



COUNCIL AGENDA

June 5, 2023 - 6 PM

The City Council will hold the meeting in the Council Chambers at City Hall
300 Main Street
Deer Lodge, MT 59722

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: May 15, 2023

5. Committee Reports - Report accepted 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 – Gordon Pierson

6. Board Reports

- a. Airport Board – Gordon Pierson
- b. Powell County Parks Board – Dick Bauman
- 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. Ordinance 2023-2: 2nd Reading Skatepark Rules – Jordan
- b. Ordinance 2023-9: 2nd Reading Other Marijuana Business Types Zoning and Regulations

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

- a. Treasurer's Report | May Claims – Stanley Glovan. Receive the informational report. Accept the recommendation from the Finance Committee and approve the claims.
- b. Confirmation For New Full Time Employee for DL Police Department, William (Bill) Denend- Mayor
- c. Winchester Drive Speed Limit Change – Jordan / Chief Smith
- d. Committee Goals – Jordan/Cyndi

- e. Univision Service Contract – Jordan
- f. Water Rights Consulting Services Approval – Trent
- g. Request for Abandonment of City-owned Property:
 - o Alley between Grant Kohr's Ranch and Properties Owned by Three City Residents – Jordan
- h. Appreciation for Skatepark Cleaning Volunteer- Jordan/Cyndi

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

- Economic Growth & Dev – June 7th at 5 PM
- Finance – June 5th at 4PM
- Public Health & Safety – June 8th at 5 PM
- City Council Operations – June 12th at 5 PM
- Planning Board – June 20th at 10AM (Tuesday, Closed Monday)
- Council #2 – June 20th at 6 PM (Tuesday, Closed Monday)
- Public Works – June 22nd at 5 PM (Moved this month's meeting to a Thursday)

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. Regular Meeting: June 20, 2023 at 6PM – Held on Tuesday the 20th as Monday the 19th City Hall closed.

12. Adjournment

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 | 406.846.2238

CITY COUNCIL MINUTES

The City Council met on May 15, 2023, at 6 PM | City Hall, Council Chambers

Members Present: John Henderson, John Molendyke, Jackie Greenwood, Dick Bauman, Rob Kersch, Curt Fjelstad, Gordon Pierson, Joseph Callahan

Members Absent: None

Mayor: James Jess

CAO: Jordan Green

Staff: Cyndi Thompson, Kody Ryan, Peter Elverum,

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. Peggy Kerr: Submitted a complaint form for the Speed on Winchester Drive and this speed limit needs to be reduced to 15 MPH. There is a dirt crown on Winchester Drive and could that need fixed.

3. Approval of Minutes

a. Regular Meeting: May 1, 2023

Member Pierson motion to approve as presented. Member Callahan seconded the motion. 6 Ayes, 0 Nos, 2 Abstained. Motion passed.

4. Public Hearing.

a. Ordinance 2023-3 9: Other Marijuana Business Types Zoning and Regulations
Action Item: 1st Reading of Ordinance 2023-9

Member Kersch Titled Ordinance 2023-9

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.

On April 17, 2023, the City Council of the City of Deer Lodge reviewed the proposed zoning regulations and other regulations and, after revisions, elected through a vote of seven to zero with one member absent to move the items to public hearing. On May 15, 2023, the City Council of the City of Deer Lodge held a duly noticed public hearing concerning the proposed zoning regulations and other regulations.

1. The City of Deer Lodge Zoning Ordinance is amended to zone the following business types accordingly:
 - o Cultivator: A conditional use in the B-2, Highway Business District.
 - o Manufacturing: A conditional use in the I-1, Industrial and Manufacturing District.
 - o Testing Laboratory: A conditional use in the B-1, Central Business District, a permitted use in the B-2, Highway Business District, and a conditional use in the I-1, Industrial and Manufacturing 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 to both and be metered for water 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 2023-9 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 2023-9 and are incorporated herein.

Member Kersch: Correct on page 7 of 12: Section 5.22.020 (A) Line item (a.) – Clarify will only need to be hooked to a water meter as sewer is not metered.

Public Hearing Opened: 6:13pm – No public comment.

Public Hearing Closed: 6:13pm

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

b. 714 Maryland Rezoning –

Action Item: Vote on Approval of the Rezoning Request – Jordan

Skylar and Nicole Woodruff submitted a Rezoning Application on March 20, 2023 to request a rezoning of their property at 714 Maryland Avenue in Deer Lodge from the R-1, Residential, Single Family, Low Density District to the B-3, Neighborhood Commercial District to accommodate the placement of a 2,000 square foot structure to be used as an office and storage for their business, and for personal use. Office structures are a permitted use in the B-3 District. Currently the property contains a storage unit structure that the applicants plan to continue to use. The property is located in the Claggett and Dixon Addition of Deer Lodge, Section 04, Township 07 North, Range 09 West, Block H, Lots 3-4. The property is surrounded by other residential uses.

While the site is in the proximity of other residential uses, the lot directly to the west contains an existing storage structure. Furthermore, the storage structure on lot has been historically operational as a nonconforming, grandfathered-in use. Therefore, staff feels that this rezoning considers the character of the district and its suitability for an office and storage use.

City Administration recommends the Planning Board recommend to City Council the rezoning of the subject property from the R-1 Residential, Single Family, Low Density District to the B-3, Neighborhood Commercial District to accommodate the placement of a 2,000 square foot structure to be used as an office and storage for their business, and for personal use.

Public Hearing Opened: 6:32pm –

Peggy Kerr: asked about height of the building for line of site.

Letter from Public: Letter was not in favor of the Rezoning request.

Public Hearing Closed: 6:33pm

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

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

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

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

a. Member Greenwood: City sidewalks Cottonwood Ave down to the Highschool, This will need to be investigated as the city is unsure if this is city property, school property or private owned property.

b. Member Callahan: Cars parked on Main Street longer than 12-24 hrs.

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

- a. Ordinance 2023-4: Title 2 Changes 2nd Reading – Jordan

Member Henderson title Ordinance 2023-4

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL REPLACING THE EXISTING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE CITY CODE AND ADOPTING A REVISED TITLE 2.

Member Molendyke motioned to approve 2nd reading as presented. Member Callahan seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- b. Ordinance 2023-6: Title 8 Changes 2nd Reading – Jordan

Member Molendyke Titled Ordinance 2023-6

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL REPLACING THE EXISTING TITLE 8 (ANIMALS) OF THE CITY CODE AND ADOPTING A REVISED TITLE 8.

Member Kersch motioned to approve 2nd reading as presented. Member Pierson seconded the motion. 8 Ayes, 0 Nos. Motion passed.

- c. Ordinance 2023-7: Bielenberg Zoning Changes 2nd Reading – Jordan

Member Callahan Title Ordinance 2023-7

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL TO REZONE LOT 4 AND LOT 5-A OF THE WOODWARD MINOR SUBDIVISION (GEOCODES 28-1578-03-2-14-04-0000 AND 28-1578-03-2-14-05-0000) FROM THE R-1, RESIDENTIAL SINGLE-FAMILY, LOW DENSITY DISTRICT TO THE R-2, RESIDENTIAL SINGLE-FAMILY AND MANUFACTURED HOME DISTRICT.

Council President Bauman motioned to approve 2nd reading as presented. Member Kersch seconded the motion. 7 Ayes, 1 Nos. Motion passed.

- d. Ordinance 2023-8: 719 Oregon Zoning Change 2nd Reading – Jordan

Member Greenwood Tiled Ordinance 2023-8

AN ORDINANCE BY THE DEER LODGE CITY COUNCIL TO REZONE 719 OREGON STREET (28-1578-05-1-22-03-0000) FROM THE R-1, RESIDENTIAL SINGLE-FAMILY, LOW DENSITY DISTRICT TO THE R-2, RESIDENTIAL SINGLE-FAMILY AND MANUFACTURED HOME DISTRICT.

Member Henderson motioned to approve 2nd reading as presented. Member Kersch seconded the motion. 7 Ayes, 1 Nos. Motion passed.

