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# CITY OF DEER LODGE

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# COUNCIL AGENDA

April 17, 2023, | 6:00 PM | City Hall

**1. Call Meeting to Order | Pledge of Allegiance**

**2. Public Comment:** Members of the audience may comment on any non-agenda item. State Statute prohibits the City Council from discussing any introduced item. The Council limits each person to three minutes to ensure there is sufficient time for all comments. The Council respects all comments and will have staff follow up any questions.

**3. Approval of Minutes**

- a. Regular Meeting: April 3, 2023

**4. Public Hearing:**

**5. Department Reports:**

- a. CAO | b. Public Works | c. Police | d. Fire | e. Code Enforcement | f. Recreation Program

**6. Mayor and Council Concerns:** (ONLY Concerns that are not on Business Items). This is a time when Council Members or Mayor can bring a concern before the Council that is not otherwise listed on the Agenda. NO action can be taken at this time. If action is necessary, the item is put on the next meeting agenda.

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

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

- a. Other Marijuana Business Types Regulations – Jordan
- b. Information Only: Potential PFAS Cost Recovery – Trent
- c. Committee Goals Presentation – Cyndi and Committee Chairs

**9. Next Meeting Announcement(s)**

- a. Regular Meeting – Monday May 1, 2023

**10. Adjournment**

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Deer Lodge City Council meets at City Hall | 300 Main Street | Deer Lodge, MT 59722

For Further Information, Contact | Cyndi Thompson | City Clerk | [cthompson@cityofdeerlodgemt.gov](mailto:cthompson@cityofdeerlodgemt.gov) | 406.846.2238

# CITY COUNCIL

## MINUTES

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The City Council met on April 3, 2023, at 6 PM | PC Community Center

<b>Members Present:</b>	Dick Bauman, John Henderson, Rob Kersch, Curt Fjelstad, Gordon Pierson, John Molendyke, Jackie Greenwood
<b>Members Absent:</b>	Joseph Callahan (left early)
<b>Mayor:</b>	Jim Jess
<b>CAO:</b>	Jordan Green
<b>Staff:</b>	Peter Elverum, Chief Smith, Trent Freeman, Stan Glovan
<b>Consultants</b>	None
<b>Guests:</b>	See sign in sheet

### 1. Call Meeting to Order | Pledge of Allegiance

Mayor Jess called the meeting to order at 6 PM. All present recited the Pledge of Allegiance.

### 2. Public Comment.

Members of the audience may comment on any non-agenda 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. Like to speak out against or for any city policy including whether or not we find that you are squandering money or not and we would have every right to question you.

### 3. Public Hearing.

- a. St Mary's Street One-Way Discussion – Mayor Jess  
We would like to receive as many comments as possible. No decision will be made tonight as this is only the comment and discussion period. We have a couple letters from the public attached to the council packet. The letters received will be attached to the minutes as exhibits.

Public Comments: Open at : 6:03pm

- I. If it's not broken don't fix it! What's going on now on St Mary's is working. Lived here when it was a 2 lane road, and the biggest fear was a child being hit by a vehicle. Better street markings at the school may help. Great set up now and it needs to stay as it is.
- II. As the principal at the elementary school staff had discussed this as well. When it was presented to us to make the 2 lane road a one-way, we felt this was a good idea as it kept the flow of traffic going one way. I've been in the district for 18 years and there have been several close calls of kids getting hit because we are moving traffic in different directions. With the road as it is, it helps with some of the parking concerns the district has. If the road goes to a two lane, then we would need staff to park farther away, which could cause parking problems with parking around the apartment complexes and the church. Keep it the way that it is so all cars are going in a safe direction. As this is a decision of the City, if a child gets hurt because of changing the road directions, we will be pursuing this with the City Attorney.
- III. I agree with what is being said. This is a very busy section with kids being dropped off and picked up. Will need to look into better traffic control.
- IV. The one-way traffic is always safer. We need to encourage kids to walk to school and parents do not drive their kids a block to school when they can walk. . From the City, you guys have an engineering service on retainer for the City. You guys need to engineer a solution there. Paint on the street doesn't work. Dillon has an engineer that works to get kids to school safely and out of that school safely, that really controls the flow of traffic. If you guys can look at something like that for the people of Deer Lodge. Second I'd like to ask the City to properly sign the school signs. There are 15 mile an hour signs before the school but no signs in the school area.
- V. I agree it needs to be different and I agree with one way. I have been to Dillon and Three Forks; they have a very good system in those areas. We started to look at signs last summer. We are looking at the signage and getting that addressed.
- VI. There needs to be more control of the kids as they were about to run into the street to get a ball that had rolled into the street during recess.
- VII. State has investigated how we are going to get any help from any architect above us.

Public Comments closed at 6:13pm

Council will review all the comments brought before them. If the Council wishes to pursue this subject it will be sent to a public hearing. If the Council decides not to move forward, then they will vote on that.

#### **4. Approval of Minutes.**

- a. Regular Meeting: March 20, 2023

Correction page 4, public hearing (2), change order to odor. Member Kersch motioned to approve with the correction. Council President Bauman seconded the motion. 8 Ayes, 0 Nos. Motion passed.

## 5. Committee Reports – Accepted as presented.

- a. Finance – Dick Bauman (Chairperson)  
March 6<sup>th</sup> - There was no public comment. Continued Business was problem of mowing of our city parks. Difficult to find employees to mow in the summer season, a part time job. Finance Committee recommended to City Council to contract this job out. City crew will do the watering.  
We reviewed and signed February Claims, recommended to pay to the City Council. Next meeting is April 3, 2023.
- b. Economic Growth & Development – John Henderson (Chairperson)  
March 8<sup>th</sup> -Continued Business, we discussed Banners, no updates at this time.  
New Business, we discussed bringing in a MSU Extension Community Development agent. We set a preliminary budget (\$3,000.00) for materials for the Painting the Town Project. Member Bauman suggested the EG&D Committee budget support for the Powell County Museum Foundation.  
Committee Comments or Concerns, Jordan informed us about a city wide app (Living Local App) that the chamber is working on. It will be discussed at the next ED&G meeting; he also reminded us for input in the Growth Policy. Next meeting is scheduled for April 5<sup>th</sup>, 2023, at 4:00 PM.
- c. Council Ops – Rob Kersch (Chairperson)  
March 13<sup>th</sup> - Reviewed recommended changes for Title 7: Health and Welfare. Reviewed Title 8: Animals.
- d. Public Health & Safety – Rob Kersch Interim Chairperson ~~Joseph Callahan (Chairperson)~~  
March 8<sup>th</sup> - Approved Signature Authority for Police Department. Received regular reports from Police, Fire, Code Enforcement, and County Health.
- e. Public Works – Gordon Pierson (Chair) ~~John Henderson (Interim Chairperson)~~  
March 28<sup>th</sup> - Old Business we discussed Rate Increase made recommendation to the Finance Committee for further discussion. New Business we approved with recommendation to Finance and Council a new Sander purchase, 2023 Street Maintenance Project awarded to Helena Sand & Gravel, Cottonwood Ave Rebuild awarded to H&H Contracting, 1<sup>st</sup> Phase of the Wastewater Inflow and Infiltration awarded to MJD Contracting & Water Tank Inspection from Liquid Engineering. Approved Trent to proceed with getting quotes for the Missouri Ave Widening Cost Share project.

