
CITY OF DEER LODGE

Public Health & Safety
COMMITTEE

AGENDA

January 11, 2023 – 5:00 P.M. | Council Chambers, City Hall

1. **Call Meeting to Order:**
2. **Approval of Minutes:**
 - a. Regular Meeting: December 14, 2022
3. **Public Comment on Non-Agenda Items** – (Limit to three minutes per person)
4. **Old Business:** (Public Comment period prior to each topic)
 - a. Skatepark Rules and Regulations – Jordan
 - b. Marijuana Businesses Zoning and Regulations – Jordan
5. **New Business:**
 - a. Department Reports: (Accept reports as presented)
 - i. PD Report - Chief Smith
 - ii. Code Enforcement Report – Kody Ryan
 - iii. FD Report – Chief Pierson
 - iv. County Health Report – Ida Miller
6. **Staff or Committee Comments or Concerns:**
7. **Announcement of the Next Meeting:**
 - a. February 8, 2023, at 5:00 PM.
8. **Adjournment:**

Public Health & Safety Committee

Members

Joseph Callahan (Chair) | Rob Kersch | Curt Fjelstad

Public Health & Safety Committee

MINUTES

December 14, 2022, at 5:00pm | Council Chambers

Members Present: Robert Kersch, Curt Fjelstad, Joseph Callahan
Members Absent: None
Mayor: Absent
CAO: Jordan Green
Staff: Kody Ryan, Police Chief Smith, Fire Chief Pierson
Guests: See Sign in Sheet

1. Call Meeting to Order:

2. Approval of Minutes for

a. Regular Meeting: August 11, 2022 – No meeting September, October, November 2022
Member Fjelstad motioned to approve minutes as presented. Member Kersch seconded the motion. 2 Ayes, 0 No 1 Abstained. Motion passed.

3. Public Comment – Limited to Three Minutes Per Person

a. None

4. Old Business:

a. None

5. New Business:

a. Department Reports: ***Department Reports Accepted as presented.***

1. Police Police Chief Smith
Police Chief Smith report summarized recent department activities for December based upon 188 calls for service and 20 citations.

2. Code Enforcement..... Jordan

Kody Ryan’s report summarized recent department activities for December based upon 3 dogs at large calls, 1 citizen complaint and 298 total dog tags issued year to date.

3. Fire..... Fire Chief Pierson

Fire Chiefs report summarized recent department activities for December based upon 6 calls for service: 3 Fires, 1 Gas Leak & 2 Car Accidents.

4. County Health Report.....Ida Miller

Child Safety: Powell County Public Health has car seats available on a sliding scale basis.

Animal bites: 2 animal bites were reported in November

Rabies: There has been a case of rabies verified in Montana during 2022. It is not recommended to handle sick animals without taken proper precautions especially bats and skunks. Powell County had another bat bite in September and prophylaxis was administered

Influenza: October 1, 2022, is the start of influenza in Montana. Immunizations are available at Deer Lodge Medical Center, Heidi Applegate’s office, and Safeway. Influenza (also known as “flu”) is a contagious respiratory illness caused by influenza viruses. It can cause mild to severe illness, and at times can lead to death. With the number of confirmed cases reported to public health, we can state the influenza has reached Powell County and is spreading.

Powell County Public Health conducted an influenza vaccination clinic in conjunction with Safeway pharmacy on November 3rd in Elliston, Avon, and Helmsville.

Cold vs Flu

Signs and Symptoms	Cold	Flu
Symptom onset	Gradual	Abrupt
Fever	Rare	Common
Aches	Slight	Common
Chills	Uncommon	Fairly Common
Fatigue, weakness	Sometimes	Usual
Sneezing	Common	Sometimes
Chest Discomfort	Mild to moderate	Common
Cough	Hacking	Severe coughing
Stuffy nose/sore throat	Common	Sometimes
Headache	Rare	Common

There have been 17 laboratory verified cases of influenza in Powell County. This flu season is reported to be the worse in 13 years so far. Respiratory syncytial virus (RSV) is also a virus common at this time of year. It is the leading cause of bronchitis and pneumonia and is especially serious to infants, small children, and the elderly. We had 3 cases reported in November.

COVID-19

Testing for Covid-19 Free testing by the Montana Public Health Laboratory will no longer be available after December 1st.

Vaccinations are available, and the CDC is recommending the bivalent booster for anyone age 50 and over if you have received the recommended previous vaccinations.

Testing and contact tracing for Coronavirus continues in Powell County.

In November there were 13 positive cases and 1 death. Free testing will be limited after December 1, 2022.

