



# COUNCIL AGENDA

July 5, 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. Extension for Ordinance 2022-1: Interim Zoning Ordinance for Marijuana Businesses – Jordan  
Action Item: Vote on Extension of Ordinance 2022-1
- b. 805 West Missouri Avenue Major Home Occupation Request – Jordan  
Action Item: Vote on Approval of Major Home Occupation Request

**4. Approval of Minutes**

- a. Regular Meeting: June 6, 2022, and June 21, 2022

**5. Committee Reports** (report in the packet) – Approve as presented

- a. City Council Operations – Rob Kersch
- b. Finance Committee – Dick Bauman
- c. Economic Growth & Development – John Henderson
- d. ARPA Steering Committee – Dick Bauman
- 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 | June Claims – Stanley Glovan. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.
  - b. Liquor License Renewal Family Dollar – Jordan
  - c. PRA 2<sup>nd</sup> Pay Application - Jordan
  - d. PRA 3<sup>rd</sup> Pay Application - Jordan
  - e. 1<sup>st</sup> Reading of Ordinance 2022: 819 2<sup>nd</sup> Street Rezoning – Jordan
  - f. Street Maintenance Resolution Discussion - Jordan

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

- Economic Growth & Dev – July 6<sup>th</sup> at 4 PM
- Finance – July 5<sup>th</sup> at 4PM
- Public Health & Safety – July 14<sup>th</sup> at 5 PM
- City Council Operations – July 11<sup>th</sup> at 5 PM
- ARPA Steering Committee – August 2<sup>nd</sup> at 4:30PM
- Planning Board – July 18<sup>th</sup> at 10AM (if needed)
- Council #2 – July 18<sup>th</sup> at 6 PM
- Public Works – July 26<sup>th</sup> at 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, July 18, 2022, at 6 PM.

**12. Adjournment**

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**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**

## **ORDINANCE 2022-1**

**AN INTERIM ZONING ORDINANCE BY THE DEER LODGE CITY COUNCIL TO PLACE MARIJUANA BUSINESSES AS CONDITIONAL USES IN THE B-1, CENTRAL BUSINESS DISTRICT AND B-2, HIGHWAY BUSINESS DISTRICT, AS WELL AS PROVIDE LOCAL REQUIREMENTS FOR LICENSING OF SAID BUSINESSES PURSUANT TO 16-12-207, MCA.**

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

WHEREAS, the citizens of the State of Montana voted to approve Constitutional Initiative 118 and Initiative No. 190 (I-190) in November 2020, which became effective January 1, 2021 and legalized recreational marijuana use and limited possession for adults over the age of 21 and provided a framework for commercial licensing, taxation, decriminalization, and expungement of criminal convictions related to marijuana amongst other provisions; and

WHEREAS, the Montana Legislature passed, and Governor Gianforte signed into law, House Bill 701 (“HB 701”) which revised, amended, and supplemented the text of I-190 and established the Montana Regulation and Taxation Act (16-12-101, MCA et seq. (the “Act”)); and

WHEREAS, a codified purpose of the Act pursuant to Section 37 amending Section 16-12-101(2j), MCA is to provide local governments authority to allow for the operation of marijuana businesses in their community and establish standards for the sale of marijuana that protect the public health, safety, and welfare of residents within their jurisdictions; and

WHEREAS, Section 59 of the Act pursuant to Section 16-12-301, MCA, provides that to protect the public health, safety, or welfare, a local government may by ordinance or otherwise regulate a marijuana business that operates within the local government’s jurisdictional area; and

WHEREAS Section 54 of the Act pursuant to Section 16-12-207, MCA, provides a locality may require marijuana businesses be a greater distance from schools and places of worship than required by state law; and

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

WHEREAS, 76-2-306, MCA authorizes the City of Deer Lodge to adopt Interim Zoning Ordinances to protect the public safety, health, and welfare without following the procedures otherwise required prior to the adoption of a zoning ordinance as an urgency measure while the legislative body is considering additional or alternative regulation. FURTHER, an interim zoning ordinance is effective for up to six months after its effective date; 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 identified the need to determine the most adequate locations and local regulations of medical and adult-use marijuana dispensaries to protect the health, safety, and general welfare of the City of Deer Lodge; and

WHEREAS, on December 5, 2011, the City of Deer Lodge City Council passed and adopted Ordinance #144, which provided restrictions so that the proximity of growing, processing, distribution, and/or any other commercial activity related to medical marijuana must be greater than 1,000 feet from certain uses within the City of Deer Lodge City Limits; and

WHEREAS, the Planning Board saw that Ordinance #144 contained language that referenced vacated MCA regulations related to medical marijuana, and saw the need to supersede this Ordinance and provide an update to the City of Deer Lodge regulations regarding marijuana facilities. FURTHER, after public input, the Planning Board recognized the value of adopting parts of the regulations of Ordinance #144 into the new regulations contained in this ordinance; and

WHEREAS, the Planning Board discussed the proposed regulations and zoning amendments at their September 20, 2021 meeting, and determined through a vote of four to zero with two absent to hold a public hearing to gather comments regarding the proposed regulations.

WHEREAS, the Planning Board held a duly noticed public hearing on October 18, 2021 to consider the proposed regulations and zoning amendment. FURTHER, the Planning Board after receiving a summary from the City Administrator/Planner, elected to forward the propositions to the City Council through a vote of five 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 November 1, 2021 at 6:00 PM to accept comments regarding the proposed regulations; and

WHEREAS, the Deer Lodge City Council, after receiving public comments, elected to table the recommended ordinance in favor of a revised ordinance with altered land use requirements. FURTHER, the City Council recognized the importance of adopting such an Ordinance as an Interim Zoning Ordinance to provide interim regulations while the City Council puts to an election by qualified electors in the municipality on whether to opt-out of approving marijuana businesses in accordance with 16-12-301, MCA.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER LODGE MONTANA:

- The City of Deer Lodge Zoning Ordinance is amended to place marijuana businesses as identified in 16-12-301(1(d) as conditional uses in the B-1, Central Business District and B-2, Highway Business District.
- A Zoning Permit is required for the issuance of a conditional use permit in order to obtain approval by local building, health, and fire officials.
- Marijuana businesses must be located at least 1,000 feet from parks, day-cares, schools, postsecondary schools, and buildings used exclusively as a church, synagogue, or other place of worship. This distance will be measured in a straight line from property line to property line.

- A copy of this interim zoning ordinance shall be delivered to the Department of Revenue for the purposes of providing the department the local approval criteria for dispensary licenses.
- Ordinance #144 of the City of Deer Lodge is repealed in its entirety.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2022-1 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 2022-1 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.