## 6. Board Reports – Accepted as presented.

- a. Airport Board – Gordon Pierson  
No report at this time.
- b. Powell County Parks Board –Dick Bauman  
Did not attend meeting.
- c. Chamber of Commerce – John Henderson  
Unable to attend.
- d. Headwaters RC&D – Joseph Callahan  
No report at this time.

- e. Historic Preservation – Curt Fjelstad-Jordan Green  
Discussed draft ordinance for Historic Preservation Commission to include in our Title 11 Zoning. Discussed Rob Worth nominations and the Cemetery.
- f. Landfill – Rob Kersch  
Approved purchase of cement to block off some of the roads for construction. Discussed some equipment issues. Purchased a Bobcat Toolcat for light loader work around the landfill. Approved a reduction in billing for a landowner.
- g. Local Emergency Planning Committee – Dick Bauman  
Did not attend. Will bring minutes to include in our agenda.
- h. Library – John Molendyke  
Unable to attend.
- i. Planning Board – Dick Bauman  
Met on March 20<sup>th</sup>, approved the rezoning and conditional use permits and all three were approved by Council. Received reports from Economic Growth & Dev, Historic Preservation and Chamber of Commerce. Next meeting April 17<sup>th</sup>.
- j. Youth Board – Jackie Greenwood  
Unable to attend.

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

- a. Ordinance 2023-2 1<sup>st</sup> Reading: Skatepark Rules – Jordan

Member Pierson Titled Ordinance 2023-2

**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.**

Discussed the rules at the last City Council meeting and made a couple minor changes. New changes are:

1. Item (D) No glass bottles or glass items of any type allowed with the exception of shatter-proof glass items and eyeglasses.
2. Item (J) Pets and non-users must remain off the Skatepark concrete. Exceptions include licensed service animals and those entering the Skatepark for the purposes of responding to an injury or an emergency situation. A non-user is defined as someone who is not actively using the Skatepark for its intended purpose or who is not aiding those who are using the Skatepark for its intended purpose.

Public Comment: Need to look at parking out there.

Member Kersch motioned to approve Ordinance 2023-2 1<sup>st</sup> Reading as presented. Member Molendyke seconded the motion 8 Ayes, 0 Nos. Motion passed.

b. AOK Campground Additional Land Lease – Jordan

The City made and entered into a lease agreement ("2021 Lease") on March 1, 2021, with Michael D. Clasby, "Lessee," for the purposes of operating a commercial campground on the land owned and possessed by the City of Deer Lodge commonly used as a City Campground. Lessee determined that demand existed for additional overnight trailer parking, camping, and other recreation uses and therefore requested an additional lease for the expansion of the campground on land owned by the City adjacent to the City Campground. The Parties do agree that this lease agreement (hereinafter referred to as the Lease) will be in addition to the 2021 Lease agreement between the parties.

The Lease is issued for the sole purpose of operating a commercial campground. This means only business activities related to the operation of a commercial campground serving the local community. No part of the leased land may be used, or permitted to be used, for any purpose contrary to a commercial campground operating under a license from the KOA corporation. The Term of the Lease shall be for twenty-two (22) years to align with the term and expiration of the 2021 Lease. Reviewed the Improvements Term Section (page 4) of the lease that was approved by Council.

Michael D. Clasby addressed City Council requesting rent for the first year of the new lease be waived.

Request to be waived: First year rent \$5649.28 from April 3, 2023, to April 2, 2024.

Start Rent: April 3, 2024, to April 2, 2025, rent will be at \$5757.92 monthly.

Member Greenwood motioned to approve the Lease as written and City Council approve the rent waiver for the first year. Member Pierson seconded the motion 8 Ayes, 0 Nos. Motion passed.

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

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

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

b. Transportation Alternatives Grant Match – Jordan

Public Hearing was held on March 20, 2023. The City is applying for the Transportation Alternatives Grant Program sponsored by MDT for putting a sidewalk in from the Cottonwood Street Bridge on the East and West Sides of Main Street up to the beginning of Grant Kohrs Ranch and Blue Ribbon Pavilion and installing lighted crosswalks. On the West side of the street, widening the sidewalk to extend from Grant Kohrs Ranch to the beginning of North Frontage Road.

Part of that grant ask is a 13.82% match required by the local government. MDT does provide match funding as long as the improvements are done within the MDT right-of-way as long as it is a roadway that was originally paid for and improved for with federal dollars and if the street is creating an ADA accessibility improvement. In talks with MDT to help fund that 13.82% In order to apply for this grant by the due date, we need to show a match confirmation to be done. The grant ask match at 13.82% equals to \$180,000. This is about a \$1.3 to \$1.4 million dollar project. Split out over 2 years at

\$90,000 in the next fiscal year's budget and \$90,000 in the fiscal year 2025 budget. Jordan outlined budget number showing we can spend for the benefit of the community and no substantial impact what we already anticipated for the budget's fiscal years.

Council Comments:

- i. Member Fjelstad asked about the extension of the sidewalks.
- ii. Member Greenwood asked about stop signs. Answer: State will not allow a stop sign on a state hwy.

Public Comments:

- i. This project will increase the connectivity between our historical landmarks. Is in favor of the project.
- ii. Why make more infrastructure if we can't take care of what we have now.

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

c. 2023 Street Maintenance Project Approval – Trent

Recommendation of award from Stahly Engineering to Helena Sand and Gravel. The recommendation is to approve the base bid plus Alternate #1 (Larabie Ave) for total of \$368,708.25. Sent from Finance Committee with recommendation to City Council.

Member Greenwood asked about the cost of Traffic Control. Trent stated this is what they charge and is out of his control. Member Greenwood asked about General Requirements charge on the bid.

