



COUNCIL AGENDA

May 2, 2022 - 6 PM

The City Council will hold the meeting at the Community Center, 416 Cottonwood Avenue to allow social distancing protocols as part of the City of Deer Lodge's Coronavirus (COVID-19) transmission mitigation efforts.

1. **Call Meeting to Order | 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.
3. **Public Hearing**
 - a. None
4. **Approval of Minutes**
 - a. Regular Meeting: April 18, 2022
5. **Committee Reports** (report in the packet) – Approve as presented
 - a. City Council Operations – Rob Kersch
 - b. Economic Growth & Development – John Henderson
 - c. Finance Committee – Dick Bauman
 - d. ~~Parks & Recreation – John Molendyke~~ **NO APRIL MEETING**
 - e. Public Health & Safety – John Skibsrud
 - f. Public Works – Jackie Greenwood
6. **Board Reports**
 - a. Airport Board – John Skibsrud
 - b. Powell County Parks Board – Joseph Callahan
 - c. Chamber of Commerce – John Henderson
 - d. Headwaters RC&D – Joe Callahan
 - e. Historic Preservation – Curt Fjelstad
 - f. Landfill – Rob Kersch
 - g. LEPC – Dick Bauman
 - h. Library – John Molendyke
 - i. Planning Board – Dick Bauman
 - j. Youth Board – Jackie Greenwood
7. **Continued Business** (Continued or Tabled)
 - a. None
8. **New Business** - The Council will act on each item after accepting public comments.
 - a. Treasurer's Report | April Claims – Stanley Glovan. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.
 - b. Approval Contactors 1st Pay Estimate PRA Project – Trent
 - c. Dump Truck Acquisition - Trent
 - d. Jaycee Cabin Bid Acceptance – Jordan
 - e. Retention Pond Land Acquisition – Jordan

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

- Economic Growth & Dev – May 4th at 4 PM
- Finance – May 2nd at 4PM
- ~~Parks and Recreation – TBD~~
- Public Health & Safety – May 12th at 5 PM
- City Council Operations – May 9th at 5 PM
- Council #2 – May 16th at 6 PM
- Planning Board – May 16th at 10AM (if needed)
- Public Works – May 24th 5 PM

10. 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.

11. Next Meeting Announcement(s)

- a. Monday, May 16, 2022, at 6 PM.

12. 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 April 18, 2022, at 6 PM | PC Community Center

Members Present:	Rob Kersch, Dick Bauman, John Henderson, John Molendyke, John Skibsrud, Curt Fjelstad, Jackie Greenwood, Joseph Callahan.
Members Absent:	None
Mayor:	James Jess
CAO:	Jordan Green
Staff:	Trent Freeman, Fire Dept Rex, Cyndi Thompson , Peter Elverum, Stan Glovan
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. 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: April 4, 2022.

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

4. Public Hearing.

a. None

- 5. Department Reports:** Composed Reports are in the packets. Reports accepted as presented.

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

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. Member Greenwood discussed Resolution 2022-R-12. No action required.

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

a. Rural Fire District Contract – Jordan

Presented the proposed amended Rural Fire District Agreement. The first change is including information in paragraph two that says that this is the entire agreement supersedes all prior agreements such as the previous and local agreement. This is the only one that will take effect and precedents in paragraph four shows that this agreement will be in place for four years, which is substantially lowered from the 10-year agreement and the previous contract. Now its for four years until June 30, 2026. Last paragraph four states that prior to renewal, Section nine of this agreement must be followed to allow for any changes that may be made to this agreement. Section nine is the section that talks about the review period that will happen every two years, we'll look at things like what equipment has been transferred, what the property values are, if the percentage that the rural fire department changes that'll be reviewed every two years to see if there's changes that needs to be made. No changes to the default dispute resolution, administration or duties and obligations of the city. The bulk of the changes in paragraph eight, duty, and obligations of the rural fire districts. The Rural Fire District will be obligated to pay an annual contract payment in two equal installments. At the beginning of the fiscal year and January, which is what they currently do. The formula by which the annual contract payment shall be calculated which is the percentage of the total taxable value between the city and the county.

