
CITY OF DEER LODGE

COUNCIL AGENDA

March 21, 2022, | 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: March 7, 2022

4. Public Hearing:

a. None

5. Department Reports:

a. CAO | b. Public Works | c. Police | d. Code Enforcement | e. Fire

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. None

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

- a. Bank Authority Signature First Security Bank, Resolution 2022-R-9 – Jordan
- b. Bank Authority Signature Pioneer Federal, Resolution 2022-R-10 – Jordan
- c. Bank Authority Signature Peoples Bank, Resolution 2022-R-11 – Jordan
- d. Resolution 2022-R-12: Placing Marijuana Businesses on November Ballot – Jordan

9. Next Meeting Announcement(s)

a. Regular Meeting – April 4, 2022, 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 March 7, 2022, at 6 PM | PC Community Center

Members Present:	Dick Bauman, Robert Kersch, John Skibsrud, John Henderson, John Molendyke, Jackie Greenwood, Joe Callahan & Curt Fjelstad
Members Absent:	None
Mayor:	James Jess
CAO:	Jordan Green
Staff:	Police Chief Smith, Suzan Callahan, Trent Freeman, Judi Whitney, Stan Glovan, & Cyndi Thompson
Consultants	None
Guests:	See sign in sheet

1. Call Meeting to Order | Pledge of Allegiance

Mayor Jess 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 items. State Statute limits the City Council from discussing any introduced items. 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. Public Hearing.

a. None

4. Approval of Minutes.

a. Regular Meeting: February 22, 2022

Council President Bauman motioned to approve minutes as presented. Member Greenwood seconded the motion. 7 Ayes, 0 Nos, 1 Abstained. Motion passed.

5. Committee Reports, February 2022 – Accepted as presented.

a. Council Ops – Rob Kersch (Chairperson)

February 14th - Rob Kersch elected committee chair. Reviewed/Approved committee bylaws. Discussed completion of conflict-of-interest forms new/existing member checklists, scheduling City facility tours. Reviewed City Form of Government document and discussed how this document is created along with a discussion of how a charter might alter this.

- b. Economic Growth & Development – John Henderson (Chairperson)
February 2nd - Voted a new chairperson, approved Bylaws, and changed meeting times to 4pm. Received a summary of past projects. Discussed committee goals.
- c. Finance – Dick Bauman (Chairperson)
February 7th - Two members via zoom and one present. Bylaws were reviewed and approved for years 2022 and 2023. City Treasurer candidate Stanley Glovan was introduced by CAO Jordan Green. It was moved and seconded, all-in favor to recommend Mr. Glovan to the council as our new City Treasurer. Rural Fire Department contract was reviewed with changes made from prior contract. This contract was approved by the Finance Committee and will now go to the Rural Fire Department for approval. Then to City Council for final acceptance and approval. We reviewed, approved, and signed January claims.
- d. Parks & Recreation – John Molendyke (Chairperson)
No February meeting.
- e. Public Health & Safety – John Skibsrud (Chairperson)
February 10th - The Health and Safety committee elected John Skibsrud as committee chair and police chief Smith stated that the new police vehicle will not be in service until sometime in March.
- f. Public Works – Jackie Greenwood (Chairperson)
February 23rd – Committee met elected committee chairperson. Reviewed/Approved committee bylaws. Discussed Street Maintenance District. Discussed prior projects and received updates from Jordan. Discussed committee goals for 2022. Trent provided Public Works update.

6. Board Reports -February 2022

- a. Airport Board – John Skibsrud
Met on February 21st, had cultural resource surveys done. Received the invoice from Morrison & Maierle, Received and update from a representative for Rock Creek Cattle Co and willing to offer some financial assistance if necessary. \$159k additional from airport infrastructure grants. Discussed weather cameras, discussed upgrading their fuel meter system.
- b. Powell County Parks Board – Vacant
No Report
- c. Chamber of Commerce – John Henderson
Met on February 8th at the Golden Spike Casino. Discussions were Trim the Town, weight loss program they had their 1st meeting at the Rialto last Tuesday, very light turnout. Working on the planning of Territorial Days. Discussed the leprechaun’s event that’s going on now. Jordan gave the City update. Grant Kohrs Ranch had a slow December, overall, they had a good year. Discussed Main Street barricades for events setting them up and taking them down. Next meeting is at the Broken Arrow March 8th.
- d. Headwaters RC&D – Dick Bauman
No report, no meeting.
- e. Historic Preservation – Curt Fjelstad
Met on February 3rd, main discussion was how to spend \$4,500 by April 1st.