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

d. Cottonwood Avenue Drainage Project Approval – Trent

Recommendation of award from Stahly Engineering to H&H Contracting. The contractor will be working in conjunction with Northwest Energy. Lowering the road 3' , taking the crown out of the road, Invert the roadway so everything slopes to the center, Concrete drain pan to be installed. Amount of contract bid from H&H is \$253,777.00. Sent from Finance Committee with recommendation to City Council.

Member Greenwood asked if there is going to be rebar and what that cost is. Trent replied it's included in the cost before you.

Member Greenwood asked about line item #113 on the bid (4' wide blueboard Insulation). Trent replied, below the freezing threshold it's for our water pipe up Cottonwood, Insulation is to cover that water pipe to prevent from freezing.

Member Kersch motioned to approve as presented, Member Greenwood seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

- e. Wastewater Inflow and Infiltration Project Approval – Trent  
Recommendation of award from Stahly Engineering to MJC Contracting for \$879,845.00. One bid was received and within the requirements stated in the bid documents. This is a fully grant funded project. Sent from Finance Committee with recommendation to City Council.

Member Pierson motioned to approve as presented. Member Henderson seconded the motion.  
7 Ayes, 0 Nos, 1 Absent. Motion passed.

- f. Water Tank Inspection Cost Approval – Trent  
Proposal from Liquid Engineering for \$9,560.00. Every 5 years it's required to clean our water tank reservoir and concrete reservoir. They send in scuba divers to clean and inspect all areas of the tanks. Last water tank inspection was in 2019. This is a budgeted item and was sent from Finance Committee with recommendation to City Council.

Member Greenwood motioned to approve as presented. Member Kersch seconded the motion.  
7 Ayes, 0 Nos, 1 Absent. Motion passed.

- g. Sander Purchase Approval – Trent  
Quote from Iron Horse Towing for \$10,690.00 for a new sander purchase. Current sander is 19 years old with a lot of wear and tear from the winters. This is budgeted item at \$13,000, came in under budget. Asking Council to approve the full \$13,000.00 as the additional funds will be used for freight cost or additional equipment. Sent from Finance Committee with recommendation to City Council.

Member Greenwood asked if Public Works was going to purchase a blade for snow blowing. Trent replied, not at this time.

Member Greenwood motioned to approve the budgeted item at \$13,000.00 to purchase the sander at \$10,690.00 and remaining funds to be used for Freight or additional equipment. Council President Bauman seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

- h. Resolution 2023-R-2 Police Department Reserve Fund Signature Authority – Jordan  
Bank signature Authority update as previous signature authority members were no longer staff of the City. Sent from Finance Committee with recommendation to City Council.

Member Henderson titled Resolution 2023-R-2.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DEER LODGE, MONTANA, ESTABLISHING SIGNATURE AUTHORITY AT PIONEER FEDERAL SAVINGS AND LOAN ASSOCIATION, 401 MILWAUKEE AVENUE, DEER LODGE, MONTANA 59722 FOR THE DLPD RESERVE POLICE OFFICER PROGRAM ACCOUNT.**

James Jess, George Smith, Stanley Glovan, Austin Picton, and Thomas Malcomb have signature authority for the DLPD Reserve Police Officer Program at Pioneer Federal Savings and Loan Association of Deer Lodge.

Member Kersch motioned to approve Resolution 2023-R-2 as presented. Member Fjelstad seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

i. Resolution 2023-R-3 Short Term Investments Pool Authorization – Jordan

Member Kersch titled Resolution 2023-R-3

**RESOLUTION AUTHORIZING PARTICIPATION IN THE MONTANA BOARD OF INVESTMENTS OF SHORT-TERM INVESTMENT POOL AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS RELATED THERETO**

Updating our Short Term Investments Pool Authorization, as this is a yearly update. This provides current information of our Representation and Authorized Delegates. Sent from Finance Committee with recommendation to City Council.

Member Kersch motioned to approve Resolution 2023-R-3 Short Term Investments Pool Authorization as presented. Member Pierson seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

j. MSU Extension Community Development Agent – Jordan

Act as liaison between businesses, non-governmental organizations, residents, and local governments. The Agent will focus on Community and Economic Development. This is a need for the city and is outlined in our Growth Policy, Downtown Master Plan, and a variety of other city documents. Enter into an MOU with the County and Partner the Community Development Agent for a new position at \$42,945.00 and use the Economic Growth & Development yearly budget of \$21,000 to supplement the new position for 5 years. Favorable recommendation to City Council from Economic Growth & Development and Finance.

Council Comment:

- i. Member Kersch says he believes this is a great idea for the community.
- ii. Council President Bauman, Anaconda has an extension agent and has been successful and is in favor.
- iii. Member Greenwood, we can do everything we can to try and beautify Main Street but if the businesses are not willing to fix up their buildings, then we still have a problem.
- iv. Council President Bauman, this position could unify Powell County Museum & Art, Grant Kohrs National Park, Discover DL, Chamber of Commerce, and all different entities. Unification with one point person is idea.
- v. Member Greenwood stated, during events a lot of the businesses are closed, how are they supposed to make any money during the really busy times.

Public Comment:

- i. Asked about the person working for the County and City and how is that time delegated. Jordan replied, it will be outlined in the MOU with the County.
- ii. Why not encourage our own people to go out there and make things happen rather than hire someone.
- iii. There needs to be a vision.

Member Fjelstad motioned to approve as presented. Member Kersch seconded the motion. 7 Ayes, 0 Nos, 1 Absent. Motion passed.

k. Painting Main Street Project – Jordan

This budget fiscal year to use funds from the Economic Growth & Development budget to buy paint for business and property owners on Main Street that want to paint their store front. Favorable recommendation to City Council from Economic Growth & Development and Finance was \$3,000.00 for this year. If it's in the historic district or a historic building on the registrar, they stay in line with the historic colors. This will be a first come, first serve opportunity for business owners. There will be an application to fill out, colors will need to be approved by staff and business owners do the paint of their own building.

Member Greenwood asked about buying extra paint and having the kids do a mural this summer. Jordan agreed, mural would be great, although murals were not discussed in the other committees only painting of businesses.

Public comment:

- i. Will there be measures in place, so the business owners are not double dipping as a lot of business owners received ARPA funds to improve their building/business. Jordan stated that the business that got approved ARPA funds none of them were for a façade improvement.
- ii. Will there be a time limit for completion?

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

l. Museum Foundation Support – Council President Bauman

The City does not contribute any funds to the Powell County Museum & Arts Foundation. I am asking the City to add a line item in the 2023/2024 budget of about \$10,000 annually to contribute funds in support.

Jordan stated this is a favorable recommendation to City Council from Economic Growth & Development and Finance. Powell County contributes about half million dollars per year.