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

- a. Proposition for the Breanna Rome Memorial Park on City Property– Jordan

City of Deer Lodge Property 100-102 Main Street:

The Foundation, together with Heidi & Tate Rome, envision a park with trees, seating, beautiful lawn, creek view, and flowers. The park will be for all of the community, as well as travelers to enjoy just sitting or enjoying a picnic meal. The park will be a place for people to honor and remember lost loved ones. It would be the Foundation's responsibility to do the initial work and maintenance of the park, including watering, weed control, and mowing. It would be the City's responsibility to provide water and garbage can, if possible. Discussed if a Flood Plain Development Permit is required. Discussed Privacy fence and steps leading to the location. City suggested a Lease for \$1.00 for consideration per year.

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

9. Next Meeting Announcement:

- a. Regular Meeting – Monday June 5, 2023, at 6pm in City Hall

10. Adjournment

Mayor Jess adjourned the meeting at 7:14PM.

Prepared By: Cyndi Thompson, City Clerk

James Jess, Mayor

Date



COUNCIL COMMITTEE REPORT

MAY 2023

Finance – Dick Bauman (Chairperson)

No Finance Meeting for May, No Quorum.

Economic Growth & Development – John Henderson (Chairperson)

May 3rd - **Continued Business** – Main St. Banners: Jordan is trying to find the grant that Chamber of Commerce grant that was used last time.

New Business – Arrowstone Park Billboard: The county is offering the city the larger billboard south of town, Jordan is working with Danielle Jurcich for pictures to use on the billboard. The cost will be approximately \$1500 and should last two to four years.

Committee Comments or Concerns – Member Henderson mentioned that the city contact the Museum about doing their own mural on their retaining wall, Jordan gave updates on the living Local app and Main St. painting, Member Bauman presented the new Southwest Montana Magazine

Next meeting is scheduled for June 7th 2023, at 5:00 PM

Council Ops – Rob Kersch (Chairperson)

May 8th - Reviewed Title 7 Fireworks and Garbage Collection code. Made recommendation to add fireworks permissible start time of 9:00 Am on permitted days and add language about City residents' ability to utilize the Powell County Landfill.

Public Health & Safety – Chair Joseph Callahan (Chairperson)

May 17th - No Report from Chair

Public Works – Gordon Pierson (Chairperson)

May 23rd - No report from Chair.

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.

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 2023-2 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 2023-2 as Exhibit "A".

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2023-2 is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance 2023-2 and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or words have been declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

Passed and approved by the City Council of the City of Deer Lodge, Montana on first reading at a regular Council meeting this 3rd day of April, 2023.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman Council President	X			
Joseph Callahan	X			
Curt Fjelstad	X			
Jackie Greenwood	X			
John Henderson	X			
Robert Kersch	X			
John Molendyke	X			
Gordon Pierson	X			
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 17th day of April, 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 2023-2 is May 18, 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. 2023-2, passed 04-17-2023; effective 05-18-2023)

§ 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 with the exception of shatter-proof glass items and eyeglasses;

(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. 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;

(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. 2023-2, passed 04-17-2023; effective 05-18-2023)

§ 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. 2023-2, passed 04-17-2023; effective 05-18-2023)

ORDINANCE 2023-9

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 three to zero to forward the proposed zoning regulations to the City Council; and

WHEREAS, on April 17, 2023, the City Council of the City of Deer Lodge reviewed the proposed zoning regulations and other regulations and, after revisions, elected through a vote of seven to zero with one member absent to move the items to public hearing; and

WHEREAS, at their regularly scheduled meeting on May 15, 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 conditional use in the B-1, Central Business District, a permitted use in the B-2, Highway Business District, and a conditional use in the I-1, Industrial and Manufacturing 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 to both and be metered for water 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 2023-9 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 2023-9 and are incorporated herein.

SEVERABILITY. If any selection, subsection, sentence, clause, phrase, or word of Ordinance 2023-9 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 2023-9 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 15th day of May, 2023.

Council Member	Yea	Nay	Abstain/Present	Absent
Dick Bauman Council President	X			
Joseph Callahan	X			
Curt Fjelstad	X			
Jackie Greenwood	X			
John Henderson	X			
Robert Kersch	X			
John Molendyke	X			
Gordon Pierson	X			
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 5th day of June, 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 2023-9 is June 6, 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 for water 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
Marijuana Testing Laboratories (issuance of a Zoning Permit Required)	Conditional Use
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	
Hotel/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
<u>Adult-use and Medical Marijuana Dispensaries (a total maximum of two (2) Dispensaries will be permitted. Issuance of a Zoning Permit required)</u>	<u>Conditional use</u>

(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;
- (DG) 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;

- (JI) 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;
- (AAY) Professional and business offices;
- (BBZ) 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;
- ([KKII](#)) 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);~~

~~(D) Marijuana Testing Laboratories (issuance of a Zoning Permit required); and~~

~~(E) 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](#))

A motion to approve payment of the claims is requested.

City Council - June 5, 2023

Financial Summary

May 2023

Atypical Revenues	Purpose	Fund	Amount
ARPA Reimbursement	Contract MT-ARPA-CG-23-605	2992/521/5310	\$6,953.80
Completed Projects	Grant Funded	City Funded	Final Cost
Nothing to report			\$0.00
Atypical Claims	Purpose	Fund	Amount
Deer Lodge Asphalt, INC.	Road mix	2510	\$11,402.37
Montana Dept. of Corrections	Police Car setup	1000	\$7,000.00
Payables			
			Claims \$242,545.37
			Payroll \$154,735.19
			Total \$397,280.56

A motion to approve payment of the claims is requested.

City of Deer Lodge
Claims by Vendor Report
For the Accounting Period: 5/23

Vendor Name	Claim #	Date Accepted	Amount
FICKLER OIL CO.	11714	05/22/23	\$47.40
POWELL COUNTY CLERK	11733	05/24/23	\$1,046.00
CENTURY LINK	11669	05/15/23	\$85.10
ROME ENTERPRISES 027545	11675	06/02/23	\$1,453.21
NAPA AUTO PARTS	11736	06/02/23	\$1,390.96
SILVER STATE POST	11670	05/22/23	\$420.38
SILVER STATE POST	11705	05/22/23	\$55.00
NORTHWESTERN ENERGY	11740	06/02/23	\$20,648.83
UNITED STATES POSTAL SERVICE	11715	05/23/23	\$290.00
NORTHWEST PIPE FITTINGS, INC.	11699	06/02/23	\$1,352.00
CITY OF DEER LODGE ASSIGNEE	11673	05/16/23	\$169.40
MONTANA BROOM & BRUSH SUPPLY	11680	06/02/23	\$192.03
NORMONT EQUIPMENT CO.	11722	05/23/23	\$7,608.00
R & C LUMBER, INC.	11678	06/02/23	\$636.43
DEER LODGE ASPHALT, INC.	11716	05/23/23	\$11,402.37
UTILITIES UNDERGROUND LOCATION CENTER	11708	05/22/23	\$51.81
LOCAL GOVERNMENT SERVICES	11687	05/22/23	\$130.00
KOIS BROTHERS EQUIPMENT CO.	11711	05/22/23	\$803.46
ENERGY LABORATORIES, INC.	11671	06/02/23	\$971.00
LES SCHWAB	11682	06/02/23	\$1,897.06
LIQUID ENGINEERING CORPORATION	11710	05/22/23	\$9,610.00
POWELL COUNTY TREASURER	11729	05/23/23	\$1,220.53
PIONEER WEED CONTROL, INC.	11726	05/23/23	\$490.05
LICKETY PRINT	11717	05/23/23	\$260.00
UNIVISION, INC.	11707	05/22/23	\$1,042.10
US BANK	11731	06/02/23	\$60,750.00
PIONER RESEARCH CORPORATION	11723	05/23/23	\$5,370.99
CULLIGAN OF BOZEMAN - BUTTE	11681	06/02/23	\$250.00
DEPARTMENT OF REVENUE	11695	05/22/23	\$6,072.66
KOHR'S MEMORIAL LIBRARY - PETTY CASH	11693	05/22/23	\$258.67
STAPLES CREDIT PLAN	11683	05/19/23	\$124.99
UPS	11665	05/22/23	\$150.00
EVERLY & ASSOCIATES	11720	05/23/23	\$159.50
ROBERT YOUNG	11743	06/02/23	\$325.00
MONTANA DEPARTMENT OF CORRECTIONS	11697	05/22/23	\$820.45
CENTER POINT LARGE PRINT	11689	05/22/23	\$49.14
DEER LODGE MEDICAL CENTER	11686	05/19/23	\$481.00
CHARTER COMMUNICATIONS	11688	05/22/23	\$182.04
CHARTER COMMUNICATIONS	11742	06/02/23	\$1,279.79
VERIZON WIRELESS SERVICES, LLC	11667	06/02/23	\$1,252.64
OFFICE SOLUTIONS, INC.	11738	05/25/23	\$80.30
WEX BANK	11666	05/30/23	\$4,839.84
NORTHWEST PARTS & EQUIPMENT	11676	06/02/23	\$4,659.54
WILD BILL'S SPRINKLERS	11690	05/22/23	\$50.00
RDO EQUIPMENT CO.	11700	05/22/23	\$74.36
WL CONSTRUCTION SUPPLY, INC.	11718	05/23/23	\$418.19
PITNEY BOWES, INC.	11703	05/22/23	\$689.70
GALLS, LLC	11724	05/23/23	\$327.15
RADAR SHOP, INC.	11741	06/02/23	\$546.00
STAHLY ENGINEERING & ASSOCIATES, INC.	11672	06/02/23	\$12,916.90
USDA RD LOAN #92-02	11663	06/02/23	\$4,075.00
DAVID G. RAY	11734	05/25/23	\$100.00
USDA RD LOAN #92-01	11662	05/16/23	\$15,765.00
JOHNSON & ASSOCIATES, INC.	11719	05/23/23	\$85.00
USDA RD LOAN #92-04	11664	05/16/23	\$11,886.00
US BANK COMMUNITY CARD	11668	05/24/23	\$3,339.23