- f. Landfill – Rob Kersch
Discussed daily operations report, equipment reports. Discussed a Point of Sale (POS) at the landfill.
- g. LEPC – Dick Bauman
No meeting till March 23rd.
- h. Library – John Molendyke
No report could not attend.
- i. Planning Board – Dick Bauman
Met February 22nd. Amber Brown will continue as Chairperson & Rand Dickson as Vice Chair. Reviewed and approved the Bylaws for year 2022. Growth Policy update was discussed. Committee goals and Mission Statement were discussed for consideration on next agenda.
- j. Youth Board – Jackie Greenwood
No report could not attend.

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 | February Claims - Judi Whitney. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims. Mayor Jess Welcoming our new treasurer, Stan Glovan.

Member Kersch motioned to approve February Claims as presented. Council President Bauman seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- b. Tour Facilities Signup Sheet – Jordan
Signup sheet for Council & staff to tour the Wastewater Treatment Plant. March 10th at 2pm and March 17th at 10am. See City Clerk to sign up.

- c. Art Club Grant – Jordan
ARPA funding request of \$1,000 to support the cost of a Point of Sale (POS) Square System and create an internship for a Powell County High School Student to set up and train members for the Deer Lodge Art Club. Recommendation from the Finance Committee agreed to support \$500 of that amount and the other \$500 to be discussed by the ARPA Steering Committee and the Finance Committee.

Member Kersch stated, the reasoning behind the finance committee decision was, we haven’t established the ARPA Steering Committee yet and wanted to see what other interest may come in before we start doling out funds right away.

Council President Bauman motioned to approve the \$500 to the Deer Lodge Art Club. Member Kersch seconded the motion. 8 Ayes, 0 Nos. Motion passed.

d. Council Etiquette – Mayor Jess

Mayor Jess stated that we previously discussed this back in February. There was a grievance filed by a City Employee due to inappropriate language.

Mayor Jess read the following (letter on file with City Clerk)

This letter serves as a notification to the City Council regarding zero tolerance for any further violations to Article I, Section Ten of the City Council Bylaws. This section states as follows.

During the council meetings, council members shall preserve order and decorum, shall not interrupt or delay proceedings, and shall not refuse to obey the orders of the mayor or the rules of the council. Council members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the council. Council members shall refrain from rude and derogatory remarks and shall not belittle staff members, other council members, or members of the public.

This letter and the implementations of a zero-tolerance policy is in response to a formal staff grievance filed against the City Council for repeated violations of the above section at city council and council committee meetings. Council members are expected to adhere to the above section, as well as 45-8-101 (c) MCA, which states that at council to refrain from making personal, impertinent, or slanderous remarks and to refrain from using threatening, profane, or abusive language.

This agenda item serves as an official notification to the entirety of the City Council and City Staff of the implementation of this zero-tolerance policy. Should zero-tolerance policy be violated by council or staff at any meeting. I will immediately and formally request sanctions to be placed upon the offending party pursuant to 7-5-4103, MCA (which requires 2/3rds vote of the entire council for sanctioning). Sanctioning can include but not limited to removal from committee and board assignments, fines, and can include expulsion from City Council.

Jason stated, that even though this was directed to the Council the statement Mayor Jess read also applies to all staff members.