Member Greenwood motioned to approve as presented. 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.**

- |  |  |
|--|--|
| • Finance – April 3 <sup>rd</sup> at 4PM                   | • Planning Board – April 17 <sup>th</sup> at 10AM                  |
| • Economic Growth & Dev – April 5 <sup>th</sup> at 4 PM    | • Council #2 – April 17 <sup>th</sup> at 6 PM                      |
| • City Council Operations – April 10 <sup>th</sup> at 5 PM | • City/County Joint – April 18 <sup>th</sup> at 5:30pm (if needed) |
| • Public Health & Safety – April 12 <sup>th</sup> at 5 PM  | • Public Works – April 25 <sup>th</sup> 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 Fjelstad asked for an update on Hotel DL.
  - b. Member Kersch asked for any updates on the housing development.
- 11. Next Meeting Announcements**
- a. Regular Meeting: April 17, 2023, at 6PM
- 12. Adjournment**
- Mayor Jim Jess adjourned the meeting at 8:20PM.

Prepared By: Cyndi Thompson, City Clerk

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Mayor Jim Jess

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Date

# CITY OF DEER LODGE

## CAO REPORT

April 2023

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### PROJECT SUMMARIES

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#### Municipal Budget

- Stan and I are in regular meetings with Financial Advisor over budget requirements, Annual Financial Reporting, and other topics. We have contracted with a retired City Treasurer for key GASB topic education.
- Finance Committee and Council Operations Committee are currently reviewing fee schedule. Changes have been recommended to Council for the first Council meeting in May.
- Beginning the FY24 budget prep process. Requesting budget asks from department heads this week.

#### City Planning

- I am City contact for the State Regional Disaster Mitigation Planning process. The state is funding for a 5-year update to the regional disaster plans, which will be disbursed to municipalities upon completion. First draft of Pre-Disaster Mitigation Plan has been released. Updated action items submitted in early February by the City and Powell County.
- Working on draft historic preservation ordinance with Historic Preservation Commission to bring to Council for consideration of adoption. Draft revisions have occurred and the Planning Board reviewed the draft ordinance this morning.
- Code Enforcement Officer is inventorying abandoned residential properties throughout town to apply for CDBG housing stabilization funding for renovations, demolition, and reconstruction.
- Radar speed signs are scheduled to be installed this week.
- Growth Policy survey received approx. 330 responses and Planning Board reviewed and discussed next steps this morning.

#### Grants

- Received notice of recommendation of \$342,500 for the Reclamation and Development Grant (RDGP) cycle for remediation at the Passenger Refueling Area. Bill is almost to governor's desk, still expecting approval.
- Applied for EPA Brownfields Cleanup Grant for Hotel Deer Lodge. In communications with Headwaters RC&D about match funding. EPA is currently contracting with 501(c)3 for cleanup procedures.
- DEQ has received a brownfields planning grant for the Milwaukee Roundhouse and Passenger refueling area and will begin working with the county and myself on administration of those funds. Contract has been signed.

- Received Advisory Committee rankings for I&I and Well ARPA Competitive Grant applications. Our I&I project ranked #3 for priority funding in the state. Well project was ranked lower due to scoring mechanism. Grant contracts have been completed.
- Applied for grant through Montana Main Street Program to receive help in planning Business Improvement District. Did not receive funding.
- Testified to legislature for Montana Historic Preservation Grant Application. We were ranked 43 out of 48. However, I received a call stating we were recommended for funding. The bill has one more reading before going to the governor's desk. Still expecting approval of funding.
- Applying for two FEMA property acquisitions to reduce flooding in town. Hoping to acquire two properties this year should both grants be accepted. Match money did not change with the additional application. Grants are submitted and awaiting review.
- Submitted application for FEMA grant for stormwater study.
- Transportation Alternatives grant submitted last Tuesday. Will keep Council updated on status of application. Received 24 letters of support from local organizations.
- Submitted subrecipient survey to DNRC for grant funds to assess our ability to manage grant funding and determine amount of help we may receive from the agency.

#### **City Hall & Employees**

- Ray Peterson Electric has toured City Hall for electric improvements to Youth Board room. Had another tour early November. Awaiting quote. Have also contacted several other electricians for quotes.
- City Clerk created Enter and Exit Employee Checklist to streamline on and offboarding process for employees. Will start implementation on new hires.
- City Clerk and I looking at ways of improving Council agenda flow. We are also pursuing online software to upload meeting minutes to.
- Testified in person on HB 7, HB 12, and HB 355, and have provided written testimony on a number of land-use and local government-related bills.
- Provided testimony to legislators on SB 332, a land-use bill drafted by the Montana League of Cities and Towns and the Montana Association of Planners, urging a vote yes.
- 3/3 Collective Bargaining Agreements have been negotiated pending approval. Finance and Council will review first part of May.

#### **Floodplain Administration**

- Received first draft of new floodplain boundaries from DNRC. So far, very minor changes to floodplain boundaries in Deer Lodge. City should expect final updated maps in 2025. Tentative first draft date is August 5, 2023. Afterwards will follow study walk through and public open houses.
- Partnering with Breanna Rome Foundation to strategize memorial park on City-owned floodway property. Expect further information in coming months.
- In talks with local DES coordinator and state floodplain agency to monitor potential for flooding in town. City crew will begin hauling sand to Fire Hall for people to fill their own sandbags. Not expecting high levels of runoff on Cottonwood Creek this spring.

## **Economic Development**

- Coordinating with Discover Deer Lodge on placing bike racks throughout town.
- Member of the Ted Rule Memorial Football Field Committee, which is working to achieve funding through donations and grants for a complete renovation of the School District Track and Field Complex. Have wrote grants to the Foster Foundation and the Northwest Farm Credit Services Rural Community Grant Program. We have heard back from the Northwest Farm Credit Services and have been awarded \$2,500 for the project. No news from other application. Amanda and I have submitted a CDBG Planning Grant for a PER for the project.
- Right-of-way Encroachment for North Gateway sign has been approved by MDT. Outdoor Advertising Permit application has been submitted. Outdoor Advertising Permit has been approved and crew will break ground early this season.
- Working with Headwater's RC&D to get small business development center (SBDC) information to local businesses. They will be holding a website design class in May and I disbursed that information to local businesses.
- Zoning permits and Business license issued for first medical and adult-use marijuana dispensary.
- Still pursuing specifics of MSU Community Development Extension Agent.
- Working with MSU Engineering student capstone team and Deer Lode Medical Center on housing project in town on hospital-owned property.
- Additional lease for AOK campground has been signed by both parties.
- Working on finding grant funding for city street art murals and have begun to research RFPs for said work.
- Received quote for splash park from a designer. Have presented to Chamber of Commerce members the potential for local fundraising for the project.
- County Commissioners signed the contract for the first year of the Living Local community App. App is in development.