For example, total tax value between the two entities is \$4 million. The county has \$1 million of that 25%. They pay 25% of whatever is set in the fire department budget. The contract also includes that \$5,000 equipment credit to continue to be applied, which is deducted from the annual contract payments. Includes language the Rural Fire District shall continue to convey all the equipment and all trucks that are purchased by the Department for the life of this contract to the city for our maintenance and use during that biannual or that every two year review that occurs, they will be required to submit a new list of any equipment that's been purchased to the fire chief and to the city clerk so that we have a record of that that will be attached to this contract. All vehicles and equipment conveyed to the city shall become the exclusive property of the city of Deer Lodge. Paragraph nine includes language concerning that that two-year review talking about how the taxable values will be calculated every two years that the review should occur before July 1, the beginning of the fiscal year for that year whenever review is required. Paragraph 11 contains an additional clause that any amendments to this agreement will be attached as an addendum to this agreement instead of changing this original agreement.

Member Kersch motioned to approve the Rural Fire District Agreement as presented. Member Greenwood seconded the motion. 8 Ayes, 0 Nos. Motion passed.

8. New Business (Old Business or Items Tabled)

a. Historic Preservation Commission Appointment – Mayor Jess

Asking approval for appointment of Melanie Sanchez to the Historic Preservation Commission.

Member Kersch motioned to approve Melanie Sanchez to the Historic Preservation Commission. Member Molendyke seconded the motion. 8 Ayes, 0 Nos. Motion passed.

b. Golf Course Road Repair – Trent

This was brought to the attention of the Council on March 21st. This was presented to the Public Works Committee with the following options. One option is to do the dirt patch with an estimated cost of \$5-\$6k. The other option would be to put millings down with only cost of labor time with a cost of \$600-\$700. Milling the road could last about 1 year. Public Works Committee made a recommendation to Council to proceed with milling the road with a yearly assessment as the Airport is doing an expansion and that road will eventually be replaced.

Member Kersch motioned to approve milling the road to the golf course. Member Fjelstad seconded the motion. 8 Ayes, 0 Nos. Motion passed.

c. ARPA One-Time Revenue Replacement Allowance – Jordan

January the US Department of Treasury released their final rule for the ARPA funds. They stated that you could make a one-time allowance of up to \$10million dollars or however much ARPA funds you got, you could claim it a loss revenue for government services, water, sewer, acquisition of property, etc. Recommendation would be from ARPA fund of \$728,768.38 subtract \$182,192.10 to be used as a 25% minimum allocation for the Well and Competitive Grant. This leaves us with \$546,576.28. Would like to set aside \$50k for small business & non-profit grants for town businesses, this leaves the remaining amount of \$496,576.28. I am requesting to use the remaining funds as a 1-time revenue loss to be used on any government services. We have till 2024 to allocate the funds and 2026 to spend the funds. Finance approved with a recommendation to City Council.

Council President Bauman motioned to approve ARPA One-Time Revenue Replacement Allowance as presented. Member Molendyke seconded the motion. 8 Ayes, 0 Nos. Motion passed.

d. Gary Bender BBQ Truck Variance Request – Jordan

This was presented at Public Health & Safety Committee meeting. Title 10 of the City Code, if someone wants a variance, they have to go before the Public Health & Safety Committee and then a recommendation to City Council. Mr. Benders request is to place a BBQ truck on Missouri Ave in front of Hotel Deer Lodge 1 time per week for approximately 3 hours after 5pm. This was approved unanimously from Public Health & Safety.