9. Schedule of Committee Meetings – Tentative until confirmed by Committee Chairs.

- Economic Growth & Dev – March 2nd at 4 PM
- Finance – March 7th at 3PM
- Parks and Recreation – March 8th at 4 PM
- Public Health & Safety – March 10th at 5 PM
- City Council Operations – March 14th at 5 PM
- Council #2 – March 21st at 6 PM
- Planning Board – March 21st at 10AM (if needed)
- Public Works – March 29th at 5 PM

10. 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 Kersch stated reversing prior council decisions or bringing past items to a ballot. We need to make sure we are fully educated.

11. Next Meeting Announcements

- a. Regular Meeting: Monday, March 21, 2022, at 6PM

12. Adjournment

Mayor Jess adjourned the meeting at 6:26PM.

Prepared By: Cyndi Thompson, City Clerk

James Jess, Mayor

Date

CITY OF DEER LODGE

CAO REPORT

March 2022

PROJECT SUMMARIES

Municipal Budget

- Rural Fire District contract has been renegotiated. Contract has been accepted by Finance Committee and am awaiting Rural Fire District confirmation before it will be sent to Council.
- Have requested department head draft budgets for next fiscal year. Had had most department head meetings at this time.

City Planning

- Working on contract and logistics with Nitro Green landscaping for pruning and replacement of Main St trees. Have applied for MDT encroachment permit. Expecting work now done mid-May.
- County Parks Board Trails Subcommittee is refocusing on using City/County Parks and Trails for events. Anyone who is interested in joining the Park/Trail subcommittee should contact the Powell County Planning Department. Have prioritized events with the subcommittee to start working on.
- Have sent out in-kind and material donations list for the skatepark. Getting donations will help improve the size and quality of the skatepark. Latest update from Evergreen Skateparks is June 9-July 22 for construction. Will send out design drawings when received.
- Finalized quitclaim deeds for ROW abandonments. Filed one with courthouse and am waiting for signatures on the other.

Grants

- Wrote Request for Proposals (RFP) for CDBG Planning Grant funded Growth Policy and have submitted to Planning Board for their approval.
- FEMA Pre-Disaster Mitigation Grant: we have closed on 233 5th St and are awaiting demolition. No change to grant period of performance. Asbestos inspection complete and quote received.
- Stahly is working on sign design ideas for the Tourism Grant kiosk project. Stahly designer is inquiring about digital signage costs. Have received initial design drafts and am setting up meeting with Stahly designer to discuss later this month. Have received survey cards to measure impact
- DEQ has received a brownfields planning grant for the Milwaukee Roundhouse and Passenger refueling area and will begin working with the county and myself on administration of those funds.
- Working with Powell County School District on using American Rescue Plan (ARPA) funding for improvements to mental health capacity in the High School. Received initial

numbers from Rick Duncan and will begin working on draft contract to submit to Council.

- Submitted two ARPA competitive grant applications for well and I & I projects. Expecting a high score on the I & I project.
- Have begun looking at competitive grant opportunities through federal infrastructure bill.
- Rewrote Montana Historical Preservation Grant application for 2022 cycle. Submitted and will give updates to Council when received.
- Trent and I are working on finding grant funding for signage improvements throughout town now that city-wide signage is digitalized in our system. Spoke with MDT Vision Zero coordinator last week for potential grant opportunities.

City Hall & Employees

- iWorQ code enforcement and building permitting software up and running and is being used by City Staff. All historic building permit data is now in system.
- Code Enforcement Vehicle has been received. Working with public works to figure out what to do with old vehicle, but will probably end up surplus.
- City facility cameras installed January 31st. One camera needs inspection.
- Stanley Glovan started as City Treasurer February 11 and will finish training Friday. Judi retiring March 25th.
- Had Youth Room electrical inspection completed and am waiting on a quote from DeSilva. Have reached out several times for quote with no response yet.

Floodplain Administration

- Received first draft of new floodplain boundaries from DNRC. So far, very minor changes to floodplain boundaries in Deer Lodge. City should expect final updated maps in 2025.