ELVERUM LAW FIRM, PLLC	11633	05/25/23	\$5,417.12
THATCHER COMPANY	11677	05/24/23	\$4,906.33
AXON ENTERPRISE, INC.	11694	05/22/23	\$2,461.25
CORE & MAIN LP	11702	06/02/23	\$2,524.52
MONTANA DEPARTMENT OF CORRECTIONS	11698	05/22/23	\$7,000.00
GIRKY, ELISSA	11691	05/22/23	\$144.00
PRESTIGE WORLDWIDE TECHNOLOGIES, LLC	11704	05/22/23	\$4,577.60
NEELY ELECTRIC, INC	11706	05/22/23	\$2,338.10
BEAST MOWED LAWN CARE	11692	05/24/23	\$4,400.00
FORD HALL COMPANY, INC.	11725	05/23/23	\$734.04
IN CONTROL, INC.	11712	05/22/23	\$3,992.33
IRWEN, JASON	11744	06/02/23	\$325.00
THOMPSON, GARY	11727	06/02/23	\$187.49
COWPOKE RANCH SUPPLY, INC.	11709	05/22/23	\$650.85
KELLEY CONNECT	11679	06/02/23	\$0.00
BIG SKY PASSENGER RAIL AUTHORITY	11746	06/02/23	\$400.00
INTERMOUNTAIN SPINE AND WELLNESS	11745	06/02/23	\$125.00
COMMUNICATION RESOURCES, LLC	11739	05/25/23	\$358.61
COTE & ASSOCIATES CPA PLLC	11728	05/23/23	\$668.25
GLOVAN, STANLEY	11674	05/19/23	\$575.68
DAN'S BIG BOY DELIVERY SERVICE	11701	05/22/23	\$37.00
DEPARTMENT OF ENVIRONMENTAL QUALITY	11685	05/19/23	\$70.00
			<u>\$242,545.37</u>

Mayor _____

Council Person _____

Council Person _____

Council Person _____

Cyndi Thompson

From: Jordan Green
Sent: Tuesday, May 16, 2023 11:25 AM
To: George Smith; James Jess; Trent Freeman
Cc: Cyndi Thompson
Subject: RE: Winchester Drive

Hi Cyndi,
Let's put this on the Public works agenda and the first Council meeting in June.
Thanks,

Jordan Green, CFM
Chief Administrative Officer
City of Deer Lodge
300 Main St.
Deer Lodge, MT 59722
Phone: (406) 594-1896



From: George Smith <gsmith@cityofdeerlodgemt.gov>
Sent: Tuesday, May 16, 2023 10:22 AM
To: Jordan Green <jgreen@cityofdeerlodgemt.gov>; James Jess <jjess@cityofdeerlodgemt.gov>; Trent Freeman <tfreeman@cityofdeerlodgemt.gov>
Subject: Winchester Drive

Winchester Drive is a short dead end/not a through street. It is a residential street and a dirt road. Most parking is done in driveways that the driver must back out into the street when leaving a resident is leaving. Due to all of this I am requesting that Winchester Drive's speed limit should be reduced to 15 mph.

Thanks

Chief George Smith
Deer Lodge Police Department
300 Main St
Deer Lodge, MT 59722

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. Reader Board at the Fire Hall
4. Publish and Promote Public Health & Safety Topics for Departments.
5. Assist Fire Department Rural Water Supply.

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.

Cyndi Thompson

From: Owen Goble <oweng@univisioncomputers.com>
Sent: Tuesday, May 23, 2023 10:49 PM
To: Jordan Green
Subject: Univision Managed Services Contract
Attachments: Velocity Advanced Security.pdf; Velocity Complete Basic MP.pdf

You don't often get email from oweng@univisioncomputers.com. [Learn why this is important](#)

Good afternoon, Jordan.

I am reaching out to you regarding your managed services with Univision computers and some upcoming changes.

Over the last year, we have enhanced our Managed Services Plans by incorporating additional services, security measures, and monitoring for all our clients. We are calling this plan Velocity Complete. The main factors behind these changes are the amplified security risks in the IT industry and striving to deliver the IT management, strategy, and services that our customers need. Due to increasing threats in the cyber landscape, and a drastic change in IT there is urgency to adjust your contract. **We will need to convert your managed services contract to one of the plans quoted below before the end of month of July, 2023.**

One of the key additions in our new Plan is a product called Huntress - Managed Endpoint Detection & Response with 24/7 Threat Hunting and human analysis. Huntress monitors your computers and servers for malicious/suspicious activity 24/7 and will act accordingly depending on the level of threat they detect. We have also changed our service model to 'Unlimited IT Support', we no longer differentiate what is or is not covered in your existing IT environment. The Matrices that I have attached will provide a general overview the changes included.

Additionally, we have created a separate service, called Velocity Basic, that is geared towards smaller organizations that may require less on-demand or break fix support, but still require assistance from Univision. This plan includes all the security features in Velocity Complete, but no additional IT services. i.e. any support work is billable at our standard hourly rates.

Moreover, we have introduced an Advanced Security Package for clients such as the City of Deer Lodge. This was created in response to many of the compliance requirements surrounding Cyber Security insurance and industry regulations (HIPAA, PCI, FTC, FDIC, CJIN, etc.). We highly recommend this package for you given the compliance required from law enforcement and government.

All the improvements of the Velocity Complete and Basic Plans, and heightened labor expenses have required us to increase our prices. As your IT provider we feel these plans will provide the best value for providing what customers need with IT Management, Support, and Security.

Here is a cost breakdown of your current plan Vs Velocity Complete:

- **Your current price on our legacy services is - \$628/Month**
- **Your New price on Velocity Complete Remote is - \$1787/Month**
- **Your New price on Velocity Basic is \$794/Month – Please note, this would not include any labor for support.**
- **(Optional) The advanced Security Package is an additional - \$560/month**

Please open the quote below, select the options you want, and accept/sign when you have a moment.

<https://www.quotevalet.com/concierge.aspx?DocumentId=94a89070-9247-4379-b8c1-7de3f041789d&TenantId=786d17bb-f659-4b1b-a689-b635eb9480ad>

If you would like to talk about this further, I have included links to my calendar below. Feel free to schedule something with me when you are free.

[Quick 15-minute meeting](#)
[IT review and Strategy Session](#)

Please do not hesitate to use them to schedule some time to speak.

Thanks for your time, I look forward to hearing from you.

Owen Goble | *Customer Success Manager*
[Email](#) |  | (406) 721-8876 ext. 106
445 S. Main St. Suite 203 Kalispell, MT 59901
www.univisioncomputers.com

How am I doing?

