



COUNCIL AGENDA

November 7, 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: September 19, October 3, October 17, 2022
5. **Committee Reports** – Approve as presented
 - a. City Council Operations – Rob Kersch
 - b. Finance Committee – Dick Bauman
 - c. Economic Growth & Development – John Henderson
 - d. Public Health & Safety – Joseph Callahan
 - f. Public Works – Jackie Greenwood
6. **Board Reports**
 - a. Airport Board – Gordon Pierson
 - b. Powell County Parks Board – Joseph Callahan
 - c. Chamber of Commerce – John Henderson
 - d. Headwaters RC&D – Joseph Callahan
 - e. Historic Preservation – Curt Fjelstad
 - f. Landfill – Rob Kersch
 - g. Local Emergency Planning Committee – 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 | October Claims – Stanley Glovan. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.
 - b. Cell Block Tavern Liquor License Approval – Jordan
 - c. Code Enforcement Officer, Kody Ryan, Appointment – Mayor Jess
 - d. Board of Adjustment Member, Kirk Hayes, Appointment – Mayor Jess
 - e. Passenger Refueling Area Pay Estimate #5 – Trent

- f. Landfill Drying Bed Pay Estimate #3 – Trent
- g. 2022 Street Maintenance Project Pay Estimate #1 – Trent
- h. 120 Water Proposal for the New Lead and Copper Rule Revisions (LCRR) – Trent
- i. Ordinance 2022-5 1st Reading: American Legal Codification – Jordan
- j. Ordinance 2022-6 1st Reading: Removing IBC 2021 from Title 15 – Jordan

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

- Economic Growth & Dev – November 2 at 4 PM
- Finance – November 7th at 4PM
- Public Health & Safety – November 9th at 5 PM
- City Council Operations – November 14th at 5 PM
- Planning Board – November 21st at 10AM
- Council #2 – November 21st at 6 PM
- Public Works – November 22nd 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, November 21, 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 September 19, 2022, at 6 PM | PC Community Center

Members Present:	John Henderson, John Molendyke, Curt Fjelstad, Jackie Greenwood, Dick Bauman, Rob Kersch
Members Absent:	Joseph Callahan, Gordon Pierson
Mayor:	James Jess
CAO:	Jordan Green
Staff:	Trent Freeman, 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. City staff not to interrupt council member when speaking.

3. Approval of Minutes

- a. Regular Meeting: September 6, 2022.

Member Fjelstad motioned to approve minutes as presented. Council President Bauman seconded the motion. 5 Ayes, 0 No's, 1 Abstained, 2 Absent. Motion passed.

4. Public Hearing.

- a. Community Development Block Grant Housing Grant – Jordan

The purpose of the first public hearing is to provide an objective and neutral forum for considering overall community needs and potentially competing or alternative proposals for CDBG projects to deal with those needs, within the local government's jurisdiction.

The first hearing:

- is intended to give citizens an opportunity to identify and discuss their community's overall community development and housing needs, including the needs of LMI persons, and to propose possible community improvement projects to meet those needs, before the local government makes a decision on what project or projects it will seek CDBG assistance for, and
- should inform the public about the amount of state CDBG funds estimated to be available to Montana communities, and the kinds of activities that are eligible to be assisted with CDBG funds.

No comments from council prior to opening Public Hearing

Public Hearing opened at: 6:06pm

Desera Towle – With her background in Real Estate she discussed the cost of the housing market and how it's becoming more difficult for people to purchase. Discussed ideas for housing building planning and community planning. Discussed potential housing funds using CBDG.

Public Hearing closed at: 6:17pm

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. Jackie – Prison rumor, closing of archery area for prison workers housing.
- b. Mayor Jess – Skatepark bullying, graffiti, social media post about the skatepark. Installing lights and cameras.

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. Resolution 2022-R-16: Setting FY23 Mill Levies – Jordan

Member Kersch titled Resolution 2022-R-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE PROVIDING FOR THE ANNUAL TAX LEVIES FOR THE CITY OF DEER LODGE, MONTANA FOR THE FISCAL YEAR 2022-2023.

Levied upon each and every dollar of the taxable valuation of the City of Deer Lodge, Montana, for the fiscal year 2022-2023 the following levies:

General Fund	89.86 mills
Comprehensive Liability Insurance	5.15 mills

Library Fund	19.01 mills
Fire Hall G.O. Bonds	20.98 mills

For a total mill levy based on a taxable valuation of \$3,187,046 is set at a total of 135 mills for a total tax collection of \$430,252.00.

Council President Bauman motioned to approve Resolution 2022-R-16 as presented. Member Kersch seconded the motion. 6 Ayes, 0 Nos, 2 Absent. Motion passed.

b. Resolution 2022-R-17: Setting Special Improvement District Levies – Jordan

Member Henderson titled Resolution 2022-R-17

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE SETTING THE NUMBER OF LEVIES TO BE LEVIED ON THE PROPERTY WITHIN THE SPECIAL IMPROVEMENT DISTRICTS OF THE CITY OF DEER LODGE, MONTANA FOR THE FISCAL YEAR 2022-2023.

City Council of the City of Deer Lodge, Montana, has determined the Special Improvement District Assessments and there shall be an assessment levied on property embraced within each established district of the City of Deer Lodge for the fiscal year 2022-2023 as follows:

1. All parcels, including vacant lots, within Street Maintenance District #4 will be assessed at a rate of \$.032 per square foot for maintenance of city streets. The total assessment of this district will be \$601,723.88; and
2. Properties benefitted only by City Lighting District #104 will be assessed \$47.79/year for the purpose of furnishing electrical current thereof. The total assessment of this district will be \$68,339.70; and
3. Properties benefitted only by Main Street Lighting District #105 will be assessed \$91.67/year for the purpose of furnishing electrical current thereof. The total assessment of this district will be \$3,208.45; and
4. Properties benefitted only by Maverick Lane Special Improvement District will be assessed a flat rate determined and approved through Resolution 2019-R-29 for the purpose of improvements and maintenance of Maverick Lane. Per resolution, assessment is set at \$6,695.00.

Member Kersch motioned to approve Resolution 2022-R-17 as presented. Council President Bauman seconded the motion. 6 Ayes, 0 Nos, 2 Absent. Motion passed.

c. Budget Review – Jordan

Jordan presented the overview of FY2022-2023 Municipal Budget. Vote from City Council to set a Public Hearing of presented budget review.

Council President Bauman motioned to approve as presented and move forward to a Public Hearing. Member Greenwood seconded the motion. 6 Ayes, 0 Nos, 2 Absent. Motion passed.

- d. AOK Campground Grazing City Code Variance – Jordan
Mr. Clasby's request is to place a fence and a couple of animals for temporary grazing on the land next to the AOK Campground. Per City Code under animals, in the agricultural suburban district, livestock requirement is one animal per acre for a maximum of two animals. Variance request from Mr. Clasby is to allow 6 animals of the 15+ acres for grazing purposes.

Council President Bauman motioned to approve 6 animals for grazing now until the end of 2022. Member Greenwood seconded the motion. 6 Ayes, 0 Nos, 2 Absent. Motion passed.

- e. Clerical Collective Bargaining Agreement Addendum – Jordan
Bring an addendum to the clerical contract is to increase the City Clerks to \$20 per hour. Next year's contract when it's time to renew the contract there will not be an increase for 2023. Year 2024/2025 the clerks will have the right to negotiate an increase.

Member Kersch motioned to approve the pay increase to the City Clerks as presented. Member Henderson seconded the motion. 6 Ayes, 0 Nos, 2 Absent. Motion passed.

- f. Growth Policy Proposal Review and Selection – Jordan
City Council unanimously voted to table the Growth Policy Proposal Review and Selection so they can have more time to review the selections.
- g. Community Organization Meeting Announcement – Jordan
Discussed having a forum and a resource guide. There will be a round-table meeting Thursday, October 15 at 5pm at Broken Arrow if anyone would like to attend. No Voting, Informational only.

9. Next Meeting Announcements

- a. Regular Meeting – Monday, October 3, 2022, at 6PM

10. Adjournment

Mayor Jess adjourned the meeting at 8:02PM.

Prepared By: Cyndi Thompson, City Clerk

James Jess, Mayor

Date

CITY COUNCIL

MINUTES

The City Council met on October 3, 2022, at 6 PM | PC Community Center

Members Present:	Dick Bauman, Joseph Callahan, John Henderson, Jackie Greenwood, John Molendyke, Rob Kersch, Curt Fjelstad
Members Absent:	Gordon Pierson
Mayor:	Jim Jess
CAO:	Jordan Green
Staff:	Police Chief Smith, Trent Freeman, Stan Glovan
Consultants	None
Guests:	See sign in sheet

1. Call Meeting to Order | Pledge of Allegiance

Council President Bauman 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. Member of the public discussed setbacks and existing square footages. Mayor explained we will be discussing this tonight and thanked him for his comment.

3. Public Hearing.

- a. Community Development Block Grant Housing Grant Application – Jordan
2nd public hearing for the Community Development Block Grant Housing Grant Application whereas the City is looking at being a pass thru for funding for a local developer for a housing project in town. Molly Ailene will be the grant writer and was present virtually.

We missed the 1st cycle of the grants due to time constraints and will apply for the next grant cycle.

Discussed 80 acres east of Jaycee Park that's under contract by Gary Chilcott for housing development. Increase the housing stock that's feasible for purchase. Keep the housing low and provide asset for the community. Combination of 2 bed 2 bath single family homes and 3 bed 2 bath homes, no duplexes. Looking at building 100-200 homes depending on the flood plain requirements. No cost to the city, the city will only be used as a pass thru of funds. Water and sewer infrastructure and roads were discussed.

Public Hearing opened at: 6:23pm.

Desera Towle – Discussed livability of a home and having a half bath could make a big difference. Jordan stated that the 2 and 3 bedrooms did have 2 baths. Discussed alleys, utilities, and floodplain issues. Keep an open mind and think manufacturing housing as well.

John Greenwood – With the housing increasing will we need to look at more cops for the city? City Attorney Elverum stated as the housing in town grows the City will continue to look at staffing to best fit the towns needs. Asked about individual playground for the housing development and the increased impact of children at the schools.

Public Hearing closed at: 6:33pm.

Molly stated we will be addressing some of those issues the public brought up as we move forward with the development project.

- b. Budget Public Hearing – Jordan
 - i. Action Item: Vote on Resolution 2022-R-18

Public Hearing opened at: 6:36pm.

Public Hearing closed at: 6:37pm.

Member Kersch Titled Resolution 2022-R-18

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF DEER LODGE ADOPTING FINAL BUDGETS, BUDGET AUTHORITIES AND ANNUAL APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023.