Highly Pathogenic Avian Influenza: This has not been detected in Powell County. There are flocks and wild bird infections in Montana. This virus is extremely infectious and fatal to poultry and some species of wild birds. Although risk to humans is very low, Montanans should take precautions when handling game birds or any sick or dead bird they find. Gloves should always be worn when handling game birds or any sick or dead bird that must be handled for disposal. People are encouraged to report unusual or unexplained cases of sickness and/or death of domestic or wild birds to their veterinarian or public health at 406-691-0242.

Monkey Pox: There have been 7 cases reported in six counties in Montana. Vaccination is available if you or your healthcare provider feel that you are at high risk of contracting monkeypox.

Ebola: Ebola has become an issue in Africa and Montana has frequent travelers from there. The Department of Public Health and Human Services has been actively tracking all arrivals and is notifying counties to follow up if needed. We have not received any notifications yet.

b. Skatepark Ordinance – Jordan

Sample of the Skatepark Sign from MCE was presented in the packet. Discussed codifying an Ordinance for the Skatepark and adopting the rules from the sign as an Ordinance and additional language for general penalty.

Member Kersch motioned to approve an Ordinance for the Skatepark as discussed and present it to Council. Member Fjelstad seconded the motion. 3 Ayes, 0 Nos. Motion passed.

c. Marijuana Businesses Zoning and Regulations – Jordan

Provided some definitions of Montana Code Annotated MCA 16-12-102 for definition of Marijuana Business Types and what they mean. The three business types need some type of zoning regulations are: Cultivation, Testing Facility and Manufacturing Facility.

Testing Facility: Has no real impact on surrounding businesses. Discussed allowing it in the B1 Central Business District and B2 Highway Business District as permitted uses.

Cultivation: The State is doing interior cultivation based on your canopy level. Six different canopy levels. Depends on how many plants and how much square footage you cover. Discussed allowing this as a Conditional use Permit in the B2 Highway Business District and business needs to be water metered.

Manufacturing Facility: Recommends this Permitted Use be in the I-1 Industrial and Manufacturing District and look at air quality. Anyone interested in this type of business would need to find a spot and rezone it as Light Industrial. Conditional Use permit was recommended by Member Kersch. Business needs to be water metered.

No motion required at this time. Draft Ordinance will be presented at next meeting.

d. Radar Speed Signs – Jordan

Provided handout and a quote from Radarsign in the amount of \$8,290.00. Place 1 sign South end of Main Street and 1 sign North end of Main Street. Awaiting approval from MDT to place the sign on Main Street (State Highway).

Member Kersch motioned to approve the purchase of 2 signs and place them on Main Street South & North End should we get approval from MDT. Member Fjelstad seconded the motion 3 Ayes, 0 Nos. Motion passed.

6. Staff Comments or Concerns:

Chairperson Callahan: Contact MDT about time limit parking on Main Street.

7. Announcement of the Next Meeting:

- a. January 11, 2023, at 5:00pm

8. Adjournment:

- a. Meeting was adjourned at 5:54PM.

Prepared by: Cyndi Thompson, City Clerk

Chairperson: _____
Joseph Callahan

Date: _____

Public Health & Safety Committee
Members

Joseph Callahan (Chair) | Rob Kersch | Curt Fjelstad



Deer Lodge Police Department

December 2022

Police CFS

911 Call Total: 3
Abandoned Vehicle(s) Total: 2
Accident Non Injury Total: 1
Alarm Total: 3
Alarm - Gas/CO2 Total: 1
Alarm - Non Residential Total: 2
Arrest Warrant Total: 1
Assault Total: 1
Break-in - Attempted Total: 1
Burglar Alarm Total: 1
Child Abuse Total: 1
Civil Matter Total: 1
Courtesy Ride Total: 4
Custodial interference Total: 2
Disturbance Total: 3
Domestic - Nonviolent Total: 2
Drug Paraphernalia Found Total: 1
Drugs Total: 3
DUI Total: 1
Extra Patrol Requested Total: 1
Fraud Total: 1
Missing Person(s) - Adult Total: 1
No Contact Letter Violation Total: 1
Probation Officer Check Total: 4
Property Found Total: 1
Request Ambulance Total: 3
Request Officer Total: 10
Suicidal Adult: 3
Suspicious Activity Total: 6
Threat(s) Total: 1
Tobacco Violation-1
Traffic Accident - Injury Total: 1
Traffic Accident - Non Injury Total: 2
Traffic Stop Total: 34
TRO Violation Total: 3
Unwanted Person(s) Total: 2
Vandalism Total: 1
VIN Inspection Total: 1
Welfare Check Total: 11