Click on one of the faces below:



GREAT



GOOD



BAD

univision
Your best friend in technology



Core Values

Get Stuff Done - Right
Trustworthy & Accountable
Team First
Playing The Long Game

gold

Microsoft Partner















































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IT Managed Services

What do you get?



Managed Services Plans & Packages	Velocity Basic	Velocity Complete Onsite	Velocity Complete Remote	Advanced Security Package
Workstations & Servers				
24/7 Proactive Workstation Monitoring				
Automated OS Patching				
User Onboarding & Offboarding	Hourly			
Hardware Warranty Management	Hourly			
Flat Rate Workstation Prep & Deployment				
Unlimited IT Remote Support *	Hourly			
Unlimited Onsite IT Support *	Hourly		Hourly	
Enterprise Grade AV/EDR				
Malware/Virus Removal	Hourly			
24/7 Security Information & Event Log Monitor				
24/7 Advanced Ransomware Detection				
Zero Trust Protection				
Microsoft 365				
Exchange Online Email Support	Hourly			
Teams Support	Hourly			
OneDrive Support	Hourly			
SharePoint as a File Server Support	Hourly			
Baseline M365 Security Practices				
Office 365 Secure Score Management				
24/7 Office 365 Log Monitoring				
24/7 Office 365 Risk Detection				
Application Management				
Microsoft Desktop Applications	Hourly			
Standard Business Applications **	Hourly			
Line of Business Applications **	Hourly			
Application Patch Management **				
Application Control				

Network Infrastructure				
Network Hardware Config Backups				
Internet Service Provider Vendor Management	Hourly			
Firewall Management	Hourly			
Network Switch Management	Hourly			
Wireless Network Management	Hourly			
Remote Network Infrastructure Support	Hourly			
Onsite Network Infrastructure Support	Hourly		Hourly	
24/7 Firewall Information & Event Log Monitor				
IT Security				
Zero Day Exploit Monitoring & Patching	Hourly			
External Vulnerability Scanning				
IT Security Risk Analysis & Guidance				
24/7 Threat Hunting				
Dark Web Monitoring				
Internal Vulnerability Scanning				
24/7 Security Operations Center				
24/7 Advanced Breach Detection				
24/7 Cyber Terrorist Connection Monitoring				
24/7 Suspicious Network Services Monitoring				
Security Awareness Training & Simulated Phishing	\$22.50/User/Year			
IT Management				
Asset Lifecycle Planning & Management				
Dedicated Management Team				
Technology Reviews				
Proactive Engineer Services	Hourly			
Hardware Vendor Management	Hourly			
Emergency IT Services		After 5:30PM – Before 7:30AM		
Emergency After Hours Support		Hourly	Hourly	
Emergency After Hours Support Add-On		Optional	Optional	

*Unlimited IT Support hours are between 7:30am-5:30pm



**Applications must have valid support and licensing from the applicable vendor(s).
































This document is a summary ONLY and is not intended to be a legal agreement. The Statement of Work (SOW) for Velocity Managed Services, which is a legal agreement can be found at <https://legal.univisioncomputers.com/sows>.

IT Managed Services

What do you get?



Managed Services Plans	Velocity Basic	Monitoring & Protection	Velocity Complete Onsite
Workstation Support Services			
24/7 Proactive Workstation Monitoring			
Automated OS Patching			
Unlimited IT Remote Support *	Hourly	Hourly	
User Onboarding & Offboarding	Hourly	Hourly	
Hardware Warranty Management	Hourly	Hourly	
Flat Rate Workstation Prep & Deployment		Hourly	
Unlimited Onsite IT Support *	Hourly	Hourly	
Microsoft 365 Cloud Management & Support			
Exchange Online Email	Hourly	Hourly	
Teams	Hourly	Hourly	
OneDrive	Hourly	Hourly	
SharePoint as a File Server	Hourly	Hourly	
Baseline M365 Security Practices		Hourly	
Automated Email Signatures	\$1.50/user/month	\$1.50/user/month	
Application Management & Support			
Microsoft Desktop Applications	Hourly	Hourly	
Standard Business Applications **	Hourly	Hourly	
Line of Business Applications **	Hourly	Hourly	
Network Infrastructure Support			
Network Hardware Config Backups		N/A	

Internet Service Provider Vendor Management	Hourly	Hourly	
Firewall Management	Hourly	Hourly	
Network Switch Management	Hourly	Hourly	
Wireless Network Management	Hourly	Hourly	
Remote Network Infrastructure Support	Hourly	Hourly	
Onsite Network Infrastructure Support	Hourly	Hourly	
Server Support			
24/7 Proactive Server Monitoring			
Automated OS Patching			
Unlimited IT Remote Support *	Hourly	Hourly	
Hardware Warranty Management	Hourly	Hourly	
Unlimited Onsite IT Support *	Hourly	Hourly	
IT Security			
Zero Day Exploit Monitoring		N/A	
Zero Day Patch Deployment	Hourly	N/A	
Application Patch Management **	Hourly	Hourly	
External Vulnerability Scanning	N/A	N/A	
IT Security Risk Analysis & Guidance	N/A	N/A	
Dark Web Scanning & Guidance	N/A	N/A	
Enterprise Grade AV/EDR	AV + EDR	AV	AV + EDR
Malware/Virus Removal	Hourly	Hourly	
KnowBe4 Security Awareness Training & Simulated Phishing	\$22.50/User/Year		
IT Management			
Asset Lifecycle Planning & Management		N/A	
Dedicated Management Team		N/A	
Technology Reviews		N/A	
Proactive Engineer Services		N/A	
Hardware Vendor Management	Hourly	Hourly	
Emergency IT Services	After 5:30PM – Before 7:30AM		

Emergency After Hours Support	Hourly		
Emergency After Hours Support Add-On	N/A	N/A	Optional

*Unlimited IT Support hours are between 7:30am-5:30pm

**Applications must have valid support and licensing from the applicable vendor(s).

This document is a summary ONLY and is not intended to be a legal agreement. The Statement of Work (SOW) for Velocity Managed Services, which is a legal agreement can be found at

<https://legal.univisioncomputers.com/sows> .

April 5, 2023

Trent Freeman
City of Deer Lodge - Public Works Superintendent
300 Main Street
Deer Lodge, MT 59722



Subject: Confirmation of Authorization for Water Rights Consulting Services, City of Deer Lodge, Powell County, MT

Trent:

HydroSolutions Inc (HydroSolutions) is pleased to provide you with this *Confirmation of Authorization (COA)* to provide water right services associated with Montana Department of Natural Resources and Conservation (DNRC) Water Right Re-examination and Water Court Adjudication. Upon your authorization, this proposal will become a contract for professional services.

BACKGROUND

HydroSolutions understands the City of Deer Lodge (City) has recently received correspondence from the DNRC regarding its re-examination of water rights in the Upper Clark Fork River Basin.

During re-examination, the DNRC adds issue remarks if it finds factual errors or legal matters that require resolution. The City has one issue remark that was added to water right 76G 10395-00 because it appears the City and the State of Montana Department of Corrections claimed the same historical water right. This matter will likely require the City to participate in a Water Court case to determine which entity is correctly associated with the historical water right.

After re-examination concludes, the DNRC sends a report to the Water Court and then it will issue a Preliminary Decree that will contain all water rights with pre-1973 priority dates within the Upper Clark Fork River Basin (76G). The DNRC will likely send its report to the Court in the next 1-2 months and the Preliminary Decree will be issued sometime this Summer.

After the Preliminary Decree is issued, the objection period opens which provides opportunity for others to object to water rights or for water right owners to "self-object" to correct errors. Subsequent to the objection period is the counter objection period which allows water right owners that received objections to file objections to water rights owned by those that filed the objection. Lastly, a Notice of Intent to Appear period occurs which gives parties the opportunity to participate and monitor case proceedings. Generally, this objection, counter objection and notice of intent to appear periods take about 1 year to transpire.

After these public notice periods are over, we estimate the Water Court will contact water right owners and consolidate cases starting in mid-2024 to early 2025.

SCOPE OF SERVICES

From our preliminary review, the DNRC correctly added the issue remark to 76G 10395-00. Thus, this remark cannot be removed before the 76G Preliminary Decree is issued. However, we suggest that research be performed to determine which entity is correctly associated with this water right and to prepare to provide this information to the Water Court.