Council President Bauman motioned to approve Resolution 2022-R-18 as presented. Member Molendyke seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

- c. Zoning Amendments Public Hearing – Jordan

Discussed the zoning amendments in a previous council meeting. This is brought forward to council for a vote to bring it to a public hearing should council adopt the presented changes to Title 11 Zoning. The changes brought forth is from the Planning Board with recommendations to City Council to adopt as presented.

Red lined changes were presented for sub-chapters:

- 11.01.030.010 – Application of District Regulations
- 11.01.040.030 – Principal Structures
- 11.01.110.020 – Appropriate Landscaping Materials
- 11.01.150.020 – Permitted Uses
- 11.01.150.030 – Lot Area and Width
- 11.01.150.040 – Lot Coverage and Floor Area
- 11.01.150.100 – Modular Home Requirements
- 11.01.160.020 – Permitted Uses
- 11.01.160.030 – Lot Area and Width
- 11.01.160.030 – Lot Coverage and Floor Area
- 11.01.160.100 – Permitted Conditional Uses
- 11.01.170.020 – Permitted Uses
- 11.01.170.030 – Lot Area and Width
- 11.01.170.040 – Lot Coverage and Floor Area

Public Hearing opened at: 6:55pm

Bill Bandy – Stated he was in favor of the changes presented.

John Greenwood – Stated low density neighborhoods can make concerns for more crime.

Rick Buck – Asked about the proposed development and water/sewer infrastructure. Is in favor of the development.

Desera Towel – Asked about ADU units and when the planning board will be looking into that. Also stated she was in favor of the changes presented.

Public Hearing closed at: 7:01pm.

Member Kersch motioned to approve as presented. Council President Bauman seconded the motion. 6 Ayes, 1 No, 1 Absent. Motion passed.

4. Approval of Minutes.

- a. Regular Meeting: Deferred until next meeting

5. Committee Reports – Accepted as presented.

- a. Council Ops – Rob Kersch (Chairperson)
Reviewed additional City Policy changes. Recommended to send to City Council. Received update on City Code Codification process.
- b. Economic Growth & Development – John Henderson (Chairperson)
Main Street Banners - Member Bauman presented pictures of banner samples, Jordan suggested applying for a Dept. of Commerce Montana Main Street Grant. The committee moved to have Jordan write a grant for the banners.

Business Improvement Districts (BID) – Jordan suggested at looking to hire an expert on BID's, Member Bauman discussed money distribution and who would be eligible to be in the BID, Member Henderson suggested creating four separate Main Street BID's. The committee moved to have Jordan pursue possibility of the Montana Main Street grant be used to hire an expert to help develop BID.

c. Finance – Dick Bauman (Chairperson)

City Judge Clerk explained and answered questions about uncollected fines. Numerous claims from Public Works were reviewed, approved, and will be recommended for payment to City Council. August claims were approved, signed, and will be presented to City Council. 22/23 final budget was discussed and will be forwarded to City Council for approval.

d. Public Health & Safety – Joseph Callahan (Chairperson)

No September Meeting.

e. Public Works – John Henderson (Chairperson)

Selection of a new committee chair was tabled till the next meeting. The Persons/Mitchell/Roberts Abandonments were approved to send to council. Trent gave an update on the Paser project, the street will be paved weather permitting but chip sealing will have to be held off till next year.

6. Board Reports -

a. Airport Board – Gordon Pierson

Absent, and Member Pierson emailed Mayor Jess with an update. Airport discussion was about the expansion.

b. Powell County Parks Board –Joseph Callahan

Was not able to attend.

c. Chamber of Commerce – John Henderson

Was unable to attend. Jordan provided an update. Discussed the Christmas Stroll event, Main Street Decorations, Scarecrow contest. Received some funding from the County Commissioners to fund Julie Schrodgers position.

d. Headwaters RC&D – Joseph Callahan

No meeting.

e. Historic Preservation – Curt Fjelstad

Was unable to attend.

f. Landfill – Rob Kersch

Received Land Manager report, signs up showing prices, POS system, putting in a camera system.

g. Local Emergency Planning Committee – Dick Bauman

Elected Ida Miller as Vice Chair and arranging all day training.

h. Library – John Molendyke

Discussed Claims for August and budget. Talked about the Foundation, approved the manual update.

i. Planning Board – Dick Bauman
CBDG Housing application discussion and discussed the Growth Policy proposals.

j. Youth Board – Jackie Greenwood
Discussed the DJ they want to hire. Need decorations for Homecoming.

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 | September Claims – Stanley Glovan. Receive the informational report.
Accept the recommendation from the Finance Committee and approve the claims.

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

b. Skatepark Camera Quote – Jordan

2 quotes presented. 1st quote is just 1 camera at the skatepark at \$2,769.63. 2nd quote is one camera facing the pavilion off the scoreboard at \$3,476.62, this does not include required electrical work.

Presented in Finance and the Finance committee chose to recommend the camera quote of \$2,769.63.

Member Greenwood motioned to approve camera quote of \$2,769.63. Member Molendyke seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

c. Personnel Policy Updates – Jordan

Was presented in Council Operations and have reviewed the Personnel Policy over the past 3 months. Presented policy and changes with MMIA and the City Attorney.

Member Henderson mentioned having infractions and obeying speed limit in the policy. Jordan will amend the policy to reflect that amendment.

Member Kersch motioned to approve the Personnel Policy with the added amendment. Member Greenwood seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

d. Ron Slauson Pay – Jordan/Police Chief Smith

This was presented to the Finance Committee with a recommendation to City Council to increase Ron Slauson's pay by \$1.00.

Council President Bauman stated that retention is important and therefore the increase is viable.

Member Kersch motioned to approve Ron Slauson's pay by \$1.00, Member Henderson seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

- e. Growth Policy Proposals: Review and Accept – Jordan
Reviewed by the Planning Board prior to presenting to Council. The Planning Board had several questions for Great West, Applied Communications & WGM Group. Questions and comments from each entity is presented in the packet.

Planning Boards recommendations to choose for adoption is Applied Communications Proposal and if the city chose not to go with that one Planning Boards second recommendation is Great West Engineering.

Member Kersch motioned to table this item till further education is received from staff on Growth Policy. Council President Bauman seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

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

- Economic Growth & Dev – October 5th at 4 PM
- Finance – October 3rd at 4PM
- Public Health & Safety – October 6th at 5 PM
- City Council Operations – October 11th at 5 PM
- ARPA Steering Committee – TBD
- Planning Board – October 17th at 10AM
- Council #2 – October 17th at 6 PM
- Public Works – October 25th 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 asked out the street at Missouri & Main as the road is being torn up. Staff Purchase a portable speaker system.
- b. Member Greenwood mentioned Westside Park equipment should have been brought in on a flatbed truck.

11. Next Meeting Announcements

- a. Regular Meeting: Monday, October 17, 2022, at 6 PM.

12. Adjournment

Mayor Jim Jess adjourned the meeting at 8:14PM.

Prepared By: Cyndi Thompson, City Clerk

Mayor Jim Jess

Date

CITY COUNCIL MINUTES

The City Council met on October 17, 2022, at 6 PM | PC Community Center

Members Present:	John Henderson, John Molendyke, Gordon Pierson, Jackie Greenwood, Dick Bauman, Rob Kersch, Joseph Callahan
Members Absent:	Curt Fjelstad
Mayor:	James Jess
CAO:	Jordan Green
Staff:	Trent Freeman, Peter Elverum, Stan Glovan, Brant Pierson
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. Gary Chilcot discussed his housing project for Deer Lodge and provided blueprints and arial map for council.

3. Approval of Minutes

- a. Regular Meeting: Deferred till next meeting

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. 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 Kersch discussed social media postings and we need to be careful how we respond or post anything. Silver State Post inaccurate information being posted in the paper, where are they getting their information if they aren't attending the meetings.
- b. Member Greenwood resident off of California is concerned about the garage that burnt prior, debris is building up and there could possibly create another fire.
- c. Mayor Jess, short a member on the Board of Adjustments Committee.

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. 1st Reading of Ordinance 2022-4: Zoning Amendments – Jordan

Member Kersch titled Ordinance 2022-4

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL AMENDING SECTIONS OF CHAPTER 1 OF TITLE 11 (ZONING) OF THE CITY OF DEER LODGE CODE TO ALLOW FOR GREATER HOUSING FLEXIBILITY

This will be passing the zoning code that we discussed and approved last council meeting.

Council President Bauman motioned to approve Ordinance 2022-4 as presented. Member Callahan seconded the motion. 6 Ayes, 1 No, 1 Absent. Motion passed.

- b. Growth Policy Proposal Selection – Jordan

Recommendation from Planning Board was Applied Communications and Great West Engineering. Council President Bauman stated he attends the Planning Board meetings and was more in favor of Great West as they had the best proposal, cover letter and they focus more on effective ways to gather advice and guidance of the residents. That's an important aspect as we need to involve ALL the public. The 2nd thing about Great West is they listed continued downtown revitalization. The third point is leveraging tourism to improve the economy and solidify community historic identity. The fourth item creating a plan that is realistic and achievable. In favor of Great West and would like to see achievable within the community.

Mayor Jess agreed with Great West being the best candidate.

Member Kersch was also in favor of Great West.

Estimated cost are in the proposals but actual price points will be brought forward to one of our committees.

Council President Bauman motioned to select Great West Engineering as our firm for the Growth Policy. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

9. Next Meeting Announcements

- a. Regular Meeting – November 7, 2022, 6:00PM at **City Hall due to election**

10. Adjournment

Mayor Jess adjourned the meeting at 6:37PM.

Prepared By: Cyndi Thompson, City Clerk

James Jess, Mayor

Date



COUNCIL COMMITTEE REPORT

OCTOBER 2022

Council Ops – Rob Kersch (Chairperson)

October 11th – Reviewed the Growth Policy.

Finance – Dick Bauman (Chairperson)

October 3rd - Minutes were deferred until Nov Meeting. There was no public comment. Skate Park camera quotes were reviewed and forwarded to council. Police Chief Smith explained need for a replacement Police car, no action taken at this time. Reviewed and signed claims for August and forwarded to City Council. There was no continued business. Next meeting is Nov 7th 2022.

Economic Growth & Development – John Henderson (Chairperson)

October 13th - New Business – *None*. Continued Business – *Main Street Banners*, Member Bauman presented pictures of banner samples, Jordan suggested applying for a Dept. of Commerce Montana Main Street grant. The committee moved to have Jordan write a grant for the banners. *Business Improvement Districts (BID)* – Jordan suggested at looking to hire an expert on BID's, Member Bauman discussed money distribution and who would be eligible to be in the BID, Member Henderson suggested creating four separate Main Street BID's. The committee moved to have Jordan pursue possibility of the Montana Main Street grant be used to hire an expert to help develop BID. Committee Comments or Concerns – Member Bauman stated he was going to have communication with a member of the public on economic growth. Next meeting is scheduled for November 2nd at 4:00 PM.