1 Officer resigned
Officer Slauson to Academy January 8- April 5
1 Officer off due to shoulder replacemet

Total Calls For Service: 138

Citations Issued: 16



CODE COMPLIANCE REPORT

December 2022

HIGHLIGHTS

- 8 dog at large calls
- 2 citizen complaint
- Reading and reviewing city codes
- Daily patrols
- 0 citations issued
- 298 total dog tags issued year to date
- 0 dogs at shelter
- New Dog tags are not in, so an extension has been granted
- One Courtesy hold for a citizen at shelter

INTEREST ITEMS FOR CITY COUNCIL

None



FIRE DEPARTMENT REPORT

DECEMBER 2022

HIGHLIGHTS

2 Call for Service:

- 1 truck-trailer fire MM-190. Caused by hot brakes. We kept it contained to that area of the trailer.
- 1 vehicle fire at Arrowstone Park. Caused by hot brakes or rear axle. We kept it contained to the trunk area of the passenger car.

INTEREST ITEMS FOR CITY COUNCIL

Department Happenings:

None at this time.

Powell County Public Health

Child Safety: Powell County Public Health has car seats available on a sliding scale basis.

Animal bites: 0 animal bites were reported in December

Influenza: Immunizations are available at Deer Lodge Medical Center, Heidi Applegate’s office, and Safeway. Influenza (also known as “flu”) is a contagious respiratory illness caused by influenza viruses. It can cause mild to severe illness, and at times can lead to death. There have been 86 laboratory verified cases of influenza in Powell County. This flu season is reported to be the worse in 13 years so far.

Cold vs Flu

Signs and Symptoms

Symptom onset

Cold

Gradual

Flu

Abrupt

Fever

Rare

Common

Aches

Slight

Common

Chills

Uncommon

Fairly Common

Fatigue, weakness

Sometimes

Usual

Sneezing

Common

Sometimes

Chest Discomfort

Mild to moderate

Common

Cough

Hacking

Severe coughing

Stuffy nose/sore throat

Common

Sometimes

Headache

Rare

Common

Respiratory syncytial virus (RSV) is also a virus common at this time of year. It is the leading cause of bronchitis and pneumonia and is especially serious to infants, small children, and the elderly. We had almost 75 cases reported in December

COVID-19

Testing for Covid-19 Montana Public Health Laboratory will no longer provide free testing for Covid-19.

Vaccinations are available, and the CDC is recommending the bivalent booster for anyone age 50 and over if you have received the recommended previous vaccinations.

Testing and contact tracing for Coronavirus continues in Powell County. In December there were 25 positive cases.

Highly Pathogenic Avian Influenza: This has not been detected in Powell County. There are flocks and wild bird infections in Montana. This virus is extremely infectious and fatal to poultry and some species of wild birds. Although risk to humans is very low, Montanans should take precautions when handling game birds or any sick or dead bird they find. Gloves should always be worn when handling game birds or any sick or dead bird that must be handled for disposal. People are encouraged to report unusual or unexplained cases of sickness and/or death of domestic or wild birds to their veterinarian or public health at 406-691-0242.

Monkey Pox: There have been 7 cases reported in six counties in Montana. Vaccination is available if you or your healthcare provider feel that you are at high risk of contracting monkeypox.

Ebola: Ebola has become an issue in Africa and Montana has frequent travelers from there. The Department of Public Health and Human Services has been actively tracking all arrivals and is notifying counties to follow up if needed. We have not received any notifications yet.

ORDINANCE 2023-1

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL AMENDING TITLE 9 (PUBLIC PEACE, SAFETY AND MORALS) OF THE CITY OF DEER LODGE CODE OF ORDINANCES TO PROVIDE RULES AND REGULATIONS FOR THE JOHN AND DOROTHY WILSON MEMORIAL SKATEPARK.

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

WHEREAS, in 2022, the John and Dorothy Wilson Memorial Skatepark (“Skatepark”) was constructed through public and private donations for the benefit of the City of Deer Lodge and its citizens; and

WHEREAS, The City Council of the City of Deer Lodge saw fit to establish rules and regulations at the Skatepark pertaining to public health and safety; and

WHEREAS, the Public Health and Safety Committee of the City Council of the City of Deer Lodge reviewed additions to Title 9 (Public Peace, Safety, and Morals) at their December 14, 2022 and January 11, 2023 meetings that pertain to public health and safety concerns at the Skatepark; and

WHEREAS, after discussion, the Public Health and Safety Committee elected to forward the reviewed additions to the City Council for consideration. FURTHER, the additions are attached to this Ordinance 2023-1 as Exhibit “A”.