Economic Development

- Applied for a Rural Reimagined grant with County Planning Director and Extension to aid in local business and tourism education. Received notice we were awarded grant funding and will be working with the two of them on how to administer funding for this project.
- I am a member of two Headwater's workforce committees which have been meeting monthly. We are working on economic development information handouts for both businesses and employees in SW Montana, which will soon be available.
- Coordinating with county on several potential industrial park projects in and around the city.

INTEREST ITEMS FOR CITY COUNCIL

- All Titles except Title 1 submitted to American Legal for legal review. Awaiting feedback before we pass Title 1, which will be last step for codification. American Legal has provided end of May as estimated timeframe for first draft to City.

CITY OF DEER LODGE

Public Works Report

February 2022/March 2022

PROJECT SUMMARIES

Street Maintenance

- Sweeper Maintenance. Will begin sweeping in the next couple weeks
- Patching Potholes with Cold Patch until the weather gets nicer, then we will begin our yearly pothole patching with the durapatcher

Sewer Utility

- Annual Maintenance of Sewer Mains continues

Parks and Rec

- Getting equipment ready for this Spring/Summer

Water

- Repairs
- One responsive bidder on the New Well drilling (O'Keefe)

Solid Waste

- Garbage Truck to Great Falls for Packer repair

Mosquito Abatement

- Started Construction on new shed

INTEREST ITEMS FOR CITY COUNCIL

- Drying Beds Project will go out to bid in March/April
- Finalizing contract documents for the 2022 Street Maintenance Project
- Finalizing contract documents for the Cottonwood Street Drainage Project
- WASER Project kickoff meeting with Stahly
- Budget Review
- PRA Soil Remediation Project will begin this Month
- DNRC Submittable Webinar
- Attending MRWS Conference
- No In-House employees accepted the position for the WWTP Operator. Position has been open to the public and will close the middle of March

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.



Chief George Smith

CITY OF DEER LODGE

Police Department

300 Main St. Deer Lodge, MT. 59722

Phone: (406) 846-9585

Fax: (406) 846-2500

February 2022 Police Department Report

Calls: 107

Traffic Stop Total: 27

Citations: 26

911 Hang Up: 1
Abandoned Vehicle: 2
Alarms: 5
Animal Calls: 3
Assault: 1
Assist Other Agency: 1
Burglar Alarm: 1
Citation Service: 2
Civil Standby: 3
Code Violation: 1
Courtesy Ride: 3
Criminal Mischief: 1
Disturbance: 3
Drug Paraphernalia Found: 1
DUI: 2
Fight: 1
Fire Other: 1
Gun Shot Incident: 1
Hit and Run: 2
Indecent Exposure: 1
Informational Call: 1
Intoxicated Person: 1
License Plate Stolen: 1
Ministerial Assistance Requested: 1
Noise Complaint: 1
OOP Violation: 1
Parking Complaint: 2
Power Outage: 1

Probation Officer Check: 4
Request Ambulance: 3
Request Officer: 7
Speak to Officer: 2
Stolen Vehicle: 1
Suicide: 1
Theft Motor Vehicle: 1
Traffic Accident: 2
Trespass to Property: 2
Unwanted Person(s): 2
Vehicle Check: 1
Welfare Checks: 8

Highlight Citations

*Driving while Suspended- 7
*Disorderly Conduct- 2
*Partner Family Member
*Assault- 2
*No Insurance- 2
*Resisting Arrest- 1
*Forgery- 1
*Indecent Exposure- 1
*Assault on a Peace Officer- 1
*Obstructing an Officer- 1
*Assault- 1
*Criminal Possession of Drug Paraphernalia- 1
*Contributing to a Minor



CODE COMPLIANCE REPORT

February 2022

HIGHLIGHTS

- Three certified letters sent out reminding them to comply by May 1st.
- 9 Feral cats deposited at a county farm that requested some cats for their barn. 2 rabbits and a goat were taken back after they ran amuck. (Chased and caught by neighbor kids)
- Alleyways are staying clear for the sanitation truck, one issue behind Main Street business but resolved.