Public Health & Safety – Joseph Callahan (Chairperson)

No October Meeting.

Public Works – John Henderson (Chairperson)

October 25th - Public Works Manager, Trent Freeman presided over the meeting. Old Business: None, New Business: 120 Water proposal for the New Lead and Copper Rule Revisions (LCRR), Pay Estimate #5 approval to finance and Council for H&H Contracting for the Passenger Refueling Area project, Pay Estimate #3 approval to finance and Council for MJD Contracting for the Landfill Drying Bed project and Pay Estimate #1 approval to finance and Council for Hollow Contracting for the 2022 were motioned to approve and send on to finance committee and council. Next meeting November 22, 2022, at 5 PM.

FISCAL YEAR
JULY 1, 2022 TO JUNE 30, 2023
CITY OF DEER LODGE, MONTANA

APPLICATION FOR RETAIL ALL BEVERAGE LICENSE

Application must be filled out and sworn to before a notary public or other person authorized to administer oaths. The prescribed fee must accompany this application. Application must be filed with the City Clerk on or before June 1, 2022.

Carrie Lee Lease
(Full names of all applicants on renewal including names of all partners)
FCC LLC DBA: Cell Block Tavern
(Business name under which applicant operates)
818 Main St. Deer Lodge, MT 59722
(Location by street and number of the premises where the business is operated)

TO THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA: 28-722-6220-002

I HEREBY APPLY FOR A RENEWAL OF Retail All Beverage License No. _____ under the same terms and conditions as the original application and under oath make the following statements and answer the following questions, to-wit:

1. State in what capacity you make this application: Deer Lodge
2. Has there been any change in ownership or business during the past year? yes
3. Has there been any change in person or persons who operate said business? yes
4. Has there been any change in location of business? yes

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

License sold from Cutler Brothers Pkcd. 301 1/2 main St. to Cell Block Tavern, 818 main St. Deer Lodge, MT.

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

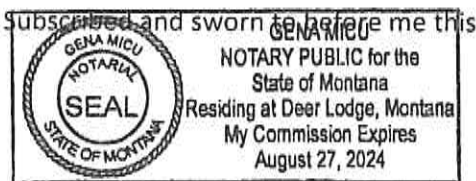
Dated at Deer Lodge, Montana, this 5 day of Oct., 2022.
Carrie Lease

(Signature of all Applicants)

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

Carrie Lease
(Signature of all Applicants)

5 day of October, 2022.



Hana Mow

Notary Public for the State of Montana
Residing at Powell County

My Commission expires Aug 27, 2024

License is consistent with the public's demand for the licensed activity in the proposed location, and that it will contribute to the public's ability to participate in the licensed activity. The Applicant has a proven history of responsible and safe management of the very business model she proposes to operate as the Cell Block Tavern. Such history indicates that Lease will operate the License in a manner that is not only lawful, but also ensures, to the best of her ability, that there will be no adverse effects upon the welfare and safety of the local public. For all of the reasons indicated above, the undersigned finds that the License must be granted.

ORDER

From the foregoing Findings of Fact and Conclusions of Law, IT IS HEREBY ORDERED that the Montana Department of Revenue Alcoholic Beverage Control Division, Licensing and Compliance Bureau, approve the application by FCC, LLC, Applicant Carrie Lease, for the Transfer of Montana All-Alcoholic Beverages License No. 28-722-6220-002 to be operated at Cell Block Tavern, 818 Main St. Deer Lodge, Powell County, assuming all other requirements have been met to the satisfaction of the Department, notwithstanding the protest filed against the application.

SO ORDERED.

DATED: October 5, 2022

MONTANA DEPARTMENT OF REVENUE

/s/ Laura Cunningham
LAURA CUNNINGHAM
Senior Administrative Law Judge

City of Deer Lodge
300 Main Street
Deer Lodge MT 59722

October 21, 2022

To whom it may concern,

At the City Council meeting on October 17, it was brought forward that there is an immediate opening for a position on the Board of Adjustments with the City of Deer Lodge.

I would like to be considered for this position. In our former hometown I was on several boards to include Community Coordinating Association, Downtown Association as well as the Economic Development Board. I have worked with former City Council on the Main Street USA Program, as well. I believe I could be an asset to our community of Deer Lodge.

Thank you for your consideration.



Kirk Hayes
Owner of K&M Burgers & More
209 Main Street
360-224-7289
KMCountryCafe@Outlook.com



Contractor's Application for Payment No. 5

To: City of Deer Lodge (Owner): MILWAUKEE ROUNDHOUSE C/KCHA Project: FACILITY PASSENGER REFUELING AREA (FRA) 2021 SOIL REMOVAL ACTION Owner's Contract No.:	From (Contractor): H and H Contracting, Inc. MILWAUKEE ROUNDHOUSE C/KCHA Contract: FACILITY PASSENGER REFUELING AREA (FRA) 2021 SOIL REMOVAL ACTION Contractor's Project No.:	Application Period: 07/15/22 to 10/14/22 Application Date: 10/17/2022 Via (Engineer): Hydrometrics, Inc. Engineer's Project No.: 20009	5
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Application For Payment Change Order Summary

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

1. ORIGINAL CONTRACT PRICE..... \$ 352,137.00
2. Net change by Change Orders..... \$ 12,748.09
3. Current Contract Price (Line 1 + 2)..... \$ 374,885.09
4. TOTAL COMPLETED AND STORED TO DATE
(Column F total on Progress Estimates)..... \$ 374,885.09
5. RETAINAGE:
 - a. 10% X Work Completed..... \$
 - b. X Stored Material..... \$
 - c. Total Retainage (Line 5.a + Line 5.b)..... \$
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)..... \$ 374,885.09
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)..... \$ 371,585.09
8. AMOUNT DUE THIS APPLICATION..... \$ 3,300.00
9. BALANCE TO FINISH, PLUS RETAINAGE
(Column G total on Progress Estimates + Line 5.c above)..... \$

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, has 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.

Payment of: \$ Three thousand three hundred dollars and no/100..... is recommended by: <i>[Signature]</i> (Engineer) 10/19/2022 (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: 07/15/22 to 10/14/22
 Application Number: 5
 Application Date: 10/17/2022

Bid Item No.	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	1		\$5,000.00		\$5,000.00	100.0%	
2	Erosion & Sediment Control	1	LS	\$5,400.00	\$5,400.00	1		\$5,400.00		\$5,400.00	100.0%	
3	Construction Facilities & Temporary Controls	1	LS	\$3,200.00	\$3,200.00	1		\$3,200.00		\$3,200.00	100.0%	
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	1		\$2,500.00		\$2,500.00	100.0%	
6	Strip & Stockpile Topsoil & Overburden	19	CY	\$310.00	\$5,700.00	19		\$5,700.00		\$5,700.00	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	846.27		\$14,386.59		\$14,386.59	100.0%	
9	Site Restoration	1.1	AC	\$3,300.00	\$3,300.00	1.1		\$3,300.00		\$3,300.00	100.0%	
10	Reconstruct Gravel Roads	146	CY	\$27.00	\$3,942.00	146		\$3,942.00		\$3,942.00	100.0%	
A	Excavate, Handle & Disposal of EXCESS Contaminated Soil	190.27	CY	\$30.00	\$9,513.50	190.27		\$9,513.50		\$9,513.50	100.0%	
Totals									\$74,885.09	\$74,885.09	100.0%	

October 18, 2022

VIA EMAIL

Mayor James Jess
City of Deer Lodge
300 Main Street
Deer Lodge, MT 59722

RE: Landfill Drying Bed Project – Application for Payment #3

Dear James:

Enclosed for your action is Payment Request No. 3 from MJD Contracting for the Landfill Drying Bed project. The Pay Request covers the construction items on the Project from August 19, 2022, through October 7, 2022. This Pay Request shows project completion at 95% to date. In addition to the items covered in the first two pay requests, it covers the remaining concrete installation including the wall added by change order, final grading, gravel placement and compaction, and installation of bollards.

A Substantial Completion walkthrough was completed on October 7 and a Substantial Completion Certificate and punch list were prepared. The remaining items to be completed include minor items as listed on the attached punch list. The retainage in the amount of \$11,157.50 will be more than sufficient to cover the punch list items.

Everything appears in order to recommend approval of Pay Request No. 3 for processing. Payment of \$87,513.52 will need to be made to MJD Contracting, and \$883.98 to the State of Montana for the gross receipts tax. As stated above, a total of \$11,157.50 retainage is being withheld from the payments to date.

Please contact me if you have any questions or need more information.

Sincerely,
MORRISON-MAIERLE, INC.

Rika Lashley, PE
Project Manager



Enclosure

Cc via Email: Alan Erickson, PE, CCM – Morrison-Maierle
MJD Contracting

Contractor's Application For Payment No. 3

Owner: City of Deer Lodge	Application Period: 8/19/2022 To 10/7/2022	Application Date: 10/7/2022	
Project: Deer Lodge Drying Beds	From (Contractor): MJD Contracting, LLC.	Via (Engineer): Morrison Materle	
Owner's Contract No.:	Contractor's Address: 12 Ponderosa Rd. Clancy, MT 59634	Engineer's Project No.: 347.03401	
	Contractor's Project No.: 22025		

Change Order Summary

Approved Change Orders											
Number	Additions	Deductions									
1	\$13,500.00										
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">TOTALS</td> <td style="width: 20%; text-align: right;">\$13,500.00</td> <td style="width: 20%;"></td> <td style="width: 10%; text-align: right;">\$0.00</td> </tr> <tr> <td>NET CHANGE BY CHANGE ORDERS</td> <td></td> <td></td> <td style="text-align: right;">\$13,500.00</td> </tr> </table>				TOTALS	\$13,500.00		\$0.00	NET CHANGE BY CHANGE ORDERS			\$13,500.00
TOTALS	\$13,500.00		\$0.00								
NET CHANGE BY CHANGE ORDERS			\$13,500.00								

Payment Details

1. ORIGINAL CONTRACT PRICE.....	\$ 209,650.00
2. Net change by Change Orders	\$ 13,500.00
3. CURRENT CONTRACT PRICE (Line 1 ± 2)	\$ 223,150.00
4. TOTAL COMPLETED AND STORED TO DATE.....	\$ 223,150.00
5. RETAINAGE:	
a. 5% x <u>\$223,150.00</u> Work Completed	\$11,157.50
b. 5% x <u>\$0.00</u> Stored Material	\$0.00
c. Total Retainage (Line 5a + Line 5b)	\$11,157.50
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)	\$ 211,992.50
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)	\$ 123,595.00
8. AMOUNT EARNED THIS APPLICATION	\$ 88,397.50
9. LESS GROSS RECEIPTS TAX THIS APPLICATION(1%)	\$ 883.98
10. AMOUNT DUE THIS APPLICATION (Line 8- Line 9)	\$ 87,513.52
11. BALANCE TO FINISH, PLUS RETAINAGE	\$ 11,157.50

Contractor's Certification

The undersigned Contractor certifies that: (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 Work covered by prior Applications for Payment; (2) title of 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 Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

By: Mandy Logg Date: 10/7/22
(Contractor)

Approval Section

Payment of: \$ _____
(Line 10 or other - attach explanation of other amount)

is recommended by: _____ (Date) _____
(Engineer/Inspector)

Payment of: _____ (Date) _____
Line 10 or other -attach explanation of other amount

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

Approved by: _____ (Date) _____
Funding Agency

Deer Lodge WWTP – Landfill Drying Beds Punch List

Site/Access Road/Gravel:

- The two larger culverts are deformed and have a slight belly. Trent Freeman chose to accept them for now and watch through the warranty period. If conditions get worse, they may need to be replaced.
- Kick some riprap in front of the downstream end of the culverts to help prevent washing out the soil just beyond the pipe.
- One more pass for rolling on the south side of the pad (to be complete Friday 10/7/2022).
- Fix small drain/grade issue on NW side of pad to allow surface drainage to flow west for about 20-30 feet (to be complete Friday 10/7/2022).
- Fix small depression just beyond the gravel on the SE edge of the gravel pad to allow for dump truck to pull forward when backing into and out of drying beds (to be complete Friday 10/7/2022).