NOW, THEREFORE, BE IT ORDAINED, that the Deer Lodge City Council hereby proceeds to amend Title 9 of the City Code of the City of Deer Lodge to provide rules and regulations pertaining to public health and safety at the John and Dorothy Wilson Memorial Skatepark. The text of the additions is attached to this Ordinance 2023-1 as Exhibit “A”.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2023-1 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 2023-1 and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Passed and approved by the City Council of the City of Deer Lodge, Montana on first reading at a regular Council meeting this XXXX day of XXXXXXXXX, 2023.

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 this XXXXX day of XXXXXX, 2023.

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 2023-1 is XXXXXXXX, 2023

EXHIBIT “A”

CHAPTER 9.30: JOHN AND DOROTHY WILSON MEMORIAL SKATEPARK RULES AND REGULATIONS

Section

[9.30.010](#) Purpose

[9.30.020](#) Skatepark Rules and Regulations

[9.30.030](#) Violations; penalty

§ 9.30.010 PURPOSE.

The purpose of this section is to regulate activity at the John and Dorothy Wilson Memorial Skatepark (“Skatepark”) for the benefit of the public health and welfare of the City of Deer Lodge.

(Ord. 2023-1, passed XXXXXXX; effective XXXXXXXXX)

§ 9.30.020 SKATEPARK RULES AND REGULATIONS.

(A) Do not use the Skatepark in violation of the curfew as established in Chapter 9.18 of this Code;

(B) Helmets are required for users under the age of 18. Helmets are optional but strongly recommended for those over the age of 18. Pads and other safety gear are also strongly recommended;

(C) Trash must be disposed of properly in a trash receptacle;

(D) No glass bottles or glass items of any type allowed;

(E) Metal stunt pegs on bikes are not to be used on the Skatepark;

(F) The Skatepark cannot be used in wet weather conditions or when the Skatepark is covered in ice or snow;

(G) The skatepark cannot be used in a manner for which it is not intended to be used;

(H) Noise generated cannot be in violation of Chapter 9.02 of this Code;

(I) Outside obstacles are not permitted in the Skatepark;

(J) Pets and non-users must remain off the Skatepark concrete;

(K) Alcohol, drugs, tobacco, hookah, vaping, or consumption of marijuana products are not allowed within the Skatepark or the facilities associated with the Skatepark; and

(L) Litter, graffiti, tagging, and the placement of stickers are not permitted;

(Ord. 2023-1, passed XXXXXXX; effective XXXXXXXXX)

§ 9.30.030 VIOLATIONS; PENALTY

- (A) Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as set forth in § 1.08.010 of this code.
- (B) Any person who shall violate any of the provisions of this chapter may, at the discretion of the Chief of Police, be evicted or trespassed from the Skatepark and may no longer access the Skatepark or any facilities associated with the Skatepark, including but not limited to: land around the Skatepark concrete, parking areas, tables, chairs, or benches.

(Ord. 2023-1, passed XXXXXXX; effective XXXXXXXXX)

IBC BUILDING CODES REQUIREMENTS

Dispensaries

Dispensaries are classified as a Mercantile under the International Building Code (IBC).

No new construction involved:

1. If being set up in an existing building previously used as a Mercantile, no building permit is required.
2. If being set up in an existing building previously used differently, (I.E. an office, restaurant, bar, storage building), a "Change of Use" permit is required. Inspections will be performed, and the building will need to be compliant with current building codes and accessibility standards listed in the International Existing Building Code.

Construction involved:

1. If a new building, a building permit is required, and the project will be inspected throughout the course of construction.
2. If an existing building, the new construction will be permitted and inspected, and the new portions will be required to be compliant with the current code.