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 3<sup>rd</sup> day of January, 2022.



The effective date of Ordinance 2022-1 is January 3, 2022.

**Ordinance 2022-1 is effective for six months after its effective date unless otherwise repealed or extended by the City of Deer Lodge City Council according to 76-2-306(3), MCA.**

<b>Council Member</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Dick Bauman				
Curt Fjelstad				
Jackie Greenwood				
John Henderson				
Robert Kersch				
John Molendyke				
Vacant				
John Skibsrud				
James Jess   Mayor				

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James Jess, Mayor

Attest:

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Cyndi Thompson, City Clerk

# CONDITIONAL USE PERMIT STAFF REPORT

Jordan Green – May 16, 2022

## **Introduction –**

Bo and Dene' Havens of 805 West Missouri Avenue submitted a Conditional Use Permit application on March 23<sup>rd</sup>, 2022. The petitioners are seeking permission to have a Major Home Occupation operate out of a garage at their property to do oil changes, minor vehicle service, and parts salvage.

The parcel is in Deer Lodge in the Northwest Townsite, Section 32, Township 08N, Range 09W, Block 7, Lots 15-18. The parcel is located in the R-2, Single Family and Manufactured Home District of the City of Deer Lodge Zoning Ordinance. The location of the parcel is identified on the attached map.

The City of Deer Lodge Zoning Ordinance requires the issuance of a Conditional Use Permit for all Major Home Occupations in residential districts in addition to a business license.

## **Analysis of Application –**

The analysis of this application followed the requirements specified in Chapter 12 of the City of Deer Lodge Zoning Ordinance. The requirements and staff comments used in this analysis follow.

### **Chapter 12, Section 2-1: The use conforms with the objectives of the Growth Policy and the intent of this Code**

This use conforms with the Growth Policy by allowing a small, local business to operate within Deer Lodge. However, as the Growth Policy speaks primarily on Main Street, Parks, Annexation, and the Cottonwood Creek Corridor, there is little in the Growth Policy that directly impacts this petition.

### **Chapter 12, Section 2-2: Such use will not adversely affect nearby properties or their occupants**

The operation of an oil change, minor service, and parts salvage garage has the potential to affect nearby properties. The noise associated with work, the potential for soil and groundwater contamination, the presence of junked vehicles and vehicle parts, and the increased traffic to the site are all issues that need to be addressed. Therefore, the City Planner recommends many conditions be attached to approval of this Conditional Use Permit Application, which are outlined in the Recommendation section of this staff report. These steps will mitigate the potential for adverse impact on nearby properties and are based on recommendations from neighbors, the requirements for a Major Home Occupation found in the City of Deer Lodge Zoning Ordinance, and testimony from the petitioners to the City Planner.

### **Chapter 12, Section 2-3: Such use meets density, coverage, yard, height and all other regulations of the district in which it is to be located, unless otherwise provided for in this Code**

The proposed use has the potential to exceed setback requirements in the R-2 Zoning District, and if the City Planner or Building Inspector find this to be the case, variances will need to be requested by the petitioners. Also, the intended use needs to follow the regulations for a Major Home Occupation as outlined in the City of Deer Lodge Zoning Ordinance.

**Chapter 12, Section 2-4: Public hearings have been held, after the required legal notices have been given and the public has been given a chance to be heard upon the matter**


The City Administrator sent out 9 letters to adjacent property owners for to ask for comments for the Conditional Use public hearing. There have been three written responses at the time of this staff report to the Conditional Use application letters, which are found in the Planning Board agenda packet for the May 16<sup>th</sup> meeting. The Silver State Post ran the required public hearing notice in their April 13<sup>th</sup> and April 20<sup>th</sup> editions.

A public hearing for the Conditional Use Permit Application will be held for the Planning Board on May 16, 2022. The second public hearing for City Council will be held June 6, 2022, should the Planning Board give a favorable recommendation to City Council.

**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 requirements for a Major Home Occupation, which are listed at the end of this report.
- The applicants make all efforts to restrict noise, dirt, dust, and automotive contaminants from leaving the property boundary and prevent contaminants from affecting soil or groundwater.
- The applicants alert the City of Deer Lodge of any changes to the use of the parcel and get the City’s written permission that the changes remain adherent to the provisions of the City of Deer Lodge Zoning Ordinance.
- All vehicles are contained on the property and are not stored on the City right-of-way.
- The applicants design privacy fences that will shield all salvage vehicles and promptly remove vehicles from their property after salvage.
- The applicants keep oil drums, salvage parts, automotive equipment, and any other items associated with their business organized and out of site from adjacent properties and the City right-of-way whenever possible.
- All potentially toxic materials are properly disposed of meeting state and federal regulations for automobile disposal.
- Any project that has the potential to generate light and noise are completed between 8AM and 6PM.
- The applicants obtain all necessary building permits from the City’s building department and follow the regulations prescribed by the City’s building inspector. The applicants will also be responsible for obtaining any variances necessary to allow for the construction of buildings.
- Failure to meet any of the above considerations should be considered grounds for immediate revocation of the petitioner’s business license and ability to operate the Major Home Occupation.

  
\_\_\_\_\_  
Chief Administrator/ City Planner

05/16/22  
\_\_\_\_\_  
Date



**Attachment: Parcel Location**



**Attachment: Photo of Area Petitioners Plan on Putting Slab and Garage**



## **Requirements for Major Home Occupation – City of Deer Lodge Zoning Ordinance**

1. The home occupation must be conducted entirely within the dwelling unit or associated accessory building
2. The person conducting the home occupation must reside on the premises on which the business operates and may have up to two non-resident employees.
3. The home occupation can occupy not more than twenty-five percent of the combined total floor area of the dwelling unit and the accessory buildings, included but not limited to the basement, garage, and upper floors of the dwelling unit.
4. The only signage is limited to a nameplate or sign not to exceed three square feet. No exterior alterations are permitted to a dwelling, except for the addition of a secondary entrance
5. The home occupation cannot generate any vibration, smoke, dust, odors, noise, electrical interference with radio or television or reception, or heat or glare which is noticeable at or beyond the property line of the premises upon which the home occupation is located.
6. No additional off-street parking can be created on the premises for the home occupation.
7. Business deliveries and business shipments can occur only between the hours of 8 AM and 5 PM, Monday through Friday.
8. No clients, pupils, or employee can be on the premises between the hours of 10 PM and 7 AM.
9. No more than one commercial vehicle can be used in conjunction with the home occupation or parked on the premises. A commercial vehicle means a vehicle having a combined gross vehicle weight rating greater than 12,000 pounds designed for transportation of commodities, merchandise, produce, freight, animals or passengers, and operated in conjunction with a home occupation.
10. The operation of any wholesale or retail business is prohibited unless it is conducted entirely by mail (U.S. Postal Service, United Parcel Service, or the like), or sales are transacted on the premises no more than one time per calendar month. Incidental sales of products shall be permitted.
11. No chemicals or substances which are physical, or health hazards as defined in the latest version of the Uniform Fire Code as adopted by the City can be used, sold, or stored on the premises in conjunction with the home occupation.