Pad/Concrete:

- Remove form tie metal plates and grout over the tie to leave no metal exposed. While there, check for and fill in some of the larger voids (quarter size and up).
- Submit 28-day break results for wall concrete.

Drains & Septic Tank:

- Grout between drain pipe and pipe sleeve.
- Install drain plug U-bolts and steel plate at east drainpipe location.
- Supply the drain plugs.

Contractor's Application for Payment No. 1

Owner: City of Deer Lodge	Application Period: August - October, 2022	Application Date: 21-Oct-22
Project: 2022 Street Maintenance	Contractor: Hollow Contracting	Engineer: Stahly Engineering
	Date of Contract: July 7, 2022	Engineer's Project No.: 2506-03K20





Change Order Summary

Approved Change Orders		
Number	Additions	Deductions
TOTALS	\$0.00	\$0.00
NET CHANGE BY CHANGE ORDERS	\$0.00	

1. ORIGINAL CONTRACT PRICE \$ 444,137.85
2. Net Change by Change Orders \$
3. CURRENT CONTRACT PRICE (Line 1 +/- 2) \$ 444,137.85
4. Work Completed to Date \$ 362,980.65
5. Stored Materials \$ 0.00
6. SUBTOTAL (Lines 4 + 5) \$ 362,980.65
7. Retainage (Line 6 x 5%) \$ 18,149.03
8. PREVIOUS PAYMENTS (Line 9 from prior application) \$
9. GROSS AMOUNT DUE (Line 6 - 7 - 8) \$ 344,831.62
10. 1% MT Gross Receipts Tax (Line 9 x 1%) \$ 3,448.32
11. NET AMOUNT DUE THIS APPLICATION (Line 9 - 10) \$ 341,383.30

CONTRACTOR'S CERTIFICATION

The Undersigned Contractor certifies that: (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 Work covered by Prior Applications for Payment; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass 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 Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Payment of:	\$341,383.30	
is recommended by:	 Engineer	Date 10/21/22
Payment of:	\$341,383.30	
is approved by:		Date
Approved by:	 Contractor	Date 10/24/2022
Approved by:	 Owner	Date
Approved by:	 Funding Agency (if applicable)	Date

Progress Estimate

Contractor's Application

For (contract):		2022 Street Maintenance		Application Number: 1							
Application Period:		August - October 2022		Application Date: 10/21/2022							
Item No.	Description	A			WORK COMPLETED			G			
		Item Quantity	Units	Unit Price	B	C	D		E	F	
					Scheduled Value	From Previous Application	This Period	Materials Presently Stored	Total Completed and Stored to Date (C+D+E)	% (F/B)	Balance to Finish (B-F)
1	General Requirements	1	LS	33,000.00	33,000.00		1		33,000.00		
2	Traffic Control	1	LS	24,200.00	24,200.00		0.7		16,940.00		
3	2 Inch Cold Mill	6752	SY	3.00	20,256.00		6803		20,409.00		
4	Transition Mill	317	SY	7.00	2,219.00		396		2,772.00		
5	Dig Out and Pave	2134	SY	29.50	62,953.00		2249		66,345.50		
6	Paving	11,535	SY	15.85	182,829.75		11599		183,844.15		
7	Asphalt Tack Coat	1	LS	2,500.00	2,500.00		1		2,500.00		
8	Crack Sealing	7258	LF	2.25	16,330.50		7668		17,253.00		
9	Asphalt Seal Coat	27,465	SY	2.84	78,000.60		0		0.00		
10	Paving Fabric	4783	SY	3.00	14,349.00		4139		12,417.00		
11	Concrete Valley Gutter	20	SY	375.00	7,500.00		20		7,500.00		
SUB-TOTALS					\$444,137.85	\$0.00	\$32,876.70	\$0.00	\$362,980.65		\$0.00

Create and Validate Your Service Line Inventory with 120Water

The Lead Service Line inventory is the first step to Lead and Copper Rule Compliance—and it's no easy task. The process of locating, recording, and validating material types for your service lines is not only mandatory under the revised Lead and Copper Rule, but it lays the groundwork for future replacement plans as the nation works to get the lead out and protect public health.

LCR Revisions

What You Need To Know

- Utilities **must conduct** a location-based inventory of all service lines, including lead pipes, galvanized pipes previously connected to lead, non-lead pipes, and unknowns, by 2024
- If LSLs are found, utilities **must create** a Lead Service Line Replacement Plan
- The inventory **must be made publicly available**, either upon request (utilities serving less than 50,000 customers) or accessible online (utilities serving more than 50,000 customers)

Achieve LSL Inventory Compliance with Confidence

120Water's Service Line Inventory Solution is the only way to build and manage a location-based inventory from start to finish. Our combination of kits, software, and consultative services will help you understand the current landscape of your lines, validate that information, and communicate effectively. The comprehensive solution guides you through each stage of the inventory process, ensuring efficiency and compliance at every turn.



120Water™

Trusted by



To learn more, visit 120water.com



Develop A Preliminary Inventory

Regardless of your starting point, the 120Water services team will provide curated recommendations for your LSL project, walking your team through the processes of identifying current data, performing a quality analysis, and digitizing information to load into the 120Water platform.



Predict LSL Locations Using Machine Learning

120Water's Probability Finder uses machine learning to accurately predict the presence of lead in any unknown service line locations within your data set. Uncover clear next steps for prioritization and verification. The highly credible model will continuously provide scientifically validated outputs, with our service team proposing verification plans based on that data. Achieve a level of confidence that allows you to submit a compliant, verified inventory.



Validate Your Inventory

Easily segment your data in order to assign the appropriate validation techniques. Once data is added to verification projects, clear workflows break the validation process into manageable segments. 120Water's ability to ship

Control ID	Address	Lead	Program	Lead	Material	Date System	Lead	Status
1275	1275 North Park Road, W 14077	1	Lead Service Line Replacement	2018	Lead	2018/10/10	Lead	Lead
1407	1407 North Park Road, W 14077	1	Consumer Request Program	2018	Lead	2018/10/10	Lead	Lead
253	253 North Park Road, W 14077	1	Consumer Request Program	2018	Lead	2018/10/10	Lead	Lead
229	229 North Park Road, W 14077	1	Consumer Request Program	2018	Lead	2018/10/10	Lead	Lead
2818	2818 North Park Road, W 14077	1	Consumer Request Program	2018	Lead	2018/10/10	Lead	Lead
6602	6602 North Park Road, W 14077	1	Consumer Request Program	2018	Lead	2018/10/10	Lead	Lead
1165	1165 North Park Road, W 14077	1	Consumer Request Program	2018	Lead	2018/10/10	Lead	Lead
1181	1181 North Park Road, W 14077	1	Consumer Request Program	2018	Lead	2018/10/10	Lead	Lead
2775	2775 North Park Road, W 14077	1	Consumer Request Program	2018	Lead	2018/10/10	Lead	Lead
7926	7926 North Park Road, W 14077	1	Consumer Request Program	2018	Lead	2018/10/10	Lead	Lead

The 120Water services team will provide curated recommendations for your LSL project.

and track Lead-Check swabs makes for user-friendly private-side validation, while mobile collection forms can be used by field teams for public side lines. Results flow directly into the platform for simple, centralized data coordination.



Ensure total Compatibility with GIS

120Water is able to push and pull data to and from your GIS, mapping LSL data to make sure that your utility's data is centralized and continuously up-to-date. Act with confidence knowing that no information has slipped through the cracks, with no manual data transfer necessary.



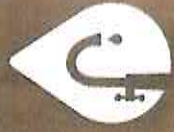
Meet Communication Compliance Requirements

Create the LCRR-mandated public transparency dashboard to show service line materials for all residents within your community. In addition, 120Water's Communications Module manages the creation and delivery of consumer notifications, keeping your system within the mandated 24-hour notification requirements when necessary.



120Water™

Inventory



120Water™



1ST AND 5TH
COMPLIANCE
SAMPLING

Optional: FACILITIES PLANNING & SAMPLING

FACILITIES PLANNING & SAMPLING

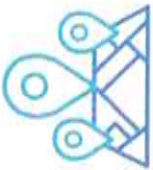


REPLACEMENT SAMPLING, PITCHER/FILTER KITS, AND COMMUNICATION

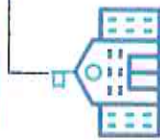
INVENTORY DEVELOPMENT
AND VALIDATION

PLATFORM

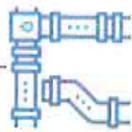
Foundation for achieving LCRR compliance



Service Line Inventory
Location-based



School & Childcare
Facility Sampling



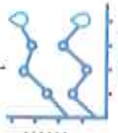
Replacement
Sampling & Filters



24-Hour Notice
Triggered Communication



"Find & Fix" Provision
Retest & Remediate



Action & Trigger Level
15 ppb vs 10 ppb

Key Dates

December 16, 2021
LCRR Effective Date

October 16, 2024
LCRR Compliance Date

Prior to October 16, 2024
EPA Finalizing Lead and
Copper Rule Improvements
(LCRI)

Why Now?

Overview

EPA Revisions: Lead Service Line Inventory

Public Water Systems must develop a preliminary inventory of both **public** and **private** side service lines within 3 years of final rule publication, and use this preliminary inventory to create a replacement plan for known or possible lead service lines.

