournment

Mayor Solle adjourned the meeting at 8:29PM.

Prepared By: Cyndi Thompson, City Clerk

Diana Solle, Mayor

Date

CITY OF DEER LODGE

CAO REPORT

October 2021

PROJECT SUMMARIES

2021-2022 Budget

- Rural Fire District contract still in renegotiation process.

City Planning

- Titles 1-15 have been amended at Committee level and ready for review.
- Planning Board processing one Conditional Use Permit Application and is holding public hearings for dispensary zoning.
- Successful Deer Lodge: received rough working draft of Successful Deer Lodge Community Profile from Randy Carpenter.
- Had Certified Arborist Brent Sarchet to Deer Lodge to profile Main Street trees for MMIA claim. Have scheduled locates for stump removal/replacement estimates.
- Working with Hospital and Morrison-Maierle on maintaining City ROW through Hospital land. Getting survey exhibits drafted.

Grants

- Successfully submitted CDBG Planning Grant Application.
- Awaiting feedback on LWCF grant pre-application but FWP is a little behind schedule on reviewing pre-applications. Expecting feedback by end of fall.
- DES Homeland Security grant will be opening later this year for upgrades to City security camera system. Grant cycle ends in March 2022. Received feedback from security camera company on possibility of using ARPA funds and am continuing research to this matter.
- FEMA PDM grant for flood-prone property acquisition attempted to change scope of work to include diversion wall repair but was denied. Have buy/sell agreement signed and am waiting on Stahly for final documents for homeowners to sign.
- Have been in communication with Museum Foundation for funding and locations for new wayfinding kiosks funded via Tourism Grant. Modified a template survey to analyze impact with Michele Cushman, state Tourism Grant coordinator per grant requirements. Working with sign company now for designs.
- Economic Growth & Development Committee discussing ARPA use goals.
- Planning on applying for BRIC grant once the cycle opens up later this year.
- Headwaters RC & D are writing 3 grant applications for the city.

City Hall & Employees

- City Staff have started training with iWorQ Code Enforcement and Building Permitting programs. Have received city data and are working out minor issues with system before go live date. Code Enforcement has begun using program.

Floodplain Administration

- Keeping up with CECs as I learn about them. Attended Urban Heat CEC and will have a Climate Change CEC later this month.
- Received first draft of new floodplain boundaries from DNRC. So far, very minor changes to floodplain boundaries in Deer Lodge.
- Completed Floodplain Development Permit for Northwestern Energy, who applied to bore a power line under the Clark Fork.

Economic Development

- Applied for Reimagined Rural with County Planner and Extension Agent and was accepted into the program. Attended one meeting but missed two of them.
- Coordinating with Michael Clasby, manager of AOK Campground, on potential improvements to the campground. Had a very successful season.
- Processed a few contractors' business licenses this month and a minor home occupation.
- Big Sky Passenger Rail Authority applying for grant to start project to get passenger rail feasibility studies done in region. Sent Letter of Support.
- Working on several housing projects in Deer Lodge.
- Working with Bonneville Power Administration on potential substation lease.

INTEREST ITEMS FOR CITY COUNCIL

- See Report

COVID-19 RESPONSE

Currently the Administrative Office is moving forward on anticipated projects while working safely, practicing enhanced hygiene, and using personal protective equipment as directed.

CITY OF DEER LODGE

Public Works Report

September/October 2021

PROJECT SUMMARIES

Street Maintenance

- Asphalt Patching completed
- Getting Sander ready for the winter
- Grading Alleyways
- Tree Trimming
- Sign Removals and Installation

Sewer Utility

- Brookside Sewer Project completed with gravel placement and asphalt patching on Center St. finished
- Exploratory Excavation of Sewer Main to determine cause of high Inflow and Infiltration

Parks and Rec

- Removed Fencing from Sledding Hill

Water

- Replace broken and/or outdated curb stops
- Abandon old water service line
- Flushing water mains
- Flow Testing Fire Hydrants

Solid Waste

- Nothing to report

Mosquito Abatement

- Nothing to report

INTEREST ITEMS FOR CITY COUNCIL

- Submitted DMR-QA Study 41 to DEQ
- Received annual BARSAA Reimbursement in the amount of \$77,444.99 for the 2021 Street Maintenance Project
- Gary Effers, the newly hired WWTP Operator is working out nicely

COVID-19 RESPONSE

Currently the Public Works Crew is moving forward on anticipated projects while working safely, practicing enhanced hygiene, and using personal protective equipment as directed.