*Figure 1: Back of property*



*Figure 2: Back of property*





Figure 3: Proposed location of garage



Figure 4: Fencing at proposed garage





Figure 5: Front of property



Figure 6: Back of property



# CITY COUNCIL

# MINUTES

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The City Council met on June 6, 2022, at 6 PM | PC Community Center

**Members Present:** Dick Bauman, Robert Kersch, John Skibsrud, John Henderson, John Molendyke, Jackie Greenwood, & Curt Fjelstad

**Members Absent:** Joe Callahan

**Mayor:** James Jess

**CAO:** Jordan Green

**Staff:** Police Chief Smith, Fire Chief Pierson, Trent Freeman, Stan Glovan & Peter Elverum

**Consultants** Mark Brook, Hydrometric Senior Engineer/Senior Hydrogeologist

**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. Guest Speaker Presentation**

a. PRA Cleanup Update – Mark Brook, Hydrometric Senior Engineer/Senior Hydrogeologist  
Mark provided an update on the cleanup at the Passenger Refueling Area. He provided a site history update and what issues are at the site. He provided an update on the cleanup levels and regulatory process that is guiding the process. Approvals happened in 2021, work started in 2022 with work to be completed in the next few months. Provided an update on the grant received from the Legislator and an update on the newer grant just submitted and what the additional grant will cover for future work items on the project.

## 5. Approval of Minutes.

- a. Regular Meeting: May 2, 2022, and May 16, 2022  
Member Greenwood motioned to approve as presented. Council President Bauman seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

## 6. Committee Reports, May 2022 – Accepted as presented.

- a. Council Ops – Rob Kersch (Chairperson)  
May 9<sup>th</sup> Finalized combining Parks and Recreation Committee with Public Works.
- b. Economic Growth & Development – John Henderson (Chairperson)  
May 4<sup>th</sup> - Discussion with the Chamber of Commerce and Discover Deer Lodge. Six guest present 5 from the Chamber and 1 from Discover DL. Member Bauman asked what the purpose of both organizations was? He then suggested that all 3 of our organizations try and get our mission statements as close together to create a united front. John Molendyke was asked about past economic growth, he stated that past committees were growth positive, but the current committee was taking a different approach. Community survey discussion. Jordan discussed the cost and delivery method of community survey. The committee welcomed questions from the Chamber of Commerce and Discover Deer Lodge. Amended the Goal List. Vision & Mission statement. The topic will be on future agendas to create an official Mission Statement for the Economic Growth & Development Committee.
- c. Finance – Dick Bauman (Chairperson)  
May 2<sup>nd</sup> No report from Finance.
- d. ARPA Steering Committee – Dick Bauman (Chairperson)  
May 5<sup>th</sup> and May 11<sup>th</sup> – Discussed and approved Bylaws. Appointed Dick Bauman as Chair and Rob Kersch as Vice Chair. Committee members consist of Dick Bauman, Rob Kersch, Ron Scharf, Terry Jennings & Jerry Finley. Approved Small Business/Non-profit Submission Form. Next meeting June 15, 2022 @ 4:30PM.
- e. Public Health & Safety – John Skibsrud (Chairperson)  
May 12<sup>th</sup> – We received department reports. Kip Kimerly updated on the hotel. Troy McQueary gave an overview of the prison industries automotive division's capabilities. Jordan gave an update on the land being considered for junk vehicles.
- f. Public Works – Jackie Greenwood (Chairperson)  
May 24<sup>th</sup> - Discussed city sidewalk repair, decided to table till more information is provided by staff. Approved recommendation of award letters to MJD Contracting for Landfill Drying Beds and Hallow Contracting for 2022 Street Maintenance project. Discussed Street Maintenance Resolution 1339 and bring it to ballot in November. Committee table the item till Finance has reviewed this. Received Department Reports from Recreation Department and Public Works.

## 7. Board Reports -

- a. Airport Board – John Skibsrud  
Final meeting last month until the Fall of 2022. Discussed land acquisition, the two most critical was the State, looking at some type of land swap. Landowners to the south are looking for an easement.
- b. Powell County Parks Board – Joseph Callahan  
Member Callahan was absent. Jordan stated they are working on a few events for the summer. Working on the Old Yellowstone addition. Working on the trail head over off Washington Street.

- c. Chamber of Commerce – John Henderson  
Was not able to attend.
- d. Headwaters RC&D – Joe Callahan  
Member Callahan was absent. Jordan stated they discussed projects around the Butte area. Received audit findings with no audit findings. The Directors of Headwaters Joe Willauer has stepped down from his position.
- e. Historic Preservation – Curt Fjelstad  
Met on May 19<sup>th</sup>, they will be using their own funds to purchase the awning for the Masonic Temple. Working Ordinances for the Historical District.
- f. Landfill – Rob Kersch  
Filled a vacant position on the Board. Ordered a new Compactor that is going to be Leased. Purchased a Glue Sprayer to keep the loose garbage from blowing around. Approved purchase of a welder for maintenance and upkeep on some of the equipment. Meeting on June 7<sup>th</sup>.
- g. LEPC – Dick Bauman  
No meeting.
- h. Library – John Molendyke  
Was unable to attend.
- i. Planning Board – Dick Bauman  
Met on May 16<sup>th</sup>. Public Hearing on 805 West Missouri Avenue Major Home Occupation Request. Table this item till we received further action from the Haven's. Received reports from EG&D, Historic Pres, and Chamber. Discussed Mission Statements.
- j. Youth Board – Jackie Greenwood  
Discussed the Fire Escape being safe for the youth.

**8. Continued Business (old/continued Business or Items Tabled)**

- a. None

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

- a. Treasurer's Report | May Claims – Stan Glovan. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.

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

- b. Gary Chilcott Emery Road Land Lease Proposition – Jordan  
Mr. Chilcott presented a proposal for a business he is interested in doing and a potential lease of some City land out on Emery Road. Options presented are listed below.

**Option 1**

*Lease 5 acres of land to Emerine Contracting for \$1000 per month for a long-term lease with 5-year COLA escalation clause for 40-year lease.*

- 1. *The company will build a large metal shop within 1 year.*

2. This year build a U-shaped road opening the east 40 acres for future companies to come in and set up business and also pay leases to the city. Approximately 3000 feet of road to county gravel road standards. We will provide all the equipment and use suitable materials from the site for the road construction, but the road mix topping will need to be provided by others.