Get Started

LCRR playbook for distribution systems that likely **have lead**

Develop

1. Develop Preliminary Inventory
 - a. Gather, digitize, and clean existing SL data
 - b. Include inventory of schools & daycares
2. Create Customer Engagement Strategy
3. Run Predictive Model

Verify

4. Verify Preliminary Inventory
 - a. Verification planning/prioritization
 - b. Execute private-side field projects
 - c. Execute public-side field projects
 - d. Re-run Predictive Model
 - e. Create Replacement Plan
5. Provide Public Transparency Dashboard

Replace, Sample, Report

6. Pitcher/Filter Program
7. Sampling
 - a. Replacement monitoring
 - b. 1st and 5th Liter Compliance Monitoring
8. Manage Schools & Daycares Sampling
9. Report (as necessary) to Primary Agency



120Water™

Who?

What do I care about?

Three buckets (generally):

Current perception:

1. I know have no lead.
2. I don't have adequate records.
3. I know I have lead.

Perceived Need:

1. What is the minimum I need to do to be compliant?
2. I either just need to get compliant (reactive) or I am actively trying to pull lead out (proactive).
3. I either just need to get compliant (reactive) or I am actively trying to pull lead out (proactive).



Talking Points

Who?



Proactive:

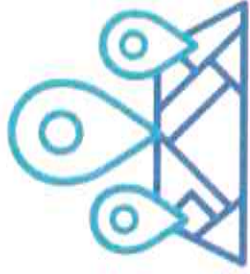
- Submitting the LSL Inventory is just the first step.
- Having an integrated solution that can help you manage **every aspect** of your LCR programs will save you money and countless hours of manual work.

Reactive:

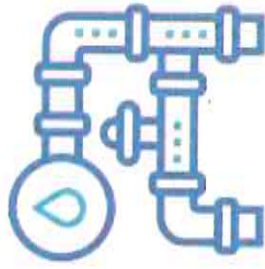
- There is no point in digging holes if you know you have no lead, use 120's data and predictive modeling to **verify and expedite** your processes.
- We are an end-to-end solution so you don't have to think about managing multiple projects just to get compliant, allowing you to spend time on more important issues

The Problem

Starting points



No Current LSL
Program



"Find and Fix"
Program

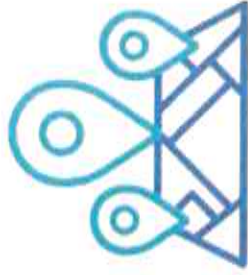


Active LSL
Program



The Problem

What are they currently doing?



No Current LSL Program

Current situation

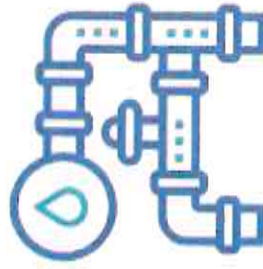
- Limited to no LSL inventory
- In compliance for LCR
- Not actively replacing LSL's

How we can help

- Develop your inventory
- Find and manage all data
- Create an LSLR plan
- Ensure compliance

What are they currently doing?

The Problem



“Find and Fix” Program

Current situation

- At least a limited LSL inventory
 - Likely still largely unknown materials
- In compliance for LCR
- Not proactively replacing LSL's
- If LSL's are found during Main replacement or repairs, LSL's are traditionally replaced on public side; private side replaced at low interest loan

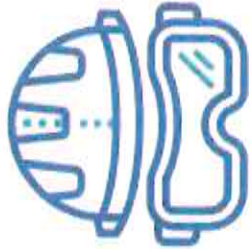
How we can help

- Develop/finish your inventory
- Manage all data (including partial data from Find and Fix)
- Create an LSLR plan
- Ensure compliance



What are they currently doing?

The Problem



Active LSL Program

Current situation

- Limited to Advanced LSL inventory
 - Likely still largely unknown materials
- Actively replacing Public and/or Private LSL's
 - May provide financial relief to customers
- May or may not be in Compliance for LCR

How we can help

- Develop and/or validate your inventory
- Manage all data
- Help develop the most efficient replacement plan
- Ensure compliance
- For replacement: we communicate to customers, provide POUs, and provide sampling pre/post replacement

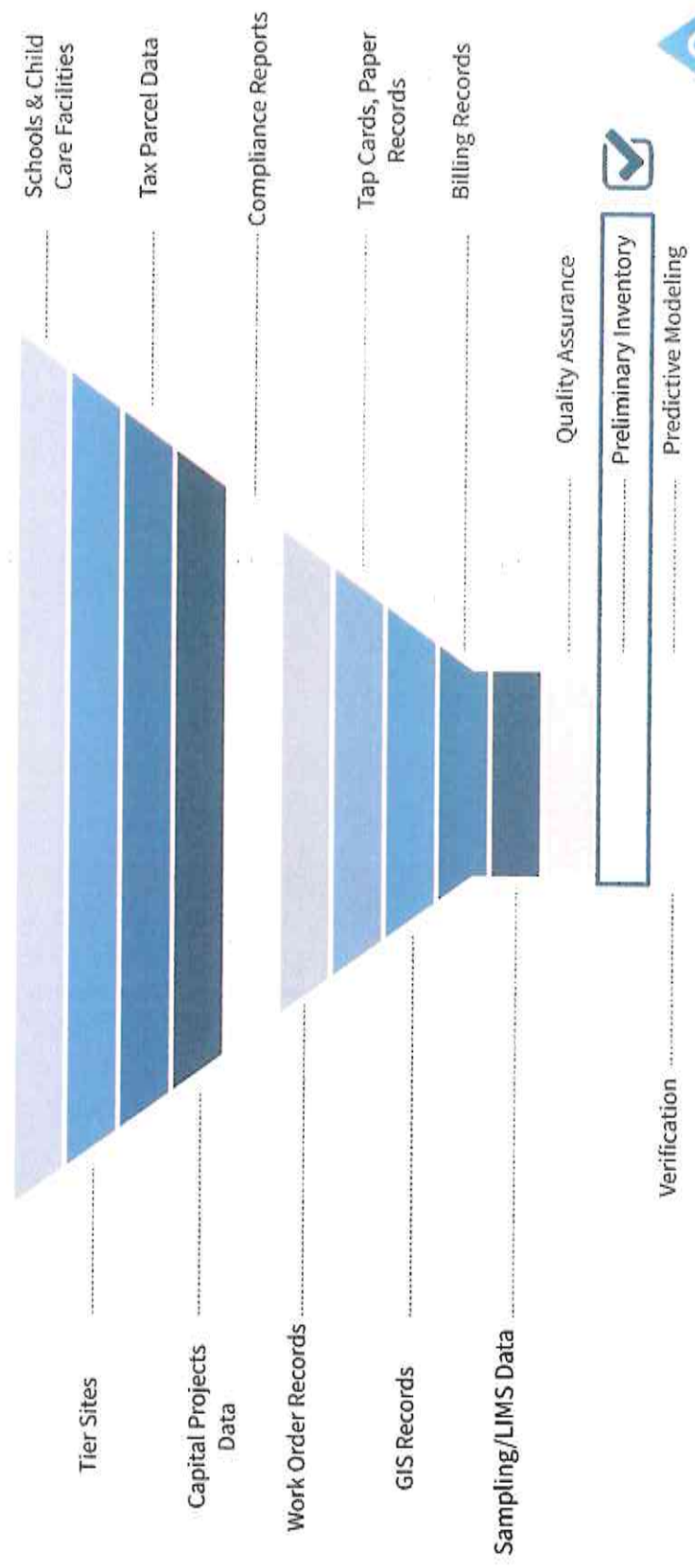
Top Data Sources to Build Your Inventory

- Top Data Sources:
 - GIS, work order + billing systems
 - Contractors
 - Historical Records
 - Tax parcel data
 - Customers
 - Capital improvement projects
 - Other Documentation
- Tips for finding and digitizing these records?
 - Check policy and plumbing codes when LSL restricted relative to federal ban in 1986
 - Examine your existing data
 - Layer in city records (such as tax parcel data) to understand home age and relevant data points
 - Communicate and collaborate with personnel throughout the utility

Preliminary Inventory Development

Develop

Create your inventory, regardless of starting place



Methods for Verification

(What are the most common methods for inventory verification?)

Digital

Valuable if PWS has access to robust datasets, both digital and physical.

- Data mining of existing databases
 - E.g., GIS
- Predictive modeling/ machine learning
- Physical asset digitization and transcription
 - E.g., Tap Cards

Interior

Valuable if resident population can be engaged to assist in mostly-private side data collection.

- Door-to-door inspections
- Resident survey & photos
- Inspections during compliance sampling
- Contractor inspections
- Scratch and magnet tests
- Water quality sampling

Exterior

Valuable if PWS has large capital budget and wants to optimize planned investments.

- Field Validation
 - E.g., potholing
- Planned capital programs
 - E.g., water main rehabilitations

Customer Engagement Strategy

Develop

Planned, Proactive, Positive

Automated and triggered communications

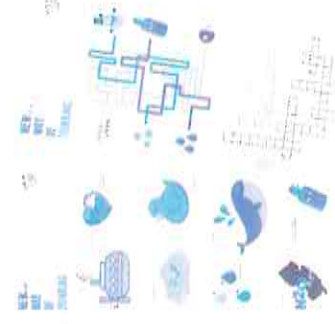
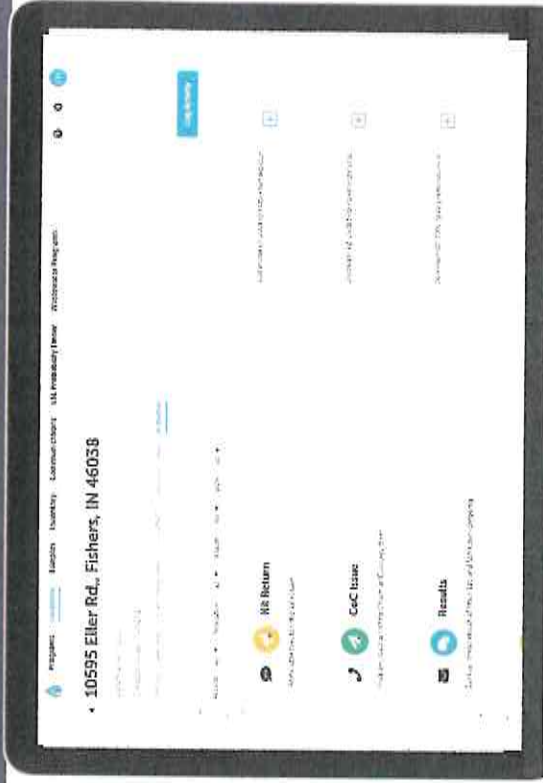
- Automatically generate and send templated notices anytime and anywhere they are needed.
- Engage with one location or the entire distribution system with a few clicks.

End-to-end activity tracking

- See history of all communications and activities with customers by location.

Custom postcards and surveys

- Provide an engaging and positive brand experience.