Member Greenwood motioned to approve the BBQ Truck Variance as presented. Member Callahan seconded the motion. 8 Ayes, 0 Nos. Motion passed.

e. American Legal Update: Title 11 – Jordan

This was presented in Council Ops Committee Meeting. The original codification agreement in place is \$8,860 for 400 pages. Title 11 by itself is 350-380 pages. Every page amount after the contract 400 pages is \$18 per page. Two recommendations would be including the entire Title 11 at 350-380

pages and pay the additional cost or take out engineering standards, annexation, sub-division, and flood plane to reduce the amount of pages and additional cost. The additional cost for including Title 11 would be \$6,840.00. ARPA funds can be used to cover the additional cost.

Member Kersch, back in October, Finance Committee agreed to increase the \$8860 by \$3,000.00 for any additional cost.

Member Fjelstad motioned to approve incorporating the entire Title 11 into the codification process and approve the additional funds to be paid with ARPA funds. Member Callahan seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- f. Butte Chamber of Commerce Report – Council President Bauman
Council President Bauman presented Butt’s Annual Report to the Community Booklet for City Council to have a copy and discussed the Mission Statements inside the booklet.

9. Next Meeting Announcements

- a. May 2, 2022, at 6PM.

10. Adjournment

Mayor Jess adjourned the meeting at 7:23PM.

Prepared By: Cyndi Thompson, City Clerk

James Jess, Mayor

Date



COUNCIL COMMITTEE REPORT

APRIL 2022

Council Ops – Rob Kersch (Chairperson)

April 11th Reviewed Title 11 for Codification inclusion. Determined to recommend inclusion even though it will increase cost significantly. Reviewed possibility to combine Parks and Recreation committee with Public Works. Recommended that to City Council.

Finance – Dick Bauman (Chairperson)

April 4th No report received for Finance.

Economic Growth & Development – John Henderson (Chairperson)

April 6th - Jordan Discussed Committee goals, Dick Bauman introduced a survey from another city to use as a template for the one set in committee goals, he then introduced Buttes Annual Community Report and suggested that Discover Deer Lodge be asked to create an Annual Deer Lodge Community report. John Henderson Suggested that Discover Deer Lodge and Chamber be invited to future Economic growth meetings and the committee act as a facilitator between organizations in Deer Lodge. Dick Bauman Motioned to Accept the Committee goals with the amended changes, John Molendyke seconded. Vote 3 Yea 0 nae. Jordan discussed Mission Statement, it was suggested that each member and staff create a mission statement for the next meeting.

Parks & Recreation – John Molendyke (Chairperson)

April 12th – No Parks & Rec Meeting

Public Health & Safety – John Skibsrud (Chairperson)

April 14th – No report received for Public Health & Safety.

Public Works – John Henderson (Vice Chairperson)

April 26th - Member Jackie Greenwood was absent, member John Henderson was chosen as vice chair. The minutes were approved. No old business. Trent Freeman asked approval to look into purchasing land for a retention pond for the storm drains. Member Skibsrud asked about the position of the proposed site to the flood plain. Member Skibsrud made a motion to allow Trent to begin looking into the acquisition of the property with the amendment that if it does fall into the flood plain the process would return to the committee. Trent discussed City wide sidewalk repair, a business on Main Street needs sidewalk replaced, no consensus was reached, the subject was placed on old business for future agenda, it was suggested that the businesses investigate the ARPA funding from the ARPA Committee. Trent gave a Public Works update.

City Council - May 2, 2022

Financial Summary

April 2022

Atypical Revenues	Purpose	Fund	Amount
Nothing to report			
Completed Projects	Grant Funded	City Funded	Final Cost
Nothing to report			
Atypical Claims	Purpose	Fund	Amount
Engineers Joint Contract Documents Committee	Expense for PRA project	1000	\$29,193.57

Payables	
Claims	\$169,637.94
Payroll	\$129,685.27
Total	\$299,323.21

A motion to approve payment of the claims is requested.