Since this is likely the last opportunity to correct historical water rights before a Final Decree is issued, we suggest a review of the City of Deer Lodge historical water rights. If errors are identified, then it is likely that a "self-objection" could be filed to later correct it with the Water Court.

Our preliminary review found six (6) historical water rights that fall under the Montana Water Court jurisdiction. These water rights are listed in the table below.

City of Deer Lodge Historical (pre-1973) Water Rights

WATER RIGHT NUMBER	PRIORITY DATE	SOURCE	DIVERSION	PURPOSE	FLOW RATE	VOLUME (af)	ACRES IRRIGATED
76G 10392 00	7/1/1934	GROUNDWATER	WELL	MUNICIPAL	700 GPM	1128.93	
76G 10393 00	10/24/1946	GROUNDWATER	WELL	MUNICIPAL	1500 GPM	2419.14	
76G 10394 00	10/5/1946	GROUNDWATER	WELL	MUNICIPAL	1750 GPM	2515.49	
76G 10395 00	3/19/1864	TIN CUP JOE CREEK	HEADGATE	MUNICIPAL	2 CFS	1448	
76G 10396 00	9/19/1931	GROUNDWATER	WELL	MUNICIPAL	500 GPM	807.26	
76G 30122584	5/31/1879	TIN CUP JOE CREEK	HEADGATE	IRRIGATION	224.4 GPM	96	160

TASKS

- Research historical documentation (District Court decrees, deeds etc) and water right files to determine correct party associated with historical water right.
- Review all City of Deer Lodge historical water rights to identify errors that could be corrected with the Water Court.
- Compile research material and summarize in a memo with recommendations.

COST ESTIMATE

To provide the suggested services, we estimate it will take us approximately 32 hours to perform the research and review and another 16 hours to compile the memo. My billing rate is \$138 per hour, so the estimated cost is around \$6600.

To assist with research, it may be necessary to have someone obtain documents from the County Courthouse. If possible, a City employee could visit the Courthouse and obtain those documents. Otherwise, one of our technicians could obtain the documents at \$63/hour.

Additional work outside of this scope of services can be completed on a time and material basis with your prior approval.

TERMS OF PAYMENT

HydroSolutions will provide the services described herein on a time and materials basis in accordance with our prevailing Schedule of Charges (4/1/23-3/31/2024). You will be provided with monthly itemized invoices for our work on this project. Invoices show the dates of work, who worked on the project, their rates and hours, and a brief description of the work performed. Terms for payment are net 30 days, with interest added to unpaid balances at one percent (1%) per month in accordance with the attached General Conditions (6/14/18), which are part of this agreement.

ACCEPTANCE AND SCHEDULE

We appreciate the opportunity to present this proposal to you. If our proposal is acceptable to you, please sign and return the attached Signature Page. Our work on this project will begin at the soonest mutually agreeable time following receipt of your written authorization.

HydroSolutions looks forward to the opportunity to work with you on this project. Please contact me at (406) 443-6169, extension 101, or via email at russr@hydrosi.com.

Respectfully Submitted,

HydroSolutions Inc



Russ Radliff
Water Rights Specialist

Attachments: Signature Page
General Conditions

SIGNATURE PAGE

Subject: Confirmation of Authorization for Water Rights Consulting Services, City of Deer Lodge, Powell County, MT

Please proceed with the services described herein in accordance the terms of this Confirmation of Authorization and attached General Conditions.

Authorized Party (Name -- Please Print)

Title

Representing (Company or Organization)

Signature

Date

General Conditions



HydroSolutions Inc

General Conditions

Our agreement with you consists of these General Conditions and the accompanying written proposal or confirmation of authorization, and any attachments noted.

Section 1: Our Responsibilities

1.1 We will provide the professional services described in our written agreement with you, unless otherwise specified. We may provide you with a written report containing our professional evaluation and opinions, and if specified, our recommendations. In performing our services, we will use that degree of care and skill ordinarily exercised under similar circumstances by reputable members of our profession practicing in the same locality.

1.2 Before entering into this Agreement, we will make a good faith effort to determine if any conflicts of interest (COIs) exist. However, if it is later determined that there is a COI, the contract can be terminated by either party (per Section 8.3), without penalty.

1.3 Our work will be conducted using appropriate procedures and protocols. We will comply with all existing applicable laws and regulations relating to our scope of services. If you direct us to deviate from our recommended procedures, you agree to hold us harmless from all claims, damages, and expenses arising out of your direction.

1.4 There is an inherent risk that samples or observations may not be representative of things not sampled or seen and, further, that conditions may change over time. We will reference our field observations and sampling to available reference points. We will not survey, set, or check the accuracy of those points unless we accept that duty in writing.

1.5 Our duties do not include supervising your contractors or commenting on, overseeing, or providing the means and methods of their work, unless we accept those duties in writing. We will not be responsible for the failure of your contractors to perform in accordance with their undertakings, and the providing of our services will not relieve others of their responsibilities to you or to others.

1.6 We cannot be held responsible for errors and omissions or the outcome of any services associated with work you have asked us to oversee but is out of our control.

1.7 We will be responsible only for our own health and safety on the job site.

1.8 We agree to treat as confidential and maintain in confidence all information relating to your business. Disclosure of information to others will be limited to that which is required or incidental to performance of our work for you, or as required by law.

Section 2: Your Responsibilities

2.1 You will provide access to the site or other private property required for us to complete our work. We will use reasonable care to minimize damage to the site. In the course of our work some site damage is normal even when due care is exercised. We have not included the cost of restoration of normal damage in the estimated charges. At your option and expense, we will correct normal damage. We agree to be responsible for damage that is caused by our negligence.

2.2 You will provide us with information in your possession or control relating to subsurface conditions and contamination at the site.

2.3 You agree to provide us, in a timely manner, with the information that you have regarding buried objects located at the site. Prior to beginning our fieldwork, you agree to provide us with all your plans, changes in plans, and new information that refer to site conditions. You agree to hold us harmless from all claims, damages, losses, and related expenses involving buried objects of which you had knowledge but did not call to our attention or correctly show on the plans furnished to us.

2.4 You will notify us of any knowledge or suspicion of the presence of hazardous materials in samples provided to us. You will provide us with information in your possession or control relating to contamination at the site. If we observe or suspect the presence of contaminants not anticipated in our agreement, we may terminate our work without liability to you or others, and we will be paid for the services we have provided.

2.5 Neither this agreement nor the providing of services will operate to make us an owner, operator, generator, transporter, treater, storer, or a disposal facility within the meaning of the Resource Conservation Recovery Act, as amended, or within the meaning of any other law governing the handling, treatment, storage, or disposal of hazardous materials. You agree to hold us harmless and indemnify us from any such claim or loss.

2.6 Drilling, well installation, and remediation services may involve risk of cross-contamination of previously uncontaminated air, soil, and water. If you are requesting that we provide services that include this risk, you agree to hold us harmless and indemnify us from cross contamination claims and damages, unless the loss is caused by our negligence.

2.7 You agree to make disclosures required by law. In the event you do not own the site, you acknowledge that it is your duty to inform the owner of the discovery or release of contaminants at the site. You agree to hold us harmless and indemnify us from all claims related to disclosures made by us that are required by law and from all claims related to the informing or failure to inform the site owner of the discovery of contaminants.

Section 3: Reports and Records

3.1 We will furnish our report to you in writing unless otherwise mutually agreed. We will retain pertinent records for five years and financial data for three years relating to the services performed.

3.2 All samples remaining after tests are conducted, and field and laboratory equipment that cannot be adequately cleansed of contaminants are your property. They will be discarded or returned to you, at our discretion, unless within 15 days of the report date you give written direction to store or transfer the materials, at your expense.

3.3 Our reports, notes, calculations, and other documents are instruments of our service to you. Our reports are for your use only for the purposes disclosed to us. You may not transfer our reports to others or use them for a purpose for which they were not prepared without our written approval, which will not be unreasonably withheld. At your request, we will provide endorsements of our reports or letters of reliance, but only if the recipients agree to be bound by the terms of our agreement and only if we are paid a reasonable administrative fee.

3.4 If you do not pay for our services as agreed, we may retain all reports and work not yet delivered to you and all reports and other work in your possession must be returned to us. You may not use reports and other work for any purpose whatsoever until they are paid for in full.