Solution

Inventory

The 120Water LSLI Solution

The 120Water platform + services helps our clients develop a preliminary inventory, chart a path for accurate long-term data, deliver a compliant LSLI by 2024, and plan for replacement programs.

Platform

The only place to track, manage, and analyze all the data needed for LCRR compliance

- Develop and manage an inventory
- Manage inventory validation (on public and private lines)
- Make data publicly available
- Communicate with customers
- Integrate with existing tools like GIS

Services

Our expert consultative services can walk you through every step from inventory to compliance

- Develop preliminary inventory
- Compliance documentation
- Inventory development campaigns
- Lead Check Swabs
- Customer Survey Postcards
- Replacement Planning

Differentiators

Address-centric records is a differentiator. For any customer address, the client will know:

- The SL material (or probability of lead) and verification method
- The status and/or results of any compliance or replacement sampling
- The status of receiving pitcher/filter kits
- A history of all received and scheduled communications

Services

Our LSLI services (in general) include:

Year 1

- Developing a preliminary inventory
- LSLI methods documentation for compliance purposes
- Year 1 Program Status Report

Years 2 + 3

- Continue building the inventory with campaigns (either directly engaging customers or leveraging existing utility projects) devised and executed by the Program Consultant in collaboration with the client.
- Replacement planning
- Program Status Report: Review and report of LSLI progress, risk areas, and recommendations for future years

Lead Check Swabs + Lead Survey Postcards

- Recommend strategy for where and how to deploy them
- Development of surveys to gather data
- Review and quality control of the information coming in for the campaign
- Insuring all data collecting during the campaign is in the platform and/or presented in a manner most useful to the client

1. Preliminary Inventory Development

✓ Create your inventory, regardless of starting point

- A service offering.
- We determine, collect, digitize, and import client's existing inventory - including physical tap cards, GIS data, and more.
- Visually display known inventory and sort by known/unknown and material type for both public/private lines.
- We perform QA to ensure data integrity.
- We import all additional addresses with unknown inventory.
- A key piece of PID will be the identification and flagging of all **schools and daycares** that will need to be a part of the later sampling process.

Programs Locations Samples Inventory Communications LSL Probability Finder

5701 Rippey St, Pittsburgh, PA 15206

Details Samples Communications Contacts Service Lines Activities

External ID: 2858 Service Line: 2858 Active

Pittsburgh

Map Data Terms of Use

Material: Public Line

CU: Unknown

Solder: --

Fittings: No

01/24/2021

01/25/2021

1' 36"

*Note on Inventory Development

An inventory consists of known and unknown materials, so every utility *technically* has an inventory today -- it's just a matter of understanding how much of that is known vs. unknown.

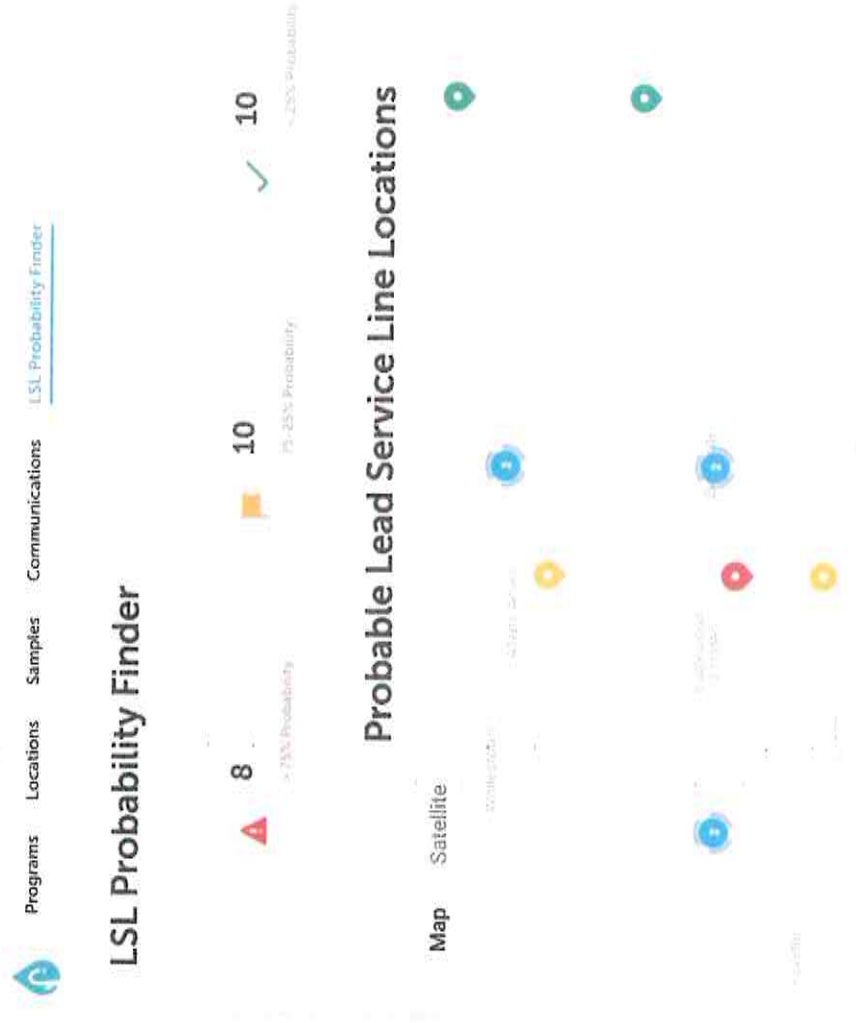
Unconfirmed service connections will be **assumed to contain lead*** and will impact a utility's numbers when it comes to the 3% they will need to replace annually.

*this can majorly impact a utilities cost of replacement

2. Lead Service Line Probability Finder

✓ Continue to build and validate your inventory with speed, accuracy, and efficiency

- Machine learning algorithm to predict which unknown service lines are made of lead in the distribution network
- Must have some verified LSL's in inventory to run the model
- Model will return a % chance that there is lead in the service line (either public or private) for an individual address
- We will analyze the results and propose a verification plan to the client
- As the client performs verifications and the materials are updated, the model is re-run and continues to increase in accuracy and confidence resulting in a "verified inventory"



Solution

Inventory

*Note on LSLPF

#1
Build or Enhance Preliminary Inventory
Customer isn't sure if they have any lead lines or may have missing data, i.e. private or tax parcel data.

Services Needed before Using LSLPF

#2
Expand Preliminary Inventory
Customer has service lines with known materials for 250 locations. 50+ locations are known lead lines. Plus known tax parcel data for all service lines.

Ready to use LSLPF

Solution

Inventory

3. Verification

Verify your inventory efficiently

120Water **Products** that Support verification

Consumables

- Customer Survey Postcards
- Lead Check Swab Kit

Platform

- Schedule, monitor, and report on Field Tech Events

120Water **Services** for LSLI Validation Efforts

- Prioritization & planning workshops
- Deploy field teams for visual inspection or sample collection
- Customer engagement campaigns for private side data



Program Progress

Active Replacement Events

Unknown Service Line Verification

Start: 04/20/21 End: 09/30/22

Service Line Locations



Private-side Verification

Verify your customer owned inventory efficiently

- Lead check swabs | Customer survey postcards
- Easy to use with clear instructions
- Customers digitally submit results in minutes
- Data is automatically imported into the software



Verify

Using Lead Check Swabs

Your local water utility is working hard to identify possible lead sources and we need your help!

These swabs are a quick and easy way to verify lead in your home's plumbing. As a participant in the program, you will provide 2 swabs to test locations in your home.

1. The Service Line
2. Interior Plumbing with Solder

REMEMBER: 1 Swab per location - DO NOT use more than one (1) location.

Watch our video to learn how to find these locations: [https://www.leadcheck.com/qr](#) or scan the QR code.



FOLLOW THESE THREE SIMPLE STEPS:

- STEP 1: Identify and locate the locations.
- STEP 2: Swab the water on the Lead/Check Swabs. Turn gently several times. Don't "squeeze" them against each other.
- STEP 3: Verify, indicate the test area, indicate how to get to the location. Each hour for the next 24 hours.

NO LEAD above 15ppm. **LEAD** above 15ppm will indicate a lead service line and solder. Get the **Lead Pipe**, the **Tap and Test Kit** or **Lead Solder**. If you are testing inside a home, call 800-LEAD-3333. This is covered by the program.



EXAMPLES: Image 2 shows what they would look like with a lead service line.

PLEASE KEEP IN MIND:

- Swabs should be used to test water from the tap, not from the tap.
- Do not use the swabs and do not use the water contained in the kit with previous test results.

Survey:

Street Address: Age if (if applicable), City, State, and Zip Code where sample will be collected:

Customer Name:

Primary Phone:

Email Address:

LOE Participation:

- Yes, I would like to participate in the Lead and Copper Program.
- No, Please take me off the list at this time.

Locations Type (Check one)

- Single Family Home
- Multi Family Home (ex. Duplex, Apartment building)
- Other Buildings (Explain below)

Year of Construction (Check one)

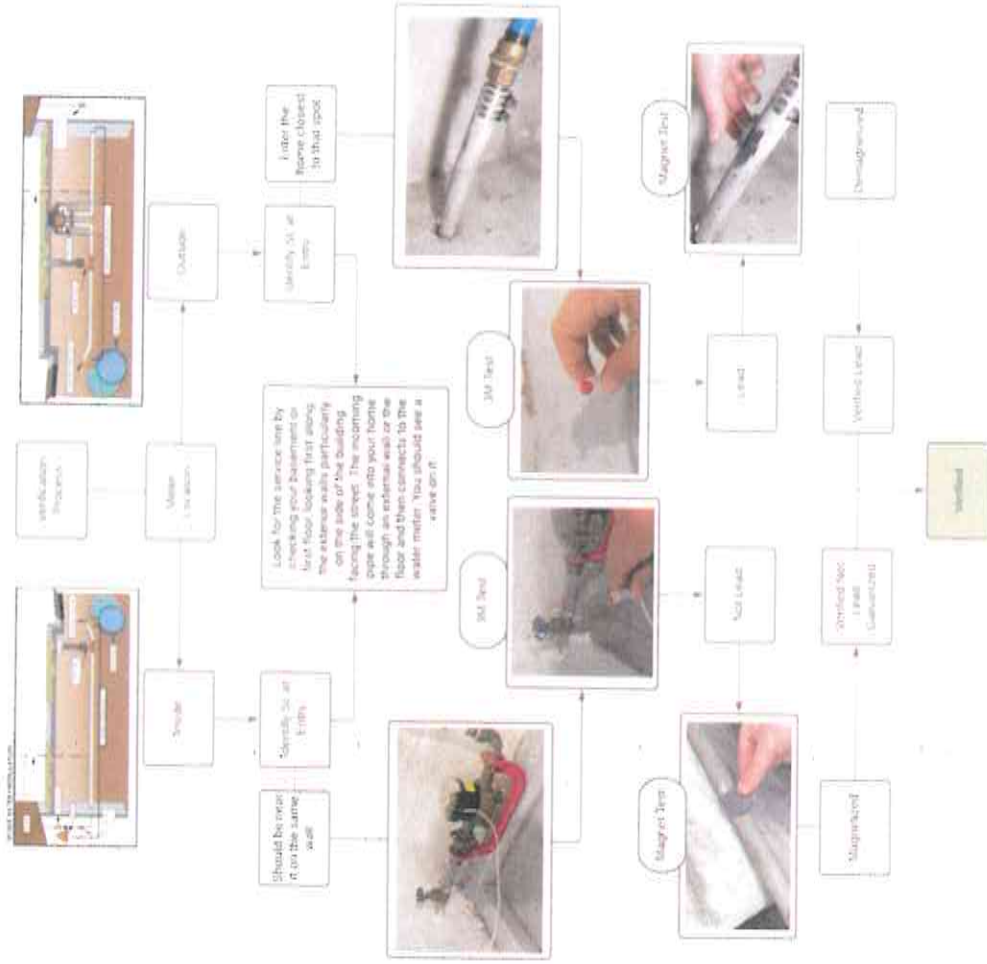
- If exact year is known, enter:
 - After 1993
 - July 1986 - December 1986
 - January 1983 - June 1986
 - Before 1983
 - Unknown