3. We will build the car storage facility and build a dirt visual barrier on 3 sides.

All the work to build the industrial park will be done without using current city funds. We will take our payment in prepaying our lease expenses based on equipment and labor time with city concurrence.

**Option 2**

1. We would buy the land for \$50,000 and pay for the purchase with the work provided above of the cost is more or less we will square up at the job conclusion.

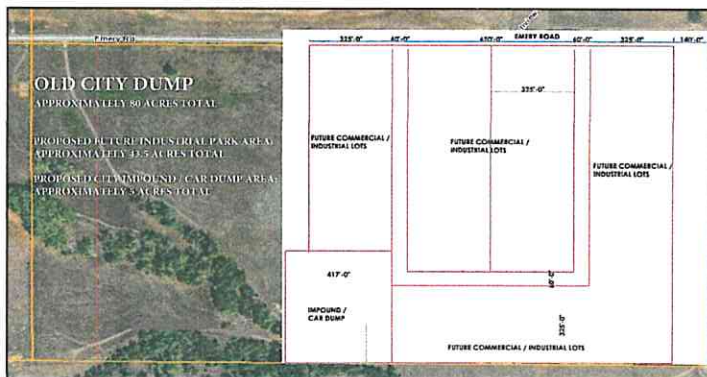
**Option 3**

1. Develop, with the City the west 40 acres into housing lots to help ease the housing issues we are facing in Deer Lodge currently. With the current economic and supply chain challenges this option should be revisited after things stabilize.

**Option 4**

1. Do nothing and continue leasing the land for cattle grazing at \$125 a month.

**PROPOSED  
AREA  
MAP**



Council President Bauman motioned to pursue a lease agreement with Emerine Contracting. Member Skibsrud seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

c. New Police Officer Travel Expenditure – Chief Smith  
Requesting funds for a travel relocation for \$2,000 to help assist the new police officer. Included in his new hire contract, he will need to stay employed with the City of Deer Lodge for 3-years or he will need to repay the \$2,000 travel relocation back to the City at a pro-rated rate. Mid to late July will be when he is starting, the check will be provided prior to his move.

Member Fjelstad motioned to approve the travel relocations funds for \$2,000. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

d. Recommendation of Award Landfill Drying Beds – Trent  
Requesting approval from MJD Contracting for \$209,650 to build the three drying beds at the landfill.

Member Greenwood motioned to approve MJD Contracting for \$209,650. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.



- e. Recommendation of Award 2022 Street Maintenance Project – Trent  
Recommendation of Award to Hallow Contracting for \$444,137.85. The street funds that we collect this year and gas tax, and special gas tax will cover the cost of the contract.

Per Member Kersch, the Finance Committee approved the project in their meeting.

Member Kersch motioned to approve the Recommendation of Award from Hallow Contracting for \$444,137.85. Member Henderson seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

- f. Approval of In Control Inc. Pre-Engineering Survey Quote – Trent  
In Control Inc., is a contracted company I work with for the WWTP for SCADA software system. The quote is a predesign of water SCADA system. The overall water system was found to be operational, but in need of upgrades due to much of the equipment being obsolete and difficult to find replacements for. The outcome and deliverables of this survey will provide In Control with the proper documentation, drawings, backup configurations and programming from the existing system to understand what is required to take over as the water system integrator. The survey will also provide an overall understanding of the existing control system in order to safely and efficiently upgrade the system in the future.

The price for this Data Gathering and Pre-Engineering Survey on a Time and Expense schedule with standard In Control rates is a Not-To-Exceed price of \$10,000.00.

Per Council President Bauman stated, the Finance Committee approved the project in their meeting.

Council President Bauman motioned to approve In Control Inc. Pre-Engineering Survey Quote. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

- g. Conservation District Appointment – Mayor Jess  
I would like to appoint John Thompson as Urban Supervisor to the Conservation District Board for a Three-Year term.

Member Greenwood motioned to approve John Thompson as Urban Supervisor to the Conservation District Board for a Three-Year term. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

#### **10. Schedule of Committee Meetings – Tentative until confirmed by Committee Chairs.**

- Economic Growth & Dev – June 1<sup>st</sup> at 4 PM
- Finance – June 6<sup>th</sup> at 4PM & June 21<sup>st</sup> @ 3PM
- Public Health & Safety – June 9<sup>th</sup> at 5 PM
- City Council Operations – June 15<sup>th</sup> at 3 PM
- ARPA Steering Committee – June 15<sup>th</sup> at 4:30PM
- Planning Board – June 21<sup>st</sup> at 10AM (if needed)
- Council #2 – June 21<sup>st</sup> at 6 PM
- Public Works – June 28<sup>th</sup> at 5 PM

#### **11. 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 Fjelstad asked about when the new Well will be done.
- b. Member Greenwood asked about a city app to show all our city events.
- c. Mayor Jess asked about moving the Council meetings back to City Hall, beginning July 5<sup>th</sup>.



**12. Next Meeting Announcements**

- a. Regular Meeting: Tuesday, June 21, 2022, at 6 PM.

**13. Adjournment**

Mayor Jess adjourned the meeting at 7:21PM.

Prepared By: Cyndi Thompson, City Clerk

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James Jess, Mayor

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Date

# CITY COUNCIL MINUTES

The City Council met on June 21, 2022, at 6 PM | PC Community Center

<b>Members Present:</b>	Rob Kersch, Dick Bauman, John Henderson, John Molendyke, John Skibsrud, Curt Fjelstad, Jackie Greenwood, Joseph Callahan.
<b>Members Absent:</b>	None
<b>Mayor:</b>	James Jess
<b>CAO:</b>	Jordan Green
<b>Staff:</b>	Trent Freeman, Police Chief Smith, Cyndi Thompson, Stan Glovan
<b>Consultants</b>	None
<b>Guests:</b>	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.

**3. Approval of Minutes**

a. Minutes were deferred till July 5, 2022.

**4. Public Hearing.**

a. 819 2<sup>nd</sup> Street Rezoning Request – Jordan

Kimberly Fisk submitted a Rezoning Application on May 23, 2022, to request a rezoning of her property at 819 2<sup>nd</sup> Street in Deer Lodge to the R-2, Single Family and Manufactured Home District to accommodate the placement of a 1980 double-wide manufactured home to be operated as a rental. The property is currently zoned as R-3, High Density Residential, which does not allow any type of mobile or manufactured home.