CITY OF DEER LODGE

Police Department

300 Main St. Deer Lodge, MT. 59722

Phone: (406) 846-9585

Fax: (406) 846-2500

Council Report

September 2021

Total Records: 161

Traffic Stop: 60
Welfare Check: 7
Burglar Alarm: 7
Unwanted Person(s): 6
Request to Speak to Officer: 5
Partner Family Member Assault: 5
VIN Inspection: 4
Public Safety: 3
Suspicious Activity: 3
Domestic: 3
Minor(s) In Possession: 3
Complaints: 2
Courtesy Ride: 2
Courtesy Ride: 2
Custodial Inference: 2
Fight: 2
Request Officer: 2
Suspicious Person(s): 2
Theft Total: 2
Harassment: 2
Probation Officer Check: 2
Threat(s) Total: 2
Traffic Accident - Non Injury: 2
Traffic - Complaint: 2
Abandoned Vehicle(s): 1
Assault: 1
Assist Other Agency: 1
Citizen Assist: 1
Civil Standby: 1
Dog Bite: 1

Drug Paraphernalia Found: 1
DUI: 1
Hit and Run: 1
Identity Theft: 1
Juvenile Problem: 1
Ministerial Assistance Requested: 1
Noise Complaint: 1
Runaways: 1
Property Found: 1
Theft Motor Vehicle: 1
Traffic - Hazard: 1
Train Incident: 1
Unattended Death: 1
Weapon(s) Discharged: 1

25 Citations Issued

Partner or Family Member Assaults: 5
MIP: 3
Assault: 1
Negligent Endangerment: 1
Criminal Mischief: 2
Destruction of a Communication Device: 2
Theft: 2
Unauthorized use of a Motor Vehicle: 1
Resisting Arrest: 1
Disorderly Conduct: 1
Criminal Contempt: 1
Animal Disturbing the Peace: 1
Traffic: 7



CODE COMPLIANCE REPORT

September 2021

HIGHLIGHTS

- 8 calls of dogs at large. 2 taken to shelter as owners were not home, all returned by 7pm.
- 12 dog licenses issued
- 7 stop work orders out, all recipients purchased building permits.
- Dead bird, and severed dog's foot put in my truck containers. Most of the boxes do NOT lock. A panel van would work better as no dog will go into container boxes. They jump into the cab with me.

PROJECT SUMMARIES

- Junk Vehicle program is still pending, email sent to Chad Lanes for approval.
- 81 verbal warnings with copies of city code given or posted at residence, 30 closed.
- 28 letters sent out.
- West north Street clean up is going well and I will be continuing working on project to clear California Ave breezeway of vehicles, trash, and debris.

INTEREST ITEMS FOR CITY COUNCIL

- Sledding Hill (citizen complaint) wants a new fence to put up as the jack fence is falling down.
- Travel Lodge Hotel manager and regional director were sent an email follow-up to clean up property. Manager believes that the property is fine as it is and refused help from community worker. Community worker will do hill side outside of property line and gully to street.
- I have been accused of targeting my neighborhood, so I'm putting together a map presentation so it will be more visible for those that do not get my running report.

STAFFING CONCERNS

- None

FISCAL YEAR
JULY 1, 2021, TO JUNE 30, 2022
CITY OF DEER LODGE, MONTANA

APPLICATION FOR RETAIL BEER & WINE LICENSE

Application must be filled out and sworn to before a notary public or other person authorized to administer oaths. The prescribed fee must accompany this application.