In-home Water Treatment Device (Check all that apply)

- Lead pipe
- Copper pipe without lead solder
- Copper pipe with lead solder
- Galvanized pipe
- Plastic pipe
- Original Plumbing has not been replaced
- Other (Explain below)

Verification Process

Verify



Private Line

Material: **Lead**

Method: **Visual - Swab**

Location: **07/07/2021**

Inspector: **Tony R.**

Company: **...**

Public-side Verification

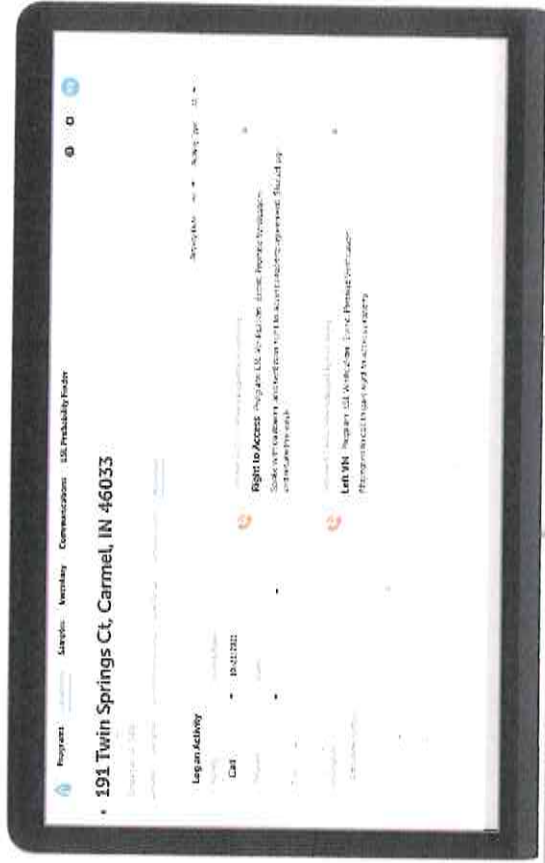
Verify

Verify your utility owned inventory efficiently

- Simple software to use in the field
- Upload photos and notes
- Maintain real-time records and monitor activities for every location



Public Line	Verification
Asset ID	Visual - Excavation
Inspected Date	Paul B.
06/23/1988	
Location	
Notes	



Solution

*Lead check Swabs

- Lead check swabs are a service line verification method that can typically only be used for the private side of a service line
- These are delivered to our client's customers by 120Water, including instructions of use.
- This is essentially a marker with a felt tip that turns red if the service line contains lead.
- The shipped materials will include a QR code for the resident to fill out the results as well as a place to upload a picture.
- Submission from the resident automatically updates the data in the 120Water platform
- Best used in municipalities with a large portion of residents who have physical access to their service lines.

Solution

*Field Tech Validation

- The 120Water platform can assign locations for field verification, but the client is responsible for verifying.
- Once sent to 120Water, the verification data will automatically update the service line material and verification method/status in the platform.
- Field Validation is a broad term that refers to visually confirming the material of a service line.
- Field techs will typically travel to sites, dig holes, and record info on materials, diameter, depth, etc.

4. Public Transparency (PT) Dashboard + Communications

Provide Public transparency and communicate with customers efficiently.

PT Dashboard

- Shows the public and private side service line materials for all residents within a PWS service area
- Significantly easier to set-up and use than other PT options (like GIS)

The 120Water Communications Module

- Manages the creation and delivery of communications from the utility to its residents, like 24hr detection notices.
- Used when the utility needs to inform residents about the process and/or receive permission for field verifications.
- We can generate web-forms to capture any necessary information (e.g. home info, consent to perform a field verification, etc.)

Communications

Dashboard Letters Audit Log

Letter

Create a New Letter from a Template

Company Letterhead

Create Letter

Non-Detect Results Letter

Create Letter

Detect Results Letter

Create Letter

Exceedance Letter

Create

Showing 9 of 9 Letters

Communication Name	Type	Event	Frequency
Customer Survey	Letter	Company Letterhead	5
Lead Swab Mailer	Letter	Company Letterhead	0
Pothole Notification Letter	Letter	Unknown Service Line Verification	0

5. GIS Compatibility

Integrate with your current system of record

- GIS systems (e.g. ESRI) are where service line segments, and their characteristics (e.g. material type) will likely live long-term for a utility.
- 120Water can serve as the database if they do not have a GIS in place.
- We can use GIS data as part of our preliminary inventory development as well as send data back to GIS after process is complete.
- 120Water should be seen as a robust project management solution - not a GIS replacement.



How do I get started?

LCRR playbook for distribution systems that likely **have lead**

Develop

1. Develop Preliminary Inventory
 - a. Gather, digitize, and clean existing SL data
 - b. Include inventory of schools & daycares
2. Create Customer Engagement Strategy
3. *Run Predictive Model*

Verify

4. Verify Preliminary Inventory
 - a. Verification planning/prioritization
 - b. *Execute private-side field projects*
 - c. *Execute public-side field projects*
 - d. *Re-run Predictive Model*
 - e. Create Replacement Plan
5. **Provide Public Transparency Dashboard**

Replace, Sample, Report

6. Pitcher/Filter Program
7. Sampling
 - a. Replacement monitoring
 - b. 1st and 5th Liter Compliance Monitoring
8. Manage Schools & Daycares Sampling
9. Report (as necessary) to Primacy Agency

What is it called? What does it do?

The Service Line Inventory Solution is an end-to-end **solution** (combination of products + services) that helps a PWS manage the development and/or verification of their service line inventory from start to finish.

We are the leading expert in LCRR and provide our clients with all they need to establish the foundational steps of LCRR with confidence.

Value Props

1. **Trusted (Expertise)** - Uncomplicate the LCRR with everything you need to be compliant and/or create your LSLR plan -- regardless of starting point.
2. **Comprehensive** - We've got your back. Save hundreds of hours by managing the entire LCRR program in a single tool (with help from the experts).
3. **Efficient** - Get a known inventory with as little work as possible. And don't waste time and money on things like digging holes where there is no lead - use data to work smarter.

Messaging

Messaging

Elevator Pitch

120Water's Inventory Solution is the only way to build and manage a detailed "location-based" LSL inventory from start to finish, while helping you **understand** and **navigate** the challenges of the Lead and Copper Rule Revisions.

Through simple software, kits, and industry-expert services, we help our clients navigate the LCRR Inventory requirements with confidence.

Why Us?

Positioning

Our uniquely qualified position to win

- Undisputed experts in LCRR
 - Proven and trusted in the midst of unknown
 - Unmatched LCRR policy experience and understanding
- More than just an inventory solution
 - We manage the entire LCRR compliance process end-to-end [**Data, Sampling, Communications**]
- We're the only solution who can help create an inventory **and** execute a sampling program using the data
 - LCRR is a long-term compliance issue and we are the only long-term partner to manage every aspect
- Predictive Modeling
 - We can predict which unknown service lines are made of lead in the customer's distribution network

Create & Validate Preliminary Inventory



Year 1-5

Gather existing data

Conduct Inventory

Manage Full LSL Lifecycle



Year 5-20

Prioritize Areas

Replace/Update Lines

ORDINANCE 2022-5

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL ENACTING A CODE OF ORDINANCES FOR THE CITY OF DEER LODGE, REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE CITY OF DEER LODGE DEALING WITH SUBJECTS EMBRANCED IN SUCH A CODE OF ORDINANCES.

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

WHEREAS, the present general and permanent ordinances of the City of Deer Lodge are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety, and general welfare of the City of Deer Lodge and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Montana empower and authorize the City of Deer Lodge to revise, amend, restate, codify, and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the City Council of the City of Deer Lodge has authorized a general compilation, revision, and codification of the ordinances of the City of Deer Lodge of a general and permanent nature and publication of such ordinance in book form.

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

Section 1. The general ordinances of the City of Deer Lodge as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the City of Deer Lodge, Montana."

Section 2: Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

Title 1: General Provisions

Title 2: Administration and Personnel

Title 3: Finance and Revenue

Title 4: Sewer and Water

Title 5: Business Licenses and Regulations

Title 6: Reserved

Title 7: Health and Welfare

Title 8: Animals

Title 9: Public Peace, Safety and Morals

Title 10: Vehicles and Traffic

Title 11: Land Use

Title 12: Streets and Sidewalks

Title 13: Franchise

Title 14: Public Ways and Property

Title 15: Buildings and Construction

Section 3: All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain persons, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or personal property, granting or accepting easements, plate or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subject not contained in or covered by the Code.

Section 4: Such code shall be deemed published as of the day of its effective date upon adoption and approval by the City Council of the City of Deer Lodge and the City Clerk of the City of Deer Lodge is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.

Section 5: Such Code shall be in full force and effect upon its effective date and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties, and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

Section 6: SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2022-5 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 2022-5 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 the first reading at a Regular Council Meeting on the 7th day of November, 2022.

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

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

Passed and Approved by the City Council of the City of Deer Lodge, Montana on final reading at a Regular Council Meeting on the 21st day of November, 2022.

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

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

The effective date of Ordinance 2022-5 is December 21, 2022.

ORDINANCE 2022-6

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL REMOVING THE ADOPTION OF THE 2021 INTERNATIONAL BUILDING CODE THROUGH ORDINANCE 2022-3 FROM TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE CITY OF DEER LODGE CODE OF ORDINANCES.