PROJECT SUMMARIES

- Junk Vehicle Program- Chad Lanes meeting was conducted on 1/26/2022 at Anaconda Court house with Joe Ungaretti (code enforcement). Meeting to be set by CAO Green and Mr. Lanes to go JVP and iron out minor issues. We are trying to mesh everyone's schedules to have an active participation meeting. If there is anyone else that would like to attend send me an email.
- No Community workers
- 144 dog licenses done, and updated rabies record complete.
- Found a lot of old files still incomplete from March of 2020 and I will be heading into their completion this next month.

INTEREST ITEMS FOR CITY COUNCIL

- New Vehicle is here and is working great. It has a small oil leak and is scheduled to be looked at. Also, decals are done and ready to be put on the car. Uniform shirts and coat are at the embroiders and should be done by next week.

STAFFING CONCERNS

- I'm looking forward to getting cleared for full duty. As I am still on restrictive duty and with the help of Officer K. Hamilton, feral cats are being rounded up.
- As of now all cases from last year are in the iWork's system, we are out of the set-up phase and running full steam ahead. If anyone would like to see how it is used give me a call.



FIRE DEPARTMENT REPORT

FEBRUARY 2022

HIGHLIGHTS

2 Calls for Service:

- 1 rural structure fire on Emery Road. The shop was fully engulfed on arrival. Crews kept the spread from reaching fuel storage tanks and worked on getting the fire out. It was a total loss. We paged out Garrison FD and Racetrack FD for help because of lack of a water source in the area. Things went well considering.
- 1 call for car accident with injury. A large moving truck left the roadway about Mile Marker 192 coming to rest on and blocking Sager Lane. There were multiple victims in the accident so Captain Wade Johnson drove the ambulance back to the hospital so that both EMTs could tend to patients.

INTEREST ITEMS FOR CITY COUNCIL

- We received information back from Northwestern Energy about doing a training burn on the old cabin by JC Park. Unfortunately, due to having both electric and communication lines running above it, it's just not feasible. We are exploring another option on a different house and will update later.
- We received 2 grants this month. The Montana Elks Association awarded us \$900, and we also received a rural grant for \$3,800. Both grants will be going towards new handheld radios that are P25 compliant with NFPA standards. Ideally, we are working towards 30 total new radios over the next few years so that every firefighter has their own.

RESOLUTION NO. 2022-R-9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA, ESTABLISHING SIGNATURE AUTHORITY AT FIRST SECURITY BANK OF DEER LODGE, 311 MILWAUKEE AVENUE, P.O. BOX 629, DEER LODGE, MONTANA 59722.

WHEREAS, the following officers of the City of Deer Lodge, 300 Main Street, Deer Lodge, Montana 59722, have authority to sign on all accounts of the City of Deer Lodge, Federal ID number 81-6001253, including all Hillcrest Cemetery accounts at the above financial institution.

_____ James Jess, Mayor

_____ Dick Bauman, Council President

_____ Stanley Glovan, Treasurer

_____ Jordan Green, Chief Administrative Officer

_____ Cyndi Thompson, City Clerk

WHEREAS, two signatures are required on all accounts, including CD's (certificate of deposits).

THEREFORE, BE IT RESOLVED THAT James Jess, Dick Bauman, Stanley Glovan, Jordan Green and Cyndi Thompson have signature authority at First Security Bank of Deer Lodge.

PASSED AND ADOPTED BY THE City Council of the City of Deer Lodge, Montana and approved by the Mayor on the 21st day of March 2022.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman Council President				
Jackie Greenwood				
Curt Fjelstad				
John Henderson				
Robert Kersch				
John Molendyke				
John Skibsrud				
Joe Callahan				
James Jess Mayor				

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

RESOLUTION NO. 2022-R-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA, ESTABLISHING SIGNATURE AUTHORITY AT PIONEER FEDERAL SAVINGS AND LOAN ASSOCIATION, 401 MILWAUKEE AVENUE, DEER LODGE, MONTANA 59722.

WHEREAS, the following officers of the City of Deer Lodge, 300 Main Street, Deer Lodge, Montana 59722, have authority to sign on all accounts of the City of Deer Lodge, Federal ID number 81-0484036, including all Hillcrest Cemetery accounts at the above financial institution.