CITY OF DEER LODGE
Claims by Vendor Report

Vendor	Amount
AMAZON	291.01
BIG HORN CO. PUBLIC LIBRARY	35.00
BRAD NEUBAUER	26.96
CENTER POINT LARGE PRINT	47.94
CENTURY LINK	85.10
CHARTER COMMUNICATIONS	104.94
	549.89
CITY OF DEER LODGE ASSIGNEE	185.21
CORE & MAIN LP	511.14
DEER LODGE REFUSE DISPOSAL DISTRICT	315.00
DEPARTMENT OF ENVIRONMENTAL QUALITY	140.00
ELVERUM LAW FIRM, PLLC	5,410.00
ENERGY LABORATORIES, INC.	2,114.00
ENGINEERS JOINT CONTRACT DOCUMENTS COMMI	29,193.57
EVERLY & ASSOCIATES	150.00
FICKLER OIL CO.	114.75
GIRKY, ELISSA	180.00
HSM AMMUNITION	797.90
HYDROMETRICS, INC.	8,837.61
IRON HORSE TOWING, INC.	336.00
IRON LOT, LLC	24,015.00
JOHNSON & ASSOCIATES, INC.	85.00
KATHY COLEMAN	116.34
KOHR'S MEMORIAL LIBRARY - PETTY CASH	46.40
	97.08
KOIS BROTHERS EQUIPMENT CO.	7,099.82
LEE'S OFFICE CITY, INC.	260.59
MONTANA BROOM & BRUSH COMPANY	165.65
Montana Department of Corrections	475.00
MONTANA DEPT. OF CORRECTIONS	14.95
	762.50
MONTANA LAW ENFORCEMENT ACADEMY	1,500.00
Montana Sheriffs and Peace Officer Assoc	836.00
MORRISON-MAIERLE CORP.	5,339.42
NAPA AUTO PARTS	1,942.93
NORMONT EQUIPMENT CO.	2,978.00
NORTHWEST PIPE FITTINGS	2,723.54
NORTHWESTERN ENERGY	20,060.71
PITNEY BOWES, INC.	660.14
POWELL COUNTY CLERK	493.55
	3,407.29
PRISON PIZZA	115.00
PRO-VISION VIDEO SYSTEMS	3,180.65
R & C HOME IMPROVEMENT	1,371.05
RENNFIELD METALS	61.27
ROME ENTERPRISES	4,051.48
SILVER STATE POST	978.50
STAHLY ENGINEERING & ASSOCIATES, INC.	15,273.70
STAPLES CREDIT PLAN	588.38
THATCHER COMPANY	3,855.94
THOMAS MALCOMB	702.00
U.S. BANK COMMUNITY CARD	5,393.73
UNIVISION, INC.	1,644.04
UTILITIES UNDERGROUND LOCATION CENTER	29.83
VERIZON WIRELESS SERVICES, LLC	521.20
WEST SIDE DITCH COMPANY, INC.	1,600.00
WESTERN SYSTEMS	765.11
WEX BANK	7,000.13
	7,000.13
TOTAL	169,637.94



Contractor's Application for Payment No. 1

Application Period:	Start to 04/15/22	Application Date:	4/19/2022
To (Owner):	City of Deer Lodge		
From (Contractor):	H and H Contracting, Inc.		
Contract:	MILWAUKEE ROUNDHOUSE CECHA FACILITY PASSENGER REFUELING AREA (PRA) 2021 SOIL REMOVAL ACTION		
Contractor's Project No.:	20009		
Via (Engineer):	Hydrometrics, Inc.		
Engineer's Project No.:	20009		

Application For Payment Change Order Summary

Approved Change Orders	Number	Additions	Deductions
	1	\$5,787.00	
	1	\$1,967.58	
TOTALS		\$7,754.58	
NET CHANGE BY CHANGE ORDERS		\$7,754.58	