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

WHEREAS, the Montana Department of Labor and Industry has adopted updated editions of building codes as amended by administrative rule, effective June 10, 2022. FURTHER, ARM 24.301.202(1) requires all certified jurisdictions to update their ordinances to adopt the new editions of these building codes that they are certified to enforce; and

WHEREAS, §7-5-108, M.C.A allows for the adoption and amendment of codes by reference; and

WHEREAS, Title 15 of the City of Deer Lodge Code of Ordinances adopts by reference the building codes it is certified to enforce, and therefore must adopt the new editions of these building codes pursuant to ARM 24.301.202(1); and

WHEREAS, the Deer Lodge City Council passed Ordinance 2022-3, effective October 6, 2022, which adopted by reference the 2021 editions of the building codes. Included in Ordinance 2022-3 was the adoption of the International Building Code, 2021 Edition, IBC, including the IBC Appendix Chapters *Board of Appeals* and *Group U – Agriculture Buildings*, as modified by the Administrative Rules of Montana (ARM): ARM 24.301.131; and

WHEREAS, the Montana Department of Labor and Industry notified the City of Deer Lodge after the adoption of Ordinance 2022-3 that the adoption of the IBC as described above should not be included in the City of Deer Lodge Code of Ordinances as the City of Deer Lodge is not certified to enforce said building codes; and

NOW, THEREFORE, BE IT RESOLVED, that the Deer Lodge City Council hereby proceeds to remove from the existing Title 15 of the City Code the adoption of the International Building Code, 2021 Edition, IBC, including the IBC Appendix Chapters *Board of Appeals* and *Group U – Agriculture Buildings*, as modified by the Administrative Rules of Montana (ARM): ARM 24.301.131. The amended Title 15 is attached to this Ordinance 2022-6.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2022-6 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 2022-6 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 the first reading at a Regular Council Meeting on the 7th day of November, 2022.

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

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

Passed and Approved by the City Council of the City of Deer Lodge, Montana on final reading at a Regular Council Meeting on the 21st day of November, 2022.

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

James Jess, Mayor

Attest:

Cyndi Thompson, City Clerk

The effective date of Ordinance 2022-6 is December 22, 2022.

TITLE 15

BUILDINGS AND CONSTRUCTION

CHAPTERS:

15.02 BUILDING REGULATIONS

15.04 UNIFORM FIRE CODE

INDEX

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Chapter 15.02: BUILDING REGULATIONS

SECTIONS:

- [15.02.010 Adoption of Building Codes](#)
 - [15.02.020 Building Applications and Permits](#)
 - [15.02.030 Building Inspector to Review Plans](#)
 - [15.02.040 Inspections](#)
 - [15.02.050 Qualifications and Duties of Building Inspector](#)
 - [15.02.060 Factory Built Buildings](#)
 - [15.02.070 \(Reserved\)](#)
 - [15.02.080 Building Permit Fees](#)
 - [15.02.090 Jurisdictional Area](#)
 - [15.02.100 Board of Appeals](#)
 - [15.02.110 Violations; Penalty](#)
-

15.02.010: Adoption of Building Codes

- A. The City of Deer Lodge adopts and incorporates by reference the following codes, copies of which are on file and are open for inspection of the public in the office of the Deer Lodge City Clerk, 300 Main Street, Deer Lodge, Montana, being marked and designated as:
1. **International Energy Conservation Code, ~~2012~~ 2012 Edition IECBC**, as modified and amended by Building Codes Bureau Rule: ARM 24.301.161 ~~and ARM 24.301.162 and Section 50-60-803 MCA~~
 2. **International Existing Building Code, ~~2012~~ 2012 Edition, IEBC**, as modified and amended by Building Codes Bureau Rule: ARM 24.301.171
 3. **International Swimming Pool and Spa Code, ~~2012~~ 2018 Edition, ISPSC, as modified and amended by Building Codes Bureau Rule: ARM 24.301.175**
 4. **International Residential Code, ~~2012~~ 2018 Edition, IRC** ~~not including Chapters 11 through 46, inclusive~~, as modified and amended by Building Codes Bureau Rule: ARM 24.301.154 ~~(1) through (9)~~

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 16 – 3/21/1983: Effective 3/21/1983; Ordinance 65 – 9/21/1992: Effective 9/21/1992; Ordinance 82 – 9/3/1996: Effective 9/3/1996; Ordinance 87 – 12/7/1998: Effective 12/7/1998; Ordinance 89 – 6/10/1999: Effective 6/10/1999; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 104 – 12/2/2002: Effective 1/6/2003; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005; Ordinance 113 – 6/18/2007: Effective 6/18/2007; Ordinance 132 – 6/7/2010: Effective 6/7/2010; Ordinance 138 – 11/1/2010: Effective 11/1/2010; Ordinance 161 – 4/4/2016: Effective 5/4/2016; Ordinance 2020-2 – 7/20/2020; Effective 8/18/2020; Ordinance 2022-3 – 9/5/2022; Effective 10/6/2022; Ordinance 2022-5 – 11/21/2022; Effective 12/22/2022)

15.02.020: Building Applications and Permits

- A. Before any person, firm, partnership, or corporation shall begin the construction or placing of any housing unit or type of building or structure upon any lot or lots within the

city, an application for a permit for such placing or construction shall be submitted to the City Clerk; that upon receipt of such application, the Clerk shall thereupon present the application for such placement and erection or construction to the Building Inspector, and said Building Inspector shall within thirty (30) days of said application being presented to him, act upon said application, and shall immediately notify the Clerk of his decision. Upon approval of the application by the inspector, the Clerk shall immediately issue a written permit for the construction, erection, or placing of said housing unit or structure and shall notify the Building Inspector of the issuance of said permit and provide him with a copy thereof. Said permit shall require that the construction of the building must comply with the Uniform Code as adopted herein and be certified by the Official Building Inspector.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.030: Building Inspector to Review Plans

- A. The Building Inspector shall be responsible for plan review coordination and for issuance of certification of occupancy.
- B. Upon application by any person for a building permit, the Building Inspector shall review the plans for compliance with the Code. The Building Inspector shall submit the plans to any other affected city department for review and approval by that department before issuance of a permit.
- C. Building plan review shall be completed by the Building Inspector within thirty (30) working days of submittal by the applicant.
- D. The Building Inspector may, in proper cases, request the aid of the Building Codes Bureau, other state agencies, or professional consultants to aid in coordination of review. In such cases, the Building Official may lengthen the completion time for review by ten (10) working days when necessary.
- E. The Building Inspector may establish setback lines in residential areas shall prohibit construction of any building within four (4) feet of its exterior boundary lines.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 42 – 11/16/1997: Effective 11/16/1997; Ordinance 57 – 3/18/1991: Effective 3/18/1991; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.040: Inspections

- A. Inspections shall be conducted by the Building Inspector. Where other departments require inspection, the Building Inspector shall insure that they are conducted within the time frame allowed in **Section 15.02.030**. Final inspections and issuance of Certificates of Occupancy shall be conducted in accordance with **Sections 304 through 306 of the Code**.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.950: Qualifications and Duties of Building Inspector

- A. Certification at time of hiring or obtained within six (6) months from hiring date. Such certification shall be by a recognized entity and meet Montana administrative rules.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 57 – 3/18/1991: Effective 3/18/1991; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.060: Factory Built Buildings

- A. Factory built buildings which are approved by the Montana Building Codes Bureau, Department of Labor & Industry, shall be subject to local government inspection and fees for only zoning, utility connections and foundations.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 57 – 3/18/1991: Effective 3/18/1991; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.070: (Reserved)

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 57 – 3/18/1991: Effective 3/18/1991; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.080: Building Permit Fee Schedule

- A. Building permit fees shall be based upon the evaluation of the work being done. Evaluation shall be construction bid or bids, square foot costs as allowed by Montana Administrative Rules or actual construction costs. Such fees shall be reviewed on an annual basis by the Deer Lodge City Council and may be adjusted to generate sufficient revenues to cover the actual expenses of the building department.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 48 – 8/7/1989: Effective 8/7/1989; Ordinance 57 – 3/18/1991: Effective 3/18/1991; Ordinance 92 – 12/18/2000: Effective 12/18/2000; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.090: Jurisdictional Area

- A. The jurisdictional area of the City Building Department shall be the corporation limits of the City of Deer Lodge.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.100: Board of Appeals

- A. In order to provide for reasonable interpretations of the provisions of this Code, there shall be and is hereby created a Board of Appeals, consisting of the three (3) City Council members on the Public Safety and Zoning Committee, with the remaining (5) five City Council members as alternates. The Building Inspector shall be an ex officio member and shall act as Secretary of the Board.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005)

15.02.110: Violations; Penalty

- A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, equip, use, occupy or maintain any building or structure in the City of Deer Lodge, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter.
- B. Upon notice from the building inspector that work on any residential building or structure is being executed contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped.
 - 1. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's authorized agent or to the person performing the work and shall state the conditions under which work will be permitted to resume. (IRC ~~2021~~2018 Section R114)
- C. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be subject to penalties as prescribed by this ordinance. (IRC ~~2021~~2018 Section R114)
- D. The issuance of a stop work order will require the owner of the property involved or the owner's authorized agent to apply for a building permit from the building inspector. The fee for the issuance of the building permit following the stop work order will be double the fee as set in the fee schedule for the work being done.
- E. Any contractor who performs work without a permit when a permit is required will be issued a stop work order under the process described above.
 - 1. Upon the issuance of a second stop work order to the same contractor within a year from the first, the business license for the contractor will be suspended for one (1) year.
 - 2. The issuance of a third stop work order will cause that contractor's business license to be suspended indefinitely.
- F. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon first conviction of any such violation such person shall be punishable by fine of not more than three hundred dollars (\$300.00). Upon second and subsequent conviction of any such violation such person shall be punishable by fine of not more than five hundred dollars (\$500.00).

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 101 – 3/18/2002: Effective 4/17/2002; Ordinance 106 – 7/6/2004: Effective 7/6/2004; Ordinance 108 – 2/22/2005: Effective 3/24/2005; Ordinance 2021-16 – 12/20/21: Effective 01/21/2022; Ordinance 2022-3 – 9/5/2022: Effective 10/6/2022)

Chapter 15.04: UNIFORM FIRE CODE

SECTIONS:

15.04.10 ADOPTION OF FIRE CODE CONSISTENT WITH STATE FIRE MARSHALL FIRE CODE

15.04.10: ADOPTION OF FIRE CODE CONSISTENT WITH STATE FIRE MARSHAL FIRE CODE

- A. The City of Deer Lodge does hereby adopt the Fire Code that is Consistent with that utilized by the State Fire Marshal.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 107 – 7/6/2004: Effective 7/6/2004; Ordinance 157 – 5/19/2014: Effective 6/18/2014; Ordinance 2019-12 – 9/16/2019: Effective 10/15/2019)