Grow Facilities

Grow facilities can be classified in different ways according to the use. Each classification has different requirements for fire resistive construction and maximum height and areas before additional levels of life safety measures are required. In new grow facilities in existing buildings where it was classified the same previously and no construction is taking place, then no permit would be required. For all other projects building permits and inspections are required. Grow facilities are typically classified in the following manner:

1. If the building is used for growing only, It can be classified as a Utility (similar to a greenhouse)

2. If the building is used for growing and processing, (I.E. drying, harvesting and packaging), it is classified as a Factory.
3. If the building also has provisions for extraction, it would still be classified as a Factory, but hazardous gases or liquids used in the extraction process must be limited to the maximum amounts allowed in the building by the IBC. If maximum limits of hazardous gases or liquids are passed, the building is classified as Hazardous. Automatic Fire Sprinklers become mandatory.
 1. A chemical hood is required over the equipment to capture gasses released when product is removed.
 2. The area immediately around the equipment is considered a hazardous location and any electrical components in this area need to be rated for the hazardous location.
4. If the building also has provisions for cooking, that portion of the building becomes a "commercial kitchen not associated with restaurants" and could be classified as a Factory or a Business depending on the square footage of the kitchen.
 1. If the kitchen area is over 2500 sq. ft, it would be classified as a Factory, if the kitchen is under 2500 sq. ft, it would be classified as a Business)
 2. A fire suppression hood may be required over cooking appliances that disconnects all energy and fuels under the hood as per the International Mechanical Code.
5. Is there CO2 production for plant growth?
 1. CO2 generator, basically a gas heater that is built to fire inefficiently and produce CO2. CO2 generators require CO2 level monitoring with an alarm and generator shutdown. Most units have a built-in gas shutoff and there is an off the shelf monitor that plugs into a wall receptacle and has a switched receptacle for the generator. Where is the fuel stored? If inside, it is limited to 10 gallons and it cannot be a BBQ type propane bottle as those have a built-in vent that could release gas into the building.
 2. CO2 from pressurized bottles need to be secured to the wall via a chain to prevent tip over, and monitoring.

MISSOULA

Are there odor or air quality restrictions?

Effective September 7th, 2022 Title 5, the Business Licenses and Regulation Code, was amended to include air quality mitigation measures for cannabis cultivation and cannabis manufacturing businesses. New and existing cannabis cultivation or manufacturing businesses must install and maintain carbon filters. The carbon filters and associated fan must be sized and installed to circulate air equal to the volume of the room used for cultivating or manufacturing no less than once per every 5 minutes. Several filters may be used to meet this requirement. To find out if your carbon filter is properly sized for the room, divide the volume of the room used for cultivating or manufacturing (length x width x height) by the exchange rate which is 5 minutes. The resulting number in cubic feet per minute is the requirement that must correspond to the fan and filter specifications. If you need assistance calculating the requirement, contact ZoningDesk@ci.missoula.mt.us. To show compliance at the time of permitting, provide the manufacturer specifications for the carbon filters used at your business and dimensions of the cultivation or manufacturing room.

Are there energy use restrictions for cannabis cultivation?

There are no requirements for energy usage at cannabis cultivation businesses. The State of Montana does not allow local jurisdictions to regulate energy usage beyond the requirements of building code. In the future, energy conservation incentives may be provided through code amendments, though none are proposed at this time. To stay up to date on potential development of incentives, visit [Engage Missoula](#).

BOZEMAN

- **Sec. 16.08.010. - Purpose; applicability; failure to maintain state licensure.**

The purpose of this article is to implement the provisions of the Montana Marijuana Regulation and Taxation Act (MCA 16-12-101 et seq. (the "Act")). The provisions of this article shall apply to all marijuana business within the city, including both medical and recreational marijuana cultivation, manufacturing, transporting, testing and dispensaries, unless otherwise stated herein.

Any individual or entity licensed under this article to conduct any marijuana business, in addition to the requirements of this article, is subject to all other requirements of this code, the Act, and any applicable administrative rules established by the state or city. Should such rules or laws change, any person or entity licensed under this article shall immediately come into compliance with any newly adopted rules.

Notwithstanding the above, nothing in this code shall be construed to authorize any individual or entity to perform any act or conduct any enterprise not in conformance with state law.

Compliance with this code does not shield any person, corporation, or other legal entity from the requirements of, or enforcement by, other governing entities, or from civil liabilities.

Each individual or entity issued a license under this article shall at all times maintain authorization from the state to acquire, possess, cultivate, manufacture, deliver, transfer, test, transport, dispense or sell marijuana. Failure to maintain applicable licensure(s) with the state is cause for immediate suspension of a license issued under this article, may be cause for revocation resulting in a moratorium on an individual or entity's ability to engage in marijuana business, and may be cause for criminal prosecution as provided by law.

([Ord. No. 2084](#), § 1, 11-9-2021)

- **Sec. 16.08.020. - Incorporation of state law.**

For the purposes of this article, words, phrases and expressions, not otherwise defined below, are subject to the definitions set forth in MCA 16-12-102. The provisions of state code and any rules or regulations promulgated thereunder are incorporated herein by reference except to the extent that more restrictive or additional regulations are set forth in this article.