The Planning Board with a favorable vote of 5 Ayes, 0 Nos and 2 absent recommend to City Council the rezoning of the subject property from the R-3 High Density Residential District to the R-2, Single Family

and Manufactured Home District to accommodate the placement of a 1980 double-wide manufactured home.

Today during the public hearing at the Planning Board meeting Jesse and Lily Kostoff were present with questions about the potential for this opening up a president for allowing future trailer homes. We did explain this is not allowing a trailer court, this is allowing one manufactured home. The Kostoff's did say they had no problem with the manufactured home being place there., however Mr. Kostoff and his mother Lily Kostoff did resend that decision as they felt it would set a precedence for a trailer court, although that area does meet the standards for a manufactured home. Few things mentioned in the Planning Board meeting were the characteristics of the home. The home would be placed on her vacant lot on a permanent foundation and be rented out to her children. Kimberly Fisk will be replacing the vinyl siding with wood siding.

Council President Bauman stated he was present at the Planning Board meeting and was impressed with Kim and the Kostoff's as Kim asked them what color paint they would like to see on the manufactured home. The Kostoff's were in favor of the rezoning at the time of the meeting.

Public Hearing opened at 6:13PM – Public Comment: John Greenwood, Nice piece of prime real estate and I think the city could do better with a better home there, get more use of the land then a double-wide manufactured home.

Public Hearing closed at 6:14PM

Council President Bauman motioned to approve the rezoning request with the condition of a permanent foundation. Member Kersch seconded the motion. 8 Ayes, 0 Nos. Motion passed.

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

a. CAO | b. Public Works | c. Police | d. Fire | e. Recreation Report

**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 Molendyke asked about the status of the code enforcement position.
- b. Member Callahan stated the prison is up to 12-hour shifts and staff housing is an issue.

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

- a. None

**8. New Business** (Old Business or Items Tabled)

a. Liquor License Renewals – Jordan

15 Licensee to approve. Family Dollar had 3 notices to them, and Cutler Bros is being transferred to Carrie Lease.

Member Greenwood motioned to approve the 15 licenses. Member Kersch seconded the motion. 8 Ayes, 0 Nos. Motion passed.

b. A-OK Campground 10-acre Grazing Lease Request – Jordan

Approximately 10-acres of city land just north of the A-OK Campground that would be prime grazing land. Currently the land is unutilized as it is in the flood plains. If council wishes to pursue a contract will be drawn up through the city attorney. Temporary/movable fencing should be included in the contract and the number of animals would have to follow the City's Zoning Code as it states 1 animal per acre.

Mr. Clasby addressed the committee about the lease request. Discussed grazing and potential tent sites on the land. Once he gets his proposal together for the committee, he will discuss and present that to the Mayor and Jordan so they may present a proposal to council.

Member Kersch motioned to pursue the agreement with the A-OK Campground. Member Greenwood seconded the motion. 8 Ayes, 0 Nos. Motion passed.

c. City/Library Board Memorandum of Understanding – Jordan

Draft MOU for the Library was presented. This MOU has been approved by the Library Board. The purpose of this Agreement is to provide stability and a framework of the roles, responsibilities and relationships of the City and Library Board as it relates to the personnel management of the Library for the benefit of the community. Address the ability of the City to provide liability, workers' compensation, and health coverage for the Library, and to make clear the rights and obligations by and between the City and the Library Board, the parties desire to create this Memorandum of Understanding regarding the City and the Library's respective rights and obligations, specifically as they relate to personnel management, such as to ensure that they are clearly defined and understood.

Member Molendyke motioned to approve the MOU with the changes as discussed. Member Kersch seconded the motion. 8 Ayes, 0 Nos. Motion passed.

d. Junk Vehicle Program Land Lease – Jordan

DEQ has a program by they receive funding through vehicle registration to go into a "junk vehicle program" that provides funding for anybody that has a junk vehicle to reimburse them for the cost of moving a vehicle off of a property and DEQ takes care of it from that point forward.

The County had a lease agreement with the City out off of Emery Road for approximately 5-acres our previous Mayor had let that lease expire for that land because we were looking for land for our

sledge drying beds and seeing that as a potential location. We revisited the lease and have presented before the council. This will be a 5-year lease commencing July 1, 2022, through June 30, 2027. The cost of the lease is \$600 per year for the 5-acres and that was the same amount on the previous agreement.

Council President Bauman motioned to approve the lease with a letter from McQueary releasing any previous lease he had with the City. Member Skibsrud seconded the motion. 8 Ayes, 0 Nos. Motion passed.

e. Approve New Police Department Officer – Mayor Jess

Edward Howes, New Police Officer from Upstate New York potential start date of July 25<sup>th</sup>. Council President Bauman was in the interview process and the Commissioners approved the hire.

Member Greenwood motioned to approve New Police Department Officer. Member Kersch seconded the motion. 8 Ayes, 0 Nos. Motion passed.

f. City Hall Fire Escape Report – Jordan

Member Greenwood had reported in a previous council meeting the safety of the fire escape off the youth room on the 2<sup>nd</sup> floor of City Hall. We had a building inspector; PW Supervisor & Mayor inspect the concern of the fire escape. The building inspector has deemed the fire escape safe and useable. No motion informational discussion.

**9. Next Meeting Announcements**

- a. July 5, 2022, at 6PM – Closed Monday July 4<sup>th</sup>.

**10. Adjournment**

Mayor Jess adjourned the meeting at 7:10PM.

Prepared By: Cyndi Thompson, City Clerk

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James Jess, Mayor

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Date





## COUNCIL COMMITTEE REPORT

JUNE 2022

### **Council Ops – Rob Kersch (Chairperson)**

June 15<sup>th</sup> Reviewing City Staff Policies. Worked on a vehicle operations policy and a staff breaks and lunch break policy.

### **Finance – Dick Bauman (Chairperson)**

June 6<sup>th</sup> Discussed 2018 Resolution 1339 and Street Maintenance. Recommendation to accept 2022 bid for Street Maintenance and forward to Council for approval. Started with the Budget Review. Reviewed and signed May claims. Committee comments: Main Street will be chip sealed and stripped FY-24 my MDT.

### **Economic Growth & Development – John Henderson (Chairperson)**

June 1<sup>st</sup> - New Business – Gary Chilcott is interested in leasing land on city property on Emery Road to be used for Construction company. This created discussion on future expansion on the property. The committee moved to recommend it to council.

Continued Business - Jesse Mullen gave an update on Discover Deer Lodge and shared preliminary results of a survey system which may help future businesses in Deer Lodge. Visions and Mission statements will be held off for the next meeting as Jordan did not have time to work on it.