Section 4: Compensation

4.1 You will pay for services as agreed upon or according to our current Schedule of Charges. An estimated cost is not a firm figure (firm fixed price) unless stated as such.

4.2 We will submit invoices to you periodically for portions of work accomplished, and upon completion of the scope of services for the final balance. Invoices will show charges for different personnel and expense classifications. A more detailed separation of charges and backup data will be provided at your expense.

4.3 You will notify us of billing disputes within 15 days of invoice receipt or you are responsible for full invoiced amount. Invoices are due upon receipt. You agree to pay interest on unpaid balances beginning 30 days after invoice dates at the rate of 1.0% per month, but not to exceed the maximum rate allowed by law.

4.4 If you direct us to invoice another, we will do so, but you agree to be responsible for our compensation unless you provide us with that person's written acceptance of all terms of our agreement and we extend credit.

4.5 You agree to compensate us for our reasonable fees and expenses if we are required to respond to legal process arising out of a proceeding as to which we are not a party.

4.6 If we are delayed by factors beyond our control, or if project conditions or the scope or amount of work change, or if the standards or methods change, we will give you timely notice and we will receive an equitable adjustment of our compensation.

Section 5: Disputes, Damage and Risk Allocation

5.1 Disputes will be submitted to Alternative Dispute Resolution (ADR) as a condition precedent to litigation. Each of us will exercise good faith efforts to resolve disputes through a mutually acceptable ADR procedure. Collections will not be submitted to ADR. The law of the state in which our servicing office is located will govern all disputes.

5.2 We will not be liable for special, incidental, consequential, or punitive damages, including but not limited to those arising from delay, loss of use, loss of profits or revenue, loss of financing commitments or fees, or the cost of capital.

5.3 We will not be liable for damages unless suit is commenced within two years of the date of injury or loss or within two years of the date of the completion of our services, whichever is earlier. We will not be liable unless you have notified us of the discovery of the claimed breach of contract, negligent act, or omission within 10 days of the date of discovery and unless you have given us an opportunity to investigate and to recommend ways of mitigating damages.

5.4 For you to obtain the benefit of a fee which includes a reasonable allowance for risks, you agree that our aggregate liability will not exceed the fee paid for our services or \$100,000, whichever is greater, and you agree to indemnify us from all liability to others in excess of that amount. If you are unwilling to accept this allocation of risk, you must notify us prior to beginning work.

5.5 If you fail to pay us within 60 days following invoice date, we may consider the default a total breach of our agreement and, at our option, terminate all of our duties without liability to you or to others.

5.6 If we are involved in legal action to collect our compensation, you agree to pay our collection expenses, including reasonable attorney fees. If you make a claim against us that is resolved in our favor, you will reimburse our

costs of defense, including but not limited to reasonable attorney and expert witness fees.

Section 6: Insurance

6.1 We represent and warrant that we and our agents, staff and consultants employed by us are protected by Workman's Compensation insurance or have appropriate exemptions, and that we have such coverage under public liability and property damage insurance policies that we deem to be adequate. Certificates for all such policies of insurance shall be provided to you upon request in writing. Within the limits and conditions of such insurance, we agree to indemnify and save you harmless from and against any loss, damage or liability arising from any negligent acts by us, our agents, staff and consultants employed by us. We shall not be responsible for any loss, damage or liability arising from any acts by you, your agents, staff and any other consultants employed by you.

6.2 No insurance of whatever kind or type which may be carried by us is to be considered as in any way limiting the responsibility of others for damages resulting from their operations or for furnishing work and materials on any of your facilities.

Section 7: General Indemnification

7.1 We will indemnify and hold you harmless from and against demands, damages, and expenses caused by our negligent acts and omissions, and breach of contract and those acts, omissions, and breaches of persons for whom we are legally responsible. You will indemnify and hold us harmless from and against demands, damages, and expenses caused by your negligent acts and omissions, and breach of contract and those acts, omissions, and breaches of persons for whom you are legally responsible.

7.2 To the extent that may be necessary to indemnify either of us under Section 6.1, you and we expressly waive, in favor of the other only, any immunity or exemption from liability that exists under any worker compensation law.

Section 8: Miscellaneous Provisions

8.1 This agreement is our entire agreement, and it supersedes all prior agreements. It may be modified only in writing making specific reference to the provision modified.

8.2 Neither of us will assign this agreement without the written approval of the other, but we may subcontract work, as we deem necessary.

8.3 This agreement may be terminated by written notice from either party to the other. We will receive equitable compensation for all work performed, and will provide you with any partial or uncompleted work materials.

8.4 If we provide services in support of your engineering designs and are not retained to provide continuing services during implementation, you agree to hold us harmless from all claims, losses, and expenses arising out of any interpretations, clarifications, substitutions, or modifications of our work provided by you or others.

End

Version: 20180614



HydroSolutions®

General Price List

April 1, 2023 - March 31, 2024

Activity Code	Description	Price
1001	Administrative Assistant	\$73.00
1003	Contract Specialist	\$74.00
1011	Technician I	\$63.00
1012	Technician II	\$75.00
1007	GIS/DB Analyst	\$104.00
1020	Assistant Scientist	\$97.00
1021	Scientist I	\$104.00
1022	Scientist II	\$116.00
1023	Scientist III	\$129.00
1024	Scientist IV	\$138.00
1025	Scientist V	\$154.00
1031	Hydrologist I	\$104.00
1032	Hydrologist II	\$116.00
1033	Hydrologist III	\$129.00
1034	Hydrologist IV	\$138.00
1035	Hydrologist V	\$154.00
1036	Hydrologist VI	\$167.00
1042	Hydrogeologist II	\$116.00
1043	Hydrogeologist III	\$129.00
1044	Hydrogeologist IV	\$138.00
1045	Hydrogeologist V	\$154.00
1046	Hydrogeologist VI	\$167.00
1051	Geologist I	\$104.00
1052	Geologist II	\$116.00
1055	Geologist V	\$154.00
1056	Geologist VI	\$167.00
1060	Assistant Engineer	\$97.00
1061	Engineer I	\$104.00
1062	Engineer II	\$116.00
1063	Engineer III	\$129.00
1064	Engineer IV	\$138.00
1065	Engineer V	\$154.00
1066	Engineer VI	\$167.00
1076	Geochemist VI	\$167.00
1080	Principal Hydrologist	\$174.50
1081	Principal Hydrogeologist	\$175.00
1082	Principal Engineer	\$175.00
1090	Expert Hydrology Services	\$208.00
1091	Expert Hydrogeology Services	\$208.00
1092	Expert Engineer Services	\$208.00
1097	Principal Expert Hydrology Services	\$211.00

Mayor
James Jess
Chief Administrative Officer
Jordan Green
City Attorney
Peter Elverum
City Clerk
Cyndi Thompson
Compliance Officer
Kody Ryan
Public Works Superintendent
Trent Freeman
Treasurer
Stanley Glovan
City Services Coordinator
Gena Micu



City Council
Dick Bauman
Joseph Callahan
Curt Fjelstad
Jackie Greenwood
John Henderson
Robert Kersch
John J. Molendyke
Gordon Pierson

REQUEST FOR ABANDONMENT OF CITY OWNED PROPERTY REPORT

Requested Abandonment: Three sections of a 20' wide alleyway between three private properties and Grant Kohr's Ranch National Historic Site that are 130', 130', and 140' feet in length, respectively.

Requests by: Jerry and Debra Persons, Kathryn Mitchell, and David Roberts.

Prepared by: Jordan Green – City of Deer Lodge Chief Administrative Officer

Prepared for: City of Deer Lodge Public Works Committee

May 23, 2023

Request:

Jerry and Debra Persons, Kathryn Mitchell, and David Roberts, all residents of the City of Deer Lodge, each submitted a Request for Abandonment of City Owned Property to City Hall on September 6, 2022. The applicants request that the city abandon and deed to them the City alley rights-of-way between their properties and Grant Kohr's Ranch National Historic Site (GKRO) (see exhibit below). The purpose of said abandonment request is to be able to aggregate the abandoned land into their properties.

Site Analysis:

The alley rights-of-way lie between GKRO and the applicant's properties. Each alley right-of-way and the adjacent property are described below:

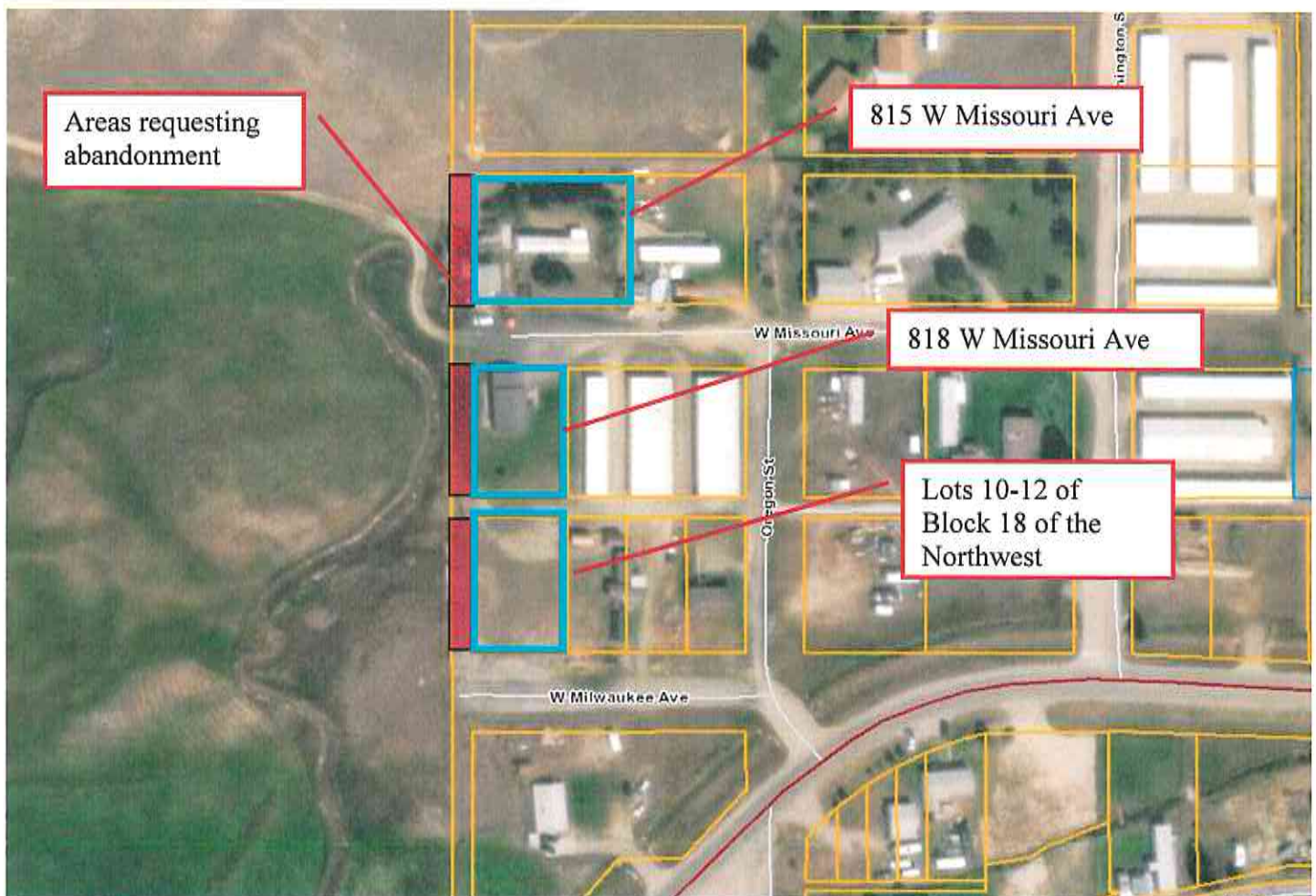
815 West Missouri Avenue, owned by Jerry and Debra Persons: The alley right-of-way requested for abandonment is approximately 130 feet by 20 feet, travels north to south, and lies between the Persons' property and GKRO. The Persons' property is legally described as Lots 10-14 of Block 7 of the Northwest Townsite, Section 32, Township 08 North, Range 09 West, and is classified as Improved Property - Urban. The property is zoned as the R-2, Residential, Single-family and Manufactured Home District. The property holds the Persons' home and is approximately 19,600 square feet. There is a gated access road into GKRO off W Missouri Ave to the immediate south of the subject property. Currently, a power line operated by Northwest Energy runs through the alley. However, the alley right-of-way does not see any current or anticipated usage for vehicular or pedestrian traffic.

818 West Missouri Avenue, owned by Kathryn Mitchell: The alley right-of-way requested for abandonment is approximately 130 feet by 20 feet, travels north to south, and lies between Mitchell's

property and GKRO. Mitchell's property is legally described as Lots 7-9 of Block 18 of the Northwest Townsite, Section 32, Township 08 North, Range 09 West, and is classified as Improved Property - Urban. The property is zoned as the R-2, Residential, Single-family and Manufactured Home District. The property holds Mitchell's home and is approximately 12,500 square feet. There is a gated access road into GKRO off W Missouri Ave to the immediate north of the subject property. There is an unused alley right-of-way directly to the south of the property, and the northern boundary of the property is the W Missouri Ave right-of-way. Currently, a power line operated by Northwest Energy runs through the alley. However, the alley right-of-way does not see any current or anticipated usage for vehicular or pedestrian traffic.

Lots 10-12 of Block 18 of the Northwest Townsite, owned by David Roberts: The alley right-of-way requested for abandonment is approximately 140 feet by 20 feet, travels north to south, and lies between Robert's property and GKRO. Robert's property is legally described as Lots 10-12 of Block 18 of the Northwest Townsite, Section 32, Township 08 North, Range 09 West, and is classified as Vacant Land - Urban. The property is zoned as the R-2, Residential, Single-family and Manufactured Home District. The property is currently vacant of any use and is approximately 9,000 square feet. An unused alley right-of-way exists to the north of the property, and the southern boundary of the property is the W Milwaukee Ave right-of-way. Currently, a power line operated by Northwest Energy runs through the alley. However, the alley right-of-way does not see any current or anticipated usage for vehicular or pedestrian traffic.

Exhibit showing location of proposed alley abandonments and the applicants' properties.



Abandonment Analysis:

As there has been no historic use of the alley right-of-way for public transportation, there would be no impact on City services, transportation, or future land use resulting from granting the abandonments. Since the proposed abandonments keep intact the east-west rights-of-way, there would be no impact on access to GKRO or other private properties that use the east-west alleys. Currently, the right-of-way is not used for any water or service utilities. However, there is a power line that runs through the alley right-of-way that is owned and operated by Northwest Energy. City Staff finds a potential conflict with the petitioner's request and Northwest Energy due to access for this line, which would need to be resolved before the property could be abandoned. From previous staff experience, Northwest Energy maintains their easement under state law, even if the land is abandoned and deeded to another individual. However, the applicants should provide the City with proof in writing that Northwest Energy does not have concerns with the proposed abandonments.

§7-14-4114, MCA requires property owners seeking abandonment to receive written support from greater than 50% of adjacent property owners. The only adjacent property owner is the National Parks Service. The applicants received confirmation from the Acting Superintendent of the Grant Kohr's Ranch National Historic Site that they have no concerns with the proposed abandonment. That written confirmation is attached to this staff report and incorporated herein.

Besides the potential conflict with Northwest Energy, City Staff finds no undue reason to deny the request based off current or potential uses of the property by the City. However, the approximately 19,600, 12,500, and 9,000 square foot properties are the property of the taxpayers of the City of Deer Lodge, and the City should require compensation for the abandonment of public land. Staff recommends sale costs, as calculated below, be attached to the deeds for the benefit of the Public Works Committee and the City Council to recoup the loss of the public property.

This sell prices were calculated as an average of the value per square foot of the applicant's properties. The adjacent properties were selected on Montana Cadastral, which specifies every property's square footage. The 2022 appraisals of the land value for each property were divided by the number of square feet to calculate the value per square foot for each applicant's property. The average of these values was taken and applied to the square footage of the requested property abandonments. These calculations are shown below.

Adjacent Property	Square Feet	Land Taxable Value	Value/SF
815 W Missouri Ave	19600	29834	1.522
818 W Missouri Ave	12500	24228	1.938
Lots 10-12	9000	20830	2.314

Average value/SF	1.925
130' x 20' alleys	\$5,005
140' x 20' alleys	\$5,390

Staff Recommendation:

Staff recommends the abandonment of the City owned property as described herein to the applicants at the following values:

Jerry and Debra Persons: \$5,005

Kathryn Mitchell: \$5,005

David Roberts: \$5,390

Staff also recommends the Public Works Committee and City Council require the petitioners to give to the City proof in writing from Northwest Energy that the proposed abandonments will have no impact on their ability to access the power line over the rights-of-way before the abandonment is approved.

Requiring a different sale price is at the discretion of the Public Works Committee and City Council.

Upon recommendation by the Public Works Committee, the petitions will be scheduled for a duly noticed public hearing before the City Council in accordance with §7-1-4127, MCA. All public notice fees will be paid by the applicants. Should the Council resolve to sell the property by a two-thirds vote as required by §7-8-4201(2)a, MCA, the applicants will be responsible for contracting a licensed surveyor to file a Certificate of Survey aggregating the properties and the abandoned rights-of-way, as well as a Quitclaim deed with the Powell County Clerk and Recorder. These documents must be approved by the City and be in full adherence to City of Deer Lodge subdivision review exemption requirements. All surveyor, survey review, and filing fees will be the sole cost of the applicant.

Signed,



Jordan Green – Chief Administrative Officer
May 19, 2023

Cyndi Thompson

From: Wyrick, Dave A <David_Wyrick@nps.gov>
Sent: Tuesday, April 25, 2023 10:07 AM
To: Jordan Green
Subject: Re: [EXTERNAL] RE: My info and email

Jordan,

FYI

I replied to Cory yesterday that we have no issues with the abandonment of the alley's on either side of W Missouri street.

Dave

Dave Wyrick
Acting Superintendent
Grant-Kohrs Ranch National Historic Site
266 Warren Lane
Deer Lodge, MT 59722
(406) 846-2070 ext. 221

From: Wyrick, Dave A <David_Wyrick@nps.gov>
Sent: Wednesday, April 19, 2023 1:49 PM
To: Jordan Green <jgreen@cityofdeerlodgemt.gov>
Subject: Re: [EXTERNAL] RE: My info and email

sounds good

Dave Wyrick
Acting Superintendent
Grant-Kohrs Ranch National Historic Site
266 Warren Lane
Deer Lodge, MT 59722
(406) 846-2070 ext. 221

From: Jordan Green <jgreen@cityofdeerlodgemt.gov>
Sent: Wednesday, April 19, 2023 1:49 PM
To: Wyrick, Dave A <David_Wyrick@nps.gov>
Subject: RE: [EXTERNAL] RE: My info and email

Great thanks! I gave your information to Cory with Bounty Real Estate, who is the liaison for the project. I suppose he will be reaching out to you.
Thanks for the help.

Jordan Green, CFM
Chief Administrative Officer
City of Deer Lodge
300 Main St.

Request for Abandonment of City Owned Property

ABANDONMENT: "TO NO LONGER HAVE ANY RIGHT TO A PROPERTY"

The giving up of ownership and any present or future rights to real property by the lawful owner. Governing entities have the power to abandon publicly owned property if it is determined that the best interest of the public will be served by transferring ownership from the public sector to the private sector or from one entity to another. If abandonment is granted, the deed will be filed with the Powell County Clerk and Recorder.

Name of Applicant: Jerry and Debra Persons

Address of Applicant: 204 205 Dixon St Deer Lodge MT 59722

Telephone Number: (406) 846-3873 3041

Property description of land requesting to be abandon: A portion of unnamed alley between Missouri and the alley to the North and adjacent to lot 10 Block 7 of the Northwest Townsite (Deer Lodge)

Ownership of adjoining property: _____

US National Park Service

Letters that there are no objections to the abandonment must be received from at least 51% of adjoining property owners.

Provide a site map indicating the property in question, with appropriate dimensions.

The city is required to publish a public notice in the local newspaper twice prior to the council meeting that action will be taken.

Debra L. Persons
Signature of Applicant

Sept 6, 2022
Date

[Signature]
Received by

Sept 6/22
Date

Forwarded to Public Works Committee on May 23 ~~Sept 27~~, 20 23

Note: Request will not be considered without proper information
Please allow at least four weeks lead time for preliminary review by the committee.
Advertising and filing fees will be billed to the applicant

City of Deer Lodge
300 Main Street
Deer Lodge MT 59722-1098

Exhibit 1 Jerry and Debra Persons Abandonment Request

The requested area is denoted in red below and is 20' wide by _____



Request for Abandonment of City Owned Property

ABANDONMENT: "TO NO LONGER HAVE ANY RIGHT TO A PROPERTY"

The giving up of ownership and any present or future rights to real property by the lawful owner. Governing entities have the power to abandon publicly owned property if it is determined that the best interest of the public will be served by transferring ownership from the public sector to the private sector or from one entity to another. If abandonment is granted, the deed will be filed with the Powell County Clerk and Recorder.

Name of Applicant: Kathryn Katherine Ann Mitchell

Address of Applicant: 818 W Missouri Deer Lodge MT 59722

Telephone Number: (406) 846-3041 3873

Property description of land requesting to be abandon: A portion of unnamed alley between Missouri and the alley to the south and adjacent to lot 9 Block 18 of the Northwest Townsite (Deer Lodge)

Ownership of adjoining property: US National Park Service

Letters that there are no objections to the abandonment must be received from at least 51% of adjoining property owners.

Provide a site map indicating the property in question, with appropriate dimensions.

The city is required to publish a public notice in the local newspaper twice prior to the council meeting that action will be taken.

Katherine Mitchell
Signature of Applicant

9-6-2022
Date

[Signature]
Received by

9/6/22
Date

Forwarded to Public Works Committee on May 23, 2023

Note: Request will not be considered without proper information
Please allow at least four weeks lead time for preliminary review by the committee.
Advertising and filing fees will be billed to the applicant

City of Deer Lodge
300 Main Street
Deer Lodge MT 59722-1098

Exhibit 1 Katherine Ann Mitchell Abandonment Request

The requested area is denoted in red below and is 20' wide by _____



Request for Abandonment of City Owned Property

ABANDONMENT: "TO NO LONGER HAVE ANY RIGHT TO A PROPERTY"

The giving up of ownership and any present or future rights to real property by the lawful owner. Governing entities have the power to abandon publicly owned property if it is determined that the best interest of the public will be served by transferring ownership from the public sector to the private sector or from one entity to another. If abandonment is granted, the deed will be filed with the Powell County Clerk and Recorder.

Name of Applicant: David O Roberts

Address of Applicant: P.O. Box 54 Deer Lodge MT 59722

Telephone Number: (406) 360-4962

Property description of land requesting to be abandon: A portion of unnamed alley between Milwaukee and the alley to the north and adjacent to lot 10 Block 18 of the Northwest Townsite (Deer Lodge)

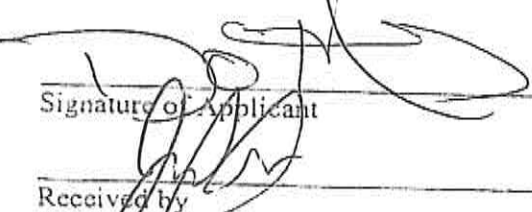
Ownership of adjoining property: _____

US National Park Service

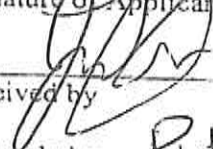
Letters that there are no objections to the abandonment must be received from at least 51% of adjoining property owners.

Provide a site map indicating the property in question, with appropriate dimensions.

The city is required to publish a public notice in the local newspaper twice prior to the council meeting that action will be taken.

Signature of Applicant 

Date 9/6/2022

Received by 

Date 9/6/22

Forwarded to Public Works

Committee on May 23

2023

Note: Request will not be considered without proper information
Please allow at least four weeks lead time for preliminary review by the committee.
Advertising and filing fees will be billed to the applicant

City of Deer Lodge
300 Main Street
Deer Lodge MT 59722-1098

Exhibit 1 David Roberts Abandonment Request

The requested area is denoted in red below and is 20' wide by _____