## **INTEREST ITEMS FOR CITY COUNCIL**

- City news will now be incorporated into advertisements on 96.9FM, The River. Updates weekly. Let me know if you have any City news that I can relay to Marci at the station to be included in the broadcast.
- American Legal changes have been codified. Code currently online is up to date.

# CITY OF DEER LODGE

## Public Works Report

March 2023/April 2023

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### PROJECT SUMMARIES

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#### **Street Maintenance**

- Patching potholes with Cold Mix
- Street Sweeping
- Repaired school drop off area at OD Spear School along 5<sup>th</sup> St.
- Ordered oil for DuraPatcher
- Grading Alleyways

#### **Sewer Utility**

- Annual Sewer Maintenance
- Reviewing Rates

#### **Parks and Rec**

- Spring Cleanup completed at Parks
- Sprinkler system quotes received
- Announcers' booth at softball field has been repaired
- Gazebo roof repaired at JC Park

#### **Water**

- Repaired Water Leak
- O'Keefe Drilling was here and completed the pump test on the observation well
- Reviewing Rates

#### **Solid Waste**

- Reviewing Rates

#### **Mosquito Abatement**

- Nothing to report

### INTEREST ITEMS FOR CITY COUNCIL

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- Public Works position has been filled. Sean Reich started April 10th
- Union Negotiations completed
- Observation well producing 410 gpm
- Moving forward with a Sprinkler System for the Skate Park and West Side Park. Skate Park sprinkler system budgeted for this year. West Side Park will be budgeted for next fiscal year with late summer installation
- Contacted MCE for help with the cleanup of Cottonwood Creek
- Preparing Public Works Budget
- Material for Sandbags placed at Fire Hall

### COVID-19 RESPONSE

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*Currently the Public Works Crew is moving forward on anticipated projects while working safely, practicing enhanced hygiene, and using personal protective equipment as directed.*



## Deer Lodge Police Department

March 2023

### Police CFS

911 Call Total: 2  
Abandoned Vehicle(s) Total: 3  
Accident Non Injury Total: 3  
Alarm Total: 2  
Alarm - Non Residential Total: 2  
Animal - Complaint Total: 2  
Animal - Found Total: 3  
Animal - Problem Total: 2  
Animal - Stray Total: 1  
Animal - Vicious Total: 1  
Assault Total: 1  
Break-in Total: 1  
Burglar Alarm Total: 1  
Care for Sick/Injured Total: 1  
Child Abuse - Cross Report Total: 1  
Civil Total: 1  
Civil Standby Total: 1  
Complaint Total: 1  
Courtesy Ride Total: 2  
Disabled Vehicle Total: 1  
Disturbance Total: 1  
Disturbance Family Total: 1  
Dog(s) at Large Total: 2  
Domestic - Violent Total: 1  
Drug Paraphernalia Found Total: 1  
Extra Patrol Requested Total: 1  
Found item(s) Total: 2  
Gas Leak Total: 3  
Harassment Total: 2  
Hit and Run Total: 1  
Information Total: 1  
Intoxicated Person Total: 1  
Juvenile Problem Total: 1  
Lift Assist Total: 1  
Medical Alarm Total: 1  
Minor(s) in Possession - Vape Pen Total: 1  
Missing Person(s) - Juvenile Total: 1  
Noise Complaint Total: 1  
Parking Complaint Total: 1  
Probation Violation - Adult Total: 1  
Property Found Total: 1  
Property Lost Total: 1  
Property Stolen Total: 1  
Reckless Driving Total: 4  
Request Officer Total: 16  
Request Wrecker Total: 1  
Runaway Total: 1  
Scam - Internet Total: 1  
Stray - Canine(s) Total: 1  
Suicidal Juvenile - Male Total: 1  
Suspicious Person(s) Total: 1

Suspicious Vehicle(s) Total: 5  
Theft Total: 2  
Theft Motor Vehicle Total: 1  
Threat(s) Total: 2  
Traffic Accident - Non Injury Total: 3  
Traffic Accident - Unknown Injury Total: 1  
Traffic - Complaint Total: 2  
Traffic - Hazard Total: 1  
Traffic Stop Total: 44  
Traffic - Stranded Motorist Total: 2  
Traffic - Wrong Way Driver Total: 1  
Unattended Death Total: 2  
Unwanted Person(s) Total: 2  
Vandalism Total: 2  
VIN Inspection Total: 1  
Walk Through/Security Check Total: 3  
Welfare Check Total: 10  
With Prisoner(s) Total: 1

**Total Records: 171**

**Citations Issued: 17**

Officer Slauson to Academy January 8- April 5  
Report of drugs received in the mail  
State Probationer was found with drug paraphernalia  
Fentynal OD- Survived  
Autopsy report came back one of our unattended  
deaths was a drug OD  
Pill and Alcohol OD at Jr High  
Robbery case, Officer had to OC suspect  
Contempt of Court, not following bail conditions  
Vandalism to Softball Field  
Internet Fraud Case  
3-Felony PFMA's  
2-Unattended deaths



# FIRE DEPARTMENT REPORT

March 2023

## HIGHLIGHTS

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### **4 Call for Service:**

- 1 Call for semi vs snowplow collision. It was near the Racetrack exit. A semi-truck left the eastbound lane of I-90 and struck a parked DOT plow as it was sitting in the turnround. We had to extricate the driver of the semi-truck. Minor injuries for both drivers.
- 1 Call for possible gas leak at the post office. We arrived, investigated, and found nothing. We touched base with Northwest Energy and left the scene.
- 1 Call for car crash at Sager Lane on the South Frontage road. 1 occupant was fine, the other had to be extricated. Injuries are unknown at this time.
- 1 Call for structure fire with possible occupant still inside. Upon arrival the occupant was outside suffering from smoke inhalation and EMS attended to them. The crew encountered heavy smoke from the basement of the structure. Upon entry they found the source and extinguished the flames. The structure sustained some burn and smoke damage but is repairable. Status of the injured occupant is unknown at this time.

## INTEREST ITEMS FOR CITY COUNCIL

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### **Department Happenings:**

- No other Dept happenings at this time.