Committee Comments or Concerns – Dick Bauman talked about how beneficial the conference him and Jordan attended. John Henderson asked about welcome to Deer Lodge signs, a flag that Mr. Bauman is working on and asked Jordan about creating a presentation on a Main Street improvement district. Next meeting is scheduled for July 6<sup>th</sup> at 4:00 PM

### **ARPA Steering Committee – Dick Bauman (Chairperson)**

June 15<sup>th</sup> – Jordan provided a status update and discussed the review of applications. Next meeting Tuesday, August 2<sup>nd</sup> at 4:30pm.

### **Public Health & Safety – John Skibsrud (Chairperson)**

June 9<sup>th</sup> – At our last health and safety committee meeting we received department reports. Police officer Malcomb was recognized for his life saving efforts. Voted 2-1 to maintain street maintenance as is.

### **Public Works – Jackie Greenwood (Chairperson)**

June 28<sup>th</sup> - No report

# City Council - July 11, 2022

**Financial Summary**

**June 2022**

Atypical Revenues	Purpose	Fund	Amount
Second Tranche ARPA Distribution	ARPA relief funds	2992/5210/5310	\$365,480.13
PRA/CECRA Expenses 1/1/22-3/31/22	Grant reimbursement	1000	\$12,973.39
MMIA Property Program	Claim settlement - Main Street Trees	2510	\$15,065.00
Completed Projects	Grant Funded	City Funded	Final Cost
Nothing to report			
Atypical Claims	Purpose	Fund	Amount
Butte Silver Bow Landfill	811.59 tons of contaminated soil	1000	\$16,231.80

Payables		
	Claims	\$140,191.97
	Payroll	\$140,435.19
	<b>Total</b>	<b>\$280,627.16</b>

**A motion to approve payment of the claims is requested.**

CITY OF DEER LODGE  
CLAIMS BY VENDOR  
Jun-22

Vendor	Claim #	# of Lines	Date Accepted	Amount
AMAZON	10940	1	06/27/22	118.53
BEAST MOWED LAWN CARE	10937	1	06/27/22	240.00
BIG SKY PASSENGER RAIL AUTHORITY	10947	1	06/29/22	400.00
BLACK MOUNTAIN SOFTWARE, INC.	10881	1	06/27/22	1,619.25
BUTTE SILVER BOW LANDFILL	10928	1	06/27/22	16,231.80
CENTER POINT LARGE PRINT	10939	1	06/27/22	47.94
CENTURY LINK	10919	2	06/27/22	85.10
CHARTER COMMUNICATIONS	10935	12	06/27/22	651.95
CULLIGAN OF BOZEMAN - BUTTE	10927	2	06/27/22	72.00
CURTIS TOOLS FOR HEROS	10920	1	06/27/22	1,205.00
DAN GREEN	10921	1	06/27/22	324.09
DANA SAFETY SUPPLY, INC.	10916	1	06/27/22	125.00
DAVID G. RAY	10932	1	06/27/22	100.00
DEER LODGE FIRE RELIEF ASSOCIATION	10914	1	06/22/22	1,847.00
DON BECK	10945	1	06/29/22	125.00
ELVERUM LAW FIRM, PLLC	10953	10	06/30/22	5,486.05
ENERGY LABORATORIES, INC.	10890	20	06/29/22	2,720.00
FICKLER OIL COMPANY, INC.	10884	1	06/28/22	55.96
GALLS, LLC	10924	1	06/27/22	62.63
GIRKY, ELISSA	10936	1	06/27/22	144.00
HACH COMPANY	10915	2	06/27/22	4,553.19
HYDROMETRICS, INC.	10917	3	06/27/22	12,336.59
IN CONTROL, INC.	10906	1	06/21/22	949.88
INTERMOUNTAIN SPINE AND WELLNESS	10886	5	06/17/22	425.00
J&C BODY SHOP	10893	1	06/20/22	3,567.60
JOE MAVRINAC LOCKSMITH	10934	1	06/27/22	50.00
JOHNSON & ASSOCIATES, INC.	10902	2	06/21/22	85.00
KOHR'S MEMORIAL LIBRARY - PETTY CASH	10941	1	06/28/22	96.98
LANE & ASSOCIATES	10885	5	06/17/22	652.46
LEE'S OFFICE CITY, INC.	10908	3	06/27/22	305.27
MONTANA BROOM & BRUSH COMPANY	10883	6	06/28/22	508.94
MONTANA DEPT. OF CORRECTIONS	10905	5	06/29/22	795.50
MONTANA LEAGUE OF CITIES AND TOWNS	10929	3	06/27/22	1,248.84
MORRISON-MAIERLE CORP.	10952	1	06/30/22	451.00
MOUNT POWELL TIRE CENTER, INC.	10894	2	06/28/22	1,333.81
MUNICIPAL EMERGENCY SERVICES	10925	3	06/27/22	4,234.30
MURDOCH'S RANCH AND HOME SUPPLY	10889	2	06/28/22	477.67
NAPA AUTO PARTS	10888	15	06/29/22	947.57
NOEL, KYLER	10948	1	06/29/22	293.44
NORTHWEST PARTS & EQUIPMENT	10892	5	06/28/22	401.36
NORTHWEST PIPE FITTINGS	10891	7	06/30/22	4,858.61
NORTHWESTERN ENERGY	10943	36	06/28/22	19,938.35
PIONEER WEED CONTROL, INC.	10901	1	06/21/22	579.35
PITNEY BOWES GLOBAL FINANCIAL SERVI	10898	3	06/21/22	165.60
PITNEY BOWES, INC.	10899	15	06/21/22	665.84
POWELL COUNTY CLERK	10903	7	06/21/22	3,676.00
ROCKY MOUNTAIN PRINT SOLUTIONS, INC	10930	3	06/27/22	477.80
ROME ENTERPRISES 027545	10887	32	06/29/22	2,767.57
RON & CAROL MJELDE	10946	1	06/29/22	199.00
SECURE WARRANT	10900	1	06/21/22	1,400.00
SILVER STATE POST	10907	4	06/29/22	349.50
STAPLES CREDIT PLAN	10912	4	06/27/22	706.56
U.S. BANK COMMUNITY CARD	10923	8	06/27/22	3,851.89
UNIVERSAL ATHLETIC SERVICE	10931	1	06/27/22	292.47
UNIVISION, INC.	10910	6	06/22/22	971.10
UPS	10933	1	06/27/22	144.00
USDA RD LOAN #92-01	10877	2	06/17/22	15,765.00
USDA RD LOAN #92-02	10879	2	06/17/22	4,075.00
USDA RD LOAN #92-04	10880	2	06/17/22	11,886.00
UTILITIES UNDERGROUND LOCATION CENT	10926	2	06/27/22	76.93
VALLEY FOODS	10944	1	06/28/22	250.00
VERIZON WIRELESS SERVICES, LLC	10922	13	06/27/22	521.20
WADE ENTERPRISES, LLC	10882	1	06/17/22	1,198.50