1. ORIGINAL CONTRACT PRICE..... \$ **\$62,137.00**
2. Net change by Change Orders..... \$ **\$7,754.58**
3. Current Contract Price (Line 1 ± 2)..... \$ **\$69,891.58**
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates)..... \$ **\$32,437.30**
5. RETAINAGE:
 - a. 10% X \$3,243.73 Work Completed..... \$ **\$3,243.73**
 - b. X Stored Material..... \$
 - c. Total Retainage (Line 5.a + Line 5.b)..... \$ **\$3,243.73**
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ **\$29,193.57**
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$
8. AMOUNT DUE THIS APPLICATION..... \$ **\$29,193.57**
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above)..... \$ **\$32,993.43**

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

- (1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
- (2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
- (3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature 	Date: 4/22/22
--------------------------	----------------------

Payment of: \$ Twenty nine thousand, one hundred ninety three dollars and 57/100
 (Line 8 or other - attach explanation of the other amount)

is recommended by: Mark Brooke (Engineer) 4/22/22 (Date)

Payment of: \$ _____ (Line 8 or other - attach explanation of the other amount)

is approved by: _____ (Owner) _____ (Date)

Approved by: _____ Funding or Financing Entity (if applicable) _____ (Date)

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract):		MILWAUKEE ROUNDHOUSE CECRA FACILITY PASSENGER REFUELING AREA (PRA) 2021 SOIL REMOVAL ACTION										
Application Period: Start to 04/15/22		Application Number: 1										
Application Date: 4/19/2022		Application Date: 4/19/2022										
Bid Item No.	Item Description	Contract Information				B	C	D	E	F		
		Item Quantity	Units	Unit Price	Total Value of Item (\$)					Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)
1	Mobilization, Bonding & General Requirements	1	LS	\$5,000.00	\$5,000.00	0.75		\$3,750.00		\$3,750.00	75.0%	\$1,250.00
2	Erosion & Sediment Control	1	LS	\$5,400.00	\$5,400.00	0.6		\$3,240.00		\$3,240.00	60.0%	\$2,160.00
3	Construction Facilities & Temporary Controls	1	LS	\$3,200.00	\$3,200.00	0.5		\$1,600.00		\$1,600.00	50.0%	\$1,600.00
4	Clear & Grub Vegetation & Debris Removal	1	LS	\$2,800.00	\$2,800.00	1		\$2,800.00		\$2,800.00	100.0%	\$500.00
5	Temporary Signage & Traffic Control	1	LS	\$2,500.00	\$2,500.00	0.8		\$2,000.00		\$2,000.00	80.0%	\$500.00
6	Strip & Stockpile Topsoil & Overburden	19	CY	\$30.00	\$570.00	19		\$570.00		\$570.00	100.0%	\$9,709.20
7	Excavate, Handle & Disposal of Contaminated Soil	783	CY	\$31.00	\$24,273.00	469.8		\$14,563.80		\$14,563.80	60.0%	\$11,152.00
8	Backfill Contaminated Soil Excavation Areas	656	CY	\$17.00	\$11,152.00							\$3,300.00
9	Site Restoration	1.1	AC	\$3,000.00	\$3,300.00							\$3,942.00
10	Reconstruct Gravel Roads	146	CY	\$27.00	\$3,942.00							\$3,942.00
A	Excavate, Handle & Disposal of EXCESS Contaminated Soil	1	CY	\$50.00	\$50.00	78.27		\$3,913.50		\$3,913.50	7827.0%	-\$3,863.50
Totals										\$32,437.30	52.2%	\$29,749.70

K. BECK
560-2333

RECEIVED BY

APR 25 2012
11:35 AM
CITY OF DEER LODGE



CABIN BID

ATTN: CINDY, JORDAN, OR TRENT.

Ken + BRANDIE
BECK
(406) 560-2333

BID \$503.⁰⁰ CABIN
+ \$1,500.⁰⁰ Remove +
Dispose of
Concrete + Brk

TOTAL BID \$ 2003.⁰¹
Ken Beck