# CODE COMPLIANCE REPORT

March 2023

## HIGHLIGHTS

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- 6 citizen complaints
- Daily patrols
- 15 dog at large calls
- 142 dog tags sold ytd
- 0 dogs at shelter
- New Dog tags are in so people are being warned to get them
- Two property cleanups
- Monthly culvert inspections
- 1 stop work order issued

## INTEREST ITEMS FOR CITY COUNCIL

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None



# RECREATION PROGRAM REPORT

## MARCH 2023

### **HIGHLIGHTS**

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- We failed on the ice rink. Weather just didn't work with us.
- June starts coed softball.
- Baseball will start this next week. So far less than 100 kids signed up for ages 4-16 boys and girls.
- Summer brings Cornhole tournaments in conjunction with discover deer lodge/all class reunion chamber of commerce/territorial days Draft horse expo I'm sure a fundraiser for a local group will pop up also.
- Hopefully a pickleball tournament or two.
- July starts soccer.

### **PROJECT SUMMARIES**

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None.

### **INTEREST ITEMS FOR CITY COUNCIL**

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None.

### **STAFFING CONCERNS**

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None.

### **COVID-19 RESPONSE**

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No update.

### **ORDINANCE 2023-3**

**A ZONING ORDINANCE BY THE DEER LODGE CITY COUNCIL TO CREATE ZONING REQUIREMENTS FOR CULTIVATOR, MANUFACTURING, AND TESTING LABORATORY MARIJUANA BUSINESSES, AS WELL AS PROVIDE LOCAL REQUIREMENTS FOR LICENSING OF SAID BUSINESSES PURSUANT TO 16-12-207, MCA.**

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

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

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

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

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

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

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

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

WHEREAS, the City of Deer Lodge Planning Board has the responsibility to review zoning regulations for the City of Deer Lodge; and

WHEREAS, the Planning Board identified the need to determine the most adequate locations and local regulations of marijuana businesses to protect the health, safety, and general welfare of the City of Deer Lodge; and

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

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

WHEREAS, the Planning Board held a duly noticed public hearing on October 18, 2021 to consider the proposed regulations and zoning amendment. FURTHER, the Planning Board after receiving a summary from the City Administrator/Planner, elected to forward the propositions to the City Council through a vote of five to zero with none absent; and

WHEREAS, the Deer Lodge City Council conducted a duly noticed public hearing at their regularly scheduled Council meeting on November 1, 2021 at 6:00 PM to accept comments regarding the proposed Ordinance 2021-9, which contained the propositions forwarded by the Planning Board from their October 18, 2021 meeting; and

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

WHEREAS, Interim Zoning Ordinance 2022-1, authorized by 76-2-306, MCA was passed on January 3, 2022 and placed the marijuana businesses as identified in 16-12-301(1(d), MCA as conditional uses in the B-1, Central Business District and B-2, Highway Business District, required a Zoning Permit for the approval of a marijuana business Conditional Use Permit, and required a distance of at least 1,000 feet as measured in a straight line from property line to property line from parks, day-cares, schools, postsecondary schools, and buildings used exclusively as a church, synagogue, or other place of worship. FURTHER, said Interim Zoning Ordinance 2022-1 was to be in effect until such a time as the electors of the City of Deer Lodge were allowed to vote on whether to permanently prohibit the marijuana businesses as identified in 16-12-301(1(d), MCA, as authorized by HB 701, at which time the City of Deer Lodge City Council would create a new Zoning Ordinance that regulates any marijuana businesses that were not prohibited by the electors of the City of Deer Lodge; and

WHEREAS, Resolution 2022-R-12, passed on March 21, 2022, submitted the issue to the electors of whether to permanently prohibit the categories of marijuana businesses at an election on

November 8, 2022. FURTHER, said Resolution was also passed and signed by the Powell County Board of County Commissioners after the passage of the Resolution by the City Council; and

WHEREAS, the results of the ballot issue at the November 8, 2022 election prohibited marijuana transporter facilities within the city limits of the City of Deer Lodge, but kept as authorized the following business types: cultivator, manufacturer, medical marijuana dispensary, adult-use dispensary, combined-use marijuana licensee, and testing laboratory; and

WHEREAS, the Planning Board at their November 21, 2022 meeting discussed zoning regulations pertinent to the following marijuana business types: cultivator, manufacturer, and testing laboratory; and

WHEREAS, the Public Health and Safety Committee at their December 14, 2022 and January 11, 2023 meetings discussed zoning regulations and other regulations pertinent to the following marijuana business types: cultivator, manufacturer, and testing laboratory; and

WHEREAS, the Public Health and Safety Committee at their February 8, 2023 reviewed the potential zoning regulations and other regulations and elected through a vote of XXX to XXX to forward the proposed zoning regulations to the City Council; and

WHEREAS, on XXXX XX, 2023, the City Council of the City of Deer Lodge reviewed the proposed zoning regulations and other regulations and elected through a vote of XXX to XXX to move the items to public hearing; and

WHEREAS, at their regularly scheduled meeting on XXXX XX, 2023, the City Council of the City of Deer Lodge held a duly noticed public hearing concerning the proposed zoning regulations and other regulations.

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

1. The City of Deer Lodge Zoning Ordinance is amended to zone the following business types accordingly:
  - Cultivator: A conditional use in the B-2, Highway Business District.
  - Manufacturing: A conditional use in the I-1, Industrial and Manufacturing District.
  - Testing Laboratory: A permitted use in the B-1, Central Business District and a permitted use in the B-2, Highway Business District.
2. A Zoning Permit is required for the issuance of a state license in accordance with 16-12-207(3(ii), MCA in order to obtain approval by local building, health, and fire officials.
3. All requirements of 16-12-207, MCA must be met for a cultivator, manufacturing, or testing laboratory marijuana business to operate in the zones authorized by this ordinance.
4. Cultivator businesses that currently or in the future will use municipal water and sewer must connect and be metered within six (6) months of business operation Failure to do so will result in the revocation of a cultivator marijuana business license.
5. Cultivator and Manufacturing businesses must install and maintain carbon filters and fans to circulate air and mitigate odor both inside and outside the structure. The issuance of the Zoning Permit as required in item 2 of this ordinance will require verification of the

installation and maintenance of carbon filters and fans. Failure to install or maintain carbon filters and fans will result in the revocation of a cultivator or manufacturing marijuana business license.