Total 140,191.97



# Contractor's Application for Payment No. 2

<b>Application Period:</b> 04/16/22 - 05/31/22	<b>Application Date:</b> 6/6/2022	
<b>From (Contractor):</b> H and H Contracting, Inc. MILWAUKEE ROUNDHOUSE CECHA FACILITY PASSENGER REFUELING AREA (PRA) 2021 SOIL REMOVAL ACTION	<b>Via (Engineer):</b> Hydrometrics, Inc.	
<b>Contractor's Project No.:</b>	<b>Engineer's Project No.:</b> 20009	

### Application For Payment Change Order Summary

Approved Change Orders	Number	Additions	Deductions	
	1	\$5,787.00		1. ORIGINAL CONTRACT PRICE..... \$ 662,137.00
	2	\$1,967.58		2. Net change by Change Orders..... \$ 112,748.09
	3	\$3,726.50		3. Current Contract Price (Line 1 + 2)..... \$ 774,885.09
	4	\$1,267.01		4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates)..... \$ 845,913.30
				5. RETAINAGE:
				a. 10% X \$4,591.33 Work Completed..... \$ 4,591.33
				b. X Stored Material..... \$
				c. Total Retainage (Line 5.a + Line 5.b)..... \$ 4,591.33
				6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ 841,321.97
				7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ 529,193.57
				8. AMOUNT DUE THIS APPLICATION..... \$ 312,128.40
				9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above)..... \$ 524,730.03
<b>TOTALS</b>		\$12,748.09		
<b>NET CHANGE BY CHANGE ORDERS</b>			\$12,748.09	

**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: Virginia Hanson Date: 6/6/22

Payment of: \$ Twelve thousand, one hundred twenty eight dollars and 40/100  
(Line 8 or other - attach explanation of the other amount)

is recommended by: Mark Smith 6/7/2022  
(Engineer)

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

is approved by: \_\_\_\_\_  
(Owner)

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





**Progress Estimate - Unit Price Work**

**Contractor's Application**

For (Contract):		MLWAUKEE ROUNDHOUSE CECRA FACILITY PASSENGER REFUELING AREA (PRA) 2021 SOIL REMOVAL ACTION									
Application Period: 04/16/22 - 05/31/22		Application Number: 2		Application Date: 6/6/2022							
Item		Contract Information					F				
Bid Item No.	Description	Item Quantity	Units	Unit Price	Total Value of Item (\$)	Estimated Quantity Installed	D	E	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	\$3,400.00	\$3,400.00	0.9	\$4,860.00		\$4,860.00	90.0%	\$540.00
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%	\$0.00
7	Excavate, Handle & Disposal of Contaminated Soil	783	CY	\$31.00	\$24,273.00	626.4	\$19,418.40		\$19,418.40	80.0%	\$4,854.60
8	Backfill Contaminated Soil Excavation Areas	656	CY	\$17.00	\$11,152.00	131.2	\$2,230.40		\$2,230.40	20.0%	\$8,921.60
9	Site Restoration	1.1	AC	\$3,000.00	\$3,300.00						\$3,300.00
10	Reconstruct Gravel Roads	146	CY	\$27.00	\$3,942.00	73	\$1,971.00		\$1,971.00	50.0%	\$1,971.00
A	Excavate, Handle & Disposal of EXCESS Contaminated Soil	78.3	CY	\$50.00	\$3,915.00	134.27	\$6,713.50		\$6,713.50	171.5%	-\$2,798.50
<b>Totals</b>							\$45,913.30		\$45,913.30	69.5%	\$30,138.70





ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

### Contractor's Application for Payment No. 3

Application Period: 06/01/22 to 06/20/22	Application Date: 6/21/2022
From (Contractor): H and H Contracting, Inc.	Via (Engineer): Hydrometrics, Inc.
Contract: MILWAUKEE ROUNDHOUSE CECRA FACILITY PASSENGER REFUELING AREA (PRA) 2021 SOIL REMOVAL ACTION	Engineer's Project No.: 200109

To: City of Deer Lodge  
 (Owner): MILWAUKEE ROUNDHOUSE CECRA FACILITY PASSENGER REFUELING AREA (PRA) 2021 SOIL REMOVAL ACTION  
 Owner's Contract No.:

#### Application For Payment Change Order Summary

Approved Change Orders	Additions	Deductions
1	\$5,787.00	
2	\$1,967.58	
3	\$3,726.50	
4	\$1,267.01	
TOTALS	\$12,748.09	
NET CHANGE BY CHANGE ORDERS	\$12,748.09	

1. ORIGINAL CONTRACT PRICE..... \$ 621,137.00
2. Net change by Change Orders..... \$ 12,748.09
3. Current Contract Price (Line 1 ± 2)..... \$ 74,885.09
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates)..... \$ 553,567.90
5. RETAINAGE:
  - a. 10% X \$5,356.79 Work Completed..... \$ 55,356.79
  - b. X Stored Material..... \$
  - c. Total Retainage (Line 5.a + Line 5.b)..... \$ 55,356.79
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ 48,211.11
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ 41,321.97
8. AMOUNT DUE THIS APPLICATION..... \$ 6,889.14
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above)..... \$ 226,673.98

**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: *Virginia Johnson* Date: 6/21/22

Payment of: \$ Six thousand eight hundred eighty nine dollars and 14/100.....  
 (Line 8 or other - attach explanation of the other amount)

is recommended by: *Mark Sporko* (Engineer) Date: 6/21/2022

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 Number: 3					
Application Period: 06/01/22 to 06/20/22		Application Date: 6/21/2022															
A		B						C		D	E	F					
Item		Contract Information						Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (net in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)				
Bid Item No.	Description	Item Quantity	Units	Unit Price	Total Value of Item (\$)												
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		0.9	\$4,860.00		\$4,860.00	90.0%	\$540.00					
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%						
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%						
7	Excavate, Handle & Disposal of Contaminated Soil	783	CY	\$31.00	\$24,273.00		783	\$24,273.00		\$24,273.00	100.0%						
8	Backfill Contaminated Soil Excavation Areas	846.27	CY	\$17.00	\$14,386.59		131.2	\$2,230.40		\$2,230.40	15.5%	\$12,156.19					
9	Site Restoration	1.1	AC	\$3,300.00	\$3,300.00							\$3,300.00					
10	Reconstruct Gravel Roads	146	CY	\$27.00	\$3,942.00		73	\$1,971.00		\$1,971.00	50.0%	\$1,971.00					
A	Excavate, Handle & Disposal of EXCESS Contaminated Soil	190.27	CY	\$50.00	\$9,513.50		190.27	\$9,513.50		\$9,513.50	100.0%						
<b>Totals</b>												\$53,567.90	\$74,885.09	\$53,567.90	\$53,567.90	71.5%	\$21,317.19