Lacie m. & Jason J. Hawener

(Full names of all applicants including names of all partners)

Mount Powell Tap Room

(Business name under which applicant operates)

320 Main St

(Location by street and number of the premises where the business is operated)

TO THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA:

I HEREBY APPLY FOR A Retail Beer & Wine License. Under oath make the following statements and answer the following questions, to-wit:

1. State in what capacity you make this application: Owner
2. Has there been any change in ownership or business during the past year? No
3. Has there been any change in person or persons who operate said business? No
4. Has there been any change in location of business? No

If questions 2, 3, or 4 are answered in the affirmative, state what changes have been made:

Applicant further states that he/she is the owner and holder of an existing license or permit issued by the STATE OF MONTANA for the conduct of business as a beer & wine dealer.

Dated at Deer Lodge, Montana, this 14th day of October, 2021.

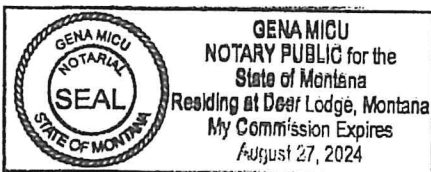
Lacie m. Hawener
Jason J. Hawener
(Signature of all Applicants)

Being first duly sworn, each for himself, or herself, deposes and says: That he, or she, has read the foregoing application and knows the contents thereof; and that the same is true to the knowledge of the deponent.

Lacie m. Hawener
Jason J. Hawener
(Signature of all Applicants)

Subscribed and sworn to before me this 14 day of October, 2021.

Lena Micu
Notary Public for the State of Montana
Residing at Powell Co.
My Commission expires Aug 27, 2024



ORDINANCE 2021-8

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL ADDING A NEW CHAPTER 19, R-5 NORTHSIDE RESIDENTIAL DISTRICT, TO THE CITY OF DEER LODGE ZONING ORDINANCE AND AMENDING THE CURRENT CHAPTER 19 AND SUBSEQUENT CHAPTERS WITH UPDATED CHAPTER NUMBERS

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

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

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

WHEREAS, the Planning Board, with the guidance of the City's Chief Administrative Officer, first initiated the zoning amendment in 2019 to provide zoning guidance to the recently annexed properties along Winchester Drive and Conestoga Drive; and

WHEREAS, the City of Deer Lodge Zoning Ordinance Chapter 3, Section 4 requires the Planning Board to consider the most appropriate zoning regulations for newly annexed properties; and

WHEREAS, the Planning Board held a duly noticed public hearing on September 20, 2021 to receive comment regarding the proposed R-5 District. FURTHER, the Planning Board after receiving a summary from the City Administrator/Planner, elected to forward the zoning amendment to the City Council through a vote of six to zero with none absent; and

WHEREAS, the Deer Lodge City Council conducted a duly noticed public hearing at their regularly scheduled Council meeting on October 4, 2021 at 6:00 PM to accept comments regarding the proposed amendments. FURTHER, the City Council at their regular meeting on October 4, 2021 voted seven to zero with one member absent to adopt the proposed amendment and include the R-5, Northside Residential District into the Zoning Ordinance; and

NOW, THEREFORE, BE IT RESOLVED, that the Deer Lodge City Council hereby adds a new Chapter 19, R-5 Northside Residential District, to the City of Deer Lodge Zoning Ordinance and amends the current Chapter 19 and subsequent chapters with updated chapter numbers. The new Chapter 19 is attached as an addendum to this Ordinance 2021-8.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2021-8 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 2021-8 and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading by the City Council on the 18th day of October, 2021.

Passed and Approved by the City Council of the City of Deer Lodge, Montana on the first reading at a Regular Council Meeting on the 18th of October, 2021.

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

Diana J. Solle, Mayor

Attest:

Cyndi Thompson, City Clerk

Passed and Approved by the City Council of the City of Deer Lodge, Montana on final reading at a Regular Council Meeting on the 1st of November, 2021.

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

Diana J. Solle, Mayor

Attest:

Cyndi Thompson, City Clerk

The effective date of Ordinance 2021-8 is December 2, 2021.