6. A copy of this zoning ordinance, and any future zoning ordinances pertaining to marijuana businesses, shall be delivered to the Department of Revenue for the purposes of providing the department the local approval criteria for marijuana business licenses.
7. Title 5: Business Licenses and Regulations of the City of Deer Lodge Code of Ordinances is amended to include the requirements, other than zoning requirements, for cultivator and manufacturing marijuana business types as listed in items 4 and 5 of this ordinance. The changes to Title 5 are attached to this Ordinance 2023-~~32~~ and are incorporated herein.
8. Title 11: Land Use of the City of Deer Lodge Code of Ordinances is amended to include the zoning requirements of adult-use and medical marijuana dispensaries as listed in item 1 of this ordinance. The changes to Title 11 are attached to this Ordinance 2023-3 and are incorporated herein.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2023-3 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 2023-3 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 XX day of XXXXXXXX, 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				

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James Jess, Mayor

Attest:

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Cyndi Thompson, City Clerk

Passed and approved by the City Council of the City of Deer Lodge, Montana on final reading at a regular Council meeting this XX 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 2023-3 is XXXXXX XX, 2023

## ATTACHMENT A: AMENDMENTS TO TITLE 5: BUSINESS LICENSES AND REGULATIONS

THE FOLLOWING SECTION IS ADDED TO TITLE 5: BUSINESS LICENSES AND REGULATIONS AS CHAPTER 5.12 MARIJUANA BUSINESS REGULATIONS.

### CHAPTER 5.2212: MARIJUANA BUSINESS REGULATIONS

#### § 5.22.010 LICENSE REQUIRED.

Pursuant to the provisions of the MCA §16-12-2, all marijuana businesses located in the city limits of the City of Deer Lodge must receive and maintain a license to operate from the State.

(A) A local business license is also required to operate all marijuana businesses within the city limits of the City of Deer Lodge. The fee of said business license shall be set by resolution.

(B) Marijuana businesses shall only be licensed to operate within the city limits of the City of Deer Lodge pursuant to the zoning regulations found in Title 11 of this code.

(Ord. 2023-3, passed XX-XX-XXXX, effective XX-XX-XXXX)

#### § 5.22.020 ADDITIONAL REQUIREMENTS FOR MARIJUANA BUSINESSES.

The following regulations apply to marijuana businesses located within the city limits of the City of Deer Lodge. Failure to abide by the following regulations will result in the revocation of a license pursuant to MCA §16-12-301.

(A) Marijuana Cultivator businesses:

- a. That currently or in the future will use municipal water and sewer must connect and be metered within six (6) months of business operation.
- b. Must install and maintain carbon filters and fans to circulate air and mitigate odor both inside and outside the structure.

(B) Marijuana Manufacturer businesses:

- a. Must install and maintain carbon filters and fans to circulate air and mitigate odor both inside and outside the structure.

(Ord. 2023-3, passed XX-XX-XXXX, effective XX-XX-XXXX)

## ATTACHMENT B: AMENDMENTS TO TITLE 11: LAND USE

### § 11.01.200.020 USES.

(A) *Accessory uses.* A category not permitted to serve as the principal use. These uses are incidental to and customary in connection with the principal building or use and located on the same lot with such principal building or use.

Major home occupation	Conditional use
Outdoor seating	Permitted

(B) *Civic uses.* A category related to fulfilling the needs of day-to-day community life, congregation and social interaction. Retail space shall be in the front of the building and shall occupy a minimum of 25% of the gross floor area.

Assembly	Permitted
Fire/police	Permitted
Houses of worship	Permitted
Library/museum	Permitted
Post office	Permitted
Schools	Permitted
Uses requiring more than 5,000 square feet of gross floor area	Conditional use

(C) *Craftsman.* A category involving small scale manufacturing, production, assembly and/ or repair with little to no noxious by-products that includes a showroom or small retail outlet.

Brewery/distillery	Permitted
Contractor shop/yard	Conditional use
Fabrication	Permitted
Galleries	Permitted
<a href="#">Marijuana Testing Laboratories (issuance of a Zoning Permit Required)</a>	<a href="#">Permitted</a>
Uses requiring more than 5,000 square feet of gross floor area	Conditional use
Woodworking	Permitted

(D) *Infrastructure uses.* A category for the provision of public and private infrastructure to support other uses. Infrastructure uses typically do not include a principal building.

Park/playground	Conditional use
Public/private utility and services	Conditional use
Surface parking as a principal use	Conditional use
Telecommunications towers and antennas	Conditional use

(E) *Office uses.* A category of businesses that involve the transaction of affairs of a profession, service, industry or government.

Residential and lodging: a category that include several residence types	
Motel/inn	Conditional use
Residential	Conditional use
Residential care	Conditional use
Uses requiring more than 5,000 square feet of gross floor area	Conditional use
Uses with drive-thru windows and/or service windows	Conditional use

(F) *Retail uses.* A category involving the sale of goods or merchandise to the public for personal or household consumption.

Liquor stores	Conditional use
Taverns and eateries (less than 5,000 square feet of gross floor area)	Permitted
Uses with drive-thru windows and/or service windows	Conditional use
Uses requiring more than 5,000 square feet of gross floor area	Conditional use
Uses typically found and associated with downtown	Permitted
<a href="#"><u>Adult-use and Medical Marijuana Dispensaries (a total maximum of two (2) Dispensaries will be permitted. Issuance of a Zoning Permit required)</u></a>	<a href="#"><u>Conditional use</u></a>

(Prior Code, § 11.01.200.020) (Ord. 2019-1, passed 4-1-2019; Ord. 2021-15, passed 12-20-2021; [Ord. 2022-7, passed 1-3-2023, effective 2-4-2023](#); [Ord. 2023-3, passed XX-XX-XXXX, effective XX-XX-XXXX](#))

## **§ 11.01.210.020 PERMITTED USES.**

The following are permitted uses:

(A) Adult-use and medical marijuana dispensaries (issuance of a Zoning Permit required)

- (~~BA~~) Antique shops;
- (~~CB~~) Art and music supply shops;
- (~~DC~~) Barber and beauty shops;
- (~~ED~~) Bars, taverns and cocktail lounges;
- (~~FE~~) Bowling alleys;
- (~~GF~~) Car washes;
- (~~HG~~) Clinics;

(~~IH~~) Conditional uses as provided in § 11.01.210.090 and subject to conditions and requirements prescribed;

- (~~JJ~~) Equipment sales and services;
- (~~KJ~~) Food and drug stores;
- (~~LK~~) Frozen food storage and locker rental;
- (~~ML~~) Furniture stores;
- (~~NM~~) Gasoline service stations;
- (~~ON~~) Hotels and motels;
- (~~PO~~) Hospitals;
- (~~QP~~) Laundries and dry-cleaning establishments;
- (~~RQ~~) Liquor stores;

(S) Marijuana Testing Laboratories (issuance of a Zoning Permit required)

- (~~TR~~) Mortuaries;
- (~~US~~) Newspaper offices;
- (~~VT~~) Nursing homes;
- (~~WU~~) Open space;
- (~~XV~~) Plant nurseries;
- (~~YW~~) Post offices;
- (~~ZX~~) Printing shops;
- (~~AA~~Y~~~~) Professional and business offices;
- (~~BB~~Z~~~~) Public buildings and uses;

- ([CCAA](#)) Research and development institutions;
- ([DDBB](#)) Restaurants, cafés and drive-in eating establishments;
- ([EEGG](#)) Shopping centers;
- ([FFDD](#)) Signs;
- ([GGEE](#)) Sporting goods stores;
- ([HHFF](#)) Temporary buildings for and during constructions only;
- ([IIGG](#)) Theaters;
- ([JJHH](#)) Uses customarily accessory to those listed;
- ([KKH](#)) Vehicle and boat sales, showrooms and service areas;
- ([LLJJ](#)) Veterinary clinics-small animal hospital; and
- ([MMKK](#)) Churches.