_____ James Jess, Mayor

_____ Dick Bauman, Council President

_____ Stanley Glovan, Treasurer

_____ Jordan Green, Chief Administrative Officer

_____ Cyndi Thompson, City Clerk

WHEREAS, two signatures are required on all accounts, including CD's (certificate of deposits).

THEREFORE, BE IT RESOLVED THAT James Jess, Dick Bauman, Stanley Glovan, Jordan Green and Cyndi Thompson have signature authority at Pioneer Federal Savings and Loan Association of Deer Lodge.

PASSED AND ADOPTED BY THE City Council of the City of Deer Lodge, Montana and approved by the Mayor on 21st day of March 2022.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman Council President				
Jackie Greenwood				
Curt Fjelstad				
John Henderson				
Robert Kersch				
John Molendyke				
John Skibsrud				
Joe Callahan				
James Jess Mayor				

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

RESOLUTION NO. 2022-R-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA, ESTABLISHING SIGNATURE AUTHORITY AT PEOPLES BANK OF DEER LODGE, 430 MAIN STREET, P.O. BOX 599, DEER LODGE, MONTANA 59722.

WHEREAS, the following officers of the City of Deer Lodge, 300 Main Street, Deer Lodge, Montana 59722, have authority to sign on all accounts of the City of Deer Lodge Federal ID number 81-6001253, and gain access to the safe deposit box located at Peoples Bank of Deer Lodge.

_____ James Jess, Mayor

_____ Dick Bauman, Council President

_____ Stanley Glovan, Treasurer

_____ Jordan Green, Chief Administrative Officer

_____ Cyndi Thompson, City Clerk

WHEREAS, two signatures are required on all accounts, including CD's (certificate of deposits).

THEREFORE, BE IT RESOLVED THAT James Jess, Dick Bauman, Stanley Glovan, Jordan Green and Cyndi Thompson have signature authority at Peoples Bank of Deer Lodge.

PASSED AND ADOPTED BY THE City Council of the City of Deer Lodge, Montana and approved by the Mayor on the 21st day of March 2022.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman Council President				
Jackie Greenwood				
Curt Fjelstad				
John Henderson				
Robert Kersch				
John Molendyke				
John Skibsrud				
Joe Callahan				
James Jess Mayor				

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

RESOLUTION 2022-R-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE REFERRING TO A VOTE OF THE PEOPLE AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2022 WHETHER TO PROHIBIT EACH OF THE MARIJUANA BUSINESS CATEGORIES WITHIN CITY LIMITS THAT ARE IDENTIFIED IN 16-12-301(1(D), MCA.

WHEREAS, the Initiative Measure 190 (I-190) passed by popular vote on November 2, 2020, statewide, in Powell County, Montana, and in the City of Deer Lodge, Montana, legalizing adult-use marijuana and providing for approval of certain marijuana businesses within the State of Montana; and

WHEREAS, the 2021 Montana Legislature passed House Bill (HB) 70-1, with most sections effective January 1, 2022, extensively changing provisions of the I-190 and the Montana Medical Marijuana Act; and

WHEREAS, HB 701 provides an option for the electors of the City of Deer Lodge to consider prohibition of any or all of the seven categories of marijuana businesses defined in the I-190, HB 701, and 16-12-301(1(d), MCA within the City of Deer Lodge; and

WHEREAS, the categories identified are: (1) cultivator, (2) manufacturer, (3) medical marijuana dispensary, (4) adult-use dispensary, (5) combined-use marijuana licensee, (6) testing laboratory, and (7) marijuana transporter facility; and

WHEREAS, for clarification category (4) adult-use dispensary can be commonly referred to as a recreational-use dispensary and category (5) combined-use marijuana licensee can be commonly referred to as a combination of any of the above business categories in one location; and

WHEREAS, the City Council of the City of Deer Lodge wishes to submit the issue whether to permanently prohibit each of the above categories of marijuana businesses to the electors of the City of Deer Lodge as provided by HB 701; and