**ORDINANCE 2022-2**

**AN ORDINANCE BY THE DEER LODGE CITY COUNCIL TO REZONE 819 SECOND STREET (28-1578-04-2-24-01-0000) FROM THE R-3, RESIDENTIAL HIGH-DENSITY DISTRICT TO THE R-2, RESIDENTIAL SINGLE-FAMILY AND MANUFACTURED HOME DISTRICT.**

**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 initiated the rezone action on the request of the property owner to accommodate the placement of a 1980 double-wide manufactured home on the property to be used as a rental; and

WHEREAS, the property is located in the West 84 feet of Lots 9 and 10 of the Original Addition of Deer Lodge, Section 04, Township 07 North, Range 09 West, Block 48; and

WHEREAS, the Planning Board discussed the rezone action at their June 21, 2022 meeting. FURTHER, the Planning Board agreed there is merit to the request as the rezoning allows for the residential use of an underutilized lot and the creation of new housing in town; and

WHEREAS, the Planning Board held a duly noticed public hearing on June 21, 2022 to consider the rezone action. FURTHER, the Planning Board after receiving a summary from the City Administrator / Planner and public comments, elected to forward the rezone to the City Council through a five to zero vote with two members absent; and

WHEREAS, the Deer Lodge City Council conducted a duly noticed public hearing on June 21, 2022 at 6:00 PM to accept comments regarding the proposed amendment. FURTHER, the City Council at their regular meeting on June 21, 2022 after deliberations, agreed through a vote of eight to zero with no members absent to proceed with the rezone through subsequent Ordinance readings; and

NOW, THEREFORE, BE IT RESOLVED, that the Deer Lodge City Council hereby rezones 819 Second Street (28-1578-04-2-24-01-0000) from the R-3, Residential High-Density District to the R-2, Residential Single-family and Manufactured Home District, to accommodate the placement of a 1980 double-wide manufactured home on the property.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2022-2 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 2022-2 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.

The attached Mapping Exhibit illustrates the subject property.

First reading by the City Council on the 5<sup>th</sup> day of July 2022.

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 5<sup>th</sup> day of July 2022.

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

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James Jess, Mayor

Attest:

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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 18<sup>th</sup> of July, 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				

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James Jess, Mayor

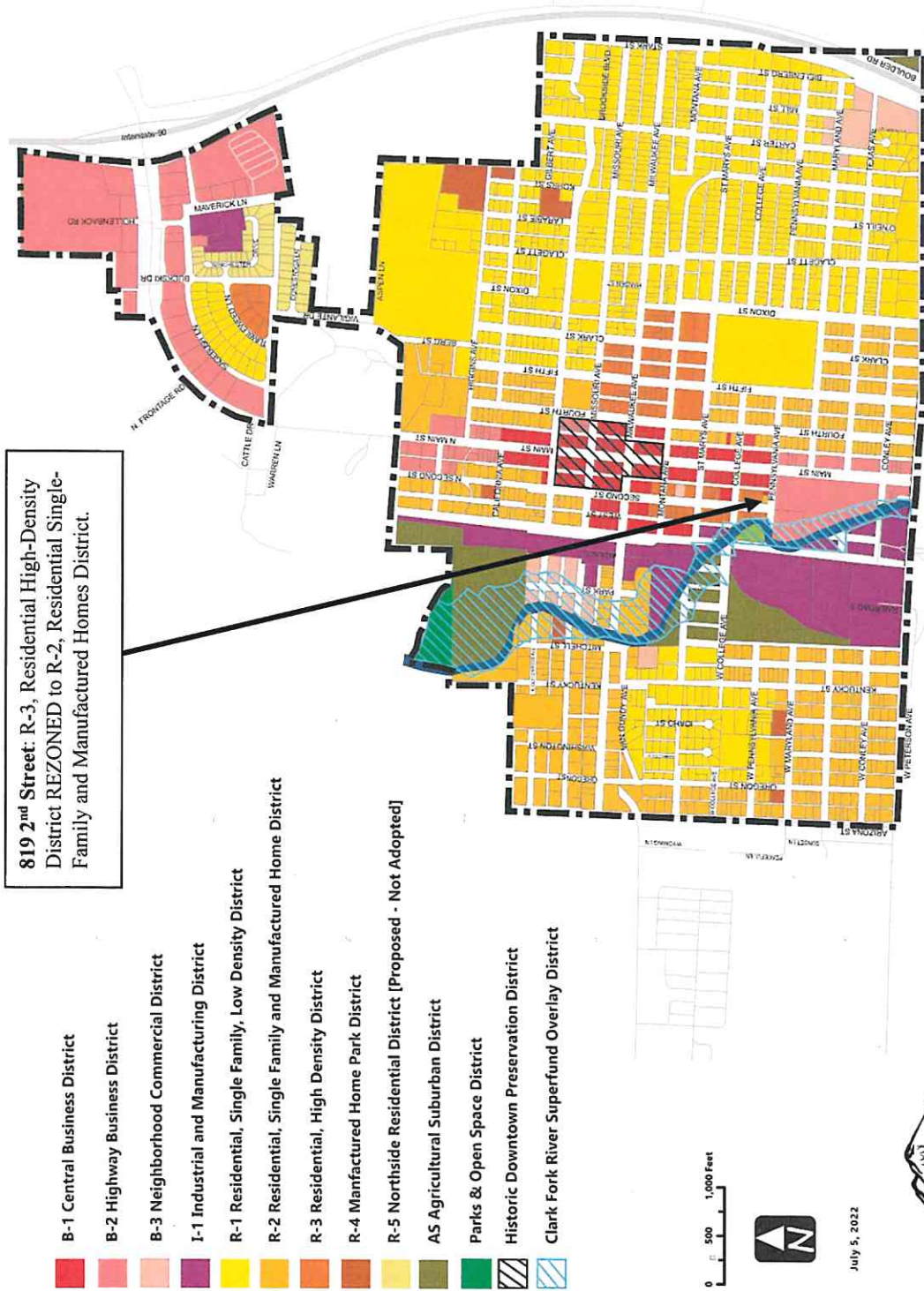
Attest:

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Cyndi Thompson, City Clerk

**The effective date of Ordinance 2021-3 is August 19, 2022.**

**ATTACHMENT: Mapping Exhibit of the Location of the Rezoning**



**City of Deer Lodge Zoning**



July 5, 2022