(Prior Code, § 11.01.210.020) (Ord. 2021-15, passed 12-20-2021; [Ord. 2022-7, passed 1-3-2023, effective 2-4-2023](#); [Ord. 2023-3, passed XX-XX-XXXX, effective XX-XX-XXXX](#))

#### **§ 11.01.210.090 PERMITTED CONDITIONAL USES.**

The following uses may be permitted as conditional uses in the B-2 Highway Business District:

- (A) Adult bookstores not to be located within 1,000 feet of the following uses:
  - (1) Churches;
  - (2) Schools, public or private;
  - (3) Residential uses; and
  - (4) Establishments which sell alcohol or consumption of site.
- (B) Amusement and recreational activities;
- ~~(C) —(C)—~~Caretaker's residence;
- [\(D\) Marijuana Cultivators \(issuance of a Zoning Permit required\)](#)
- ([ED](#)) Recreational vehicle parks;
- ([FE](#)) Retail uses in addition to those permitted uses listed;
- ([GF](#)) Wholesale distributors with on premise retail outlets; provided warehousing is limited to commodities which are sold on premises; and
- ([HG](#)) Casinos.

(Prior Code, § 11.01.210.090) (Ord. 2021-15, passed 12-20-2021; [Ord. 2023-3, passed XX-XX-XXXX, effective XX-XX-XXXX](#))

#### **§ 11.01.230.080 PERMITTED CONDITIONAL USES.**

The following uses may be permitted as conditional uses in the I-1 Industrial and Manufacturing District:

(A) Adult bookstores not to be located within 1,000 feet of the following uses:

- (1) Churches;
- (2) Schools, public or private;
- (3) Residential use; and
- (4) Establishments which sell alcohol or consumption of site.

[\(B\) —\(B\)—Automobile and motor vehicle salvage yards; and](#)

[\(C\) Marijuana Manufacturing \(issuance of a Zoning Permit required\); and](#)

(C) Retail uses.

(Prior Code, § 11.01.230.080) (Ord. 2021-15, passed 12-20-2021; [Ord. 2023-3, passed XX-XX-XXXX, effective XX-XX-XXXX](#))

# PFAS Cost Recovery Program Summary

## Email Correspondence

The National Rural Water Association Board of Directors, which is governed by the Montana Rural Water Association, and 49 other state rural water affiliates, voted to engage with the law firm of Napoli Shkolnik to file a PFAS cost recovery action against the global manufacturers of the PFAS forever compounds. The sole purpose was to provide an opportunity for water and wastewater systems to recover any expenses they may have or expenses they may incur in the future for testing, treatment and remediation of PFAS contamination. For clarification, this is not a class action as there are multiple classes of plaintiffs. The litigation is defined as multidistrict litigation. There are three key points we stress to systems:

1. The action is cost recovery, not punitive
2. It is filed against the global manufacturers of the compounds and does not impact local companies who may have used them
3. There is zero upfront cost to register the utility onto the cost rolls, however, a system must be registered prior to a settlement being reached in order to benefit. We expect a settlement very soon as the court has appointed a settlement mediator in November of 2022 and a trial date has been set for June 5, 2023.

There is no threshold or cost to register onto the cost recovery rolls, we encourage all systems to register and protect their system and ratepayers from a potential increased financial burden whether they have tested or not. Registering onto the cost recovery rolls is like an insurance policy without a premium and if asked by your customers, a strong positive message that the system has undertaken action to lessen any financial burden resulting from PFAS contamination.

## Key Points

- Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a large group of human-made chemicals used in industrial and consumer products worldwide that have the potential to infiltrate water supplies. There are potential concerns of health effects associated with PFAS exposure.
- The City of Deer Lodge currently does not test water supply for PFAS contamination and has no indication of PFAS contamination in our water supply.
- If at some point in the future, the City of Deer Lodge does test for PFAS contamination and it is discovered, being a part of this multidistrict litigation will allow us to recover costs from PFAS manufacturers for potential remediation. That is, if the firm wins the settlement.

# 5-Year Committee Goals

## **ECONOMIC GROWTH & DEVELOPMENT**

1. Business Improvement District
2. Branding of Deer Lodge
3. Trails
4. Housing
5. Annexation

## **COUNCIL OPS**

1. Review City Code of Ordinance for any updates or changes.
2. Review employee applications and planning applications for updates and changes.
3. Reviewing all applications used within City Hall.
4. Goals for Training.
  - a. Article 3, Section 5: Time control during the meetings (no rabbit holes)
  - b. Section 7: Presentation to Council
  - c. Article 3, Section 17: General Rules of Council Debate

Suggestion to make up some training materials for Council Members and a quick presentation at the meetings would be beneficial.

5. Having MSU come out and do training on specific areas we need training on.

## **PUBLIC WORKS**

1. Snowplow
2. City Parks Improvements
3. Sprinklers
4. Public Art
5. Beautifying Deer Lodge

## **PUBLIC HEALTH & SAFETY**

1. Review Public Health & Safety Codes
2. Seek More Opportunity for Public Outreach.
3. TBD
4. TBD
5. TBD

## **PLANNING BOARD**

5-year Goals – Jordan and Council President Bauman (January 2023 minutes)

Member Bauman discussed stating the New Growth Policy should be thoroughly read and reviewed by each Council Member especially any new members so they can all understand the guiding document for the City.

## **Goals Discussed**

1. Create adequate housing to meet the demand currently in the City.
2. Provide greater opportunities for Infill Development.
3. Continue to make changes to Title 11 Zoning to accommodate community needs and desires.
4. Pursue Industrial Park for new Enterprise.
5. Support and Incentivize Historic Preservation.