WHEREAS, a majority of the electors voting on these questions must prohibit the above marijuana business categories for them to be permanently prohibited within the city limits of the City of Deer Lodge; and

WHEREAS, the final determination of the majority vote of the electors will be respected and the City Council of the City of Deer Lodge will incorporate said determination into the Official Code of the City of Deer Lodge, Montana; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Deer Lodge to place the following form of ballot to a vote of the people at an election to be held November 8, 2022:

FORM OF BALLOT: The form of the ballot shall be as provided by law and as follows:

Summary: Initiative Measure 190 (I-190) was approved by the electors of the City of Deer Lodge in the general election held November 3, 2020, legalizing possession and use of marijuana for adults over the age of 21 as well as legalizing certain marijuana businesses. The Montana

Legislature passed House Bill 701 in 2021 and modified provisions of I-190 providing an option for electors to consider prohibition of the seven categories of marijuana businesses. This ballot measure asks voters to approve or disapprove each of these seven categories of marijuana businesses within the city limits of Deer Lodge. The use and possession of marijuana for adults over the age of 21 will not be impacted by this vote.

Proposal: The City of Deer Lodge City Council has proposed to the electors the opportunity provided by law to prohibit the following marijuana business categories: (1) cultivator, (2) manufacturer, (3) medical marijuana dispensary, (4) adult-use dispensary, (5) combined-use marijuana licensee, (6) testing laboratory, and (7) marijuana transporter facility.

(1) Shall cultivators of marijuana products be permitted within the limits for the City of Deer Lodge?

- FOR** permitting cultivators of marijuana products within the limits of the City of Deer Lodge.
- AGAINST** permitting cultivators of marijuana products within the limits of the City of Deer Lodge.

(2) Shall manufacturers of marijuana products be permitted within the limits for the City of Deer Lodge?

- FOR** permitting manufacturers of marijuana products within the limits of the City of Deer Lodge.
- AGAINST** permitting manufacturers of marijuana products within the limits of the City of Deer Lodge.

(3) Shall medical marijuana dispensaries be permitted within the limits for the City of Deer Lodge?

- FOR** permitting cultivators of marijuana products within the limits of the City of Deer Lodge.
- AGAINST** permitting cultivators of marijuana products within the limits of the City of Deer Lodge.

(4) Shall adult-use marijuana dispensaries, commonly known as recreational marijuana dispensaries be permitted within the limits for the City of Deer Lodge?

- FOR** permitting adult-use marijuana dispensaries within the limits of the City of Deer Lodge.
- AGAINST** permitting adult-use marijuana dispensaries within the limits of the City of Deer Lodge.

(5) Shall combined-use marijuana licensees, commonly known as a combination of any of the marijuana business categories, be permitted within the limits for the City of Deer Lodge?

- FOR** permitting combined-use marijuana licensees within the limits of the City of Deer Lodge.
- AGAINST** permitting combined-use marijuana licensees within the limits of the City of Deer Lodge.

(6) Shall testing laboratories be permitted within the limits for the City of Deer Lodge?

- FOR** permitting testing laboratories within the limits of the City of Deer Lodge.
- AGAINST** permitting testing laboratories within the limits of the City of Deer Lodge.

(7) Shall marijuana transporter facilities be permitted within the limits for the City of Deer Lodge?

- FOR** permitting marijuana transporter facilities within the limits of the City of Deer Lodge.
- AGAINST** permitting marijuana transporter facilities within the limits of the City of Deer Lodge.

CERTIFICATION: The City Clerk shall certify this resolution to the Powell County Election Official as provided by law.

EFFECTIVE DATE: The effective date of Resolution 2022-R-12 is March 21, 2022.

Passed and approved by the City Council of the City of Deer Lodge, Montana on first and final reading at a regular Council meeting this 21st day of March 2022.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman				
Joe Callahan				
Curt Fjelstad				
Jackie Greenwood				
John Henderson				
Robert Kersch				
John Molendyke				
John Skibsrud				
James Jess Mayor				

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk